Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LIV



48000

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

LIBRARY OF CONGRESS
NATIONAL LIBRARY SERVICE
COPYRIGHT SECTION

Congressional Record.

SIXTY-FOURTH CONGRESS,
SECOND SESSION.

VOLUME LIV, PART 1.

FROM DECEMBER 4, 1916, TO JANUARY 8, 1917.

PAGES 1 TO 1046.

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, SECOND SESSION.

SENATE.

MONDAY, *December 4, 1916.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixty-fourth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Vice President (THOMAS R. MARSHALL, of Indiana) called the Senate to order at 12 o'clock noon.

PRAYER.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the representatives of the people have gathered together to give direction to the course of the civil affairs of this great Nation. We recognize Thy good hand that has led us on from the beginning until this day. We acknowledge before Thee first of all our infinite debt of gratitude and would make mention of Thy name, the name of the God of our fathers, which is above every name to us and to the Nation.

We desire to renew our covenant with Thee to enter into heartiest accord with Thy will and Thy purpose. We praise Thee that Thou dost continue us in brotherly spirit and unity of purpose; that nothing has occurred in this Nation since we last met which has separated brother from brother or our recognition of our common interests or the pursuit of our high ideals. We pray that Thou wilt continue to us the blessings of the past; that Thou wilt give to us a common purpose, the strength of conviction and loyalty to the great ideals of our national life.

We name before Thee in loving memory and in high appreciation one who has departed from us since we last met. We praise Thy name for the high example that he has set, for the service that he has rendered to the country, for the memory that abides to be cherished on through the days of our national life.

We pray Thee to equip these men whom Thou dost this day call into Thy service of leadership, that they may have wisdom and grace to follow the example of those who have lived high lives and have served Thee humbly and faithfully, so that they may have a part in the future glory of our great Nation.

Forgive our national sins. Accept our praises for Thy loving-kindness, and bless all the people. For Christ's sake. Amen.

SENATORS PRESENT.

The VICE PRESIDENT. Senators, the hour having arrived at which, in accordance with the mandate of the Constitution of the United States and the custom heretofore observed, it becomes the duty of the Congress of the United States to assemble, the Secretary will call the roll to determine whether a constitutional number of Senators is present.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Nelson	Smith, Md.
Bankhead	Hitchcock	Newlands	Smith, S. C.
Beckham	Hollis	Norris	Smoot
Borah	Hughes	O'Gorman	Sterling
Brady	Husting	Oliver	Stone
Brandegee	James	Overman	Sutherland
Bryan	Johnson, Me.	Owen	Swanson
Chamberlain	Johnson, S. Dak.	Page	Taggart
Chilton	Kenyon	Penrose	Thomas
Clapp	Kern	Pittman	Thompson
Clark	La Follette	Pomerene	Tillman
Culberson	Lane	Reed	Townsend
Cummins	Lea, Tenn.	Robinson	Underwood
Curtis	Lee, Md.	Saulsbury	Vardaman
Dillingham	Lewis	Shafroth	Walsh
Fletcher	Lippitt	Sheppard	Warren
Gallinger	Lodge	Sherman	Weeks
Goff	McCumber	Shields	Williams
Gore	McLean	Simmons	Works
Gronna	Martin, Va.	Smith, Ariz.	
Harding	Martine, N. J.	Smith, Ga.	

Mr. PITTMAN. Mr. President, I wish to announce that the Senator from California [Mr. PHELAN] has been unavoidably detained and will be here Wednesday.

Mr. VARDAMAN. Mr. President, I desire to announce the unavoidable absence of the Senator from Louisiana [Mr. BROUSSARD], who is detained from the Senate on account of illness.

The VICE PRESIDENT. Eighty-two Senators have answered to the roll call.

NOTIFICATION TO THE HOUSE.

Mr. KERN submitted the following resolution (S. Res. 278), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. KERN submitted the following resolution (S. Res. 279), which was read and considered by unanimous consent:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed as the committee Mr. KERN and Mr. GALLINGER.

HOUR OF DAILY MEETING.

Mr. KERN submitted the following resolution (S. Res. 280), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

RECESS.

Mr. KERN. I move that the Senate take a recess until 3 o'clock this afternoon.

The motion was agreed to; and (at 12 o'clock and 11 minutes p. m.) the Senate took a recess until 3 o'clock p. m., when it reassembled.

THE JOURNAL.

The VICE PRESIDENT. The Chair is informed that the Journal of the proceedings of the Senate of September 7 last has never been approved. Is there any objection to the formal approval of the Journal of that day? The Chair hears none, and it stands approved.

MESSAGE FROM THE HOUSE.

Mr. South, the Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled and that the House is ready for business.

Also, that a committee of three were appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to wait on the President of the United States and to notify him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make, and that Mr. KITCHIN, Mr. FITZGERALD, and Mr. MANN were appointed as a committee on the part of the House.

Further, that the House has agreed to a concurrent resolution authorizing the two Houses of Congress to assemble in the Hall of the House of Representatives on Tuesday, the 5th day of December, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them, in which it requests the concurrence of the Senate.

Also, that the House has agreed to a concurrent resolution authorizing such bills and joint resolutions as passed both Houses at the last session of the Congress, and which for want of time were either not presented to the two Houses for the signature of their presiding officers, or, having been thus presented and signed, were not presented to the President for approval, to be now enrolled as of this session of the Congress, etc., in which it requests the concurrence of the Senate.

Further, that the House communicates to the Senate the intelligence of the death of the Hon. LUIS MUÑOZ RIVERA, late Resident Commissioner of Porto Rico, and transmits resolutions of the House thereon.

Also, that the House has passed resolutions relative to the life and public services of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas.

NOTIFICATION TO THE PRESIDENT.

Mr. KERN and Mr. GALLINGER appeared; and

Mr. KERN said: Mr. President, your committee appointed to act with a like committee upon the part of the House of Representatives to notify the President of the United States that both Houses of Congress were organized and ready to do business, and to ascertain his desires with reference to communicating with Congress, beg leave to report that we have performed that duty. We have been informed by the President that he will be pleased to address both Houses of Congress in joint convention on to-morrow, the 5th instant, at 1 o'clock postmeridian.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 62) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 5th day of December, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make them.

Mr. KERN. Mr. President, I ask for the adoption of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 61) of the House of Representatives, which was read and referred to the Committee on Rules:

Resolved by the House of Representatives (the Senate concurring), That such bills and joint resolutions as passed both Houses at the last session of the Congress, and which for want of time were either not presented to the two Houses for the signatures of their presiding officers, or, having been thus presented and signed, were not presented to the President for approval, be now enrolled as of this session of the Congress, reported for the signatures of the presiding officers of the two Houses, and presented to the President for his approval.

DEATH OF SENATOR JAMES P. CLARKE.

Mr. ROBINSON submitted the following resolutions (S. Res. 281), which were read:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas and President pro tempore of the Senate.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Arkansas.

The resolutions were unanimously agreed to.

Mr. ROBINSON. Mr. President, as a further mark of respect to the memory of my late colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, December 5, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 4, 1916.*

This being the day designated by the Constitution for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Sixty-fourth Congress, and at 12 o'clock m. were called to order by the Speaker.

PRAYER.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We invoke Thy blessing, Almighty God our Heavenly Father, upon the closing session of the Sixty-fourth Congress, now convened to conclude its work; that each Representative may be profoundly impressed with the responsibility resting upon him, and may put his whole soul with patriotic fervor into his task.

Be graciously near to the Speaker of this House, that he may preside over its deliberations with skill, justice, and equity to all, and lead on to the desired legislative enactments, that they may be clean-cut, far-reaching, and redound to the good of the people here represented.

May the light of Heaven guide our President and his advisers, that he may meet and solve with firmness, justice, and equal rights to all concerned the intricate problems which now confront us and which may arise under the new conditions brought about by the nations engaged in strife, that peace and prosperity may continue throughout our borders.

Let wisdom guide our judiciary, that their judgments may be true and righteous altogether, that the coordinate branches of our Government may work together in harmony, in accordance with the laws which Thou hast ordained, to the glory and honor of Thy Holy Name, under the spiritual leadership of the world's great Exemplar, for Thine is the kingdom and the power and the glory forever. Amen.

ROLL CALL BY STATES.

The SPEAKER directed the Clerk to call the roll by States to ascertain the presence of a quorum, when the following-named Members responded:

ALABAMA.

Oscar L. Gray.
S. Hubert Dent, jr.
Henry B. Steagall.
Frederick L. Blackmon.
J. Thomas Heflin.
William B. Oliver.
John L. Burnett.
Edward B. Almon.
George Huddleston.
John W. Abercrombie.

ARIZONA.

Carl Hayden.

ARKANSAS.

Thaddeus H. Caraway.
William A. Oldfield.
John N. Tillman.
Otis Wingo.
Henderson M. Jacoway.
Samuel M. Taylor.
William S. Goodwin.

CALIFORNIA.

John E. Raker.
Charles F. Curry.
Julius Kahn.
John I. Nolan.
John A. Elston.
Charles H. Randall.
William Kettner.

COLORADO.

Benjamin C. Hilliard.
Charles B. Timberlake.
Edward Keating.
Edward T. Taylor.

CONNECTICUT.

P. Davis Oakey.
Richard P. Freeman.
John Q. Tilson.
Ebenezer J. Hill.
James P. Glynn.

DELAWARE.

Thomas W. Miller.

FLORIDA.

Stephen M. Sparkman.
Frank Clark.

GEORGIA.

Frank Park.
Charles R. Crisp.
William C. Adamson.
William S. Howard.
James W. Wise.
Samuel J. Tribble.
Carl Vinson.
Dudley M. Hughes.

IDAHO.

R. M. McCracken.
Addison T. Smith.

ILLINOIS.

Martin B. Madden.
James R. Mann.
William W. Wilson.
James T. McDermott.
Adolph J. Sabath.
James McAndrews.
Frank Buchanan.
Thomas Gallagher.
Fred A. Britten.
George Edmund Foss.
Ira C. Copley.
Charles E. Fuller.
John C. McKenzie.
Edward J. King.
Claudius U. Stone.
John A. Sterling.
Joseph G. Cannon.
William B. McKinley.
Henry T. Rainey.
Loren E. Wheeler.
William A. Rodenberg.
Martin D. Foster.
Thomas S. Williams.
Edward E. Denison.
Burnett M. Chiperfield.
Wm. Elza Williams.

INDIANA.

William A. Cullop.
William E. Cox.
Lincoln Dixon.
Finly H. Gray.
Merrill Moores.
John A. M. Adair.
Martin A. Morrison.
William R. Wood.
George W. Rauch.
Cyrus Cline.
Henry A. Barnhart.

IOWA.

Charles A. Kennedy.
Harry E. Hull.
Burton E. Sweet.
James W. Good.
C. William Ramseyer.
Cassius C. Dowell.
Horace M. Towner.
William R. Green.
Frank P. Woods.

KANSAS.

Daniel R. Anthony, jr.
Philip P. Campbell.
Dudley Doolittle.
Guy T. Helvering.
John R. Connelly.
Jouett Shouse.
William A. Ayres.

KENTUCKY.

Alben W. Barkley.
David H. Kincheloe.
Robert Y. Thomas, jr.
Ben Johnson.
Swagar Sherley.
Arthur B. Rouse.
James C. Cantrill.
Harvey Helm.
William J. Fields.
John W. Langley.
Caleb Powers.

LOUISIANA.

Albert Estopinal.
H. Garland Dupré.
Whitmell P. Martin.
John T. Watkins.
Riley J. Wilson.
Ladislas Lazaro.
James B. Aswell.

Asher C. Hinds.
Daniel J. McGillicuddy.

Jesse D. Price.
J. Fred. C. Talbott.
Charles P. Coady.

Allen T. Treadway.
Frederick H. Gillett.
Calvin D. Paige.
Samuel E. Winslow.
Michael F. Phelan.
Frederick W. Dallinger.
Ernest W. Roberts.

Frank E. Doremus.
John M. C. Smith.
Edward L. Hamilton.
Carl E. Mapes.
Patrick H. Kelley.
Louis C. Cramton.

Sydney Anderson.
Charles R. Davis.
Carl C. Van Dyke.
George R. Smith.
Charles A. Lindbergh.

Ezekiel S. Candler, jr.
Thomas U. Sisson.

James T. Lloyd.
William W. Rucker.
Joshua W. Alexander.
Charles F. Booher.
William P. Borland.
Clement C. Dickinson.
Courtney W. Hamlin.

Charles F. Reavis.
Charles O. Lobeck.
Dan V. Stephens.

Cyrus A. Sulloway.

William J. Browning.
Isaac Bacharach.
John H. Capstick.
Archibald C. Hart.
Edward W. Gray.

Frederick C. Hicks.
Chas. Pope Caldwell.
Harry H. Dale.
James P. Maher.
Frederick W. Rowe.
John J. Fitzgerald.
Oscar W. Swift.
Reuben L. Haskell.
Daniel J. Riordan.
Meyer London.
Michael F. Farley.
Michael F. Conry.
Peter J. Dooling.
John F. Carew.
Thomas G. Patten.
Walter M. Chandler.
Isaac Siegel.
Murray Hulbert.

John H. Small.
Claude Kitchin.
George E. Hood.
Edward W. Pou.
Charles M. Stedman.

Henry T. Helgesen.

Nicholas Longworth.
Alfred G. Allen.
Warren Gard.
J. Edward Russell.
Nelson E. Matthews.
Charles C. Kearns.
Simeon D. Fess.
Isaac R. Sherwood.
Robert M. Switzer.
Edwin D. Ricketts.

James S. Davenport.
William W. Hastings.
Charles D. Carter.
Joseph B. Thompson.

Willis C. Hawley.
Nicholas J. Sinnott.

MAINE.
John A. Peters.
Frank E. Guernsey.

MARYLAND.
J. Charles Linthicum.
Sydney E. Mudd.

MASSACHUSETTS.
Peter F. Tague.
George Holden Tinkham.
James A. Gallivan.
William H. Carter.
Richard Olney 2d.
William S. Greene.
Joseph Walsh.

MICHIGAN.
Joseph W. Fordney.
James C. McLaughlin.
George A. Loud.
Frank D. Scott.
W. Frank James.
Charles A. Nichols.

MINNESOTA.
Andrew J. Volstead.
Clarence B. Miller.
Halvor Steenerson.
Thomas D. Schall.

MISSISSIPPI.
W. W. Venable.
Percy E. Quin.

MISSOURI.
Champ Clark.
Jacob E. Meeker.
William L. Igoe.
L. C. Dyer.
Joseph J. Russell.
Thomas L. Rubey.

MONTANA.
John M. Evans.

NEBRASKA.
Charles H. Sloan.
Ashton C. Shallenberger.
Moses P. Kinkaid.

NEVADA.
E. E. Roberts.

NEW HAMPSHIRE.
Edward H. Wason.

NEW JERSEY.
Richard Wayne Parker.
Frederick R. Lehlbach.
John J. Eagan.
James A. Hamill.

NEW MEXICO.
Benigno C. Hernandez.

NEW YORK.
Henry Bruckner.
William S. Bennet.
James W. Husted.
Edmund Platt.
Charles B. Ward.
James S. Parker.
William B. Charles.
Bertrand H. Snell.
Luther W. Mott.
Homer P. Snyder.
Walter W. Magee.
Norman J. Gould.
Thomas B. Dunn.
Henry G. Danforth.
S. Wallace Dempsey.
Charles B. Smith.
Charles M. Hamilton.

NORTH CAROLINA.
Hannibal L. Godwin.
Robert N. Page.
Robert L. Doughton.
Edwin Y. Webb.
James J. Britt.

NORTH DAKOTA.
George M. Young.

OHIO.
Clement Brumbaugh.
Arthur W. Overmyer.
Seward H. Williams.
William A. Ashbrook.
David A. Hollingsworth.
John G. Cooper.
William Gordon.
Robert Crosser.
Henry I. Emerson.

OKLAHOMA.
Scott Ferris.
James V. McClintic.
Dick T. Morgan.

OREGON.
C. N. McArthur.

PENNSYLVANIA.
William S. Vare.
George S. Graham.
J. Hampton Moore.
George W. Edmonds.
Peter E. Costello.
George P. Darrow.
Thomas S. Butler.
Henry W. Watson.
John R. Farr.
John J. Casey.
Robert D. Heaton.
Arthur G. Dewalt.
Louis T. McFadden
Edgar R. Kiess.
John V. Lesher.
Benjamin K. Focht.
Aaron S. Kreider.
Warren W. Bailey.
C. William Beales.
Charles H. Rowland.
Abraham L. Keister.
Robert F. Hopwood.
Henry W. Temple.
Henry J. Steele.
S. Taylor North.
Stephen G. Porter.
William H. Coleman.
John M. Morin.
Andrew J. Barchfeld.
Thomas S. Crago.
Mahlon M. Garland.
John R. K. Scott.

RHODE ISLAND.
Walter R. Stiness.
Ambrose Kennedy.

SOUTH CAROLINA.
Richard S. Whaley.
James F. Byrnes.
Sam J. Nicholls.
Asbury F. Lever.

SOUTH DAKOTA.
Charles H. Dillon.

TENNESSEE.
Sam R. Sells.
Richard W. Austin.
John A. Moon.
Cordell Hull.
William C. Houston.
Joseph W. Byrns.
Lemuel P. Padgett.
Thetus W. Sims.
Finis J. Garrett.
Kenneth D. McKellar.

TEXAS.
Eugene Black.
Martine Dies.
James Young.
Sam Rayburn.
Hatton W. Sumners.
Rufus Hardy.
Joe H. Eagle.
George F. Burgess.
James P. Buchanan.
Robert L. Henry.
John H. Stephens.
James L. Slayden.
John N. Garner.
William R. Smith.
James H. Davis.
Jeff: McLemore.

UTAH.
Joseph Howell.
James H. Mays.

VERMONT.
Frank L. Greene.
Porter H. Dale.

VIRGINIA.
William A. Jones.
Edward E. Holland.
Andrew J. Montague.
Edward W. Saunders.
Carter Glass.
Charles C. Carlin.
Henry D. Flood.

WASHINGTON.
William E. Humphrey.
Lindley H. Hadley.
Albert Johnson.
William L. La Follette.
C. C. Dill.

WEST VIRGINIA.
M. M. Neely.
George M. Bowers.
Edward Cooper.
Howard Sutherland.

WISCONSIN.
Henry A. Cooper.
John M. Nelson.
William H. Stafford.
Michael K. Reilly.
John J. Esch.
Edward E. Browne.
Thomas F. Konop.
James A. Frear.
Irvine L. Lenroot.

WYOMING.
Frank W. Mondell.

SWEARING IN OF MEMBERS.

Mr. FLOOD. Mr. Speaker, Hon. T. W. HARRISON, Member elect from the seventh congressional district of Virginia, is present, and would like to be sworn in.

The SPEAKER. The Chair will state to the House that the credentials of Mr. HARRISON, the Member elect to succeed Judge Hay, are on the Speaker's desk, and that they are regular in form. If anybody wants to see them, he can come up here and see them.

Mr. HARRISON appeared at the bar of the House and took the oath of office prescribed by law.

Mr. MANN. Mr. Speaker, there are two newly elected Members of the House who are here without their credentials, one being Mr. HARRY C. WOODYARD, of West Virginia, elected to succeed Mr. Moss, who died, and the other Mr. STANLEY BENEDICT, of the tenth California district, elected to succeed Mr. Stephens, who resigned. I understand there is no contest or question in either case, and I ask unanimous consent that the two gentlemen be sworn in as Members, notwithstanding their credentials have not arrived.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Mr. WOODYARD, of West Virginia, who succeeds Mr. Moss, and Mr. BENEDICT, of California, who succeeds Mr. Stephens, and whose credentials have not arrived, but as to whom the gentleman states that there is no contest, be sworn in without their credentials. Is there objection?

Mr. FITZGERALD. Mr. Speaker, is there any question about the election of these gentlemen?

Mr. MANN. There is no question.

The SPEAKER. The Chair hears no objection, and the gentlemen will come forward and be sworn in.

Messrs. WOODYARD and BENEDICT presented themselves at the bar of the House and took the oath of office prescribed by law.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Also:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance with the foregoing resolution the Vice President had appointed as said committee Mr. KERN and Mr. GALLINGER.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon JAMES P. CLARKE, late a Senator from the State of Arkansas and President pro tempore of the Senate.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4667. An act for the relief of James Duffy;

S. 6670. An act authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State;

S. 6850. An act authorizing the transfer of certain retired Army officers to the active list; and

S. 5716. An act to establish the Mount McKinley National Park, in the Territory of Alaska.

COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 372.

Resolved, That a committee of three members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Messrs. KITCHIN, FITZGERALD, and MANN.

NOTIFICATION OF THE SENATE.

Mr. FITZGERALD. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from New York offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 373.

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

The resolution was agreed to.

HOUR OF DAILY MEETING.

Mr. HENRY. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Texas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 374.

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock meridian.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. LEE, for 3 days, on account of illness.

To Mr. HENSLEY, indefinitely, on account of sickness in his family.

To Mr. TAYLOR of Arkansas, for 10 days, on account of important business.

To Mr. BEAKES, indefinitely, on account of illness.

To Mr. GRIFFIN, for 10 days, on account of illness.

To Mr. LAFEAN, for 10 days, on account of illness.

SIGNING AND APPROVAL OF BILLS PASSED AT THE LAST CONGRESS.

Mr. KITCHIN. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 61.

Resolved by the House of Representatives (the Senate concurring), That such bills and joint resolutions as passed both Houses at the last session of the Congress and which for want of time were either not presented to the two Houses for the signatures of their presiding officers, or, having been thus presented and signed, were not presented to the President for approval, be now enrolled as of this session of the Congress, reported for the signatures of the presiding officers of the two Houses, and presented to the President for his approval.

The resolution was agreed to.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 3 o'clock this afternoon.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 3 o'clock this afternoon. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 55 minutes p. m.) the House took a recess until 3 o'clock p. m.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, the committee appointed by the Senate and House of Representatives to wait upon the President of the United States and inform him that the two Houses had assembled and were ready to receive any communication he should be pleased to make to them beg leave to report that they have discharged that duty, and that the President says he will be pleased to deliver his message in person to-morrow afternoon at 1 o'clock in a joint session of the two Houses. I ask for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 5th day of December, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, the following leaves of absence were granted:

To Mr. BURKE, for 7 legislative days, commencing December 4, on account of important business.

To Mr. ROGERS, for 3 days, on account of illness.

STOCK-RAISING HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, disagree to the Senate amendments, and ask for a conference. The bill passed both the House and the Senate at the last session.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill H. R. 407, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Reserving the right to object, I think I know what the bills is; but will the gentleman state what it is and what the Senate amendments relate to?

Mr. FERRIS. It is the 640-acre grazing homestead bill. There are eight Senate amendments in all, some of no consequence, but one of them is far-reaching in its scope having to do with the preceding prior entry.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT.

DEATH OF RESIDENT COMMISSIONER RIVERA.

Mr. JONES. Mr. Speaker, it is my painful duty to announce the death of the Hon. LUIS MUÑOZ RIVERA, who died in Porto Rico on the evening of Wednesday, November 15 last. Mr.

RIVERA's career was a very distinguished one. For the last six years he represented with marked ability the Island of Porto Rico as Resident Commissioner to the United States, and for the past 30 years he has been the undisputed leader of the Porto Rican people. I shall ask, Mr. Speaker, at some future time that a day be set apart when Members of this House may be afforded an opportunity to pay suitable tributes to the worth and character of this distinguished Porto Rican. In the meantime I send to the Clerk's desk a resolution, for which I ask present consideration.

The Clerk read as follows:

House resolution 375.

Resolved, That the House has heard with profound sorrow of the death of Hon. LUIS MUÑOZ RIVERA, late Resident Commissioner from Porto Rico.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

THE LATE SENATOR JAMES P. CLARKE.

Mr. WINGO. Mr. Speaker, it is my painful duty to announce the death of the late senior Senator from the State of Arkansas, Mr. JAMES P. CLARKE, which occurred at his home in the city of Little Rock, Ark., since the Congress last met. I shall at some future time ask the House to set aside a day upon which we may pay tribute to his memory. At this time I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 376.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES P. CLARKE, late a Senator of the United States from the State of Arkansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the deceased the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly, in accordance with the resolution (at 3 o'clock and 7 minutes p. m.), the House adjourned until to-morrow, Tuesday, December 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Clerk of the House of Representatives, submitting report for the period, July 1, 1915, to June 30, 1916, both inclusive, and detailed statement of the expenditure of the contingent fund of the House of Representatives (H. Doc. No. 1379); to the Committee on Accounts and ordered to be printed.

2. A letter from the Clerk of the House of Representatives, submitting a list of reports to be made to Congress by public officers during the Sixty-fourth Congress (H. Doc. No. 1407); to the Committee on Accounts and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and disbursements, balances, etc., of the Government during the fiscal year ended June 30, 1916 (H. Doc. No. 1381); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a detailed report of the expenditures under appropriation "Preventing the spread of epidemic diseases," for the fiscal year ended June 30, 1916 (H. Doc. 1408); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War of the 25th ultimo, submitting a proposed paragraph of legislation for inclusion in the sundry civil bill for the fiscal year 1915 (H. Doc. No. 1409); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a statement of the number of persons employed in meat inspection, the salary or per diem paid to each, where they have been or are employed, together with contingent expenses, for the period beginning July 1, 1915, and ending June 30, 1916 (H. Doc. No. 1410); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a statement of the proceeds of all sales of old material, condemned stores, supplies, and other public property for the fiscal year ended June 30, 1916, deposited and covered into the Treasury as miscellaneous receipts (H. Doc. No. 1411); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting a recommendation by the Auditor for the Post Office Department, modifying the estimates of appropriations for that office for the fiscal year 1918 (H. Doc. No. 1412); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4073) granting an increase of pension to Milton Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4565) granting an increase of pension to Fannie J. B. Kelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4910) granting a pension to Charles F. Rich; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6251) granting a pension to Augustus O. Hartel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6702) granting an increase of pension to Warden J. Wilkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8859) granting an increase of pension to Oscar Williams; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9983) granting a pension to James A. Kelley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10793) granting an increase of pension to Luke R. Ford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10961) granting a pension to Frank Bradley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11013) granting a pension to Willis P. McCampbell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11175) granting an increase of pension to William F. McLean; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11395) granting a pension to Angeline E. Holt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12064) granting a pension to Mary W. Taylor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14168) granting a pension to Margaret Butler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15502) granting an increase of pension to Siegmund Silberberg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15909) granting an increase of pension to Theodore Sinzig; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17028) granting a pension to Sarah E. Thacker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17327) granting a pension to Christiana Fortner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5521) granting a pension to James H. Buckner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 17799) for the erection of a public building at the city of Auburn, State of California, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. SNELL: A bill (H. R. 17800) to authorize the Secretary of War to furnish two condemned cannon to the village of Port Henry, N. Y., for use at old Fort St. Frederick; to the Committee on Military Affairs.

By Mr. BRUCKNER: A bill (H. R. 17801) providing for the improvement of the Harlem River, New York City; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17802) providing for the Bronx River, New York City, improvement; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17803) providing for the completion of the Bronx River, New York City, improvement; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17804) providing for the Westchester Creek, New York City, improvement; to the Committee on Rivers and Harbors.

By Mr. TAGUE: A bill (H. R. 17805) to reclassify clerks at first and second class post offices and carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. MADDEN: A bill (H. R. 17806) to regulate the payment of salaries of post-office clerks in first and second class post offices and letter carriers in the City Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: A bill (H. R. 17807) appropriating money for the improvement of the Shrewsbury River, N. J., up to Red Bank, on the North Branch, and to Branchport, on the South Branch; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17808) for the erection of a Federal building for the United States post office at Red Bank, N. J.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17809) appropriating money for the improvement of the Raritan River, N. J.; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 17810) to aid navigation and control floods on the boundary waters of Minnesota, North Dakota, and South Dakota; to the Committee on Flood Control.

By Mr. VOLSTEAD: A bill (H. R. 17811) to aid navigation and control floods on the boundary waters of Minnesota, North Dakota, and South Dakota; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 17812) providing for the free importation of seed wheat under certain conditions; to the Committee on Ways and Means.

Also, a bill (H. R. 17813) to authorize the appointment of women as rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. PARK: A bill (H. R. 17814) to provide for the transfer of Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia; to the Committee on the Judiciary.

By Mr. FITZGERALD: A bill (H. R. 17815) to fix the rates of postage on farm products and manufactured foodstuffs; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 17816) to regulate the transportation in interstate commerce of cold-storage food; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17817) to conserve the food supply of the United States and to protect the people from extortionate prices by temporarily prohibiting the export of farm products, fish, game, and manufactured foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17818) to conserve the food supply of the United States and to protect the people from extortionate prices by empowering the President to suspend the exportation of farm products, fish, game, and manufactured foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. OVERMYER: A bill (H. R. 17819) to provide for the erection of a public building at Fostoria, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. OLNEY: A bill (H. R. 17820) authorizing the Secretary of War to donate to C. M. Packard Post, No. 193, Department of Massachusetts, Grand Army of the Republic, of Avon, in the county of Norfolk and Commonwealth of Massachusetts, 2 bronze or brass cannon or fieldpieces and 40 cannon balls; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 17821) to authorize the coinage of 3-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. POWERS: A bill (H. R. 17822) to extend the provisions of the pension act of May 11, 1912, and the act of April 19, 1908, as amended by act of September 8, 1916, to the officers and enlisted men of all State Militia and other State organizations that rendered service to the Government during the Spanish-American War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 17823) to prohibit interstate shipments or transportation of certain food products; to define and to prohibit transportation and sale of adulterated or misbranded food products; to regulate traffic therein; to define and regulate cold storage; to regulate dealing in cold-storage food products; and to fix penalties for violation; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: A bill (H. R. 17824) to extend the provisions of the pension act of May 11, 1912, and the act of April 19, 1908, as amended by act of September 8, 1916, to the officers and enlisted men of all State Militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17825) recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, teamsters, or other provisional troops or field employees during the Mexican War, the Civil War, or the Spanish-American War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17826) granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the Mexican War or the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17827) granting pensions to Army teamsters of the Mexican War or the Civil War; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 17828) making an appropriation for the construction of a dry dock at the Puget Sound Navy Yard; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 17829) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages; to the Committee on Ways and Means.

By Mr. DUPRÉ: A bill (H. R. 17830) providing for the construction of an inland waterway from the Mississippi River to Bayou Teche, La.; to the Committee on Rivers and Harbors.

By Mr. RAKER: A bill (H. R. 17831) for the erection of a public building at the city of Redding, State of California, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. BACHARACH: A bill (H. R. 17832) to authorize the coinage of 2½-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. HULBERT: A bill (H. R. 17833) to appropriate $500,000 for the improvement of East River, N. Y., with a view to securing a 35-foot channel from the Upper Bay through Hell Gate to Long Island Sound, thus giving two means of ingress to and egress from the navy yard, and enabling the largest ships of the Navy and commerce to enter and leave at all stages of the tide, and with a view to securing suitable approaches to the docks and piers; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17834) to appropriate $250,000 for the further improvement of Harlem River, N. Y., with a view to continuing improvement of; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17835) authorizing a survey of Harlem River, New York City; to the Committee on Rivers and Harbors.

By Mr. PARK: A bill (H. R. 17836) for the acquisition of the site and the construction of a building for post-office purposes at Sylvester, in the State of Georgia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17837) making an appropriation for the improvement of Flint River, Ga.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 17838) to increase the salaries of the United States district attorney and United States marshal for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 17839) to establish an agricultural plant, shrub, fruit, and ornamental tree, berry, and vegetable experimental station at or near the city of Colquitt, Miller County, Ga.; to the Committee on Agriculture.

Also, a bill (H. R. 17840) to refund amount paid illegally for cotton tax, to be used in pensioning Confederate soldiers and widows of Confederate soldiers; to the Committee on War Claims.

Also, a bill (H. R. 17841) for the acquisition of a site and the construction of a building for post-office purposes at Camilla,

in the State of Georgia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17842) to provide for a survey and estimate of cost of a canal connecting the waters of the Flint and Ocmulgee Rivers, in the State of Georgia; to the Committee on Rivers and Harbors.

By Mr. TIMBERLAKE: A bill (H. R. 17843) to provide for the purchase of additional land and for the erection thereon of an addition to the post-office building at Boulder, Colo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17844) to grant certain lands to the city of Boulder, Colo.; to the Committee on the Public Lands.

Also, a bill (H. R. 17845) to provide for the testing of underground water supply in Lincoln County, Colo.; to the Committee on Irrigation of Arid Lands.

By Mr. FARR: A bill (H. R. 17846) authorizing the President of the United States to issue a provisional embargo upon wheat and wheat flour and the products of wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Ohio: A bill (H. R. 17847) providing for the purchase of a site for the purpose of erecting a Federal building thereon in the city of Troy, county of Miami, State of Ohio, and appropriating the money therefor; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 17848) to secure information relative to food products stored in cold-storage warehouses; to the Committee on Agriculture.

By Mr. McLEMORE: A bill (H. R. 17849) to prevent the transportation in interstate commerce of any food products except meats and fruits that have been kept in cold storage for a period of more than 90 days; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 17850) to prohibit commerce in intoxicating liquors between the States; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 17851) authorizing the Secretary of the Treasury to expend the sum of $250,000 on an intensive study of infantile paralysis; to the Committee on Appropriations.

By Mr. LINTHICUM: A bill (H. R. 17852) to appropriate $300,000 for the improvement of Baltimore Harbor, Md., and the approaches thereto; to the Committee on Rivers and Harbors.

By Mr. BOWERS: A bill (H. R. 17853) to provide for the erection of a public building at Philippi, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER: A bill (H. R. 17854) authorizing the Interstate Commerce Commission to fix, prescribe, publish, and enforce rules and regulations for the exchange, handling, and moving of cars on railroads engaged in the transaction of interstate business; to the Committee on Interstate and Foreign Commerce.

By Mr. HULBERT: Resolution (H. Res. 377) directing the Secretary of the Treasury to report to Congress as to the advisability of establishing transshipment ports, etc.; to the Committee on Appropriations.

By Mr. OLIVER: Resolution (H. Res. 378) directing the Secretary of War to report to the House all information he may now have relative to the matters referred to in the resolution herewith; to the Committee on Military Affairs.

By Mr. PARK: Resolution (H. Res. 379) to print 1,250 copies of the Soil Survey of Decatur County, Ga.; to the Committee on Printing.

Also, a resolution (H. Res. 380) to print 2,000 copies of the Soil Survey of Tift County, Ga.; to the Committee on Printing.

By Mr. CARTER of Massachusetts: Resolution (H. Res. 381) to appoint a committee of nine members to investigate causes now prevailing for the high cost of living; to the Committee on Rules.

By Mr. LLOYD: Resolution (H. Res. 382) providing for session clerks for certain committees; to the Committee on Accounts.

Also, resolution (H. Res. 383) providing for clerks to certain committees of the House; to the Committee on Accounts.

Also, resolution (H. Res. 384) providing for the appointment of an additional page for the present session beginning December 4, 1916; to the Committee on Accounts.

By Mr. CARTER of Oklahoma: Joint resolution (H. J. Res. 304) proposing an amendment to the Constitution providing for the election of the President and Vice President by direct vote of the people of the several States; to the Committee on the Judiciary.

By Mr. HILLIARD: Joint resolution (H. J. Res. 305) authorizing the Government ownership of all interstate railroads under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Oklahoma: Joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma; to the Committee on Indian Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 307) to have the Secretary of Agriculture report on advisability to place an embargo on wheat, etc.; to the Committee on Agriculture.

By Mr. McCLINTIC: Joint resolution (H. J. Res. 308) proposing an amendment to the Constitution providing that the President and Vice President of the United States shall be nominated and elected by direct vote of the people of the several States; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 309) authorizing the Attorney General to make an immediate investigation to determine the unreasonable advances in the prices of foodstuffs, fabrics, paper, and fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER: Joint resolution (H. J. Res. 310) proposing an amendment to the Constitution providing for the election of the President and Vice President by the people of the several States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. LINDBERGH: Concurrent resolution (H. Con. Res. 63) for the appointment of a joint committee of Senate and House to investigate the effect of the present practice of international commerce upon our resources, supply, and prices, to report on or before February 20, 1917; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17855) granting a pension to Miranda Q. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17856) granting an increase of pension to Mary M. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17857) granting an increase of pension to Francis Berkhimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17858) granting an increase of pension to Childes B. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17859) granting an increase of pension to James Showers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17860) granting an increase of pension to Jacob J. Cope; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 17861) granting an increase of pension to Zachariah Holland; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17862) granting an increase of pension to Leonard Tressel; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 17863) granting an increase of pension to Theodore B. Torrens; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 17864) granting a pension to Oliver P. Jackson; to the Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 17865) for the relief of Katherine Simon; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 17866) granting an increase of pension to William H. Tice; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 17867) granting an increase of pension to Lewis Seymour; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 17868) granting a pension to Jacob Himmelhaber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17869) granting a pension to Elias Ellis; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 17870) granting an increase of pension to Smith Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17871) granting a pension to George Barber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17872) granting an increase of pension to Elijah Campbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 17873) granting a pension to Fred Scruggs; to the Committee on Pensions.

Also, a bill (H. R. 17874) granting an increase of pension to John T. Watson; to the Committee on Invalid Pensions.

By Mr. DALE of New York: A bill (H. R. 17875) granting an increase of pension to Recarda L. Campbell; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 17876) granting an increase of pension to William M. Reid; to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 17877) granting a pension to Charlotte Eckstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17878) granting a pension to James Wildman; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17879) for the relief of Archibald Craig; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 17880) granting an increase of pension to Jane Grace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17881) granting an increase of pension to Alfred A. Chaplin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17882) granting an increase of pension to James E. Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17883) granting an increase of pension to Elsden B. Stephens; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 17884) granting an increase of pension to Silas D. Taylor; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 17885) granting an increase of pension to James W. Hester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17886) granting a pension to Margaret E. Bradford; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 17887) granting an increase of pension to Wallace Chamberlain; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 17888) granting a pension to William H. Brenner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17889) granting a pension to Mary E. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17890) granting an increase of pension to Edward Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17891) granting an increase of pension to Elias Yerger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17892) for the relief of Elizabeth Bachman; to the Committee on War Claims.

Also, a bill (H. R. 17893) for the relief of James Boyd, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 17894) for the relief of Alfred Trainer; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 17895) granting a pension to Catherine Howland; to the Committee on Invalid Pensions.

By Mr. HULBERT: A bill (H. R. 17896) granting a pension to George W. Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17897) granting an increase of pension to William McKean; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 17898) granting an increase of pension to Oliver Shirkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17899) granting an increase of pension to George W. Stoker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17900) granting an increase of pension to Richard R. Bigelow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17901) granting an increase of pension to Emma M. Bledsoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17902) granting an increase of pension to Caleb A. Hesser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17903) granting an increase of pension to Levy S. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17904) granting an increase of pension to Charles Walls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17905) granting an increase of pension to Mrs. Mary J. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17906) granting an increase of pension to William M. Gosnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17907) granting a pension to Henry W. Grady; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 17908) granting an increase of pension to Thomas Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17909) granting a pension to Leon B. Huff; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 17910) granting an increase of pension to Ella E. Kenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17911) granting an increase of pension to John E. Whipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17912) granting an increase of pension to Charles O. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17913) granting an increase of pension to Marcel H. Poirier; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17914) granting a pension to Sirquet Grosjean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17915) granting a pension to Rebecca Zellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17916) granting an increase of pension to James H. Goodrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17917) for the relief of Ephriam M. Beach; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 17918) granting an increase of pension to George McByers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17919) granting an increase of pension to Alexander W. Wells; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 17920) granting an increase of pension to Henry N. Yocum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17921) granting an increase of pension to William Heller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17922) granting an increase of pension to Frederick Hartman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 17923) for the allowance of certain soldiers' claims, growing out of service in the Army, reported by the Court of Claims, known as travel-pay claims; to the Committee on War Claims.

Also, a bill (H. R. 17924) for the allowance of certain claims for back pay, growing out of service in the Army during the Civil War, as reported by the Court of Claims; to the Committee on War Claims.

Also, a bill (H. R. 17925) for the allowance of certain soldiers' claims, growing out of service in the Army during the Civil War, reported by the Court of Claims, known as claims for three months' extra pay and for bounty; to the Committee on War Claims.

Also, a bill (H. R. 17926) for the allowance of certain claims for difference in pay growing out of service in the Navy, as reported by the Court of Claims; to the Committee on Claims.

Also, a bill (H. R. 17927) granting a pension to Leslie Higgins; to the Committee on Pensions.

By Mr. LAZARO: A bill (H. R. 17928) for the relief of Albert Tate; to the Committee on Military Affairs.

Also, a bill (H. R. 17929) granting a pension to Richard Thrash; to the Committee on Pensions.

By Mr. LIEB: A bill (H. R. 17930) granting an increase of pension to Joshua J. Hunt; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 17931) granting an increase of pension to Martha E. Moore; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 17932) granting an increase of pension to Christine Horton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17933) granting an increase of pension to Henry Ferster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17934) granting an increase of pension to Oren N. Dibble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17935) granting an increase of pension to William G. Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17936) granting an increase of pension to Phillip Winckler; to the Committee on Pensions.

By Mr. McCRACKEN: A bill (H. R. 17937) granting an increase of pension to Ella Taylor; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 17938) for the relief of the heirs at law of L. L. Bosworth, deceased; to the Committee on Claims.

Also, a bill (H. R. 17939) for the relief of the widow of Lemuel L. Moody, deceased; to the Committee on Claims.

By Mr. McGILLICUDDY: A bill (H. R. 17940) granting an increase of pension to James W. Achorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17941) granting an increase of pension to Ida F. Strout; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 17942) granting an increase of pension to Henry King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17943) granting an increase of pension to Charles W. A. Reynolds; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 17944) for the relief of the widow of E. J. Seymour, deceased; to the Committee on Claims.

By Mr. MORIN: A bill (H. R. 17945) granting an increase of pension to Charles Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17946) granting an increase of pension to William H. Beltz; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 17947) granting an increase of pension to Minnie Schrader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17948) granting an increase of pension to Barbaretta Weekly; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 17949) granting a pension to Deborah Sebring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17950) granting a pension to Sarah A. Rosenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17951) granting a pension to Joseph Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17952) granting an increase of pension to John McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17953) granting an increase of pension to George W. Maxwell; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 17954) granting a pension to Catherine M. Quinn; to the Committee on Pensions.

Also, a bill (H. R. 17955) granting a pension to George R. Bowker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17956) granting an increase of pension to Ira McLaughlin; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 17957) granting a pension to Albert W. Ankney; to the Committee on Pensions.

Also, a bill (H. R. 17958) granting a pension to William B. Olds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17959) granting a pension to Barbara Reineck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17960) granting an increase of pension to Joseph W. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17961) granting an increase of pension to Lott Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17962) granting an increase of pension to Oliver P. Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17963) granting an increase of pension to Joseph Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17964) granting an increase of pension to Franklin B. Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17965) granting an increase of pension to John Shoup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17966) granting an increase of pension to John K. Gessner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17967) granting an increase of pension to Demas L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17968) granting an increase of pension to John Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17969) granting an increase of pension to Francis Penny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17970) granting an increase of pension to John M. Fesler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17971) granting an increase of pension to Lewis Mesnard; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 17972) granting a pension to John T. Lowrey; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 17973) granting an increase of pension to James B. Erskine; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 17974) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17975) for the relief of the heirs of Morgan Davidson; to the Committee on War Claims.

Also, a bill (H. R. 17976) granting an increase of pension to Thomas F. Clutts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17977) granting an increase of pension to Thomas G. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17978) granting an increase of pension to Gideon P. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17979) granting an increase of pension to James F. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17980) granting an increase of pension to George Poff; to the Committee on Pensions.

Also, a bill (H. R. 17981) granting an increase of pension to John R. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17982) granting an increase of pension to Joseph D. Thach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17983) granting a pension to James H. Buckner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17984) granting a pension to James H. Hornsby; to the Committee on Pensions.

Also, a bill (H. R. 17985) granting a pension to John D. Hoskins; to the Committee on Pensions.

Also, a bill (H. R. 17986) granting a pension to Ewel King; to the Committee on Pensions.

Also, a bill (H. R. 17987) granting a pension to Thomas M. McDonald; to the Committee on Pensions.

Also, a bill (H. R. 17988) granting a pension to Rebecca Martin; to the Committee on Pensions.

Also, a bill (H. R. 17989) granting a pension to Bascum M. Meyers; to the Committee on Pensions.

Also, a bill (H. R. 17990) granting a pension to Susan Murphy; to the Committee on Pensions.

Also, a bill (H. R. 17991) granting a pension to John Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 17992) granting a pension to Gilbert Taylor; to the Committee on Pensions.

Also, a bill (H. R. 17993) granting a pension to Isaac Townsend; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 17994) granting a pension to Laura M. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17995) granting a pension to William A. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17996) granting an increase of pension to John Fitzsimmons; to the Committee on Pensions.

Also, a bill (H. R. 17997) granting an increase of pension to Williamson S. Wright; to the Committee on Pensions.

Also, a bill (H. R. 17998) granting an increase of pension to John F. Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17999) granting an increase of pension to William Ducy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18000) granting an increase of pension to Joseph Clouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18001) granting an increase of pension to George Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18002) granting an increase of pension to Thomas Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18003) granting an increase of pension to Curtis Hoff; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 18004) for the relief of Thomas Campbell; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 18005) granting an increase of pension to Mary Klopp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18006) granting an increase of pension to Alpheus L. Woodard; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18007) granting a pension to Georgia Acuff; to the Committee on Pensions.

Also, a bill (H. R. 18008) granting an increase of pension to James Chewning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18009) granting an increase of pension to Bird C. Guffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18010) granting an increase of pension to Benjamin Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18011) granting an increase of pension to Sylvester E. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18012) granting an increase of pension to Josiah Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18013) granting an increase of pension to Philip C. Cooter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18014) granting an increase of pension to Joseph P. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18015) granting an increase of pension to Henry Cutbirth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18016) granting an increase of pension to Archibald W. Mayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18017) granting an increase of pension to Gaston P. Lingenfelter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18018) granting an increase of pension to John A. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18019) granting an increase of pension to Edward H. Ridenour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18020) granting an increase of pension to Andrew J. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18021) granting an increase of pension to Daniel F. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18022) granting an increase of pension to Thomas Creek; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 18023) granting an increase of pension to Tobias H. Foltz; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 18024) granting an increase of pension to Alfred W. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18025) granting an increase of pension to Edward N. Whitney; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 18026) granting a pension to Tillie H. L. Weatherford; to the Committee on Pensions.

Also, a bill (H. R. 18027) granting a pension to Peter Reno; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 18028) granting a pension to Oscar Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18029) granting a pension to Elizabeth C. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18030) granting a pension to Edgar M. Curtis; to the Committee on Pensions.

Also, a bill (H. R. 18031) granting an increase of pension to John W. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18032) granting an increase of pension to Samuel E. Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18033) granting an increase of pension to Peter Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18034) granting an increase of pension to George T. Lowry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18035) granting an increase of pension to Lewis H. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18036) to remove the charge of desertion from the military record of John W. Clark; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 18037) granting an increase of pension to William H. Wright; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 18038) granting a pension to William Brown, alias Daniel Mulligan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18039) granting an increase of pension to John H. Rivers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18040) granting an increase of pension to Charles A. Hitchcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18041) granting an increase of pension to Henry Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18042) granting an increase of pension to Wellington Hay; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 18043) granting an increase of pension to Samuel B. Shadle; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18044) granting an increase of pension to Edwin Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18045) granting an increase of pension to Romanzo A. Coats; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 18046) for the relief of the heirs at law of L. M. Henry, deceased; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 18047) granting an increase of pension to Edwin H. Miner; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18048) granting an increase of pension to Byron D. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18049) granting an increase of pension to Daniel Hough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18050) granting an increase of pension to Willard W. Colburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18051) granting an increase of pension to James O. Harriman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18052) granting an increase of pension to Martin V. B. Wyman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18053) granting an increase of pension to Laura C. Whittier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18054) granting an increase of pension to George W. Spaulding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18055) granting an increase of pension to Sarah A. Manning; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 18056) granting an increase of pension to Leander N. Thornberry, now known as Frank H. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18057) granting an increase of pension to Jacob P. Marling; to the Committee on Pensions.

Also, a bill (H. R. 18058) granting an increase of pension to Enoch Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18059) granting an increase of pension to James W. Toothman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18060) granting an increase of pension to Lee J. Cochran; to the Committee on Pensions.

Also, a bill (H. R. 18061) granting an increase of pension to Benjamin N. Satterfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18062) granting a pension to William P. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18063) granting an increase of pension to Oscar N. Greer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18064) for the relief of John W. May; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 18065) granting an increase of pension to Elizabeth Vitteto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18066) granting an increase of pension to Charles L. Thompson; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 18067) granting an increase of pension to William H. Cranston; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 18068) granting an increase of pension to Sarah E. Terwilliger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18069) granting an increase of pension to Charles Michel; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 18070) granting an increase of pension to John F. Phillips; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 18071) granting an increase of pension to G. C. Benard; to the Committee on Pensions.

Also, a bill (H. R. 18072) granting an increase of pension to Albert F. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18073) granting an increase of pension to James V. Whitney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of National Consumers' League, of Springfield, Mass., in re labor conditions for women; to the Committee on Labor.

By Mr. BARKLEY: Petition of sundry railroad employees for eight-hour law applying to them; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET: Memorial of Central Presbyterian Church, of New York City, against polygamy in the United States; to the Committee on the Judiciary.

By Mr. BRITTEN: Petition of Bakers and Millers' Technical Club, of Chicago, Ill., favoring embargo on grains and supplies; to the Committee on Rules.

By Mr. CARTER of Massachusetts: Petition of C. A. Chadwick and others, of Newton, Mass., favoring embargo on exportation of coal; to the Committee on Foreign Affairs.

Also, petition of City Councils of Lawrence and Framingham, Mass., favoring investigation into high cost of living; to the Committee on Rules.

By Mr. DALE of New York: Protest of sundry citizens against the suppression of Theodore Dreiser's "The Genius"; to the Committee on the Library.

Also, memorial of headquarters national association, Surviving Union Volunteer Officers of the Civil War, in re Senate bill 391 and House bill 386; to the Committee on Military Affairs.

Also, memorial of Steel and Copper Plate Engravers' League of Boston, Mass., in re labor conditions; to the Committee on Labor.

Also, memorial of National Paint, Oil, and Varnish Association, indorsing the Stevens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Polish Societies of America, in re European war, with respect to position of Poland; to the Committee on Foreign Affairs.

Also, memorial of National Live Stock Shippers' Protective League, in re Railway conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. DARROW: Memorial of Nurses' Registry Association of Colorado Springs, Colo., relative to Senate bill 6667, to incorporate American Nurses' Association; to the Committee on the District of Columbia.

By Mr. EAGAN: Petition of National Live Stock Shippers' Protective League, relative to law to regulate Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of Wisconsin Retail Grocers and General Merchants' Association, favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Papers to accompany bill granting an increase of pension to James W. Hester; to the Committee on Invalid Pensions.

Also, papers to accompany a bill granting a pension to Margaret E. Bradford; to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of the National Live Stock Shippers' Protective League, favoring amending act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORES of Indiana: Petitions of the Woman's Franchise League of Indiana, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of San Francisco Building Trades Council, urging investigation of the foodstuff situation; to the Committee on Ways and Means.

By Mr. SNYDER: Petitions of sundry citizens of the thirty-third New York congressional district, against woman-suffrage amendment; to the Committee on the Judiciary.

Also, petitions of regent of New York State Daughters of the American Revolution; Shenandoah Chapter, of Oneida County; and Schenectady Chapter, Daughters of the American Revolution, for national park on the Oriskany (N. Y.) Battle Ground; to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of Asa Percy and others, of New Hampshire, asking that employees in the maintenance-of-way department of the railroads be given an eight-hour day; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *December 5, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, day by day in blessed fellowship of service we come together in Thy name and for Thy glory. Forbid that our view of our daily task should end with consideration of the need of our earthly life. Justice and judgment have no measure of authority if they spring alone from earthly consideration. They are the habitation of Thy throne. We pray that in the conference held this day between coordinate branches of the Government there may be the spirit of wisdom and understanding, of counsel and might, that all things pertaining to our national welfare may have Thy sanction and reflect the purpose of the Divine mind. For Christ's sake. Amen.

LEBARON B. COLT, a Senator from the State of Rhode Island; MILES POINDEXTER, a Senator from the State of Washington; and JAMES W. WADSWORTH, Jr., a Senator from the State of New York, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of receipts and expenditures of the Senate for the fiscal year ended June 30, 1916 (S. Doc. No. 556), which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, an account of all property, including stationery, belonging to the United States in his possession on the 4th day of December, 1916 (S. Doc. No. 557), which was ordered to lie on the table and be printed.

REPORT OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the annual report of the Commissioners of the District of Columbia for the fiscal year ended June 30, 1916, which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERRIS, Mr. TAYLOR of Colorado, and Mr. LENROOT managers at the conference on the part of the House.

SENATORS FROM ARKANSAS, INDIANA, AND MAINE.

Mr. ROBINSON. Mr. President, I present the credentials of WILLIAM F. KIRBY, elected a Senator of the United States from the State of Arkansas to succeed the late JAMES P. CLARKE, deceased. I ask that the credentials may be read.

Mr. REED. Mr. President, I move that the credentials just received, together with all other credentials which may be presented, be referred to the Committee on Privileges and Elections.

Mr. GALLINGER. Mr. President, the credentials have not been read as yet. I do not think that a motion can be entertained to refer them.

Mr. REED. I had the floor.

Mr. GALLINGER. I make the point of order that the credentials have not been presented. The Senator from Missouri will then be recognized to make his motion.

The VICE PRESIDENT. The credentials will be read, and the Senator from Missouri will then be recognized.

Mr. REED. All right; I have no objection to that course.

The credentials were read, as follows:

EXECUTIVE CHAMBER,
STATE OF ARKANSAS,
LITTLE ROCK.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that at a special election regularly called for the purpose and held on the 7th day of November, 1916, WILLIAM F. KIRBY was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the unexpired term of six years ending on the 3d day of March, 1921.

Witness: His excellency our governor, George W. Hays, and our seal hereto affixed at Little Rock, Ark., this 18th day of November, in the year of our Lord 1916.

By the governor:

GEO. W. HAYS,
Governor.

[SEAL.]

EARLE W. HODGES,
Secretary of State.

Mr. REED. Mr. President, I move that the credentials just presented, together with the credentials of all others elected to fill vacancies, be referred to the Committee on Privileges and Elections.

Mr. GALLINGER. I make the point of order that that motion is not in order until the other credentials have been read, if there are other credentials.

Mr. REED. Why not in order?

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order as to all that portion of the motion save as to these credentials. The Chair has no knowledge that there will be any others.

Mr. REED. I am not going to cavil with the Chair, but I know of no parliamentary rule which will cut the Senate off from its right to determine now what course shall be taken in any particular paper which may be presented. It is not worth discussing. I modify my motion and move that the credentials just read be referred to the Committee on Privileges and Elections, and I shall make a similar motion in reference to all credentials presented.

Mr. GALLINGER. The motion is undoubtedly in order.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri to refer the credentials which have been read to the Committee on Privileges and Elections.

Mr. SMOOT. Mr. President I have been looking up the precedents on the presentation of credentials showing the election of Senators from sovereign States and the action of the Senate on their presentation and I wish to call the attention of the Senate to what took place on March 5, 1903.

There was an extra session of Congress called by President Roosevelt. When the Senate met, after the reading of the proclamation of President Roosevelt convening Congress in extraordinary session, the President pro tempore at that time made this statement:

The Secretary will call the names of the newly elected Senators.

That was the first business that was in order. Then Mr. Hoar said:

Mr. President, I ask unanimous consent before the names of the newly elected Senators are called, to make a statement in behalf of the chairman of Committee on Privileges and Elections, which it is important to the public to understand. It will take but a moment.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that he may make a statement in behalf of the chairman of the Committee on Privileges and Elections. Is there objection? The Chair hears none.

Mr. CULLOM. I ask the chairman to allow me to present the credentials of Mr. HOPKINS, the Senator elect from the State of Illinois.

Mr. HOAR. I should like to make a statement before that is done.

Mr. CULLOM. The credentials of all the other Senators elect have been presented, and I should like to present the credentials at this time. It will take but a moment.

Mr. HOAR. I prefer to proceed with my statement.

Mr. CULLOM. Very well.

The PRESIDENT pro tempore. The Senator from Massachusetts will proceed.

Mr. HOAR. The chairman of the Committee on Privileges and Elections, the Senator from Michigan [Mr. Burrows], is obliged to be absent. He desired me to state in his behalf that he understands the orderly and constitutional method of procedure in regard to administering the oath to newly elected Senators to be that when any gentleman brings with him or presents a credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his qualifications should be postponed and acted upon by the Senate afterwards.

If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presenting of objection without responsibility, and never established before the Senate by any judicial inquiry. The result of that might be that a change in the political power of this Government which the people desired to accomplish would be indefinitely postponed.

I make this statement at the request of the Senator from Michigan [Mr. Burrows].

Mr. President, at that time Mr. Hoar took the position that upon the presentation of the credentials of any Senator from a sovereign State it was the duty of the Senate to swear him in

and any question as to his right to the seat should be settled afterwards by the Senate. There was no objection to that statement. That was the procedure followed at that time.

I ask the Chair at this time to consider that statement in connection with the motion made by the Senator from Missouri, and upon the ground stated by Senator Hoar I make the point of order, Mr. President, against the motion made by the Senator from Missouri.

The VICE PRESIDENT. Rule VI of the Senate provides that—

> The presentation of the credentials of Senators elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

That manifestly gives a perfect right to make a motion to refer the credentials to the Committee on Privileges and Elections, and the Chair overrules the point of order. The question is on the motion of the Senator from Missouri.

Mr. GALLINGER. Let us have the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT] and have been unable to get a transfer. Were I at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Louisiana [Mr. BROUSSARD] on account of illness.

Mr. BECKHAM (after having voted in the affirmative). I have a general pair with the senior Senator from Delaware [Mr. DU PONT]. As he has not voted, I withdraw my vote.

Mr. CHILTON. Has the Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. CHILTON. I have a pair with that Senator which I transfer to the Senator from Louisiana [Mr. RANSDELL], and I vote "yea."

Mr. McLEAN (after having voted in the negative). Has the senior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a general pair with that Senator. I transfer my pair to the senior Senator from Washington [Mr. JONES] and will let my vote stand.

Mr. OWEN (after having voted in the affirmative). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from California [Mr. PHELAN] and allow my vote to stand.

The result was announced—yeas 32, nays 44, as follows:

YEAS—32.

Ashurst	Hollis	Lewis	Sheppard
Bryan	Hughes	Martine, N. J.	Shields
Chamberlain	Husting	Owen	Simmons
Chilton	James	Pittman	Smith, Ariz.
Culberson	Johnson, S. Dak.	Pomerene	Smith, Md.
Fletcher	Kern	Reed	Swanson
Gore	La Follette	Saulsbury	Thomas
Hitchcock	Lea, Tenn.	Shafroth	Thompson

NAYS—44.

Bankhead	Harding	Norris	Smoot
Brady	Hardwick	O'Gorman	Sterling
Brandegee	Johnson, Me.	Oliver	Sutherland
Clapp	Kenyon	Overman	Tillman
Clark	Lee, Md.	Page	Underwood
Colt	Lodge	Penrose	Vardaman
Cummins	McCumber	Poindexter	Wadsworth
Curtis	McLean	Robinson	Warren
Gallinger	Martin, Va.	Sherman	Weeks
Goff	Nelson	Smith, Ga.	Williams
Gronna	Newlands	Smith, S. C.	Works

NOT VOTING—18.

Beckham	du Pont	Myers	Taggart
Borah	Fall	Phelan	Townsend
Broussard	Jones	Ransdell	Walsh
Catron	Lane	Smith, Mich.	
Dillingham	Lippitt	Stone	

So Mr. REED's motion was rejected.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. KERN. I present the credentials of Hon. JAMES E. WATSON, elected by the State of Indiana to fill the vacancy occasioned by the death of the late Senator SHIVELY, in the term ending March 3, 1921.

The VICE PRESIDENT. The credentials will be read by the Secretary.

The credentials were read and ordered to be filed.

Mr. JOHNSON of Maine. I present the credentials of Hon. BERT M. FERNALD, as a Senator from the State of Maine for the unexpired term of the late Senator EDWIN C. BURLEIGH, ending March 3, 1919. I ask that the credentials may be read.

The VICE PRESIDENT. The Secretary will read the credentials.

The credentials were read and ordered to be filed.

Mr. JOHNSON of Maine. Mr. President, Senator elect Hon. BERT M. FERNALD is present in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. The newly elected Senators will be presented at the Secretary's desk and take the oath prescribed by law.

Mr. KIRBY, Mr. WATSON, and Mr. FERNALD, escorted respectively by Mr. ROBINSON, Mr. KERN, and Mr. JOHNSON of Maine, advanced to the Vice President's desk, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

LIST OF SENATORS.

The list of Senators, by States, is as follows:

Alabama—John H. Bankhead and Oscar W. Underwood.
Arizona—Henry F. Ashurst and Marcus A. Smith.
Arkansas—William F. Kirby and Joseph T. Robinson.
California—James D. Phelan and John D. Works.
Colorado—John F. Shafroth and Charles S. Thomas.
Connecticut—Frank B. Brandegee and George P. McLean.
Delaware—Henry A. du Pont and Willard Saulsbury.
Florida—Nathan P. Bryan and Duncan U. Fletcher.
Georgia—Thomas W. Hardwick and Hoke Smith.
Idaho—William E. Borah and James H. Brady.
Illinois—James Hamilton Lewis and Lawrence Y. Sherman.
Indiana—John W. Kern and James E. Watson.
Iowa—Albert B. Cummins and William S. Kenyon.
Kansas—Charles Curtis and William H. Thompson.
Kentucky—J. C. W. Beckham and Ollie M. James.
Louisiana—Robert F. Broussard and Joseph E. Ransdell.
Maine—Bert M. Fernald and Charles F. Johnson.
Maryland—Blair Lee and John Walter Smith.
Massachusetts—Henry Cabot Lodge and John W. Weeks.
Michigan—William Alden Smith and Charles E. Townsend.
Minnesota—Moses E. Clapp and Knute Nelson.
Mississippi—John Sharp Williams and James K. Vardaman.
Missouri—James A. Reed and William J. Stone.
Montana—Henry L. Myers and Thomas J. Walsh.
Nebraska—Gilbert M. Hitchcock and George W. Norris.
Nevada—Francis G. Newlands and Key Pittman.
New Hampshire—Jacob H. Gallinger and Henry F. Hollis.
New Jersey—William Hughes and James E. Martine.
New Mexico—Thomas B. Catron and Albert B. Fall.
New York—James A. O'Gorman and James W. Wadsworth, jr.
North Carolina—Lee S. Overman and F. M. Simmons.
North Dakota—Asle J. Gronna and Porter J. McCumber.
Ohio—Warren G. Harding and Atlee Pomerene.
Oklahoma—Thomas P. Gore and Robert L. Owen.
Oregon—George E. Chamberlain and Harry Lane.
Pennsylvania—George T. Oliver and Boies Penrose.
Rhode Island—Le Baron B. Colt and Henry F. Lippitt.
South Carolina—Ellison D. Smith and Benjamin R. Tillman.
South Dakota—Edwin S. Johnson and Thomas Sterling.
Tennessee—Luke Lea and John K. Shields.
Texas—Charles A. Culberson and Morris Sheppard.
Utah—Reed Smoot and George Sutherland.
Vermont—William P. Dillingham and Carroll S. Page.
Virginia—Thomas S. Martin and Claude A. Swanson.
Washington—Wesley L. Jones and Miles Poindexter.
West Virginia—William E. Chilton and Nathan Goff.
Wisconsin—Paul O. Husting and Robert M. La Follette.
Wyoming—Clarence D. Clark and Francis E. Warren.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented petitions of sundry labor organizations, all in the State of Pennsylvania, praying for the appointment of a commission to investigate the increased cost of the necessities of life, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Glenshaw and New Brighton, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of McKeesport, Pa., praying for Federal aid in the construction of public highways, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Orient Council No. 6, Junior Order United American Mechanics, of Newton, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented the memorial of Thomas M. Dillingham, of Roxbury, N. H., remonstrating against the enactment of legislation relating to water powers on public land, which was referred to the Committee on Public Lands.

He also presented a petition of the Society of Colonial Dames of New Hampshire, praying for the acquisition by the Government of the site of the battle of New Orleans as a national park, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Board of Trade, of Concord, N. H., praying for the enactment of legislation to provide for conservation of industrial resources, which was referred to the Committee on Finance.

Mr. FLETCHER presented a memorial of sundry citizens of Jackson County, Fla., remonstrating against the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. WEEKS presented petitions of sundry citizens of Boston, Dedham, Dorchester, West Roxbury, Everett, Hyde Park, Arlington, South Weymouth, Mattapan, Newton, Roslindale, Newton Centre, Newton Highlands, Jamaica Plain, Watertown, Brookline, Brighton, Auburndale, West Newton, Canton, Quincy, Braintree, Malden, Ashmont, West Somerville, Woburn, South Boston, Norfolk Downs, Maplewood, Hopkinton, Methuen, Newtonville, Medford, Winthrop, Charlestown, Wellesley Hills, Waltham, and Cambridge, all in the State of Massachusetts, praying for the enactment of legislation placing a temporary embargo on the exportation of coal, which were referred to the Committee on Foreign Relations.

Mr. THOMPSON presented a petition of the ministers and elders of the Neosho Presbytery of the Presbyterian Church at Garnett, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hutchinson and Collyer, in the State of Kansas, remonstrating against proposed embargoes on food products, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented a memorial of Capitol City Lodge, No. 354, International Association of Machinists, of Hartford, Conn., remonstrating against the increased cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of the Men's Assembly of the First Methodist Episcopal Church of Bridgeport, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Men's Assembly of the First Methodist Episcopal Church of Bridgeport, Conn., praying for the enactment of legislation to prohibit interstate transmission of race-gambling odds and bets, which was referred to the Committee on Interstate Commerce.

THOMAS M. JONES.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (H. R. 1788) for the relief of Thomas M. Jones, reported it without amendment and submitted a report (No. 872) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 7021) granting an increase of pension to Henry Thompson (with accompanying papers); and

A bill (S. 7022) granting an increase of pension to Peter Lynch (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7023) to provide for the erection of a monument to Gen. William Henry Harrison, late President of the United States; to the Committee on the Library.

By Mr. THOMPSON:

A bill (S. 7024) granting an increase of pension to Jacob R. Stillwagon (with accompanying papers); and

A bill (S. 7025) granting an increase of pension to William S. Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7026) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," etc.; to the Committee on Fisheries.

A bill (S. 7027) for the relief of the Osage Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. MARTIN of Virginia:

A bill (S. 7028) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended by an act approved May 15, 1916; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 7029) to appropriate $95,000 for the relief of Henry W. Cook, Arthur G. Cummer, and Waldo E. Cummer, trading as Cook-Cummer Steamship Co., copartnership, for the loss of schooner barges *South West* and *North West* (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 7030) granting a pension to Thomas L. Irwin; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 7031) to give the Interstate Commerce Commission the power to fix the hours of labor and determine wages for employees of carriers engaged in interstate and foreign commerce; to the Committee on Interstate Commerce.

By Mr. SMOOT:

A bill (S. 7032) to authorize the consolidation of Government lands and of privately owned lands, and for other purposes; to the Committee on Public Lands.

A bill (S. 7033) granting an increase of pension to Maurice M. Kaighn (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7034) granting an increase of pension to Stephen P. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7035) to provide for investigations and surveys of reclamation projects in the State of Wyoming; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 7036) granting an increase of pension to Mary A. Cooper (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 7037) for the promotion of engineering and industrial research; to the Committee on Agriculture and Forestry.

A bill (S. 7038) to aid navigation and control floods on the boundary waters of Minnesota, North Dakota, and South Dakota; to the Committee on Commerce.

A bill (S. 7039) providing for the free importation of seed, grain, and flaxseed under certain conditions; to the Committee on Finance.

A bill (S. 7040) granting to the State of North Dakota 50,000 acres of land to aid in the maintenance of a normal school at Dickinson, N. Dak.; to the Committee on Public Lands.

A bill (S. 7041) to provide for the purchase of a site and the erection of a public building thereon at Crosby, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. BRADY:

A bill (S. 7042) granting to the State of Idaho 2,000,000 acres of land to aid in the construction and maintenance of public roads in the State of Idaho (with accompanying papers); to the Committee on Public Lands.

A bill (S. 7043) granting an increase of pension to Mrs. Emma E. Normoyle;

A bill (S. 7044) granting an increase of pension to Job Wilbur (with accompanying papers); and

A bill (S. 7045) granting an increase of pension to Francis J. Curtis (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7046) authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations; to the Committee on Indian Affairs.

A bill (S. 7047) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916; to the Committee on the District of Columbia.

By Mr. SHERMAN:

A bill (S. 7048) granting an increase of pension to James D. Fletcher;

A bill (S. 7049) granting an increase of pension to Frances L. Hay;

A bill (S. 7050) granting a pension to Minnie J. Hodge;

A bill (S. 7051) granting an increase of pension to Edward L. Frabe;

A bill (S. 7052) granting an increase of pension to John W. Laughlin;
A bill (S. 7053) granting an increase of pension to Martin Poole;
A bill (S. 7054) granting a pension to William E. Johnson;
A bill (S. 7055) granting an increase of pension to Joseph A. Manning;
A bill (S. 7056) granting an increase of pension to Aaron N. Elliott; and
A bill (S. 7057) granting an increase of pension to Christopher C. Brummet; to the Committee on Pensions.

By Mr. KENYON:
A bill (S. 7058) granting an increase of pension to Charles F. Knowlton;
A bill (S. 7059) granting an increase of pension to Margaret Stephenson;
A bill (S. 7060) granting an increase of pension to Samuel Clossin;
A bill (S. 7061) granting an increase of pension to Isaac R. Atlee;
A bill (S. 7062) granting an increase of pension to Thomas Brown;
A bill (S. 7063) granting an increase of pension to Asa L. Bushnell; and
A bill (S. 7064) granting an increase of pension to J. R. Simpson; to the Committee on Pensions.

By Mr. OWEN:
A bill (S. 7065) for the relief of the estate of Charles Le Roy, deceased; to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND. I introduce, for reading and reference, a bill which I have introduced in previous Congresses, having in view the investigation of the differences between capital and labor. The bill has been reported once by a subcommittee favorably, and I ask that it be printed and appropriately referred.

By Mr. TOWNSEND:
A bill (S. 7066) to provide for the investigation of controversies affecting interstate commerce, and for other purposes; to the Committee on Interstate Commerce.

By Mr. THOMAS:
A bill (S. 7067) to grant certain lands to the city of Boulder, State of Colorado, for the protection of its water supply (with accompanying papers); to the Committee on Public Lands.

By Mr. SHIELDS:
A bill (S. 7068) authorizing the Secretary of War to donate to Lewisburg, Marshall County, Tenn., three brass cannon, with carriages; to the Committee on Military Affairs.
A bill (S. 7069) to relinquish, release, and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark.; to the Committee on Public Lands.

By Mr. CLAPP:
A bill (S. 7070) granting a pension to Lucy Benjamin; to the Committee on Pensions.

By Mr. PENROSE:
A bill (S. 7071) for the relief of William M. Johnston; to the Committee on Military Affairs.
A bill (S. 7072) granting an increase of pension to Caroline W. Congdon;
A bill (S. 7073) granting a pension to Mary A. Adams;
A bill (S. 7074) granting an increase of pension to George Leadbeater;
A bill (S. 7075) granting a pension to William Carrell;
A bill (S. 7076) granting an increase of pension to E. P. Hall;
A bill (S. 7077) granting a pension to Kate L. Clear;
A bill (S. 7078) granting an increase of pension to Thomas J. Parker;
A bill (S. 7079) granting an increase of pension to Morris W. Hackman;
A bill (S. 7080) granting a pension to Caroline Kelly;
A bill (S. 7081) granting a pension to Josiah Huber;
A bill (S. 7082) granting an increase of pension to Arabella von Schrader;
A bill (S. 7083) granting an increase of pension to B. F. Spangler;
A bill (S. 7084) granting a pension to Mary E. White (with accompanying papers);
A bill (S. 7085) granting a pension to Milton M. Lile (with accompanying papers);
A bill (S. 7086) granting an increase of pension to Miriam E. Fair (with accompanying papers);
A bill (S. 7087) granting a pension to Charles L. C. Sherwin (with accompanying papers);
A bill (S. 7088) granting a pension to Oscar L. Geer (with accompanying papers);
A bill (S. 7089) granting a pension to Charles F. Cavenaugh (with accompanying papers);
A bill (S. 7090) granting a pension to Jennie T. Hamilton (with accompanying papers); and
A bill (S. 7091) granting an increase of pension to Margaret Stewart; to the Committee on Pensions.

By Mr. WEEKS:
A bill (S. 7092) for the relief of Charles E. Currier; to the Committee on Claims.

By Mr. PAGE:
A bill (S. 7093) granting an increase of pension to Theodore Longfellow (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:
A bill (S. 7094) granting a pension to Allen C. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:
A bill (S. 7095) extending the time for completion of a bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912; to the Committee on Commerce.

By Mr. McLEAN:
A bill (S. 7096) granting an increase of pension to Kate M. White; and
A bill (S. 7097) granting an increase of pension to Charles L. Chappell (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:
A bill (S. 7098) granting an increase of pension to David W. Herriman (with accompanying papers); and
A bill (S. 7099) granting a pension to Elvis R. Street (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:
A bill (S. 7100) granting an increase of pension to Joseph C. Predmore; and
A bill (S. 7101) granting an increase of pension to James S. White; to the Committee on Pensions.

By Mr. STONE:
A bill (S. 7102) granting an increase of pension to F. M. Harris (with accompanying papers);
A bill (S. 7103) granting an increase of pension to Lemuel C. Kittrell (with accompanying papers);
A bill (S. 7104) granting an increase of pension to John M. James (with accompanying papers);
A bill (S. 7105) granting an increase of pension to Philip C. Cooter (with accompanying papers); and
A bill (S. 7106) granting an increase of pension to B. F. White (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:
A bill (S. 7107) for the relief of Henry N. Penfield; to the Committee on Military Affairs.
A bill (S. 7108) granting an increase of pension to Alada Thurston Paddock Mills; and
A bill (S. 7109) granting an increase of pension to Anna B. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. REED:
A bill (S. 7110) granting an increase of pension to Benjamin Johnson (with accompanying papers);
A bill (S. 7111) granting an increase of pension to Sylvester E. Stone (with accompanying papers);
A bill (S. 7112) granting an increase of pension to William P. Duncan (with accompanying papers);
A bill (S. 7113) granting an increase of pension to John A. Rice (with accompanying papers); and
A bill (S. 7114) granting an increase of pension to Josiah Brewer (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:
A bill (S. 7115) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages; to the Committee on Finance.

By Mr. CURTIS:
A bill (S. 7116) for the relief of Charles Dade (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 7117) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;
A bill (S. 7118) granting an increase of pension to John Fitch (with accompanying papers);

A bill (S. 7119) granting an increase of pension to Nannie C. Cole (with accompanying papers);

A bill (S. 7120) granting an increase of pension to Nannie L. Davenport (with accompanying papers);

A bill (S. 7121) granting a pension to Sarah Elmore (with accompanying papers);

A bill (S. 7122) granting an increase of pension to Edgar A. Kesler (with accompanying papers);

A bill (S. 7123) granting an increase of pension to Zed Culver (with accompanying papers);

A bill (S. 7124) granting a pension to Stephen J. Batchelder (with accompanying papers);

A bill (S. 7125) granting an increase of pension to Charles Rhodes (with accompanying papers);

A bill (S. 7126) granting an increase of pension to Mary E. Brown (with accompanying papers);

A bill (S. 7127) granting an increase of pension to John Rogers (with accompanying papers); and

A bill (S. 7128) granting an increase of pension to David H. Rowland (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7129) to correct the navy record of John Lee, alias James Riley; to the Committee on Naval Affairs.

By Mr. JOHNSON of South Dakota:

A joint resolution (S. J. Res. 175) proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States; to the Committee on Privileges and Elections.

By Mr. THOMPSON:

A joint resolution (S. J. Res. 176) proposing an amendment to the Constitution providing that the President and Vice President shall be elected by direct vote of the people; to the Committee on the Judiciary.

By Mr. SHAFROTH:

A joint resolution (S. J. Res. 177) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the electoral college, establishing their term of office at six years from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin; to the Committee on the Judiciary.

By Mr. OWEN:

A joint resolution (S. J. Res. 178) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma; to the Committee on Indian Affairs.

EMBARGO ON FOOD PRODUCTS.

Mr. MARTINE of New Jersey. Mr. President, I introduce a joint resolution, and, with the permission of the Senate, I desire to read it. The joint resolution is as follows:

Whereas the continued rise in the cost of staple food products in this country has reached a figure now almost prohibitive to the masses of the American people; and

Whereas it is the judgment of the Congress of the United States that it would be in the interest and well-being of the people of America that an embargo be placed on the shipment out of the United States of staple food products until such time as normal prices shall prevail in this country; and

Whereas that unless relief of this character is secured at once, intense suffering and privation will prevail through our land: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to urge upon Congress through a message to act, without delay, for the above-named purposes.

I will say that on principle I am opposed to an embargo, but I feel that a crisis has been reached, and that it is necessary to the well-being of this country that some steps for the relief of our people should be taken. I ask that the joint resolution be given proper reference.

The joint resolution (S. J. Res. 179) placing an embargo on food products was read twice by its title and referred to the Committee on Foreign Relations.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WILLIAMS submitted an amendment extending the appropriation of $5,000 made in the sundry civil act approved August 1, 1914, for unveiling and dedicating the memorial to Gen. Ulysses S. Grant so as to be available for that purpose for the fiscal year ending June 30, 1918, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CORRUPT PRACTICES.

Mr. PENROSE. I submit two amendments to the so-called Owen corrupt-practices bill (H. R. 15842), which I ask to have printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. OWEN. What was the request?

The VICE PRESIDENT. The Senator from Pennsylvania has offered two amendments to the corrupt-practices bill, which he asked to have printed and lie on the table.

WITHDRAWAL OF PAPERS—THOMAS J. LESTER.

On motion of Mr. GORE it was

Ordered, That the papers accompanying the bill (S. 10840) granting a pension to Thomas J. Lester, Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

SARAH FRANCES MEAKIN.

Mr. SMOOT submitted the following resolution (S. Res. 282), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Sarah Frances Meakin, widow of John P. Meakin, late an employee of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ADDITIONAL SENATE PAGE.

Mr. SMITH of Georgia submitted the following resolution (S. Res. 283), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a page boy be appointed for service in the office of the Sergeant at Arms, at the rate of $2.50 per day, to be selected by the Sergeant at Arms and paid from the miscellaneous items of the contingent fund of the Senate during the present session of Congress.

FEDERAL FARM-LOAN ACT.

Mr. FLETCHER. I submit a resolution and ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 284) was read, as follows:

Resolved, That there be printed 13,500 additional copies of Senate Document No. 500, Sixty-fourth Congress, first session, entitled "The Federal Farm Loan Act," for the use of the Senate document room.

Mr. FLETCHER. Mr. President, it is rather an important matter, asking for a reprint of 13,500 copies of the farm-loan act, being Senate Document No. 500. The Farm Loan Board have urged that they need these copies, and need them at once. An estimate of cost is attached to the resolution. It is $500, which is the limit of the Senate allowance for that purpose.

Mr. SMOOT. Mr. President, I should like to ask the Senator if the Farm Loan Board have not already printed some copies through the appropriation made to them for the printing of documents?

Mr. FLETCHER. I think they are printing their own circulars, and possibly copies of the act just as it passed; but this is Senate Document 500, which is indexed and annotated, and is in great demand, and they prefer to use that print when they can. There is great demand for that particular document, because it is indexed and annotated.

Mr. SMOOT. I will ask the Senator what will be the cost?

Mr. FLETCHER. The cost will be $500. That gives 13,500 copies.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

STOCK-RAISING HOMESTEADS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of Arizona. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT conferees on the part of the Senate.

COMMITTEE SERVICE.

Mr. OLIVER. Mr. President, I ask to be excused from further service upon the Committee on Commerce.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. FLETCHER. I ask to be excused from further service as chairman of the Committee on Printing.

The VICE PRESIDENT. Without objection, the request of the Senator from Florida is granted.

On motion of Mr. KERN, it was

Ordered, That the Hon. DUNCAN U. FLETCHER, senior Senator from Florida, be, and is hereby, appointed chairman of the Committee on Commerce to fill the vacancy occasioned by the death of the late Senator CLARKE of Arkansas.

CORRUPT PRACTICES.

Mr. OWEN. Mr. President, I move that the corrupt-practices bill be laid before the Senate as the unfinished business.

Mr. SMOOT. It is the unfinished business now.

Mr. GALLINGER. It is the unfinished business.

The VICE PRESIDENT. The motion to lay it before the Senate is all right.

Mr. OWEN. I think it occupies the status of unfinished business because it was the unfinished business at the close of the last session.

The VICE PRESIDENT. It is the unfinished business.

Mr. OWEN. Then I only move to lay it before the Senate.

Mr. GALLINGER. It will automatically come up at 2 o'clock.

The VICE PRESIDENT. It automatically would come up at 2 o'clock.

Mr. OWEN. Very well. I shall not make any further point about it at this time. I withdraw the motion.

THE PRESIDENT'S ADDRESS (H. DOC. 1384).

The VICE PRESIDENT. Senators, the hour has arrived at which, in accordance with the concurrent resolution of the two Houses of Congress, the Senate is to proceed to the Hall of the House of Representatives to listen to the address of the President of the United States. The Sergeant at Arms will carry out the orders of the Senate.

Thereupon (at 12 o'clock and 50 minutes p. m.) the Senate, headed by the Sergeant at Arms and preceded by the Vice President and the Secretary, proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 1 o'clock and 25 minutes p. m.

The address of the President of the United States, this day delivered to both Houses of Congress, is as follows:

GENTLEMEN OF THE CONGRESS: In fulfilling at this time the duty laid upon me by the Constitution of communicating to you from time to time information of the state of the Union and recommending to your consideration such legislative measures as may be judged necessary and expedient, I shall continue the practice, which I hope has been acceptable to you, of leaving to the reports of the several heads of the executive departments the elaboration of the detailed needs of the public service and confine myself to those matters of more general public policy with which it seems necessary and feasible to deal at the present session of the Congress.

I realize the limitations of time under which you will necessarily act at this session and shall make my suggestions as few as possible; but there were some things left undone at the last session which there will now be time to complete, and which it seems necessary in the interest of the public to do at once.

In the first place, it seems to me imperatively necessary that the earliest possible consideration and action should be accorded the remaining measures of the programme of settlement and regulation which I had occasion to recommend to you at the close of your last session in view of the public dangers disclosed by the unaccommodated difficulties which then existed, and which still unhappily continue to exist, between the railroads of the country and their locomotive engineers, conductors, and trainmen.

I then recommended:

First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission along the lines embodied in the bill recently passed by the House of Representatives and now awaiting action by the Senate; in order that the Commission may be enabled to deal with the many great and various duties now devolving upon it with a promptness and thoroughness which are, with its present constitution and means of action, practically impossible.

Second, the establishment of an eight-hour day as the legal basis alike of work and of wages in the employment of all railway employees who are actually engaged in the work of operating trains in interstate transportation.

Third, the authorization of the appointment by the President of a small body of men to observe the actual results in experience of the adoption of the eight-hour day in railway transportation alike for the men and for the railroads.

Fourth, explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads as may have been rendered necessary by the adoption of the eight-hour day and which have not been offset by administrative readjustments and economies, should the facts disclosed justify the increase.

Fifth, an amendment of the existing Federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that, in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

And, sixth, the lodgement in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

The second and third of these recommendations the Congress immediately acted on: it established the eight-hour day as the legal basis of work and wages in train service and it authorized the appointment of a commission to observe and report upon the practical results, deeming these the measures most immediately needed; but it postponed action upon the other suggestions until an opportunity should be offered for a more deliberate consideration of them. The fourth recommendation I do not deem it necessary to renew. The power of the Interstate Commerce Commission to grant an increase of rates on the ground referred to is indisputably clear, and a recommendation by the Congress with regard to such a matter might seem to draw in question the scope of the Commission's authority or its inclination to do justice when there is no reason to doubt either.

The other suggestions,—the increase in the Interstate Commerce Commission's membership and in its facilities for performing its manifold duties, the provision for full public investigation and assessment of industrial disputes, and the grant to the Executive of the power to control and operate the railways when necessary in time of war or other like public necessity,—I now very earnestly renew.

The necessity for such legislation is manifest and pressing. Those who have entrusted us with the responsibility and duty of serving and safeguarding them in such matters would find it hard, I believe, to excuse a failure to act upon these grave matters or any unnecessary postponement of action upon them.

Not only does the Interstate Commerce Commission now find it practically impossible, with its present membership and organization, to perform its great functions promptly and thoroughly but it is not unlikely that it may presently be found advisable to add to its duties still others equally heavy and exacting. It must first be perfected as an administrative instrument.

The country can not and should not consent to remain any longer exposed to profound industrial disturbances for lack of additional means of arbitration and conciliation which the Congress can easily and promptly supply. And all will agree that there must be no doubt as to the power of the Executive to make immediate and uninterrupted use of the railroads for the concentration of the military forces of the nation wherever they are needed and whenever they are needed.

This is a programme of regulation, prevention, and administrative efficiency which argues its own case in the mere statement of it. With regard to one of its items, the increase in the efficiency of the Interstate Commerce Commission, the House of Representatives has already acted; its action needs only the concurrence of the Senate.

I would hesitate to recommend, and I dare say the Congress would hesitate to act upon the suggestion should I make it, that any man in any occupation should be obliged by law to continue in an employment which he desired to leave. To pass a law which forbade or prevented the individual workman to leave his work before receiving the approval of society in doing so would be to adopt a new principle into our jurisprudence which I take it for granted we are not prepared to introduce. But the proposal that the operation of the railways of the country shall not be stopped or interrupted by the concerted action of organized bodies of men until a public investigation shall have been instituted which shall make the whole question at issue plain for the judgment of the opinion of the nation is not to propose any such principle. It is based upon the very different principle that the concerted action of powerful bodies of men shall not be permitted to stop the industrial processes of the nation, at any rate before the nation shall have had an opportunity to acquaint itself with the merits of the case as between employee and employer, time to form its opinion upon an impartial statement of the merits, and opportunity to consider all practicable means of conciliation or arbitration. I can see nothing in that proposition but the justifiable safeguarding

by society of the necessary processes of its very life. There is nothing arbitrary or unjust in it unless it be arbitrarily and unjustly done. It can and should be done with a full and scrupulous regard for the interests and liberties of all concerned as well as for the permanent interests of society itself.

Three matters of capital importance await the action of the Senate which have already been acted upon by the House of Representatives; the bill which seeks to extend greater freedom of combination to those engaged in promoting the foreign commerce of the country than is now thought by some to be legal under the terms of the laws against monopoly; the bill amending the present organic law of Porto Rico; and the bill proposing a more thorough and systematic regulation of the expenditure of money in elections, commonly called the Corrupt Practices Act. I need not labor my advice that these measures be enacted into law. Their urgency lies in the manifest circumstances which render their adoption at this time not only opportune but necessary. Even delay would seriously jeopard the interests of the country and of the government.

Immediate passage of the bill to regulate the expenditure of money in elections may seem to be less necessary than the immediate enactment of the other measures to which I refer; because at least two years will elapse before another election in which federal offices are to be filled; but it would greatly relieve the public mind if this important matter were dealt with while the circumstances and the dangers to the public morals of the present method of obtaining and spending campaign funds stand clear under recent observation and the methods of expenditure can be frankly studied in the light of present experience; and a delay would have the further very serious disadvantage of postponing action until another election was at hand and some special object connected with it might be thought to be in the mind of those who urged it. Action can be taken now with facts for guidance and without suspicion of partisan purpose.

I shall not argue at length the desirability of giving a freer hand in the matter of combined and concerted effort to those who shall undertake the essential enterprise of building up our export trade. That enterprise will presently, will immediately assume, has indeed already assumed, a magnitude unprecedented in our experience. We have not the necessary instrumentalities for its prosecution; it is deemed to be doubtful whether they could be created upon an adequate scale under our present laws. We should clear away all legal obstacles and create a basis of undoubted law for it which will give freedom without permitting unregulated license. The thing must be done now, because the opportunity is here and may escape us if we hesitate or delay.

The argument for the proposed amendments of the organic law of Porto Rico is brief and conclusive. The present laws governing the Island and regulating the rights and privileges of its people are not just. We have created expectations of extended privilege which we have not satisfied. There is uneasiness among the people of the Island and even a suspicious doubt with regard to our intentions concerning them which the adoption of the pending measure would happily remove. We do not doubt what we wish to do in any essential particular. We ought to do it at once.

At the last session of the Congress a bill was passed by the Senate which provides for the promotion of vocational and industrial education which is of vital importance to the whole country because it concerns a matter, too long neglected, upon which the thorough industrial preparation of the country for the critical years of economic development immediately ahead of us in very large measure depends. May I not urge its early and favourable consideration by the House of Representatives and its early enactment into law? It contains plans which affect all interests and all parts of the country, and I am sure that there is no legislation now pending before the Congress whose passage the country awaits with more thoughtful approval or greater impatience to see a great and admirable thing set in the way of being done.

There are other matters already advanced to the stage of conference between the two Houses of which it is not necessary that I should speak. Some practicable basis of agreement concerning them will no doubt be found and action taken upon them.

Inasmuch as this is, Gentlemen, probably the last occasion I shall have to address the Sixty-fourth Congress, I hope that you will permit me to say with what genuine pleasure and satisfaction I have cooperated with you in the many measures of constructive policy with which you have enriched the legislative annals of the country. It has been a privilege to labour in such company. I take the liberty of congratulating you upon the completion of a record of rare serviceableness and distinction.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. Mr. President, I desire to take this occasion to give notice that, immediately upon the conclusion of the present unfinished business, I shall ask consideration of the immigration bill. I do this of my own accord and in view of the agreement entered into before the adjournment of the last session.

SARAH FRANCES MEAKIN.

Mr. SMOOT. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment Senate resolution 282, authorizing the Secretary of the Senate to pay from the contingent fund of the Senate to Sarah Frances Meakin, widow of John P. Meakin, late an employee of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, and I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded by unanimous consent to consider the resolution.

The amendment was, in line 4, after the word "employee," to strike out "of the United States Senate" and to insert "on the maintenance roll of the Senate Office Building."

The amendment was agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Sarah Frances Meakin, widow of John P. Meakin, late an employee on the maintenance roll of the Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROPOSED LIMITATION OF DEBATE.

Mr. SMITH of Georgia. Mr. President, upon our calendar is Senate resolution 195, which has been unanimously reported to the Senate from the Committee on Rules. It proposes a very conservative rule looking toward pressing the business of the Senate. It is a rule which would prevent a handful of Senators from delaying the consideration of legislation. I desire to bring it to the attention of the Senate now, and to ask its consideration. I believe that there is practically no objection to it.

There are some Senators who would be glad to strike out the provision which requires a two-thirds vote to bring debate to an end; there are others who object to it altogether and who do not wish any curtailment of debate. I believe that there was but one dissenting vote in the Committee on Rules with reference to this resolution, and that was of a Senator who desired a majority cloture.

The chief value of this rule would be to prevent a few Senators in the consideration of appropriation bills from checking such consideration and forcing the views of the minority into an appropriation bill. The proposed rule would be very valuable from that standpoint.

The substance of the resolution is that 16 Senators may at any time by written motion request that debate be closed. The Presiding Officer will then at once state the motion to the Senate; at the close of the morning hour on the following calendar day he will order a call of the roll for a quorum and then put the vote, which would be, "Is it the sense of the Senate that the debate shall be brought to a close?" If that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be in order to the exclusion of all other business, except a motion to recess or to adjourn. Thereafter no Senator shall be entitled to speak more than an hour on the bill, the amendments thereto, and motions affecting the same. It shall be the duty of the Chair to keep the time of each Senator who speaks and no dilatory motion shall be permitted. Points of order and appeals from the decision of the Chair shall, upon the measure, be decided without debate.

Mr. President, I hope the Senate is ready to allow a vote upon this proposed amendment to our rules. Of course, I understand if a determined resistance existed on the part of the Senate we might waste a great deal of time in discussing it. The proposed rule embodies the practically unanimous agreement of the Rules Committee. I move that we proceed to the consideration of Senate resolution 195.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on the motion of the Senator from Georgia that the Senate now proceed to the consideration of the Senate resolution named by him.

Mr. SMOOT. Mr. President, I know there are Senators other than those now present who are interested in this matter, and we have not now a quorum present. I therefore suggest the absence of a quorum before we vote on this question.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martin, Va.	Smith, Ga.
Beckham	Hollis	Nelson	Smith, Md.
Brady	Hughes	Norris	Smith, S. C.
Brandegee	Husting	O'Gorman	Smoot
Bryan	James	Oliver	Sterling
Chamberlain	Johnson, Me.	Overman	Swanson
Chilton	Johnson, S. Dak.	Owen	Thomas
Clapp	Kenyon	Page	Thompson
Colt	Kern	Penrose	Tillman
Culberson	Kirby	Pittman	Townsend
Cummins	La Follette	Poindexter	Vardaman
Curtis	Lane	Pomerene	Wadsworth
Fernald	Lea, Tenn.	Saulsbury	Walsh
Fletcher	Lee, Md.	Shafroth	Warren
Gallinger	Lewis	Sheppard	Watson
Goff	Lippitt	Sherman	Weeks
Gronna	McCumber	Shields	Williams
Harding	McLean	Simmons	Works

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of Senate resolution 195.

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senate, before we vote upon that motion, that I have no idea of undertaking to press it to an immediate vote by the Senate. I wished to bring it to the consideration of the Senate and to put it sufficiently before Senators to let them get ready to vote upon it at an early day.

I believe we ought to pass this rule. I think it will be helpful without unduly curtailing the privilege of debate, and I hope that we may be able during the morning hour within the next two or three days to vote on it. I should be glad to vote on it now, but I understand that there are Senators who do not wish to vote on it to-day.

Mr. SMOOT. I will say to the Senator from Georgia that there are one or two Senators who are not present here who desire to speak upon it and who, more than likely, will be here to-morrow. Of course, under those conditions I could not allow the motion to be voted upon before 2 o'clock, because I could easily talk it out.

Mr. SMITH of Georgia. I understand it could not reach a vote by 2 o'clock, and I will not press the motion at this time if no one wishes to be heard upon it now; but I shall endeavor to call it up immediately at the close of the routine business to-morrow morning, during the morning hour.

Mr. SMOOT. Mr. President, the calendar under Rule VIII is in order.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia withdraws his motion?

Mr. SMITH of Georgia. I withdraw my motion.

CIRCUIT AND DISTRICT JUDGES.

The PRESIDING OFFICER. The calendar under Rule VIII is in order, and the Secretary will announce the first bill on the calendar.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as first in order on the calendar.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SMITH of Georgia. Mr. President, the bill that has just been called is the first one on the calendar.

The PRESIDING OFFICER. It has gone over upon objection.

Mr. SMITH of Georgia. Of course we could proceed with it on motion. I move that the Senate proceed to the consideration of Senate bill 706.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Georgia to proceed to the consideration of the first bill on the calendar.

Mr. WALSH. Mr. President, I will inquire, What is the necessity for a motion? Is not the consideration of the calendar in order?

Mr. SMITH of Georgia. Yes; but this bill was objected to. We are proceeding under Rule VIII, and after an objection it requires a motion to proceed.

Mr. WALSH. Very well.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Georgia.

Mr. POINDEXTER. Upon that I ask for the yeas and nays.

Mr. TOWNSEND. What is the motion?

The PRESIDING OFFICER. The motion is to proceed with the consideration of the first bill on the calendar, Senate bill 706. The Secretary will read the title of the bill so that Senators may understand the motion.

The SECRETARY. A bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Georgia to proceed to the consideration of this bill. Upon that motion the Senator from Washington demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL] which I transfer to the senior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "yea."

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the junior Senator from California [Mr. PHELAN] and will vote. I vote "yea."

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. COLT] voted?

The PRESIDING OFFICER. He has not.

Mr. SAULSBURY. I have a pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I have a pair with the senior Senator from Delaware [Mr. DU PONT]. I therefore withhold my vote.

Mr. McLEAN (after having voted in the negative). I transfer my pair with the senior Senator from Montana [Mr. MYERS] to the senior Senator from Washington [Mr. JONES], and will allow my vote to stand.

The result was announced—yeas 37, nays 33, as follows:

YEAS—37.

Ashurst	Johnson, Me.	Overman	Stone
Bankhead	Johnson, S. Dak.	Owen	Swanson
Chamberlain	Kern	Pomerene	Thomas
Chilton	Kirby	Shafroth	Thompson
Fletcher	Lea, Tenn.	Sheppard	Underwood
Gore	Lee, Md.	Simmons	Walsh
Hardwick	Lewis	Smith, Ariz.	Williams
Hollis	Martin, Va.	Smith, Ga.	
Husting	Martine, N. J.	Smith, Md.	
James	O'Gorman	Smith, S. C.	

NAYS—33.

Borah	Gallinger	McCumber	Smoot
Brady	Goff	McLean	Sterling
Brandegee	Gronna	Nelson	Sutherland
Clapp	Harding	Norris	Townsend
Clark	Kenyon	Oliver	Watson
Cummins	La Follette	Page	Weeks
Curtis	Lane	Penrose	
Dillingham	Lippitt	Poindexter	
Fernald	Lodge	Sherman	

NOT VOTING—26.

Beckham	Fall	Pittman	Tillman
Broussard	Hitchcock	Ransdell	Vardaman
Bryan	Hughes	Reed	Wadsworth
Catron	Jones	Robinson	Warren
Colt	Myers	Saulsbury	Works
Culberson	Newlands	Shields	
du Pont	Phelan	Smith, Mich.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMITH of Georgia. Mr. President, I desire to offer two amendments to the bill. On line 10, page 2, after the word "President," I move to strike out "if in his opinion the public good so requires, may" and substitute "when in his opinion the proper conduct of the business of the court so requires, shall."

The PRESIDING OFFICER. The question is upon the adoption of the amendment.

Mr. GALLINGER. Let the amendments be read at the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 10, it is proposed to strike out "if in his opinion the public good so requires, may" and to insert "when in his opinion the proper conduct of the business of the court so requires, shall."

Mr. GALLINGER. Let the language to be stricken out first be read.

The PRESIDING OFFICER. The Secretary will read the language proposed to be stricken out and the amendment.

The SECRETARY. It is proposed to strike out the words "if in his opinion the public good so requires, may" and to insert "when in his opinion the proper conduct of the business of the court so requires, shall."

Mr. GALLINGER. Mr. President, I will suggest that the bill ought first to be read in full, so that we may know what is in the bill. Then it can well be amended.

The PRESIDING OFFICER. The Senator from New Hampshire asks for the reading of the bill. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation."

"In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, who, notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority: *Provided*, That the presiding judge of the said circuit court of appeals, whether in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasions, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

"In the event any such judge of a district court of the United States, having so held a commission or commissions, at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional judge of such court, who, notwithstanding the incumbency of the judge so entitled to resign, shall preside customarily over the said district court, and shall exercise such powers as are vested by law in the judge thereof. And the district judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from service therein: *Provided*, That the said district judge so entitled to resign as aforesaid may be designated and appointed from time to time to hold any district court, either in his district or within or without his circuit, as provided by sections 13, 14, 15, 16, and 17 of this title, or to sit in the circuit court of appeals of his circuit, as provided by section 120 of this title.

"Upon the death or resignation of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly."

Mr. GALLINGER. Mr. President, I observe that the Senator from Georgia has made a report, which is brief and contains some matters that ought to be understood by the Senate. I ask that the report may be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read Report of Committee 21, submitted by Mr. SMITH of Georgia from the Committee on the Judiciary, January 5, 1916.

CORRUPT PRACTICES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 15842.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

Mr. OWEN. Mr. President, when Congress adjourned in September this bill was made the unfinished business of the Senate automatically. At that time the Members of the Senate were greatly wearied with the prolonged session, and assurances were given by various Senators on both sides of the Chamber that they would willingly cooperate to perfect the measure and enact it into law. I ask now that the Senators who gave those assurances cooperate in perfecting it in good faith and put upon the statute books a means by which the improper use of money shall be stopped in the future elections of Representatives, Senators, and presidential electors. No republic can permanently endure which permits the high legislative officers and the great executive power of the people to be controlled merely by the sordid use of money on a large scale.

This bill deals with all parties. It deals with all men. It is not to be regarded, and ought not to be regarded, merely as a partisan bill, but a bill having in view a sincere purpose to establish substantial integrity in our national elections.

There is nothing in the bill to which I feel so wedded that I should oppose any reasonable amendment which would effect the purposes of the bill, but I appeal to the Senate to act upon this measure now, to consider it section by section and phrase by phrase, so that it shall be made a perfect bill and shall not be subjected to any unnecessarily prolonged discussion.

Mr. PENROSE. Will the Senator permit an inquiry?

Mr. OWEN. I yield to the Senator.

Mr. PENROSE. I think it would be well for the Senator to state to the Senate, for at least I do not understand it myself, just what is the parliamentary status of the measure. Has it been read yet to the Senate?

Mr. OWEN. It has been read and one amendment agreed to on page 38, after line 24, proposed by the Senator from Idaho [Mr. BRADY]. It is subject now to further amendment.

Mr. PENROSE. Is the bill open to amendment?

Mr. OWEN. It is still open to amendment.

Mr. PENROSE. I offered to-day some amendments to the bill, and if it does not interfere with the Senator's plan I should like to have them read. Otherwise I will not press the consideration of them until a later date.

Mr. OWEN. I have not, of course, seen the amendments proposed.

Mr. SMOOT. Mr. President, I had no idea that we would take up this bill to-day. I will say frankly to the Senator from Oklahoma that I have not followed it since the adjournment of Congress; but I believe the bill ought to be taken up and considered, and wherever amendments are needed or thought to be needed by Senators they ought to offer them.

I was going to suggest to the Senator whether it would not be proper now for him to give notice to the Senate, because there are very few of us here, that either to-morrow or the next day at 2 o'clock the Senator intends to call up the bill and press it for action. In the meantime those who want to offer amendments can prepare them, and we will be ready to go on with the consideration of the bill at that time. I believe such a course would hasten the consideration of the measure, and it would be very much better, at least in the interest of the time of the Senate.

Mr. OWEN. I had assumed, of course——

Mr. PENROSE. Mr. President, I supposed that I had the floor for the purpose of making an inquiry of the Senator from Oklahoma which has not been answered.

Mr. OWEN. I shall be glad to answer the Senator.

Mr. PENROSE. I inquired of the Senator from Oklahoma whether the bill is open to amendment by individual Senators. I understood him to say yes. Then I desired to address the inquiry to him whether it would work in harmony with his program if I should ask to have the amendments I offered to-day read to the Senate.

Mr. OWEN. It would be entirely agreeable to me. I would be glad to have them read.

Mr. PENROSE. Then, if it is entirely agreeable to the Senator, I will ask to have the first amendment read.

Mr. OWEN. I shall be pleased to hear it.

Mr. PENROSE. I will say, after this amendment is read, I will ask to have the second amendment read, which I will hand to the Secretary.

The PRESIDING OFFICER. If there is no objection, the Secretary will read the amendment proposed by the Senator from Pennsylvania.

The Secretary proceeded to read the amendment, but before concluding—

Mr. PENROSE. Mr. President, this amendment was introduced by me in good faith simply to bring before the Senate the question whether or not it is worthy of consideration at this time to embody in this proposed legislation the machinery for the Federal supervision and inspection of election matters where Congressmen, Senators, and presidential electors are involved. It is a proposition to reenact the various sections contained in the Revised Statutes repealed by the act approved February 8, 1894. I asked to have the amendment read this afternoon for the information of the Senate. It may be that the Senate, in its wisdom, will consider that these matters should still be left exclusively to State supervision and control; but I, for one, believe that in many parts of the country it would be well to have the old Federal machinery—modified, it may be—in force.

Then I presented another amendment to follow this, largely to have it printed, so that it might be considered by the Senate; and it is well worthy of consideration, in my opinion, Mr. President, in view of the fact that it is admitted that in many sections of the country the vote cast is far out of proportion in its smallness to the representation in the electoral college; but not

wishing to delay the proceedings of the Senate and being informed by the Senator from Oklahoma [Mr. OWEN], who has this bill in charge, that he does not intend to press the further consideration of the measure this afternoon, and in view of the fact that it is very evident that Senators are absent, engaged in other duties, and are not now prepared to give it that consideration which it deserves, I will ask his consent—in fact, I will ask unanimous consent—to have the further reading of the amendment dispensed with and to have this amendment, together with the second amendment submitted by me, printed in the RECORD for the information of the Senate, and also printed in the regular way as pending amendments.

Mr. OWEN. I shall be glad to have that done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and that order will be made.

The amendments submitted by Mr. PENROSE are as follows:

Add as a new section at the end of the bill the following:

"SEC. 22. That all laws and parts of laws repealed by the provisions of an act entitled 'An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes,' approved February 8, 1894, be, and the same are hereby, reenacted, as follows:

"'SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls.

"'SEC. 2005. When under the authority of the constitution or laws of any State or the laws of any Territory any act is required to be done as a prerequisite or qualification for voting, and by such constitution of laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote.

"'SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

"'SEC. 2007. Whenever under the authority of the constitution or laws of any State or the laws of any Territory any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty or receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had, in fact, performed such act.

"'SEC. 2008. Every judge, inspector, or other officer of election, whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen, upon the presentation by him of his affidavit, stating such offer and the time and place thereof and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action in the case, with costs, and such allowance for counsel fees as the court may deem just.

"'SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this title, who, by threats or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision shall forfeit the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

"'SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice President, Representative, or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States and secured herein.

"'SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are two citizens thereof, or whenever, in any county or parish in any congressional district, there are 10 citizens thereof of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish is situated their desire to have such registration or such election, or both, guarded and scrutinized, the judge, within not less than 10 days prior to the registration, if one there be, or, if no registration be required, within not less than 10 days prior to the election, shall open the circuit court at the most convenient point in the circuit.

"'SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

"'SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

"'SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof in his place such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made the district judge so designated shall perform and discharge in the place of the circuit judge all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

"'SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title.

"'SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists or either of them provided for in section 2026 and verify same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

"'SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry lists, and tallies or check books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept.

"'SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

"'SEC. 2019. The better to enable the supervisors of election to discharge their duties they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will in their judgment best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed.

"'SEC. 2020. When in any election district or voting precinct in any city or town, for which there has been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within 10 days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which

the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report the chief supervisors, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

"'SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application in writing of at least two citizens residing in such city or town, appoint special deputy marshals whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

"'SEC. 2022. The marshal and his general deputies shall keep the peace and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

"'SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

"'SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

"'SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial court, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed.

"'SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed.

"'SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of the Representatives or Delegates in the Congress of the United States, from time to time, and with all due diligence shall forward to the chief supervisor in and for their judicial district all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

"'SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

"'SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of 10 citizens, as provided in section 2011, shall have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

"'SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law prior to the 10th day of June, 1872.

"'SEC. 2031. There shall be allowed and paid to the chief supervisor for his services as such officer the following compensation, apart from and in excess of all fees allowed by law, for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, 10 cents; for affixing a seal to any paper, record, report, or instrument, 20 cents; for entering and indexing the records of his office, 15 cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, 15 cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election and each special deputy marshal who is appointed and performs his duty under the preceding provisions compensation at the rate of $5 per day for each day he is actually on duty, not exceeding 10 days; but no compensation shall be allowed in any case to supervisors of election, except to those appointed in cities or towns of 20,000 or more inhabitants; and the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

"'SEC. 5506. Every person who by any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

"'SEC. 5511. If at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any means, or such unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than $500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

"'SEC. 5512. If at any registration of voters for an election for Representative or Delegate in the Congress of the United States any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to register; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises, any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

"'SEC. 5513. Every registration made under the laws of any State or Territory for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, territorial, or municipal election.

"'SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient prima facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot.

"'SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States or of any State or Territory thereof, or who violates any duty so imposed, or who knowingly does any acts thereby unauthorized, with intent to affect any such election or the result thereof, or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate, or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Repre-

sentative or Delegate, or who neglects or refuses to make and return such certificate as required by law, or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any preceding section made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section 5510 (5511).

"'SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of such persons shall be punished by a fine of not less than $500 nor more $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

"'SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title "The elective franchise," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $200 and not more than $500, or by both fine and imprisonment, and shall pay the costs of prosecution.

"'SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned, hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

"'SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of title "The elective franchise," refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than 30 days, or by fine of not more than $100, or by both, and shall pay the costs of the prosecution.'"

—

Add at the end of the bill a new section, as follows:

"SEC. 23. That the chief supervisors of elections now in office, their successors, and such chief supervisors of elections as may hereafter be appointed under any law of the United States are charged in their respective judicial districts, and in such congressional districts the majority of the counties of which are within their judicial districts, and in congressional districts where the counties are equally divided in number between two judicial districts, or where they are within more than two judicial districts that chief supervisor of elections shall be charged with duty hereunder in whose judicial district there shall be situated the counties which by the last national census contained the greatest number of inhabitants, both in person and by and through the supervisors of election who may from time to time be appointed, with the supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws, and with the prevention of frauds and irregularities in naturalization.

"The words 'judicial district' where hereinafter used in this act or where found in any law of the United States relating to elections in connection with the duties, rights, and powers of chief supervisors of election shall be understood to refer to and to run throughout the jurisdiction in this section conferred.

"Any registration of voters held prior to or for any election, general or special, at which a Representative or Delegate in Congress is to be voted for, and any such election, shall be guarded, scrutinized, and supervised in the following mentioned and in the manner herein set forth:

"First. In any city or town having 20,000 inhabitants or upward, whether such city or town contains within its boundaries one or more congressional districts or is only a part of one or more congressional districts.

"Second. In any one or more counties or parishes in any congressional district and forming a part only of a congressional district.

"Third. In any entire congressional district no part of which is within any city or town of 20,000 inhabitants and upward, whenever the chief supervisor of elections for the judicial district in which either of the three above-mentioned places is situated shall have received from the first and third of such mentioned places an application or applications from 100 persons claiming to be citizens of the United States and residents and qualified voters in the city or town or in the congressional district above mentioned, or whenever he shall receive from the second of such above-described places an application or applications from 50 persons claiming to be citizens of the United States and residents and qualified voters in one or more of such counties or parishes petitioning that he will take such action as is requisite to secure such supervision therein as is provided by the laws of the United States. Every person applying for such supervision shall subscribe the same and state his place of residence.

"Every registration—preliminary or final—every revision of registration, every antecedent or subsequent act or thing incident to or connected with any system of registration of votes, and every plan, mode, or method of ascertaining who are legal voters which may be required under any State, Territorial, or local law or ordinance prior to the casting of ballots by electors who may desire to vote at any general or special election at which a Representative or Delegate in Congress is to be voted for, and every such election shall hereafter, each and both of them, be guarded, scrutinized, and supervised in the manner herein set forth.

"It shall be the duty of the chief supervisor of elections in each judicial district, in due and seasonable time, to inform a judge of the circuit court of the United States in his judicial district that he has business to present to such circuit court in respect to the next ensuing election, at which one or more Representatives or Delegates in Congress are to be voted for, whereupon it shall be the duty of such circuit judge, and he is required within 10 days thereafter to open, or cause to be opened, the circuit court at the most convenient place in such judicial district for the purpose of transacting all such business pertaining to registration or election matters as may, under the laws of the United States, there be transacted and done.

"The court when so opened shall be always open for the transaction of such business until the second day succeeding the election; and the powers and jurisdiction granted and conferred shall be exercised as well in vacation as in term time, and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of preserving order and of punishing any contempt of his authority as when sitting in court. The circuit judge whom a chief supervisor shall have so informed of the receipt by him of any such petition for supervision shall personally perform and discharge all the duties devolved upon a circuit judge by any law of the United States relating to elections, save where, from any cause, he may be temporarily unable at any time to perform and discharge such duties, in which event he shall assign, in writing, to the performance thereof, in his place, such one or more of the judges of any of the district courts within that State in which the place for which supervision is sought is situated as he may deem best, and he may, from time to time, when necessary, revoke in writing any assignment made by him and, in writing, make a new assignment, or may, in writing, renew any assignment previously made and subsequently revoked; upon any such assignment being made the district judge or judges so assigned shall, during such time as the inability of the circuit judge to act shall continue, possess all of the powers and discharge all the duties devolved by law upon such circuit judge under any law of the United States relating to elections.

"Any male citizen of the United States of good character, a resident and qualified voter in the city or town, county or parish, or in the congressional district in which shall be situated the place in which he is to discharge his duties, and who can read and write the English language, may, at any time between the close of one congressional election and the holding of the next succeeding election at which an election for Representatives or Delegates in Congress is by law required to be held, or at which a special election is ordered to fill a vacancy, apply over his own signature on such blank form as the chief supervisor may prescribe to be appointed a supervisor of election.

"Whoever shall, in any such application, make any false or fraudulent statement, or shall sign thereto, or to any petition provided for in section 2 of this act, any false, fictitious, assumed, or forged name, shall be ineligible for appointment as a supervisor, liable to arrest, and, upon conviction, shall be punished by a fine of not more than $300, or by imprisonment in a county jail for not more than six months, or by both such fine and imprisonment.

"Supervisors of election shall be appointed in the following manner, namely:

"The chief supervisor of elections in any judicial district who has received any petition provided for in section 2 of this act shall thereafter, from time to time, prepare, present, and certify to such circuit court lists of persons whom he shall believe to be eligible for appointment as supervisors of election in the place or places for which petitions for supervision have been received; in preparing such lists the chief supervisor shall not be confined to the applications he may have received, and lists may be presented for each place from which a petition for the supervision of the registration or the election shall have been received, until the court shall have appointed such number as the chief supervisor shall believe to be sufficient to enable him to properly provide for the filling of all election districts or voting precincts within his jurisdiction and the filling of all vacancies which may from any cause be created or arise, which number shall not, however, be less than double the whole number of supervisors which each such city or town, county or parish, or entire congressional district is entitled to the services of. From the appointments so made the chief supervisor shall, from time to time, select for duty, and shall designate and assign for each election district or voting precinct in any such city or town, county or parish, or entire congressional district as they shall have been appointed for, three persons, but two of whom shall be of the same political party; from the three persons so assigned but two of them, who shall be of different political faith, shall be required to perform and discharge any duty prior to the day of election. The appointment of any supervisor of election may be at any time revoked or renewed by the circuit court, and every list of eligible persons presented to such court for appointment as supervisors of election shall, after action thereon by the court, be filed in the office of the chief supervisor of elections, who shall cause the same to be fully entered of record therein in index and tabular form for future reference.

"The chief supervisor of elections in each judicial district shall cause each person appointed a supervisor of election and duly assigned to duty to be notified by mail at his place of business or residence of his appointment and assignment; and thereupon it shall be the duty of every such person to appear at the time and place designated in such notice for the purpose of qualifying. All resignations of supervisors of election must be made in writing and addressed to the chief supervisor, and no resignation shall relieve or excuse any supervisor of election from service until the chief supervisor shall have notified him that his resignation will be recommended to the circuit court for acceptance, and that he is excused from further duty. The chief supervisor of elections may at any time transfer any supervisor from service in one election district to another in the same city or town, in the same county or parish, or in the same congressional district, and upon any day other than a day of registration, revision of registration, or of election may transfer any supervisor to any other duty authorized by the laws of the United States; he may relieve and suspend from duty any supervisor of election who shall fail, neglect, or refuse to perform or discharge his duties, or who shall be found incompetent, or to have made any false

or fraudulent statement to secure his appointment, or whose habits shall be deemed prejudicial to a faithful and correct performance of his duties, or whose integrity he shall have reason to doubt, and may detail and assign to the place of any such suspended supervisor, or of any supervisor whose written resignation he shall have received and recommended the acceptance of, another unassigned appointee of the court, of the same political faith, to fill the vacancy so caused; supervisors who have been suspended from duty shall be reported to the court for removal from office. The chief supervisor of elections shall issue to each person appointed a supervisor of election and duly assigned to duty, and who shall have qualified, a certificate under his hand and seal, setting forth his appointment and the election district or other place to which he has been assigned. He shall also designate one of the two supervisors of election assigned to duty in any election district to serve as chairman of the supervisors, and one of the other supervisors to act as chairman during the absence, from any cause, of the chairman, and may revoke any such designations and make others.

"The supervisors of election duly appointed and assigned to duty are hereby declared to be election officers of the United States, but only such supervisors of election shall be entitled to compensation as shall, under the detail or assignment of the chief supervisor of elections, actually do duty, and the term of office of every supervisor of elections, unless sooner terminated by removal or resignation as in this act provided, shall run for and during the period of two months from and after the day of election.

"The supervisors of election appointed under this act who shall have duly qualified and been assigned to duty are, and each of them is, subject to the instructions, directions, and detail of the chief supervisor of elections, charged with the enforcement of the election laws of the United States in that portion of the State or Territory in which is situated the election district, voting precinct, or other place where their or his duty is to be performed under such instructions and detail; they are, and each of them is, authorized and required, subject to the same instructions, directions, and detail, to perform and discharge at any election, general or special, at which a Representative or Delegate in Congress is to be voted for, all the duties now imposed by law upon such officers in cities or towns having 20,000 inhabitants and upward, save where such duties are herein specifically limited to cities or towns containing a designated population, and shall also perform and discharge the following duties:

"First. To attend at all times and places fixed for the registration of voters and at all times and places fixed for any revision of any such registration or for the adding of any name or names to any registration book, list, or roll, or for the striking off or dropping from any such book, list, or roll of the name of any registered person, or for the hearing, passing upon, or deciding of any question as to the right of any person to be registered, to remain upon the registry, or to have his name changed from one registry book, list, or roll to another, whether in the same city, town, county, congressional district, or other place in the State or Territory.

"Second. To challenge the right to register of any person offering himself for registration; also the right of any person found upon any registry book, list, or roll to be or remain thereon, and to require of any officer in charge, or who has the custody of any such registry book or list, to mark the name of any person found thereon for challenge.

"Third. To personally inspect, examine, and scrutinize, at any time, when so directed by the chief supervisor of elections, the original books, rolls, or lists of any registration system which does not require, prior to each election, the personal appearance of all the electors, for the purpose of being registered, and all other or subsequent books, rolls, lists, applications, appeals, decisions, or other papers of any kind or character connected with the making of the original registration books, rolls, or lists, with the addition thereto or with the dropping or striking therefrom of any name or names, and to make a full, complete, and perfect copy of said book or books, roll or rolls, list or lists, and of all papers which in any manner relate to or affect the registry of any person to be or not to be upon the registration books, rolls, or lists.

"Fourth. To attend at all times and places where the electors are required to personally register prior to or for any such election, and to make and keep as full and complete a return of the registration of those persons who may apply for registration, or who may be registered, as is required of State, Territorial, or local election officers serving in the same election districts, and to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting all ballots cast at any such election.

"Fifth. To personally inspect and scrutinize the manner in which all registry books, check lists, poll lists, tallies, returns, voting lists, are, and every other paper connected with the registration or voting is, being kept, and where, in their or his opinion, it is necessary for purposes of identification, or where directed by the chief supervisor of elections, to affix his signature to each and every page of the original registration book, roll, or list, and to each and every copy of the said original book, roll, or list made for use, or kept or used, in his election district by any State, Territorial, or local election officer or officers, at such times upon each day when any name may or shall be received, entered, or registered, or may be stricken or dropped from any such original book, roll, or list or any copy thereof, and in such manner as will, in his judgment, detect and expose the improper or wrongful removal therefrom or addition thereto in any manner of any name or names.

"Sixth. To verify, in cities or towns having 5,000 inhabitants or upward, by proper inquiry and examination at the respective places assigned by or to those registered as their residences all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor.

"Seventh. To require the statutory oath or oaths to be immediately put to any voter whose right to vote shall be challenged, and in case the State, Territorial, or local election officers shall neglect or refuse to immediately put such oath or oaths, and to at once pass upon the qualifications of any such challenged person, then it shall be the duty of the chairman of the supervisors, or in his absence the duty of either of his associates who may be present, to, without delay, put such oath or oaths, whereupon the supervisors of election present shall promptly pass upon the qualifications of such person. If the State, Territorial, or local election officers shall have acted as provided herein and decided the challenged person to be a qualified voter, or if acting hereunder the supervisors of election shall have so decided, then and in that event it shall be the duty of the State, Territorial, or local election officers who shall have so decided, or if they did not act hereunder and the supervisors of election did, then it shall be the duty of the supervisors of election who did so act and so decide to receive the vote of such challenged person and to deposit it in the ballot box provided for votes cast for a Representative or Delegate in Congress. It shall be the duty of every supervisor of election to make and keep in his record or return of the registration in the back of the poll book or list, or in some other book, a record of all challenged persons and of the challengers.

"Eighth. To personally examine and inspect on the morning of the day of any election at which a Representative or Delegate in Congress is to be voted for, and before any ballot shall be deposited by any officer or elector in any box intended to receive any ballots for any office whatsoever, the interior of each and every box, whatever ballots it may be intended to deposit therein, for the purpose of ascertaining that at that time there are no ballots for any candidate for such office of Representative or Delegate in Congress therein.

"Ninth. To make and keep on the day of election a poll list of all persons voting at such election. Such poll list, if there be a registration, shall be kept by such one or more of the supervisors as shall be designated by the chief supervisor in the book containing the supervisor's return of the registration by proper marks showing who has voted. If there be no registration the supervisors of election, or that one or more of them who shall be designated by the chief supervisor of election, shall keep a poll list, in which he shall enter the name and residence of the person voting, and his number in the order of his voting; to also make and keep in said poll books a separate list of rejected voters, in which shall be entered the name and residence of each person whose vote shall be rejected by the State, Territorial, or local election officers, and the reasons given for each such rejection; all such ballots of rejected voters, if tendered to the supervisors of election, shall be received by them; the name of the person tendering the same shall be written on the back thereof, and all such ballots so received shall be placed in a suitable envelope prepared for that purpose.

"Tenth. To make, certify, and forward, as in this act provided, all such statements, certificates, and returns of the canvass of the votes cast in his election district or voting precinct as are specially provided for herein, and such others as the chief supervisor of elections shall in accordance with now-existing laws direct and require.

"Eleventh. To make, in any city or town having 20,000 inhabitants or upward, at any time between the Tuesday five weeks preceding the day of any election at which a Representative or Delegate in Congress is to be voted for and the day of election, a thorough and effective house-to-house canvass of the whole or any portion of any election district or voting precinct which they shall be directed by the chief supervisor of elections to visit and canvass; to ascertain by inquiry at any dwelling, building, or other place of abode in any such election district or voting precinct which they may be required to so canvass the name, age, nativity, term of residence in country, State, city, county, parish, district, or precinct, and other qualifications as a voter of every male person therein residing; to make full report, in writing, to the chief supervisor of elections of all answers and information obtained by them in response to their inquiries so made, and upon the completion of their work to file their reports with said chief supervisor.

"Twelfth. To make, in any city or town having 20,000 inhabitants or upward, when required by the chief supervisor, a list of all such persons as shall be naturalized in any court therein, the date of their naturalization, whether as a minor or otherwise, with the residence of such persons, their place of nativity, and the name and residence of their witness, and for such purpose shall have at all times access to and the right to examine the original affidavits or applications presented or which have been presented to said courts and there filed. Such lists so made shall be filed in the office of the chief supervisor.

"Thirteenth. To inform all voters who may inquire of them in what box any of their ballots should properly be placed and to prevent, as far as possible, the depositing of any ballot in the wrong box.

"Fourteenth. To observe and scrutinize the manner in which naturalizations are being made and to aid the court in the matter of preventing fraudulent naturalizations, and for these purposes to have at all times free access to all rooms where such proceedings are being conducted.

"The provisions of this subdivision to apply only to such discreet or special supervisors as shall, from time to time, be directed and detailed by the chief supervisor of elections for this particular duty, in cities or towns having 20,000 inhabitants and upward, save that when a chief supervisor of elections shall have reason to believe that actual fraud or perjury has been, is being, or is about to be committed in the matter of naturalization in any particular city, town, village, or other place having less than 20,000 inhabitants, he shall take measures to ascertain the facts and expose and prevent the same, and in so doing may detail such supervisors of election as he may select to aid him therein, and such supervisors shall have all the power and authority conferred upon supervisors in cities of 20,000 inhabitants and upward.

"Hereafter all votes cast for the office of Representative or Delegate in Congress shall be counted, canvassed, certified, and returned in the manner hereinafter provided, and any State, Territorial, or municipal law or ordinance in so far as it conflicts herewith is hereby annulled.

"It shall be the duty of the State, Territorial, or local election officers in each election district or voting precinct in the United States whose duties are similar to those who are generally known as inspectors of election or as canvassers, and who will hereafter be referred to herein as inspectors of election, to count and canvass the ballots cast for such office in the manner provided by the laws of their respective States or Territories, as made to apply to the election district in which they are serving, save that in the below-mentioned particulars the methods herein set forth shall be followed, and no other.

"The counting of all such ballots shall be by tens and shall be begun and continued, as follows, until completed:

"The counting of such ballots shall begin by one of the inspectors of election counting out 10 ballots and carefully examining each name on each of said ballots. Such officer shall then pass the said 10 ballots as rapidly as counted by him to one of the supervisors of election, who shall count them in the same manner and pass them to another of the inspectors of election, who shall count them in the same manner and pass them to a third inspector of election, if there be one present, who shall count them in the same manner and pass them to the third supervisor of elections, who shall count them in the same manner and pass them to the fourth inspector of election, if there shall be one present. The chairman or acting chairman of the inspectors of election shall then call aloud the names of the persons contained in the ballots so counted and the office for which each person named therein is designated, and the poll clerks, or the State, Territorial, or local election officers answering thereto, who will be hereafter designated herein as poll clerks, shall tally the votes for each of said persons. The chairman or acting chairman of the supervisors shall then call aloud the names of the persons contained in the ballots so counted and the office for which each person named therein is designated, and each of the supervisors

of election shall tally the votes for each of such persons. When the counting of all ballots found in the congressional box for any one candidate shall be wholly completed, the poll clerks and the supervisors of election shall compare their tallies, the poll clerks with each other and the supervisors of election with each other, and then the poll clerks with the supervisors of election, and they shall ascertain the total number of ballots for the candidate so canvassed, and when it shall appear that the poll clerks and the supervisors of election both agree upon the number one of the inspectors shall announce the result in a loud voice; if the poll clerks and the supervisors of election can not agree as to the number, then the chairman or acting chairman of the inspectors of election shall in a loud voice announce the result which the poll clerks have reached, and the chairman or acting chairman of the supervisors of election shall announce the result which the United States officers have arrived at. The ballots of each candidate shall be canvassed in succession in the same manner, but the ballots containing names partly from one kind of ballots and partly from another, being those usually called 'split tickets' and those from which the name of a person proper to be voted for on such ballots has been omitted or erased, usually called 'scratched tickets,' shall then be canvassed separately by one of the inspectors of election and one of the supervisors of election, sitting between the other inspectors of election on the one side and the other supervisors of election on the other side; the inspector of election shall then call off each name and the office for which it is designated to the poll clerks, and shall then pass each ballot to the supervisor of election, who shall call off each name and the office for which it is designated to his associate supervisors. The poll clerks and the supervisors of election to whom any such ballots shall be called off shall at once make a note of the same, and when all the ballots found in the congressional box which contain a vote for a Representative or Delegate in Congress have been canvassed in the manner herein provided for, the poll clerks shall compare their tallies together and the two sets of officers shall then compare their tallies each with the other, and if they agree upon the numbers the chairman or acting chairman of the inspectors of election shall announce in a loud voice the number of votes received by each candidate on 'straight ballots,' the number received by him on the 'split' and 'scratched' ballots, and the total number of votes received by him as found in that box; if the poll clerks and the supervisors of election do not agree upon the number of ballots, then an announcement of that fact shall be made by the chairman or acting chairman of the inspectors of election and by the chairman or acting chairman of the supervisors of election, each of whom shall also announce the number of votes received by each candidate in the same manner as is provided herein in case of a failure of the poll clerks and supervisors of election to agree as to the total number of ballots received by a candidate.

"No certificate, statement, or return of the final result of the count and canvass of the votes cast for a Representative or Delegate in Congress shall be written upon, filled up, or signed by any election officer, National, State, Territorial, or local, or by any person whomsoever until the final count of all ballots cast for every other office than that of Representative or Delegate in Congress shall have been wholly completed by all persons authorized by law to count the same and the certificates, statements, and returns of the result thereof shall have been wholly made out and completed. If, during the count and canvass of the ballots contained in any box other than that intended for the reception of ballots for the office of Representative or Delegate in Congress, there shall be found any ballot or ballots for the office of Representative or Delegate in Congress it shall be the duty of the chairman or acting chairman of the inspectors of election to count the number of such ballots so found and then to deliver them to the chairman or acting chairman of the supervisors of election, who shall count them and immediately place them in an envelope and seal them up, marking upon the outside of the envelope the number of ballots so placed therein and the box from which they were taken.

"If at any time the whole number of ballots found in any box intended for the reception of ballots cast for the office of Representative or Delegate in Congress which properly belong therein shall exceed the total number of persons who shall have voted that day in the election district, then in such case it shall be the duty of the chairman or acting chairman of the inspectors of election and of the chairman or acting chairman of the supervisors of election to place in the said congressional box all the ballots found to have been cast therein for the office of Representative or Delegate in Congress, and to thoroughly mingle the same when, if such excess shall be but one ballot, one of the inspectors of election, and if such excess shall exceed one ballot, then one of the inspectors of election and one of the supervisors of election shall be blindfolded and placed with his back or their backs to the said box, from which they shall publicly draw so many ballots as shall be equal to the excess, which ballots shall be forthwith destroyed and the votes for the persons named in such withdrawn ballots shall be deducted from the votes entered for such persons on the tallies. Where the ballots drawn from any such box are to be drawn by an inspector of election and a supervisor of election, such drawing shall be done as follows: The first ballot shall be drawn by the inspector of election and the second ballot by the supervisor of election; all ballots drawn thereafter shall be drawn by each of said officers alternately.

"The canvass of the ballots as provided above shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received, and, the result being found, the inspectors of election shall make, in accordance with the provisions of the State, Territorial, or local laws under which they are serving as such officers, save where the same may be modified herein, all such statements, certificates, or returns as under such laws they are required to make; and the supervisors of election shall make duplicate statements of the result of the canvass, and any State, Territorial, or municipal law or ordinance to the contrary notwithstanding; they shall securely paste or attach to each of said statements of such canvass, which statements shall be respectively numbered 1 and 2, one ballot of each kind, size, style, or form found to have been cast for each candidate for the office of Representative or Delegate in Congress, and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond as to kind, size, style, or form with the one so pasted or attached, so that one of each kind, size, style, or form of the ballots received at such election for such officers shall be pasted or attached to such statement and certificate of such canvass. If only one ballot of any kind shall be found in the boxes it shall be pasted or attached to statement No. 1, and if only two ballots of one kind are found in the boxes one shall be pasted or attached to each statement. They shall also paste or attach to statement No. 1, or shall securely seal up and forward with such statement, all the ballots containing the name of any candidate for Representative or Delegate in Congress which shall have been rejected either by the inspectors of election or by the supervisors of election as being in whole or in part defective. Each such ballot shall have written across the back thereof, before being inclosed, a statement showing by whom it was rejected, and each of the duplicate statements shall show the whole number of votes given for each person for the office of Representative or Delegate in Congress, which statement shall be written or partly written and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects; such certificate and each sheet of paper forming part of the statement shall be subscribed by each of the supervisors of election present. If any supervisor of election desires, after subscribing the same, to say anything touching the statement so subscribed by him, he shall be at liberty to do so, but he must immediately put the same in writing, in duplicate, and one copy thereof shall be inclosed with each statement so subscribed by him.

"When the inspectors of election shall have completed such statements, certificates, or returns of their count and canvass of all such ballots cast for the office of Representative or Delegate in Congress as under the provisions of this act they are required to count and canvass—which certificates, statements, or returns shall be made in accordance with the provisions of the State, Territorial, or local election law applicable in the election district or voting precinct in which they are serving, save that any State, Territorial, or municipal law or ordinance to the contrary notwithstanding, they shall show the whole number of ballots cast and canvassed for such office, and the whole number of ballots cast for each person for such office, and make separate return of all votes cast for Representative or Delegate in Congress found in boxes other than the congressional box; it shall be their duty to compare each of such statements, certificates, or returns with the other; when the supervisors of election shall have completed their statements and certificates of all such ballots as herein provided, it shall be their duty to compare each with the other, and then the said inspectors of election and the said supervisors of election shall compare each class of officers with the other class the result set forth in their respective certificates and statements.

"If differences shall be found to exist in the facts stated in said two sets of statements and certificates so compared the supervisors of election shall make a signed memorandum of the differences and attach the same to or inclose the same with their statement No. 1. The statements, certificates, or returns of the inspectors of election shall then be disposed of as provided by the State, Territorial, or local laws governing their action in the matter, and the statements and certificates of the supervisors of election shall be disposed of in the following manner:

"Each of such duplicate statements and certificates shall be inclosed in an envelope, which then shall be securely sealed, and each of the supervisors of election shall then write his name, official position, and home address across every fold at which each envelope, if unfastened, could be opened. The envelope containing statements and certificates No. 1 shall then be directed on the outside to the chief supervisor of elections, under whom the supervisors of election who made the statements or certificates so inclosed shall be serving. The envelope containing statement and certificate No. 2 shall be directed to the clerk of the United States circuit court for the same judicial district as that which the chief supervisor, to whom statement and certificate No. 1 is sent, represents. The tallies of the supervisors of election shall also be inclosed in another enevelope, which shall be securely sealed, similarly signed across each fold, and directed to the same chief supervisor of elections. All such sealed envelopes must then be taken by the supervisors of election, or such one or more of them as shall be designated by the chief supervisor of elections, and at the earliest moment thereafter, and within 24 hours from the close of the canvass of the ballots, must be deposited in the mail.

"It shall be the duty of each of the officers to whom, by the laws of the United States, any statements, certificates, tallies, or other papers or documents mentioned in the preceding section shall be addressed to receive and carefully preserve all such envelopes, papers, and documents. The one forwarded the clerk of the circuit court of the United States in any judicial district shall not be opened until such time and place as the same may be lawfully opened. The envelopes addressed to the chief supervisor of elections and received by him shall be at once opened upon their receipt, and the papers therein contained, together with the envelopes, shall be together preserved and filed. From the papers so received the chief supervisor shall tabulate, for presentation and reference to the United States board of canvassers of the congressional vote, the results as they appear therefrom in each congressional district under his jurisdiction in which this act has been enforced.

"If any one or more of the supervisors of election assigned for service in any election district shall from any cause at any time be absent or unable to perform and discharge any duty imposed upon him by the laws of the United States, his or their place shall, if possible, be at once filled by the chief supervisor of elections as provided by law, but, until it shall be so filled by another supervisor or other supervisors, all the duties imposed or required by law to be performed by the supervisors of election shall devolve upon and be performed by such one or more supervisors as are present at such election district or voting precinct, and such supervisor or supervisors shall at the time, if possible, report any absentee, and if not possible then so to do then immediately after the close of the canvass of votes he or they shall make and sign a report as to such absentee or absentees and the hours of their absence and inclose it with their tallies to the chief supervisor of elections.

"If in any election district or voting precinct, where supervisors of election have been appointed as provided in this act, no polls shall be opened as required by the laws of the State within one hour from the time such polls should be opened, then it shall be the duty of the supervisors present to open the polls for the reception of ballots for Representative or Delegate in Congress only. They shall conduct said election as provided by the laws of the State in which the election is held, save where the same are modified, annulled, or changed by the laws of the United States, and shall make, in addition to the statements and certificates required by the laws of the United States, such number of statements, certificates, or returns of the count and canvass of all such ballots as are by the State or Territorial election laws required, and such returns shall be made to such authorities as are provided in such State or Territorial laws. The returns so made under State or Territorial laws shall each be accompanied by a statement of the circumstances under which such election was held, and the returns so made shall be received, tabulated, canvassed, and certified and declared by the proper local, State, or Territorial authorities the same as if the election had been held and conducted by the State, Territorial, or local election officers.

"It shall be the duty of each chief supervisor of election, on or before the 1st day of September next following the passage of this act, to cause a judge of the circuit court of the United States in his judicial district to be informed in writing that it is necessary that the circuit court should be opened for the purpose of complying with the provisions of this section.

"It shall be the duty of the circuit judge who shall be so informed, on or before the 1st day of October next following the date of any communication containing such information, to personally open and hold a circuit court of the United States in such judicial district in such one of the States comprising his judicial circuit as shall be most convenient to him, and within 10 days thereafter the said circuit court, so held by said circuit judge, shall, for each State within the said judicial circuit, appoint three persons of good standing and repute, citizens of the United States and citizens and residents of the State for which they shall be appointed, who shall be known as the United States board of canvassers of the congressional vote within and for the State for which they shall be appointed; one of said three persons shall, when appointed, be named as chairman of the board. Such persons shall be sworn to the faithful performance of their duty and to support and defend the Constitution of the United States. They shall each hold their office so long as faithful and capable, and not more than two of them shall belong to the same political party; they shall each receive a salary of $15 a day for each day actually employed in the work of canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress and a further sum of $5 per day for their personal expenses. They shall have a seal and may appoint a clerk, who shall receive $12 a day for his services and expenses while actually in attendance upon said board. As a board it shall be the duty of such appointees of the said circuit court to convene on the 15th day of November of each even year, unless the same shall fall upon Sunday, when they shall convene on the following day. In case of a special election they shall convene one week from the day of such special election. They shall so convene at such place in their State as shall be most convenient for them, which place must, however, be a place where a term of the circuit court of the United States is by law regularly held, and there proceed to finally canvass and tabulate the votes which shall have been stated and certified as cast for Representative or Delegate in Congress in each congressional district in their State in and throughout which this act shall have been enforced, and not elsewhere, and shall declare and certify the result of the election thereof in each such district.

"For the purposes aforesaid they shall use the statements and certificates and such accompanying papers, if any, as shall have been forwarded to the clerk of the circuit court of the United States in the several judicial districts in their State, and the same shall be, by such officers, produced before the said board for such purpose; when opened by the chairman or acting chairman of the said board he shall mark each separate sheet of each such statement and certificate as shall be contained therein with the initials of his name. The said board may also require the production before it of such certificates and statements and such accompanying papers and tallies filed with the several chief supervisors of elections in the same judicial districts as shall be necessary, for examination and comparison by said board, where it shall appear by a comparison of the tabulated returns furnished for their inspection and reference by such chief supervisors, as provided in this act, with the statements and certificates filed with the several clerks of the circuit courts, that there are discrepancies or errors existing. It shall also be authorized and empowered to summon and compel the attendance before it of the supervisors of election who served on election day in any election district in and from which there shall be found to exist incomplete, imperfect, or inconsistent certificates and statements, and to examine such officers for the purpose of ascertaining whether such certificates and statements are imperfect or inconsistent and of arriving at the facts. Any supervisor of election who shall fail, neglect, or refuse, without good and sufficient excuse, to obey any summons of said board to so attend at the time and place required therein, shall be liable to arrest, and upon conviction shall be punished by a fine of not more than $500, or by imprisonment for not more than one year, or by both such fine and imprisonment. The marshal of the United States in the judicial district in which any such board of canvassers shall be convened shall detail one of his deputies to attend its sessions and preserve order thereat. Such marshal shall, by his deputies, serve all summonses of said board.

"The determination arrived at and stated in the declarations and certificates of any such United States board of canvassers shall, as to each such congressional district, be at once made public, and the declaration and certificate for each congressional district shall be made in triplicate, be signed by each member of the board, and have affixed thereto the seal of said board; one shall be filed in the office of the chief supervisor of elections, under whose supervision the congressional district covered by it was, together with all the papers and documents used, or which might by law be used, before such board for the purpose of ascertaining, declaring, and certifying the result in said congressional district; another shall be forwarded by mail to the person found by them to have been elected, addressed to him at his place of residence; the third copy shall be similarly forwarded to the Clerk of the House of Representatives of the United States at Washington. In case no person be found duly elected in any district a certificate of that fact shall be made by said board in triplicate, under their hands and seals, and forwarded as follows: One to the governor of the State, another to the Clerk of the House of Representatives, and the third to the proper chief supervisor of elections.

"The final declaration and certificate of said board as to the result in each and every congressional district shall be completed and transmitted to the Clerk of the House of Representatives as soon as practicable, and in no event later than the last day of the month in which by law said board is to convene.

"Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elect the name of any person entitled to be placed thereon as provided by the laws of the United States, shall be liable to arrest, and upon conviction of such neglect, failure, or refusal, shall be punished by a fine not less than $1,000 nor more than $5,000, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

"The Attorney General of the United States shall seasonably before every election cause to be prepared and furnished all such blanks and forms as may be needed for the complete performance of their duties by the United States boards of canvassers of the congressional vote in this act provided for and shall furnish and supply the same to them; the accounts for such compensation and expenses as are provided by law for the members of the United States boards of canvassers of the congressional vote, and for the clerk of any such board, shall be, by the accounting officers of the Treasury, allowed and paid each such member and clerk, upon his oath as to his days of service and the certificate of the chairman of any such board as to the correctness of the account of any member or clerk of that board of which he shall be chairman; such allowance and payment shall be made from the permanent appropriation therefor provided by law.

"Any United States board of canvassers appointed under the provisions of this act for any State may in all cases act by a majority of its members, but in case either of them dissents from any decision, act, or certificate of his associates he may annex a certificate of such dissent and of his reasons therefor to each of the triplicate certificates and declarations of said board, and the same shall be transmitted therewith.

"Supervisors of election in any city or town having 20,000 inhabitants or upward shall be entitled to compensation for not more than 12 days; in such other places in which there is a registration for not more than six days, and where there is no registration for not more than three days; within such limits there shall be allowed and paid them, in any city or town having 100,000 inhabitants or upward, $5 per day for each day of actual service other than the day of election, and for election day $10, and in all other places for each day of actual service $5 per day. Special deputy marshals shall be allowed and paid for each day of actual service, not exceeding eight days, the sum of $5 per day. The chief supervisor of elections may require from each supervisor of election a written report of the day or days upon which he served, which report shall be filed in his office and shall be compared with such other records relating thereto as shall be found therein; the result of the comparison so made shall be the basis of the chief supervisor's certificate as to the period of service of the several supervisors of election. The marshal of the United States in any judicial district who shall appoint any special deputy marshals shall require of each of them a similar report of the day or days upon which he served; he shall pay all supervisors of election and special deputy marshals in his judicial district upon their oath as to their service, and his accounts for all such payments shall be presented, examined, and certified as now provided by law. Every supervisor of election who shall have faithfully performed his duty as such officer shall be exempt from all jury duty in the United States courts in the judicial district in which he served for the period of one year from the date of his qualification as a supervisor; but no supervisor of election and no special deputy marshal who shall fail to fully perform and discharge each day, when on duty, all the duties required of him shall be entitled to pay for any day when he shall have so failed.

"No person shall be appointed a special deputy marshal who shall not be able to read and write the English language. Special deputy marshals, when required by the chief supervisor of elections, shall aid and assist the supervisors of elections in making the house canvass provided for in this act; the number of special deputy marshals who may under any provision of law be appointed for election purposes shall be determined from time to time at conferences between the marshal and the chief supervisor of elections, and no other or greater number of special deputies shall be appointed than the chief supervisor of election shall from time to time certify to be, in his opinion, necessary to observe the manner in which the election officers are discharging their duties to enforce the election laws of the United States and to prevent frauds and irregularities in naturalization. In the making of assignments of such special deputy marshals as shall be appointed the marshal shall be governed by the request of the chief supervisor of elections, and it is further made the duty of the special deputy marshals, and each of them is hereby required, if directed by the chief supervisor of elections, to take charge of such returns of the canvass of the votes found in any box which under existing law the chief supervisor may require to be made to him by the supervisors of election as rapidly as the canvass of each box is completed and the returns thereof are made out and signed by the supervisors, and to at once, in such manner and at such place as the chief supervisor shall direct, safely deliver to him all such returns so intrusted to their care and custody; one-third of the special deputy marshals appointed in any authorized place must and shall be taken and named from such lists of persons as shall be forwarded the marshal by the chief supervisor of elections, and the office of every chief supervisor of elections shall be in the city, town, or other place in which he resides, and if therein there shall be a public building, the property of the United States, it is hereby made the duty of the Secretary of the Treasury to assign to the use of such officer such necessary rooms therein as shall not be needed and occupied by the courts of the United States, the judges and clerks thereof, the district attorney, the marshal of the United States, and the post office—to the exclusion of all other occupants; if the said Secretary shall not be able in any such city, town, or other place so to assign the necessary rooms for the use and occupancy of any such chief supervisor of elections in such building, then, and in that event, he shall assign him therein room at least sufficient for his use as a record room, and shall fit the same up in a suitable manner for such use and shall then hire and furnish for him the necessary and requisite rooms for his office and working use in such other building in said city as may be selected by said chief supervisor and agreed to by the Secretary of the Treasury, and the annual rent of such rooms so hired and the cost of furnishing the same shall be paid by the said Secretary from the Treasury of the United States from the permanent appropriation provided by law therefor; and the same action as to hiring and furnishing offices for a chief supervisor shall be had and taken in any such city, town, or other place of residence of a chief supervisor in which

there shall be no public building, the property of the United States, and a portion of which shall be occupied by the courts or the post office.

"The chief supervisor of elections in any judicial district shall prepare and furnish all blank applications for the use of those who may desire to be appointed supervisors of election, blank lists for use in presenting the names of eligible persons to the circuit court, envelopes and stationery for his office use and for the use of the supervisors of election, and all blanks, forms, books, certificates, reports, statements, returns, and instructions necessary for his own use or the use and direction of the supervisors of election within his jurisdiction or the use of the special deputy marshals, when aiding the supervisors of elections as herein required or provided for; also all such maps of congressional and election district boundaries in cities of 20,000 inhabitants or upward as may be necessary for his own use or the use of the supervisors of election, and such county and other maps as he may need for his guidance in dealing with official matters within his jurisdiction; he shall file all applications for appointment as supervisors of elections, all oaths of office of supervisors of election and special deputy marshals, all returns of the canvass of votes, all reports, and all statements and certificates of the canvass of votes, all tally sheets, poll lists, and all other papers contemplated, allowed, or made requisite by the provisions of this act, together with all letters and telegrams received by him in his official capacity relating to election matters; he shall keep and file copies of his official letters and telegrams sent upon the same matters.

"Upon the passage of this act the term of office of any chief supervisor of elections, who shall also be a clerk of either the circuit or district court, or both, in any judicial district, shall at once cease and determine, and thereafter no person shall be appointed a chief supervisor of elections who is, nor shall any person hold the office of chief supervisor of elections who shall, be appointed a clerk or deputy clerk of any circuit or district court of the United States; and in any judicial district in and for which no chief supervisor of election shall have heretofore been appointed, or in which there shall, any time after the passage of this act, be a vacancy in such office, it shall be the duty of the circuit court therein to appoint from among the circuit court commissioners one of such officers the chief supervisor of elections in and for the judicial district for which he is a commissioner; and each such chief supervisor of elections and each chief supervisor of elections now in office and not disqualified or removed by the provisions of this act shall, so long as faithful and capable, hold such office and perform and discharge the duties imposed upon him by any law of the United States.

"It shall be the duty of each chief supervisor of elections, within not less than 14 days of the day of election, to forward to the marshal of the United States in his judicial district an estimate of such amount of money as will cover the pay of the supervisors of election for their services. Such estimate shall be immediately forwarded by the marshal to the Attorney General of the United States, whose duty it shall be, without delay, and before the day of election, to cause to be deposited in a subtreasury or in a Government depository in the judicial district from which the estimate shall be sent, to the credit of the marshal of the United States for said district, the sum of money so estimated to be required. Such money so deposited shall, with all possible promptness and dispatch, and within not exceeding 20 days after the day of election, be paid by the marshal to the supervisors of election in such sums as shall be shown by the certificate of the chief supervisor of elections to be due them. Such certificate shall be attached to a pay roll, which shall include as far as practicable, at the time made, the names of all the supervisors who served and the days of such service, and a duplicate of such certificate and pay roll shall be filed in the office of the chief supervisor. Any chief supervisor of elections may at any time and from time to time subsequent to the making of the estimate hereinabove provided for make a further estimate, if the preceding one shall be found not to be sufficient, and it shall be similarly forwarded, similarly treated, and as near as may be as to time similarly disbursed. Payments to supervisors of election shall, in each instance, be made by check drawn to the order of the supervisor of election to whom the sum called for is due and payable.

"All notices, lists, applications, appointments, oaths of office, returns of registry, reports, poll books or lists, tally sheets, returns of house canvass, verification reports, returns of the canvass of votes and also all statements and certificates of the canvass of all votes cast at any election at which a Representative or Delegate in Congress is voted for, and all other documents contemplated, authorized, or required under any law of the United States relating to elections to be made or kept by the chief supervisor of elections, by the supervisors of election, or the special deputy marshals, or which are authorized or required under any law of the United States to be filed with the chief supervisor of elections, are hereby made records of his office, and to the end that they may be preserved, both for reference and the most speedy use and service, they shall be fully entered of record in either index or tabular form, or both such forms of entering may together be employed in entering any record; but no entering of record of the reports of the house canvass provided for in this act shall extend beyond the block number and the number or name of the election and ward or assembly district, and the name and residence of those males who are shown to be 21 years of age and upward and who claim the right to vote; nor shall there be any entering of record of the contents of any statement and certificate of the supervisors of election originally filed with the clerk of the circuit court of the United States, and subsequently filed with the chief supervisor of elections by the United States board of canvassers in this act provided for, nor of the tallies of the supervisors of election, and the only entering of record which shall be made of the statements and certificates forwarded to the chief supervisor of elections under the provisions of this act shall be in tabular form. There shall be allowed and paid to the chief supervisor of elections for his services as such officer the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, application, oath of office, or other paper or document contemplated, authorized, or required to be filed with or by him, under any law of the United States, 10 cents; for affixing a seal to any certificate order of detail or assignment or any report required to be made by him under any law of the United States, 20 cents; for entering of record in such form as is by law provided by law the records of his office, 15 cents per folio; for arranging and transmitting to Congress any report, statement, return, record, or examination authorized or required by law to be so transmitted, and for tabulating and transmitting to the proper national board of canvassers of the congressional vote such tables as by law he is authorized or required to so tabulate and transmit, 15 cents for each folio; for any copy thereof or of any paper on file in his office, a like sum; and there shall be allowed and refunded to him in his accounts upon the vouchers therefor all bills paid by him for the printing and furnishing of the various forms, blanks, certificates, instructions, books, maps, and record and index volumes required for his use or the use of the supervisors of election, or which may be authorized herein, together with all bills paid by him for envelopes or other stationery authorized or necessary to be purchased and for telegraph or telephone service, or both, but no chief supervisor of elections shall be entitled to any fee for drawing instructions to supervisors or for furnishing any copy thereof to any supervisor, but he shall prepare all such instructions and cause them to be printed and distributed.

"The chief supervisor of elections shall, in his capacity of circuit court commissioner, have full power and authority to administer the oaths of office and of service to supervisors of election and special deputy marshals, and such oaths shall be administered by him or by such one or more of the circuit court commissioners in his judicial district as he shall from time to time designate; and such commissioner or commissioners shall have full power and authority to administer all such oaths, and shall administer them, and there shall be allowed and paid by the accounting officers of the Treasury to any circuit court commissioner who shall, under the provisions of this section, administer such oaths of office, or of service, the sum of 10 cents for administering each such oath and 15 cents for certifying to the same; and every chief supervisor shall issue to each supervisor of elections who, under the provisions of this act, is exempted from jury duty a certificate under seal showing such service and exemption.

"The circuit court of the United States in any judicial district may, upon the request of the chief supervisor of elections, appoint such one of the circuit court commissioners as such chief supervisor shall designate, unless there be some good and substantial reason why such appointment should not be made, to be deputy chief supervisor of elections. Such deputy shall perform and discharge from time to time all such duties as shall be assigned him by the chief supervisor of elections, and shall, in the absence, illness, resignation, removal, or death of the chief supervisor, act in his place; the said circuit court may also, upon the request of the chief supervisor of elections in any such judicial district, appoint such person as the said chief supervisor of elections shall designate, unless there shall exist some good and substantial reason why such appointment should not be made, as chief clerk of the chief supervisor's office. Such chief clerk shall perform and discharge from time to time all such duties as shall be assigned him by the chief supervisor or the deputy chief supervisor when acting as chief supervisor, and the compensation of such deputy chief supervisor and such chief clerk shall be such as shall be agreed upon between each such officer and the chief supervisor of elections and shall be borne by the chief supervisor.

"In the matter of the accounts of chief supervisors of elections, it is hereby provided that such accounts, both for services rendered and bills paid, may be rendered from time to time, either as a whole or in part, but when only partly rendered shall so state, and when made out shall be presented to either the circuit or district judge in the district in which the chief supervisor acts; they shall be sworn to before such judge, who shall have the right and authority to examine the chief supervisor under oath as to the work done, the accuracy of the count of such work, and the fees charged for the respective services; that after such examination and such inspection of the chief supervisor's office as the judge may deem necessary to make to satisfy himself that the work has been actually done and the fees charged therefor are those provided by law and the bills annexed are by law properly chargeable and have been actually and necessarily incurred and paid, it shall be his duty to certify the said accounts in the following words and figures, to wit:

"'In the matter of the accounts of ———, as chief supervisor of elections for the ——— district of ——— for the election held in ——— on the — day of ———, at which Representatives in Congress were voted for.

"'———, chief supervisor of elections for the ——— of ———, having this day presented to me in duplicate his accounts (in whole or in part, as the case may be) as chief supervisor for the election hereinabove mentioned, I hereby certify that I have examined the same and have also examined the said ——— under oath, as to the work performed by him and the extent and amount of the same, as well as the mode adopted by him in ascertaining the amount of the work so done and charged for by him; and being satisfied by my examination of him and of the work for which he has charged that the same has been actually done, that the fees charged therefor are the statutory fees, and that the bills annexed to said account are lawfully charged to the United States, have been actually and necessarily incurred, and have been paid, I do approve and allow the said accounts in the sum of ———.

"———, *Judge.*'"

"Such accounts, made in whole or in part after such certification, approval, and allowance by a circuit or district judge, shall be forwarded to the Treasury of the United States for payment, and it shall be the duty of such accounting officers of the Treasury as shall have cognizance thereof to treat the same as 'special,' and to allow, state, and pay the same without delay as approved and allowed by the judge who passed them, save that any clerical errors found in figures or footings may be corrected by them. Suit may be brought by any chief supervisor for the whole or any portion of any account therefor either in the Court of Claims or in the circuit court in his judicial district, and from the judgment of said court, or any part thereof, either party to the action may appeal to the Supreme Court of the United States without regard to the amount thereof; unless such appeal shall be taken within 30 days from the rendition of judgment by the court in which suit was brought the full amount of the judgment shall at once be allowed and paid by the accounting officers of the Treasury from the permanent appropriation for chief supervisors' fees; all suits involving the fees of chief supervisors and the compensation of supervisors and special deputy marshals shall, in all courts of the United States, be preferred causes and shall be heard and disposed of without delay; and all judgments in such cases must be promptly paid by the accounting officers of the Treasury from the permanent appropriation provided for the payment of such officers. All the provisions of this section shall also apply to all accounts of United States commissioners for services rendered in cases arising under the election laws of the United States, save such as relate to their certification and approval, and their payment from any permanent appropriation.

"So much of section 3689 of the Revised Statutes of the United States, title 41, 'appropriations,' as relates to 'the permanent annual appropriation' for 'fees of supervisors of election' and is contained under the head 'judicial' and subhead 'miscellaneous,' is hereby repealed, and the same shall hereafter read as follows:

"'MISCELLANEOUS PERMANENT APPROPRIATIONS.

"'Accounts of chief supervisors of elections for fees and disbursements provided by law, and for the rent and furnishing of all needed office accommodations for such officers, compensation of supervisors of election and special deputy marshals, and compensation and expenses of the United States boards of canvassers of the congressional votes, and their clerk.

"'To pay chief supervisors of elections compensation and disbursements apart from and in excess of all fees allowed by law for the performance of any duty as circuit commissioners, and to pay rents and bills for furnishing all needed office accommodations for such officers.

"'To pay supervisors of election and special deputy marshals compensation.

"'To pay the compensation and expenses of the several United States boards of canvassers and their clerks, as the same is fixed by law.'

"Whenever it shall appear by affidavit that errors have occurred in the determination of any board of canvassers, either national, State, Territorial, county, or other local board in any State or Territory in the matter of the votes cast for a Representative or Delegate in Congress, the circuit court of the United States in the judicial district in which any such board of canvassers shall have met and acted in respect thereto may, by order, require any such board to correct such errors or show cause why such correction should not be made, and, in the event of the failure of any such board to make such correction or show cause as aforesaid, the said court may compel any such board, by writ of mandamus, to correct such errors; and if any such board of canvassers shall have made its determination and dissolved, such court may compel it to reconvene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order the meeting of any such board of canvassers shall be deemed a continuation of its regular session, and the statements and certificates shall be made and filed as the court shall direct; and, so far as the same shall vary from the original certificates and statements, the statements and certificates made under the order of said circuit court shall stand in lieu thereof, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law.

"For the purpose of service of papers and other proceedings any such board of canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board so far as all matters connected with the canvass of the votes cast for a Representative or Delegate in Congress are concerned, any State, Territorial, or municipal law to the contrary notwithstanding.

"Any marshal or deputy marshal, or any warden or keeper of any jail, prison, or penitentiary to which United States prisoners are committed, or in which any such prisoners are or may be confined pending trial, who shall refuse or decline to receive and safely keep any prisoner committed to his custody under any warrant or other process of any judge of any court of the United States or any circuit court commissioner, upon conviction thereof shall, for every such refusal, be punished by a fine of not less than $500 nor more than $1,000, or by imprisonment for not less than six months nor more than one year, or by both such fine and imprisonment.

"Sections 643, 645, 1988, 2017 to 2024, both inclusive, and sections 2027, 5521, and 5523 of the Revised Statutes of the United States, and each and every section of the Revised Statutes of the United States under title 24, 'Civil rights,' which section or the purport thereof came from the act of May 31, 1870, chapter 114, volume 16, Statutes at Large of the United States, and all sections of title 26, of said Revised Statutes, 'The elective franchise,' which sections or the purport thereof came from the said act of May 31, 1870, just above referred to, or from the act of February 28, 1871, chapter 99, volume 16, Statutes at Large of the United States, save such sections of either of said titles as are herein specifically repealed, are each and every of them hereby made a part of this act, and their provisions are made to refer and apply to this act with the same force and effect as if it was specifically mentioned or referred to therein, save as the same shall be changed or modified by the terms of this act.

"Sections 2011, 2012, 2013, 2014, 2015, 2016, 2025, 2026, 2028, 2029, 2031, of title 26 of the Revised Statutes, 'The elective franchise,' are each and every of them hereby repealed, so far as future elections at which Representatives or Delegates in Congress are to be voted for, but the repeal by this act of any specified section or part of a section of the Revised Statutes shall in no wise affect any officer or any individual, any complaint or indictment, or any trial which may be had, any right of any accused person, any verdict, sentence, or appeal therefrom, or any matter whatsoever where the right or wrong of any action taken, any duty performed, any complaint made, any indictment found, any trial had, any verdict rendered, any sentence imposed, or any appeal therefrom which has been or may be taken, or any fee, account, or compensation of any officer provided for under any of said sections or any as yet unpresented, or any unadjusted account, or any claim pending or which may be made, or any suit begun or which may be begun or continued, or any appeal now pending on any account or claim or on any which may be hereafter taken, or the payment of any such fee, account, or compensation, or any question, claim, or right whatsoever, arising from any act or work done where the same accrued, was done, performed, discharged, or arose from or with respect to any matter connected with any election or registration therefor held prior to the passage of this act, and all unpresented accounts as well as all accounts which have not been finally acted upon at the time of the passage of this act and not in suit shall be adjusted and paid in accordance with the provisions hereof.

"Whenever an election for a Representative or Delegate in Congress is held it shall be the duty of the State, Territorial, or local election officers in each election district, any State, Territorial, or municipal law to the contrary notwithstanding, to label or attach to the front of the box in which the ballots for such office are by law to be deposited such suitable inscription as shall clearly indicate that such ballots are to be there deposited; and it shall be the duty of such election officers and each of them, any State, Territorial, or municipal law to the contrary notwithstanding, to identify and point out to any voter who may inquire therefor the proper box for the reception of ballots for a Representative or Delegate in Congress. The box provided for the reception of votes for a Representative or Delegate in Congress shall at all times on the day of election, any State, Territorial, or municipal law to the contrary notwithstanding, be kept upon a shelf, table, or counter in plain sight of electors, easy of access to them, and at such height only as will enable the election officers or the voter, as the State, Territorial, or local election law may be, to easily and readily deposit the proper ballots therein, and as will permit all election officers, National, State, or Territorial, and the electors, to see that the ballots of the latter, when voting, are, in fact, placed therein; nor shall any such box at any time during the day of election, any State, Territorial, or municipal law to the contrary notwithstanding, be shifted, changed, or otherwise moved from the place in which, under this act, it may properly be placed at the opening of the polls, nor shall it be removed from the room or from the place therein, which, under this act, it shall during the hours provided for the reception of ballots have occupied, at any time during the day or night of election until all ballots cast for a Representative or Delegate in Congress, in whatever box they may have been placed or found, shall have been fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed as provided herein.

"Every person charged with any duty with regard to any election of Member of Congress, whether appointed by authority of the United States or of any State or Territory, who shall willfully and for the purpose of affecting such election, or the results thereof, or the ascertaining or declaration of the votes for any candidate at the same, fail to perform any of the duties required of him by law, or who shall purposely or willfully practice, either alone or in combination with any other person, any fraud, or who shall for such purpose make any false certificate, or who shall for such purpose place in any ballot box, or among the ballots lawfully cast at such election, any ballot or pretended ballot not so lawfully cast, or remove from any ballot box or from the ballots so lawfully cast any ballot which had been lawfully cast, shall be punishable by fine not exceeding $5,000, or by imprisonment not exceeding five years, or both, at the discretion of the court.

"Any person who shall bribe, or offer to bribe, any voter at any election for Member of Congress by the gift, offer, or promise of any money or other thing of value, in order to induce such voter to vote or refrain from voting for any person for such office, and any voter who shall accept any such bribe, offer, or promise, or who shall vote or refrain from voting in consequence of such bribe, offer, or promise, and any person who shall bribe or offer to bribe any officer charged with any duty in regard to said election, or the registration of voters for the same, or the counting of the ballots cast at the same, or ascertaining or declaring the result thereof, by the gift, offer, or promise of any money or other thing of value, in order to induce such officer to do any unlawful or fraudulent act to affect such election or the ascertainment or declaration of the result thereof, or to refrain from doing any duty with which such officer may be by law charged, for the sake of affecting such election, ascertainment, or declaration, and any such officer who shall in consequence of such bribe, offer, or promise do any such unlawful or fraudulent act, or refrain from doing any such duty with which he may be so lawfully charged, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding five years, or both, at the discretion of the court.

"Representatives or Delegates in Congress shall be chosen in the several States in the year 1890, and every second year thereafter, at the times and places and in the manner now provided by the laws of such States, respectively, except so far as the manner of such election is altered by this act, and except so far as the places for voting at such elections in the several States may hereafter be changed according to the laws thereof. The regulations as to such elections in the several States are hereby so altered as to conform hereto.

"This act shall not prevent any State from providing by law, if it see fit, that ballots shall be provided at the public expense, containing the names of such candidates for the office of Representative or Delegate in Congress as may have been nominated by qualified voters in the congressional district, and from providing suitable regulations for ascertaining such nomination and for screening from observation the vote of each voter and keeping the same secret, save as herein provided.

"Whenever under the law of any State any State or local election officer or other person at any election at which a Representative or Delegate in Congress is to be voted for is permitted to accompany a voter into any booth or other place provided for the voter to prepare his ballot, it shall be the right and duty of one of the supervisors of election to accompany any such voter to such booth and to render him such assistance in the preparation of his ballot as the voter shall request of him.

"Section 2, chapter 52, acts of 1879, is hereby amended by striking out all after the words 'by the clerk of such court' as far as and including the words 'placed therein.'

"The provisions of the following sections shall be considered as naming and constituting offenses against the laws of the United States when committed at any registration or revision of registration of voters for, or when committed at, any election at which a Representative or Delegate in Congress of the United States is to be voted for, and such offenses shall be punishable in the courts of the United States as described in this act.

"If at any registration of voters for an election for Representative or Delegate in Congress, or if at any meeting of any board of inspectors of election, or if at any time any officer of registration at any meeting held for such purpose, or for a revision thereof, or for adding to any registration the name of any person, or for striking therefrom any name under and in pursuance of the laws of any State or Territory, any person shall falsely personate an elector or other person and register or attempt or offer to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register or offer or attempt or make application to register in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; or shall fraudulently register or attempt or offer to register in any election district or voting precinct not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully, or fraudulently, by false impersonation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter in any election district or voting precinct to be erased or stricken from any register of the voters of such district or precinct, made in pursuance of the laws of any State or Territory, or otherwise than is by such laws provided; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means prevent, hinder, or delay any person having a lawful right to register or to be registered from duly exercising such right; or who shall knowingly, willfully, or fraudulently compel or induce, or attempt to offer to compel or induce, by such means, or any unlawful means, any supervisor of election, inspector of election, or other officer of registration, in any election district or voting precinct, to register or admit to registration any person not lawfully entitled to registration in such district or precinct, or to register any false,

assumed, or fictitious name, or any name of any person, except as provided in such laws; or shall knowingly or willfully or fraudulently interfere with, hinder, or delay any supervisor of election, inspector of election, or other officer of registration in the discharge of his duties, or counsel, advise, or induce, or attempt to induce any such supervisor, inspector, or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise any voter, person, supervisor of election, inspector of election, or other officer of registration, to do any act forbidden by the laws of the United States or of the State or Territory in which the act committed is forbidden, or by any of said laws constituted an offense, providing such act is not permitted by the laws of the United States, or to omit to do any act by any of such laws directed to be done, providing such act is not permitted by the laws of the United States, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

"That if at any election for a Representative or Delegate in Congress any person shall falsely personate any elector or other person, and vote, or attempt to offer to vote, in, under, or upon the name of such elector or other person, or shall vote or attempt to vote in, under, or upon the name of any other person, whether living or dead, or in, under, or upon any false, assumed, or fictitious name, or in, under, or upon any name not his own; or shall knowingly, willfully, or fraudulently vote more than once for any candidate for the same office, except as authorized by law, or shall so vote or attempt or offer to vote in any election district or voting precinct without having a lawful right to vote therein, or shall vote more than once, or vote in more than one election district or voting precinct, or, having once voted, shall vote or attempt or offer to vote again; or shall knowingly, willfully, or fraudulently do any unlawful act to secure a right, or an opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery, or reward, or offer or promise thereof, unlawfully, either directly or indirectly, influence, or attempt to influence, any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage, or by any such means induce, or attempt to induce, any such voter to refuse to exercise any such right; or shall by any such means, or otherwise, compel or induce, or attempt to compel or induce, any supervisor of election, inspector of election, or other officer of election, in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district or precinct, or shall knowingly, willfully, or fraudulently interfere with, delay, or hinder, in any manner, any supervisor of election, inspector of election, poll clerk, or other officer of election in the discharge of his duties; or by any of such means or other unlawful means knowingly, willfully, or fraudulently counsel, advise, induce, or attempt to induce, any supervisor of election, inspector of election, poll clerk, or other officer of election whose duty it is to ascertain, proclaim, announce, or declare the result of any such election, or to give or make any certificate, document, report, return, or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district or voting precinct not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein; or shall aid, counsel, or advise, procure, or assist any voter or person, whether an officer of election or otherwise, to do any act unauthorized by law or by law forbidden, or constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a State prison for not less than one nor more than five years.

"If at any election at which a Representative or Delegate in Congress is to be voted for any poll clerk or any other officer of election, either National, State, Territorial, or local, performing the duties of poll clerk, shall willfully keep a false poll list, or shall knowingly insert in his poll list any false statement, or any name or statement, or any check, letter, or mark, except such as are by the laws of the United States or of the State or Territory provided, and are by the laws of the United States not prohibited, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

"If, at any election at which a Representative or Delegate in Congress is to be voted for, any inspector or other officer of election shall willfully exclude any vote duly tendered for a candidate for Representative or Delegate in Congress, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote for any such candidate from any person knowing that such person is not a qualified voter, such inspector or other officer of election shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not more than two years.

"Every supervisor of election, inspector of election, member of any board of canvassers, messenger, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election at which a Representative or Delegate in Congress is to be voted for who shall willfully make any false canvass of any votes cast for a Representative or Delegate in Congress, or who shall make, sign, publish, or deliver any false return of such votes, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy, or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison not less than two nor more than five years.

"If any person not authorized by law so to do shall, at any election at which a Representative or Delegate in Congress is to be voted for, knowingly and willfully put, or cause to be put, any ballot or ballots for a Member or Delegate in Congress, or other paper having a semblance thereof, into any box used at such election for the reception of such votes, or if any such inspector shall knowingly and willfully cause or permit any ballots to be in such box at the opening of the polls and before voting shall have commenced, or shall knowingly and willfully or fraudulently put any ballot, or other paper having the semblance thereof, into any such box at any such election, unless the same shall be offered by an elector; or if any such inspector or other officer or person shall fraudulently, during the canvass of such ballots, in any manner change, substitute, or alter any ballot taken from such box then being canvassed, or from any such box which has not been canvassed, or shall remove any ballot or semblance therefrom, or add any ballot, or semblance thereof, to the ballots taken from such box then being canvassed or from any such box which has not been canvassed, every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment in a State prison for not less than one nor more than five years.

"If any inspector of election, poll clerk, or other officer of registration, revision of registration, election, or canvass, of whom any duty is required by any law of the State or Territory in which he shall be serving at an election at which a Representative or Delegate in Congress is to be voted for, shall be guilty of any willful neglect of such duty or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a State prison for not more than five years.

"Every inspector of election, poll clerk, or other person or officer having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificates, poll list, or any paper, document, or evidence of any description relating to the election of a Representative or Delegate in Congress, and which is directed by the laws of the State or Territory in which he shall be serving to be made, filed, or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by law, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a State prison not exceeding five years, and shall, in addition thereto, forfeit his office.

"Every person not an officer such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in a State prison not exceeding five years.

"Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by any law of the United States, or of the State or Territory in which he shall have been convicted, to be taken upon any examination as to his right to register or vote at any election at which a Representative or Delegate in Congress is to be voted for, or upon being challenged as unqualified upon offering to register or vote, shall be adjudged guilty of the felony of perjury, and shall, upon conviction, be punished with imprisonment in a State prison for not more than five years.

"Every person who shall, at any election at which a Representative or Delegate in Congress is to be voted for, willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

"If any person shall fraudulently change or alter the ballot for Representative or Delegate in Congress of any elector, or substitute one such ballot for another, or fraudulently furnish any elector with a ballot for Representative or Delegate in Congress containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, if a supervisor of election, inspector of election, poll clerk, or other officer of election, be punished with imprisonment in a State prison not less than two nor more than seven years; and if not such a supervisor, inspector, poll clerk, or other officer of election, shall be punished by imprisonment in a State prison for not less than one nor more than five years.

"If any person shall willfully disobey any lawful command of a supervisor of election, given in the execution of his duty at any election at which a Representative or Delegate in Congress is to be voted for, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a county jail for not less than 30 days nor more than one year, or by a fine of not less than $250 nor more than $1,000, or by both such fine and imprisonment.

"If, at any registration of voters held prior to or for an election at which a Representative or Delegate in Congress is to be voted for, or any revision thereof, or if on any day of election at which such Representative or Delegate is to be voted for, or if during the canvass of any votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any supervisor of election, or challenger, or person designated by any law to be present at the canvass of any ballots are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year, or by a fine of not less than $100 nor more than $3,000, or by both.

"If any person shall, upon the day of any election at which a Representative or Delegate in Congress is to be or is being voted for, or before the canvass of all votes cast is completed, steal or willfully break or destroy any ballot box used, or intended to be used, at such election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or other lawful custodians thereof, or shall alter, deface, injure, destroy, conceal any ballot which has been deposited in any ballot box at such election, which has not been already counted and canvassed, or any poll list used, or intended to be used, at such election, or any report, return, certificate, or other evidence by law required or provided for, shall, on conviction thereof, be adjudged guilty of a felony, and shall, for each and every such offense, be punished by imprisonment in a State prison for not less than two nor more than seven years.

"If in any election district, at any registration of voters or revision thereof, or at any election hereafter held where a Representative or Delegate in Congress is to be voted for, any inspector of election, poll clerk, or other officer of election, or any other person shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll book, or receive any vote, or proceed with the canvass of any ballots in whatever box they may be or shall consent thereto, unless a majority of all of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than 30 nor more than 60 days, or fined not less than $100 nor more than $1,000, or by both such fine and imprisonment. If any inspector of election in any election district shall, without urgent necessity, absent himself from the place of registration or the polls in said district upon any day of registration or election, whereby less than a majority of all the inspectors in such election district shall be present during the hours of registration, elec-

tion, or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a county jail for not less than 60 days nor more than six months, or shall be fined not less than $200 nor more than $1,000, or both.

"Upon any prosecution under this act for procuring, offering, or casting an illegal vote the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one, and the jury may take such facts into consideration in determining whether the acts complained of were willfully done or not.

"The doing of, or the attempting or offering to do, any act denounced in sections 5424, 5425, 5426, 5427, and 5428 of the Revised Statutes of the United States is hereby made a felony, and the punishment, upon conviction thereof, shall be imprisonment in a State prison at hard labor for not less than one nor more than five years."

Mr. OWEN. Mr. President, a good many of our Members are absent this afternoon looking after their housekeeping affairs, and so forth, and upon the suggestion of Senators from the opposite side that it would be better to postpone the consideration of the bill to-day, I will ask that it be laid aside, and will give notice that at 2 o'clock each day I shall bring this measure up for consideration until it is finally disposed of.

The PRESIDING OFFICER. The Chair understands the Senator to ask that the bill be temporarily laid aside?

Mr. OWEN. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection?

Mr. GRONNA. Mr. President, I desire to offer as a substitute for the pending measure a bill which I introduced about a year ago, and, in order to save time, I shall not ask to have it read. I should like, however, to have it printed in connection with the other amendments to which reference has been made.

Mr. OWEN. Might it not be printed in the RECORD? I ask that it be printed in the CONGRESSIONAL RECORD, so that we may have it in full.

The PRESIDING OFFICER. Is there any objection?

Mr. GALLINGER. I will make the further suggestion that it will be much more satisfactory, even if the proposed amendment shall be printed in the RECORD, to have it printed likewise in the usual form as a pending amendment. It can be more readily read in that form than in the RECORD.

Mr. OWEN. Yes; I quite agree to that.

Mr. GRONNA. At the proper time I desire to offer the amendment as a substitute.

The PRESIDING OFFICER. The Senator from North Dakota offers an amendment in the nature of a substitute, and asks that it be printed in the RECORD.

Mr. OWEN. And printed also as a proposed amendment to the bill.

The PRESIDING OFFICER. This is done without any order. In the absence of objection, the proposed amendment will be printed in the RECORD.

The amendment submitted by Mr. GRONNA is as follows:

Strike out all after the enacting clause and insert the following:

"That the act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' approved June 25, 1910, as heretofore amended, be, and is hereby, amended so as to read as follows:

"'SECTION 1. That the term "political committee" under the provisions of this act shall include the national, State, and congressional committees of all political parties, and the national congressional campaign committees of all political parties, and all other committees, associations, or organizations which shall be appointed or selected for the purpose of influencing the result of an election at which Representatives or Senators in Congress or presidential electors are to be nominated or elected, or candidates for President and Vice President are to be nominated. The term "election" or "elected" shall include elections by primary, convention, or otherwise, as well as final elections. The word "candidate" shall include every person whose name is presented with his knowledge and consent for nomination or election, whether or not such person is nominated or elected. The term "Representative" shall be held and construed to include Delegates to the Congress of the United States.

"'SEC. 2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and accurate account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, payments, or promises of payment or disbursement made by the committee or any member thereof or by any person acting under its authority or in its behalf, and to whom paid, distributed, disbursed, or promised, and the purpose for which such payment, distribution, disbursement, or promise was made. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent or expend or promise to expend any money on behalf of such committee until after a chairman and a treasurer of such committee shall have been chosen.

"'SEC. 3. That every payment or disbursement made by a political committee exceeding $10 in amount shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for 15 months after the election to which it relates, and shall be open to public inspection. Whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent, shall on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose, which ledger or record shall plainly show the items or sums received from citizens of each State separate from other States, and shall be open to public inspection.

"'SEC. 4. That no money, money orders, checks, drafts, or notes shall be sent by any person, partnership, corporation, or political committee from one State to another for use in any election: *Provided*, That this shall not be held to prevent the transmission of contributions to the national committees or the transmission of his own funds by a bona fide resident of a State, temporarily without its limits, for use in such State: *Provided further*, That nothing in this section shall be construed to prevent or prohibit a political committee from sending funds not in excess of $10,000 to a congressional district in any one campaign, into one State from another, to be expended in good faith in defraying actual expenses of campaign speakers sent out by such committee, the actual expense of maintaining committee headquarters, and the expense of printing and distributing literature.

"'SEC. 5. That in no case shall any political committee expend in any one election in any one congressional district more than $5,000 where there is more than one such district in the State, or more than $10,000 where there is only one such district: *Provided*, That if the money is spent for the printing or distributing of literature, it shall be considered as spent in the district where such literature is sent or distributed.

"'SEC. 6. That no candidate for Representative in Congress shall, directly or indirectly, give, contribute, expend, use, or promise any sum or sums in the aggregate exceeding $1,500 in any campaign for his nomination or election; and no candidate for Senator of the United States shall, directly or indirectly, give, contribute, expend, use, or promise in any campaign for his nomination or election any sum or sums in the aggregate exceeding $3,000 if the State in which he is a candidate is composed of 5 or less congressional districts, exceeding $6,000 if composed of more than 5 and not more than 15 such districts, exceeding $10,000 if composed of more than 15 and not more than 30 such districts, or exceeding $15,000 if composed of more than 30 such districts: *Provided*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he is a candidate, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, shall not be considered an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expenditure and need not be shown by the statements required to be filed by this act; but all other expenditures or payments, of whatever nature, to influence the results of the election, including payments for stationery, postage, printing, telegraph and telephone service, clerk hire, hall rent, distribution of literature, and assessments made by or contributions to any political committee taking part in the campaign in the State in which he is a candidate shall be considered expenditures governed by this section and must be shown in the statements required by this act. But no candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised in procuring his nomination or election any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, use, or promise under the laws of the State in which he is a candidate.

"'SEC. 7. That no candidate for Representative in Congress, Senator of the United States, presidential elector, President or Vice President of the United States shall promise any office or position to any person, or to use his influence in behalf of, or to give his support to any person for any office or position for the purpose of procuring the support of such person or of any person in his candidacy, nor shall he authorize any person to make any such promises on his behalf.

"'SEC. 8. That no person not a candidate for office, or association of such persons, shall expend, authorize the expenditure of, promise, collect, or contribute, for use in influencing the results of any election governed by the provisions of this act, of any sum or sums in the aggregate exceeding $500: *Provided*, That this shall not apply to officers of a duly constituted political committee nor to contributions to the funds of such a committee: *Provided further*, That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing the results of such election all necessary personal expenses for his traveling where such expenses are for himself alone without being subject to the provisions of this act, but all other expenditures of whatever nature for the purpose of influencing the results of such election shall be considered expenditures governed by the provisions of this act.

"'SEC. 9. That no person shall in any one campaign make contributions to the funds of a national committee in the aggregate in excess of $5,000, or to the funds of any other political committee in the aggregate in excess of $1,000. No corporation or officer thereof on behalf of such corporation shall make any contribution to the fund of any political committee or to any other fund intended to be used to influence the results of an election, nor shall any corporation or officer thereof on its behalf use, expend, promise, or collect any money or its equivalent for the purpose of influencing the results of an election.

"'SEC. 10. That any political advertisement contained in any newspaper, magazine, or periodical shall, when published, contain the name of the committee, person, firm, or corporation who has caused the same to be published and who has paid or agreed to pay for the publication thereof.

"'SEC. 11. That nothing contained in this act shall limit or effect the right of any person to spend money for proper legal expenses in maintaining or contesting the result of any election.

"'SEC. 12. That the treasurer of every political committee shall, not more than 15 days and not less than 10 days next before any election, primary, or convention at which Representatives in Congress or Senators of the United States or presidential electors are to be elected, or candidates for Representative, Senator, or President and Vice President of the United States are to be nominated, the result of which such committee shall attempt to influence or in which it shall in any manner participate, file with the Clerk of the House of Representatives at Washington, District of Columbia, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. It shall also be the duty of said treasurer to file a similar statement with said Clerk within 30 days after such election. Similar statements shall be filed in connection with any primary or convention in any State or congressional district for the election of delegates to any national con-

vention which shall nominate candidates for President and Vice President, by the treasurer of every political committee which shall take part in such election, but this shall not be held to exempt any political committee participating in such elections in two or more States from filing statements preceding and following the national convention, showing its receipts and expenditures in all States in which it shall have participated in the elections. Each of the statements required by this section shall be full and complete, shall be signed and sworn to by said treasurer, and shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity is given in a previous statement; the final statement shall contain a summary of all previous statements. The statements so filed with the Clerk of the House of Representatives shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

"'SEC. 13. That the statements required by the preceding section of this act shall state:

"'First. The name and address of each person, firm, association, or committee who has contributed, promised, loaned, given, or advanced to such political committee or any officer, member, or agent thereof, in one or more items, money or its equivalent of the aggregate amount or value of $100 or more, and the amount or sum contributed, promised, loaned, given, or advanced by each.

"'Second. The aggregate sum of all such contributions made to such political committee, or to any officer, member, or agent thereof in amounts of less than $100.

"'Third. The aggregate amount of all such contributions made by citizens of each State, together with the total sum of all such contributions received by such political committee, or any officer, member, or agent thereof.

"'Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, given, or promised any sum of money or its equivalent of the amount or value of $10 or more, stating the amount in each case and the purpose thereof, together with a true and accurate statement of the items or sums distributed, disbursed, contributed, loaned, advanced, given, or promised to persons, firms, associations, or committees in each State separate from other States.

"'Fifth. The aggregate sum so paid or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such payment or promise to any one person, firm, association, or committee, in one or more items, is less than $10.

"'Sixth. The total sum so paid or promised by such political committee, or any officer, member, or agent thereof.

"'SEC. 14. That every person, firm, association, or committee, except political committees hereinbefore defined, that shall expend, pay, or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing the result of an election, primary, or convention at which a Representative in Congress or Senator of the United States or presidential elector is to be elected, or candidates for Representative or Senator or President and Vice President are to be nominated, or delegates to a national convention for the nomination of candidates for President and Vice President are to be elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same under oath with the Clerk of the House of Representatives, at Washington, D. C., as required by section 12 of this act, of the treasurer of a political committee, which statements shall be held by said Clerk in all respects as required by section 3 of this act.

"'SEC. 15. That every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, shall file, if candidate for Senator of the United States, with the Secretary of the Senate, at Washington, D. C., and if candidate for Representative in Congress, with the Clerk of the House of Representatives, at Washington, D. C., not less than 10 nor more than 15 days before the day of such convention, primary, or election, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who furnished the same in whole or in part, and such statement shall, in addition, contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election. Every such candidate shall, within 15 days after such primary election or nominating convention, and within 30 days after such general or special election, file with the Secretary of the Senate or with the Clerk of the House of Representatives, as the case may be, a similar statement containing a summary of the previous statement and continuing the same so as to show all such receipts and expenditures up to, on, and after the day of such election or convention. In every such statement the candidate shall include a statement of every promise or pledge made by him or by anyone for him with his knowledge and consent, and whether he has given authority to any person to make any such promise or pledge, before the completion of any such primary, election, or convention, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy; and if any such promise or pledge shall have been made the name, address, and occupation of each person to whom such promise or pledge was made shall be stated, together with a description of the position relating to which such promise or pledge was made. In the event that no such pledge or promise has been made that fact shall be distinctly stated.

"'SEC. 16. That every statement required by this act shall be verified by oath or affirmation, taken before an officer authorized to administer oaths, and the depositing of any such statement in a regular post office, directed to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under the provisions of this act. The forms for the statements required by this act shall be furnished by the Clerk of the House of Representatives.

"'SEC. 17. That the statements required by section 15 of this act to be made before nomination and before election shall include the full name and post-office address, if known, of each opponent for nomination or election, as the case may be; and if any person thus named as a candidate for nomination or election shall fail, neglect, or refuse to file any statement required by this act, it shall be the duty of the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, within 30 days after such statement or statements should have been filed to certify that fact to the Attorney General of the United States.

"'SEC. 18. That the Secretary of the Senate and the Clerk of the House of Representatives shall, on or before the 15th day of January next after any election governed by the provisions of this act, report to the Senate and the House of Representatives, respectively, the name of each candidate for nomination or election who has filed statements as required by this act, giving his place of residence and the State or congressional district, as the case may be, in which he was a candidate, and the total amount of campaign expenses paid or promised by him or by anyone for him, as shown by such statements; also the name of each candidate for nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required of him by this act, giving his place of residence and the State or congressional district, as the case may be, in which he was a candidate; also the complete reports of political committees as defined in this act. The report required by this section shall be printed as a public document.

"'SEC. 19. That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.

"'SEC. 20. That every person who shall violate any of the provisions of this act shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

"'SEC. 21. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.'"

The PRESIDING OFFICER. Is there any objection to laying the bill aside temporarily? The Chair hears none, and the bill is so laid aside.

Mr. SIMMONS. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 6, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 5, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we are passing through an epoch-making period in the history of our Republic, and we most fervently pray that the chosen servants of our people may be able to meet the changing conditions as they arise with clearness of vision and honesty of purpose, preserving the nobility of our national character with its sacred traditions, defending our rights, the genius of our Republic, doing unto others as we would be done by, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. KEATING. Mr. Speaker, I desire to call up House joint resolution 91, authorizing an inquiry into the cost of living in the District of Columbia, and move to concur in the Senate amendments. The resolution is on the Speaker's table.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read as follows:

Joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The Senate amendments were read.

The SPEAKER. The gentleman from Colorado moves to take the resolution just reported from the Speaker's table and to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. KEY of Ohio, indefinitely, on account of illness.

To Mr. CARY, indefinitely, on account of illness.

ADDITIONAL PAGE.

Mr. LLOYD. I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 384 (H. Rept. 1204).

Resolved, That the Doorkeeper be, and he is hereby, authorized and directed to appoint an additional page for the present session, beginning on December 4, 1916, to be paid out of the contingent fund of the House, at a salary of $75 per month.

Mr. LLOYD. Mr. Speaker, this resolution provides for an additional page, who is for the use of Mr. SCHALL, of Minnesota.

It is a similar resolution to that which was passed during the last session.

The question was taken, and the resolution was agreed to.

SESSION CLERKS TO COMMITTEES.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 383 (H. Rept. 1203).

Resolved, That clerks to committees of the House during the session provided for by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1917, be, and they are hereby, assigned for the present session of Congress to the following committees, to wit:

Committee on Railways and Canals.
Committee on Reform in the Civil Service.
Committee on Alcoholic Liquor Traffic.
Committee on Invalid Pensions (assistant clerk).
Committee on the Judiciary (additional assistant clerk).
Committee on Enrolled Bills.
Committee on Disposition of Useless Executive Papers.

Mr. LLOYD. Mr. Speaker, this resolution provides the same assignments as in the last Congress, excepting——

Mr. MANN. The gentleman means the last session?

Mr. LLOYD. The last session of Congress, excepting that the Committee on Education was provided for in a resolution which passed in August, and that is not included, and the Committee on Mines and Mining was given an annual clerk under the legislative, executive, and judicial bill, and that is not included. Otherwise, the resolution is the same as that passed at the last session of Congress.

Mr. MANN. Does this provide for all the additional clerks carried in the appropriation act?

Mr. LLOYD. Excepting those two.

Mr. MADDEN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. LLOYD. Certainly.

Mr. MADDEN. How many years has it been since the Committee on Railways and Canals had a meeting?

Mr. LLOYD. Well, I am not advised about that.

Mr. MADDEN. Mr. Speaker, it seems to me that it is a waste of money to be appropriating for clerks of committees that never meet and have no business, and the House ought to be advised of the desirability of entering into some sort of economy in the expenditure of the public money.

Mr. LLOYD. Mr. Speaker, the supposition is that these committees have met and discharged their duties. As far as I know, all these committees to whom these clerks have been assigned have discharged their duties.

Mr. MADDEN. They have not any business.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 5th day of December, 1916, at 1 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

EMPLOYEES OF VARIOUS COMMITTEES.

Mr. LLOYD. Mr. Speaker, I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 382 (H. Rept. 1202).

Resolved, That the Committee on Expenditures in the Department of Agriculture, the Committee on Expenditures in the Department of Justice, the Committee on Expenditures in the Department of Commerce, the Committee on Expenditures in the Department of the Interior, the Committee on Expenditures in the Department of Labor, the Committee on Expenditures in the Navy Department, the Committee on Expenditures in the Post Office Department, the Committee on Expenditures in the State Department, the Committee on Expenditures in the Treasury Department, the Committee on Expenditures in the War Department, and the Committee on Expenditures on Public Buildings each be allowed a clerk at the rate of $125 per month; that the Committee on Rules be allowed an assistant clerk at the rate of $100 per month; and that the Joint Select Committee on Disposition of Useless Executive Papers be allowed a messenger at the rate of $60 per month during the second session of the Sixty-fourth Congress, the salaries of said clerks, assistant clerk, and messenger to be paid out of the contingent fund of the House.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees, and the chairmen of the various committees will please give heed.

The Clerk proceeded with the call of committees.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, if this is a call with a view of getting up some real business, and not a mere perfunctory call, I will call up some real business.

The SPEAKER. The gentleman had best call it up.

The Clerk read as follows:

A bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

Mr. MANN. Mr. Speaker, I make the point of order that the committee can not call up a bill on the Union Calendar on this call. This is not Calendar Wednesday.

Mr. KITCHIN. Will the gentleman from Georgia [Mr. ADAMSON] yield?

Mr. ADAMSON. I yield to both of the gentlemen with pleasure.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12 o'clock and 55 minutes p. m.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 12 o'clock and 55 minutes p. m. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 12 o'clock and 20 minutes p. m.) the House took a recess until 12.55 p. m.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 52 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the Chair at the right of the Speaker, and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House the Chair appoints the gentleman from North Carolina [Mr. KITCHIN], the gentleman from New York [Mr. FITZGERALD], the gentleman from Tennessee [Mr. GARRETT], the gentleman from Illinois [Mr. MANN], and the gentleman from Michigan [Mr. FORDNEY] as a committee to wait on the President and escort him into the House.

The VICE PRESIDENT. On the part of the Senate the Chair appoints the Senator from Indiana [Mr. KERN], the Senator from Missouri [Mr. STONE], the Senator from North Carolina [Mr. SIMMONS], the Senator from New Hampshire [Mr. GALLINGER], and the Senator from California [Mr. WORKS].

At 1 o'clock p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fourth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. 1384).

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, in fulfilling at this time the duty laid upon me by the Constitution of communicating to you from time to time information of the state of the Union and recommending to your consideration such legislative measures as may be judged necessary and expedient, I shall continue the practice, which I hope has been acceptable to you, of leaving to the reports of the several heads of the executive departments the elaboration of the detailed needs of the public service and confine myself to those matters of more general public policy with which it seems necessary and feasible to deal at the present session of the Congress.

I realize the limitations of time under which you will necessarily act at this session and shall make my suggestions as few as possible; but there were some things left undone at the last session which there will now be time to complete and which it seems necessary in the interest of the public to do at once.

In the first place, it seems to me imperatively necessary that the earliest possible consideration and action should be accorded the remaining measures of the programme of settlement and regulation which I had occasion to recommend to you at the close of your last session in view of the public dangers disclosed by the unaccommodated difficulties which then existed, and which still unhappily continue to exist, between the railroads of the country and their locomotive engineers, conductors, and trainmen.

I then recommended:

First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission

along the lines embodied in the bill recently passed by the House of Representatives and now awaiting action by the Senate; in order that the Commission may be enabled to deal with the many great and various duties now devolving upon it with a promptness and thoroughness which are, with its present constitution and means of action, practically impossible.

Second, the establishment of an eight-hour day as the legal basis alike of work and of wages in the employment of all railway employees who are actually engaged in the work of operating trains in interstate transportation.

Third, the authorization of the appointment by the President of a small body of men to observe the actual results in experience of the adoption of the eight-hour day in railway transportation alike for the men and for the railroads.

Fourth, explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads as may have been rendered necessary by the adoption of the eight-hour day and which have not been offset by administrative readjustments and economies, should the facts disclosed justify the increase.

Fifth, an amendment of the existing Federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that, in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

And, sixth, the lodgement in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

The second and third of these recommendations the Congress immediately acted on: it established the eight-hour day as the legal basis of work and wages in train service and it authorized the appointment of a commission to observe and report upon the practical results, deeming these the measures most immediately needed; but it postponed action upon the other suggestions until an opportunity should be offered for a more deliberate consideration of them. The fourth recommendation I do not deem it necessary to renew. The power of the Interstate Commerce Commission to grant an increase of rates on the ground referred to is indisputably clear, and a recommendation by the Congress with regard to such a matter might seem to draw in question the scope of the Commission's authority or its inclination to do justice when there is no reason to doubt either.

The other suggestions,—the increase in the Interstate Commerce Commission's membership and in its facilities for performing its manifold duties, the provision for full public investigation and assessment of industrial disputes, and the grant to the Executive of the power to control and operate the railways when necessary in time of war or other like public necessity,—I now very earnestly renew.

The necessity for such legislation is manifest and pressing. Those who have entrusted us with the responsibility and duty of serving and safeguarding them in such matters would find it hard, I believe, to excuse a failure to act upon these grave matters or any unnecessary postponement of action upon them.

Not only does the Interstate Commerce Commission now find it practically impossible, with its present membership and organization, to perform its great functions promptly and thoroughly but it is not unlikely that it may presently be found advisable to add to its duties still others equally heavy and exacting. It must first be perfected as an administrative instrument.

The country can not and should not consent to remain any longer exposed to profound industrial disturbances for lack of additional means of arbitration and conciliation which the Congress can easily and promptly supply. And all will agree that there must be no doubt as to the power of the Executive to make immediate and uninterrupted use of the railroads for the concentration of the military forces of the nation wherever they are needed and whenever they are needed.

This is a programme of regulation, prevention, and administrative efficiency which argues its own case in the mere statement of it. With regard to one of its items, the increase in the efficiency of the Interstate Commerce Commission, the House of Representatives has already acted; its action needs only the concurrence of the Senate.

I would hesitate to recommend, and I dare say the Congress would hesitate to act upon the suggestion should I make it, that any man in any occupation should be obliged by law to continue in an employment which he desired to leave. To pass a law which forbade or prevented the individual workman to leave his work before receiving the approval of society in doing so would be to adopt a new principle into our jurisprudence which I take it for granted we are not prepared to introduce. But the proposal that the operation of the railways of the country shall not be stopped or interrupted by the concerted action of organized bodies of men until a public investigation shall have been instituted which shall make the whole question at issue plain for the judgment of the opinion of the nation is not to propose any such principle. It is based upon the very different principle that the concerted action of powerful bodies of men shall not be permitted to stop the industrial processes of the nation, at any rate before the nation shall have had an opportunity to acquaint itself with the merits of the case as between employee and employer, time to form its opinion upon an impartial statement of the merits, and opportunity to consider all practicable means of conciliation or arbitration. I can see nothing in that proposition but the justifiable safeguarding by society of the necessary processes of its very life. There is nothing arbitrary or unjust in it unless it be arbitrarily and unjustly done. It can and should be done with a full and scrupulous regard for the interests and liberties of all concerned as well as for the permanent interests of society itself.

Three matters of capital importance await the action of the Senate which have already been acted upon by the House of Representatives: the bill which seeks to extend greater freedom of combination to those engaged in promoting the foreign commerce of the country than is now thought by some to be legal under the terms of the laws against monopoly; the bill amending the present organic law of Porto Rico; and the bill proposing a more thorough and systematic regulation of the expenditure of money in elections, commonly called the Corrupt Practices Act. I need not labor my advice that these measures be enacted into law. Their urgency lies in the manifest circumstances which render their adoption at this time not only opportune but necessary. Even delay would seriously jeopard the interests of the country and of the government.

Immediate passage of the bill to regulate the expenditure of money in elections may seem to be less necessary than the immediate enactment of the other measures to which I refer; because at least two years will elapse before another election in which federal offices are to be filled; but it would greatly relieve the public mind if this important matter were dealt with while the circumstances and the dangers to the public morals of the present method of obtaining and spending campaign funds stand clear under recent observation and the methods of expenditure can be frankly studied in the light of present experience; and a delay would have the further very serious disadvantage of postponing action until another election was at hand and some special object connected with it might be thought to be in the mind of those who urged it. Action can be taken now with facts for guidance and without suspicion of partisan purpose.

I shall not argue at length the desirability of giving a freer hand in the matter of combined and concerted effort to those who shall undertake the essential enterprise of building up our export trade. That enterprise will presently, will immediately assume, has indeed already assumed, a magnitude unprecedented in our experience. We have not the necessary instrumentalities for its prosecution; it is deemed to be doubtful whether they could be created upon an adequate scale under our present laws. We should clear away all legal obstacles and create a basis of undoubted law for it which will give freedom without permitting unregulated license. The thing must be done now, because the opportunity is here and may escape us if we hesitate or delay.

The argument for the proposed amendments of the organic law of Porto Rico is brief and conclusive. The present laws governing the Island and regulating the rights and privileges of its people are not just. We have created expectations of extended privilege which we have not satisfied. There is uneasiness among the people of the Island and even a suspicious doubt with regard to our intentions concerning them which the adoption of the pending measure would happily remove. We do not doubt what we wish to do in any essential particular. We ought to do it at once.

At the last session of the Congress a bill was passed by the Senate which provides for the promotion of vocational and industrial education which is of vital importance to the whole country because it concerns a matter, too long neglected, upon which the thorough industrial preparation of the country for the critical years of economic development immediately ahead of us in very large measure depends. May I not urge its early and favourable consideration by the House of Representatives and its early enactment into law? It contains plans which affect all interests and all parts of the country and I am sure that there

is no legislation now pending before the Congress whose passage the country awaits with more thoughtful approval or greater impatience to see a great and admirable thing set in the way of being done.

There are other matters already advanced to the stage of conference between the two Houses of which it is not necessary that I should speak. Some practicable basis of agreement concerning them will no doubt be found and action taken upon them.

Inasmuch as this is, Gentlemen, probably the last occasion I shall have to address the Sixty-fourth Congress, I hope that you will permit me to say with what genuine pleasure and satisfaction I have cooperated with you in the many measures of constructive policy with which you have enriched the legislative annals of the country. It has been a privilege to labour in such company. I take the liberty of congratulating you upon the completion of a record of rare serviceableness and distinction. [Applause.]

At 1 o'clock and 18 minutes p. m. the President retired from the Hall of the House.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 6, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KEATING, from the Committee on Labor, to which was referred the bill (H. R. 16358) to establish in the Department of Labor a division to be known as a woman's division, reported the same without amendment, accompanied by a report (No. 1205), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 18074) to conserve the food supply of the United States and protect the people from extortionate prices; to the Committee on Interstate and Foreign Commerce.

By Mr. CANTRILL: A bill (H. R. 18075) to authorize the city of Winchester, Ky., to divert water from the pool in the Kentucky River formed by Lock and Dam No. 10; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 18076) to amend the act approved June 3, 1916, increasing the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. COLEMAN: A bill (H. R. 18077) to amend the act of March 2, 1907, relative to the grades and salaries of clerks in post offices of the first and second class and carriers in the City Delivery Service, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CONNELLY: A bill (H. R. 18078) providing for a site and public building for post-office and other Federal purposes at Norton, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18079) providing for a site and public building for post-office and other Federal purposes, at Hays, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. EDMONDS: A bill (H. R. 18080) to determine what obligation, if any, exists under the treaty with Spain of 1819 to relieve the estate of Richard W. Meade, deceased; to the Committee on Foreign Affairs.

By Mr. POWERS: A bill (H. R. 18081) granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 18082) recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, teamsters, or other provisional troops or field employees during the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 18083) granting pensions to Army teamsters of the War with Spain; to the Committee on Pensions.

By Mr. BRUCKNER: A bill (H. R. 18084) providing for the continuation and the completion of the East Chester Creek (New York City) improvement; to the Committee on Rivers and Harbors.

By Mr. HUTCHINSON: A bill (H. R. 18085) extending the time for the completion of the bridge across the Delaware River authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. DOREMUS: A bill (H. R. 18086) for the construction of coast guard cutters; to the Committee on Interstate and Foreign Commerce.

By Mr. SWITZER: A bill (H. R. 18087) providing for the construction of a public building at Jackson, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HERNANDEZ: A bill (H. R. 18088) for the relief of the museum of New Mexico, which is a part of the educational system of New Mexico; to the Committee on the Public Lands.

By Mr. HELGESEN: Resolution (H. Res. 386) creating a committee to investigate and report on plans of Carroll Livingston Riker, relating to submarine arsenal batteries for dirigible torpedoes and battleship-hunting submarines; to the Committee on Naval Affairs.

By Mr. BENNET: Resolution (H. Res. 387) inquiring relative to Charles Edward Russell; to the Committee on Foreign Affairs.

By Mr. VAN DYKE: Resolution (H. Res. 388) authorizing investigation of high cost of living; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18089) granting an increase of pension to Louisa Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18090) granting an increase of pension to Benjamin F. Ford; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 18091) granting an increase of pension to James Dodwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18092) granting an increase of pension to Eddie E. Sterrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18093) granting an increase of pension to James T. McMillan; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18094) granting an increase of pension to Mary Cronk; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 18095) granting a pension to Joseph Pullar, alias James Smith; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 18096) granting an increase of pension to Joseph C. Cunard; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 18097) for the relief of Dr. E. V. Hailman; to the Committee on Claims.

Also, a bill (H. R. 18098, to correct the military record of John Minster; to the Committee on Military Affairs.

Also, a bill (H. R. 18099) granting an increase of pension to Charles Cain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18100) granting an increase of pension to John J. McElhany; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18101) granting an increase of pension to Elijah Smallwood; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 18102) granting a pension to Mrs. Elizabeth Cliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18103) granting a pension to Amelia Woodward Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18104) granting a pension to Mary Ann McMahn; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 18105) granting an increase of pension to Moses McCleary; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 18106) granting an increase of pension to Victor E. Burnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18107) granting an increase of pension to Augustus F. Groff; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18108) granting an increase of pension to Hezekiah Bradds; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 18109) granting an increase of pension to William J. Abrams; to the Committee on Pensions.

Also, a bill (H. R. 18110) granting a pension to John Knowles; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 18111) granting an increase of pension to George W. Taylor; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 18112) granting a pension to Byers Tomlison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18113) granting a pension to Florence Edinger; to the Committee on Pensions.

Also, a bill (H. R. 18114) granting an increase of pension to John Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18115) granting an increase of pension to Lorain Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18116) granting an increase of pension to Leonidas W. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18117) granting an increase of pension to William S. Lattimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18118) granting an increase of pension to John B. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18119) granting an increase of pension to George W. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18120) granting an increase of pension to James Leming; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 18121) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18122) granting an increase of pension to John W. Morton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18123) granting an increase of pension to Thomas C. Rittenhouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18124) granting an increase of pension to Shepherd M. Gaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18125) granting an increase of pension to Wiley A. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18126) granting an increase of pension to David W. Shellabarger; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 18127) for the relief of the estate of Samuel S. Vaughn, deceased; to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 18128) granting an increase of pension to Rosannah Heidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18129) granting an increase of pension to George C. Worley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18130) granting an increase of pension to Christopher C. Olewiler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18131) granting an increase of pension to Jeremiah Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18132) granting an increase of pension to Howard F. Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18133) granting an increase of pension to John H. Leeper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18134) granting an increase of pension to George N. Welsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18135) granting an increase of pension to William Riddle; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 18136) for the relief of Loyal F. Russell; to the Committee on Military Affairs.

By Mr. MATTHEWS: A bill (H. R. 18137) granting an increase of pension to Levi Hoy; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 18138) granting an increase of pension to Orin Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18139) granting a pension to Phoebe Jane Pickard Edwards, widow of Jonathan Pickard, Company C, Tenth New York Heavy Artillery; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 18140) granting an increase of pension to William A. Ballard; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 18141) granting a pension to Clara R. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 18142) granting an increase of pension to Mary J. Fritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18143) granting an increase of pension to Caleb Snyder; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 18144) granting an increase of pension to Charles A. Holmes; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 18145) granting an increase of pension to George W. Frisbie; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 18146) granting an increase of pension to James Andell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18147) granting an increase of pension to Orilla Higbee Jones; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 18148) granting an increase of pension to George H. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18149) granting an increase of pension to William Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18150) granting an increase of pension to James Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18151) granting an increase of pension to William T. Hobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18152) granting an increase of pension to Henry Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18153) granting an increase of pension to Leander McCants; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18154) granting an increase of pension to Eliza Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18155) granting an increase of pension to James Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18156) granting an increase of pension to W. P. Brittain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18157) granting an increase of pension to Steward M. Castner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18158) granting an increase of pension to Charles R. Miltenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18159) granting an increase of pension to Anderson York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18160) granting an increase of pension to George E. York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18161) granting an increase of pension to Byron Battin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18162) granting an increase of pension to Wesley Dern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18163) granting an increase of pension to David Galbreath; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18164) granting an increase of pension to Elory P. Willett; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 18165) granting an increase of pension to John Beaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18166) granting an increase of pension to Isaac Newman; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 18167) for the relief of Arthur R. Pinkerton; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 18168) granting a pension to Elizabeth W. Messer; to the Committee on Pensions.

Also, a bill (H. R. 18169) granting an increase of pension to John Henson; to the Committee on Pensions.

Also, a bill (H. R. 18170) granting an increase of pension to Francis M. Tippie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18171) granting an increase of pension to Louis Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18172) granting an increase of pension to George W. Wiggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18173) granting an increase of pension to William H. Null; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18174) granting an increase of pension to Charles S. Martin; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 18175) granting an increase of pension to James Riley; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 18176) granting an increase of pension to Alice Jerome; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 18177) for the relief of estate of Charles J. Amidon; to the Committee on Claims.

By Mr. WILSON of Illinois: A bill (H. R. 18178) granting an increase of pension to Ethan A. Mowrer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18179) granting an increase of pension to Oscar W. Stone; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 18180) granting a pension to Jennie J. Casey; to the Committee on Pensions.

By Mr. FITZGERALD: Resolution (H. Res. 385) to pay to the administrator of Michael J. Doyle, late a member of the Capitol police force certain moneys; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 17862, for relief of Leonard Tressel; to the Committee on Invalid Pensions.

By Mr. CHARLES: Memorial of Trades Assembly of Schenectady, N. Y., against compulsory arbitration; to the Committee on Labor.

Also, memorial of Local Union 347 and Central District Council of Brotherhood of Electric Workers and of the Trades Assembly of Schenectady, N. Y., against exportation of foodstuffs by the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Resolution by General Winn Parlor, Native Sons of the Golden West, No. 32, of Antioch, Cal., protesting against the destruction of Silver Lake Falls and the Falls of Lee Vining Creek, at the eastern gateway of the Yosemite Valley, by certain power companies owned and controlled in the State of Colorado, under permits obtained from the Government; to the Committee on the Public Lands.

By Mr. GREENE: Petition of James Mott and other employees of the maintenance of way department of American railways, favoring eight hours a day; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Memorial of Northern New York Development League, favoring the Webb bill, House bill 16707, to promote export trade; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of Charles Ballard and 24 other railroad employees, of Roodhouse, Ill., for an eight-hour day; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of employees of the maintenance of way department of American railways, favoring eight hours a day; to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Petition of John McKiel and other citizens of New Hampshire, favoring passage of an eight-hour law for all railway employees; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *December 6, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray Thee to so order those unseen forces that give direction to the currents of human thought that our deliberations may be found to accord with the divine plan. Within the sphere of our human responsibility do Thou give to us Thy Spirit for guidance, and above all the measure of our thinking or asking may we be surrounded by Thy providence and grace. Forbid that anything should go out of this Chamber that would influence for evil the thoughts of the people. Grant that we may realize the far-reaching influence of every word and act, that being ordered by the Lord in all our deliberations we may be enabled to perpetuate the glorious institutions that have come from Thy hand through the currents of our history. Guide us in the thought and work of this day. For Christ's sake. Amen.

HENRY A. DU PONT, a Senator from the State of Delaware; WESLEY L. JONES, a Senator from the State of Washington; JAMES D. PHELAN, a Senator from the State of California; and WILLIAM ALDEN SMITH, a Senator from the State of Michigan, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM VIRGINIA.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the governor of Virginia certifying that CLAUDE A. SWANSON has been duly chosen a Senator to represent that State in the Senate of the United States for the term of six years, beginning March 4, 1917, which will be read.

The certificate was read and ordered to be placed on the files of the Senate, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, CLAUDE A. SWANSON was duly chosen by the qualified electors of the State of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our Governor H. C. Stuart, and our seal hereto affixed at Richmond, this 27th day of November, A. D. 1916.

H. C. STUART, *Governor.*

By the Governor:

B. O. JAMES,
Secretary of the Commonwealth.

ANNUAL REPORT OF THE SECRETARY OF THE TREASURY (H. DOC. NO. 1431).

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury for the fiscal year ended June 30, 1916, which was referred to the Committee on Finance and ordered to be printed.

UNITED STATES COURT OF CUSTOMS APPEALS (H. DOC. NO. 1419).

The VICE PRESIDENT laid before the Senate a communication from the Acting Attorney General, transmitting, pursuant to law, a statement of expenditure of the appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1916, which was referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF SERGEANT AT ARMS.

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms, submitting a full and complete account of all the property in his possession and in the Senate Office Building belonging to the United States (S. Doc. No. 558), which, with the accompanying paper, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant at Arms, submitting a detailed statement of waste paper and condemned property sold since December 6, 1915 (S. Doc. No. 561), which was ordered to lie on the table and be printed.

DISPOSITION OF PAPERS IN AGRICULTURE DEPARTMENT (H. DOC. NO. 1720).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, relative to the disposition of useless and waste papers in his department, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE (H. DOC. NO. 1435).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of the manner in which the appropriation for "Miscellaneous expenses, Department of Agriculture," for the fiscal year 1916, has been expended, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

EXPENDITURES, DEPARTMENT OF AGRICULTURE (H. DOC. NO. 1439).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1916, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

BUREAU OF CHEMISTRY (H. DOC. NO. 1421).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of all sums paid by the Bureau of Chemistry for compensation of or payment of expenses to officers or other persons employed by State, county, or municipal governments during the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PURCHASE OF TIMBER.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement of moneys received and contributions toward cooperative work in forest investigations or the protection and improvement of national forests and the sums refunded to depositors on account of excess deposits in connection with the purchase of timber and use of lands or resources of the national forests, etc., during the fiscal year ended June 30, 1916, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PURCHASE OF SEEDS (H. DOC. NO. 1420).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the place, quantity, and price of seeds purchased during the fiscal year 1916, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MARITIME CANAL CO. OF NICARAGUA (H. DOC. NO. 1428).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the operations of the Maritime Canal Co. of Nicaragua, which, with the accompanying paper, was

referred to the Committee on Interoceanic Canals and ordered to be printed.

SUPPORT OF AGRICULTURAL COLLEGES (H. DOC. NO. 1719).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements for the fiscal year ended June 30, 1916, made in States and Territories for the endowment and support of colleges for the benefit of agriculture and the mechanic arts, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SHOSHONE AND WIND RIVER RESERVATIONS (H. DOC. NO. 1478).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, plans and estimates of the character and cost of structures necessary for completing the irrigation of lands of the Shoshone and Wind River Reservations, in the State of Wyoming, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

BOARD OF ORDNANCE AND FORTIFICATION (H. DOC. NO. 1375).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the twenty-sixth annual report of the Board of Ordnance and Fortification for the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MILITARY LAWS (S. DOC. NO. 560).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of the progress of the revision and codification of the military laws of the United States, which was referred to the Committee on Military Affairs and ordered to be printed.

TRAVEL OF EMPLOYEES OF WAR DEPARTMENT (H. DOC. NO. 1517).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing the travel by officers and employees of the War Department on official business from Washington to points outside the District of Columbia, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TRAVEL OF EMPLOYEES OF LIBRARY OF CONGRESS (H. DOC. NO. 1472).

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement showing the travel by officers or employees of the Library of Congress on official business from Washington to points outside the District of Columbia during the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Superintendent of the Library Building and Grounds, transmitting, pursuant to law, a statement showing the travel taken by himself on official business from Washington to points outside the District of Columbia during the fiscal year 1916 (H. Doc. No. 1518), which was referred to the Committee on Appropriations and ordered to be printed.

PURCHASE OF TYPEWRITERS (H. DOC. NO. 1423).

The VICE PRESIDENT laid before the Senate a communication from the Superintendent of the Library Building and Grounds, transmitting, pursuant to law, a statement showing the number of typewriters purchased during the fiscal year 1916, which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, a statement showing the number of typewriters, adding machines, and other labor-saving devices purchased by the Civil Service Commission during the fiscal year 1916 (H. Doc. No. 1443), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

DISTRICT EXCISE BOARD (H. DOC. NO. 1424).

The VICE PRESIDENT laid before the Senate the annual report of the excise board of the District of Columbia for the fiscal year ended June 30, 1916, which was referred to the Committee on the District of Columbia and ordered to be printed.

LIST OF JUDGMENTS (H. DOC. NO. 1473).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the year ended December 2, 1916, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

City of Newport, Ky., *v.* The United States (S. Doc. No. 562);

Richard Tobin, administrator of Dennis W. Haley, deceased, *v.* The United States (S. Doc. No. 563);

Elizabeth Magruder, niece of Alexander Magruder, deceased, *v.* The United States (S. Doc. No. 564);

Ellen Baker, widow of Charles Baker, deceased, *v.* The United States (S. Doc. No. 565);

James Ballard, son of James Ballard, deceased, *v.* The United States (S. Doc. No. 566);

Charles H. Bates, son and one of the heirs of Howard S. Bates *v.* The United States (S. Doc. No. 567);

N. J. Whiteside, guardian of the minor heir of Buckner Board, deceased, *v.* The United States (S. Doc. No. 568);

Sarah M. Benham, widow of De Witt C. Benham, deceased, *v.* The United States (S. Doc. No. 569);

Emma V. Schlosser, daughter and sole heir of Lafayette Bingham, deceased, *v.* The United States (S. Doc. No. 570).

Libbie J. B. Stephenson, daughter of Edward V. Bowers, deceased, *v.* The United States (S. Doc. No. 571);

Amelia M. Buck, widow of E. M. Buck, deceased, *v.* The United States (S. Doc. No. 572);

Rodolphus D. Campbell et al., sole heirs of Ohn M. Campbell, deceased, *v.* The United States (S. Doc. No. 573);

Ellen R. Compton, widow of Spencer P. Compton, deceased, *v.* The United States (S. Doc. No. 574);

Barney H. Dyckman, son of Barney H. Dyckman, deceased, *v.* The United States (S. Doc. No. 575);

Walter S. Easton, son and one of the heirs of John M. Easton, deceased, *v.* The United States (S. Doc. No. 576);

Joseph W. Fulton and Robert Fulton, sons of Joseph W. Fulton, deceased, *v.* The United States (S. Doc. No. 577).

Rebecca H. Gaskill, widow of Edward Gaskill, deceased, *v.* The United States (S. Doc. No. 578);

Margaret Gustin, widow of John G. Gustin, deceased, *v.* The United States (S. Doc. No. 579);

Elizabeth Herold, widow of Herman Herold, deceased, *v.* The United States (S. Doc. No. 580);

Minnie L. Hewitt, widow of Sylvester M. Hewitt, *v.* The United States (S. Doc. No. 581);

Mary E. Hoyt, widow of John J. Hoyt, deceased, *v.* The United States (S. Doc. No. 582);

Grace L. Edmonds, daughter of Charles H. Hurlbut, deceased, *v.* The United States (S. Doc. No. 583);

Frances C. Huston, widow of Joseph W. Huston, deceased, *v.* The United States (S. Doc. No. 584);

Laura E. Sears et al., sole heirs of Henry B. Keefer, deceased, *v.* The United States (S. Doc. No. 585);

Elizabeth L. Larrabee, widow of Charles H. Larrabee, deceased, *v.* The United States (S. Doc. No. 586);

R. P. Crider, nephew of John L. Lee, deceased, *v.* The United States (S. Doc. No. 587);

Ada G. Joslin, daughter of John F. Lewis, deceased, *v.* The United States (S. Doc. No. 588);

William H. Pierce, son and sole heir of Edward R. Pierce, deceased, *v.* The United States (S. Doc. No. 589);

Elizabeth F. Plumb, widow of Joseph C. Plumb, deceased, *v.* The United States (S. Doc. No. 590);

Catherine A. Rhodes, widow of John G. Rhodes, deceased, *v.* The United States (S. Doc. No. 591);

Mary Roberts, widow of Jesse Roberts, deceased, *v.* The United States (S. Doc. No. 592);

Emma Bowers, daughter of Christian Schreinder, deceased, *v.* The United States (S. Doc. No. 593);

Amelia M. Smith, widow of George S. Smith, deceased, *v.* The United States (S. Doc. No. 594);

Catherine Snow, widow of Henry E. Snow, deceased, *v.* The United States (S. Doc. No. 595);

Cary F. Spence, executor of John F. Spence, deceased, *v.* The United States (S. Doc. No. 596);

Olive J. Pierce, daughter, and Minnie T. Maxon, granddaughter, and sole heirs of James A. Taylor, deceased, *v.* The United States (S. Doc. No. 597);

Ralph W. Tucker, son and heir of Burwell S. Tucker deceased, *v.* The United States (S. Doc. No. 598);

Eckford W. Tyler, son and sole heir of Levi E. Tyler, deceased, *v.* The United States (S. Doc. No. 599);

Eva M. Van Pelt, widow of William D. Van Pelt, deceased, *v.* The United States (S. Doc. No. 600);

Nettie F. Westley, widow of Joseph Westley, deceased, *v.* The United States (S. Doc. No. 601);

Attie L. Gill et al., sole heirs of William Wilcox, deceased, *v.* The United States (S. Doc. No. 602);

Charles W. Wilkes, Ida L. Pflanz, et al., sole heirs of Perry Wilkes, deceased, *v.* The United States (S. Doc. No. 603);

Hulda Willis, widow of William W. Willis, deceased, *v.* The United States (S. Doc. No. 604);

Eliza M. Wilson, widow of Joseph S. Wilson, deceased, *v.* The United States (S. Doc. No. 605);

Austin P. Wilson, brother of William C. Wilson, deceased, *v.* The United States (S. Doc. No. 606);

George E. Hibner, administrator of William W. Wilson, deceased, *v.* The United States (S. Doc. No. 607);

Cora V. Graves and Edwin R. Wynne, children of Isaac C. Wynne, deceased, *v.* The United States (S. Doc. No. 608);

Mary L. Barlow, daughter of Augustus C. Barlow, deceased, *v.* The United States (S. Doc. No. 609);

Louise Behlen, widow of Charles Behlen, deceased, *v.* The United States (S. Doc. No. 610);

Willis W. Bullington, son of William H. Bullington, deceased, *v.* The United States (S. Doc. No. 611);

Ray B. Miller, grandson and sole heir of Augustus S. Bement, deceased, *v.* The United States (S. Doc. No. 612);

Mary E. Neumann, executrix of Jacob Brand, deceased, *v.* The United States (S. Doc. No. 613);

William A. Bird, son of William A. Bird, deceased, *v.* The United States (S. Doc. No. 614);

Emily S. Beale, widow of J. Franklin Beale, deceased, *v.* The United States (S. Doc. No. 615);

Sherwood C. Cummings, son and sole heir of Philip C. Cummings, deceased, *v.* The United States (S. Doc. No. 616);

W. Wirt Crawford and Adell Crawford Dilmore, children and sole heirs of De Witt C. Crawford, deceased, *v.* The United States (S. Doc. No. 617);

Alicia Coventry, widow of John Coventry, deceased, *v.* The United States (S. Doc. No. 618);

Ethel I. Corby, daughter of Wesley B. Corby, deceased, *v.* The United States (S. Doc. No. 619);

Frances E. Donnelly, widow of Thomas Donnelly, deceased, *v.* The United States (S. Doc. No. 620);

Frankie M. Esmond, widow of Friend S. Esmond, deceased, *v.* The United States (S. Doc. No. 621);

John P. Frederick *v.* The United States (S. Doc. No. 622);

S. Elizabeth Green et al., children and sole heirs of Jacob Green, deceased, *v.* The United States (S. Doc. No. 623);

William F. Garlick, son of Reuben L. Garlick, deceased, *v.* The United States (S. Doc. No. 624);

Ruth Baugh, daughter of James S. Grubbs, deceased, *v.* The United States (S. Doc. No. 625);

Annie E. Hill, widow of James H. Hill, deceased, *v.* The United States (S. Doc. No. 626);

Lottie Holsted, daughter of David M. Holsted, deceased, *v.* The United States (S. Doc. No. 627);

George E. Hitchcock, son of Henry Hitchcock, deceased, *v.* The United States (S. Doc. No. 628);

Paul D. Haynes, son of George A. Haynes, deceased, *v.* The United States (S. Doc. No. 629);

Mollie B. Mason, daughter of Walter C. Hurlbut, deceased, *v.* The United States (S. Doc. No. 630);

Willis E. Johnson, son of Edward S. Johnson, deceased, *v.* The United States (S. Doc. No. 631);

Alice P. Knight, widow of Joseph Knight, deceased, *v.* The United States (S. Doc. No. 632);

John M. Morrow, son of John K. Morrow, deceased, *v.* The United States (S. Doc. No. 633);

Emma C. Pierce, mother and natural guardian of minor heirs of Alanson Pierce, deceased, *v.* The United States (S. Doc. No. 634);

Elizabeth M. Smith, daughter and sole heir of William Z. Smith, deceased, *v.* The United States (S. Doc. No. 635);

M. Fillmore Brown, administrator of Robert Brown, deceased, *v.* The United States (S. Doc. No. 636); and

Caroline B. Bailey, daughter of Cyrus P. Bailey, deceased, *v.* The United States (S. Doc. No. 637).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PAGE presented a petition of Bellevue Chapter, Daughters of the American Revolution, of St. Albans, Vt., praying that the Government of the United States purchase "Monticello," the home of Thomas Jefferson, which was referred to the Committee on the Library.

Mr. WADSWORTH presented petitions of the congregations of the Baptist Church and the Presbyterian Church and of the Tourist Club, of Waverly, all in the State of New York, praying for the establishment of a national leprosarium, which were referred to the Committee on Public Health and National Quarantine.

He also presented petitions of the Trades Assembly; of Local Union No. 247, International Brotherhood of Electrical Workers; and of Central New York District Council, International Brotherhood of Electrical Workers, all of Schenectady, in the State of New York, praying for the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Trades Assembly of Schenectady, N. Y., remonstrating against the enactment of legislation to provide for compulsory arbitration of industrial disputes, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Kingston, N. Y., praying for the enactment of legislation to extend the authority of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

RAILWAY EMPLOYEES.

Mr. NEWLANDS. Mr. President, I wish to present petitions of some 300,000 men employed on the railroads in other than the service of the trains, praying for specific legislation. I ask that the letter addressed to me by the committee having the petitions in charge and the brief appeals of the so-called 80 per cent of the railway employees outside of the train service be read by the Secretary.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

WASHINGTON, D. C., *December 5, 1916.*

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington.

SIR: We have the honor to address you on a matter of present interest and national importance—wage regulation for employees of interstate carriers by the Congress of the United States.

There has seldom been a time in the affairs of the Nation when a matter of such gravity and latent danger has confronted the Federal Government.

By those whom we represent it is not believed to be within the province of the Government of the United States to regulate the wages of men engaged in any of our great industries, for such regulation operates to deprive the laborer of the right to bargain with his employer for the service he sells. However, the Congress has taken upon itself the burden of regulating wages for some of the men engaged in the transportation service, and we submit that it should likewise legislate equitably for all men so engaged. Therefore we appeal to you to present to the Senate the accompanying petitions of those railway employees who are not included in the provisions of legislation heretofore enacted.

These petitions, signed by such of this class of employees as have had the opportunity, some 300,000 in number, citizens of 35 States, pray—

First. That provision be made for a thorough investigation by a duly appointed commission of all hours of service and wages of all railway employees;

Second. That after such investigation said commission be empowered to fix an equitable scale of wages for all such employees; and

Third. That in order to prevent destructive and ruinous interruptions of interstate commerce provision be made, binding alike upon employer and employee, for compulsory arbitration of all disputes involving the question of wages and hours of service.

Trusting that these prayers, which we believe are fair, just, and in the interest of the Nation as a whole, will receive the favorable consideration of the Congress, we are, sir,

Very respectfully,

ROBERT T. FRAZIER, Jr.,
Chairman, Engineering Department, Nashville, Chattanooga & St. Louis Railway, Nashville, Tenn.,
B. W. WALDEN,
Accounting Department, Chicago & Alton Railroad, Chicago, Ill.,
O. H. RADDATZ,
Accounting Department, Great Northern Railway, St. Paul, Minn.,
FRANK M. MCCABE,
Telegraph Department, Northern Pacific Railway, St. Paul, Minn.,
Committee Railway Employees' 80 Per Cent Movement.

List of States represented in the petitions of the railway employees' 80 per cent movement:

Alabama, Arkansas, Arizona, California, Delaware, Georgia, Illinois, Indiana, Iowa, Idaho, Kentucky, Kansas, Louisiana, Michigan, Maryland, Minnesota, Missouri, Montana, Massachusetts, New York, New Jersey, New Mexico, Nebraska, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming.

Mr. NEWLANDS. Mr. President, I ask also that the headings of the petitions be read by the Secretary, the petitions now being at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The SECRETARY. The title of one of the petitions is as follows:

AN APPEAL OF THE 80 PER CENT.

We, the undersigned citizens of the State of ———, employees of the ——— Railroad, and among those comprising more than 80 per cent of the employees of the railways of our State and country, being confronted with the possibility of the entire paralyzation of the railways of the country by the proposed general strike of the four orders of trainmen, a group of less than 20 per cent of the entire number of railway employees, and the consequent curtailment of income to us, the more than 80 per cent, and to whom such a curtailment would be ruinous, and fully realizing that under this great Government, where the ruling doctrine is "The greatest good to the greatest number"; we, the large majority, more than 80 per cent, of the people to be directly injured by such destructive methods of the few who happen to be placed in a position where they can use them—having a clear and definite right to be protected (the general public and all other industries seriously endangered also having that right):

Do earnestly petition you, our Senators and Representatives, individually, and as the Congress of the Nation, and pray that some definite legislative action be taken whereby the vast majority of the people of the country shall be protected from a destructive interruption of interstate commerce, due wholly to selfish action of a small group of men, and all differences which may arise between railways and employees shall be settled by proper arbitration.

In this you will recognize the fundamental principle of the Republic, and that no group of men ought to be permitted, directly or indirectly, to conspire to an end calculated to benefit them only and, directly or indirectly, work wrong and loss upon the great majority.

The second petition is as follows:

Date blank——

Mr. STONE. I should like to have the names read.

Mr. NEWLANDS. I will state to the Senator from Missouri that this is simply the heading of the petition.

Mr. GALLINGER. The Senator can not be heard on this side. Some of us here really do not know what is going on.

Mr. NEWLANDS. I will simply state that the headings which are now being read by the Secretary are the headings signed by these petitioners. I am told that there are about 300,000 names in the petitions, but the general statement which they signed is contained in the two papers which are about to be read by the Secretary.

Mr. STONE. Yet to be read?

Mr. NEWLANDS. One has been read and the other is about to be read. So if the Senator should require the names of the petitioners to be read it would mean the reading of 300,000 names.

Mr. STONE. When I made the suggestion I supposed that there were certain names of representatives, of gentlemen who were presenting the petitions.

Mr. NEWLANDS. I will state to the Senator that I was called upon yesterday by a committee representing the so-called 80 per cent of railway employees, being that proportion of the railway employees who are not engaged in the actual operation of trains, and I suggested to them that they should send me a formal letter which I could present to the Senate of the United States in presenting their petition. That formal letter, signed by the committee, has already been read and will appear in the RECORD.

Mr. STONE. Let the Secretary proceed.

The SECRETARY. The second form of petition is as follows:

To the President and the Congress of the United States:

We, the undersigned, citizens of the State of ———, are employed by the ——— ——— Railroad, which is engaged in handling interstate transportation of every character, including the United States mails and men and munitions for the Army and Navy of the United States.

We are among the 80 per cent of the employees of said company who are not actually engaged in train or yard service.

The average compensation of this 80 per cent of the employees is less than half the average compensation of those engaged in the train and yard service.

Many of us have more hours of service than do the train and yard men and the work which most of us perform is more laborious than their work. Equal or greater skill—acquired through a longer period of training—is required for the performance of the work of many of us than is necessary to do the work of the train and yard employees.

On September 2, 1916, the Congress enacted a law which was, on the following day, approved by the President which will have the effect of increasing the wages of train and yard service men about 25 per cent without in any way protecting the 80 per cent. When this law becomes effective—on January 1, 1917—the chances for betterment of the condition of the 80 per cent will be diminished by reason of the great tax upon the revenues of the railroads in paying this 25 per cent increase to the train and yard service employees.

We appeal to you to enact a system of legislation that will provide for a thorough investigation, through a commission, of the wages paid by railroads engaged in interstate commerce, which will empower said commission or board, after such investigation, to fix equitable scales of wages for the employees of such railroads, and which will further provide, in order to prevent destructive and ruinous strikes, for compulsory arbitration of all questions relating to conditions of work, hours of service, and wages.

NAME.	BRANCH OF SERVICE.

Mr. STONE. Mr. President, the first paper read was signed by several men whose titles were given as representing some organizations. The first one represented, as I caught the reading, is an organization described as the "engineering department." I should like to ask the Senator what is the engineering department?

Mr. NEWLANDS. I will examine the letter and will then answer the Senator's question. [Examining.] I understand that this letter is signed by men who represent organizations. It is a committee of the railway employees' 80-per-cent movement, and it consists of Robert T. Frazier, chairman, who belongs to the engineering department of the Nashville, Chattanooga & St. Louis Railway, Nashville, Tenn.

Mr. STONE. That brings the Senator to the point of my inquiry.

Mr. NEWLANDS. One of these men represents the engineering department.

Mr. STONE. What is that?

Mr. NEWLANDS. I presume it is the engineering department of this railroad.

Mr. STONE. Does the Senator mean locomotive engineers?

Mr. NEWLANDS. No; I think not. Another is the representative of the accounting department of the Chicago & Alton Railway; another is the representative of the accounting department of the Great Northern Railway; and another is the representative of the telegraph department of the Northern Pacific Railway.

Mr. STONE. The Senate heard all that read. The Senator from Nevada, then, can not tell me just what is meant by the term "engineering department"?

Mr. NEWLANDS. I understand it to mean, not the engineers who are engaged in operating trains but that branch of every railway system that has charge of the engineering problems of the railway.

Mr. OVERMAN. The civil engineers.

Mr. STONE. Civil engineers?

Mr. NEWLANDS. Yes; civil engineers and construction engineers.

Mr. STONE. The construction engineers?

Mr. NEWLANDS. And so forth; yes.

Mr. STONE. I desire to be informed about that. Do the men who sign this paper represent any organization of men employed by railroads?

Mr. NEWLANDS. I am not accurately informed regarding that, but my impression is that the men who signed these petitions are not organized as are the railway brotherhoods.

Mr. STONE. Was the Senator from Nevada visited by the representatives of these petitioners?

Mr. NEWLANDS. The men who signed this letter called upon me yesterday and stated that they had petitions bearing the signatures of 300,000 employees of railway companies outside of the operation of trains and yards and that they desired to present these petitions to the United States Senate.

Mr. STONE. Did the Senator understand that these 300,000 men were antagonizing the so-called brotherhoods in their controversies with the executives of the railroads?

Mr. NEWLANDS. I think the main object——

Mr. SUTHERLAND. I hope Senators will speak a little louder. It is impossible to hear this interesting colloquy on this side of the Chamber.

Mr. NEWLANDS. I think the main object, as shown by their letter, is to get relief for the remaining 80 per cent of the employees of the railroads, and that in presenting the petition for investigation and legislation they do complain that a preference is being given to the members of the railway brotherhoods. To that extent they seem to be opposed to the legislation which has been adopted.

Mr. STONE. Of course I do not now, Mr. President, enter upon that question. That is a question which was more or less debated in the last session, the contention being made by Senators upon the floor that the so-called Adamson bill, then pending, was intended to promote the interests of certain classes of railway employees to the exclusion of a larger class. The railroad executives themselves in their contention here at Washington presented the same view. I have not in mind at all to enter upon any discussion of that question. I simply wanted to get the information the Senator might have from his conferences with these gentlemen as to their attitude, just whom they represent, how it was brought about, what influence instigated this movement at this particular time, and whether it was a movement antagonistic to legislation already enacted and that which is pending.

Of course we know, Mr. President, that there are influences—powerful influences, to be more specific, as I have no objection to being—at work, and that the executives of many—not all, but many—of the great railroads of the country are arrayed

against any legislation along the lines of that we have been considering. I merely wanted to find out if I could just what influences were operating at this moment, if the Senator knows—and I should imagine he knew, for he is a very acute Senator; he is considering this subject and is in consultation with these men—and the Senate and the country, particularly the Senate, ought to be advised as to just what it is we are now confronting.

Mr. NEWLANDS. Mr. President, I am not informed as to what influences are back of this movement. While I was greatly occupied I had a brief interview, lasting only a few moments, with this committee, and they requested me to present the petition of these employees. I thought it my duty to present it, just as I would have presented a petition of the brotherhoods or of organized labor for the consideration of the Senate, if requested so to do. I have no doubt that for some period of time this movement has progressed for obtaining the signatures. The number of the signatures, some 300,000 I am told, would indicate that.

As to the general character of the movement I do not understand that it is a protest against beneficial action in favor of the members of the railway brotherhoods. It is rather a protest against preferential action and an insistence that, whilst the claims of the highly-paid operatives of the railroads are being considered by Congress, the claims of those not so fortunate should also be considered. I thought it a proper request to make of me and so I presented the petition.

Mr. GALLINGER. Mr. President, will the Senator permit a question?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. The Senator will remember that when the bill which was passed near the close of the last session was under consideration, some of us suggested that it was incomprehensible to us that legislation affecting a small proportion of the men engaged in railroad pursuits, increasing their wages, should not be followed by a request for legislation affecting the wages of the million or two millions of men who were engaged in railroad work and getting much lower wages. Now, is not this simply a movement on the part of those men, which some of us anticipated would follow, and which, I think properly follows, to have their cases considered by a commission and a report made as to the proper adjustment of wages, so far as they are concerned? It does not seem to me that this can possibly emanate from the managers of the railroads as has been suggested, but from the men who are getting relatively low wages in the employment of these railroads. Is not that the fact?

Mr. NEWLANDS. Well, I do not know, Mr. President, where it emanates from. All I know is that the signatures of some 300,000 men employed by the railroads are presented through a petition asking Congress to investigate and give them relief——

Mr. GALLINGER. Precisely.

Mr. NEWLANDS. And that their action is in a measure a protest against what they regard as preferential legislation. I ask, Mr. President——

Mr. GALLINGER. I will ask if the petition headings submitted by the Senator from Nevada have been read, because I have a very brief statement which I desire to have read.

Mr. NEWLANDS. I wish to ask that the petitions presented by me be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. In the absence of objection, that reference will be made.

Mr. GALLINGER. Mr. President, I have a petition which came in the mail to-day from employees in the maintenance of way department of American railways—whatever that means—in which they represent that they are associated with 400,000 railroad employees who are underpaid, and they petition for relief. I ask that the heading of that petition be read. It is signed by 51 men in the city of Nashua, N. H.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

To the honorable the Members of the Senate and House of Representatives in the United States Congress assembled, greeting:

We, the undersigned voters and employees in the maintenance of way department of American railways, do respectfully petition your honorable body to include the employees in our department in the workings of the eight-hour day. We respectfully submit for your consideration the following facts:

First. That the number of employees affected are in excess of 400,000.

Second. That our work is of a most strenuous nature—rough, dirty, and laborious—and has to be performed often under the most unfavorable conditions, in heat and cold, winter and summer, rain or shine, our men are exposed to all kinds of inclement weather conditions by night and day, as we are subject to a call at any time, and in case of severe storm we are expected to go on duty without a call except as our experience shall dictate that same is necessary to preserve intact the tracks and bridges, for the safety of which we are held responsible.

Third. That at certain times, owing to the strenuous nature of our employment, men are often physically unable to stand the strain, and as a consequence in a few years are broken in health and unable to continue longer at this work.

Fourth. For the preservation of health and prolongation of life, aside from any pecuniary consideration, we deem an eight-hour day an actual necessity.

Fifth. At the present time, although we must serve an apprenticeship of from three to seven years to become proficient in the trade to earn a foreman's position, our department is one of the poorest paid in the entire service, while our duties and responsibilities are among the most exacting.

Wherefore we pray you to give our petition consideration and grant us the relief we so earnestly desire.

L. V. BARRETT
(And 51 others).

Mr. LANE. Mr. President, I should like to ask Senators who have presented these petitions if the gentlemen who have signed the petitions have asked for relief from the companies by whom they are employed? Do Senators know whether or not they have made such requests?

Mr. NEWLANDS. Mr. President, I do not know. I only had a brief interview with them. They asked me to present this petition, and I have done so.

Mr. LANE. It would be a matter of information to know whether they had first applied to Congress or to their employers.

Mr. NEWLANDS. As to that I am not informed.

EMBARGO ON FOOD PRODUCTS.

Mr. FLETCHER. Mr. President, in the RECORD of the proceedings of yesterday, on page 13, it appears that I presented a petition of sundry citizens of Jackson County, Fla. The statement is that the petition prayed for the placing of an embargo on food products. That is a mistake. The petition, on the contrary, urged opposition to such an embargo. I desire to have printed in the RECORD a letter which accompanied the petition, and which will explain it.

The VICE PRESIDENT. In the absence of objection, that may be done.

The letter referred to is as follows:

MARIANNA, FLA., *December 2, 1916.*

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: I note from the press the probability of a measure advocated by Mr. FITZGERALD, of New York, I believe, to be introduced in Congress placing an embargo on the exportation of corn, wheat, meat, and other food products. Believing that such a measure would operate against the best interest of this section, I have secured a petition indorsed by some of our representative people requesting that you oppose the passage of such embargo. If you can consistently oppose the passage of this measure, we would thank you to consider the inclosed petition and take such action in the premises as your judgment dictates.

Thanking you for this consideration, I am,
Yours, very truly,
W. J. DANIEL.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAMES:

A bill (S. 7130) to create a commission on illiteracy to be known as the American illiteracy commission; to the Committee on Education and Labor.

By Mr. GRONNA:

A bill (S. 7131) to increase the compensation of rural letter carriers; to the Committee on Post Offices and Post Roads.

By Mr. BORAH:

A bill (S. 7132) to repeal certain provisions of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes"; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 7133) authorizing the Secretary of War to lease surplus water power at the Government reservoir dam at the headwaters of the Mississippi River; to the Committee on Commerce.

A bill (S. 7134) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States;

A bill (S. 7135) granting a pension to Annie Ackerman; and

A bill (S. 7136) granting a pension to Louis S. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7137) to provide for the purchase of a site and the erection of a public building thereon at Crosby, N. Dak. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 7138) authorizing the Secretary of War to donate to Richland County, N. Dak., three brass cannon, with carriages; to the Committee on Military Affairs.

A bill (S. 7139) granting an increase of pension to Charles Flack;

A bill (S. 7140) granting an increase of pension to Howard E. Hoadley; and

A bill (S. 7141) granting a pension to Flora G. Redman (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 7142) granting an increase of pension to Caroline G. Sickels; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7143) granting an increase of pension to Elizabeth J. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7144) granting an increase of pension to Josephine E. Ure (with accompanying papers); and

A bill (S. 7145) granting an increase of pension to William Beauchamp (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7146) granting a pension to Andrew J. Persons (with accompanying papers);

A bill (S. 7147) granting a pension to George H. Hatch (with accompanying papers);

A bill (S. 7148) granting a pension to Fidelia E. Betts (with accompanying papers);

A bill (S. 7149) granting a pension to Henry D. Owen (with accompanying papers); and

A bill (S. 7150) granting a pension to James H. Call (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7151) granting a pension to Edward B. Earl; and

A bill (S. 7152) granting a pension to Joseph H. Hopper; to the Committee on Pensions.

By Mr. REED:

A bill (S. 7153) granting an increase of pension to Mettie Sanders; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 7154) to correct the military record of John Corwin;

A bill (S. 7155) to remove the charge of desertion from the military record of P. V. Copp;

A bill (S. 7156) to remove the charge of desertion from the military record of Harrison H. Frain; and

A bill (S. 7157) for the relief of Sarah De Witt (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 7158) granting an increase of pension to Sidney M. Smith;

A bill (S. 7159) granting an increase of pension to Daniel E. Stoneburner;

A bill (S. 7160) granting an increase of pension to Marian Robinson (with accompanying papers); and

A bill (S. 7161) granting an increase of pension to William A. Millard (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 7162) granting an increase of pension to Joseph Chapman (with accompanying papers); and

A bill (S. 7163) granting a pension to Maude Deignan (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7164) granting an increase of pension to John J. Randall (with accompanying papers);

A bill (S. 7165) granting a pension to William J. Cook (with accompanying papers);

A bill (S. 7166) granting an increase of pension to James W. Dorman (with accompanying papers);

A bill (S. 7167) granting an increase of pension to Nicholas Johnson (with accompanying papers); and

A bill (S. 7168) granting an increase of pension to John D. Brooks (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7169) for the relief of John A. Clark (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7170) granting a pension to Isadora Richardson;

A bill (S. 7171) granting an increase of pension to Niels Pedersen (with accompanying papers);

A bill (S. 7172) granting a pension to Hannah Vandenburg (with accompanying papers);

A bill (S. 7173) granting an increase of pension to Isaac N. Strohm (with accompanying papers);

A bill (S. 7174) granting an increase of pension to William M. Wright (with accompanying papers); and

A bill (S. 7175) granting an increase of pension to Elijah Thompson Hurst (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN (for Mr. O'GORMAN):

A bill (S. 7176) granting a pension to Mary L. Crawford; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7177) granting an increase of pension to Charles H. Slocum;

A bill (S. 7178) granting an increase of pension to David H. St. Clair;

A bill (S. 7179) granting an increase of pension to Anderson C. Jones;

A bill (S. 7180) granting an increase of pension to William M. Robertson;

A bill (S. 7181) granting an increase of pension to John C. Mayer; and

A bill (S. 7182) granting an increase of pension to William F. Wahl; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 7183) granting an increase of pension to Perry Ryals; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted an amendment proposing to repeal so much of the provision of the act of June 30, 1915, relative to the salary of the commissioner of immigration at New Orleans, La., so that the annual salary paid him shall be left to the discretion of the Secretary of Labor, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BORAH submitted an amendment proposing to appropriate $10,000 for the investigation and survey of what is known as the Black Canyon irrigation project in the counties of Canyon, Gem, and Ada, in the State of Idaho, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CORRUPT PRACTICES.

Mr. KENYON submitted an amendment intended to be proposed by him to the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, which was ordered to lie on the table and be printed.

INAUGURAL CEREMONIES.

Mr. OVERMAN submitted the following concurrent resolution (S. Con. Res. 27), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 5th day of March next.

REGULATION OF IMMIGRATION—NOTICES ON THE CALENDAR.

Mr. SMITH of South Carolina. Mr. President, on yesterday I gave notice that immediately upon the conclusion of the unfinished business I would call up the immigration bill. It has been the custom of the Senate since I have been here, when such notices have been given, to have them printed on the calendar, so that Senators might be aware of the intention of the one giving the notice, and be prepared to meet it. I see that the notice is not printed on to-day's calendar. I just rose to know whether or not that course had been taken simply with reference to this particular bill, or whether the proper authorities had decided to abolish the custom of printing such notices.

The VICE PRESIDENT. The Chair supposes the Senate might as well decide now as at any time the question as to whether it is the duty of the Secretary to put on the face of the calendar anything except the unfinished business. While it has nothing to do with this particular bill, the Chair will state to the Senator from South Carolina that last session there was hardly room on the front page to publish all sorts of notices, and the Chair then ordered that they be not further published until there was an order of the Senate to that effect.

Now, if the Senate wants these notices to go on the calendar, all it has to do is to say so. The Chair has been impressed with the idea that the only thing to be put on the face of the calendar is the unfinished business or unanimous-consent agreements.

Mr. SMITH of South Carolina. I will state that I have not given the matter any particular thought, but I did not care, for several reasons, to have the notice that I gave go without an explanation. Of course, the Senate can do as it sees fit about the matter. I have no particular desire one way or another, but, as it had been the custom, I thought perhaps it would keep the Senate aware of my intention to do what I said yesterday that I would do. The matter is left entirely with the Senate as to whether the custom or usage will be abolished, or perhaps a rule will be adopted in regard to it.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question?

Mr. SMITH of South Carolina. Certainly.

Mr. LODGE. Do I understand that the Senator's notice is that upon the final disposition of the present unfinished business it is his intention to move to take up the immigration bill?

Mr. SMITH of South Carolina. Yes.

Mr. GALLINGER. Mr. President, I was gratified on yesterday to hear the Senator inform the Senate that that was his purpose. That is in the RECORD, but I think it is a very bad practice to place on the calendar a suggestion that a Senator is to move at a certain time to take up a bill. It gives the Senator giving that notice no priority over other Senators. During the last session we had on one calendar four notices from four different Senators that when the unfinished business was concluded they would make motions to proceed to the consideration of four different bills.

The VICE PRESIDENT. It was just at that time that the Chair ordered them left off the calendar until the Senate should order them to be put on again.

Mr. OVERMAN. Mr. President, I agree with the Senator that it is a bad practice; but when a Senator rises and gives notice that on a certain day he intends to call up a bill it seems to me that that ought to be on the calendar, so that Senators may know that that bill is coming up at that time.

Mr. GALLINGER. Yes; if the Senator suggests that he will move to take up a bill on a certain day, I think that might well go on the calendar.

Mr. OVERMAN. I think that ought to go on the calendar.

Mr. GALLINGER. But a statement that he will move to take it up when the unfinished business is concluded is a different proposition.

Mr. OVERMAN. I think so myself, because that is not any notice at all; but when notice is given that on a certain date a Senator will move to take up a certain bill, it seems to me it should appear on the calendar.

Mr. SMITH of South Carolina. The only question that was in my mind was this: I wanted it clear as to whether or not the custom generally was to be discontinued. I have no choice in the matter one way or the other, and have not considered whether it was a good or a bad practice; but I did not want the immigration bill to be left at that particular point without an explanation that the practice was going to apply to all similar cases.

Mr. GALLINGER. I will simply add that when the Senator from South Carolina finds a favorable opportunity to move to take up the immigration bill, he will find great support on this side of the Chamber.

Mr. SMITH of South Carolina. If the Senator from South Carolina does not change his mind, and the present unfinished business seems to promise interminable debate, he will move to take up the immigration bill, the unfinished business notwithstanding.

Mr. STONE. Mr. President, I wish to ask the Chair a question, in view of the Chair's statement that he has made an order that the printing of notices on the cover of the calendar shall be discontinued. Suppose a Senator wishes to give notice that he desires to address the Senate at a certain time, the usual form being at the conclusion of the morning business. That has been a practice here for a long time. Is it understood now that notices of that kind are not to go upon the calendar in the future?

The VICE PRESIDENT. The Chair has not the slightest objection to the Committee on Rules making any order that it pleases. If it wants the face of the calendar filled up with all sorts of notices it has a right to have it done. Notice that a Senator is going to speak at a certain time depends, the Chair should say, on whether or not the Chair recognizes him when that time comes. Ordinarily he does if it is possible to do so.

At the last session of the Senate, however, there were four notices for the same day and the same hour that four Senators were going to make speeches at the same time, and the Chair ordered them left off. There is no rule of the Senate on the subject. There has never been any order of the Senate on the subject. The Chair does not care anything about it.

Mr. STONE. Mr. President, I do not care very much about the matter one way or the other, but I do not see what harm comes from putting notices on the cover of the calendar in accordance with the practice we have been following. Now, there may be some conflicts. Of course, two or three Senators might give notice that they would call up given bills on a given day; but the Senate could settle that when the time came. Any Senator can call up a bill whether he has given previous notice or not, and he can make a motion that the Senate proceed to the consideration of the bill. The mere fact that a notice had been printed on the cover of the calendar would give no preference to the Senator giving the notice.

The VICE PRESIDENT. Why put it there, then?

Mr. STONE. The reason for putting it there, as I see it, Mr. President, is that a Senator in charge of a bill, as in the case of the immigration bill, could in that way inform the Senate as to his purpose. This notice we would see from day to day, every morning, when we took up the calendar, and thus be advised that at a certain time a motion would be made to take up a certain important measure.

Mr. BORAH. Mr. President——

Mr. STONE. Thus the Senate would be advised. Senators, if interested, could be present to oppose the consideration of the measure or to advocate it. A Senator might desire to address the Senate on some important matter. He puts upon the face of the calendar a notice that at a given time he will address the Senate on a given subject. There might be Senators who would desire to hear the address, and the notice would be of use to them.

Mr. BORAH. What I wanted to ask the Senator was this: I presume, since the question has been raised, that it might be wise to suggest that the Committee on Rules prescribe what shall go upon the front of the calendar.

Mr. STONE. I think that is a very good suggestion, Mr. President. As a matter of first impression, I am not disposed to favor the absolute wiping out of the practice of having these notices placed upon the front of the calendar; but it might be well enough, to prevent any undue abuse of it, to have the Senate Committee on Rules prescribe some regulation of the subject. But what I want to ask now is whether, if a notice should be given to-day that a motion would be made to take up a given bill on Saturday, it would appear on the face of the calendar?

The VICE PRESIDENT. It certainly would.

Mr. STONE. It would?

The VICE PRESIDENT. It certainly would.

Mr. STONE. On the calendar?

The VICE PRESIDENT. On the calendar. That is notice of a definite proposal.

Mr. STONE. I thought the Vice President had indicated to the contrary.

The VICE PRESIDENT. Oh, no. The Vice President has tried to make himself clear that the reason these notices were stricken off was that they were each of this character—that "at the conclusion of the unfinished business now pending before the Senate I will move to take up a certain bill," and there were four of those notices. The Vice President ordered them left off the calendar, and ordered nothing put on there that was not definite in its character.

CUSTOMS COLLECTION DISTRICTS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance:

To the Senate and House of Representatives:

The sundry civil act approved August 1, 1914, contains the following provision, viz:

> The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs-collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated and the President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirement of the third proviso to the said provision, I have to state that customs-collection districts Nos.

2 and 3, with headquarters ports at Burlington and Newport, Vt., were, on November 21, 1914, by Executive order offective January 1, 1915, consolidated into one customs-collection district, No. 2, with headquarters at St. Albans. This consolidation was made for the reason that the customs business in the State of Vermont could be handled by one collector, and would result in a reduction of the expense of administration.

The port of entry at Somers Point, N. J., in district No. 11, headquarters port, Philadelphia, was abolished by Executive order dated November 30, 1915, to become effective January 1, 1916, for the reason that the customs business at said place was not of sufficient volume to warrant the expenditure necessary to continue the office.

The port of entry at Charlotte, N. Y., in district No. 8, headquarters port, Rochester, N. Y., was abolished by Executive order dated January 28, 1916, to become effective February 1, 1916, for the reason that Charlotte had been by the laws of the State of New York included within the corporate limits of and merged with the city of Rochester.

By Executive order dated February 7, 1916, the boundary line between district No. 29, Oregon, and district No. 30, Washington, was changed so as to detach that part of the State of Washington which embraces the waters of the Columbia River and the north bank thereof west of the one hundred and nineteenth degree of west longitude from customs collection district No. 30, and to place the same within the limits of district No. 29. This action was taken in order to facilitate the transaction of customs business on the north bank of the Columbia River.

By Executive order dated April 24, 1916, to become effective May 1, 1916, Winston-Salem, N. C., was created a port of entry in customs-collection district No. 15, headquarters port, Wilmington, N. C., for the reason that a commercial necessity existed which warranted such action.

By Executive order dated November 21, 1916, to become effective December 1, 1916, Gladstone, Mich., headquarters port, Detroit, Mich., was abolished for the reason that the customs business had been removed to Sault Ste. Marie, Mich.

WOODROW WILSON.

THE WHITE HOUSE, *December 6, 1916.*

REPORT ON AERONAUTICS (S. DOC. NO. 559).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Naval Affairs:

To the Senate and House of Representatives:

In compliance with the provisions of the act of Congress approved March 3, 1915 (naval appropriation act, Public, No. 273, 63d Cong.), I transmit herewith the Second Annual Report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 6, 1916.*

The VICE PRESIDENT. The morning business is closed.

CIRCUIT AND DISTRICT JUDGES.

Mr. SMITH of Georgia. I move that we proceed with the consideration of Senate bill 706, the first bill on the calendar.

The VICE PRESIDENT. That seems to be the first bill on the calendar.

Mr. SMITH of Georgia. Yes, Mr. President. I move to proceed with the consideration of that bill. I make the motion because I think it proper and I have the right to do it.

Mr. SUTHERLAND. Let us have the yeas and nays on that motion, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of South Carolina (when Mr. HARDWICK's name was called). The junior Senator from Georgia [Mr. HARDWICK] is detained from the Senate on account of sickness. He is paired with the junior Senator from Kansas [Mr. CURTIS].

Mr. WADSWORTH (when his name was called). I have a general pair with the senior Senator from Kansas [Mr. THOMPSON]. In his absence I withhold my vote.

The roll call was concluded.

Mr. SIMMONS (after having voted in the affirmative). I should like to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, but I transfer the pair to the Senator from Tennessee [Mr. LEA] and allow my vote to stand.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Louisiana [Mr. RANSDELL], and vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I should like to inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I withdraw my vote, having a general pair with that Senator.

Mr. McLEAN (after having voted in the negative). Has the junior Senator from Montana [Mr. MYERS] voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I withdraw my vote, being paired with that Senator.

Mr. GALLINGER (after having voted in the negative). I inquire whether the Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. GALLINGER. I have a general pair with that Senator, which I will transfer to the Senator from Wyoming [Mr. WARREN] and allow my vote to stand.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. GRONNA (after having voted in the negative). May I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and I will ask leave to withdraw my vote.

Mr. VARDAMAN. I desire to announce the unavoidable absence of the Senator from Louisiana [Mr. BROUSSARD] on account of illness.

The result was announced—yeas 42, nays 33, as follows:

YEAS—43.

Ashurst	Husting	Pittman	Smith, S. C.
Bankhead	James	Pomerene	Stone
Beckham	Johnson, S. Dak.	Reed	Swanson
Bryan	Kern	Robinson	Thomas
Chamberlain	Lee, Md.	Saulsbury	Thompson
Chilton	Martin, Va.	Shafroth	Tillman
Culberson	Martine, N. J.	Sheppard	Underwood
Fletcher	Newlands	Shields	Vardaman
Gore	Overman	Simmons	Walsh
Hitchcock	Owen	Smith, Ariz.	Williams
Hughes	Phelan	Smith, Ga.	

NAYS—32.

Borah	Fernald	McCumber	Smith, Mich.
Brady	Gallinger	Nelson	Smoot
Brandegee	Goff	Norris	Sterling
Clark	Harding	Oliver	Sutherland
Colt	Jones	Page	Townsend
Cummins	Kenyon	Penrose	Watson
Curtis	Lippitt	Poindexter	Weeks
du Pont	Lodge	Sherman	Works

NOT VOTING—21.

Broussard	Hardwick	Lea, Tenn.	Smith, Md.
Catron	Hollis	Lewis	Wadsworth
Clapp	Johnson, Me.	McLean	Warren
Dillingham	Kirby	Myers	
Fall	La Follette	O'Gorman	
Gronna	Lane	Ransdell	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMITH of Georgia. Yesterday I suggested an amendment striking out certain language in the bill and substituting other language. The exact change that I ask is to strike out "if in his opinion the public good so requires, may" and substitute "if in his opinion the efficient conduct of the business of the court so requires, shall." Yesterday I used the word "proper" before "conduct." I use now the word "efficient." I send the amendment to the Clerk's desk and ask that it may be read.

The SECRETARY. On page 10, line 10, in lieu of the amendment proposed on yesterday, after the word "President" and the comma, strike out the words "if in his opinion the public good so requires, may" and insert in lieu the words "if, in his opinion, the efficient conduct of the business of the court so requires, shall."

Mr. SMOOT. I notice that the Senator on July 19, 1916, offered an amendment to the bill and that as amended the bill was ordered printed.

Mr. SMITH of Georgia. No; the amendment was not made.

Mr. SMOOT. Then, with the proposed amendment, the bill was ordered printed. I notice the amendment which was offered at that time by the Senator reads to strike out the words he now proposes to strike out and insert the following:

If he finds that the efficient administration of the business of the court so requires shall.

I understand the Senator makes a change in that amendment.

Mr. SMITH of Georgia. I modeled this language a little more exactly after the language used in the embargo cases. In the embargo cases the language used was "if in his judgment," and I use the language "if in his opinion," that having been the language used in the House bill and reported by the Judiciary Committee. There is not any substantial difference. I would as willingly use one expression as the other.

Mr. CLARK. I should like to ask the Senator from Georgia, who proposes the amendment, if in his opinion the amendment proposed by the Senator makes any practical difference in the operation of the bill?

Mr. SMITH of Georgia. I do not think so. I think the other language——

Mr. CLARK. Then I should like to ask the Senator what is the purpose of the amendment?

Mr. SMITH of Georgia. To remove all doubt as to the meaning of the language in the original bill. In discussing the subject when it was up some months ago I stated what I considered was the meaning of the language in the bill, but that I would be glad to relieve all doubt as to its meaning and modify the language as I now propose. I think either form of language is sufficient. I think the word "may" in the bill means "shall," but I prefer to use the word "shall" so that there can be no possible doubt.

Mr. CLARK. My inquiry was not directed to the use of the word "shall" or the word "may," but to the other portion proposed to be stricken out. The Senator proposes to strike out the words "if in his opinion the public good so requires" and insert "if in his opinion the efficient conduct of the business of the court so requires." I ask the Senator if there is any practical difference or if it would make any difference in the practical operation of the law which of those is used?

Mr. SMITH of Georgia. I think the correct interpretation of the language in the original bill would be the language used in this amendment. That is the interpretation I would place upon the language of the original bill; but as the bill has not yet been passed and some question was raised as to the meaning I think it desirable to use the language offered in this amendment; especially do I deem it desirable to substitute the word "shall" for the word "may."

Mr. CLARK. I do not know that I have any objection to the amendment. To my notion it means precisely what the other language would mean.

Mr. SMITH of Georgia. I think so; but the amendment saves the necessity of construction.

Mr. CLARK. I think with the bill as passed by the House whenever a judge arrives at the age of 70 years and has had 10 years of service the President may appoint an additional judge for that circuit or that district. I do not believe any language can be used that will modify the practical application in that way. In other words, my belief is that the bill is intended and will be so construed as authority to the President to increase at the present time the number of United States judges by from 17 to 20——

Mr. SMITH of Georgia. Three or four of them have died since we were here last summer.

Mr. CLARK. Call it 14, then. There are from 14 to 16, and to appoint an additional Federal judge whenever any Federal judge has reached the age of 70 years and been 10 years in service. That to my notion is the prime object and purpose of this bill, and I do not believe the words which the Senator proposes as an amendment conceal that purpose to any great extent.

Mr. SMITH of Georgia. I will say to the Senator I have no desire to conceal any purpose.

Mr. CLARK. If the Senator had waited until I had gotten through, he would have heard me say that the words proposed in the Senator's amendment do not conceal that purpose any more effectually than do the words of the bill as passed by the House. I, myself, if I was going to vote for the bill, perhaps would prefer the amendment proposed by the Senator from Georgia, because at least it has a little better appearance than the wording of the House bill; but, as I said, the whole practical effect of the entire bill is in my judgment exactly as I have stated, to allow the President of the United States whenever he so desires to put in these additional judges under the conditions expressed in the bill.

Mr. STERLING. Mr. President, while the amendment suggested by the Senator from Georgia is pending, I propose to discuss somewhat fully the bill. We have before us in this bill a series of remarkable propositions all coming under the same general principle.

The bill proposes to amend the Judicial Code: First, by investing the President with the power to appoint an additional circuit judge in any circuit where the present incumbent of that office having served continuously for a period of 10 years has reached the age of 70 years and still desires to remain in office and perform the work of a judge.

Second, the additional judge so appointed takes the place of the present incumbent as one of the judges of the circuit court of appeals, the present judge being to all intents and purposes relieved from the duties which had devolved upon him as one of the judges of said circuit court of appeals. The judge of 70 years of age is now made the junior of the other judges of that court.

Third, by the special grace of the presiding judge of that court the old incumbent may be designated to sit on occasion in the hearing of a cause, but only when in the opinion of such presiding judge the public good may so require. That is according to the terms of the original bill. Whether that part is changed by the amendment offered by the Senator from Georgia, I am not quite sure, but I hardly think so. Under the terms of the bill the Chief Justice is empowered to, on occasion, designate the circuit judge, who has declined to resign at 70, to aid in the hearing of a cause or causes pending before the circuit court of appeals in some other circuit.

Fourth, the same rule is made to apply to district court judges who have reached the age of 70 years after 10 years of continuous service, and, unconscious of any impairment of necessary faculties for the performance of their work, have been careless about resigning. They are to be henceforth relieved save as they may be on occasion designated for duty by a circuit judge under existing provisions of law.

All this is, Mr. President, as I shall attempt to show, nothing less than an attempt to do by indirection what no lawyer would propose to do directly, namely, terminate the services of all Federal circuit and district court judges who, having served a period of 10 years, have reached the age of 70 years. It is true that if the incumbent on reaching the age of 70 does not voluntarily retire he is apparently continued in office during life or good behavior, and that on full pay; but he is required without his consent to relinquish the right to exercise the functions and to perform the duties and to possess the dignities of that high office in favor of another to whom in the terms of the bill the older incumbent is now to become the junior judge. As the law now stands there is the right of voluntary retirement at the age of 70 or at any time after that age, but the right to retire at any time after 70 from the office and from the performance of the duties that go with the office is to be superseded by a legislative plan whereunder there will be an involuntary surrender of the functions and duties of the office.

To surrender these is, in effect, to surrender the office. Title and emoluments do not constitute an office. Inseparable from the office are the duties and the business of the office; they are of the essence of the office, and a man can not be said to hold an office unless he has the right and is under the obligation to perform the work of the office.

The most liberal interpretation you can put upon the relation of the old judge who will be affected by this bill to the new orders of things will be that through such change he will be demoted. Demotion is not confined to a simple reduction in salary or compensation as in the case of a civil-service employee. We are familiar with demotions of this kind when changes of administration take place. But demotion primarily means to be reduced to a lower rank or grade as in the case of school children who may through failure in examinations be required to go back from the seventh to the sixth grade instead of being promoted to the eighth. Just so with this bill. He who was appointed to the first and only rank will be required by legislative manipulation to not only discontinue the regular work of his rank but suffer as well loss or degradation of rank to a junior place, and this by the very language of the bill. Viewed either as an enforced retirement or as a demotion, there is such change in the relation of the incumbent to all that pertains to the office except the compensation as, in my judgment, results in a plain violation of that provision of the Constitution under which these courts are established and these Federal judges appointed.

In the series of resolutions outlining a frame of government submitted by John Randolph early in the proceedings of the Convention of 1787, provision was made for a Federal judiciary the members of which were to hold their offices "during good behavior." Again and again at many sittings of the convention the proposition for the establishment of such judiciary and the tenure of office of the judges came up for discussion. The provision appeared in many different forms, but nowhere in all the proceedings did any statement omit the declaration that tenure was to be "during good behavior," and the finished product of

the labors of the convention in this respect appeared at last as section 1 of Article III:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office.

Whatever prudence on the part of the individual judge may dictate, whatever infirmity of body or mind or the good of the service may dictate concerning voluntary retirement when a judge has reached the age of 70, we know that tenure during good behavior is not conditioned upon age, nor even upon the infirmities of age, for despite these the tenure is for life unless bad behavior sooner terminates the right to hold the place and gives cause for removal by impeachment or otherwise.

In an early case decided by Lord Holt in 1693 (Barcourt *v.* Fox, 1 Shower, 515) the court held and decided as follows:

"During good behavior" is during life; it is so long as he doth behave himself well, i. e., if he behaves himself well in it so long as he lives, he is to have it so long as he lives. During life and during good demeanor are, therefore, synonymous phrases; the same thing when used with relation to offices. The condition annexed, if observed, continues it during life; the contrary determines it. This is the rule and law in case of offices in general, and must hold in this, for this is an office; * * * it is capable of being enjoyed for life, and consequently of being granted so, especially when an act of Parliament declares it shall be so. There is nothing in the nature of the employment that hinders it.

This definition of the term "during good behavior" prevailed in English law at the time of the adoption of the Constitution. By a familiar rule of interpretation it is the meaning which, without other considerations, must be given to the term or phrase "during good behavior." But we are not without American authority. According to the decision in Smith *v.* Bryan (100 Va., 199), "An official tenure 'during good behavior' is for life unless sooner determined for cause. And removal for cause implies a right to be heard and a trial in one form of procedure or another."

Let us bear in mind the language of the Constitution. It is, they "shall hold their offices during good behavior."

And this now invites us to consider for a moment the legal meaning and significance of the word "office." As we pursue the inquiry we shall see that fundamentally an office is a right; a right to exercise certain functions, to perform certain duties. Take away this right and you take away the office; take from the incumbent the right to perform some of the duties which the law prescribes for that office without diminishing the duties of the office itself and pro tanto you deprive the incumbent of his office. Moreover, it is not the individual incumbent alone that is affected by such diminution of duties or by a deprivation of the right to perform the office. The office is a public office, and since, as in this case, a man can not under the supreme law of the land be appointed to the office for a shorter term than during good behavior or for life it must be presumed that the public interest requires the appointee, he being capable, to hold the office during the term for which he was appointed. As I have attempted to show, however, he is not holding the office unless, having the capacity and the will, he is permitted to do that which the law prescribes shall be done by any person appointed to the place.

An office, as defined by Bouvier, is a right to exercise a public function or employment and to take the fees and emoluments belonging to it.

Burrill says:

The idea of an office clearly embraces the ideas of tenure, duration, fees or emoluments, rights and powers, as well as that of duty.

Three writers, Bacon in 1750, Cunningham in 1783, and Tomlins in 1836, using practically the same language, say that the word "officium" (office) principally implies a duty, and in the next place the charge of such duty.

Blackstone defines offices as a right to exercise a public or private employment.

The definition given by Goodnow in his work entitled "The principle of administrative law in the United States, 1905," is illuminating. It is as follows:

By an office is understood a right or duty conferred or imposed by law on a person or several persons to act in the execution and application of the law.

The first right to be noticed is the right of the officer to exercise the powers and perform the duties connected with his office. A continuing right to the office can be spoken of only in the case of an officer whose tenure of office is independent of any administrative superior, so far as the length of term is concerned. Only those officers have a permanent right to exercise the powers and perform the duties of the office who may not be arbitrarily discharged by any administrative superior.

How significant the statement that "the first right to be noticed is the right of the officer to exercise the powers and perform the duties connected with his office."

What are the powers and duties of every district or circuit judge under the law? He is the one essential part of every district or circuit court charged with the duty to hear and determine all cases at law, all suits in equity over which the court to which he has been appointed has jurisdiction, and to hear and determine them in his own right as judge of that court. Likewise may he exercise all powers in interlocutory and ancillary proceedings and while sitting as judge in chambers, incident to his position or conferred by statute. He can do all things necessary to effect the object for which the court was established. All the judicial power vested in the court is called into exercise by the individual judge of that court and that power is as broad as the jurisdiction of the court under the law.

The definition of a public office as given by Mechem is interesting for the reason that it includes the other element of which some hint has already been given, namely, the public benefit to accrue from the exercise of the functions of the office by him who holds it:

A public office is the right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the Government, to be exercised by him for the benefit of the public. The individual so invested is a public officer.

Where the term of the officer is fixed by the constitution, the legislature can neither extend nor abridge it.

Mechem further says relative to the terms and tenure of the office and the want of power in the legislature to change the same:

But where the tenure and terms of office are fixed by the constitution, different considerations apply. Such provisions as the constitution makes are beyond the power of the legislature to alter or destroy.

And it is this contention, Mr. President, that the effect of this bill will be to alter or destroy the tenure of office as fixed by the terms of the Constitution itself.

Thus where a State constitution provides for the election of sheriffs and fixes the term of office, though it does not define what powers, rights, and duties shall attach or belong to the office, the legislature has no power to take from a sheriff a part of the duties and functions usually appertaining to the office and transfer it to an officer appointed in a different manner and holding the office by a different tenure.

The essential thing here is not that the power is transferred to another appointed in a different manner and holding by a different tenure, but that the powers and duties usually appertaining to the office are transferred at all.

Throop, in his treatise on the law relating to public office, in discussing the power of the legislature to remove an officer or abridge his term, had this to say:

But these principles are subject to the qualifications that the legislature can not remove an officer where the tenure of his office is fixed by the constitution, and it has also been said that the same result can not be effected indirectly by transferring the office to another or by abbreviating the term; in such a case the legislature can only abolish the office. It has also been held that where the office is created by the constitution, the tenure and compensation being left to be regulated by statute, the legislature can not virtually abolish the office by a colorable reduction of the compensation or by taking it away altogether. Nor can the legislature take from the officer the substance of the office and transfer it to another, to be appointed in a different manner, and to hold by a different tenure, although the name of the office is changed or the office divided, and the duties assigned to two or more officers under different names.

And that will apply, Mr. President, to the proposition involved in this bill, of treating the old incumbent not as senior, not as a judge of equal rank with any new appointee, but as junior judge, to be subject to the will of the new incumbent of the office. Mr. Throop cites many cases in support of these propositions.

Again, Mr. President, I say it is immaterial that the duties of the office are assigned to others, or to another appointed in a different manner who is to hold by a different tenure. The gist of the act, of the wrong, consists in taking from the officer the substance of the office. And this you surely do when you not only appoint a new judge who shall outrank the present incumbent, but when you relieve the incumbent from the performance of his regular duties, and leave it to the arbitrary will of another judge or judges whether the old incumbent shall perform a single one of those duties usually appertaining to the office.

Throop further says:

It is well settled that where the constitution creates or recognizes an office, and declares that the incumbent may be removed in a specified manner or for specified reasons, the legislature can not constitutionally provide by statute for his removal for any other reason or in any other manner.

But here you propose not to remove for any disability, nor for anything for which the judge might be impeached under the Constitution, nor is it the incapacitated individual judge against which the bill is aimed. You propose by this bill to remove Federal judges en bloc for no cause specified in the Constitution and against the plain provision that they shall hold their office during good behavior. Instead of belonging to an independent

judiciary with power of direction and initiative in the administration of justice, in the manifold business of the circuit court of appeals or of the district court to which he was appointed under the Constitution and the law, he is relieved entirely, or if called to occasional service it is not by virtue of his right under the Constitution, for under this bill he need not be and probably will not be called at all, but if he is it will be as a subordinate and subject to the will of other judges.

Mr. President, it is not contemplated that his services will be needed even in the uncertain, desultory manner provided in the bill. It is evident that the whole scheme and purpose is to deprive these judges who after 10 years of service have reached the age of 70 years of the right to perform the duties of the office to which they were appointed, to provide for their involuntary retirement, and "will they nill they" appoint their Democratic successors.

The very terms of the bill show that no additional judges are in fact needed in addition to the number already qualified to serve in the circuit court of appeals or in the district court. The animus of this proposed measure is disclosed by the last paragraph, which is that—

> Upon the death or resignation of any circuit or district judge so entitled to resign, following the appointment of any additional judge as herein provided, the vacancy caused by such death or resignation of the said judge so entitled to resign shall not be filled, but the number of judges then in office shall be reduced accordingly.

Attempts have been made to deprive an officer of the fees of his office by relieving him of the duties of the office, but the office being a constitutional office, it was held that this could not be done. This was in the case of People *v.* Howland, Forty-fifth New York Statutes, page 347, and the court there held that there can be no public office with no duties to be performed.

Mr. President, it has been asserted, and not without reason, that the real object of this bill is to confer favors upon and give places to some 15 or 16 "deserving Democrats."

Let us give the author of the bill, the distinguished Senator from Georgia, the benefit of the doubt.

Mr. SMITH of Georgia. Mr. President, one moment. The author of the bill was Attorney General McReynolds, who first recommended it when he was Attorney General, and then it was recommended again by Attorney General Gregory. The bill came from the Department of Justice. The Senator gives me credit for more than I deserve.

Mr. STERLING. I assumed that the distinguished Senator who introduced the bill, and who is now advocating it so earnestly, was the author of the bill.

Mr. COLT. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from South Dakota yield to the Senator from Rhode Island?

Mr. STERLING. I yield to the Senator from Rhode Island.

Mr. COLT. May I ask the Senator from Georgia if it is not a fact that the recommendations of the former Attorney General differed radically from the present bill, in that under his proposed bill the President was obliged to appoint?

Mr. SMITH of Georgia. Yes.

Mr. COLT. Because, in a conversation some time ago with Mr. Justice McReynolds, I understood him to say that this bill did not meet with his approval, for the reason, as I understood, that it gives the President discretionary power to appoint.

Mr. SMITH of Georgia. I should like to ask the Senator from Rhode Island if he will support a bill which would make it obligatory to appoint an additional judge when the old judge reaches the age of 70?

Mr. COLT. I might say that that bill would be open to the objection that the President would be obliged in every case, when a judge reaches the age of 70 and has served 10 consecutive years, to appoint another judge; and it hardly seems to me that that would be a practical measure, in that the effect would be to increase the number of judges more than was necessary. Further, I am opposed to any feature which allows either Congress or the Executive to demote or degrade a judge while he is holding the office of judge. Therefore I could not support the bill proposed by the Senator.

Mr. SMITH of Georgia. If the Senator will allow me, the change from the recommendation of the Department of Justice in this bill simply consists in the modification of the provision which makes it obligatory upon the President, in all cases when a judge reaches the age of 70, to appoint the additional judge. The bill amended will provide that the appointment of the additional judge shall be made only if in the opinion of the President the efficient conduct of the business of the court so requires. That is the change from the bill recommended by the Department of Justice.

Mr. SUTHERLAND. Mr. President, may I, with the permission of the Senator from South Dakota, ask the Senator from Georgia a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator from Georgia, I think, knows that heretofore whenever a judge has reached the age of 70 years, and has declined to retire, but by reason of disability is not able fully to discharge the duties of the office, Congress has provided by a special bill for the appointment of an additional judge.

Mr. SMITH of Georgia. Is that a question addressed to me?

Mr. SUTHERLAND. I make that statement of fact as preliminary to a suggestion or a question which I desire to ask of the Senator.

Mr. SMITH of Georgia. I will let the Senator finish.

Mr. SUTHERLAND. Now, if that is correct—and my observation during my 12 years' service in this body convinces me that it is—what objection is there to leaving this discretion where it is now, whenever a case is presented such as is contemplated by this bill? Why should we take from Congress the discretion which it now possesses to pass upon the individual case and determine whether or not the inefficiency of the discharge of the judicial duties will justify the appointment of a new judge? Why take it from Congress and vest it in the President?

Mr. SMITH of Georgia. I will answer the Senator. In the first place, I dissent from the statement of fact that he announces. I dissent from the statement that Congress has taken action whenever the necessity arose, and I instance a circuit court judge in the fifth circuit. Bill after bill for the past five years has been introduced to provide an additional judge in the fifth circuit, where a judge had been bedridden for five or six years, where he had reached the age of 82 years, where he had not been on the bench for years, and never again was expected to perform the duties of his office. We were not able to get the bill through to relieve this situation. So, Mr. President, it is not an accurate statement when it is laid down as a fact by the Senator that Congress does act in all cases where the necessity arises.

Now, let me go further——

Mr. SUTHERLAND. That is, it did not act in that case in the manner in which, in the opinion of the Senator from Georgia, it ought to have acted; but in the opinion of Congress the action which the Senator wanted was not justified.

Mr. SMITH of Georgia. I have the floor now. Let me answer the Senator. The Senator has asked me a question, and I will answer it. I answer him first by saying that Congress has not always acted; that a failure of justice by a failure to provide proper judicial officers has grown out of the age and inefficiency of judges, and Congress has neglected to act. I have named one extreme case where Congress did not give relief. I might name others. Now, then, going one step further, the advantage of this bill over congressional action is that we uniformly provide for the contingency, without additional legislation and without the delay caused by waiting for action by Congress in special cases. We lay down one general rule to be applied to all cases, which is that where the judge has passed the age of 70 and the efficient conduct of the business of the court so requires, without the delay of legislative action, without the uncertainty of legislative action, the President, in touch with the Department of Justice, at once meets the necessity and provides an additional judge who may attend to the business. That, I think, is an important advantage of this bill over the old system.

Mr. SUTHERLAND. The effect of all of which is, Mr. President, if I understand the position of the Senator from Georgia, that he thinks the President of the United States is more likely to act in accordance with his views than the Congress of the United States; but I undertake to say, from my observation, that whenever a case has been presented to Congress and facts have been presented that have justified a provision for an additional judge provision has been made. It was done in the case of a bill presented by the Senator himself within the last two years, when he desired an additional judge appointed in the State of Georgia. The Committee on the Judiciary investigated the question and came to the conclusion that the position of the Senator from Georgia was right, and an additional judge was provided for. We provided for it in the case of Maryland three or four years ago. Now, it seems to me that inasmuch as the Constitution of the United States contemplates that this power of creating judicial offices should be exercised by the Congress of the United States

and not by the President, Congress ought not to abdicate its power; it ought to retain the power on the theory that Congress is better able to determine whether an additional judge is required than is the President.

Mr. STERLING. Since the Senator from Georgia disclaims authorship of this bill, let me say, then, that——

Mr. SMITH of Georgia. I should make this qualification: I do not mean that this bill was not drawn by me. I mean that the responsibility for it rests upon the Department of Justice, which had twice recommended the bill before I undertook to meet their desires. The bill was actually prepared by the chairman of the Judiciary Committee of the House, by myself, and by the Solicitor General of the United States, to carry out the request of the Department of Justice. That is an accurate statement.

Mr. STERLING. I think I understand the Senator from Georgia in that respect.

Mr. WORKS. Mr. President, if the Senator will permit me for just a moment, I should like to ask the Senator from Georgia a question.

Mr. STERLING. I yield to the Senator from California.

Mr. WORKS. Under what constitutional or statutory authority does the Attorney General recommend or advise legislation by Congress? I supposed that such recommendations were required to come from the President.

Mr. SMITH of Georgia. The heads of the departments furnish their reports, embodying suggestions as to the needs of the Government, as an incident to their departmental work; and it has grown to be the practice for the President simply to adopt their reports and send them to Congress practically as his own. They really come to us as the acts of the assistants of the President, through the President.

Mr. WORKS. The Senator has not answered my question, but I will waive that. I understand that these reports first go to the President of the United States. Formerly they were embodied in his message to Congress; and it has always seemed to me that if any recommendation or advice respecting the enactment of any legislation is made, it should come from the President. He is directly authorized by the Constitution to make these recommendations; but there is no such provision as relating to any department, so far as I know.

Mr. SMITH of Georgia. No; but Presidents recently have furnished us these reports and requested us to consider them as a part of their messages, as the President did yesterday.

Mr. WORKS. Well, Mr. President, if that has become the custom of the executive departments, it is an exceedingly dangerous one—if all of the recommendations that are made by the heads of departments are regarded as being made by the President because he refers them to Congress.

Mr. STERLING. Mr. President, instead, then, of giving the author of the bill the benefit of the doubt, let us give the benefit of the doubt to the distinguished Senator from Georgia, and let us say that he was not impelled by the sight of 15 or 16 old and decrepit men vainly endeavoring to keep up the appearance of performing their judicial duties, but who through failure of their powers to longer weigh evidence or grasp and apply the legal principles involved in the cases before them were manifestly unfit for their tasks; but let us take the more charitable view and agree that the introduction of the bill was inspired by one or two isolated cases which have come under his personal observation, where physical and mental infirmities to some degree incident to age have prevented the performance of the duties of their offices by one or more Federal judges. Suppose this to be the case. Is he without remedy? Is there no relief save by the questionable method here proposed? Can there not be the disposition of causes without resort to this drastic method of forcing all judges of 70 out of the service at the will of the Executive? Is there no relief under existing law for these specific cases without peremptorily putting 15 or 16 good and competent men on the superannuated list? If existing law does not cover the case, let us make a law that will. We can do it and keep within the bounds of the Constitution, I am sure.

I want to call attention, Mr. President, to some of the provisions of the Judicial Code relative to cases of disability and the provisions made for the trial of cases and the transaction of the business of the court under such circumstances.

Calling attention to section 13, the language is:

> When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, any such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said court, and to discharge all the judicial duties of the judge so disabled, during such disability. Whenever it shall be certified by any such circuit judge or, in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district in another circuit to hold said court and to discharge all the judicial duties of the judge so disabled, during such disability—

And so forth.

Section 14 provides for another class of cases. Section 13 especially relates to disability on the part of the presiding judge; but section 14 relates to the accumulation of business, and provides that—

> When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to any circuit judge of the circuit in which the district lies, or, in the absence of all the circuit judges, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof. Each of the said district judges may, in case of such appointment, hold separately at the same time a district court in such district, and discharge all the judicial duties of the district judge therein.

And then another section—section 16—provides for a new designation in the case of failure of one or the other of the first designations to be made.

So it seems, Mr. President, that here in this Code is ample provision made for the dispatch of the business of the court in case of disability on the part of the judge, or in case of a great accumulation of business.

But it is said that appointments are to be made only if in the opinion of the President the public good so requires. The Senator from Georgia proposes now to change the language so that it will be in substance, if not literally, this, "If in his—the President's—opinion the efficient conduct of the business of the court requires." Mr. President, under the admission of the Senator from Georgia himself, made this morning, there is no material difference between the language first appearing in the bill in this respect relating to the public good, and the President's judgment and discretion in regard to the public good, and the amendment offered by the Senator from Georgia.

How plausible, now, does this seem, "as the public good may require," or, in the new language, "if, in his opinion, the efficient conduct of the business of the court requires"! In either case there may be, and there is likely to be, an exercise of power purely arbitrary. Under the ample authority to designate judges for service in any district or in any Federal court save the Supreme Court, as now conferred by law, where is the need for this new power with which you propose to invest the President?

The power to do something for the public good must wait upon the public need, and I think it quite demonstrable if not already demonstrated, that even in the rare and isolated case or cases which I concede may have inspired the framing of this bill, there is no real genuine need. I would suggest to the distinguished Senator from Georgia that in that distressed and burdened district they need not suffer from the "law's delay" for a single day. Let them avail themselves of the advantages, the opportunities the law already gives them; let them call for the designation of another judge under the law as it is, and go to work and "clean up the calendar."

But does it not occur to us that the framers of the Constitution had in mind the public good when they adopted section 1 of article 3 of that great instrument? And that they must have believed that on the whole and in the long run the public good would be best served by providing that the judges of the Supreme Court, and such inferior courts as Congress might from time to time ordain and establish, should hold their offices during good behavior? The vice of this bill is that it substitutes the opinion of the President of the United States as to the public good, and what that good requires, for the opinion of the wise, far-seeing men who made the Constitution, and in it established or provided for the establishment of what I believe to be one of the greatest, and perhaps the greatest, judicial system in the world.

But, Mr. President, aside from the objection to this bill on constitutional grounds; aside, too, from the absence of evidence of any real need for the proposed legislation and the great additional expense involved, should we enact it, the bill is objectionable from the standpoint of expediency and of a wise policy in providing for the administration of justice as a part of our Federal system. Gouverneur Morris, speaking in the Senate here in 1802 in opposition to the repeal of the judiciary act then attempted, said in part:

> Lest a doubt should be raised, they have carefully connected the judges of both courts in the same sentence; they have said "the judges both of the supreme and inferior courts," thus coupling them inseparably together. You may cut the bands, but you can never untie them. With

salutary caution they devised this clause to arrest the overbearing temper which they knew belonged to legislative bodies. They do not say the judges, simply, but the judges of the supreme and inferior courts shall hold their offices during good behavior. They say, therefore, to the legislature, you may judge of the propriety, the utility, the necessity, of organizing these courts; but when established, you have done your duty. Anticipating the course of passion in future times, they say to the legislature, you shall not disgrace yourselves by exhibiting the indecent spectacle of judges established by one legislature removed by another. We will save you, also, from yourselves. We say these judges shall hold their offices, and surely, sir, to pretend that they can hold their office after the office is destroyed is contemptible.

And, as already shown, you deprive a man of his office when you deny him the right to perform the duties of the office.

Continuing Mr. Morris said further:

The framers of this Constitution had seen much, read much, and deeply reflected. They knew by experience the violence of popular bodies, and let it be remembered that since that day many of the States, taught by experience, have found it necessary to change their forms of government to avoid the effects of that violence.

Mr. President, what Senator Morris said in regard to the framers of the Constitution having seen much, read much, and deeply reflected, is pertinent to this discussion. His observation has been verified in the triumphant march of our great charter of government and of free institutions through a thousand tests and vicissitudes from that day down to this. They foresaw the evils that might flow from a judiciary made dependent and subservient by short or uncertain tenure of office. They foresaw that nothing would tend more to the growth and perpetuity of the Republic than the prompt and proper administration of justice with equality before the law. They foresaw the peril sure to hover about a system of government which left its judiciary to be selected or removed as party or factional exigency or legislative caprice might dictate, and, foreseeing as they did, they forestalled all such evil contingencies by providing that the judges in this great department of Government should hold their offices during good behavior.

We would not think of openly and directly changing a policy fixed by the Constitution. It is not a splendid performance to attempt such a thing in this devious and circuitous way.

On the score of good and faithful service, of the recognized mental ability of most men of education of good physical health at the age of threescore and ten as we see and know them every day of our lives, this is an unwise, an improvident, and a humiliating measure. The age of about one-eighth of the membership of this Senate is beyond 70 years, 26 Members are more than 65 years of age, while the average age of the 96 Members of this honorable body is about 58 years; and we have the daily exhibition of most untiring industry, of wisest counsel, and of splendid achievement on the part of men who have passed the seventieth milestone of their lives. They are found on both sides of this Chamber; the States they represent honor themselves and confer a benefit upon the Nation by continuing them in this most honorable and yet exacting public service.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. STERLING. Yes.

Mr. SMITH of Georgia. Is it not true that the people have a chance every six years to retire Senators and that they have retired at least more than half of them before they were 70?

Mr. STERLING. But not on account of their age. It is admittedly true that some of the most eminent men in this honorable body have years since reached the age of three score and ten, and much of the most valuable service rendered the Senate and the country has been rendered by men of that age. I think the Senator from Georgia is well aware of that.

Mr. SMITH of Georgia. Is it not true that as amended the bill will leave such men on the bench and will only furnish efficient judges in the cases where the old judges have ceased to be efficient and where the people would retire Senators for inefficiency?

Mr. STERLING. Not necessarily so. It is in the power of the President, just as it was under the former language of the bill before the Senator from Georgia proposed to amend it this morning. He, the President, should not have the power to arbitrarily determine whether a judge is rendering efficient service or not. It was never contemplated that under the Constitution such power could be conferred upon him. The law itself provides for cases of inefficient service arising from disability or from urgency of business and for the designation of a judge or judges accordingly who are able to dispose of the business of the court.

Mr. President, we are not without further and contemporary reasons for this tenure of the Federal judiciary during good behavior—I mean reasons contemporary with the adoption of the Constitution itself. Who better than Alexander Hamilton foresaw the need of an independent judiciary? Who better than he saw the danger of any legislative limitation upon such tenure? Who more clearly divined than he the delicate and difficult questions inherent in the Federal system itself, and which these courts, especially the Supreme Court, would be called upon to decide? Although the frame of Government and the distribution of its powers may not have been after the pattern advocated by Hamilton, it is certain that among those who labored for the adoption of the Constitution there were none who appeared quite so earnest or quite so powerful as he; none who better comprehended or more clearly interpreted its various provisions. With his usual sagacity and prescience he saw the advantages to accrue from a tenure during good behavior, not the least of which was that the judge under any age limit of service which the legislature would be likely to adopt, if it fixed a limit at all, might still be able to render the country his most efficient service. Addressing himself to this phase of the question, he says in the Federalist:

The want of a provision for removing the judges, on account of inability, has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and inability would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification.

The constitution of New York, to avoid investigations that must forever be vague and dangerous, has taken a particular age as the criterion of inability. No man can be a judge beyond 60. I believe there are few at present who do not disapprove of this provision. There is no station in relation to which it is less proper than to that of a judge. The deliberating and comparing faculties generally preserve their strength much beyond that period, in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor, and how improbable it is that any considerable proportion of the bench, whether more or less numerous, should be in such a situation at the same time, we shall be ready to conclude that limitations of this sort have little to recommend them. In a Republic where fortunes are not affluent and pensions not expedient, the dismission of men from stations in which they have served their country long and usefully, on which they depend for subsistence, and from which it will be too late to resort to any other occupation for a livelihood, ought to have some better apology to humanity than is to be found in the imaginary danger of a superannuated bench.

But we do not rest this part of the case with Hamilton. We have the words of Story, a near contemporary and one of the most distinguished of the earlier Supreme Court Justices, as well as an authoritative interpreter of the Constitution. Justice Story, lamenting that unwise New York law which deprived the State of the judicial services of the great Chancellor Kent at the age of 60 years, and who began the writing of his great work "The Commentaries on American Law" at the age of 63, has this to say among other things in his work on the Constitution (5th ed., v. 2, p. 437):

The limitation of New York struck from its bench one of the greatest names that ever adorned it in the full possession of his extraordinary powers. I refer to Mr. Chancellor Kent, to whom the jurisprudence of New York owes a debt of gratitude that can never be repaid. He is at once the compeer of Hardwicke and Mansfield. Since his removal from the bench he has composed his admirable Commentaries, a work which will survive as an honor to the country long after all the perishable fabrics of our day shall be buried in oblivion. If he had not thus secured an enviable fame since his retirement, the public might have had cause to regret that New York should have chosen to disfranchise her best citizens at the time when their services were most important and their judgments most mature.

Even the age of 70 would have excluded from public service some of the greatest minds which have belonged to our country. At 80, said Mr. Jefferson, Franklin was the ornament of human nature. At 80 Lord Mansfield still possessed in vigor his almost unrivaled powers. If 70 had been the limitation in the Constitution of the United States, the Nation would have lost seven years of as brilliant judicial labors as have ever adorned the annals of the jurisprudence of any country.

And Rawle in his "A View of the Constitution," written in 1829, on page 278, most admirably vindicates the wisdom of the framers of the Constitution in making the provision they did for the tenure of Federal judges. He says:

In some States a power is given to the executive authority, on the application of a certain proportion of the legislature, to remove a judge from office. Reasons will occur both for and against such a provision. If a judge should be incapacitated by infirmity or age or be otherwise, without any fault of his own, prevented from performing his duties, he would not be a proper subject for removal by impeachment; yet, where duties can not be performed, the officer should not be continued. The incapacity should, however, be established in the specific case, and to lay down a general rule that on the attainment of a certain age the judge shall no longer be admitted to act may withdraw from the service of the public a person capable of being highly useful to them. In New York the commission expires at the age of 60 years; in Connecticut at 70 years; and thus their constitutions seem to intend to impose laws on nature itself or to drive from their own service men in whom may still reside the most useful faculties, improved by time and experience. The Constitution of the United States abstains from this error.

In prefiguring the capacity and achievements of men past three score and ten, Hamilton and Story spoke not alone as statesmen but as men who had seen much, read much, and deeply

reflected, and knew thence how to predict the future. They were prophets as well as statesmen.

Turning to the record, we find that of the 65 judges of the Supreme Court appointed from the beginning of the Government under the Constitution down to the present time, 27 or about three-sevenths of the entire number, have served beyond 70 years, the age of voluntary retirement. Among the 27 are 4 out of 9 Chief Justices, including the present most active, capable, and distinguished incumbent of that high office, and including, of course, those unrivaled luminaries of the greatest judicial tribunal in the world, ranking in order of greatness as in order of time of service, namely, Marshall, who died in the service at 80, and Taney, at the age of 87.

Three, or one-third, of the members of that great court as now constituted are past 70.

In view of these authorities and this record no man will have the hardihood to introduce a bill like this which would apply to the Justices of the Supreme Court; and yet no argument can be adduced in favor of the pending measure but which might not with equal reason and equal force be applied to the Supreme Court. On the other hand, all the wise counsel which we have inherited from the past and all the sane and reasonable arguments in favor of the principle of tenure during good behavior or for life and which find their complete vindication in the career and services of the Supreme Court Justices will with equal force and reason and with the same vindication apply to all Federal, circuit, and district court judges throughout the land.

Mr. President, there seems to be a strange obsession on the part of certain forces in this administration in regard to the age of Federal judges, both the age at the time of appointment and the age at which they should retire from the service. I recall a personal experience arising out of my advocacy of the appointment of an able and distinguished friend of mine to the position of circuit judge in place of Judge Grosscup, of Chicago, who had resigned. My friend served many years, I think 15 or 16, as one of the State circuit court judges in one of the great circuits in the State of Illinois. Following this service came several years of distinguished service on the appellate bench of Illinois. Throughout the State he was regarded as one of its most upright and able judges. Being in full possession of all his splendid powers of mind, he became an applicant for the place made vacant by the resignation of Judge Grosscup; but, unfortunately for him, he was past 60 years of age, and although I had the hardihood to interview the President himself in regard to the matter of my friend's appointment, the fiat had gone forth from the Department of Justice that no man should be appointed to a Federal judgeship who was more than 60 years of age. The splendid qualifications of the applicant were all recognized. Moreover, he agreed, if appointed, that on reaching the age of 70 years he would then retire from the service. But all in vain; he had passed the "dead line," and, in the opinion of the then Attorney General, was ineligible, and that opinion, and not a doubt as to the candidate's fitness or ability on the part of the Executive, controlled. With this as the strong predilection of the then Attorney General in regard to the age which should bar appointment to the Federal bench, it is not remarkable that he wrote the opinion on which the Senator from Georgia relies with such evident satisfaction.

Mr. SHERMAN. I wish to interrupt the Senator for a moment at this point.

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. If next to the last justice of the Supreme Court had not been appointed until November 13, 1916—I allude to Justice Brandeis—he himself would have passed the sixtieth year. He barely came within the limitation imposed by the Executive fiat referred to by the Senator.

Mr. STERLING. Yes.

Mr. SHERMAN. It shows how extremely arbitrary the application of the rule is as well as the narrowness of the rule itself.

Mr. STERLING. Yes, Mr. President; and partly along the same line referred to by the Senator from Illinois, I want to call attention here to some figures in regard to that, showing when appointments to the Supreme Court were made in a number of instances; that is, showing at what age the justices were appointed. Judge Lurton was appointed at 65 or 66; Justice Hunt, at 63; Justice Lamar, at 63; William Strong, at 62; Samuel Blatchford, at 62; Howell E. Jackson, at 61; Justice Holmes, at 61; Justice Shiras, at 60; Chief Justice Taney, at 59, and he served 28½ years after his appointment; Thomas Johnson, at 59; Gabriel Duval, at 59; J. P. Bradley, at 58, who served 22 years.

I have here, Mr. President, a list of 20 justices of the Supreme Court who served after 70 years of age. The judge with the shortest service was Justice Waite, who served 1⅛ years after he reached the age of 70. The one with the longest service was Chief Justice Taney, who served 17½ years after he was 70 years of age. The average service of these 20 justices after they had reached the age of 70 years was 7$\frac{1}{10}$ years.

As I recall my personal experience, Mr. President, alluded to a moment ago, I found myself wishing, after I had gone through it, that there had been some further delimitation of the departments and powers of government in the Constitution, to put it mildly.

The distinguished Senator from Georgia may find various reasons for the capacity and serviceableness of old men on the bench. He may find it in the nature of the work of the judge, which for the most part is the quiet work of studying, examining, and comparing statutes and precedents, and by process of legal reasoning to which he has been long accustomed, applying them to the facts of the case in hand. The very temperament which makes him fit to be judge at all keeps him free from the passions involved in the case. To do justice between hotly contending attorneys and litigants he must maintain that poise and self-command which are most conducive to both bodily and mental health. So that we are enabled to say of many judges:

> Though old, he still retained
> His manly sense and energy of mind.

Shakespeare furnishes yet another reason. I think with rare exception it will apply to the bench if not to the bar:

> Though I look old, yet I am strong and lusty; for in my youth I never did apply hot and rebellious liquors in my blood; and did not, with unbashful forehead, woo the means of weakness and debility: therefore my age is as a lusty winter, frosty but kindly.

But I find in these few words of Mrs. Gatty the noblest recognition of the value of the achievements and service to the world of the intellectual old man:

> It is often the case with fine natures that when the fire of the spirit dies out with increasing age the power of intellect is unaltered or increased, and an originally educated judgment grows broader and gentler as the river of life widens out to the everlasting sea.

But why multiply instances or have recourse to the wisdom and achievements of age as embodied in literature. The men who had seen much, read much, and deeply reflected knew what duties would be imposed, what capacities and faculties would be required in their performance, and with this experience and knowledge before them they deliberately embodied the principle in the Constitution and gave to all Federal judges a life tenure. And so the Constitution is their shield, their protecting ægis. And there it shall stand forever, not only as a protection to those whose high function it is to interpret the law and administer justice, but a protection as well to the great public whom the judges serve.

CORRUPT PRACTICES.

During the delivery of Mr. STERLING's speech,

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

Mr. CURTIS. I should like to offer three amendments to the bill, and have them printed and lie on the table.

The PRESIDING OFFICER. They will be received and printed and ordered to lie on the table, without objection.

Mr. OWEN. Mr. President, I should like to ask other Senators who may have amendments that they wish to offer to the bill to supply them for the record so that the Senate may be advised.

Mr. WORKS. I have two or three amendments that I desire to propose to the bill, and if the Senator thinks it advisable I would be glad to have them printed.

Mr. OWEN. I would be glad if the Senator would have them printed for the information of the Senate, so that we may have an opportunity to see them.

Mr. SMOOT. The Senator does not ask that they be printed in the RECORD, but printed in the regular form?

Mr. OWEN. Printed in the regular form.

Mr. WORKS. Very well. I will submit two or three amendments that meet my view. I may desire to offer some very short amendments which it is not worth while to have printed in advance, but I am sending to the desk two amendments that I think it well to have printed now.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

Mr. OWEN. I venture to suggest to the Senator from South Dakota that the fact that the corrupt practices bill is now before the Senate need not interrupt his remarks, because he may under the rules proceed with his remarks, as he has not yet completed them.

Mr. STERLING. I was in some doubt as to the effect of laying the unfinished business before the Senate, but I will proceed and conclude my remarks at this time.

Mr. SMITH of Georgia. Before the Senator resumes I should like to state to the Senate that while the unfinished business of course takes precedence, if anything should happen that the unfinished business would not continue to occupy the Senate and it should be temporarily laid aside, I shall then ask that Senate bill 706 be taken up and proceeded with. I mention it now so that Senators may be advised. I do not know that anything of the kind will happen, but if there should be an interim I shall ask to fill it up with this bill.

The PRESIDING OFFICER. The Senator from South Dakota will proceed.

After the conclusion of Mr. STERLING's speech,

Mr. SMITH of Georgia. Mr. President, I desire to repeat that if at any time after 2 o'clock the bill which is now the unfinished business is not in a position to be pressed and is temporarily laid aside, I shall at once ask that the judicial bill which we have been considering this morning receive immediate consideration. I mention that lest anyone might be surprised by the bill being called up later on in the afternoon.

Mr. CLARK. Mr. President, can that be done without making the bill the unfinished business, under the rules of the Senate? It certainly hardly seems just that those who are interested in the one bill, and perhaps not interested in the other, should be compelled to be in attendance at all times, unless the bill referred to by the Senator from Georgia shall become the unfinished business, so as to require such attendance.

Mr. SMITH of Georgia. I suppose really the place for all of us all the time when the Senate is in session is on the floor of the Senate Chamber.

Mr. CLARK. Well, the Senator from Georgia may make that observation——

Mr. SMITH of Georgia. I thought the Senator was through. If I am mistaken in that, I will wait on him.

Mr. CLARK. No, Mr. President; I was not through.

Mr. SMITH of Georgia. Then I will wait until the Senator has concluded.

Mr. CLARK. I ask for a ruling upon the question whether what the Senator from Georgia suggests can be done without making the bill the unfinished business and displacing the corrupt-practices act.

Mr. OWEN. Mr. President, as I understand the suggestion of the Senator from Georgia, it merely is to the effect that, in the contingency of the unfinished business being temporarily laid aside, he intends to be in his seat on the floor of the Senate and then to move to take up this other matter.

Mr. CLARK. So far as that is concerned, of course, there would be no objection to it; but as for taking up the bill——

Mr. SMITH of Georgia. I only mentioned that so Senators who are interested in the measure might not be taken by surprise if it happened; that was all. It was intended only as a courtesy to those who are interested in this bill, and not as a discourtesy.

Mr. CLARK. Yes; but my parliamentary question went a little further than the Senator from Oklahoma [Mr. OWEN] seems to indicate. If after 2 o'clock the bill of the Senator from Georgia is taken up on motion it becomes, to my notion, the unfinished business and displaces the bill of the Senator from Oklahoma.

Mr. OWEN. I think that would be quite true, Mr. President, but it is not the intention of those in charge of the bill to limit expenses in political campaigns to neglect to press that bill. Their purpose is to dispose of that bill, and I shall certainly be diligently at hand to ask the Senate to pass upon the suggested amendments and to dispose of the bill, I hope, very soon.

Mr. CLARK. The only purpose of my inquiry was to ascertain whether or not we are to have one unfinished business a part of the day and another bill as the unfinished business for the balance of the day.

Mr. OWEN. No; that can not be understood, and there is only one unfinished business. I think there is nothing more in the suggestion of the Senator from Georgia than that he would be in his seat prepared to press his bill in case the unfinished business were temporarily laid aside. There are some Senators who are not quite prepared to offer amendments which they desire to offer. The Senator from North Dakota [Mr. GRONNA], I understand, has some amendments which he wishes to offer, but which he has not yet prepared. The Senator from California [Mr. WORKS] has some which he is going to submit this afternoon, I believe. I understand there are some amendments offered this morning by the Senator from Kansas [Mr. CURTIS] to be printed, which I think would necessarily carry the bill over until to-morrow, because the Senate would not want to act upon the bill until the amendments shall have been printed.

Mr. CLARK. But, if the Senator will pardon me, if the Senator from Georgia in that event should come in with his motion to take up the judicial bill and that motion should prevail, then to-morrow the judicial bill would still be the unfinished business, and the Senator from Oklahoma could only again get his bill before the Senate as the unfinished business by displacing by motion and vote of the Senate the judicial bill.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to ask him a question?

Mr. CLARK. Yes.

Mr. BRANDEGEE. Does the Senator think where the unfinished business after 2 o'clock is laid aside temporarily by unanimous consent, and then the Senate proceeds to take up some other measure for that afternoon with which to occupy itself, that the previous piece of unfinished business has been displaced?

Mr. CLARK. I think so, if it is taken up by motion.

Mr. BRANDEGEE. I wanted to get the Senator's idea about that. I have not been of that opinion.

Mr. CLARK. If it is taken up by motion, that would be true; but if it is taken up, nobody objecting, then it would not be true.

Mr. BRANDEGEE. I had supposed, Mr. President, that where the unfinished business was only temporarily laid aside and where that was done by unanimous consent, then, even if another matter was taken up by motion that afternoon, the unfinished business having only been temporarily laid aside, it retained its place as unfinished business. I may be mistaken about that.

Mr. OWEN. That is the practice of the Senate, I am sure.

Mr. SMITH of Georgia. It has undoubtedly been the ruling of the Chair and it has been the ruling of the Senator from Connecticut. I think that is the accepted rule of the Senate.

If the Senator from Wyoming will permit me, I desire to say that I had been told that there were Senators upon his side of the Chamber who might not be ready to go on this afternoon, that it might be necessary to temporarily lay aside the bill which is now the unfinished business, and that it might be necessary, in order to accommodate Senators on his side of the Chamber, to temporarily lay aside the unfinished business. That being true, we would accomplish something by adopting my suggestion, and I thought it would be a matter of convenience to mention to Senators upon the other side that if such a contingency happened I should be here to move to take up the bill that we are now considering. That is the whole of it.

Mr. CLARK. I wanted to get an understanding of the matter. My understanding is, if the present unfinished business is laid aside and after 2 o'clock another bill comes before the Senate upon motion and vote taken, that the present unfinished business is displaced as the unfinished business.

Mr. OWEN. That would be true, but under no circumstances would those in charge of this bill do more than ask unanimous consent to lay aside the unfinished business temporarily, without losing its place.

Mr. CLARK. Well, but we do not get any closer together, of course, because my notion is that it is not a question of agreement, but is a question of legislative procedure, that a bill taken up after 2 o'clock becomes the unfinished business and displaces any unfinished business then upon the calendar. With that view the Senator from Connecticut [Mr. BRANDEGEE] does not agree.

Mr. BRANDEGEE. Mr. President, in order to make myself clear about that, if I do not interrupt the Senator, my idea was that where the Senate by unanimous consent agreed that a bill should be only temporarily laid aside, it meant that it should not be displaced. There is no other meaning to be given to the words "temporarily laid aside," except that a measure is not permanently laid aside or displaced.

Mr. OWEN. That is my understanding of the rule.

Mr. GALLINGER. Mr. President, just a word. I quite agree with the Senator from Wyoming [Mr. CLARK] that if a bill is laid aside, whether it be temporarily or otherwise, and another bill is taken up on motion, that that bill becomes the unfinished business. Any one Senator can object to a bill being temporarily laid aside, if that is necessary to enforce the position which the Senator from Wyoming and the Senator from New Hampshire take in this matter; but of course the Senator from Oklahoma could on the next day move to take up his bill and the probability is that the Senate would support him in that motion, as he has had the right of way and ought not to be deprived of it on any motion to take up any other bill.

Mr. OWEN. Mr. President, I think to avoid any embarrassment about it I shall insist upon this bill being disposed of.

Mr. SMOOT. Mr. President, in looking up the precedents of the Senate I find them on both sides of this question.

Mr. GALLINGER. They are.

Mr. SMOOT. I notice that former Vice President Sherman held that where——

The PRESIDING OFFICER. If the Senator from Utah will pardon the present occupant of the chair, he will state that the unfinished business has not been temporarily laid aside. The hour of 2 o'clock having arrived, the present occupant of the chair laid the unfinished business before the Senate. The Senator from South Dakota [Mr. STERLING] was then proceeding with a speech upon another measure, and he continued to speak, the Chair presumed by parliamentary fiction, upon the unfinished business; but the unfinished business never has been temporarily laid aside, and is still before the Senate as the pending business, with the amendment of the Senator from Pennsylvania [Mr. PENROSE] pending.

Mr. OWEN. I will say, Mr. President, to avoid any unnecessary debate about the parliamentary status, that the bill will not be temporarily laid aside.

Mr. SMOOT. Then there is no need of discussing the question further.

Mr. OWEN. No.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from Oklahoma two or three amendments simply to correct the phraseology of the bill. Running through the bill the words "Representative in Congress" are used except in three instances where the expression "Member of the House of Representatives" is employed. Those words are incorrect.

Mr. OWEN. I should be very glad to have an amendment covering that made.

Mr. GALLINGER. If the Senator will turn to page 18, line 24, he will notice that phraseology. I move to strike out, on that line and page, the words "Member of the House of Representatives" and insert "Representative in Congress."

Mr. OWEN. I will be glad to accept the proposed amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. On page 37, line 2, I move the same amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. There is one other place, I think, where the same change should be made. On page 38, lines 20 and 21, I move the same amendment.

Mr. OWEN. I will be glad to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. I will say to the Senator from Oklahoma that that makes the phraseology uniform throughout the bill, and in every respect correct.

Mr. OWEN. That is an obvious improvement of the language, Mr. President, and I am glad to accept it.

Mr. GALLINGER. There is language on page 44, line 16, which perhaps is correct and still it strikes me as being rather vague. I read from the bill, commencing in line 14, page 44:

> For the purpose of influencing or attempting to influence, through any printed matter in such newspaper or other periodical, any voting at any election or primary through any means whatsoever.

Perhaps, as I have said, the language is correct, but still it is rather awkward.

Mr. OWEN. It is awkward.

Mr. GALLINGER. I simply call the Senator's attention to it, and perhaps he will desire to change it.

Mr. OWEN. The words "at any primary or other election" would probably cover that.

Mr. GALLINGER. I think so.

Mr. OWEN. I move to make that change in the language so that, on page 44, line 16, it will read "at any primary or other election."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 44, line 16, after the word "any," it is proposed to strike out the words "election or," and after the word "primary" to insert "or other election," so as to read "at any primary or other election through any means whatsoever."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. OWEN. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] gave notice yesterday that he would offer certain amendments.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Pennsylvania.

Mr. SHERMAN obtained the floor.

Mr. GALLINGER. Mr. President, before the Senator from Illinois proceeds, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Norris	Smoot
Borah	Husting	Oliver	Sterling
Brady	James	Overman	Stone
Brandegee	Johnson, Me.	Owen	Sutherland
Bryan	Johnson, S. Dak.	Page	Swanson
Chamberlain	Jones	Phelan	Thompson
Chilton	Kenyon	Pittman	Tillman
Clark	Kern	Poindexter	Townsend
Culberson	Kirby	Pomerene	Underwood
Cummins	La Follette	Reed	Vardaman
Curtis	Lane	Saulsbury	Wadsworth
Dillingham	Lee, Md.	Shafroth	Walsh
Fernald	Lippitt	Sheppard	Warren
Gallinger	McCumber	Sherman	Watson
Gronna	Martin, Va.	Shields	Weeks
Harding	Martine, N. J.	Simmons	Williams
Hitchcock	Nelson	Smith, Mich.	Works
Hollis	Newlands	Smith, S. C.	

The PRESIDING OFFICER. Seventy-one Senators have responded to their names. There is a quorum present.

Mr. SHERMAN. Mr. President, I find in the bill under consideration, on page 31, in a paragraph of section 10, the provision that—

> The aggregate of all disbursements made for the purpose of aiding, influencing, or controlling, or attempting to aid, influence, or control, each nomination or election of any United States Senator, shall not exceed the sum of $5,000.

That language is not exactly definite. I am not able to say whether a candidate can expend $5,000 for the nomination and then an additional $5,000 for the election, or whether one sum of $5,000 must cover both the nomination and the election. If the sum indicated is intended to cover both, it is entirely inadequate. It might be that $2,500 for each would be proper for a State of limited population or territory, but it would not be adequate for the average large State.

This limitation of $5,000 is upon the expenditure made by the campaign committee. In section 14, on page 40, is an enlargement of that sum. It uses the following language:

> Any person may, in connection with his candidacy for nomination or election as a United States Senator or as a Representative in the Congress of the United States, incur and pay from his own private funds all necessary personal expenses for his traveling, for stationery, circulars, advertising, postage, and for telegraph and telephone service, without being subject in respect thereto to the provisions of this act: *Provided*, That an account shall be kept of all moneys expended for circulars and advertising authorized by this section, which shall be reported in the statements required by this act as an addenda thereto, but not subject to the limitations in amount fixed by section 10 of this act.

It seems to me that this limitation in section 14 on the amount to be expended out of the candidate's own private funds creates an undue discrimination among candidates. In a State of any size, Mr. President, unless the candidate is possessed of ample private means, how can he make a campaign that is adequate to that State? This is an artificial and a purely arbitrary limitation. It is subject to some of the cricitisms made on this provision on this side of the Chamber at the first session of this Congress when the bill was under consideration last August and the fore part of September, 1916. On behalf of the minority side I again call the attention of the authors and supporters of this bill to the difference in the legitimate expenditures that may be made.

In the State of Nevada the total vote is about 21,000; in the State of Arizona about 23,000; in the State of Oklahoma about 253,000. I am giving now the returns of 1912, and proportionately the percentages will hold good, approximately, for 1916. In the State of New York about 1,600,000 male votes were cast in 1912; in the State of Pennsylvania a somewhat smaller number, say, one million four hundred and some odd thousand. I am quoting now merely from memory. In the State of Illinois one million one hundred and some thousand votes were cast in 1912. In 1916, Mr. President, nearly 2,000,000 votes were cast in Illinois—1,114,000, or nearly 1,200,000 male votes and quite 800,000 female votes. Approximately 2,000,000 votes are to be reached in every primary and in every election in the event of the universal right of suffrage, which in due time is likely to prevail. In the State mentioned, where nearly 2,000,000 votes actually were cast on the 7th of November, 1916, if an ordinary expense account were to be paid out of the pocket of the candidate without contributions it would make ineligible the average candidate in either the Democratic or the Republican Party. The expenses of reaching any considerable number of the voters in a direct primary would run far beyond the sums that the average person would like to expend from his private fortune.

Section 14 entirely prohibits any contributions from an outside source. In other words, my neighbor who might wish to contribute $500, or 10 of my neighbors who might wish to contribute $5,000, for my necessary personal expenses would be prohibited under the provisions of section 14 from contributing one dollar. All those men could do would be to contribute to the campaign committee. The campaign committee, under the provisions of section 10, already referred to, would report for publicity purposes all of the contributions, giving the name of the donor and the amount donated. But when it came to my personal expenses, after the committee had expended $5,000 obtained from miscellaneous sources, no further expenditures could be made unless out of the candidate's private pocket. No friend could contribute a dollar; no organization political in character could contribute anything to my personal expenses The personal expenses of every candidate beyond the $5,000 that might be met by the committee would be a charge on the private means of the candidate himself.

At the close of the last session of this Congress I alluded to some of the legitimate expenses in a campaign for either a primary or an election, especially in the larger States. As I remember, I quoted there some figures, and I repeat them now, because the same inhibition is visited upon the candidate in the redrafted bill as in the original bill. I had a mailing list myself of 215,000 voters who were Republicans in more than active political life, meaning something more than the average voter of my party, having more than the average acquaintance in his precinct, township, or city ward, and taking more than a merely casual interest in the results of primary contests.

A 1-cent letter, Mr. President, had as well be unsent. If it can not be a 2-cent letter mailed to the voter, it will meet the usual fate of all such communications; its destination is the wastebasket and not the voter. We go on the idea that a 2-cent stamp is indispensable. Outside of the stationery, the printing, and the clerical bills required in reaching the mailing list of 215,000 voters in a direct primary contest, it requires of itself $4,300 for a single circular letter sent out in a sealed envelope under a 2-cent stamp, but the continual advance in the number of voters increases this legitimate expense. With a 2-cent stamp, every time the letter is repeated it repeats the expense of $4.300. The expenses of a direct primary and an election under the popular form of election could aggregate, under this method, $1,000,000, and still, Mr. President, every dollar of it would be a legitimate expenditure.

There is no corruption in appealing to the voter's understanding. There is no corruption in contributions by friends for the purpose of reaching the voter's understanding in a legitimate way. I do not anticipate that nominations will go in the future alone to those possessed of wealth. I have an idea that in the future, as in the past years, they will go many times to persons in moderate circumstances. If this limitation in section 14 should persist in some 9 or 10 States of the Union it will be impossible for a candidate to make a direct primary fight, followed by the direct election of a Senator, unless he is possessed of more than the average means.

I know Senators who are sitting in this Chamber now who could not have afforded to make a direct primary fight within the last 20 years if the same rules of political activity had been applied to them that have been applied in the last two years, since 1914 and including 1916. Instead of improving the characteristics of this body, these limitations will have a tendency to deteriorate them. There are enough difficulties now in the way of reaching a seat in this Chamber without adding those of section 14.

If I departed for a moment from the cold reasoning that belongs to election returns and to the legitimate expenses of a campaign, I would make the prediction, Mr. President, that in a 20-year period the seats of men in this body will change oftener, their tenure of office will be less, in the large States where political majorities are uncertain, than in the past. In a large State, Mr. President, under a direct primary, with the direct election of United States Senators, the constant tendency will be to shorten the tenure of office of every Senator. It is not within the limits of physical endurance, it is not within the campaigning possibilities of any Senator, nor is it within the reach of the pocketbook of any man in moderate circumstances, to make the continual fights that are required in the large States of New York, Pennsylvania, Ohio, Illinois, and similar States, and remain in his seat long. The smaller States have favorable conditions presented to them for keeping their Senators here for life. I would prefer to represent a smaller State territorially and in population, like the State of Arizona, Nevada, or Delaware, rather than the larger States, even the Empire State of New York, because of these constant contests, the immense burden and the difficulties inherent in political factional fights within the lines of one's own party, as well as the limits of physical endurance consequent upon the protracted and lengthy fights for a nomination, followed by those of an election.

As it is, under present conditions a candidate of moderate means can have his expenses in part paid by friends who contribute. We have published in the CONGRESSIONAL RECORD, on behalf of both parties, the campaign expenses on the national ticket. I do not think any of them have been complete. In all probability the amounts are too small. We have not, probably, in the last campaign diminished those amounts. Very likely the money spent both by the Democratic Party and the Republican Party in the 1916 campaign will never be accurately known.

For my part, Mr. President, this limitation of section 14 would impose upon me and my colleague, in the event of our future candidacies, the payment of such sums of money as would practically, if we made anything like a detailed fight, make it an impossibility for us to meet it. With the 800,000 new voters in my own State, Mr. President, I apprehend that campaign expenses will be legitimately increased. There is enough trouble in meeting the new issues. A campaign can not be conducted in the future as it has been in the past 20 years. New methods of reaching the voter must be devised. It takes a new form of campaign letter. I think if I had to reach the whole 800,000 in my own State I would have to give a separate campaign letter to each one of them, and about 55 per cent of them are Republicans, as shown by the last returns. This would take a separate campaign letter addressed to them on campaign issues. It requires more detail and more explanation.

Mr. SMITH of Michigan. I will ask the Senator whether women vote for Senators in his State?

Mr. SHERMAN. No; but it is a mere question of time when they will. They vote for President; they vote for electors, and they voted pretty cheerfully. They seemed to want to get to the polls. They wanted to be informed; and still, politically—and I intend to vote for the Anthony amendment, Mr. President—politically, every one of the 800,000 women is in the primary class, in the A, B, C of politics. I can write a letter to the average male voter presuming that I am not obliged to spell every word in politics and to indulge in a discussion of elemental things that are well known by the average voter who has been voting for some years. That can not be done when a new State is suddenly introduced to the universal suffrage. It takes a different campaign letter; it takes a different campaign address; it takes a different campaign argument. Cigars do not go—not even cigarettes. [Laughter.] I do not know whether millinery and the latest styles of ribbons, or what, would appeal to the voters. You could stamp your campaign badges on all the colors of the rainbow, and still, under section 14, if you paid for it yourself, it would be a proper campaign expenditure. If you could not, your millionaire competitor would pay for the merchandise and get the votes.

It seems to me that section 14 makes this limitation bear very heavily upon a candidate. If he goes beyond the $5,000 expended by the committee, he must pay it out of his own pocket. If any of his friends contribute, he will be unseated on a contest. In addition to that, under the provisions of this bill, he will subject himself to penalties. The bill declares it to be a felony, and provides for fine and imprisonment as well as for his being deprived of his seat.

I have seen a good many of the primary laws of the different States. They vary in their requirements. Under the primary laws of some States a very simple process is observed. It costs but little money. The contests are not strenuous; they are not long continued; and they are comparatively inexpensive. In others the reverse is true. The contests are extremely expensive and exhausting upon the candidate. There is no distinction in section 14 or in section 10 as to the kind of State or the character of the controversy in which the candidate engages.

These are some of the matters that go to the form as well as the substance of the measure. It is not my purpose, Mr. President, to discuss at any length the reasons that underlie such legislation, nor do I intend to go at length into the question. I wish to submit only those two observations on section 10 and on section 14 for the consideration of the Senate and hope that there may be some proper amendment that will enlarge section 14 so that the burden may not be such as to make it obligatory upon the candidate to be possessed of wealth before he is eligible to enter the lists.

I content myself at this time with these observations, Mr. President.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The bill is before the Senate as in Committee of the Whole. The

question is upon the amendment of the Senator from Pennsylvania [Mr. PENROSE].

Mr. PENROSE. Mr. President, do I understand that my amendment is up? I offered it yesterday and asked to have it lie on the table. I did not expect it to be voted on to-day. I expect to address the Senate on the amendment, but I am not prepared this afternoon in any way. I do not think the parliamentary status of the amendment is that it is up to be voted on. I offered it and asked, as the RECORD will show, to have it lie on the table in order to be printed. It was not printed yesterday, and it has been only a few hours since Senators have had copies of it. I have not had a chance to examine it myself to know whether it has been correctly or accurately printed, and I do not understand that the amendment is anywhere except on the table to be called up. Moreover, it provides for two additional sections to the bill; and it seems to me that the Senate, in logical procedure, would consider amendments to the body of the bill and to the preceding sections before they take up the consideration of my two amendments, which are two additional sections to come at the end of the measure.

Mr. OWEN. Mr. President, several minor amendments have been agreed to during the day, but I do not wish to press the Senate unduly with regard to the matter. I am only anxious that we dispose of it as promptly as possible. Several amendments have been ordered printed and have gone over until to-morrow, and there are several other amendments intended to be offered by other Senators.

I realize that we have just assembled here, and it has been difficult for Senators to get their minds on this bill when we are just meeting in this way. It is a very important measure. Some objections have been pointed out which seem to me justified, and the only reason why I went on with the measure was because I was advised by Senators on the other side of the Chamber that if I did not do so it would be displaced by moving to substitute some other measure. If we might, by unanimous consent, agree that this bill should take its place to-morrow as the unfinished business, I would be glad to move to lay it aside temporarily.

Mr. PENROSE. There will be no difficulty in getting that consent, I think, Mr. President.

Mr. OWEN. I ask that consent.

Mr. SMOOT. Mr. President, just a moment. Let me suggest to the Senator having the bill in charge that I believe time would be saved if the Senate would take an adjournment now, so that we can prepare the amendments to which he has already referred. It is half-past 3 o'clock now. That would give us a couple of hours to work in our offices, and then we could perhaps work at home to-night.

Mr. OWEN. I think that is a good suggestion.

Mr. SMOOT. I want to say to the Senator that there is no disposition whatever to put aside action upon this bill, but I take it for granted that the Senator from Oklahoma, like every other Senator, wants it perfected. The only way to do that is to give Senators time, now that it has been discussed somewhat, to prepare what they think would serve best to make the bill workable.

Mr. OWEN. I am glad to be able to say to the Senator that I have received many assurances from Members on that side of the Chamber that they desire in good faith to perfect this bill, and that is all I want. I am glad to have that spirit exhibited. In view of that suggestion, I feel justified in asking that the bill be laid aside temporarily, and then I will move that the Senate adjourn, to give the opportunity to which the Senator refers.

Mr. PENROSE. It is not necessary to lay the bill aside. If the Senate adjourns, the bill is still the unfinished business.

Mr. OWEN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 7, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 6, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Take us, O God our heavenly Father, into Thy nearer presence, even into the Holy of Holies, that we may be purified, strengthened, and inspired by the touch; and be prepared to enter upon the new duties of the hour with confidence, earnestness, and courage; and thus quit ourselves like men, as followers of the Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

NATIONAL ARCHIVES BUILDING.

The SPEAKER. In the last session there was a letter ordered printed about the national archives building that should not have been ordered printed. Without objection, the order to print it will be canceled.

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The unfinished business is H. R. 563, the Rayburn bill.

Mr. MANN. What bill is that?

The SPEAKER. Union Calendar 105, H. R. 563, a bill to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The bill that the Speaker refers to was called up by the gentleman from Georgia yesterday, on what was called the ordinary call of committees—not on Calendar Wednesday.

The SPEAKER. Yes.

Mr. MANN. Without referring to the fact that he could not call up that bill yesterday, a question arose early in the present Speakership as to whether a bill, being the unfinished business on the ordinary call of committees, should be taken up as the unfinished business on Calendar Wednesday and vice versa; and the present Speaker, reversing the ruling of the former Speaker, Mr. CANNON, held that there were two calls of committees, one the Calendar Wednesday call and one the ordinary call, and decided that the call on Calendar Wednesday did not rest with the committee called on the ordinary call, but that the unfinished business on Calendar Wednesday went over until the succeeding Calendar Wednesday, and that the call of committees on the ordinary call went over until the next ordinary call of committees.

The SPEAKER. The Chair adheres to that ruling. What misled the Chair was the fact that this bill was lying here on the table, and the Chair supposed that it was the Barnhart printing bill. The Chair thinks that his former ruling was correct.

Mr. ADAMSON. I should like to ask if the call does actually rest with the Committee on Interstate and Foreign Commerce on Calendar Wednesday?

Mr. MANN. It rests with the Committee on Rivers and Harbors.

Mr. ADAMSON. That was my impression. I know I had parts of two days, and when I insisted that I ought to have the right to another day the gentleman from Illinois [Mr. MANN] remarked that we had been lucky in getting through the bills that we did consider; but when I saw that we were still marked on the calendar as entitled to be called I hoped that I would be permitted to put in the few hours I was entitled to in order to make up two full days, in order to call up a couple of bills that are not only very innocent, but that would be very beneficial if they could be enacted.

The SPEAKER. The gentleman states that he had a piece of time left. How much time?

Mr. ADAMSON. I think about half of each day.

Mr. MANN. Oh, the gentleman had his two days under the call.

Mr. ADAMSON. I know my committee was called on two days, but I did not have anything like two full working days.

SEVERAL MEMBERS. Eight-hour days. [Laughter.]

The SPEAKER. The law does not take any account of pieces of days.

Mr. ADAMSON. Then they ought not to be counted against me.

The SPEAKER. The gentleman ought not to have taken a piece of a day. He ought to have got a whole one.

Mr. MANN. He could not help himself about that.

Mr. ALEXANDER. I understand that the call rests with the Committee on Rivers and Harbors to-day. Am I correct?

The SPEAKER. The Clerk says you are. The Clerk will call the committees.

The Committee on Rivers and Harbors was called.

The Committee on the Merchant Marine and Fisheries was called.

Mr. ALEXANDER. Mr. Speaker, I have a bill which I desire to call up.

The SPEAKER. The House will first receive a message from the President.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

ADVISORY COMMITTEE FOR AERONAUTICS (H. DOC. NO. 1448).

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In compliance with the provisions of the act of Congress approved March 3, 1915 (naval appropriation act—Public, No. 273, 63d Cong.), I transmit herewith the second annual report of the National Advisory Committee for Aeronautics, for the fiscal year ended June 30, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 6, 1916.*

The SPEAKER. This message will be printed and the message and accompanying documents will be referred to the Committee on Naval Affairs. Accompanying the message is a great bundle of documents, which for the present will not be printed.

JACOB HOFFMAN (NAEGER) (H. DOC. NO. 1447).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with an accompanying paper, in response to the resolution adopted by the House of Representatives on August 18, 1916, requesting him to furnish to the House of Representatives certain information regarding the case of Jacob Hoffman (Naeger), arrested and detained by the military authorities at Victoria, British Columbia.

WOODROW WILSON.

THE WHITE HOUSE, *December 6, 1916.*

CUSTOMS COLLECTION DISTRICTS (H. DOC. NO. 1449).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Ways and Means and ordered to be printed:

To the Senate and House of Representatives:

The sundry civil act approved August 1, 1914, contains the following provision, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs-collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirement of the third proviso to the said provision, I have to state that customs-collection districts Nos. 2 and 3, with headquarters ports at Burlington and Newport, Vt., were, on November 21, 1914, by Executive order effective January 1, 1915, consolidated into one customs-collection district, No. 2, with headquarters at St. Albans. This consolidation was made for the reason that the customs business in the State of Vermont could be handled by one collector and would result in a reduction of the expenses of administration.

The port of entry at Somers Point, N. J., in district No. 11, headquarters port, Philadelphia, was abolished by Executive order dated November 30, 1915, to become effective January 1, 1916, for the reason that the customs business at said place was not of sufficient volume to warrant the expenditure necessary to continue the office.

The port of entry at Charlotte, N. Y., in district No. 8, headquarters port, Rochester, N. Y., was abolished by Executive order dated January 28, 1916, to become effective February 1, 1916, for the reason that Charlotte had been by the laws of the State of New York included within the corporate limits of and merged with the city of Rochester.

By Executive order dated February 7, 1916, the boundary line between district No. 29, Oregon, and district No. 30, Washington, was changed so as to detach that part of the State of Washington which embraces the waters of the Columbia River and the north bank thereof west of the one hundred and nineteenth degree of west longitude from the customs-collection district No. 30, and to place the same within the limits of district No. 29. This action was taken in order to facilitate the transaction of customs business on the north bank of the Columbia River.

By Executive order dated April 24, 1916, to become effective May 1, 1916, Winston-Salem, N. C., was created a port of entry in customs-collection district No. 15, headquarters port, Wilmington, N. C., for the reason that a commercial necessity existed which warranted such action.

By Executive order dated November 21, 1916, to become effective December 1, 1916, Gladstone, Mich., headquarters port, Detroit, Mich., was abolished for the reason that the customs business had been removed to Sault Ste. Marie, Mich.

WOODROW WILSON.

THE WHITE HOUSE, *December 6, 1916.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MYERS, Mr. THOMAS, and Mr. SMOOT as the conferees on the part of the Senate.

WILLIAM H. G. MURRAY (ALIAS HENRY GORDON).

By unanimous consent, at the request of Mr. MOORE of Pennsylvania, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William H. G. Murray (alias Henry Gordon), H. R. 16140, Sixty-fourth Congress, first session, no adverse report having been made thereon.

FISH-CULTURAL STATIONS IN CERTAIN STATES.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill H. R. 15617, on the Union Calendar, reported from the Committee on Merchant Marine and Fisheries.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Indiana [Mr. BARNHART] in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama; Louisiana; Florida; Georgia, South Carolina, or North Carolina; Maryland or Virginia; Oregon or Washington; Texas; Oklahoma; Illinois; Washington; Arizona; New Mexico; Michigan; Idaho; Missouri; Pennsylvania, Delaware, or New Jersey; and Minnesota.

Be it enacted, etc., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, authorized to be appropriated for the establishment of fish-hatching and fish-cultural stations in the States hereafter named at suitable points indicated hereafter, to be selected in the discretion of the Secretary of Commerce, including purchase of sites, construction of buildings, and equipment:

State of Alabama, $50,000.
State of Louisiana, $50,000.
State of Florida, $50,000.
Migratory fish station on the South Atlantic coast, in Georgia, North Carolina, or South Carolina, $50,000.
State of Maryland or Virginia, for the special study of fish diseases and problems in propagation of fish, $40,000.
State of Oregon or Washington, along the Columbia River Basin, $50,000.
State of Texas, northwestern section, $50,000.
State of Oklahoma, $50,000.
State of Illinois, $50,000.
State of Washington, on the Quiniault River or its tributaries, or on Lake Quiniault, $50,000.
State of Arizona, $50,000.
State of New Mexico, $50,000.
State of Michigan, $50,000.
State of Idaho, $50,000.
State of Missouri, $50,000.
State of Pennsylvania, Delaware, or New Jersey, on the lower Delaware River, $50,000.
State of Minnesota, $50,000.
State of Texas, on or along the Gulf coast, for the propagation of sea fish, $50,000.

Provided, That before any final steps shall have been taken for the construction of a fish-hatching and fish-cultural station in accordance with this act the States herein named, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso, and may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

Mr. ALEXANDER. Mr. Chairman, I wish to inquire if there is any limitation under the rule for general debate on this bill?

The CHAIRMAN. The rule limits general debate to two hours.

Mr. ALEXANDER. Is the time to be equally divided?

The CHAIRMAN. The rule provides that the time shall be equally divided.

Mr. ALEXANDER. The gentleman from Massachusetts [Mr. GREENE] is the ranking minority member and will control the time on that side.

Mr. MANN. The time is to be equally divided between those in favor of the bill and those opposed.

Mr. ALEXANDER. I do not know who is opposed to the bill.

Mr. MANN. The gentleman will probably discover who is opposed to it.

The CHAIRMAN. The Chair will inquire if there is any disposition to debate the bill?

Mr. ALEXANDER. I do not know of any.

Mr. MANN. I think some one will debate the bill. None of these pork-barrel bills can get through without debate.

Mr. BORLAND. Mr. Chairman, the rule requires that an hour be given to those who oppose the bill. If there is no one opposing the bill, then there will be but one hour for those in favor of the bill?

The CHAIRMAN. That is evidently correct.

Mr. MANN. I have no doubt that when the time comes some one will be recognized in opposition to the bill.

Mr. ALEXANDER. I have no desire to cut off anybody. I simply desire to clear up the situation.

The CHAIRMAN. The Chair will state that those who are not in favor of the bill will be protected in the matter of debate.

Mr. ALEXANDER. Mr. Chairman, I wish to say a few words in a brief discussion of the bill. This bill provides for the establishment of 18 fish hatcheries and fish-cultural stations in the different States in the Union named in the bill, and authorizes an expenditure of $890,000 for that purpose. No bill is included in this omnibus bill that has not been favorably recommended by the Department of Commerce. Every bill incorporated in the present omnibus bill, with possibly one or two exceptions, was incorporated in an omnibus fisheries bill reported from the Committee on the Merchant Marine and Fisheries in the last Congress, but was not reached on the calendar for consideration and passage.

I have been a member of the Committee on the Merchant Marine and Fisheries for 10 years past, and during that time bills have been reported out for fish hatcheries and fish-cultural stations, but very few of them were considered or passed the House. In fact, I do not recall any bills that were reached or came up for consideration on the call of the committee that passed the House. Most of the bills that were passed were bills that came over to the House from the Senate and were subsequently incorporated in the sundry civil bill in the Senate by amendment and became a law. For that reason the membership of this House has not received the consideration in the establishment of fish hatcheries and fish-cultural stations in the several States of the Union to which it is entitled. In fact, I doubt if we have passed one bill that originated in the House to establish a fish hatchery or fish-cultural station on an average in each of the four past Congresses.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. This bill provides approximately $900,000 for the establishment of new fish hatcheries. Will the gentleman explain why there is a difference between the direct appropriation made to the States of $50,000 in most instances and an appropriation of $40,000 for Maryland or Virginia for "the special study of fish diseases and problems in the propagation of fish"?

Mr. ALEXANDER. The Commissioner of Fisheries made that recommendation and said that $40,000 would be sufficient.

Mr. MOORE of Pennsylvania. Would not every one of these stations provided for be for the study of fish diseases and problems in the propagation of fish?

Mr. ALEXANDER. No; they are fish-cultural stations and hatcheries.

Mr. MOORE of Pennsylvania. Then this is for a separate and distinct purpose?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. The gentleman says this has the recommendation of the Department of Commerce?

Mr. ALEXANDER. Yes. They all come from and are recommended by the Bureau of Fisheries. It may be asked why we did not report out the individual bills rather than an omnibus bill. The records of the committee show that 66 bills were introduced asking for the establishment of fish hatcheries or fish-cultural stations in the different States of the Union. It was impossible to report out all of those bills. In some instances half a dozen or more bills were introduced from one State. The gentleman from Wisconsin [Mr. BURKE] was chairman of the subcommittee on fish hatcheries and had direct control of this legislation. He is not here, and hence the duty devolves upon me of presenting this bill to the House. If we had undertaken to report individual bills it would have been very difficult to make a selection between the different bills introduced from the same State, and many of them called for the location of the hatchery or fish-cultural station in the district represented by the author, and it would have been a very delicate matter to discriminate between the authors of the several bills and more difficult to determine the proper sites for the stations. Then again, it would have been embarrassing for us to discriminate between the different States. Hence our rule has been to refer these bills to the Bureau of Fisheries through the Department of Commerce with a request that no bill should be recommended except in States where there is a present need for the establishment of stations with a view to the propagation of fish for the food supply of the country, having in mind the orderly development of this great industry in the years to come. Hence this bill only embodies the same bills reported to the House by the committee on the omnibus fish-hatchery bill in the last Congress and does not include any new projects, with possibly one or two exceptions, as I now remember.

It may be asked why we have asked for an authorization of expenditure of $50,000 for each of 17 of these stations and $40,000 for the other, rather than $25,000, as has been heretofore asked. Dr. Smith, the Commissioner of Fisheries, informed me that it may not be necessary in every instance to expend that much money, but in many instances it will be necessary. Heretofore the bureau has been compelled to come back to Congress and ask for an increase in the appropriations. For instance, the only fish hatchery or fish-cultural stations provided for in the last few years have been incorporated in the sundry civil appropriation bills, as I say, by amendment in the Senate. One, for instance, for the State of Utah, was established, and the original appropriation for that station was $25,000. That hatchery was authorized June 23, 1913, in the sundry civil appropriation bill. An additional appropriation for this hatchery was afterwards made of $25,000 on August 1, 1914, making the total appropriation $50,000, although the original appropriation was only $25,000. Again, in the State of Wyoming a fish hatchery was authorized in the sundry civil appropriation bill by amendment in the Senate in the sum of $25,000 on March 4, 1911. Afterwards an additional appropriation was made of $18,000 on March 3, 1915, making a total of $43,000. There is a request now pending in the estimates of the Department of Commerce for an additional appropriation of $7,000 to complete the hatchery.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER. In a moment. In South Carolina a fish hatchery was authorized, to cost $25,000, on March 4, 1914. An additional appropriation was made on March 3, 1915, of $10,000, making a total of $35,000, and they are asking for an additional appropriation of $6,000 to complete that plant.

In the State of Kentucky the establishment of a hatchery was authorized. The original law called for an appropriation of $25,000. It was passed on March 4, 1911. An additional appropriation of $20,000 was made March 3, 1915, for this hatchery, making a total of $45,000. Hence I say the committee thought it wise to ask for $50,000 for the establishment of these fish hatcheries or fish-cultural stations in the first instance rather than to come back to Congress and ask for additional appropriations. In some instances it will cost this much money and in other instances it may not cost so much, but in every instance the department must go to the Committee on Appropriations and ask for the money necessary for the establishment and equipment of these stations, and the Committee on Appropriations can determine whether or not the expenditure is necessary.

Mr. LANGLEY. Will the gentleman yield to me now?

Mr. ALEXANDER. Yes.

Mr. LANGLEY. I do not happen to be familiar with the location of all of the hatcheries that have heretofore been provided for. I want to ask the gentleman if this bill carries a provision for a hatchery in any State which already has one in it?

Mr. ALEXANDER. I think it does.

Mr. LANGLEY. Why did the gentleman not give us another one in Kentucky?

Mr. ALEXANDER. I am not sure that the gentleman asked for any.

Mr. LANGLEY. I am. The gentleman ought to remember that I introduced a bill for one at Booneville, on the Kentucky River, and talked with him a number of times about it, and

asked him to get a report from the department upon it, which he said he would do.

Mr. ALEXANDER. The gentleman's bill was referred to the department along with the other bills. There are some States where the necessity is greater than in others.

Mr. LANGLEY. We have one in Louisville, but I understand it has not been very much of a success. We want one established in the mountains, where the water is pure, and where it will run into it by the force of gravitation instead of having to pump it in as they do at Louisville.

Mr. ALEXANDER. Mr. Chairman, with reference to the cost of hatcheries, I will state that through Dr. Smith, the Commissioner of Fisheries, I have learned that the State of California is now building a trout fish hatchery at the base of Mount Whitney at a cost of $170,000, the State of Oregon a salmon hatchery at Bonneville at a cost of $100,000, and New Jersey a bass and trout hatchery at Hackettstown at a cost of $120,000, so that the amounts asked for in this bill in authorizations are certainly very reasonable. But, as I stated, in every instance the Committee on Appropriations will have it in its power to determine what sums may be expended for these hatcheries.

Mr. HULL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield.

Mr. HULL of Tennessee. I am not familiar with the merits of these items, except as shown in the report of the committee. I assume that each item is meritorious, and the question I wish to ask the gentleman is whether, in his judgment, the need of these items is sufficiently urgent to make it necessary for Congress to act upon them at this time, in view of the extraordinary drain that is being made upon the Treasury for the purpose of increasing the Army and the Navy and other extraordinary appropriations that have been made to meet matters of very great urgency.

Mr. ALEXANDER. Well, I may say that the food supply of the country seems to be one of the paramount issues just now, and the establishment of these hatcheries in the several States of the Union is of much profit to the people in the matter of food supply. Very great interest is taken in this subject from time to time by the department which is charged with the duty of conserving the food fishes of the country as well as by Members of Congress. During the years I have been chairman of the committee, as well as during the years preceding when I served on the committee under the distinguished gentleman from Massachusetts [Mr. GREENE], the committee has been very careful to discriminate between those cases that are meritorious or most urgent and those that are not meritorious or are less urgent. I wish to call attention to the fact that there are only 18 projects provided for in this bill, and during the last 10 years I do not believe there has been a fish-hatchery bill reported from the Committee on the Merchant Marine and Fisheries enacted into law except in the manner that I have already indicated. I do not recall any now. The bills that have been enacted into law were bills which were reported to the Senate and passed the Senate, but failed to pass the House, and which were incorporated in the sundry civil bill in the Senate by way of amendment and agreed to in conference. That is the only way we have obtained legislation. I think the membership of the House has some rights; I think they are entitled to consideration in the establishment of these hatcheries. So far as the appropriation of money at this session to meet the requirements of this bill is concerned, I wish to say this: I asked Dr. Smith that question this morning. He said he did not believe the present Congress would be called upon to make an appropriation of more than $10,000 for the preliminary work; that is to make the selection of sites and make surveys, with a view to the establishment of these hatcheries.

Mr. HULL of Tennessee. Will the gentleman yield further?

Mr. ALEXANDER. So it will not involve a large present expenditure at all. The appropriations made at this session will be for the fiscal year beginning July 1, 1917; and the small sum that will be called for by this bill will not be a serious drain on the Treasury in the next fiscal year. The expenditures authorized by this bill will be extended over several years.

Mr. HULL of Tennessee. Would not this, though, if all the appropriations asked for in the various bills which are pending and which are equally meritorious with this, are granted, probably require the levying of additional taxes in order to take care of the Treasury during the next fiscal year?

Mr. ALEXANDER. This bill calls for, I think, about $890,000, and if that sum were to be expended in the next fiscal year the gentleman might be right. This is an authorization only, and it will take several years to locate and construct these hatcheries. The personnel must be provided for, and it will not involve a large expenditure in any one year; but I think a start should be made, and I think these several States that are asking for these hatcheries should be recognized, and that during the years to come other hatcheries should be authorized in States not recognized in this bill, where the need is less urgent, but whose claims have great merit.

Mr. HULL of Tennessee. Of course, this bill will grow considerably before it gets to the Senate and becomes a law. I merely wanted to ask the gentleman's opinion as to the wisdom of undertaking to deal with this class of authorizations, meritorious though they be, but which are not sufficiently urgent to hazard the duty of having to levy additional taxes to take care of the Treasury in the future.

Mr. ALEXANDER. It will be the determined purpose of the committee, in which we hope to have the support of the House, to prevent the incorporation of any more projects in the bill by way of amendment. I can not say what will happen in the Senate. I think all the bills which passed the Senate were referred to my committee and were considered by the committee and are incorporated in this bill. If the bill is loaded down, I am frank to say, I will lose interest in it, whether it is loaded down here or in the Senate. If we ever expect to make any progress in this class of legislation, we must be reasonable about it.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. FESS. What is the policy of the Government? Do you cooperate with the States? Are the States making any appropriations in this matter at all?

Mr. ALEXANDER. Not in cooperation with the Government.

Mr. FESS. It is exclusively a governmental function?

Mr. ALEXANDER. They have independent hatcheries under State supervision and control. This bill provides that these hatcheries shall not be established in the several States unless the States by legislation give to the Government exclusive control and the State laws are in harmony with the Federal laws and regulations.

Mr. FESS. Has there been an instance where the State has turned a hatchery over to the control of the Federal Government?

Mr. ALEXANDER. I have no knowledge of such a case. At the last session we passed a bill authorizing the Government to take over a private hatchery in Massachusetts as a gift to the Government. It is a fine, well-equipped plant.

Mr. FESS. The point I want to get at is this: Is this development, which I believe in—I agree with it now as I have before because I think the finding of new sources of food is important—but the question with me is whether it is altogether the burden of the General Government, or whether the States should be brought into cooperation with the General Government?

Mr. ALEXANDER. Well, the States have hatcheries and the Federal Government has hatcheries, and the General Government has encouraged the States to build State hatcheries and the States have been given every encouragement to cooperate with the Federal Government in the propagation of food fishes.

Mr. TAYLOR of Colorado. If the gentleman will permit, I may say that all of the Western States maintain one, two, a half a dozen, or a dozen State hatcheries, and they spend a large amount of money and stock all the smaller streams, and the whole public is allowed to go there and fish——

Mr. FESS. I was about to say if the Government should cooperate in supporting and aiding the States' work I think it would be a fine thing——

Mr. TAYLOR of Colorado. The State of Colorado spends ten times as much as the Government, and we do not have enough to supply the demand.

Mr. MILLER of Minnesota. May I add a little to that? In Minnesota, for instance, there is one United States fish-cultural station that does nothing but provide a fish supply for Lake Superior—commercial work on the lake. The State of Minnesota, on the other hand, maintains four or five fish-cultural stations, providing the lakes and streams in the interior of the State. So the State of Minnesota, while it is providing generously for its waters, gets no benefit from this fish-cultural station at Duluth. This bill provides for the county of St. Louis, which contains more streams perhaps than any other county in America; and the tronble with that is that as it borders on Canadian waters it can not be stocked by the State.

Mr. FESS. Does the gentleman think this is a legitimate proposition?

Mr. MILLER of Minnesota. I think it is a legitimate one and most commendable. Certainly in my State it is taking care of the Federal features in restocking streams and lakes.

Mr. BENNET rose.

Mr. ALEXANDER. I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET. I wanted to ask the gentleman if the fish hatchery at Tupelo, Miss., was still being operated?

Mr. ALEXANDER. I do not know.

Mr. BENNET. Is the gentleman acquainted with that particular fish hatchery?

Mr. ALEXANDER. I am not.

Mr. BENNET. Then, I can not very well ask the question I intended to ask.

Mr. MILLER of Minnesota. I notice that by the terms of this bill the location of these respective sites is left to the Department of Commerce.

Mr. ALEXANDER. Yes. Of course, many of the original bills asked for the location in some particular congressional district, but we could not consider that as a wise thing to do.

Mr. MILLER of Minnesota. I will say frankly that the portion of the bill in which I am interested is that in a part of Minnesota. My colleague from Minnesota [Mr. VAN DYKE] introduced a bill establishing a fish-cultural station in St. Louis County, which received my cordial approval and what assistance I could give him. There is a definite Federal reason for the location of that station at that place. I can not conceive of any other place in the State where a Federal station could properly be involved.

Mr. ALEXANDER. That is a matter for the department to consider and ought to consider in establishing a hatchery.

Mr. LANGLEY. Will the gentleman yield to me?

Mr. ALEXANDER. Yes.

Mr. LANGLEY. I understood the gentleman to give as one reason for the urgency of this measure at this time the scarcity of the food supply. In the opinion of the gentleman how long will it require to increase the fish supply through the hatcheries provided for in this bill so as to relieve the food shortage? In other words, how many years will we have to wait until we get relief through the increase of fish through these proposed hatcheries, from the scarcity of food?

Mr. ALEXANDER. I can not tell, but I am sure the longer we put it off the longer it will be before that need is met.

Mr. LANGLEY. Will it not be until after the next presidential election, at least, after which we will not be afflicted with food shortage?

Mr. ALEXANDER. I can not tell what will happen after the next presidential election. I am not given to such speculation.

Mr. DIXON. I would like to ask the gentleman if the commissioner recommended the establishment of other hatcheries than those included in the bill?

Mr. ALEXANDER. He did not.

Mr. DIXON. So this was the extent of the recommendation?

Mr. ALEXANDER. Yes. So far as the committee is concerned we have no knowledge of others.

Mr. DIXON. I simply wanted to know the method of elimination the committee pursued in eliminating those in some States and favoring other States. I want to know the reason why.

Mr. ALEXANDER. The gentleman from Wisconsin [Mr. BURKE] was chairman of the subcommittee, and I was in touch with him all the while. I understand that this bill incorporates the projects that were recommended by the bureau.

Mr. DIXON. And includes all that they did recommend?

Mr. ALEXANDER. Yes; at the time this bill was reported to the House. Now, there is one bill, introduced by the gentleman from California, Judge RAKER, that we have reported out since, but it was not incorporated in the original bill because that bill had already been reported to the House.

Mr. RAKER. Will the gentleman yield right there?

Mr. ALEXANDER. Yes.

Mr. RAKER. In regard to the bill for California, my recollection is that, in speaking to the chairman of the committee, I found that the bill had been filed and the report presented and that it was simply overlooked. When it was considered by the full committee, they reported out the bill for California, carrying only $16,000, with the understanding that when the bill came up, having been reported by the subcommittee to the full committee, it would go on the general bill.

Mr. ALEXANDER. Mr. Chairman, I wish to reserve the balance of my time.

Mr. OGLESBY. Will the gentleman allow me to ask him a question?

Mr. ALEXANDER. Yes.

Mr. OGLESBY. I think on the answer to this question will depend my action on this bill. I would like to know what there is in this proposition that takes it out of the class of appropriations that should be made by the States themselves and makes it the duty of the Federal Government. It may be in some instances, as was indicated by the gentleman from Minnesota [Mr. MILLER], that there is some reason for it, but I would like to know whether the matter has been considered by the committee from that standpoint and if these appropriations have been made because it was in the opinion of the committee a matter that should be appropriated for by the Federal Government?

Mr. ALEXANDER. The committee has followed a policy that has been followed by the Congress from time immemorial, and I do not know that the committee considered that question. The committee followed a long line of precedents.

Mr. Chairman, I reserve the balance of my time.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I regret I can not at this time. I should yield to my colleague from Massachusetts [Mr. GREENE] one-half of the time allotted to me.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I will yield for a question, if agreeable to the gentleman from Massachusetts [Mr. GREENE].

Mr. DIXON. Were the recommendations of the commissioner made in response to requests from the committee, or were they made voluntarily?

Mr. ALEXANDER. The bills were referred to the department for a report, with the request that the department consider the bills and recommend no bills except those having merit and in States where the hatcheries would be of benefit and are needed. I will say that every one of the bills was incorporated in the omnibus bill reported by the committee in the last Congress, with possibly one or two exceptions, which I do not now recall.

Mr. HULBERT. Mr. Chairman, will the gentleman accord me the same privilege that he accorded to the gentleman from Indiana?

Mr. ALEXANDER. I do not want longer to trespass upon the time that should be accorded to my colleague, Mr. GREENE of Massachusetts, or it would give me pleasure to do so. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] the balance of my time.

Mr. GREENE of Massachusetts. Mr. Chairman, I would not have it understood that I represent the opposition to this bill. I do not know that there was any opposition to the bill in the committee when the bill was considered. These propositions that are included in the bill are made according to the usual custom, leaving the question of the selection of locations to the Department of Commerce, to the Bureau of Fisheries; and no attempt has been made, and there never has been, certainly in the last 10 years, an attempt to locate any fish hatcheries in a bill as presented to the House, although we have bills presented before the committee that do make the locations.

Mr. ALEXANDER. Mr. Chairman, does the gentleman say he is opposed to the bill?

Mr. GREENE of Massachusetts. No.

Mr. ALEXANDER. I understood the gentleman to say he was for it, and that is the reason why I offered the gentleman half of my time. The opposition will have their time later.

Mr. GREENE of Massachusetts. I have no desire myself to occupy any time in the debate. If anybody on this side of the House would like to speak in favor of the bill I will yield him time now.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GREENE of Massachusetts. Yes.

Mr. STEPHENS of Texas. I desire to ask if it is not a fact that all the different bills reported favorably here in behalf of different States have been first passed upon by the department and favorably recommended?

Mr. GREENE of Massachusetts. They have been.

Mr. STEPHENS of Texas. Is it not a further fact that all the bills have been referred from the committee to which they were referred to the Secretary of Commerce for the purpose of reporting upon the bills, and they have all been favorably reported?

Mr. GREENE of Massachusetts. Yes; by the Secretary of Commerce. They have all been favorably reported.

Mr. STEPHENS of Texas. And no bills outside of those have been reported?

Mr. GREENE of Massachusetts. All the pending bills have been recommended by the department.

Mr. STEPHENS of Texas. I desire to state that there is a bill pending for northwestern Texas, and there is no place named in the bill for the location of this hatchery, but it is left to the department, at the request of the department; and for that reason I desire to know whether any places are found in

this bill where the locations were not favorably acted upon by the department.

Mr. GREENE of Massachusetts. Every one of them was favorably acted upon by the department, they to make the selection of the location.

The CHAIRMAN. In order to set the Chair right, is the gentleman speaking for the bill or opposing the bill?

Mr. GREENE of Massachusetts. I am not opposing the bill, but I hold the time in opposition. If anyone wants to speak in opposition, he can come to me for time.

Mr. MANN. I understood the gentleman from Missouri to yield to the gentleman time.

The CHAIRMAN. The Chair will not recognize the gentleman from Massachusetts unless he is opposed to the bill.

Mr. GREENE of Massachusetts. I am not opposed to the bill.

The CHAIRMAN. The gentleman from Massachusetts is not opposed to the bill.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The gentleman from Missouri yielded time, as the Chair understands it, to the opposition to the bill. Is the Chair right?

Mr. ALEXANDER. No. My colleague, the gentleman from Massachusetts [Mr. GREENE]——

The CHAIRMAN. Does the gentleman from Missouri wish to proceed with his hour now?

Mr. ALEXANDER. I wanted to reserve the balance of my time.

The CHAIRMAN. Then the gentleman from Massachusetts, the gentleman's colleague, can not reyield that time to some one else.

Mr. ALEXANDER. Then I will yield to him such time as he desires.

Mr. MILLER of Minnesota. Mr. Chairman, the gentleman from Massachusetts [Mr. GREENE] is the ranking Member on the Republican side, is he not? It is proper that he should have time yielded to him.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Missouri yield to another inquiry?

The CHAIRMAN. The gentleman from Missouri has control of only one hour.

Mr. ALEXANDER. I yield to the gentleman from Massachusetts one-half of that hour.

The CHAIRMAN. Just how the gentleman from Missouri can reserve the balance of his time and then yield half of it to the gentleman from Massachusetts is what the Chair has not been able to understand. What the Chair has been trying to get at is to divide this time so as to properly distribute it.

Mr. MOORE of Pennsylvania. Mr. Chairman, before that question is determined, will the gentleman from Missouri yield for a question?

Mr. ALEXANDER. No; I can not yield at this time. I do not want to do my colleague from Massachusetts an injustice. I have yielded my time to the gentleman from Massachusetts, the ranking minority member of the committee. He is in favor of the bill. I understand those in favor of the bill have time coming to them, and those opposed have time. He can use it now or later.

The CHAIRMAN. That is what the Chair was trying to get at. But if the gentleman from Missouri yields some of his time to the gentleman from Massachusetts, the Chair doubts the propriety of the gentleman from Massachusetts yielding some of that time to some other gentleman.

Mr. GREENE of Massachusetts. I will yield to those in favor of the bill.

Mr. ALEXANDER. I was not proceeding under the general rules of the House where, having control of the floor, I occupied half of that hour. I am proceeding under this special rule, as I understand it.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized.

Mr. MOORE of Pennsylvania. Will the gentleman from Massachusetts yield to me now?

Mr. GREENE of Massachusetts. I will.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. I want to interrogate the gentleman from Massachusetts, and through him, if the gentleman cares to answer, the gentleman from Missouri. When I inquired about this bill a few moments ago I had not carefully read the report. I observe in the bill that provision was made for a hatchery for the State of Pennsylvania, Delaware, or New Jersey on the lower Delaware River. Now, the shad-fishing industry has been a very important one on the Delaware River. Owing to the increase of industrial establishments there has been a gradual decadence of the shad industry. The shad have been going away, but there is a very earnest movement in progress to reestablish the sturgeon industry on the Delaware River. From reading this bill I find that there is to be some discretion as to the location of a hatchery, whether for shad or for sturgeon I do not know; but in reading the report it appears that this hatchery is to be located in the State of Pennsylvania. The bill indicates that there is to be a choice as between three States. What we want is that there shall be a hatchery on the Delaware River, as there is none there now conducted by the Government. I would like to know who is to make the selection of the site of the hatchery if the bill passes?

Mr. GREENE of Massachusetts. I will answer the gentleman. The Bureau of Fisheries of the Department of Commerce will select the location.

Mr. MOORE of Pennsylvania. The impression is given here in the letter of the Secretary of Commerce that the hatchery is to be assigned to the State of Pennsylvania.

Mr. GREENE of Massachusetts. If the State of Pennsylvania has a suitable location, I presume it probably will get it. If it has not, it is limited to the Delaware River, and the bill would cover any one of these three States.

Mr. MOORE of Pennsylvania. Then the introduction of the States of New Jersey and Delaware was an afterthought of the committee?

Mr. GREENE of Massachusetts. I can not say as to that.

Mr. HARDY. My recollection is that the whole matter was discussed by the representatives of the Bureau of Fisheries, who said they thought it desirable that there should be a hatchery somewhere in one of these three States, without designing to designate definitely which one.

Mr. MOORE of Pennsylvania. Then the idea of the committee is that the hatchery will be located in one of the three States on the Delaware River?

Mr. HARDY. If it says on the Delaware River, then that is my understanding of it; but it is the wording desired by the Bureau of Fisheries. They wanted it that way so as to give them that discretion.

Mr. MOORE of Pennsylvania. In the report it is stated:

Under date of February 29, 1916, in a letter addressed to Hon. M. E. Burke, chairman Subcommittee on Fish and Fish Hatcheries, Hon. William C. Redfield, Secretary of Commerce, recommends a fish hatchery for the State of Pennsylvania.

Mr. HARDY. I suppose that was a slip of the pen on the part of the Secretary of Commerce. I suppose he was not as familiar with the details of the matter as are the Bureau of Fisheries and the committee.

Mr. MOORE of Pennsylvania. I wish to say to the committee that there is need for a fish hatchery of some kind or other on the Delaware River. We have been under the impression that we were to get one in Pennsylvania. The bill evidently allows discretion to the Secretary of Commerce to locate the hatchery in either one of the States mentioned.

Mr. HARDY. That is my understanding.

Mr. MOORE of Pennsylvania. What we want is to have an impetus given to shad fishing, which is a very important industry, and to the sturgeon industry, which at this particular time, in view of the increased cost of living in the United States, would be mighty important to the people at large.

Mr. GREENE of Massachusetts. I want to reply to the gentleman from Pennsylvania and to say that I have no doubt Pennsylvania will hold up her end of the line when it comes to locating this fish hatchery by the Bureau of Fisheries.

Mr. MOORE of Pennsylvania. The gentleman may be assured of that.

Mr. GREENE of Massachusetts. I have no fear on that score at all.

Mr. RAKER. Will the gentleman yield to me?

Mr. GREENE of Massachusetts. I yield to the gentleman from California.

Mr. RAKER. The gentleman from Wisconsin [Mr. BURKE] was chairman of the subcommittee. Who was the ranking member of the subcommittee on the minority side?

Mr. GREENE of Massachusetts. The gentleman from Washington [Mr. HADLEY].

Mr. RAKER. The purpose of the committee was to take up all these bills that have been favorably recommended. I find that a bill introduced by myself—H. R. 11245—for a station in northern California was overlooked by the subcommittee; but afterwards the committee reported it favorably, and I understand that the intention is, in considering the omnibus bill, to include that bill with it, so as to save the consideration of a separate bill.

Mr. GREENE of Massachusetts. The gentleman will have to consult the chairman of the committee about that. I do not undertake to make any statement about that part of it.

Mr. RAKER. One further question. As I understand it, the purpose of the subcommittee and the full committee, who have gone over it very carefully, is not to require the consideration of my bill as a separate bill, but to include it in the omnibus bill.

Mr. GREENE of Massachusetts. I would not like to make any statement about that which would seem to commit the committee. We will try to consider that when the time comes. This bill is the one now under consideration. Any amendments to it will have to be considered on their own merits when the time comes.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. GREENE of Massachusetts. Yes.

Mr. LANGLEY. I notice that this bill provides that there shall be a station in Oregon or Washington, South Carolina or North Carolina, Delaware or New Jersey. Now, why did the committee cover so much territory in that provision?

Mr. GREENE of Massachusetts. We acted very largely on the advice of the Bureau of Fisheries, so as to allow them to locate in one of the three places.

Mr. LANGLEY. Of course the committee did not have any idea of getting more votes for the bill by including all those States?

Mr. GREENE of Massachusetts. I will state for the information of the gentleman that for more than 10 years there has been no omnibus bill. This is an attempt to increase the food supply of fishes, and we have tried to cover as much ground as possible.

Mr. LANGLEY. I have no copy of the report before me. Was this report made before the election or after?

Mr. GREENE of Massachusetts. It was made before the election.

Mr. LANGLEY. Is the gentleman familiar with the different hatcheries now in operation, for instance at Louisville, Ky.?

Mr. GREENE of Massachusetts. No; I am not.

Mr. LANGLEY. The gentleman does not know then that that hatchery has not been a success?

Mr. GREENE of Massachusetts. No; I do not know anything about it.

Mr. LANGLEY. Well, I do.

Mr. FESS. Will the gentleman yield for a question?

Mr. GREENE of Massachusetts. Yes.

Mr. FESS. How much weight is given to the recommendation of the Bureau of Fisheries in the location of these various hatcheries?

Mr. GREENE of Massachusetts. It was determined more than 10 years ago to leave to the Bureau of Fisheries the location of the hatcheries in the various States, because if a bill fixed the location definitely it might be in a place entirely unsuitable for a fish hatchery, although the Member introducing the bill might get it through both Houses. So it was left to the discretion of the Bureau of Fisheries, and we have always prepared our bills in that way, both when I was chairman and since the gentleman from Missouri [Mr. ALEXANDER] has become chairman of the committee. We have pursued the same course.

Mr. FESS. In other words, the recommendation of the Bureau of Fisheries, while it is not in the letter of the law as final, is actually the final decision and not the decision of the House.

Mr. GREENE of Massachusetts. It is not the decision of the House; it is more the decision of the Bureau of Fisheries. They decide on the location and ask for an examination of all the circumstances surrounding the case. Instead of putting it into some city in Ohio, for instance, on a stream entirely unfit for a fish hatchery or for fish culture, it would be left to the department, after careful investigation, to locate it.

Mr. FESS. I think that is wisdom, because there will be the opposition cry that it is a pork-barrel measure and that particular locations are getting it, while if it is done by the Bureau of Fisheries it would seem to me to be an answer to that claim.

Mr. GREENE of Massachusetts. I am not afraid of the pork-barrel talk.

Mr. SLOAN. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. SLOAN. I would like to ask the gentleman in how many States there are now fish hatcheries already established?

Mr. GREENE of Massachusetts. I do not know that I can give the gentleman the information, but there are quite a number.

Mr. SLOAN. I notice that in this bill States are favored where 13 members out of the 21 members of the committee reside. I was wondering how many States outside have been heretofore favored in this manner and what chance the other 420 Members have to have their States favored by the location of fish hatcheries.

Mr. GREENE of Massachusetts. I can not tell the gentleman.

Mr. FOSS. Will the gentleman from Massachusetts yield?

Mr. GREENE of Massachusetts. Yes.

Mr. FOSS. I want to ask whether it would not be wiser to strike out all of these States, inasmuch as it is a matter left entirely in the discretion of the Bureau of Fisheries to locate the hatcheries, and give them the whole United States. Would it not be better to provide a lump sum and give them the whole United States in which to select the location of these fish hatcheries?

Mr. LANGLEY. Yes; and not limit the department.

Mr. GREENE of Massachusetts. We tried to locate what we thought, and the Bureau of Fisheries thought, the best location for fish hatcheries, considering the large number of bills.

Mr. FOSS. It seems to me that that is giving preference to these Members who have introduced bills upon which favorable reports have been made by the Fish Commissioner. Having made a favorable recommendation, which has been incorporated in the report to the House, that would necessarily bind him to that action.

Mr. LANGLEY. He would feel that he was bound in that way.

Mr. FOSS. I think the wisest thing to do is to throw it open to the whole United States and provide a lump-sum appropriation, with the further provision that no hatchery should exceed a cost of over $50,000.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. TAYLOR of Colorado. Let me supplement the remarks of the gentleman from Illinois. We had the same thing up in the Committee on Mines and Mining, of which the gentleman from Massachusetts was a member, trying to establish mine experiment stations, and we several times had it loaded down so that we got none. Why should not we provide in this bill for the establishment of 5 or 10 fish hatcheries in the whole United States, in the places most needed, to be determined at the discretion of the Department of Commerce? In that way we will get somewhere, but if we load the bill down with many more hatcheries, as it undoubtedly will be when it comes from the Senate, we will never pass it at all. It is a splendid measure and we ought not to overdo it. I think the suggestion of the gentleman from Illinois [Mr. Foss] is eminently fit, and if we could limit it to 5 or 10 a year, or start with that number, and then let subsequent ones be provided for by subsequent Congresses and allow the Bureau of Fisheries to select them, it would be the wisest think to do, and we might be able to pass that kind of a bill.

Mr. GREENE of Massachusetts. The gentleman is aware that there are two bodies, one at this end of the Capitol and one at the other end of the Capitol, and there may be a wide difference of opinion between the two.

Mr. TAYLOR of Colorado. That is what I want, to do something practical and not attempt something that can not be accomplished.

Mr. ALEXANDER. The fish hatcheries we have already got have been provided for on the sundry civil appropriation bill.

Mr. TAYLOR of Colorado. Yes; and they have been put on there by ways that we do not approve of when there were more deserving places which were left out. We ought to adopt some rational system and economy in this matter and not an indiscriminate location of them. I am very much in favor of fish hatcheries, but they ought to be intelligently located.

Mr. GREENE of Massachusetts. I will yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman, I would like the attention of the membership in the five minutes that I am going to talk. This is a matter of great importance. We are confronted in this country by the colossal high cost of living. It is not a matter of how it came about, it is here. Fish is one item in the great food supply of this Nation. If we had half as much sense as we think we have, we would have increased the food supply instead of decreased it. This bill provides for a fish-cultural station in the State of Minnesota. There is one now in the city of Duluth. I want to give you its condition. It supplies the whole of Lake Superior, which has been the fishing grounds for the Booth Packing Co., of Baltimore, Md., which company has sent its supplies throughout the United States for the past 20 years. They have actually exhausted all of the whitefish from Lake Superior, notwithstanding the fact that this one cultural station has been doing its best to keep a supply; and to-day, in restaurants, cafés, and on trains, when you are served with Lake Superior whitefish you are not getting

it at all, you are simply getting lake trout. On the other hand, the lake-trout supply in Lake Superior has been rapidly declining in recent years, and why? Because fishing has been increasing both in Canada and in this country all along the shores of Lake Superior, because of the great demand for a cheaper food supply. But, Mr. Chairman, there has not been a corresponding increase in fish fry. That one station is obliged to fill the needs of a large area, and it is inadequate. It has not been able to take care of Lake Superior alone, and it needs assistance.

It is proposed by this bill to establish another cultural station, not exactly at that point but in the interior, and why? Along the northern boundary line of Minnesota are lakes that lie between Canada and the United States, and that form the boundary line outside of the Great Lakes. An important fishing industry has always existed there, and now it is more important than ever before. When you are served with caviar, which you are assured is Russian caviar in the restaurants of New York and Philadelphia, you may put it down that it is not Russian caviar, but that it comes from the sturgeon fished out of the Lake of the Woods in northern Minnesota. That has been a great and important industry, but has been rapidly declining, because the sturgeon is disappearing for the one reason that there exists no fish-cultural station whose duty it is to keep that lake supplied with sturgeon fry. Rainy Lake, along the northern shore, a very large body of water, has enjoyed a large fishing industry for three years. Prior to that there was none. The catch this last year amounted to about a million and a half. The industry there is capable of vast development. They are up against the fact that they can not get fish fry. The fishing industry of the United States is peculiar. It lives if you supply it with new, fresh fry; it dies if you do not. The one instrumentality which can supply fish fry is governmental. The State of Minnesota is taking care of its part on all of the waters within the boundaries of the State. It is the duty, certainly, of the Federal Government to furnish fish fry for the Great Lakes and for these boundary waters already described. In addition, there are thousands of streams and lakes whose waters flow into the boundary waters, offering unparalleled opportunity for extending the fishing industry. From these come an important element of food supply, and one which should be developed rather than permitted to decline. It is not the interest of my district, it is not the interest of my county, but it is the interest of the people of the United States, because they are the ones who are purchasing and receiving these fish in the nature of a food supply. So, Mr. Chairman, if I might be able to speak further, and I presume I have occupied already five minutes, I would say that I think the plan in this bill is eminently correct. There have been a few fish-cultural stations established during recent years, but how have they been selected and where have they been placed?

The committee which presents this bill to the House has been considering this subject for years. Are they not possessed of some skill, some knowledge of the subject about which they propose to legislate? They have sifted the merits of the various bills that have been presented to their committee during the past 10 years. They have conferred with the various Commissioners of Fisheries that we have had and as a result of their investigations, as a result of all of the proposals, as a result of these discussions with the scientific men in the Bureau of Fisheries they present this bill as the best solution of the problem. They have left great latitude to the scientific executive officers of the Government.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield the gentleman one minute more.

Mr. MILLER of Minnesota. Mr. Chairman, they have left great latitude by simply designating the States, the general area, where the stations should be located. I think we should go that far and no further. Let them place these stations where the region is best adapted for them, where they will serve the greatest good. If we pass this bill, we will do more, a thousandfold more, to solve the high cost of living than we will ever do by introducing resolutions calling for an embargo, calling for an investigation of warehouses, calling for investigations of this, that, and the other. This is practical and to the point. Let us act. [Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, in a conversation with the gentleman from West Virginia, Mr. BOWERS, who for a number of years was the Fish Commissioner, he tells me that he believes this bill is correct and properly drawn and well guarded, and that it provides just exactly what we ought to have. Still, I do not object to the House doing whatever it pleases—it can do whatever it pleases, whatever it sees fit to do, and it may amend the bill and provide for a general lump sum, as it is in the power of the House to do; yet, as has been stated, the committee itself, all of the time that I have been a member of it, has tried to take care of these propositions, not for the purpose of providing fish hatcheries in the interest of members of the committee especially, but to provide some means of increasing the food supply through these fisheries; but we have had very little to do with it, because all that have been established in the last few years have been established by amendments made in the Senate and put on the sundry civil appropriation bill.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. HARDY. Has not the committee been investigating this matter for at least four or five sessions, at each session, with a great deal of pains?

Mr. GREENE of Massachusetts. Yes; with a great deal of care, both under the present control of the committee and when I was chairman of the committee, and even earlier than that. The committee has tried faithfully to get some kind of proposition that will provide us a better supply of fish for the use of the people of the United States; and we have not tried to locate, and in fact the Bureau of Fisheries has said that it could not indorse a proposition to have fish hatcheries located on certain rivers or in a certain place in a certain State, because it might be found that all of the legislation thus produced would be entirely lost because the location would be entirely unfit. The committee, while I was chairman of it and also while Judge ALEXANDER has been chairman of it, has tried to have the matter left to the bureau to settle the location.

Mr. LANGLEY. Will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. LANGLEY. If the committee has followed largely the advice of the experts of the Bureau of Fisheries and if their judgment and advice have largely controlled, what is the reason for placing any limitation upon that discretionary power by confining these stations to certain States? How does it happen that most of them will fall in the States some of which already have hatcheries, and again in the States where the members of the committee live? I think we are entitled to that information.

Mr. GREENE of Massachusetts. It has been very kindly suggested by Mr. BOWERS here that the cost of transportation is very important, and it is. The cost of transportation is very important in the location of these stations.

Mr. LANGLEY. The gentleman means, then, that the members of the committee are so located that there will be a great saving in the cost of transportation, if this bill becomes a law.

Mr. ALEXANDER. I was going to suggest to my friend that we ought to reserve some time on our side.

Mr. TILSON. Will my friend permit one question?

Mr. GREENE of Massachusetts. Certainly.

Mr. TILSON. I know of no fish-culture station provided for in any of the States east of the Delaware River. Is it a fact that all the country east of the Delaware River is so well taken care of by these stations that the waters are all stocked with fish?

Mr. GREENE of Massachusetts. Massachusetts has two United States hatcheries and one hatchery that was given by a wealthy woman to the United States, so there are three in Massachusetts. There is one in Rhode Island, I do not know about Connecticut, and I am not sure whether it is supplied or not.

Mr. TILSON. How about the State of New York?

Mr. GREENE of Massachusetts. I will yield to the gentleman from West Virginia, who will make a statement in regard to the matter.

Mr. BOWERS. Mr. Chairman, this is a step in the right direction. For 10 years past there has been an effort on the part of the Bureau of Fisheries to have Congress pass an omnibus bill providing for proper locations for fish hatcheries in this country. Heretofore in the introduction of a bill the Member of Congress has endeavored to select the site. In the recommendation of this committee the selection of these sites is given to the Bureau of Fisheries, where each appropriation should be. There is not to my mind a single State—and I have gone over this measure carefully—that should not have a fish hatchery. The question was asked a few minutes ago as to the number of hatcheries east of the Delaware River. Maine has two hatcheries under governmental supervision. New Hampshire has a hatchery under governmental supervision. Vermont has a hatchery under governmental supervision. Massachusetts has two hatcheries where the marine species are propagated. New York has a hatchery under governmental supervision. The great State of Pennsylvania, I regret to say, has no hatchery under governmental supervision. The question of transportation is a very important item. There was a sugges-

tion a few moments ago as to why there should be a hatchery in Oklahoma. There is not a State in the Southwest which makes greater demands upon the Bureau of Fisheries, with possibly the exception of Texas, than Oklahoma. In New Mexico and Arizona the water of those hatcheries can be supplied from artesian wells; in fact, some of the best and largest I have ever seen I saw in the vicinity of Roswell, N. Mex.—artesian wells, with a flow of 2,500 gallons a minute, sufficient to supply the wants of the best hatchery in America. There is no appropriation that can be made by this Government that will inure more greatly to the people than this. There is no appropriation that can be made in competition with the high cost of living whereby the people of this country can be more greatly benefited than by this small sum asked for by the Bureau of Fisheries. In going over this very carefully I find $890,000 is the total amount asked for. The distribution is properly made. In conjunction with the hatcheries this country now has, I believe for a period of years there will be no necessity for further appropriations for this bureau. I indorse and I want to cooperate with the men who are endeavoring to have this measure passed, and I ask the support of this body irrespective of party. [Applause.]

Mr. SLOAN. Will the gentleman yield for a question?

Mr. BOWERS. Yes.

Mr. SLOAN. The gentleman has stated some of the States in which hatcheries already exist. What, if any, hatcheries are in the interior of the continent—say, in the States of Iowa, South Dakota, Wyoming, Nebraska, Kansas?

Mr. BOWERS. Iowa has two hatcheries.

Mr. SLOAN. Governmental hatcheries?

Mr. BOWERS. Governmental hatcheries, near the Mississippi River—one at Manchester, Iowa, I think, and the other at Fairport.

Mr. LENROOT. How about Wisconsin?

Mr. BOWERS. Under governmental supervision, I regret to say, it has no hatchery. We have collection stations where the fish of the Mississippi River are collected. Whenever there is an overflow of this great stream we collect the fish from these bayous, and they are distributed throughout the United States, and there is no better work and no better service done by the Bureau of Fisheries than this collection from these bayous. We get the adults, we get the larger fish instead of the smaller fish, which would otherwise be distributed from other points.

Mr. SLOAN. I was endeavoring to ascertain, especially with reference to the States of Nebraska, the Dakotas, Kansas, Wyoming——

Mr. BOWERS. Wyoming has a hatchery.

Mr. SLOAN. Wyoming has one?

Mr. BOWERS. Yes. Iowa has two.

Mr. SLOAN. Has Kansas any?

Mr. BOWERS. No; neither Kansas nor Nebraska has a hatchery. We have one on the Great Lakes, but no inland hatchery.

Mr. CANNON. Will the gentleman allow me?

Mr. BOWERS. Certainly.

Mr. CANNON. The gentleman says that from the overflow of the Mississippi River to the bayous fish are captured of a little larger size and shipped all over——

Mr. BOWERS. All over the country.

Mr. CANNON. All over the country?

Mr. BOWERS. Yes, sir.

Mr. CANNON. Why not spend this money on the plants, make the fish hatcheries that we have better and larger, instead of blowing in money on plants, with employees duplicated here, there, and yonder, and distribute the fish as they are now distributed, all over the country, from the bayous?

Mr. BOWERS. Yes; but on the other hand you have but two or three specimens that are collected from those bayous. You have the basses, the bream, and the crappie, and occasionally some carp. The Mississippi River does not furnish salmon; it does not furnish trout. It furnishes three species.

Mr. CANNON. If you had one fish hatchery on the Lakes——

Mr. BOWERS. For the Great Lakes there should be——

Mr. CANNON. For the Great Lakes one of sufficient size to cut out the multitude of hatcheries, and one sufficient hatchery on the north Atlantic and one on the south Atlantic and one on the Gulf. Is not that all we have, and could not we save hundreds of thousands of dollars in that way?

Mr. BRUMBAUGH. I would like to ask the gentleman if there is a hatchery at Put in Bay, and is it a Government plant or a State plant?

Mr. BOWERS. It is under governmental supervision and a good plant.

Mr. BENNET. Ought there not to be a fish hatchery on Long Island to take care of the migratory cod?

Mr. BOWERS. There are a couple there under Government supervision, but——

Mr. BENNET. No national fishery?

Mr. BOWERS. No, sir.

Mr. BENNET. Where is the national hatchery located in New York State?

Mr. BOWERS. At Cape Vincent. Others are State hatcheries. The largest State hatchery is at Cold Spring Harbor.

Mr. BENNET. Is that a national hatchery?

Mr. BOWERS. It is a State hatchery.

Mr. BENNET. Is there any in the State of New York that is under national supervision?

Mr. BOWERS. Yes; at Cape Vincent, on Lake Ontario.

Mr. BENNET. In New York State?

Mr. BOWERS. In New York State.

Mr. DOWELL. As I understand the gentleman, two or three of these hatcheries provided for in the bill must be supplied by water from artesian wells?

Mr. BOWERS. It might suffice in several cases; yes.

Mr. DOWELL. Is it not preferable to put these hatcheries where there is plenty of water than to provide for furnishing water from artesian wells?

Mr. BOWERS. It might be, but the expense of transportation is simply enormous. For instance, Texas has one hatchery——

Mr. DOWELL. Will not the additional expense for furnishing the water——

Mr. BOWERS. I say that an inland hatchery, such a one as you have in contemplation in Arizona and New Mexico, could be operated at an expense that would not exceed $6,000 a year; that is, over and above the regular personnel appropriated for by Congress.

Mr. LANGLEY. The gentleman, I believe, is an expert on this question?

Mr. BOWERS. I would not say that.

Mr. LANGLEY. Well, the gentleman was Commissioner of Fisheries for many years, and I think he is an expert. I want to ask him a question. We have a fish hatchery located in Louisville, Ky. They have to pump water into it from the Ohio River. I am told—and I do not know whether it is true or not—that the land crabs bored holes into it so that the water ran out about as fast as they could pump it in. That was a good while ago. If it was true, it may have been remedied. I do not know. Does not the gentleman think that a fish hatchery located up in the Kentucky mountains, where the pure water gushes out of the sides of the hills and gets purer, if possible, as it ripples over the rocks and flows onward toward the sea, and where the force of gravitation would run the water right into the fish hatchery instead of having to pump it in, where it is necessarily more or less polluted, would be a good deal better for the propagation of fish?

Mr. BOWERS. In case of the location of the hatchery in Jefferson County, Ky., it is possible that the Congressman from that district looked better after its necessities than you did when the hatchery was located there.

Mr. LANGLEY. Will the gentleman permit me to say that the gentleman from Louisville [Mr. SHERLEY] was on the Committee on Appropriations, and he put in as a committee amendment a provision that the Kentucky hatchery must be located at Louisville, and I had no chance to change that. The gentleman from West Virginia, then Commissioner of Fisheries, first acquainted me with the fact that this had been done. I have done my best to get a hatchery located in the Kentucky mountains and have thus far failed, but I will get it yet. I am not going to offer an amendment now, because I know it would be a waste of time.

Mr. BOWERS. The site was stipulated by the bill. The bureau had nothing to do with it. I did not mean that my friend from Kentucky had neglected the matter in the slightest, because he never does that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGLEY. Mr. Chairman, I ask that the gentleman have five minutes more.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois desire to speak in opposition to the bill? However, before the gentleman proceeds, will some one in opposition to the bill take charge of the time?

Mr. MANN. Mr. Chairman, I ask to be recognized in opposition to the bill.

This is an omnibus fish-hatchery bill providing for some 18 new fish hatcheries. There are now 41 or 42 fish hatcheries owned by the United States in the various States. This bill proposes an addition of nearly 50 per cent in the number of such hatcheries. It is what is ordinarily called a "pork-barrel" bill.

It is true, as gentlemen who are in favor of the bill have stated, that there have been but few fish hatcheries created or

provided by the United States during the last 5 years, or the last 10 years, or, I may add, during the last 20 years—during my entire service in the House. Very few additional new fish hatcheries have been provided. At various times new bills have been reported to the House. I think at one session the Committee on the Merchant Marine and Fisheries reported favorably to the House about 50 bills providing for different fish hatcheries where any old man asked for it. The Commissioner of Fisheries in each case recommended the bill.

The committee has possibly wisely adopted a method which the committee thinks is more apt to pass the bills, by combining a large number of States in one bill than by depending upon the merits of the propositions; and without in any way whatever intending to reflect upon the committee, for which I have the highest respect, I do not think the report of the committee shows any great study by the committee of the subject. Doubtless they have given consideration to these fish-hatchery questions for a number of years, but all the items in this bill are recommended solely because the Commissioner of Fisheries recommended them, and because they belonged to certain States, most of which were represented on the committee. Now, I desire to say——

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Not right now; in a moment. It is easy to say we ought to increase the supply of fish, but after all, that has very little to do with the question of the establishment of a new fish hatchery. We now appropriate, or did year before last—I have not the figures for last year, but they are not very far away; yes, I have the figures for this fiscal year—we now appropriate for salaries in the Bureau of Fisheries $409,840. We appropriate under the item of propagation of food fishes, which is the main item connected with the fish hatcheries, $350,000. The main expense of a fish hatchery is the service, and the largest item at each fish hatchery is the superintendent. In most of the fish hatcheries the salary of the superintendent alone, which is not high, is at least one-third, or nearly one-third, the entire expense of service at the station; so that every time we create a new fish hatchery we are spending money at the top, where it is not needed, instead of spending money where it is needed, perhaps, in the propagation of fishes.

I do not wish to be exceptional; I simply have the appropriation bill before me. I read:

Baker Lake (Wash.) station: Superintendent, $1,500; fish culturist, $900; two laborers, at $600 each; in all, $3,600.
Bozeman (Mont.) station: Superintendent, $1,500; fish culturist, $900; two laborers, at $600 each; in all, $3,600.
Cold Springs (Ga.) station: Superintendent, $1,500; fish culturist, $900; two laborers, at $600 each; in all, $3,600.
Craig Brook, Me., Station: Superintendent, $1,500; foreman, $900; three laborers, at $600 each; in all, $4,200.

Whenever you establish a new fish hatchery you have to provide a new superintendent. He is not the one who actually does the work. He is not the one who really propagates the fish. He does his share of the work probably. We provide in addition a fish culturist and the laborers. They do the work. But the great increase in the expense comes through the additional superintendents.

Now, the original expense of a proposition is never the test by which you determine whether or not it is a good proposition. What is the after result? What is to be the expense of maintenance? These fish hatcheries will cost $10,000 less than $900,000, but the expense of maintenance each year when they are established continues indefinitely, and we ought to figure so that we can reduce as far as possible the maintenance expense from year to year. A fish hatchery when established is only the beginning. It does nothing except as it labors from year to year. It has the expense of maintenance. It has the expense of the propagation of the fish, and some expense of transportation, which, by the way, is not the main expense. Of course, the cost of transportation is considerable. It does not vary so very much, whether the shipment is for 50 miles or 150 miles. But the great cost of maintenance is the cost that bears down on the Government Treasury. With 41 or 42 fish hatcheries now in the United States, what is the need of creating new fish hatcheries almost side by side with those which now exist?

It is not a matter of transportation. That is not the reason. There might be a reason for creating new fish hatcheries in some of the new or Western States where there is no fish hatchery within a long distance. We recently provided one in Wyoming. We also provided one recently in South Carolina. We provided one recently in Louisville, on the Ohio River. It may be that there ought to be more. In some of the States they have their own fish hatcheries. Some of the States are more apt to beg of Congress than others. Possibly it is because they have Representatives on the committee to whose attention the matter is drawn. Some of the States provide their own fish hatcheries.

There may be a good reason for the National Government providing a fish hatchery on the sea, where the State may perhaps have no control of the fish in the water. But where streams are confined practically or wholly within the limits of a State, why should the National Government provide a fish hatchery? Why should not the States do something? Some of the States do. But if we are to provide additional service for the fish hatcheries at all, we ought to provide it in a sensible way, with economy in view. There is no economy in view in this bill. There is no economy in view in the Bureau of Fisheries; though doubtless if they were given $900,000 to expend on fish hatcheries, they could provide much better than they will provide under this bill. If they were given half a million dollars to expend on fish hatcheries, they could provide better than they will under the terms of this bill; or, if they were permitted to enlarge certain fish hatcheries which they now have, without much increase of expense, they would furnish better service than they will furnish under the terms of this bill.

Mr. MILLER of Minnesota. The statement has been made by the gentleman from Illinois and by several others that many of these fish hatcheries are proposed to be located in States represented by gentlemen on the Committee on the Merchant Marine and Fisheries. Is it not also fair to state that doubtless the membership of this committee is composed of men who come from States that naturally ought to have fish hatcheries in them, States that are interested in the subject, and that that is one reason why they are on the committee?

Mr. MANN. I think the question of the construction or maintenance of fish hatcheries has never received any consideration from anybody in the appointment of the Committee on the Merchant Marine and Fisheries.

Mr. MEEKER. Will the gentleman from Illinois yield?

Mr. MANN. I yield to the gentleman from Missouri.

Mr. MEEKER. I note here, for instance, that Alabama, Louisiana, and Florida each will have a hatchery. Could not one hatchery be located to serve those three States, without putting one in each State? Would it not be possible to propagate in one hatchery all the different kinds of fish that are needed in that part of the country? And is not the same true of Arizona, New Mexico, and so on?

Mr. MANN. Oh, I should think it would be quite possible to establish one fish hatchery that would take care of half a dozen States instead of three. I do not believe we ought to adopt the policy of starting omnibus bills just now, simply because the election is over. Pork barrels are what they are! They are not economical! It is not an economical method of government!

I reserve the balance of my time.

Mr. HULL of Tennessee. Mr. Chairman, with the permission of the gentleman from Illinois I wish to say only a few words.

Mr. MANN. I yield to the gentleman.

Mr. HULL of Tennessee. As I indicated awhile ago, I do not question the merits of either of the items in the pending bill, but I do seriously question the urgency of this measure. I can readily understand that where it is proposed to make an appropriation or an authorization to meet an emergency, or to pass a bill of such wide importance and of such great benefits as to make its passage necessary and urgent, that is something to which we should give consideration. I can understand how the House at this time could afford to make appropriations for purposes of that character. But for a measure of this nature, carrying with it no urgency and no unusual importance—because there is only a very remote connection between this bill and the reduction of the high cost of living—I can see no necessity to tax the Treasury with appropriations of this character at this time. It is plainly evident that there are enough bills already pending which carry appropriations of equal importance and urgency with this, to make a new tax levy absolutely necessary.

Now, if gentlemen of the House are ready and willing to vote additional taxes to meet this class of appropriations, and therefore desire to establish at the beginning of this session the policy of making this character of authorizations, that is another question; but I do wish to emphasize before the House the fact that the Congress has been obliged heretofore, and will be obliged a little later on, to make a number of very large appropriations and authorizations to meet real emergencies and exigencies, and unless we expect to levy additional taxes, we will be unable at this time to take care of all that class of appropriations or authorizations which come within the category to which the pending bill belongs.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. HULL of Tennessee. Yes.

Mr. MILLER of Minnesota. The gentleman believes in making a very substantial appropriation to prevent the spread of the foot-and-mouth disease, does he not?

Mr. HULL of Tennessee. I prefer not to be diverted from this subject.

Mr. MILLER of Minnesota. The gentleman believes in making a substantial appropriation to fight the boll weevil, does he not?

Mr. HULL of Tennessee. Will the gentleman confine himself to this bill?

Mr. MILLER of Minnesota. The fish supply of the country is relatively just as important as the hog supply and the cattle supply, and if something is necessary to be done for the fish supply ought we not to do it?

Mr. HULL of Tennessee. I do not desire to be diverted from the matter before the House. Those other matters will be up a little later, and then I shall be glad to discuss them with the gentleman.

Mr. MILLER of Minnesota. This matter is up now.

Mr. HULL of Tennessee. We will discuss them as we come to them.

Mr. MILLER of Minnesota. I desire to ask the gentleman if the parity of reasoning would not require him to favor assistance to the fish industry, if that assistance is needed?

Mr. HULL of Tennessee. I have stated to the gentleman, and to the House, that I did not question the merits of any of these items.

Mr. MILLER of Minnesota. May I ask the gentleman another question?

Mr. HULL of Tennessee. Yes.

Mr. MILLER of Minnesota. Can the gentleman advise us as to whether the total value of the fishing industry during the year just passed was greater or less than it was five years ago? In other words, is the fishing industry of the United States increasing or decreasing?

Mr. HULL of Tennessee. I do not know what the fact is about that.

Mr. MILLER of Minnesota. I do not, either. I am asking for information. I was hoping some gentleman would tell us. My impression is that it is actually on the decline throughout the United States.

Mr. HULL of Tennessee. I am not familiar with that.

Mr. MILLER of Minnesota. If that is true, I should think that we need to do something to increase the fish supply, and there is no way in which we can do it better than by establishing fish-cultural stations and hatcheries to increase the quantity of fish in the waters of the country.

Mr. COX. Mr. Chairman, will the gentleman from Illinois yield to me two or three minutes?

Mr. MANN. I will yield to the gentleman five minutes.

Mr. COX. Mr. Chairman, it strikes me that this is a very inopportune time to pass a bill of this kind. I have heard on this floor bills characterized as pork-barrel bills for river and harbor improvement; I have heard public-building bills characterized as pork-barrel bills; but this is the first time in all of my 10 years' service in this House that I have seen a pork-barrel fish bill come on the floor. This bill directly and indirectly takes care of 24 States of the Union; at any rate, it gives 24 States of the Union a fighting chance to get a fish hatchery or a fish-cultural station. It makes an appropriation or authorization of $840,000. Everyone knows that this is but a beginning. When it leaves the Senate it will come back here with $840,000 more added to it.

I have listened very attentively to the gentleman from Missouri in regard to the bill, a gentleman for whom I have the profoundest regard and the greatest respect, and it struck me that the gentleman's presentation of his own bill was not very enthusiastic. I quite agree with him in his failure to be enthusiastic in the support of his own bill.

Mr. ALEXANDER. Will the gentleman yield?

Mr. COX. Yes.

Mr. ALEXANDER. Let me say to the gentleman that there are eight Senate bills incorporated in this bill, and that those bills have already passed the Senate. So that we wanted to obviate the possibility of its being loaded down in the Senate.

Mr. COX. But under the rules of the Senate they will be entitled to amend it.

Mr. ALEXANDER. Undoubtedly.

Mr. COX. And that is what they will do. The estimates at this session call for $1,680,000,000 appropriation. The query with me and the query with us on this side of the House who are to be held responsible for this sum of money is, Where is that money coming from? Who is going to pay the bills?

We have got to devise some new system of taxation unles we begin somewhere to lop off appropriations. I have listened attentively for some sound argument, some logical reason, for some man interested in this bill to give to this House a reason why it should pass. One man bottoms the necessity of the bill upon the ground of the high cost of living, and yet it is conceded that it will be a year before a single fish hatchery is in operation, and it will be from three to five years before any of the fish are large enough to be fit for consumption.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. COX. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the gentleman from Indiana is in favor of reducing as far as possible the cost of living in this country, and does he know of any better means of reducing the high cost of living than to increase the supply of food fish?

Mr. COX. Yes; I know of a hundred better ways. One way is to stop people from going to the cities and towns and let them go out and raise corn and wheat and cattle and things to sustain life.

Mr. HULBERT. Does not the gentleman from Indiana regard one of the elements that has added to the increased cost of living the failure of Congress years ago to do then what we are seeking to do now by legislation?

Mr. COX. No; I do not. We are everlastingly coming to Congress and piling burdens on Congress and asking Congress to do what the States ought to do. I have heard no proposition on the floor this morning, and I doubt if any will come, that the States pay any part of these expenditures. The bill ought not to pass, it ought to be defeated. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BLACKMON].

Mr. BLACKMON. Mr. Chairman, I am not much of an alarmist. I can not agree that this bill is going to revolutionize the whole system of raising revenue. I do agree with the suggestion that this is a splendid step toward reducing the high cost of living, but the statement of the gentleman from Indiana [Mr. Cox] that we will not have any fish furnished by these hatcheries large enough to eat for a year or more does not appeal to me very strongly. If we do not start now or have some beginning point, we will never reap the benefits of this much-needed legislation. It does seem to me that the gentlemen here who oppose the bill and who undertake to defeat it, do so simply because they have no fish hatchery provided for in their States. I will be frank and say that I have a hatchery in this measure for my State, but I would not oppose it if I did not have one. Now, I know, and we all know, that where you are forced to send fish a long distance a great many die and that the transportation charges are tremendous. The fish commissioner knows more about the needs of this bill than do the gentlemen who are opposing it. They have not the facilities for knowing. All they know is what my friend from Indiana [Mr. Cox] knows—that it is going to cost a few dollars to do it, and that the States have not gone fifty-fifty with the Federal Government. That is all the objection he has to it. So I hope that in the interest of stocking the streams throughout this whole country you will vote for the bill. It ought to pass. It is meritorious, and it has been considered by those who know for years and years; and I would rather have the opinion of the fish commissioner than that of all of the guardians of the Treasury and the prophets in this whole Congress. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen, I am heartily in favor of this bill with an amendment. Of course, the bill in the main provides for proper fish-cultural stations and fish hatcheries irrespective of whether the amendment goes on or not, and I am satisfied that the House will permit it to go on. It is cheaper in the long run to have fish stations, and better results are obtained than to have fish stations that are far apart, with the extra cost in transportation and the handling of fish and the number that die. I want to call the attention of the House particularly to the bill H. R. 11245, which is the same as the general bill, only it reports out a substation on the Klamath River in northern California in the sum of $15,000. The matter was taken up with the Bureau of Fisheries, and that bureau reported favorably upon it. In addition to California alone being interested in this, the States of Oregon and Washington are as vitally interested in the situation in northern California as California itself is. The station is on the Klamath River, near Hornbrook, in Siskiyou County, at the headwaters of the Klamath. The trout come from the ocean there and

spawn in the upper reaches of the Klamath River and return then to the mouth of the Klamath and then into the ocean, and many of those go on into the northern streams. Men in Seattle and in other places who have given this subject attention say that it is one of the most valuable breeding grounds of the salmon in the United States to-day. It is not a local matter; it is not for any particular place in the State of California. We have a splendid fish hatchery south of this about 100 miles, maintained by the State, known as the Sisson fish hatchery, where millions of eggs and fry and fingerlings are distributed over the State. South of that about 70 miles is the Beard fish hatchery, maintained by the Government, on the upper waters of the Sacramento, from which millions of eggs and fry are distributed by the Government.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. So that the gentleman is willing to come before the House with the statement of the necessity for a new fish hatchery where there are two within 170 miles of the one proposed?

Mr. RAKER. The gentleman does not understand the topography of the country. There are large mountains between, and it is not a question of the mere fact of establishing hatcheries, but it is a question of where you can expend $15,000 and get $100,000 in return for the expenditure of that money, and that is what we want. Further, in the southern part of the State I had the pleasure of going over the ground this fall and seeing the work being done, where the State is establishing another large hatchery at the foot of Mount Whitney, in Inyo County. This particular one referred to upon the Klamath River has been reported favorably by the Bureau of Fisheries, and they say it is very necessary, and that it will enable them to have a substation there at a cost of $15,000 where millions of the fry may be propagated and returned to the river. See what it means—no hauling or handling or transporting—but the expenditure of that amount of money means ten or twenty or thirty fold increase in the amount expended, for you can hatch them or take care of them at the upper waters of the stream, turn them into the river where the young ones may go back, and then into the ocean, and afterwards come back into this river the next year following, and on north. It is one of the most valuable fish in the West.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I will ask the gentleman from Illinois to yield me one minute more.

Mr. MANN. I yield the gentleman one minute more.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. GORDON. How many fish hatcheries does the State of California maintain out there on the coast?

Mr. RAKER. It maintains three, I think, altogether.

Mr. GORDON. How many does the Federal Government maintain?

Mr. RAKER. We have a fish hatchery at Beard, in Shasta County, and then there is a subhatchery, where they catch the fish and send them and breed and handle them at Battle Creek, and also one at Mill Creek; but this particular stream is known as the Klamath River, that flows into the Pacific Ocean, where these chinook salmon go up that stream and spawn, and because of the various conditions the spawn are lost, and if they established a branch hatchery right upon the banks of the river it would be the best investment the Government could make, because there they may take the fish out of the river, attend to the spawn, and rear them and take care of them and turn them back.

Mr. GORDON. How does it come that that investment never appealed to the State of California?

Mr. RAKER. Oh, well, the State of California is handling the rainbow trout, and many others, to put into the various streams. She is doing her part. This is the salmon that comes from the ocean, where it may go back to the ocean and repropagate and go through the other streams.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HULBERT].

Mr. HULBERT. Mr. Chairman, when the chairman of the committee was in control of the time I rose several times for the purpose of submitting what I thought was a very proper and pertinent question, with a view to securing some necessary information. Inasmuch as I could not have the satisfaction of getting that information then I take this opportunity now of renewing the request. The bill under consideration was introduced on May 12, 1916. I find that on April 3, 1916, another bill very similar in terminology was introduced by my colleague, Mr. DALE of New York, who was called home this morning. The distinction is that the Dale bill provides for a hatchery in New York on Long Island and, also, for a hatchery in the State of Massachusetts, both of which have been eliminated from the bill subsequently introduced, and now reported by the committee, and in their place there are substituted hatcheries for the States of Michigan, Missouri, Pennsylvania, and Minnesota.

My purpose in rising to interrogate the chairman of the Committee on Merchant Marine and Fisheries was to ascertain why the provision proposed in the Dale bill for a fish hatchery upon Long Island had been eliminated. In that connection I desire to call the attention of the committee to the fact that the State of New York has probably been the most progressive State in the Union in relation to the establishment of fish hatcheries. We had at the end of 1914 ten hatcheries in the State, maintained by the State at a cost of about $75,000 per annum, or half as much again as was proposed in the Dale bill for the hatchery to be located upon Long Island. I find from an examination of the report of the commissioner on fish, game, and forestry of the State of New York that more than a billion fish were let out of the hatcheries in the streams in 1913, and that, gentlemen, is the condition which obtains in the fresh waters of the State of New York.

The end has come for the wild cod and migratory fish in the waters about the port of New York due to the pollution of the streams, which up to this time have not been regulated by Federal action; to the tremendous increase in the manufacturing industries located upon the harbor of New York and its tributaries; and also to the tremendous water-borne commerce of the port of New York, which within the last year has increased more than 100 per cent in local commerce. These waters are the most extensive and the most bountiful feeding grounds for marine life in the United States. The food is there; the rocky, spongy, mussel-breeding bottoms are there; their home is there, but the inhabitants have been driven off. On Long Island, where formerly a few wild ducks lived, now they raise hundreds of thousands by cultivation in order to supply the metropolitan market; and so through cultivation New York and its adjacent waters could furnish many more fish than they originally did when they were able to supply all of the surrounding markets. The gentleman from Indiana [Mr. Cox] has denied that this question can have any material effect upon the reduction of the high cost of living, because, as he contends, the money that might be appropriated in this bill and expended thereunder for the establishment of these hatcheries would not be productive of results for a period of from three to five years from this time. But you will recall the question which I submitted to him and to which I do not feel I obtained any satisfactory answer. I believe the condition complained of now is largely due to the fact that Congress has not in the past looked at the situation which we are confronted with now and taken action with respect to it; and if the condition which we undertake to remedy at this time had been taken care of three or four or five years ago, we would not now be confronted with this condition at the present time. [Applause.]

But New York is a State of great wealth, and having blazed the way and demonstrated the success of State hatcheries and the benefits thereof the balance of the country will be provided with them at Federal expense, and New York, the great revenue producer, will contribute the largest share of the expense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, it is exceedingly regrettable that this bill was not up before November, for this would have been a very profound line of argument as to the cause of the high cost of living. I fancy that the administration will discover what the cause is about as soon as we get this appropriation through and get the hatcheries, as far as that is concerned. The thing I wanted to know from the chairman of the committee was whether we are legislating for separate States or for sections, and if so, why it is necessary for a hatchery in northwestern Texas and in Oklahoma?

Mr. STEPHENS of Texas. Does the gentleman want me to answer that question?

Mr. MEEKER. I would like to have an answer.

Mr. STEPHENS of Texas. The place where this was desired to be located was at Canon City, near the head of the Red River, because there is not a fish hatchery within 500 miles of that place which would cover the eastern part of New Mexico. The fish escaping from the dam there could reach the Mississippi River after passing through five States, and it would be a great benefit to the people of all that vast section of country at the head of the Red River Valley.

Mr. MEEKER. Then it is understood that this point was fixed before this appropriation was made?

Mr. STEPHENS of Texas. I say there is a demand there. You can not find in the United States where there is a greater demand for a fish hatchery than at the head of the Red River.

Mr. MEEKER. Well, that is located. Now, what in regard to Oklahoma?

Mr. STEPHENS of Texas. Oklahoma has nothing in the bill, as I understand it.

Mr. MEEKER. Read the bill.

Mr. STEPHENS of Texas. What part?

Mr. MEEKER. I am asking the gentleman about that.

Mr. STEPHENS of Texas. I am concerned only with the bill which I introduced myself.

Mr. MEEKER. I see.

Mr. STEPHENS of Texas. And which had a favorable report from the Fish Department.

Mr. MEEKER. Having obtained such a frank statement as to why it has been agreed this fish hatchery should be established——

Mr. ALEXANDER. Mr. Chairman, I do not think it is understood that the gentleman from Texas has fixed the location in reference to the location of this hatchery or that it has been agreed upon between him and the department.

Mr. STEPHENS of Texas. No; my bill requested the department for a report upon the bill, and they reported it favorably.

Mr. ALEXANDER. As far as its location in this territory is concerned——

Mr. STEPHENS of Texas. I think it ought to be located at Canon City, at the head of the Red River——

Mr. ALEXANDER. The bill does not designate.

Mr. STEPHENS of Texas. It designates northwestern Texas; but this is tributary to the whole northwestern section of Texas.

Mr. MEEKER. Will the gentleman kindly answer, if he can, why these two hatcheries are necessary in practically the same territory?

Mr. ALEXANDER. They are not in the same territory. If the gentleman knows anything about the State of Texas, he knows that it is a thousand miles across it.

Mr. MEEKER. It is in northwestern Texas.

Mr. ALEXANDER. The Panhandle of Texas is an immense territory itself and a good way from where the hatchery may be located in Oklahoma.

Mr. MEEKER. The gentleman from Texas has an idea as to where this will be located in Texas?

Mr. ALEXANDER. Very naturally.

Mr. STEPHENS of Texas. It will be on the waters of the Red River, and will thereby benefit the whole country there.

Mr. MEEKER. How are the three States of Alabama, Louisiana, and Florida served now?

Mr. ALEXANDER. Florida has a biological laboratory at Key West.

Mr. MEEKER. What is so peculiarly different between the fish life of Louisiana and Alabama that they could not live in the same hatcheries?

Mr. ALEXANDER. They have no fish hatchery in the State of Florida. They have no fish hatchery in the State of Alabama. What other States did the gentleman inquire about?

Mr. MEEKER. Louisiana and Alabama and Florida are the ones about which I inquired.

Mr. ALEXANDER. I say there is none in Alabama, according to this map, and there is none in the State of Louisiana. Somewhere along the coast, between those two States, the department asked to locate one of these hatcheries.

Mr. MEEKER. Each of these States has a specific sum. Can not those two States be served with one?

Mr. ALEXANDER. I do not know. I am taking my information from the department.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, authorized to be appropriated for the establishment of fish-hatching and fish-cultural stations in the States hereafter named at suitable points indicated hereafter, to be selected in the discretion of the Secretary of Commerce, including purchase of sites, construction of buildings, and equipment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. This bill contains one section and a large number of additional paragraphs. Will it be read for amendment by paragraph or as one section?

The CHAIRMAN. The usual custom is to read the bill by paragraphs for amendment.

Mr. MANN. I just asked that before we commence.

Mr. ALEXANDER. I understand that is true of an appropriation bill, but it is not true of a general bill of the character of this one. There is only one section in the bill.

The CHAIRMAN. The custom is that where a bill is divided into paragraphs to read it by paragraphs. The Clerk will read.

The Clerk read as follows:

State of Alabama, $50,000.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 3, at the end of the line, insert: "State of California, on the Klamath River, $15,000."

Mr. RAKER. Now, Mr. Chairman, I just want to say a word in addition to what I have already said. This amendment is in accordance with H. R. 11245, which was reported to the House under Report No. 1045. The bill had been introduced, but was overlooked in some way by the committee. After looking over the matter, I thought it was disposed of with the rest. I appeared before the subcommittee with the memoranda and data, and the subcommittee reported favorably, and the matter was then submitted to the full committee, when that committee reported the bill H. R. 11245, which contained a report from the Bureau of Fisheries. And among other things they state as follows:

When the bill was first introduced it was the opinion of the bureau that what was contemplated was the establishment of a station entirely independent of and apart from the Baird station, but since the receipt of further information showing that the appropriation of $15,000 is being sought for the construction of an auxiliary to the Baird station the bureau has been fully in accord with the plan formulated, as the work it has conducted during the past few years in this field has demonstrated beyond a doubt its great fish-cultural possibilities. The bureau will therefore be pleased to indorse a bill of this character either at this or the next session of Congress.

Until such time as a special appropriation is provided for an auxiliary station near Hornbrook the policy of the bureau will be to provide adequate facilities, so far as possible, for development in the immediate vicinity of the eggs and fry resulting from the Klamath River collections, liberating the young fish in that river direct, under the supervision of a proper official of the bureau.

Mr. BORLAND. I would like to ask the gentleman from California why he attempted in his amendment to designate the place where it is to be located, in view of the fact that the purpose of the bill is to give to the department the best possible facilities in locating these stations?

Mr. RAKER. This bill (H. R. 11245) says it is to be located on the Klamath River. That river is in Oregon and in California, and the purpose is to let them put it on the Klamath River wherever they please, a substation to be located right where they take the fish that come from the Pacific Ocean out of the Klamath River, and then they can return them after they have been properly cultivated.

Mr. BORLAND. As I understand, there are now two fish hatcheries on the Sacramento River?

Mr. RAKER. I do not know.

Mr. BORLAND. There is one fish hatchery with a branch? Is not that true?

Mr. RAKER. There is only one fish hatchery, and that is at Baird, which is at the headwaters of the Sacramento.

Mr. BORLAND. The fact is this, that the Baird hatchery is a substation of an older hatchery.

Mr. RAKER. No; the Baird hatchery is an independent station established by the Government.

Mr. BORLAND. There are two divisions there of one hatchery on the Sacramento River?

Mr. RAKER. At Battle Creek and Mill Creek, on the Sacramento River, they simply have stations without any buildings or anything, where they go and take the fish out, and then send them up to Baird or to other hatcheries for proper development.

Mr. BORLAND. Would it not be a whole lot better to leave this amendment, like the others, to the discretion of the department?

Mr. RAKER. I have no objection, only the department said they wanted it located on the Klamath River. That is the very purpose of it. It is cheaper. There is no transportation to it.

Now, I just want to say this to the House, in addition to what I said a moment ago, when some of the Members were not here: This fish hatchery is particularly advantageous to the Government to cover the fish coming from the Pacific Ocean up the Klamath River. Just above where the hatchery will be are the falls. Of course, many of the large fish whip themselves to death before they get there, and we do not get the benefit of them. The officials of the various fish institutions in Washington and Oregon have written to me letters on this matter—I am sorry I have not them before me—in which they say

that the Klamath River produces principally the Chinook trout, which is one of the most valuable fishes yet in existence, and it is very necessary to propagate this species of fish.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I want two minutes longer, by unanimous consent.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes longer. Is there objection?

There was no objection.

Mr. RAKER. So that we may get the benefit of it. The buildings will be modest and up to date, and it requires little work of that kind. It is only to put up the places to provide for the fish, so that they may be handled.

The State of California itself this year is putting up a plant at the base of Mount Whitney at a cost of $175,000, a magnificent plant, and one of the most elaborate stations in the United States. They already have one at Sisson, erected with a large expenditure. That is principally for the mountain trout, so that we may stock the mountain streams with the mountain trout and provide food for the people.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Missouri?

Mr. RAKER. I yield for a question.

Mr. BORLAND. I notice on this map there is an auxiliary station at Hornbrook, on the Klamath River.

Mr. RAKER. Yes. That is the one I am talking about. They take the fish and transport them to the other hatcheries. But by putting the new station there they can maintain it and handle it with the appropriation and maintain the station for the purpose of properly propagating this most valuable fish.

Mr. BORLAND. Is the gentleman providing for an additional hatchery or providing for the enlargement of this one?

Mr. RAKER. It is the same one.

Mr. BORLAND. What facilities have they there now?

Mr. RAKER. Simply a few little buildings, where they go and catch the fish. But they have to transport them at large expense, with a great loss of fish.

Mr. BORLAND. When they transport them they transport them to Baird?

Mr. RAKER. Yes; but you must remember that is off the railroad.

Mr. BORLAND. And according to this map that is about 100 miles away.

Mr. RAKER. Yes; something like that.

Mr. BORLAND. That is pretty close for a fish hatchery.

Mr. RAKER. My dear friend from Missouri can not recognize the fact that there are mountains in that country, with a rise of 5,000 feet in 20 miles, and others with a rise of 7,000 feet. These streams are on different mountain spurs running from the Sierra Mountains west.

Mr. BORLAND. Do you have to have one every 100 miles in order to cover them?

Mr. RAKER. The streams are there. Why not provide for a fish supply by propagating them?

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT. I think the committee has heard this matter discussed until probably it is ready to vote on the direct issue of the passage of the bill. I think there ought to be a test of the matter now. I therefore withdraw the pro forma amendment and move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GARRETT. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 47, noes 70.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SLOAN. Mr. Chairman——

Mr. BORLAND. Mr. Chairman, a point of order. Is not an amendment pending?

Mr. SLOAN. I have an amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized on the amendment.

Mr. SLOAN. I would like to have my amendment read.

Mr. RUSSELL of Missouri. There is an amendment pending now.

The CHAIRMAN. The Chair understood the gentleman from Nebraska was rising to discuss the amendment offered by the gentleman from California [Mr. RAKER].

Mr. SLOAN. The Chair announced that the Clerk would read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. RAKER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 44, noes 33.

So the amendment was agreed to.

Mr. SLOAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentleman from Nebraska offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SLOAN: Page 2, after line 3, insert: "The State of Nebraska, $50,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

Mr. SLOAN. Mr. Chairman, this bill is drawn favoring 18 new fish hatcheries. I understand there are already established at different points throughout the United States 41 hatcheries. The apparent purpose of this bill is to distribute the fish hatcheries, rather than to increase the efficiency of the hatcheries already established. The question of transportation seems to have been the important consideration in drafting this bill.

Now, if that is true and the bill is passed, it ought to be passed in such a form as to carry out the important proposition involved in the bill. That is the distribution of the hatcheries for the purpose of meeting the factor of transportation. I call the attention of gentlemen of the committee to the fact that in the States of Nebraska and Kansas, which involve over 5 per cent of the area of this country, there is no national hatchery. There are numerous streams in both these States, and, taking into consideration the question of transportation, it seems to me that we are entitled to an amendment to this bill taking in that part of the continent.

Mr. MILLER of Minnesota. Will the gentleman yield for a question?

Mr. SLOAN. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Has the gentleman introduced a bill providing for the establishment of a station in Nebraska, and has it been considered by the Bureau of Fisheries and reported favorably by the committee?

Mr. SLOAN. I have not introduced a bill, but I assume that the members of this committee have studied the geography of this country; and when I say the members of this committee, I include the gentleman from Duluth.

Mr. MILLER of Minnesota. I beg the gentleman's pardon. I am not a member of the committee.

Mr. SLOAN. And having looked at the map of the United States, the gentleman will discover that there is a large section of the United States unprovided for, and I insist that if this is merely a matter of distribution, which it apparently is, that section of the United States should be given a hatchery. [Applause.]

Mr. ALEXANDER. Mr. Chairman, the amendment just agreed to embodies the provisions of a bill favorably reported from the Committee on the Merchant Marine and Fisheries, which bill is on the calendar, providing for an appropriation of $15,000 for an auxiliary hatchery. The Commissioner of Fisheries informed me that that hatchery would only operate a part of the year, and would not require anything more than the transfer of a few men to that point to conduct the hatchery during that period. For that reason I voted for that amendment, because we had reported the bill, after the general bill was reported to the House.

Now the gentleman from Nebraska is offering an amendment to establish a fish hatchery in the State of Nebraska. No bill has been introduced for the establishment of a fish-cultural station or a fish hatchery in the State of Nebraska. It has not been considered by the committee, of course, nor by the department; and I sincerely hope that the friends of this legislation will vote down such an amendment as this. It may be that Nebraska has a meritorious case, but the Members from Nebraska should take enough interest in the subject to introduce a bill or bills, and let them go to the committee and to the department to be considered.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. SLOAN. Has not the gentleman stated in the hearing of this House that the whole country was considered? And is it necessary, parliamentarily or otherwise, in the consideration of an omnibus bill that there shall have been a special bill introduced, in order to receive the attention of this committee?

Mr. ALEXANDER. I do not think "the gentleman" made any such statement. The gentleman said that all bills introduced were referred to the department, with requests that such of them as they regarded of prime importance should be considered and reported back to the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The question being taken, on a division (demanded by Mr. SLOAN) there were—ayes 46, noes 55.

Accordingly the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 2, after line 3, insert: "State of Wisconsin, $50,000."

Mr. LENROOT. Mr. Chairman, this amendment provides for the establishment of one of these stations in the State of Wisconsin. There have been some intimations that this is a pork-barrel bill. I do not know whether it is or not, but I propose to have a test of that question upon the vote upon this amendment.

Mr. GORDON. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GORDON. Will you vote for the bill if your amendment is adopted?

Mr. LENROOT. I will reach that later. I propose to have a test of that question upon this proposition: The State of Wisconsin is bounded upon the north by Lake Superior, upon the east by Lake Michigan, and upon the west by the Mississippi River. It has in its interior thousands of lakes and innumerable streams. It once had more fish within its lakes and streams than any other State in the Union. Its waters have been depleted because Wisconsin has become the Mecca of the sportsmen of the country. The State of Wisconsin has already provided nine of these stations at its own expense. It has not one Federal station. Yet those nine stations are not able to supply one-fourth of the demand for fish fry and fingerlings. The chairman of the committee [Mr. ALEXANDER] indicated a moment ago that if a bill was not introduced for a station within a State, that State had no right to consideration upon this question. Mr. Chairman, if that is so, then this is a "pork-barrel" bill and nothing else, because if the interest of the country is considered and the culture of fish is considered, the committee will not, either in this instance or any other, base its action upon the question whether some Member has introduced a bill or not. So, Mr. Chairman, if there is a single State in the Union that is entitled to a Federal fish-cultural station it is the State of Wisconsin, and I have a right to ask the chairman of this committee to explain why, if this is not a "pork-barrel" bill, the State of Wisconsin was not included and to give some reason other than the reason that he gave a moment ago, because, Mr. Chairman, if measures of this kind are to depend upon the insistence with which Members ask for them, the sooner we know it the better, and the sooner the country knows it the sooner it will condemn "pork barrels" of this character. [Applause.]

Mr. SAUNDERS. Mr. Chairman, I desire to call the attention of the committee to the fact that the chairman of the subcommittee that investigated this matter, and conducted all the inquiries, came from the State of Wisconsin. If this was a pork-barrel proposition, Wisconsin would have been included in this bill. I repeat that the chairman of that subcommittee came from the same State as the gentleman who has just spoken [Mr. LENROOT], but after investigating the merits of the whole situation it is manifest that he must have become thoroughly satisfied that the needs of Wisconsin were not urgent, since he failed to include that State in the bill reported.

Mr. LENROOT. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. LENROOT. Did the chairman of the subcommittee make any statement to the committee with reference to the State of Wisconsin?

Mr. SAUNDERS. He was there to look after Wisconsin, as well as the other States.

Mr. LENROOT. Did he make any statement of the kind which the gentleman's remark would infer?

Mr. SAUNDERS. I do not know what kind of a statement he made before the subcommittee.

Mr. LENROOT. Then the gentleman ought not to make that statement.

Mr. SAUNDERS. I do not understand the gentleman. I am merely calling attention to the fact that the chairman of the subcommittee came from the gentleman's State, and that presumably he was as anxious to advance the interests of the State of Wisconsin, as the gentleman who has just spoken [Mr. LENROOT]. But the fact remains that with the whole situation before him, and after examination of all the measures under consideration the chairman of the subcommittee reported a measure which did not include the State of Wisconsin, though he was immediately concerned with the welfare of that State. Hence I repeat my statement that if this had been a pork-barrel bill, Chairman BURKE would have had something for Wisconsin included in his report.

Mr. LENROOT. Is it not a fact that the subcommittee only considered bills where Members had introduced bills from the States and had recommendations from the department, and that the committee did not consider the needs of the country?

Mr. SAUNDERS. That is not the fact. I will state that it was ascertained by inquiry that Wisconsin was so situated, with reference to certain fish hatcheries conveniently located in other States that its wants were reasonably supplied from these hatcheries. There are several stations and substations near the border line of that State.

Mr. MANN. I would like to inquire of the gentleman where those stations are. There is none in Illinois, none in Iowa convenient to Wisconsin, and not any in Lake Superior or Lake Michigan. There is one at Duluth, Minn., but it is a long way from furnishing what Wisconsin requires. The gentleman's information as to what the subcommittee had before it is erroneous.

Mr. SAUNDERS. That matter was considered. There is a station at Duluth.

Mr. MANN. That is the only one.

Mr. SAUNDERS. The gentleman is mistaken. There is one at a place called Homer, an auxiliary station at La Crosse, and another one at North McGregor, and another one at Bellevue, south of the Wisconsin line.

Mr. MANN. The subcommittee did not know what a fish-hatchery station was.

Mr. SAUNDERS. The subcommittee was very well advised in that respect. The conditions in Wisconsin are not like the conditions in California, where high mountain ranges intervene between stations. Hence Wisconsin can be adequately served from stations in contiguous States and there is no immediate urgent necessity for a new station in that State.

Mr. MANN. Mr. Chairman, it is very peculiar that it is said that the station at Duluth is able to supply the fish fry needed for Wisconsin, but that Minnesota must have a new station. [Laughter.] That is logic for you clear down. Here is Wisconsin that has no station that can supply it on the east, no station on the south, no station on the west, no station for the extreme point on the north. Minnesota has one that can supply them, and yet Minnesota needs an additional one. [Laughter.]

Mr. SAUNDERS. I wish to repeat that there are three fish-hatchery stations immediately contiguous to Wisconsin and three auxiliary fish hatcheries.

Mr. LENROOT. What are those three.

Mr. SAUNDERS. I have stated already. One at Duluth, one at Homer, one at Manchester, and three auxiliary fish hatcheries, one at La Crosse, one at North McGregor and one at Bellevue.

Mr. MANN. Those are not fish hatcheries.

Mr. SAUNDERS. They are auxiliary fish hatcheries operated in connection with the main hatcheries.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to oppose the amendment. I hesitate to differ with the gentleman from Illinois on questions of this kind, but very often these questions are determined by whose ox is gored. Illinois has a provision in this bill for a $50,000 hatchery. My distinguished and venerable colleague from Illinois, the former Speaker of the House, is opposed to the bill, and the other gentleman from Illinois [Mr. MANN] is also, on the ground that it is a pork-barrel bill. In another place, at about this hour, there is a discussion going on in consequence of false information to the people of this country as to the alleged pork-barrel methods in the distribution of river and harbor appropriations, and those interested in the development of this country through the rivers and harbors are invited now to the Hotel Willard to express themselves whether or not the appropriations made by this Congress are falsely and wrongfully made, so that believers in the "pork barrel" have their inning now.

An appropriation is provided for in this bill of $50,000 for a hatchery somewhere along the Delaware River. In that I am interested. I think that a worthy project. Opposition comes up from other sections of the country to such appropriations,

however, and most of it seems to come from those who have very small rivers in their States or no rivers at all. They want no appropriations made, unless they can be included in what they call the "pork-barrel" bill. I have said before, and I say again, that what seems to be "pork" in the minds of most people, is that which the other fellow gets and not what you get for yourself. [Laughter.]

Now, my distinguished friend from Illinois, Mr. CANNON, opposes this measure on the ground that it is a pork-barrel bill, and in the same breath indicates that if you can propagate fish in the mudpuddles behind the levees of the Mississippi, you ought to destroy all the fish hatcheries along the Atlantic seaboard and Great Lakes and raise all the fish along the banks of the Mississippi, because it would be easier to distribute them to all the small points of the United States from the region of the Mississippi. That is a home viewpoint for you. Is it not strange how we see these things from our own viewpoint, and is it not strange how, when we are not included in the bill, we want to oppose what some one else is trying to do? [Applause.]

We are now up against the question of the food supply for the people of this country, and the cheapest food we have had during the whole period of the high cost of living has been the food that we have acquired from the fish supply of the country. Some day that will run scarce out yonder along the Lakes and upon the Pacific coast, as it is running scarce now along the Atlantic seaboard. There is no earthly reason in justice or in common sense why we should abolish such existing hatcheries as we now have along the great water lines, except, perchance, that the gentleman from Nebraska [Mr. SLOAN] can not get in the bill the same provision for a fish hatchery upon the plains of Nebraska that we want for a fish hatchery along the shores of the Delaware River. [Applause.] I was amazed to find that while it is easy always to inveigh against great States like New York and Pennsylvania, which maintain fish hatcheries on their own account paid for by the people of those States—not a single dollar has been expended upon them by the Government of the United States, certainly not in Pennsylvania, for fish hatcheries within the boundaries of those States—out yonder the State of Iowa, due to the shrewd, careful, attentive representation of its Members of Congress, has already secured appropriations for two Government hatcheries within the confines of the State. It seems to me the cry of "pork barrel" in this instance is very far-fetched, and is unfairly applied. [Applause.]

Mr. BROWNE. Mr. Chairman, I move to strike out the last word. I desire to say a word in regard to the location of a fish hatchery by the United States Government within the State of Wisconsin. My friend from Virginia [Mr. SAUNDERS] mentioned the fact that Wisconsin was already provided for. The hatcheries to which he referred are simply auxiliary hatcheries, and auxiliary hatcheries, as I understand it, do not distribute fish but simply send fish out to some other hatchery, and that other hatchery distributes the fish. There is not any national hatchery in the State of Wisconsin. We have nine State hatcheries. Let us take, for instance, the matter of whitefish alone.

The whitefish would have at this time become extinct if it had not been for the State of Wisconsin and its fish hatcheries. The State alone has expended hundreds of thousands of dollars in propagating whitefish. We put them into the Great Lakes at Superior and Ashland, and the fishermen at those points were skeptical at first as to the State stocking great bodies of water like the Great Lakes; but the whitefish that the State of Wisconsin planted in the Great Lakes at that time were of a different kind, the kind of whitefish known as the blue-fin whitefish, and to-day almost the only whitefish they are catching in the Great Lakes are the blue-fin whitefish. The State of Wisconsin has, I think, been the only State to propagate and plant whitefish, and, as I have said, if it had not been for the work of our State hatchery the whitefish, the best fish that swims, would have become extinct. I think that a State that is doing a great work like that and is unable to meet the demand that great bodies of water that touch the several different States like the Great Lakes make, together with the great Mississippi River on one side, ought to receive some consideration at the hands of the Government of the United States. In the Mississippi River millions and millions of bass fry go up into the sloughs every year, where they die. The State of Wisconsin alone appropriated thousands of dollars in saving this fry and planting it in the Mississippi River and other streams and lakes. The people of every State that the Mississippi River touches or border on the Great Lakes are directly benefited and as greatly benefited as the people of Wisconsin, who are being taxed to meet the demand that these navigable waters make upon the State fish hatchery. You can erect a hatchery in Wisconsin and propagate your whitefish and your lake trout for the Great Lakes, and you can also get your bass fry right from the Mississippi River without having to propagate it, and can send this fry out to all the States of the Union. We have fine railroad facilities and every natural advantage; we are right in the center of a great population, and I can not see for my part one feasible reason why we are not entitled to a Government hatchery in Wisconsin, unless you say that the chairman of that subcommittee, coming from the southern part of the State, far from Lake Superior, did not introduce a bill providing for a hatchery, and I do not think Wisconsin on any such ground is estopped at this time from presenting its claims; and if you can not answer the claims of Wisconsin for a hatchery you ought to grant at least some encouragement to a State that already is supporting nine State hatcheries, that has remarkable natural advantages for the culture of fish, and is doing wonderful work in the line of propagating and planting fish. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 67, noes 64.

Mr. ALEXANDER. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. ALEXANDER and Mr. LENROOT were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 73, noes 73.

So the amendment was rejected.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, after line 3, insert: "State of Tennessee, $50,000."

Mr. HOUSTON. Mr. Chairman, it is a fact that there is at the present time a fish hatchery in the State of Tennessee, but it is in the extreme northeast corner of the State. It is on the east side of a large range of mountains, and those mountains lie between that fish hatchery and the remaining portion of Tennessee. When you come to establish hatcheries with a view to having facilities for properly distributing the products thereof this hatchery in Tennessee does not at all supply the demands of that State. It is further true that there is a hatchery in Kentucky which is at the extreme northern end of that State, and a hatchery in Arkansas, at the north middle boundary of that State and across the Mississippi River. When you consider it from that point you will see that middle Tennessee and west Tennessee are much farther removed from the supply of a fish hatchery than most of the States, even, that have none. The Committee on Merchant Marine and Fisheries in three former Congresses has reported a bill recommending the establishment of this hatchery in Tennessee. The committee of the present Congress reported a bill, leaving out the recommendation for the hatchery in Tennessee; but that fact was called to the attention of the Secretary of Commerce, and his attention was called to the geographical location of the present hatchery and the needs of the other portions of the State, whereupon he wrote a letter to the chairman of the subcommittee, the gentleman from Wisconsin [Mr. BURKE], strongly urging the establishment of a hatchery in Tennessee.

Now, this letter written to Mr. BURKE, unfortunately for me, I am not able to produce and present to the House, because it is with Mr. BURKE's papers; and I have asked the secretary of the committee to investigate, and he can not find it in the committee room. We are sure it is there, but at the present moment it is inaccessible. Now, there is no place anywhere that needs a fish hatchery more than Tennessee. The hatchery now located contiguous to Virginia and North Carolina supplies that portion of the country much more readily than it does middle Tennessee or west Tennessee. Now, Members of the House will remember the length of that State. It is a very long State, and this end is some 350 or 400 miles from the other border——

Mr. BLACKMON. Will the gentleman yield?

Mr. HOUSTON. I will.

Mr. BLACKMON. Did the gentleman vote to strike out the enacting clause of this bill?

Mr. HOUSTON. I did not. Now, the report of the Fish Commissioner states the fact that the hatcheries in the section of the country contiguous to middle Tennessee and west Tennessee are not sufficient to supply the demands made upon that part of the country. The need is apparent to the country, and the locality for establishing the fish hatchery can not be surpassed in this Union. The cold mountain springs, the cold water that runs out of these springs in middle Tennessee in the fifth district is equal, if not superior, to any in the Union for the purpose of fish culture. [Applause.]

Mr. ALEXANDER. Mr. Chairman, this is another amendment that has not been considered by the committee in this

Congress. This morning, in conversing with Dr. Smith, the Commissioner of Fisheries, I called his attention to this particular measure and to the fact, as I understood it, that the Secretary of Commerce had written a lettter to the chairman of the subcommittee, Mr. BURKE, recommending the establishing of this hatchery in Tennessee. The statement of the gentleman from Tennessee [Mr. HOUSTON] is no doubt correct as to the recommendation made by the Secretary of Commerce, but, as I say, this bill was not considered by the subcommittee, nor was it considered by the committee. I assume that the report reached the chairman of the subcommittee after the pending bill had been reported to the House; otherwise it would have received careful consideration.

I do not want the committee to understand we reported to the House bills for all the States of the Union where hatcheries might be established with profit, but we have undertaken to follow the rule of reporting none except those which are regarded as of paramount importance under existing conditions. I assume that later on other hatcheries ought to be established in the States of Tennessee, as in Wisconsin, but if we undertake to meet all these demands in this bill we will not accomplish any part of the purpose, because the bill will fail to become a law. My hope is that this may be a substantial beginning to supply a need that has existed for years past, but which has not been met heretofore. Hence, I think it would be unfortunate at this time if we should load this bill down with amendments, because it would insure the ultimate defeat of the bill, and the friends of this class of legislation should face that proposition. If I were in a State that was not included in this bill, I would rather defer my chance to another Congress than to load this bill down and thereby insure the defeat of the whole project.

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. ALEXANDER. I will.

Mr. HOUSTON. I desire to ask the gentleman if it was not a fact that this bill was reported favorably by three other Congresses. I believe the gentleman did not mention that fact.

Mr. ALEXANDER. I do not recall the fact.

Mr. HOUSTON. I am corroborated in that statement by my colleague [Mr. PADGETT], that the fact is true.

Mr. ALEXANDER. I would not state as to whether it was true or not. The gentleman's statement may be correct. I would not be understood as questioning its accuracy.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to indorse all my colleague [Mr. HOUSTON] has said in reference to the location of the present hatchery in Tennessee and to appeal to this committee to support his amendment. I wish this bill could be opened up so we could all get a fish hatchery. [Applause.] We can not have too many. We have not had such a bill passed through Congress in the last eight years, and the demand for fish is growing all the time and the people are taking the fish out of the rivers faster than the Government fish hatcheries can restock them. I know from personal experience the single fish hatchery in eastern Tennessee is unable to supply the demand for fish in that State alone, not to take into account the neighboring States which need and ought to have fish. Now, we are in the midst of the high cost of living and here is a proposition which looks to the reduction in the cost of living by the restocking of the rivers and creeks and lakes of this country. What are 18 additional fish hatcheries in 48 States of the Union? There are 10 or 15 rivers in the State of Tennessee alone, 6 of them in the district I represent, and I have tried for eight years to have the Government of the United States to properly and adequately restock the rivers and creeks in my district, and I am far behind and I want to catch up, and the way to do it is to secure an additional fish hatchery in Tennessee. The fact that this Tennessee proposition has merit in it is made apparent by the action of the Fish Department of the Government, which indorsed it in a report to Congress, and the committee which submitted the pending bill went on record approving the report of the department by recommending a favorable report on a general bill in the last Congress carrying this Tennessee proposition for an additional hatchery in that State. Now, there is no finer sport in the world than fishing. We want and need cheap fish, and besides it is a fine brain food, and, according to the late election returns, we are badly in need of more brain food in this country. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. AUSTIN), there were—ayes 54, noes 47.

Mr. SAUNDERS. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ALEXANDER and Mr. HOUSTON) reported that there were—ayes 44, noes 54.

So the amendment was rejected.

Mr. HICKS. Mr. Chairman, I desire to offer the following amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after line 3, insert "State of New York on Long Island, $50,000."

Mr. HICKS. Mr. Chairman, I offer that amendment, which is practically in the same form as the bill introduced by one of my colleagues. The situation of Long Island is peculiar. It is one of the best adapted sections of this country for the propagation of fish.

Mr. GORDON. Mr. Chairman, will the gentleman yield at that point?

Mr. HICKS. I will gladly yield.

Mr. GORDON. Your colleague, the gentleman from New York [Mr. HULBERT], just stated that the water was so foul in that vicinity it had driven all the fish away.

Mr. HICKS. Not on the eastern end of Long Island.

Mr. GORDON. I so understood.

Mr. HICKS. That is in the harbor of New York, but this hatchery would be established on the eastern end of Long Island, or at least out of reach of the contaminated waters of New York City.

I want to say to my friend from Ohio that this hatchery will not be located anywhere near Cleveland.

Mr. Chairman, the location of the hatchery on Long Island would be especially appropriate. We have 250 miles of salt water inland—sounds and bays. We have the greatest shellfish industry in this whole country. The Blue Point, the Rockaway, and Peconic oysters are famous. Then we have the little-neck clam and scallops. We have the waters there that are especially well adapted not only to shellfish but to all varieties of other fish.

I remember as a boy that my father was in the habit of sending down to the bay near where I was born and obtaining scallops, which were shoveled up by the bushel to feed the chickens. The scallops have become exhausted by the constant digging of them, until none exist in that bay, and you can only find them far down on the eastern end of the island. They are so rare now that they are a great delicacy. I merely mention this to show the necessity of propagating our fishes. It is only by the means of these fish hatcheries that we can keep the waters of our harbors and our bays stocked with fish. We are far enough away from the great city of New York so that our waters are not made unfit for fish by the refuse that flows into that harbor from the city.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. HICKS. I will.

Mr. CLARK of Florida. Since the scallops are all gone, what do they feed the chickens in New York now?

Mr. HICKS. We feed them on the poor oranges that come from Florida.

A hatchery established on Long Island would not only produce salt-water fish for our own immediate bodies of water but it would also furnish fresh-water fish for other sections of the State; and remember, gentlemen, salt-water fish add to the food supply of the Nation. Because New York State has been far-sighted enough in its policy and liberal in its appropriations in providing State fisheries are not valid reasons for denying us a Government hatchery, for remember we have 10,000,000 people who are entitled to recognition and that we pay the great bulk of the Federal taxes.

Mr. SAUNDERS. Mr. Chairman, it is not a very agreeable task for the members of this committee to oppose this and other amendments that have been submitted, because many of these propositions are meritorious. I do not know that there is a single proposition that has been offered this evening in the way of amendment that has not a certain measure of merit. The number of fish hatcheries in this country are plainly inadequate. We could provide in every State of the Union, for one, two, three, four or five additional hatcheries, and every one of them would serve a useful purpose.

But this body is a practical body, and we know how bills are made up. We worked out this bill with the aid of the Secretary of Commerce, and the Bureau of Fisheries, and have tried to report those propositions that seemed to be most urgent, necessary and meritorious. With respect to the particular proposition offered by the gentleman from New York, I may say that I have no doubt that it possesses real merit. So do many other like propositions. But I desire to call the attention of the com-

mittee to the fact that there are three Members from the State of New York on the committee that reported this bill. It is not likely therefore that the interests of the State of New York in the matter of hatcheries have been overlooked, or neglected.

Mr. HICKS. Will the gentleman yield?

Mr. SAUNDERS. With pleasure.

Mr. HICKS. Was not there a bill offered by the gentleman from New York [Mr. DALE]?

Mr. SAUNDERS. I do not know of it.

Mr. HICKS. Yes; there was.

Mr. SAUNDERS. If the gentleman says that such a bill was introduced, I will not take issue with his statement, but this bill was certainly never pressed before our committee. The fact remains however that there are three Members from the State of New York on the committee, and when we were engaged in working out a bill which necessarily had to include a large number of States, we would have heard from these gentlemen, if they had not been satisfied that the need of other sections were more imperative at this time. These gentlemen from New York were active, vigilant, and capable—and the committee may feel well assured that the interests of this great State were not overlooked in the preparation of the bill under consideration.

My colleague calls my attention to the following fact which I put before the committee, namely that in the State of New York there are 10 auxiliary fish hatchery stations. These stations I understand are not Government stations, but they are serving precisely the same function that they would serve, if they were Government stations. The chairman of the committee further reminds me that there is one Government station there. I did not recall that this was the case. This station is in the northwestern portion of the State on the waters of Lake Ontario.

The amendment under consideration ought to be rejected, and I hope that the committee will so dispose of it.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. The gentleman from Virginia [Mr. SAUNDERS] is quite correct about the one fish hatchery in the State of New York. It is located at Cape Vincent, on Lake Ontario, and is necessarily, of course, for the propagation of fresh-water fish.

The greatest single question before the people of the East, at least, is the high cost of living, and one of the best ways of solving that question is by increasing the supply of food fish. And I want to pay a tribute right here and now to the present head of the Bureau of Fisheries for what that bureau has done in the rediscovery, if I may use that expression, of the tilefish, a very edible fish which has materially added to our selection of food fishes along the Atlantic coast.

Now, the purpose of my colleague's amendment is this: On Long Island is the ideal place to establish a fish hatchery for the purpose of studying such fish as the cod and other migratory sea-food fishes, and those fishes are disappearing. The cost of meat to-day in the city of New York is almost prohibitive to any person of an ordinary income, whereas such fish as the hake, a fish which is not heard of very much, but which is nevertheless a very edible fish, although of somewhat coarse fiber, can be had at times for as little as 3 cents a pound.

I am not going to criticize any of the items of this bill. The chairman of the committee and the other members state that they are necessary. They have looked into them. But I do know that this particular item for the State of New York is necessary, and I do know that the delegation from the State of New York has not been negligent. Our colleague [Mr. DALE] introduced the bill H. R. 14120, but for some reason or other it has not yet been acted upon favorably by the Committee on the Merchant Marine and Fisheries. Think of it! There is but one fish hatchery run by the National Government in the State of New York, up on Lake Ontario, for a State of 10,000,000 people, a State which borders on both fresh and salt water; and in this bill—and I am not criticizing the wisdom of the committee in preparing it—two new fish hatcheries are recommended for the State of Texas, to say nothing of some which are located at other places where it does appear to me it would be somewhat hard for the Government to get the water necessary for conducting the fish hatcheries.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. HARDY. Does the gentleman think that the population of a State or the size of the State ought to have something to do with a fish-hatchery proposition?

Mr. BENNET. I will call the gentleman's attention to the fact that we have a State 600 miles long, and with a population of 10,000,000, and that State certainly is entitled to such facilities as the gentleman recommends shall be provided for a State with the population of Texas.

Mr. HARDY. But your area is somewhat small as compared with that of the State of Texas.

Mr. BENNET. The length of our State is something between 500 and 600 miles.

Mr. HARDY. But the gentleman realizes that you have fish hatcheries and substations to the number of 10 already in New York.

Mr. BENNET. That is true; but, Mr. Chairman, that is the most ludicrous argument in opposition to this amendement that I have heard. Because we have had the public spirit to establish in the State of New York 10 State hatcheries of our own, because the Government has not given us any, then they say, "You ought not to have any Government fish hatcheries; you are paying for fish hatcheries yourselves. Why should the Government help you out?" That is certainly a great incentive to thrift on the part of a State.

Mr. HARDY. As I understand, the gentleman says because they have them already, they need them now. [Laughter.]

Mr. BENNET. I regret that every time anything is asked for by the State of New York, people take it lightly and make it matter of persiflage or jokes; but I notice that when it comes to raising an income tax, to provide money for running the Government, they take the State of New York pretty seriously.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. ALEXANDER. I wish to call the gentleman's attention to the fact that there is an auxiliary fish hatchery at St. Johnsbury, Vt., near the line between Vermont and New York, and one at Holden, also along the line between New York and Vermont; and it may be that, taking those two facts into consideration, in connection with the fact that there is a Government fish hatchery along the northern line of New York, the department was influenced in not recommending the establishment of an additional hatchery by the Federal Government in the State of New York.

Mr. BENNET. Mr. Chairman, it is true that those hatcheries that the gentleman has alluded to do exist. They are necessary. But they are for the propagation of fresh-water fish. We have a tremendous problem in connection with our ocean coast, and that is to propagate the fry of fish that live in salt water.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for two minutes more. Is there objection?

There was no objection.

Mr. BENNET. This fish station that my colleague asks for, and which is asked for by my colleague's bill, that of Mr. DALE, is a hatchery wherein salt-water fish may be propagated. Fresh fish, it is true, are very good and toothsome, but they are not especially numerous, while the boundless ocean may be made to teem with fish that are food for the millions, and which will be especially advantageous and useful for the large population which borders the Atlantic coast.

Many of us have voted for the amendments offered in behalf of other States because we believed they were entitled to them, basing our belief upon the statements made by their Representatives. It does seem to me that upon the statement I have made and by bringing ourselves within the rule, in the fact that our delegation introduced a bill and gave the committee a chance to vote upon it, if they would, there can be no question as to the facts, and having made out our case, I submit that the amendment of my colleague ought to be adopted. [Applause.]

Mr. HARDY. Mr. Chairman, I wish to say but little in reference to this amendment, except to call attention again to the fact that this committee has struggled very hard to limit the number of recommendations that we make to those objects that are most needful and deserving.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. BENNET. How many fish hatcheries are recommended in this bill for the State of Texas?

Mr. HARDY. I shall expect to answer the gentleman's remarks along that line. There is one fish hatchery authorized along our coast. We have a long coast—the Gulf coast.

Mr. BENNET. Is it not a fact that the bill contains——

Mr. HARDY. If the gentleman will let me make this talk myself, I will do it. There is only one on the Gulf coast, for salt-

water fish. Then, there is one in the State of Texas in this bill for fresh-water fish.

The State of Texas is bigger than any five New England States. If my recollection serves me it is five times bigger than the State which the gentleman represents. There is one little hatchery in the middle of the State. This fish hatchery down on the coast is intended to serve all the Gulf States as well as the State of Texas, and that will be the only sea-food hatchery on the Gulf coast, as I now remember. Yet the State of New York has in fact 10 fish hatcheries and fish stations. This is a question somewhat of need as well as of deserts, even though you deserve the credit of having furnished yourselves with State hatcheries. This committee was attempting to meet conditions and to supply fish hatcheries where they were needed.

A moment ago the gentleman had the temerity to urge that Oklahoma and Texas should be served by the same fish hatchery, although Oklahoma alone is perhaps twice the size of the gentleman's State.

Now, another thing before I conclude. You have on this committee three able Members from the State of New York, who are faithful and loyal to their State; one Republican [Mr. ROWE] and two Democrats, as I remember. In the discussion before the committee those gentlemen did not believe that they should make a claptrap appeal that New York either deserved or needed an additional Federal hatchery, and they did not ask it. In addition to that, you have the Secretary of Commerce, a citizen of New York, devoted to the interests of New York; and while you did have a little bill flung in, like a rotten grain of corn into the hopper, no attention was paid to it and nobody insisted upon it or asked for it, unless I am mistaken.

Mr. BENNET. Now, will the gentleman yield?

Mr. HARDY. In a moment I will yield. The Federal Government has a main station at Cape Vincent, N. Y. Is that on Lake Ontario?

Mr. BENNET. That is on Lake Ontario.

Mr. HARDY. That is in the northern part of the State. Then you have subsidiary stations at Amherst Island, Charity Shoals, Horseshoe Island, Ogdensburg, Old Forge, Pigeon Island, Pope Mills, Sodus Point, Stony Island, and Three Mile Bay. Are all those on Lake Erie?

Mr. BENNET. They are either on Lake Ontario or Lake Champlain.

Mr. HARDY. Are none of them on the eastern shore?

Mr. BENNET. They are all fresh-water stations.

Mr. HARDY. None of those are on the eastern shore?

Mr. BENNET. As I caught the reading, none of them are.

Mr. HARDY. At least, you have there 10 substations. Now, I would like to know why it is that if you needed any station your Representatives on the committee did not call upon us for it? I think possibly one of your Members from New York has explained the situation—that your tidal waters around New York are so foul that the fish-hatching business is not successful there.

Mr. BENNET. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. BENNET. The water at the east end of Long Island is just as clear as any in the world. Now, I want to ask the gentleman a question. These stations that he has named are largely stations supported by the State, are they not?

Mr. HARDY. They are all Government auxiliary stations.

Mr. BENNET. The statement was made by the chairman of the committee [Mr. ALEXANDER] that the New York stations, except at Cape Vincent, were State stations.

Mr. HARDY. They are stated in this report to be operated by the Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BENNET. I ask unanimous consent that the gentleman's time may be extended three minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Texas [Mr. HARDY] be extended three minutes. Is there objection?

There was no objection.

Mr. ALEXANDER. Will the gentleman yield for a correction?

Mr. HARDY. I yield to the gentleman for a correction.

Mr. ALEXANDER. The chairman of the committee did not make the statement that those were State stations. They are auxiliaries of the principal station at Cape Vincent, and are Federal stations.

Mr. BENNET. Distributing points.

Mr. ALEXANDER. The gentleman from Virginia [Mr. SAUNDERS] made the statement to which the gentleman from New York refers, but he was in error about that.

Mr. MANN. What is an auxiliary station?

Mr. ALEXANDER. These are named here as auxiliary stations.

Mr. MANN. There is no authorization of law for an auxiliary station. What is an auxiliary station?

Mr. ALEXANDER. They are stations where fish are propagated. I do not know just what they are. I know they exist.

Mr. HARDY. The report says they are fish-cultural stations. The list is headed—

Fish-cultural stations operated during the fiscal year 1916.

The report of the Commissioner of Fisheries says that the station at Cape Vincent is operated the entire year, Amherst Island in October and November, Charity Shoals in October and November, Horseshoe Island in October and November, Ogdensburg in April and May, Old Forge in November, Pigeon Island in October and November, Pope Mills in April, Sodus Point in November and December, Stony Island in November, and Three Mile Bay in November and December. They have different kinds of fish that they propagate.

Mr. BENNET. Those stations are all on Lake Ontario, fresh-water stations.

Mr. HARDY. That is what I understood the gentleman.

Mr. BENNET. Will the gentleman yield for a question?

Mr. HARDY. Yes.

Mr. BENNET. Some one on the committee made the statement that the State of New York supported some 10 State stations. That statement is correct. Now, I should like to ask the gentleman how many State stations does the State of Texas support?

Mr. HARDY. I do not think the State of Texas supports any, and I think the gentleman who said that the State of New York supported 10 stations was referring to these auxiliary stations which are really supported by the Federal Government.

Mr. PLATT. Will the gentleman yield to me for a question?

Mr. HARDY. I have only three minutes. I am yielding to the gentleman from New York [Mr. BENNET].

Mr. SAUNDERS. I was the one who made the statement in relation to these stations being State stations. That was what I understood when the statement was handed to me, but I was in error. They are under Government control.

Mr. BENNET. The gentleman is partly correct——

Mr. SAUNDERS. I have no doubt that you have State stations, but the particular ones which have been mentioned by the gentleman from Texas are not State stations. I was in error about that.

Mr. PLATT. Mr. Chairman, I move to strike out the last word. I want to say that these auxiliary stations are stations where they collect the eggs; they strip the fish and then ship the eggs to another place. They have nothing to do with the distribution of fish whatever.

Mr. HICKS. Will the gentleman yield?

Mr. PLATT. I will yield to the gentleman from New York.

Mr. HICKS. I want to make a statement in regard to the matter of the pollution of waters in Long Island Sound. I want to make a statement in regard to the flow of the waters from the city of New York. All the water that comes through Sandy Hook to the city of New York goes out again through the same channel; none of the water in Long Island Sound comes from the city of New York. There is what is called the tide rip, 8 miles east of the city. The water comes up to that tide rip and then flows back again, and all the water to the east comes in from the east and goes out the same way.

Mr. PLATT. That is true, and I know it to be true.

Mr. SAUNDERS. Mr. Chairman, I move to strike out the last two words. In reply to the question as to what are subsidiary or auxiliary stations, here is what the commissioner in that connection says in his report:

The principal stations have a permanent personnel provided by law or are operated more or less independently, although the subsidiary establishments in some cases are fully equipped and quite as important as the head station to which they are attached for convenience of administration.

Mr. MANN. Mr. Chairman, I rise in opposition to the motion of the gentleman from Virginia. Mr. Chairman, we have been told this afternoon that the proponents of this measure claim that it is in behalf of the necessity of reducing the cost of living. Here we have been in session on Monday and Tuesday and to-day. We had the honor of listening to the President of the United States yesterday deliver his annual address. The whole country is somewhat excited over the very rapid increase in the last few weeks or months of the cost of articles which go into the stomach, as well as many others which are needed for the convenience or comfort of the individual. The great Congress of the United States, said to be the greatest legislative body in the world—and it is never denied in this

body that that is the case—has met. The President of the United States has delivered his opinion concerning the state of the Union. The great Democratic Party, unfortunately successful at the recent election, in control of the Government, in a majority on my right, has finally reached the point where it proposes to do something to reduce the cost of living. With the price of necessities of life soaring in the air, with the household expenses of men and women pressing down heavily upon them, our friends propose to authorize an appropriation, not make it, which may be appropriated within a year and a half to construct a fish hatchery which can not be built within three years, and then to turn out some small fish which will not be ready to be caught for several years to come. [Laughter and applause on the Republican side.] That is the only response that either the President or the Congress has made to the demand of the people to know something about the reason for the high cost of living. [Laughter and applause on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HICKS].

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 50, noes 63.

Mr. HICKS. I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from New York [Mr. HICKS] and the gentleman from Missouri [Mr. ALEXANDER].

The committee again divided; and the tellers reported that there were 46 ayes and 56 noes.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

State of Arizona, $50,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, following line 17, insert: "State of Colorado, $50,000."

Mr. TAYLOR of Colorado. Mr. Speaker, the State of Colorado has a fish hatchery, established at Leadville a number of years ago, but it has never been sufficient to supply the surrounding country nor even the State of Colorado. There are only three Government hatcheries in a territory of nearly 2,000 miles, between a short distance west of the Missouri River nearly to the Pacific Ocean—one recently established in Wyoming, one in Utah, and one in Colorado. The mountain ranges are such that they can not supply them north and south, and Colorado has needed another one for many years. While the Leadville hatchery is a good one, in fact a very good one for that altitude, yet there ought to be one lower down and in a somewhat warmer climate. That hatchery supplies, as far as any hatchery could at that altitude, trout to a great many of the mountain streams. Let me say to the House that nearly everybody in the United States comes or wants to come sometime out to the mountains in Colorado to spend the summer.

I have had pending before the House for five or six years bills to construct fish hatcheries at both Durango and Glenwood Springs. My bill H. R. 32, providing for a hatchery at Durango, and H. R., I think, 31, for Glenwood Springs, were introduced on the first day of the first session of this Congress, December 6, 1915, a year ago to-day; and this committee favorably reported my bill once; but for some reason Colorado is left out of this bill. I supposed that the committee, having once favorably recommended another hatchery for Colorado, would again favor it. I saw Mr. BURKE, the chairman of the subcommittee, and inferred that Colorado would of course be in this bill, especially when the Bureau of Fisheries has officially reported on page 4 of this report that the Colorado hatchery is not sufficient to supply that territory. Our game is largely destroyed throughout the mountains, and the main outdoor sport the people have left is to go trout fishing. It is not only a sport, but the question of the high cost of living is just as acute in the West as it is in the East, and we feel that if we are to maintain the mountain trout in this country we must have more hatcheries than we have now. I may say that the State of Colorado maintains something like half a dozen good State hatcheries itself and spends a large amount of money upon them every year, and I feel that the fish industry and the fish propagation ought to be encouraged very greatly by the Government.

As a matter of fact, I would like to see every State in the Union have at least one good fish hatchery, and there are some States that ought to have several of them. States like New York, Wisconsin, Colorado, and other States advantageously located for the propagation of certain kinds of fish ought to have several of them. I feel that some Members are taking this subject with entirely too much levity. I feel that the propagation of fish and the preservation of the fish of the country is one of the most important things that we could legislate upon. It is not a matter that ought to be treated as lightly as the distinguished leader on the other side [Mr. MANN] treated it in his remarks a few moments ago. I think the preservation of fish and the culture of fish is a serious matter, and it ought not to be brushed aside because of its not being any more far-reaching or immediate in its results than it is. All of those States ought to have a splendid, efficient fish hatchery, and if the ones they now have are not sufficient, they ought to have more. I hope my amendment will be adopted, so that Colorado may do her full share in preserving and propagating the mountain trout, which is certainly one of the finest and gamiest fish in the world.

Mr. SAUNDERS. Mr. Chairman, this amendment, like most of the amendments heretofore submitted, is not without a certain measure of merit, but Colorado is very well provided for in the matter of hatcheries. According to the statement of the gentleman from Colorado [Mr. TAYLOR] there are half a dozen State stations in Colorado. In addition there is 1 main national station in that State, and 11 auxiliary stations, of which 7 are engaged in the business of handling brook trout, so that Colorado has not been overlooked, and her wants are better provided for than perhaps is the case in any other State in the Union.

Mr. TAYLOR of Colorado. I find here on page 4 of the report of this bill this statement:

Existing hatcheries in South Dakota, Colorado, southern Texas, and Missouri can not produce enough fish to supply the local demand and stock the intervening waters.

Mr. SAUNDERS. That may be true. No State in the Union has a sufficient number of hatcheries for existing needs, but Colorado with 1 main station, 11 substations, and a half dozen State stations certainly is in no immediate need of another station. Her needs are not so crying as those of other sections.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. This question of the distribution of fish hatcheries is not altogether a question of locality or a question of States. It is a question very largely of the needs of the country. I presume more fish hatcheries could be used in every State in the Union, especially in Colorado, but in the hearings held when we appropriated for these hatcheries that are now in existence we discovered that the Bureau of Fisheries in the Department of Commerce had a distinct policy on the subject. Their policy was to promote as far as possible the propagation of commercial fish, and not to be led any further than necessary into the propagation of fish for sport or pleasure. It seems that in Colorado they have a very important station that propagates mountain trout, and it has 11 auxiliary stations. As the gentleman from Illinois [Mr. MANN] pointed out, these auxiliary stations are established without definite authority of law, and yet in some cases they have grown to a considerable size. One in Colorado particularly serves a very large territory, and all of the territory of Colorado necessary to be served with mountain trout can be served, but the Secretary here says that his policy has been to promote and encourage and to ask Congress to encourage only the proposition of commercial fish useful for the food of a large part of the people of the country. I read from the hearings:

Secretary REDFIELD. I was coming to that, Mr. Chairman. The difficulty we are up against is always this: The pressure from the sportsmen and the private fishermen, which has resulted in establishing a number of hatcheries, and, on the other hand, the need of the great commercial fisheries adding to the food resources of the country. Now, we believe that the great commercial fisheries ought to have the preference everywhere. That is our definite policy. Now, all of these stations where the increases are made are those that deal with food supplies and the others are those which deal largely with the demands of sportsmen.

However desirable it might be to have more for the demand of sportsmen, I think the committee must have seen that 1 fish hatchery in Colorado with 11 auxiliaries was ample to supply the mountain territory of Colorado with a peculiar character of fish adapted to those streams, but that elsewhere in the United States there was a large opportunity for the development of food fish on a commercial basis that would really add to the food supply of the country. If this bill is drafted upon that plan, it does seem to me that we ought to follow as well as we can that definitely laid-out program of the Bureau of Fisheries of the Department of Commerce. We ought not simply to add these stations because they would be desirable or because they would serve some particular advantage in a particular locality. The great question is, Do they fit into the policy and recommendations of the Department of Commerce and the Bureau of Fisheries for increasing the commercial food supply of the country?

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words. I am inclined to support the amendment of the gentleman from Colorado [Mr. TAYLOR], which, I think,

goes along very well with some other portions of this bill, especially that portion which provides a fish hatchery in northwestern Texas. If there is any place in the world that needs fish it is northwestern Texas. A man was traveling down in northwestern Texas not long ago and came across another who was hauling water. He asked him how far he had been hauling it, and the man replied for 3 miles. The traveler then said, "Why do you not dig a well and get water in that way?" and the man replied, "Well, it is just about as far to water in that direction as it is in the other." [Laughter.]

Mr. SLOAN. But as I understand it, the purpose of this fish hatchery in northwestern Texas is to propagate flying fish.

Mr. GREEN of Iowa. That would help some, for it would relieve the cowboys of the necessity of riding a thousand miles to the Gulf.

They can lariat these fish, I suppose, before breakfast, if there is only some water supplied. If there is any place that needs fish, I think, Mr. Chairman, it is northwest Texas, and they need water there also. I do not know whether there is any provision in this bill for supplying water. I have heard something about artesian wells in this connection. I hope they have some provision for water for northwestern Texas for the hatchery and also for Trinity River when we get on the river and harbor bill. This can easily be supplied by artesian wells at a trifling expense, but just what kind of fish——

Mr. HARDY. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. HARDY. Now that the gentleman is in a discursive humor, can the gentleman tell us whether he thinks Mars is inhabited?

Mr. GREEN of Iowa. The gentleman can answer that question for himself.

Mr. HARDY. I thought the gentleman wanted to give wide information.

Mr. GREEN of Iowa. The gentleman probably can represent Mars as well as he could some other portion of the country. If I described it he would want to put a fish hatchery there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILLIARD. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, I should like to call the attention of the committee to the fact that all the world comes to Colorado to fish. In addition to producing the most gold of any other State and the best crops, the good people living in Colorado have invited the world to come out there and live during the summer and fish, and, happily, most of the people have accepted that invitation and have come. Especially have we been favored by the gentleman from New York, who spoke as rather against sportsmen, who had the pleasure of getting after the trout in our streams out there. We would like to have some more money appropriated in order that we may entertain the world when it comes there. Direct appropriations are made from time to time in Congress in order that we may entertain people who come from abroad and, it seems to me, Mr. Chairman, that it is only fair that in this distribution of appropriations, or authorizations for appropriations, that Colorado should receive some special attention. As the world war goes on there is nothing else left over there to see and Colorado alone possesses scenery which all the world is anxious to see and from time to time a large portion of it does see. We ask again serious consideration of the amendment offered by my colleague [Mr. TAYLOR]. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken and the amendment was rejected.

The Clerk read as follows:

State of Pennsylvania, Delaware, or New Jersey, on the lower Delaware River, $50,000.

Mr. MILLER of Delaware. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 23, after the word "river," insert "or at the headwaters of the Delaware Bay," so that it will read "on the lower Delaware River or at the headwaters of the Delaware Bay, $50,000."

Mr. MILLER of Delaware. Mr. Chairman, this amendment is unique as compared with every other amendment offered here to-day, because it does not increase the appropriation in this bill. The language in the bill concerning this particular item reads as follows:

State of Pennsylvania, Delaware, or New Jersey, on the lower Delaware River, $50,000.

The amendment I have proposed, if adopted, will cause the language to read as follows:

State of Pennsylvania, Delaware, or New Jersey, on the lower Delaware River or at the headwaters of the Delaware Bay, $50,000.

I propose this amendment because I think that if this bill should become a law the Secretary of Commerce should be given more jurisdiction and wider power in deciding upon a site to establish this station.

Mr. BORLAND. Will the gentleman yield?

Mr. MILLER of Delaware. I will not for the moment, if the gentleman will kindly excuse me.

At the headwaters of the Delaware Bay, which is a salt-water body, there is an ample supply of fresh water in various streams emptying into the bay and the Delaware River, which, as everyone knows, empties into the bay at its headwaters, and is a fresh-water stream. It is a well-known fact that in spawning the shad which come up the Delaware Bay and River in the spring of the year need fresh water, but it must be water that is unpolluted. The Delaware River a short distance above the headwaters of the bay is polluted by factory waste and other causes, thereby killing annually millions of young fish which are hatched from the spawning beds. This is particularly true of the shad. If the language in the bill is not changed, it will curtail the power of the Government authorities in establishing this station, should they find an advantageous site or a more advantageous locality along the shores of the Delaware Bay. I am not going to detain the House this afternoon with extensive remarks on the merits of this proposition except to say that the establishment of a fish hatchery is essential if the fishing industry, and particularly the shad industry, is to be encouraged. The shad haul, particularly in the last few seasons, has been steadily decreasing, and I could cite figures to show that the propagation of these fish at a fish-cultural station is necessary if the supply of this fish food is to be continued. I have proposed this amendment because I believe that its adoption is necessary in order to properly round out the bill. I understand that my colleague from Pennsylvania [Mr. MOORE] is opposed to this amendment. I take it he is going to follow me and ask you to vote against it; but I submit that an amendment that perfects a bill which may become a law and which does not cause an increase in the appropriation is one with merit that the committee might well consider and place in this bill. I have proposed it with no intention of creating an undue advantage in favor of my State for the proposed site. That is all I have to say about it at present.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not object to the delegation from Delaware making this argument for home consumption, but I differ from the delegation from Delaware in this [laughter], that instead of giving the Commissioner of Fisheries "wider powers," as the gentleman says, the purpose of his amendment seems to be to limit the jurisdiction and the judgment of the Commissioner of Fisheries, so that instead of giving Pennsylvania or New Jersey a chance to get this hatchery it shall be located in the State of Delaware. No one can find fault with our brilliant colleague from the State of Delaware for what he is undertaking to do. His difficulty is akin to that which arises whenever we come to a bill of this kind. The selfishness of human nature will out. Instead of permitting the Commissioner of Fisheries to exercise his wise discretion in regard to fresh water or salt water in the location of this hatchery, the gentleman from Delaware desires that the Commissioner of Fisheries shall be given instructions to locate this hatchery in the State of Delaware.

Now, it has been indicated in the literature on this subject that Pennsylvania and New Jersey will have a chance before the Commissioner of Fisheries to obtain this hatchery if those States desire to enter the competition. Evidently the purpose of the gentleman from Delaware, after Pennsylvania has gone into the net with the vote of 36 Representatives and New Jersey has gone in with the vote of 12 Representatives, is to tie that vote onto the tail of the vote of the entire delegation from the State of Delaware and cinch the hatchery. I question whether the brilliant gentleman from Delaware will be able to get away with that trick if this House and the delegation from New Jersey and Pennsylvania know themselves. I think this amendment is vicious [laughter] and ought to be voted down.

Mr. OGLESBY. Mr. Chairman, I would just like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Will the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. MOORE of Pennsylvania. If I have the time.

Mr. OGLESBY. As I understand the gentleman's position, it is that having a third of a chance in his State of having the fish hatchery there, it will get the entire delegation?

Mr. MOORE of Pennsylvania. I would not object to the State of Delaware getting a fish hatchery, but when the committee comes into the House and suggests this hatchery should go into Pennsylvania, which has 36 votes here, or in New Jersey, which has 12 votes, it seems to me the State of Delaware, which has 1 vote, ought to play fair, powerful and potential as

its delegation is in this House. The Delaware delegation should give the larger States at least a show for their white alley when the time comes to make the selection.

Mr. MANN. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. MANN. Mr. Chairman, when the amendment was first reported I thought I understood it, but when my distinguished friend from Pennsylvania [Mr. MOORE] addressed the committee just now, I thought that I must have been mistaken as to what it provided. But on hearing the amendment read here, I think my first understanding was correct. I was led to believe by my friend from Pennsylvania that the amendment would require that this fish hatchery should be established in Delaware and that Pennsylvania was cut out, but I learn now from hearing the amendment read again that the gentleman only is afraid that Delaware will get it on its merits, and he is unwilling to have the matter disposed of on its merits because Pennsylvania has 36 votes in the House and Delaware has only 1. [Applause.] I protest in behalf of the delegation from Pennsylvania if they take such a view as that.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. The gentleman is not objecting to Delaware presenting this on its merits, but the gentleman is objecting to the attitude of the delegation from the State of Delaware on this present amendment.

Mr. MANN. The gentleman does not understand the amendment.

Mr. MOORE of Pennsylvania. The gentleman knows the geography of the country, which, evidently, the gentleman from Illinois does not.

Mr. MANN. I know some geography and I know the English language, and I am sure the gentleman knows both.

Mr. MOORE of Pennsylvania. Does the gentleman——

Mr. MANN. I do not yield to the gentleman until I make a little statement. The language of the amendment is to make the fish-hatchery location on the lower Delaware River or on the upper Delaware Bay, whatever it is, including the State of Pennsylvania, Delaware, or New Jersey. It does not require the location of the fish hatchery in Delaware. It leaves it open for the proper place to be selected, and if it did require it I would not be in favor of the amendment. I think the gentleman has misunderstood the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield now?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. The provision in the bill is sufficiently comprehensive to permit this hatchery to be located in the State of Pennsylvania on the Delaware River, in the State of New Jersey on the Delaware River, or in the State of Delaware, which is also on the Delaware River. But the gentleman from Delaware is endeavoring to limit the designation of the location of this hatchery to the headwaters of the Delaware Bay.

Mr. MANN. Not at all. The gentleman again misunderstands the amendment.

Mr. MOORE of Pennsylvania. Then what is the purpose?

Mr. MANN. He is not endeavoring to limit it to the headwaters of the Delaware Bay. He is leaving it to be located on the headwaters of the Delaware Bay or the lower Delaware River.

Mr. MOORE of Pennsylvania. What is the necessity of the gentleman's amendment? The bill is sufficiently comprehensive to cover the State of Delaware. The gentleman does not deny that. He knows geography, as he has indicated.

Mr. MANN. I take it that the bill is not sufficiently comprehensive to locate this fish hatchery on the upper Delaware Bay. It must be on the river, under the bill. Now, it may be desirable to locate it on the bay.

Mr. MOORE of Pennsylvania. May I ask the gentleman why the State of Delaware is included in the three States if it is not to be considered whenever the time comes for locating this hatchery? Does the gentleman mean to say that the Department of Commerce would not have discretion to locate this hatchery in the State of Delaware under the language of the bill?

Mr. MANN. I do not know whether they would have the discretion or not, but the question has arisen as to whether they would have the discretion. The gentleman from Pennsylvania [Mr. MOORE] says they would have it. Very well. Then the amendment of the gentleman from Delaware only carries out the impression the gentleman from Pennsylvania has. It does not change the situation at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. MILLER].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. ALEXANDER and Mr. MOORE of Pennsylvania demanded a division.

The committee divided; and there were—ayes 56, noes 50.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. MILLER of Delaware and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and the tellers reported—ayes 51, noes 30.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

State of Texas, on or along the Gulf coast, for the propagation of sea fish, $50,000.

Mr. FOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FOSS: Strike out all of section 1, down to the proviso on page 3, and insert:

"That the sum of $500,000, or so much thereof as may be necessary, be, and the same is hereby, authorized to be appropriated for the establishment of fish-hatching and fish-cultural stations in the United States at suitable points to be selected, in the discretion of the Secretary of Commerce, including purchase of sites, construction of buildings, and equipment: *Provided*, That not more than $50,000 shall be expended in the establishment of each station."

Mr. FOSS. Mr. Chairman, this amendment does certain things. In the first place, it provides a lump sum for the establishment of fish-hatching and fish-cultural stations, in the discretion of the Secretary of Commerce, anywhere in the United States, and not alone in the particular States enumerated in this bill.

I, from the State standpoint, have no objection to this measure. Illinois is included in the list of favored States. But when the committee or when this House designates particular States and also particular rivers and particular lakes, it raises a question in the minds of persons even here on this floor, and certainly in the mind of the public at large, that possibly the sites may have been selected in advance.

Now, for my part I do not believe it. I would not for a moment impugn the motives of the committee. But nevertheless we ought, in passing legislation here of this character, which in some quarters is called "pork-barrel" legislation, to put it on a plane above public criticism and public suspicion. [Applause.] And the way to do it is to strike out every State and every river and every lake, and to say to the Secretary of Commerce and his assistants and his experts, "You select the sites, and the whole United States is open to you." [Applause.]

I have limited this lump sum to $500,000, which would allow the establishment of 18 stations at approximately $25,000 each or 10 at $50,000 each, and if any of those States which are enumerated have special advantages, why, of course, the Fish Commissioner and his experts, and the Secretary of Commerce, who is over them all, would select those sites which are especially adapted. And then in this provision I have placed the limitation upon the amount to be expended on each station at $50,000, which is the limitation placed upon each station in this measure.

I trust, Mr. Chairman, that this provision will be adopted, because it will eliminate all criticism and will place every Member on the floor of this House upon an equal standing with every other in the eyes of his constituents and in the eyes of the country. [Applause.]

Mr. ALEXANDER. Mr. Chairman, every project recommended in this bill is the deliberate selection and choice of the Bureau of Fisheries; and, as I stated in my opening, every project included in this bill, with possibly one or two exceptions, was included in the omnibus bill reported in the last Congress. The Department has had these projects under consideration for years past. We have not passed any bills for years past, except those carried in the sundry civil appropriation bills, with possibly very few exceptions, and I think if the membership of this House favor this class of legislation, if they regard the establishment of fish hatcheries and fish-cultural stations as important to the conservation of food fishes, we should go forward now along the lines suggested by the committee who have given the question their best consideration. After having considered the needs of all the States in the Union whose claims have been presented to the committee, and acting on the advice of the Bureau of Fisheries of the Department of Commerce, we have included these

projects in this bill that are regarded of the greatest present need. And I think it would be a mistake at this time for us to depart from this policy and throw the question back to the Bureau of Fisheries or to the Department of Commerce for further consideration and appropriate a lump sum for the establishment of fish hatcheries and fish-cultural stations and leave it to the department to say where they may be located. We have the best judgment of the department before us now, and should act on it. I assume that in the event the whole subject matter is again referred to the department the logrolling process will not stop; it will simply begin. [Applause.]

Mr. FESS. Mr. Chairman and gentlemen of the House, I have favored the proposition of either extending the fish hatcheries now existing or the creation of new ones by Federal aid if we could eliminate the idea that we are getting votes for personal or State reasons; in a word, if we could put it on a National rather than a State or sectional basis, and if we could put this under the control of those who know, from expert information, the needs of the country, we could certainly eliminate this unsavory element of pork which has crept into the discussion.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield to an inquiry?

Mr. FESS. In a moment. Time and time again during the day there have been offered amendments increasing the number of stations, and we have voted against them because we are told, "If you admit that one, others will follow, and we will also have to admit them"; and when some Member stated that an important State had been omitted, the chairman replied that there had not been any bill providing for it. All of these things lead to—I do not want to use the word "suspicion"—the unsavory element or feeling that we are standing for locality. Each Member is voting from a selfish rather than a national viewpoint. I wish we could eliminate that, and I think we could do it if we would place the whole matter in the hands of the Secretary of Commerce to be determined instead of determining it by the vote of individual States here on the floor of the House. There is so much of that element, not in legislation but in what is said on the floor and carried in the press of the country, that it becomes to most of us an unsavory proposition. I would like to vote for a measure looking to find new sources of food or the increase of our known sources. I very much dislike to vote against any movement to find new foods or to increase the supply of old which would help to reduce the cost of living, but I can not get the consent of my mind to vote for a measure that seems to have been primarily arranged with the view of getting votes enough in the House to pass it rather than to put it on its merits. I notice that the chairman just now said that there is no item in the bill that has not been recommended by the Bureau of Fisheries. That ought to allay one's suspicion; but at the same time the Bureau of Fisheries, knowing the methods too often employed in omnibus legislation, might have recommended items with reference to the final vote in the House. I wish that we could eliminate that element of suspicion in toto. Why not pass this measure in the form of this amendment, placing the whole matter in the hands of the Bureau of Fisheries, and thereby eliminating the charge that it is a pork-barrel measure. The bureau is the best-informed group on the matters herein proposed and could insure both efficient and economic results in this Federal expenditure.

Mr. ALEXANDER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. ALEXANDER. If it had had any of the features of a pork-barrel bill, we could have placed hatcheries enough in different States of the Union to have carried it against all possible opposition. There is no question about that. We could have included the State of New York and the State of Wisconsin; so there is no ground whatever for that suggestion.

Mr. FESS. Mr. Chairman, if there was one argument needed for the passage of this amendment, that argument is furnished by the statement of the chairman of the committee. [Applause on the Republican side.] I think we would have liked to establish the station in Wisconsin and the one on Long Island, and probably the one in Colorado, but the Members of the House are refusing to vote for these amendments, no matter how meritorious they may appear, because if you open up the bill in that way there is no limit at all, and it will be loaded down by every sort of proposal, and that is pork-barrel legislation with emphasis; for that reason it seems to me that we ought to adopt this amendment and thereby foreclose this unsavory element from the suspicion of which we can not otherwise get rid.

Mr. SMITH of Minnesota. Will the gentleman yield for a question?

Mr. FESS. If I have time.

The CHAIRMAN. The gentleman from Ohio has one-half minute remaining.

Mr. FESS. I yield to my friend from Minnesota.

Mr. SMITH of Minnesota. Do you not think the only way in which we can abolish this unsavory element is to do away with State lines? Do you not think that so long as State lines exist we will be open to the charge of passing pork-barrel legislation?

Mr. BUTLER. How are we to get rid of State lines?

Mr. FESS. In the early part of the discussion I asked the question whether there was cooperation between the State and Federal Government. The solution, it seems to me, is for the States to meet the Federal Government at least half way. At least that would be one solution. If the States do not cooperate with the Federal Government, then let the Federal Government eliminate all the State lines, so far as this legislation goes, giving the proper bureau the authority to locate the stations with reference to National needs rather than State desires.

Mr. SAUNDERS. Mr. Chairman, the gentleman from Illinois [Mr. Foss] has suggested a very easy plan by which this House can evade its responsibilities, and escape a great deal of irksome and laborious work. This plan is to appropriate a lump sum in every case before us, and leave to some other body, or functionary the task of working out every detail in connection with its expenditure. How easy it would be, to make this plan apply to every department of Government. We could appropriate a lump sum for pensions, and leave the Pension Bureau to determine the beneficiaries of this appropriation and the amount proper to be paid to us. This would save us much trouble, and doubtless effect great economies. Again we could appropriate a lump sum for rivers and harbors, and turn over to some one functionary or board the task of determining the meritorious projects, thus relieving ourselves from the troubles and annoyances incident to the passage of a river and harbor bill. We could appropriate a lump sum for the Army, leaving the Secretary of War to work out a complete plan for its application, with authority to determine our entire military policy. By applying this method in other directions, we would be able to rid ourselves of an immense amount of work and responsibility that apparently the Constitution intended should be imposed upon this body, and executed in the due discharge of our duty. I think the time has come for this body to disregard these insulting intimations that it is incapable of discharging its constitutional functions in a decent and honorable fashion, and do our plain duty in the disposition of the business of this House. The suggestion that we should shunt our work upon some other body, on the ground that we can not dispose of the public business save by pork-barrel methods, is a reflection upon this House. [Applause.]

Should we pass this amendment it would be equivalent to saying to the country that we are unwilling to do our plain duty, or to dispose of a meritorious proposition upon its merits, for fear that some penny-a-liner might suggest that there was a taint of the pork barrel in our action. A body that is afraid to act, lest it may be criticized, or its motives be impugned, will never act. [Applause.]

Mr. Chairman, I am astonished that the gentleman from Ohio [Mr. FESS] is willing to say that we should seek to escape and evade our responsibilities in the manner suggested. Let us go forward, and with the facts before us, dispose of this bill in the manner that seems just and fitting. In that way we will meet the just expectations of the public; and if in the discharge of our duty we enact a measure so plainly meritorious as the one under consideration, we need not be afraid of the intimation, from whatever quarter it may come that we have acted from unworthy, or with improper motives. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I have only a word to say upon the amendment proposed by the gentleman from Illinois [Mr. Foss]. In my judgment, to adopt it would be to take a distinct legislative step backward. We ought to do just as little of lump-sum appropriating in the House of Representatives and in the Senate as it is possible for us to do, consistently with the best public service. [Applause.] For, as has been suggested by the gentleman from Virginia [Mr. SAUNDERS] who has just spoken, if we wish to establish in this country a bureaucracy more powerful than we legislators ourselves are, all we need to do is to turn the millions of the national appropriations over to the unguided discretion of people in the executive offices. [Applause.] We abandon our duties as national legislators when we give to people in the departments the public moneys in lump sums to be expended at their discretion.

It was the duty of the committee which reported this bill to secure the opinion of the experts in the Department of Commerce and in the Bureau of Fisheries as to the merits of the respective propositions embodied in the pending bill; and that is exactly what that committee did. From reading the report

of the committee I understand that the officers of that department and of that bureau gave their unqualified approval to every provision in this bill, with the possible exception of one. Yet, notwithstanding this approval, the gentleman from Illinois [Mr. Foss], by his amendment, proposes that we shall abandon the bill and instead give hundreds of thousands of dollars to that bureau to expend in its discretion. I am opposed to a lump-sum appropriation in this case and in all other cases, except the very few where there may exist a real public emergency. [Applause.]

Mr. LENROOT. Mr. Chairman, with much of what my colleague [Mr. COOPER] has said I agree, but as between the expenditure of money through lump-sum appropriations by an administrative body that has information and facts and this Congress endeavoring to decide this question without information or facts, I am for the administrative body. [Applause.] In the public interest and in the interest of economy, in the interest of this country, rather than this body acting blindly we had better have an administrative body acting with information.

With reference to this matter I want to ask—and I assure him that I ask for information—the chairman of the committee or the gentleman from Virginia [Mr. SAUNDERS] whether during the consideration of this bill they asked the Bureau of Fisheries or the Department of Commerce for a recommendation to that committee of where throughout the United States they believed the fish-hatchery stations should be located or whether they merely referred certain bills to the Department and asked for a report upon them?

Mr. ALEXANDER. I will state to the gentleman that on different occasions, in personal conversation with Dr. Smith, of the Bureau of Fisheries, I told him that I wanted him to report those States where they thought they ought to be established, without reference to the claims of the membership of the House. I have had that policy in mind all the while and have pursued no other.

Mr. LENROOT. I do not know whether the committee has gathered the substance of the gentleman's statement or not. I want to ask him to correct me if I am incorrect. He states that he has asked the department to recommend only such bills as the department believed were necessary. My question to the gentleman was whether they had asked the department to give this committee information as to where throughout the United States they believed that stations should be located. Evidently from the gentleman's answer they have not, but they have limited their inquiry to this bureau merely to bills that have been introduced in this House and asked the bureau to distinguish between bills without reference at all to the needs of the country concerning the establishment of stations.

Mr. ALEXANDER. Mr. Chairman, I want to say that there were two bills referred to the committee from the State of Wisconsin.

Mr. LENROOT. One.

Mr. ALEXANDER. Two; and they were among the bills referred to the Department of Commerce.

Mr. LENROOT. Did the department ever make a report on those bills?

Mr. ALEXANDER. It did not.

Mr. LENROOT. Were the bills actually referred to the department?

Mr. ALEXANDER. There were 66 bills referred to the department, and these for Wisconsin were among them.

Mr. LENROOT. What was the report?

Mr. ALEXANDER. They reported in favor of 15 bills, which are included in this omnibus bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LENROOT. Was there any report made on the Wisconsin bill?

Mr. ALEXANDER. I think not; but I assume that it was considered by the department.

Mr. LENROOT. I want to ask this further question: Is there any item in this omnibus bill that is not covered by some bill introduced by some Member? In other words, has the committee recommended a single station anywhere in the United States that was not covered by some special bill?

Mr. ALEXANDER. I think not; but I think if you will look you will see that the needs of the country are pretty well covered.

Mr. LENROOT. Did the committee consider the needs of the United States other than by bills introduced by individual Members?

Mr. ALEXANDER. It did not; we assumed that they were in a better position to know the needs of the country than the committee.

Mr. LENROOT. Now, we have the gentleman's answer, and that means, if it means anything, a pork barrel, because the gentleman admits that the committee did not consider the question on its merits, but considered the needs of the country on the proposition solely of what Members of the House wanted stations in their district.

Mr. HARDY. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. HARDY. Mr. Chairman, I wish to say a word in reply to what was said by the gentleman from Wisconsin [Mr. LENROOT]. If the gentleman has demonstrated anything, it is his great ability for discovering a mare's nest. There is not a section of the United States that has not had some Member alert enough to introduce a bill for a fish hatchery if that State had any possible claim. So the committee has had the whole United States before it in its investigation and has reported this bill as the most deserving set of bills introduced before the committee and the most deserving that could have been introduced.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I understood the gentleman from Missouri to say that 66 different bills were introduced at the last session and that they were all referred to the Commissioner of Fisheries. Were they all reported upon?

Mr. ALEXANDER. This committee has reported——

Mr. MANN. No; did the Commissioner of Fisheries report back to the committee on these bills?

Mr. ALEXANDER. I assume that they were all considered, but he did not report upon all of them.

Mr. MANN. Since when does an executive officer of the Government, when bills are referred to him, determine whether to report upon them or not, as he thinks best?

Mr. ALEXANDER. We referred these bills to the department with the request that it make a selection and report the bills on their merit.

Mr. MANN. I think that is not the way that this omnibus bill was created. There was no general report upon all of these bills recommending the passage of a bill providing only for those 18 items. I think the gentleman will find that the Commissioner of Fisheries, properly fulfilling the functions of his office, made a report on all of these bills that were referred to him, and that the committee took up those that it happened to see lying before it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Foss].

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 42, noes 93.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ALEXANDER. Mr. Chairman, I move that the committee rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BARNHART, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15617, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. MANN. Mr. Speaker, reserving the right to demand a separate vote, I suggest to the gentleman from Missouri [Mr. ALEXANDER] that it is now almost 5 o'clock. The previous question has been ordered upon the bill, and as there will undoubtedly be a roll call upon the bill, I suggest that it go over until to-morrow.

Mr. ALEXANDER. That will be satisfactory, but I desire to call up for consideration the Alaska fisheries bill.

Mr. MANN. That can be arranged. Mr. Speaker, I ask unanimous consent to pass over temporarily the consideration of the present bill, the previous question having been ordered upon the amendments and bill to final passage.

Mr. ALEXANDER. I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that this bill be temporarily passed over until to-morrow, the previous question having been ordered?

There was no objection.

ALASKA FISHERIES.

Mr. ALEXANDER. Mr. Speaker, I call up the bill H. R. 17499, for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes, which I send to the desk and ask to have read.

The Clerk reported the bill by title.

Mr. ALEXANDER. Mr. Speaker, under the rules of the House, this bill being upon the Union Calendar, I understand that the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The SPEAKER. Under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from California [Mr. RAKER] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. RAKER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 17499, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Unanimous consent has been requested that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17499, the Alaska fisheries bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. STERLING was granted leave to withdraw from the files, without leaving copies, the papers in the case of Martha O. Balch, H. R. 4613, no adverse report having been made thereon.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. FINLEY (on request of Mr. BYRNES of South Carolina), indefinitely, on account of sickness.

To Mr. WILSON of Florida (on request of Mr. CLARK of Florida), indefinitely, on account of important business.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned to meet to-morrow, Thursday, December 7, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, submitting detailed estimates of additional expenditures made necessary under provisions of an act making appropriations for the naval service approved August 29, 1916, and of an act to establish a Coast Guard station on the coast of Louisiana, approved June 28, 1916 (H. Doc. No. 1413); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Director of the Mint, submitting urgent estimates of deficiencies in appropriations for the service of the current fiscal year (H. Doc. No. 1414); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Chief of Division of Printing and Stationery of this office, submitting urgent estimate of deficiency in the appropriation for "Contingent expenses, Treasury Department, stationery," for the current fiscal year (H. Doc. No. 1415); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting supplemental estimates of appropriations for contingent expenses, War Department, and stationery, War Department (H. Doc. No. 1416); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, submitting an estimate of deficiency in the appropriation, "Distinctive paper for United States securities," for the fiscal year 1917 (H. Doc. No. 1417); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Postmaster General, transmitting a statement showing the required information regarding typewriting machines purchased and exchanged by the Post Office Department during the fiscal year 1916 (H. Doc. No. 1418); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Attorney General, transmitting a statement of expenditures of the appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1916 (H. Doc. No. 1419); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

8. A letter from the Secretary of Agriculture, transmitting a detailed statement showing the place, quantity, and price of seeds purchased and the dates of purchase, as required by the Agricultural appropriation act, approved March 4, 1916 (H. Doc. No. 1420); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

9. A letter from the Secretary of Agriculture, transmitting a statement showing the sums paid from the funds allotted to the Bureau of Chemistry for compensation of or payment to officers or other persons employed by State, county, or municipal governments during the fiscal year 1916 (H. Doc. No. 1421); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

10. A letter from the president of the United States Civil Service Commission, transmitting a statement showing in detail what officers and employees of the commission have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1422); to the Committee on Reform in the Civil Service and ordered to be printed.

11. A letter from the Superintendent of Library Building and Grounds, transmitting information required by section 5 of the deficiency act approved March 4, 1915, regarding purchases of typewriting machines and exchanges made in part payment therefor by the Library of Congress during the fiscal year 1916 (H. Doc. No. 1423); to the Committee on Appropriations and ordered to be printed.

12. A letter from the secretary of the Excise Board for the District of Columbia, transmitting annual report for the fiscal year ending June 30, 1916 (H. Doc. No. 1424); to the Committee on the District of Columbia and ordered to be printed.

13. A letter from the Acting Secretary of the Treasury, submitting deficiency estimates for wages and contingent expenses of the United States mint at Philadelphia (H. Doc. No. 1425); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of Agriculture, transmitting a statement showing the exchange of typewriters, adding machines, and other similar labor-saving devices in the Department of Agriculture for the fiscal year 1916 (H. Doc. No. 1426); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of Agriculture, transmitting a statement showing, for the fiscal year 1916, the motor-propelled and horse-drawn passenger-carrying vehicles and motor boats purchased by the Department of Agriculture for use outside of the District of Columbia, and the cost of maintenance thereof (H. Doc. No. 1427); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

16. A letter from the Secretary of the Interior, transmitting copy of letter from Messrs. Daly, Hoyt & Mason, counselors at law, of New York, N. Y., inclosing a report of the operations of the Maritime Canal Co., of Nicaragua, in accordance with section 6 of the act of Congress approved February 20, 1889 (H. Doc. No. 1428); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

17. A letter from the Assistant Secretary of Labor, transmitting a statement of typewriters, adding machines, and other

labor-saving devices exchanged in part payment for new machines during the fiscal year ended June 30, 1916 (H. Doc. No. 1429); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Assistant Secretary of Labor, transmitting detailed statements of expenditures from the appropriations "Contingent expenses, Department of Labor, 1914," for the period from December 1, 1915, to June 30, 1916; "Contingent expenses, Department of Labor, 1915," for the period from December 1, 1915, to November 22, 1916; and "Contingent expenses, Department of Labor, 1916," for the period from July 1, 1915, to November 22, 1916 (H. Doc. No. 1430); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

19. A letter from the Secretary of the Treasury, transmitting the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1916 (H. Doc. No. 1431); to the Committee on Ways and Means and ordered to be printed.

20. A letter from the Assistant Secretary of Labor, transmitting statement of travel performed during the fiscal year ended June 30, 1916, by officers and employees of the Department of Labor on official business from Washington, D. C., to the points outside of the District of Columbia (H. Doc. No. 1432); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

21. A letter from the Postmaster General, transmitting annual report of the operations of the Postal Savings System for the fiscal year ended June 30, 1916 (H. Doc. No. 1433); to the Committee on the Post Office and Post Roads and ordered to be printed.

22. A letter from the Acting Secretary of the Treasury, transmitting a report of the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1916 (H. Doc. No. 1434); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Secretary of Agriculture, transmitting a detailed statement of the manner in which the appropriation "Miscellaneous expenses, Department of Agriculture, 1916," has been expended (H. Doc. No. 1435); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

24. A letter from the Public Printer, transmitting a statement relative to purchase, exchange, and repair of typewriting machines in the Government Printing Office, covering the period from July 1, 1915, to June 30, 1916 (H. Doc. No. 1436); to the Committee on Appropriations and ordered to be printed.

25. A letter from the Secretary of Commerce, transmitting a complete set of general rules and regulations prescribed by the Board of Supervising Inspectors, Steamboat-Inspection Service, and a copy of circular letter containing amendments of the regulations adopted by the executive committee of the Board of Supervising Inspectors (H. Doc. No. 1437); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

26. A letter from the Secretary of Agriculture, transmitting a detailed report of the publications received and distributed by that department during the fiscal year ended June 30, 1916 (H. Doc. No. 1438); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

27. A letter from the Secretary of Agriculture, transmitting a detailed statement of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1916 (H. Doc. No. 1439); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

28. A letter from the Secretary of Agriculture, transmitting a statement showing in detail the travel from Washington to points outside of the District of Columbia performed by officers and employees of the Department of Agriculture during the fiscal year 1916 (H. Doc. No. 1440); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

29. A letter from the Assistant Secretary of Labor, transmitting an itemized report of the actual expenditures during the fiscal year 1916, from the appropriations, "Miscellaneous expenses, Bureau of Naturalization, 1914," "Miscellaneous expenses, Bureau of Naturalization, 1915," and "Miscellaneous expenses, Bureau of Naturalization, 1916" (H. Doc. No. 1441); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

30. A letter from the Secretary of Commerce, transmitting a petition from the employees of the Bureau of Foreign and Domestic Commerce and also the employees of the Coast and Geodetic Survey, both of this department, requesting an increase in salaries of the classified employees in the Government service (H. Doc. No. 1442); to the Committee on Appropriations and ordered to be printed.

31. A letter from the president of the United States Civil Service Commission, transmitting a statement showing, typewriters, adding machines, and other similar labor-saving devices purchased during the fiscal year 1916 (H. Doc. No. 1443); to the Committee on Appropriations and ordered to be printed.

32. A letter from the acting chairman of the Federal Trade Commission, transmitting report of typewriters, adding machines, and other similar labor-saving devices exchanged during the fiscal year ended June 30, 1916 (H. Doc. No. 1444); to the Committee on Appropriations and ordered to be printed.

33. A letter from the Secretary of War, transmitting information as to number of members of the National Guard taken into the service of the United States, who are recruits without previous military service, as requested in House resolution 326, Sixty-fourth Congress, first session (H. Doc. No. 1445); to the Committee on Military Affairs and ordered to be printed.

34. A letter from the Secretary of Commerce, calling attention to certain items in estimates of appropriations for the Lighthouse Service for the fiscal year 1918 which have not been authorized by Congress, and requesting that the necessary authority be enacted into law (H. Doc. No. 1446); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, reported the same without amendment, accompanied by a report (No. 1207), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 1206), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 18182) to authorize the Secretary of State to enter into negotiations with the Republic of Chile for the purpose of entering into a convention for the settlement of all claims owned by citizens of the United States against the Republic of Chile and by citizens of the Republic of Chile against the United States of America; to the Committee on Foreign Affairs.

By Mr. RAKER: A bill (H. R. 18183) for the support and education of the Indian pupils at the Fort Bidwell Indian School, Cal.; for repairs and improvements, erecting new buildings and furnishing the same, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARLIN: A bill (H. R. 18184) to authorize the Washington & Old Dominion Railway Co. to acquire by purchase or condemnation the land and property necessary for terminal facilities and trackage in the District of Columbia, at or near Thirty-fourth and M Streets NW.; to the Committee on the District of Columbia.

By Mr. RAKER: A bill (H. R. 18185) for the support and education of the Indian pupils at the Greenville Indian School, Cal.; for repairs and improvements; for new school building, erecting building and furnishing the same; for installation of laundry and equipment, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL: A bill (H. R. 18186) to conserve the supply of boots, shoes, and manufactured leather goods and leather of the United States and to protect the people from extortionate prices by temporarily prohibiting the export of the same; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18187) to conserve the supply of print paper of the United States and to protect publishers of news-

papers from extortionate prices by temporarily prohibiting the export of print paper; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: A bill (H. R. 18188) to increase the wages, of employees of the United States Government, District of Columbia, or either House of Congress; to the Committee on Reform in the Civil Service.

By Mr. FOSTER: A bill (H. R. 18189) authorizing the Secretary of War to deliver one mounted bronze cannon on carriage to city of Lawrenceville, Ill.; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 18190) for the control, regulation, and use of the waters of the Niagara River below Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DILL: A bill (H. R. 18191) to make public all income-tax returns of persons who pay an income tax to the Federal Government; to the Committee on Ways and Means.

By Mr. PARK: A bill (H. R. 18192) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 18193) to establish a fish-cultural station in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKINLEY: A bill (H. R. 18194) for the purchase of a site and erection of a public building thereon at Shelbyville, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. POWERS: A bill (H. R. 18195) to increase the pensions of the blind who served in the War with Mexico or the Civil War; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 18196) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. BORLAND: Resolution (H. Res. 389) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of extortion in the prices thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Resolution (H. Res. 390) to pay Helen Sherman; to the Committee on Accounts.

By Mr. DILL: Joint resolution (H. J. Res. 311) authorizing the Attorney General to make an immediate investigation to determine the cause or causes of the unreasonable advances in the prices of foodstuffs, fabrics, paper, fuel, and clothing, and report the facts as to differences between prices paid to producer and paid by consumer for same; to the Committee on Interstate and Foreign Commerce.

By Mr. SWIFT: Joint resolution (H. J. Res. 312) to convey the thanks of Congress to officials of the fire department of the Greater City of New York, and through them to the officers and crews of the fire boats of said department, for the prompt and heroic service rendered by them in rescuing lives and salvaging property at the explosion and fire at Black Tom Pier, Jersey City, N. J., July 30, 1916; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDBERGH: Concurrent resolution (H. Con. Res. 64) for joint action of Congress and the President to secure peace among the nations, and in the event of failure to so regulate the industries and business of the people as to relieve them of the burden of the wars; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House and ordered to be printed.

By Mr. ADAIR: A bill (H. R. 18197) granting an increase of pension to John F. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18198) granting an increase of pension to Miles C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18199) granting an increase of pension to Barney Everett; to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 18200) granting an increase of pension to John W. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18201) granting an increase of pension to Franklin Keen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18202) granting an increase of pension to James Hobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18203) granting an increase of pension to Michael Fivecoats; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 18204) granting an increase of pension to Samuel Plumb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18205) granting an increase of pension to Samuel Gaines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18206) granting an increase of pension to Franklin R. Beamon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18207) granting an increase of pension to Nathaniel Gott; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 18208) for the relief of Horatio McIntire; to the Committee on Military Affairs.

Also, a bill (H. R. 18209) to add the name of Joseph J. Esterbrook to the Army and Navy medal of honor roll; to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 18210) granting an increase of pension to Perry J. Hainey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18211) granting an increase of pension to Samuel M. Carson; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 18212) granting an increase of pension to Marsha E. Towles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18213) granting a pension to Fred F. Bennett; to the Committee on Pensions.

Also, a bill (H. R. 18214) granting an increase of pension to David Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18215) granting an increase of pension to Dzonra Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18216) granting an increase of pension to John C. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18217) granting an increase of pension to Charles H. Smith; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 18218) granting an increase of pension to Alfred C. Mullinax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18219) granting an increase of pension to Solomon Kessinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18220) granting an increase of pension to William R. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18221) granting an increase of pension to William Jones; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 18222) granting an increase of pension to Isaac N. Estep; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 18223) granting an increase of pension to William A. Ice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18224) granting an increase of pension to Stith M. Carter; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 18225) granting an increase of pension to Francis M. Steele; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 18226) granting an increase of pension to George W. Miller; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 18227) granting a pension to Arabella Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18228) granting a pension to Hiram C. Barrows; to the Committee on Invalid Pensions.

By Mr. FARLEY: A bill (H. R. 18229) granting a pension to Anna Margaret Venus; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 18230) granting a pension to Maria Coggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18231) granting a pension to Benjamin Hughes; to the Committee on Pensions.

Also, a bill (H. R. 18232) granting an increase of pension to Harriett Karr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18233) granting an increase of pension to Joseph M. Alexander; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 18234) granting a pension to Katharine McCormick; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 18235) granting a pension to Charles V. D. Blackmar; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 18236) granting an increase of pension to Sarah M. Speer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18237) granting a pension to Edward F. Locker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18238) granting an increase of pension to Albert Downing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18239) granting an increase of pension to Cordelia J. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18240) granting an increase of pension to George A. C. Coffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18241) granting an increase of pension to Charles Aldrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18242) granting an increase of pension to William Himes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18243) granting a pension to Martha A. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18244) granting an increase of pension to A. L. Byers; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 18245) granting a pension to Anna Frohs; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 18246) granting an increase of pension to John F. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18247) granting a pension to Manella A. Eastman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18248) granting an increase of pension to John P. Hodgkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18249) granting an increase of pension to Theodore Dutra; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18250) granting a pension to Edward C. Danforth; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 18251) granting an increase of pension to Benjamin Foust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18252) granting an increase of pension to Abel G. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18253) granting an increase of pension to William T. Slocum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18254) granting an increase of pension to Lewis H. McChesney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18255) granting an increase of pension to Elizabeth Franz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18256) granting an increase of pension to Nancy S. Kibler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18257) granting an increase of pension to James L. Doris; to the Committee on Pensions.

Also, a bill (H. R. 18258) granting an increase of pension to Laura E. Elliott; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 18259) granting an increase of pension to Alpheus Demond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18260) granting an increase of pension to Henry C. Beeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18261) granting an increase of pension to Lottie E. Newell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18262) granting an increase of pension to Jonathan Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18263) granting an increase of pension to John W. Whitbeck; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 18264) granting an increase of pension to Franklin Williams; to the Committee on Pensions.

Also, a bill (H. R. 18265) granting a pension to Annie Garner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18266) granting an increase of pension to Abraham Cooper; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 18267) granting an increase of pension to Washington Foss; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18268) granting an increase of pension to John A. Medley; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 18269) granting an increase of pension to William Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18270) granting an increase of pension to S. B. Johnson; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 18271) granting a pension to James A. Swain; to the Committee on Pensions.

Also, a bill (H. R. 18272) granting an increase of pension to Alvin G. Woodworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18273) granting an increase of pension to William Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18274) granting an increase of pension to Jefferson D. Williams; to the Committee on Pensions.

Also, a bill (H. R. 18275) granting an increase of pension to Andrew J. Lee; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 18276) granting a pension to Margaret A. Wells; to the Committee on Pensions.

Also, a bill (H. R. 18277) granting an increase of pension to Christopher Hummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18278) granting an increase of pension to William C. McKelvy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18279) granting a pension to William H. Hopkins; to the Committee on Pensions.

Also, a bill (H. R. 18280) granting an increase of pension to Abraham Rhodes; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 18281) granting a pension to William E. Sloane; to the Committee on Pensions.

Also, a bill (H. R. 18282) granting a pension to Martha P. Malcomson; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 18283) granting an increase of pension to Henry Barr; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 18284) granting an increase of pension to Thomas Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18285) granting an increase of pension to Nancy A. Lantz; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 18286) for the relief of Charles E. Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 18287) granting an increase of pension to James E. Webb; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 18288) granting an increase of pension to Jane M. Spidel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18289) granting an increase of pension to Nicholas Wolf; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 18290) granting a pension to Retta H. Lore; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18291) for the relief of the heirs of A. M. Riser, deceased; to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 18292) to grant an increase of pension to James T. Rollf; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 18293) granting an increase of pension to Otis H. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18294) granting a pension to John A. Schreck; to the Committee on Pensions.

Also, a bill (H. R. 18295) granting a pension to Leonard Ripple; to the Committee on Pensions.

Also, a bill (H. R. 18296) granting a pension to Albert A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 18297) granting a pension to Walter Sewell; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 18298) granting an increase of pension to Mary Alice Brightwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18299) granting an increase of pension to William R. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18300) granting an increase of pension to Henry M. Cottrill; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 18301) granting a pension to John R. Crayton; to the Committee on Pensions.

Also, a bill (H. R. 18302) granting a pension to Pauline K. Boden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18303) granting a pension to Elizabeth A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18304) granting a pension to Sarah K. Arnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18305) granting an increase of pension to Erasmus Bucy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18306) granting an increase of pension to John Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18307) granting an increase of pension to Cornelius Dorsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18308) granting an increase of pension to Dorothy Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18309) granting an increase of pension to Andrew J. Gaskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18310) granting an increase of pension to Amelia D. Grove; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18311) granting an increase of pension to Benjamin Aplin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18312) granting an increase of pension to Elias Baker; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 18313) granting an increase of pension to Florence S. L'Hommedieu; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18314) granting a pension to Loren Bishop; to the Committee on Pensions.

Also, a bill (H. R. 18315) granting an increase of pension to Annie E. Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18316) granting an increase of pension to Martha Sollenberger; to the Committee on Invalid Pensions.

Br. Mr. McANDREWS: A bill (H. R. 18317) for the relief of W. L. Clifford, formerly a letter carrier, now a clerk in the service of the Post Office Department of the United States; to the Committee on Claims.

Also, a bill (H. R. 18318) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 18319) granting a pension to Deborah Nash; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 18320) granting an increase of pension to Andrew Glenn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18321) granting an increase of pension to Samuel L. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18322) granting an increase of pension to Hugh S. Stanley; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 18323) granting a pension to Charlotte A. Lansing; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 18324) for the relief of Mrs. E. W. Sankey; to the Committee on War Claims.

By Mr. NEELY: A bill (H. R. 18325) granting an increase of pension to Felix Dodd; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 18326) for the relief of George S. Boutwell; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 18327) granting an increase of pension to James Chadwick; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 18328) granting an increase of pension to Emily Hughes Burch; to the Committee on Pensions.

Also, a bill (H. R. 18329) granting an increase of pension to John Doss; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 18330) granting a pension to Byron S. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18331) granting a pension to Sarah Lyon Brundage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18332) granting an increase of pension to William H. Farrar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18333) granting an increase of pension to Thomas Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18334) granting a pension to Rudolph Allmers; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 18335) granting a pension to T. J. Hurlbut; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 18336) granting an increase of pension to Charles Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18337) granting an increase of pension to Lora Milliken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18338) granting an increase of pension to Joel N. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18339) granting an increase of pension to Josephine De Groat; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 18340) granting an increase of pension to Joseph Davis; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18341) granting a pension to George M. Erwin; to the Committee on Pensions.

Also, a bill (H. R. 18342) for the relief of Andrew L. Meadows; to the Committee on Military Affairs.

By Mr. RUSSELL of Ohio: A bill (H. R. 18343) granting a pension to Albert Haines; to the Committee on Pensions.

Also, a bill (H. R. 18344) granting a pension to Alfred J. Yarber; to the Committee on Pensions.

Also, a bill (H. R. 18345) granting an increase of pension to Uriah J. Favorite; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 18346) granting an increase of pension to Valentine B. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18347) granting an increase of pension to Simeon G. Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 18348) granting an increase of pension to Charles Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18349) granting an increase of pension to Henry C. McClintick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18350) granting an increase of pension to Edward H. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18351) granting an increase of pension to Wiltsey E. Sivers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18352) granting an increase of pension to Margaret Umphenour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18353) granting an increase of pension to John M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18354) granting an increase of pension to Joseph Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18355) granting an increase of pension to Jefferson W. Lewelling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18356) granting an increase of pension to Thomas Carrigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18357) granting a pension to Marie Viglini; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 18358) granting an increase of pension to Samuel G. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18359) granting an increase of pension to Alexander Lewis; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 18360) granting an increase of pension to Alfred D. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18361) granting an increase of pension to Alvin Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18362) granting an increase of pension to William H. Rickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18363) granting a pension to Mrs. Louisa Powell; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 18364) granting an increase of pension to Ann Bates; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 18365) granting an increase of pension to George W. Kilpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18366) granting an increase of pension to Jacob Bachman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18367) granting an increase of pension to William N. Butler; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 18368) granting an increase of pension to Jesse Walters; to the Committee on Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 18369) granting an increase of pension to Joseph Scattergood; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 18370) granting an increase of pension to William Vaughn; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 18371) granting an increase of pension to George F. Chambers; to the Committee on Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 18372) granting a pension to Mrs. Mary Brown Point; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18373) granting a pension to Martha Coe De Witt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Memorial of National Live Stock Shippers' Protective League, relative to regulation of rates on intrastate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. BAILEY: Petitions of Local Union No. 2233, Beaverdale; Local Union No. 1056, Gallitzin; Local Union No. 1294, Lilly; Local Union No. 1269, Elmora; Local Union No. 1992, Amsbry; Local Union No. 3084, Six-Mile Run; Local Union No. 1043, Portage; Local Union No. 472, South Fork; Local Union No. 1386, Nanty Glo; Local Union No. 95, Defiance; Local Union No. 616, Hastings; and Local Union No. 3068, Dysart, United Mine Workers of America, all in the State of Pennsylvania, favoring immediate investigation of the excessive prices of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of Henry F. O'Brien, of New York, favoring passage of the Nolan bill, House bill 11876; to the Committee on Labor.

Also, petition of National Association Surviving Union Volunteer Officers of the Civil War, favoring passage of the volunteer officers' retired list bill; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, favoring passage of post-office pension bill; to the Committee on the Post Office and Post Roads.

Also, petition of the United Anglers' League, favoring passage of House bill 14120, for a Long Island hatchery; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Arthur D. Webb, favoring passage of House bill 15312, to fix the compensation of inspectors of customs at the port of New York; to the Committee on Expenditures in the Treasury Department.

By Mr. BRUMBAUGH: Petition of City Council of Columbus, Ohio, favoring embargo on shipment of foodstuffs to Europe; to the Committee on Interstate and Foreign Commerce.

By Mr. EAGAN: Memorial of Atlantic Deeper Waterways Association, relative to intracoastal waterway along Atlantic seaboard; to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of Chamber of Commerce of Rome, Ga., favoring an embargo on the exportation of food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Paint, Oil, and Varnish Association, favoring the Stephens-Ashurst bill for fixed prices, etc.; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany a bill granting a pension to Anna Froles; to the Committee on Invalid Pensions.

Also, petition of Moran & Hastings Manufacturing Co., of Chicago, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of William P. Holmes and others, of Bridgeport, Conn., against sectarian appropriations; to the Committee on the Judiciary.

Also, memorial of Men's Assembly of First Methodist Episcopal Church of Bridgeport, Conn., favoring House bill 3107, to forbid interstate transmission of race-gambling bets; to the Committee on the Judiciary.

Also, petition of William P. Holmes and others, of Bridgeport, Conn., against sale, manufacture, etc., of intoxicating liquors; to the Committee on the Judiciary.

Also (by request), memorial of Men's Assembly of First Methodist Episcopal Church of Bridgeport, Conn., favoring Federal motion-picture commission; to the Committee on Education.

By Mr. KAHN: Memorial of California State Federation of Labor, protesting against increased cost of white paper for newspaper use; to the Committee on Rules.

Also, memorial of California State Federation of Labor, favoring retirement legislation for aged employees of Federal Government; to the Committee on Reform in the Civil Service.

Also, memorial of Corona Club and Voltoria Colonna Club, of San Francisco, Cal., favoring the Kent bill (House bill 11864) for Federal aid for nonresident tuberculosis patients; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Dr. William C. Hassler, of San Francisco, Cal., favoring House bill 193 for national leprosarium; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Vallejo (Cal.) Trades and Labor Council, favoring embargo on shipments of foodstuffs to Europe; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Building Trades Council of San Francisco, Cal., favoring a Federal investigation of the high cost of living; to the Committee on Rules.

Also, memorial of California State Federation of Labor, relative to Alaska salmon-fishing industry and the welfare of the workingmen employed therein; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCLINTIC: Petition of sundry citizens of the United States, favoring House joint resolution 264; to the Committee on Rules.

By Mr. MAGEE (by request): Petitions of 28 citizens of Onandoga County, N. Y.; also, 66 citizens of Onandoga County, N. Y., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RIORDAN: Petition for increase of pay of members of the stenographers and typewriting corps of the New York Navy Yard; to the Committee on Naval Affairs.

By Mr. SNELL: Resolution of the Northern New York Development League, urging the passage of the Webb bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NORTH: Petitions of Local Union No. 1295, United Mine Workers of America, Glen Campbell, Pa., representing 200 members; Local Union No. 673, United Mine Workers of America, Soldier, Pa., representing 400 members; Local Union No. 738, United Mine Workers of America, Coal Glen, Pa., representing 100 members; Local Union No. 626, United Mine Workers of America, Desire, Pa., representing 265 members; and Local Union No. 1310, United Mine Workers of America, Walston, Pa., representing 163 members, praying for the appointment of a commission to proceed to devise ways and means to restore the food prices back to something near normal; to the Committee on Rules.

By Mr. WATSON of Pennsylvania: Petition of John Van Ness and others, of Narberth, Pa., favoring amendment abolishing polygamy; to the Committee on the Judiciary.

Also, petitions of E. T. Batting and 56 other citizens of Montgomery County, Pa., and also petition of Thomas L. Heston and 35 other citizens of Montgomery County, Pa., for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *December 7, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee at the beginning of a new legislative day and lift our hearts to Thee for guidance and blessing. May we begin the duties of this day with a consciousness of the Divine presence. We thank Thee for the spirit of prayer that has been among the people, and for the spirit of men and women who have ever kept in touch with God and kept alive a sense of the Divine providence and leadership with us as a people. We pray that in a spirit of reverence and godly fear we may perform the duties of this day. For Christ's sake. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. THOMPSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. SMOOT. I should like to have the Journal read this morning.

The VICE PRESIDENT. There is objection. The reading will be proceeded with.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

SENATOR FROM CONNECTICUT.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the governor of Connecticut certifying to the election of GEORGE P. MCLEAN as a Senator from that State for the term beginning March 4, 1917, which will be read.

The certificate was read and ordered to be placed on the files of the Senate, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, GEORGE P. MCLEAN was duly chosen by the qualified electors of the State of Connecticut a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, Marcus H. Holcomb, and our seal hereto affixed at Hartford, this 6th day of December, in the year of our Lord 1916.

By the governor:

[SEAL.] MARCUS H. HOLCOMB,
Governor.

By his excellency's command:

CHARLES D. BURNES, *Secretary of State.*

COMMITTEE SERVICE.

Mr. GALLINGER was, on his own motion, excused from further service upon the Committee on Pacific Railroads.

Mr. PAGE was, on his own motion, excused from further service upon the Committee on Indian Affairs.

On motion of Mr. LODGE, it was

Ordered, That Mr. JAMES E. WATSON, Senator from Indiana, be appointed to the following committees: Commerce, Indian Depredations, Pacific Railroads, Transportation Routes to the Seaboard, and Revolutionary Claims.

Ordered, That Mr. BERT M. FERNALD, Senator from Maine, be appointed to the following committees: Claims, Fisheries, Pacific Islands and Porto Rico, Public Buildings and Grounds, Coast Defenses, and Indian Affairs.

REPORT OF THE PUBLIC HEALTH SERVICE (H. DOC. NO 1493).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year 1916, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

ANNUAL REPORT OF THE ATTORNEY GENERAL (H. DOC. NO. 1483).

The VICE PRESIDENT laid before the Senate the annual report of the Attorney General of the United States for the fiscal year 1916, which was referred to the Committee on the Judiciary and ordered to be printed.

PURCHASE OF VEHICLES (H. DOC. NO. 1427).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the number of motor-propelled and horse-drawn passenger vehicles and motor boats purchased by the department for use outside the District of Columbia for the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

EXCHANGE OF TYPEWRITERS (H. DOC. NO. 1426).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant

to law, a statement showing the exchange of typewriters, adding machines, and other similar labor-saving devices in the Department of Agriculture for the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TRAVEL OF EMPLOYEES OF AGRICULTURAL DEPARTMENT (H. DOC. NO. 1440).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing in detail the travel from Washington to points outside the District of Columbia performed by officers and employees of the Department of Agriculture for the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SUPPORT OF INDIAN SCHOOLS (H. DOC. NO. 1457).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year 1916, relating to the appropriation "Indian schools, support, 1916," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDUSTRIES AMONG THE INDIANS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures made for encouraging industry among Indians at various Indian reservations for the fiscal year ended June 30, 1916 (H. Doc. No. 1456), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures for the purpose of encouraging industry among Indians on various reservations for the fiscal year ended June 30, 1916, from the appropriation "Industry among Indians (reimbursable)," together with a statement of the balance remaining in said fund (H. Doc. No. 1454), which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN SCHOOLS (H. DOC. NO. 1450).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1916, showing the amount expended at each Indian school and agency from the appropriation for construction, lease, purchase, repairs, and improvements of school and agency buildings, together with certain data as to the number, kind, and cost of schoolhouses erected during the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN IRRIGATION PROJECTS (H. DOC. NO. 1451).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a cost account of all moneys from whatever source derived expended on each irrigation project on Indian reservations, allotments, and lands for the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDUSTRIAL WORK AND CARE OF TIMBER (H. DOC. NO. 1452).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the expenditures from the appropriation for "Industrial work and care of timber" for the fiscal year ended June 30, 1916, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

SURVEYS OF INDIAN LANDS (H. DOC. NO. 1455).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the cost of survey and allotment work on Indian reservations for the fiscal year ended June 30, 1916, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF LIBRARIAN OF CONGRESS.

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting his annual report, together with the annual report of the superintendent of the Library Building and Grounds, for the fiscal year ended June 30, 1916, which were referred to the Committee on the Library and ordered to be printed.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT laid before the Senate the thirtieth annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce and ordered to be printed.

MANUFACTURE AND SALE OF LIQUOR.

Mr. OVERMAN. I present a petition signed by William L. Sherrill, secretary for the Western North Carolina Conference of the Methodist Episcopal Church South, assembled in convention at Gastonia, N. C., in November of this year, praying for the adoption of an amendment to the Constitution to prohibit the manufacture and sale of alcoholic liquor. I ask that the petition be printed in the RECORD and be referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Senate of the United States
(Care Hon. LEE S. OVERMAN, Washington, D. C.):

The Western North Carolina Conference of the Methodist Episcopal Church South, assembled in Gastonia, N. C., November, 1916, do respectfully memorialize your body to submit to the States an amendment to the Constitution prohibiting the sale and the manufacture for sale of liquor for beverage purposes, to prohibit the manufacture and sale of liquor in Washington, D. C., and to prohibit the use of the mails for liquor advertising purposes.

WILLIAM L. SHERRILL,
Secretary for the Conference.

CHANGE OF REFERENCE.

Mr. FLETCHER. I introduced on the 5th instant the bill (S. 7029) to appropriate $95,000 for the relief of Henry W. Cook, Arthur G. Cummer, and Waldo E. Cummer, trading as Cook-Cummer Steamship Co., copartnership, for the loss of schooner barges *South West* and *North West*, and it was referred to the Committee on the Judiciary. I thought that was the proper committee at the time, but on reflection I think the bill ought to go to the Committee on Claims. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 7184) authorizing and directing the Secretary of the Treasury to pay to William Welch, of Council Bluffs, Iowa, for the storage of post-office furniture while the post office at that place was being remodeled the sum of $460 out of the Treasury of the United States not otherwise appropriated; to the Committee on Post Offices and Post Roads.

By Mr. WARREN:

A bill (S. 7185) granting an increase of pension to William H. Cranston; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7186) granting an increase of pension to Green B. Riggs (with accompanying papers);

A bill (S. 7187) granting a pension to Alice Gunn (with accompanying papers); and

A bill (S. 7188) granting an increase of pension to John Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7189) granting an increase of pension to Rachel A. Layman (with accompanying papers); and

A bill (S. 7190) granting an increase of pension to John W. Stokes (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 7191) granting an increase of pension to Bradford P. Sparrow (with accompanying papers); and

A bill (S. 7192) granting an increase of pension to Aaron Rowell (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A joint resolution (S. J. Res. 180) relative to the disposition of lands of the Blackfeet Reservation under the act of March 1, 1907; to the Committee on Indian Affairs.

REGULATION OF IMMIGRATION.

On motion of Mr. SMITH of South Carolina, it was

Ordered, That H. R. 10384 entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," together with the report (No. 352) thereon, be reprinted.

REPORT OF GOVERNOR OF PANAMA CANAL (H. DOC. NO. 1498).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Annual Report of the Governor of the Panama Canal for the fiscal year ended June 30, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1916.*

CIRCUIT AND DISTRICT JUDGES.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 706.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is on page 2, offered by the Senator from Georgia [Mr. SMITH], and is as follows:

Strike out in lines 10 and 11 the words "if in his opinion the public good so requires, may," and insert in lieu thereof "if in his opinion the efficient conduct of the business of the court so requires shall," so that if amended it will read:

In the event of any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the efficient administration of the business of the court so requires, shall appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit, and so forth.

Mr. JONES. Mr. President, I know the junior Senator from Rhode Island [Mr. COLT] is very anxious to be present when this bill is being considered. He is not here, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hardwick	Overman	Smith, S. C.
Brandegee	James	Owen	Smoot
Bryan	Johnson, Me.	Page	Sterling
Chamberlain	Johnson, S. Dak.	Penrose	Stone
Chilton	Jones	Phelan	Sutherland
Clapp	Kenyon	Pittman	Swanson
Clark	Kern	Pomerene	Thomas
Culberson	Kirby	Reed	Thompson
Cummins	La Follette	Robinson	Tillman
Curtis	Lane	Saulsbury	Townsend
Dillingham	Lee, Md.	Shafroth	Vardaman
Fernald	Lodge	Sheppard	Wadsworth
Fletcher	McLean	Sherman	Warren
Gallinger	Martin, Va.	Simmons	Watson
Gore	Martine, N. J.	Smith, Ariz.	Williams
Gronna	Nelson	Smith, Ga.	Works
Harding	Norris	Smith, Mich.	

Mr. FLETCHER. I was requested to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent by reason of illness. He is confined to his room. I desire this announcement to stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. SHERMAN. Mr. President, I desire to submit some observations upon Senate bill 706. The amendment does not practically change the effect of the bill. It merely changes from the discretion of the President in regard to the public good in the original bill and makes it for the proper dispatch of judicial business in the amendment. In effect it is the same thing. The public concern is wholly that of the judicial business. It refers to the administration of public justice. So the public good and the dispatch of judicial business are one and the same thing.

I presume whatever expense is made by the operation of the bill would not be regarded as an argument. The 1914 appropriation for the pay of the retired Federal judges was $122,838.90. The 1915 appropriations for a like purpose were $147,741.67; the 1916 appropriations for a like purpose aggregate about $150,000, in round figures. The 1917 appropriations provided for by the first session of the Sixty-fourth Congress will aggregate as much, if not more. After the passage of this bill the appropriations for the fiscal year of 1918 would be very materially increased.

I have not accurate figures of the number of judges who would be involuntarily relieved of official duties under the provisions of this bill. I have heard it estimated all the way from 17 to 27 judges who would be retired between now, say, and the 4th of March, 1917, but it will be a very great increase in the items of appropriations for those purposes. For the 34 United States circuit judges in 1915 and 1916 there was appropriated $238,000 for their salary account; for the 94 district judges in 1915 and 1916 there was appropriated $564,000 in each of those years. The estimates for 33 circuit judges in 1917—1 less than the number of the previous year—are $231,000, and adding the 95 United States district judges in 1917, costing $570,000, will make an aggregate of $801,000. There is an increase of one United States district judge in the year 1917 and a decrease of one circuit judge for the fiscal year 1917.

While these are not large sums of money, they are perpetual in their operation. This bill once passed, unless it should be repealed, adds permanently to the retired list of judges the salaries necessary upon that retirement at 70 years of age, and so long as such retired judges shall live it is a material increase in appropriations.

It might be well enough to remember that the United States Treasury is not now possessed of unlimited funds. Whatever the bookkeeping may show as to a nominal balance in the United States Treasury, there is, as a matter of fact, but little available cash at this time, if there is any. Appropriations have constantly increased; the sources of taxation remain the same; but the methods of taxation have increased year after year.

During the last days of the first session of this Congress a revenue bill was passed and was approved which sought out new places for the levy of taxes; it added new burdens upon the business of the country. While it relieved us of one or two items of obnoxious taxes, it did not in the main relieve the general business interests of the country from additional burdens. So while this is a comparatively small item it is perpetual in its character unless the law should be repealed at some subsequent session of Congress. Once a precedent of this kind is made for the retirement of judges it is very unlikely that a majority could be mustered in both branches of Congress for its repeal.

If there is any reason why the bill should be enacted, it would be the increase in the efficiency or in the fitness of the judges in the transaction of the business incident to the Department of Justice. If mere age is to be taken as a test, it would be as sensible to apply it to some other departments of the Government. I have an idea, Mr. President, that a fair test would be the Senate and the House of Representatives, where the life is just as industrious, the difficulties of biennial election or of six-year periods are as great, and the character of the service rendered by a Member of Congress is just as exhausting on the physical nature or on the mental ability of the occupant of the office as that in the judicial department, especially as to the district and circuit judges. Federal judges have a life tenure and are relieved of the constantly recurring elections. I wonder how this Senate would view a bill to retire every Senator at the age of 70 years, or how the House of Representatives would look upon such a bill.

I have here some figures of the ages of United States Senators. It may not be in the aggregate that the Senate appreciates the fact that there are 11 Senators now sitting, or who are entitled to seats in this body, who have passed 70 years of age. I shall not make a list of them and insert it in the CONGRESSIONAL RECORD, but I would be entirely within bounds in saying that the 11 Senators who have passed 70 years of age, some of whom have run as high as 79 years, 74 years, 73 years, 71 years, 72 years, and the like, are among the best informed and the most useful Members of this body. Alabama has a Senator who has passed this age who is at the head of one of the most important committees, where there is at times a strenuous difference of opinion not only between Senators who are members of that committee but outside on the reports that are made by the committee. Every once in awhile a very decided objection is made to some ruling or recommendation of the department having charge of post office matters. There is no abatement of that Senator's understanding nor of that of other Senators who have reached the age of 70 years. The number of Senators who have reached from 67 to 69 years of age in this body is eight, and before the next Senate shall convene, after the 4th of March, three of these Senators will have reached the age of 70 years.

If I recur to the number of Members of the other House who have passed the age which is supposed to be the end of usefulness, I find House Members running from 67 years of age to 80. Those who have passed 70, and one who has reached his eightieth year, show no abatement in their usefulness or in their powers of understanding.

An interesting article on the mortality of public men has been prepared by Mr. Irving Fisher, a professor of political economy of Yale University. If mere longevity is to be taken as a test

of fitness for the public service, it seems to me that the 70-year test ought to apply to Members of Congress in view of the facts presented in this article. This paper is primarily a study of the mortality of Senators and Representatives of the United States. Preliminary to that examination Mr. Fisher records the facts as to the longevity of the Presidents of the United States. He divides them into two groups, and, taking all of the Presidents from George Washington to the present incumbent, President Wilson, with their ages at the time they were inaugurated, he gives the entire number of years of their lives. Washington died at 68; John Adams died at the age of 90, and long after he was 80 years of age his biographer records that he could be found any cold, frosty morning taking a swim in the Potomac River; Jefferson, who was 58 years of age when he was inaugurated for his first term as President, died at 83; Madison died at 85 years of age; Monroe died at 73; John Quincy Adams at 71; Jackson, the patron saint of the Democratic Party, died at the age of 78. He would have been ineligible either for advice, as a candidate, or an occupant of public office under this bill in any of the departments of the Government if the reason applied. Van Buren died at 77; William Henry Harrison died at sixty-nine and a half; Tyler at 72; Polk at 53; Taylor at 65; Fillmore at 75; Pierce at 64; Buchanan at 77; Lincoln at 56. He was the first President assassinated. Johnson died at 66; Grant at 63; Hayes at 70; Garfield at 49—another assassination; Arthur at 56; Cleveland at 71; Benjamin Harrison at 68; McKinley at 56—a third assassination. Roosevelt is still living, Taft is still living, and Wilson is still living. It will be observed that——

Mr. GALLINGER. Mr. President, if the Senator will permit me, while I approach the question with a good deal of trepidation, I will ask the learned Senator from Illinois if the rule that is invoked in this bill might not well be applied to the Members of the two Houses of Congress?

Mr. SHERMAN. Yes, sir. If there is any argument in the underlying spirit of this bill, then at least 14 Members of the Senate ought to be furnished with an assistant Senator, to relieve them of their active duties, except when they may be called upon by the real Senator to advise or sit in concurrence of judgment.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

Mr. SHERMAN. Yes, sir.

Mr. PENROSE. I call attention to the fact that the distinguished Senator from New Hampshire [Mr. GALLINGER], who has just interrupted the Senator from Illinois, approaches 80 years of age. I have known him for 25 years, and he looks to me to-day to be younger than he did 25 years ago. He is certainly the most diligent Senator in this body in devotion to his duties and in regularity of attendance.

Mr. SHERMAN. I have observed that, Mr. President, in the three years that I have been blessed with a membership here.

Mr. WEEKS. Mr. President, I will ask the Senator from Illinois if any reason occurs to him why this rule should apply to district or circuit judges and not apply to justices of the Supreme Court of the United States?

Mr. SHERMAN. None whatever. The judges of the Supreme Court have more burdensome duties than have the other judges.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. SHERMAN. I do.

Mr. PENROSE. I do not pretend to be an expert on life insurance or longevity, but I call the attention of the Senator from Illinois to the fact that the late Senator Pettus, according to common report, when he was 77 years of age, or thereabout, came to Washington to get the indorsement of one of the Senators from the State of Alabama for a judicial appointment. He was informed that he was too old to discharge the judicial functions; but he turned around and became a candidate for the Senate against the gentleman who declined to indorse him, and defeated him. Mr. Pettus was elected and served some 10 years in this body, one of the most vigorous and useful Members of the Senate.

Mr. SHERMAN. Yes, sir. That was a most conclusive argument. Those are well-authenticated cases, Mr. President. The junior Senator from Massachusetts [Mr. WEEKS] has asked why the rule should not be applied to the Supreme Court. The volume of business and the insistence of prompt judicial decision on questions of an urgent national character make the duties of the judges of that court more burdensome than those of judges of the trial courts. A district judge soldiers along pretty well; there is no great hurry about many things that he does. He is a kind of a Federal justice of the peace. He is in session all the time, and goes along in a way that does not exhaust his physical capacities or abate his mental understanding. If there are some of them who have passed the age of usefulness and their vacancies are desirable, having passed the age of 70 years, I think it would be better to argue with the brethren, to use moral suasion, than to legislate a bad precedent at this time. It seems to me that the same reason would apply to circuit judges. Here and there are judges that probably ought in justice to retire. Many of them are above the age of 70 years. Most of them are somewhere in the sixties, but to leave them on the pay roll as sort of superannuated pensioners upon the Government merely to meet an exigency in possibly one or two circuits in the United States is making the remedy out of all proportion to the disease.

Let us take the Supreme Court judges, for instance, and I do not think it will be at all reflecting upon those judges to mention them by name. Finally we must have recourse to facts, anyhow, in this body.

Edward D. White, Chief Justice of the Supreme Court, was born in November, 1845. He is now in his seventy-second year.

It might be well enough to take some of the earlier experiences of these judges who are on the Supreme Bench to find out how they have finally reached that degree of official usefulness that makes them, at threescore and ten, probably more capable than in younger years.

Chief Justice White, for instance, was admitted to the bar in 1868. He was elected State senator in 1874. He was appointed associate justice of the Supreme Court of the State of Louisiana in 1878. He was elected United States Senator in 1891. He was appointed to the Supreme Court of the United States while he was a Senator of the United States in 1894. So that he has served in a judicial capacity in his own State, in a legislative capacity as State senator, has served nationally in a legislative body, this Senate, and then, with this judicial experience on his own State supreme court bench and his legislative qualifications, has been translated while he was a Senator of this body to the Supreme Court, and is now serving in that body in his seventy-second year.

To take yet another Justice of the Supreme Court, an Associate Justice, Joseph McKenna, his birthplace was Pennsylvania, where he was born August 10, 1843. He is now past 73 years of age, putting him in his seventy-fourth year. He had a similar experience before reaching the Federal Supreme Bench, the varied experience that has been the common lot of all the successful judges, either the sitting judges or those of years past.

Justice Oliver Wendell Holmes, an Associate Justice of the Supreme Court, was born March 8, 1841, in Massachusetts. He is now in his seventy-fifth year. He has had a most arduous experience in civil and military life.

No one notices in the opinions written by any of these judges any diminution of their powers.

I might remark incidentally that William R. Day, of Ohio, born April 17, 1849, is in his sixty-eighth year. No one notices that his opinions, or the Chief Justice's opinions, or those of the other three Justices named, show any abatement of their understanding or their grasp of judicial questions in the administration of public justice.

So the reason would be as applicable to the judges of the Supreme Court as to the trial judges. At what place are the records made, Mr. President? Where are questions of fact decided? It is in the nisi prius courts, in the circuit or district courts of the United States, in both the civil and criminal jurisdictions. These courts are of general jurisdiction, unlimited in amount, and unlimited as to the character of questions that may be submitted. Constitutional questions of all characters come before them. They pass in the first instance upon the constitutionality of measures coming from this Congress, upon questions of great public interest, upon the great police powers of the Government. The police powers, like equitable powers, are undefined in their character. They are powers that the courts themselves refuse to define, and no legislative body ever undertook to define equity or the police powers by hard and fast rules or in express terms. Judicial opinions confine themselves to general expressions applied to the immediate case that is before them for adjudication or action.

I referred very briefly to the House Members. I wish to speak of Representative CANNON, who is in his eighty-first year, still serving in the House. I could speak of Mr. HILL, of Connecticut, an active, able, and energetic Representative, who was born August 4, 1845, and is now in his seventy-second year; of Mr. D. M. HUGHES, a Member of the House, who has reached his sixty-ninth year; of Mr. TALBOTT, of Maryland,

who has reached his seventy-third year, his birthday being the 29th day of July, 1843.

In this connection I wish to refer to a matter not connected strictly with the legislative branch of this Government—the record of Judge Murray F. Tuley, who was nominated and elected on the Democratic ticket for many years in the city of Chicago. Mr. Tuley died on the bench. He presided in the chancery side of the Chicago courts for many years. While he ran on a political ticket, he was universally elected by all, without regard to political ties. He died at 80 years of age, still a member of the bench, and in the full command, unimpaired, of all of his faculties. On the bench in Chicago at the same time, serving with him—both of them rendering service, by the way, in the appellate branch of the court in Chicago, which is next to the supreme court in State jurisdiction, passing upon questions of fact—was Judge Joseph E. Gary. Judge Gary remained upon the bench for many years in Chicago. He died in his eighty-first year. His understanding was as vigorous and his powers of endurance and his professional acumen as strong the last day that he held court in Chicago before he went to his last illness as at any time in his long, varied, and useful public life.

Gladstone, the English member of Parliament and prime minister, died at an advanced age; and in his older days not only was his physical vigor unimpaired but his understanding was as powerful as in his younger years, if not more so.

Another great Englishman, who served in a diplomatic capacity in this country, is an instance. James Bryce honored Great Britain's diplomatic service. His books written and the long journeys he has taken bear eloquent testimony to the unimpaired powers he still possesses. Mr. Bryce wrote some very incisive comments in the form of a two-volume work on the American democracy. He was threescore and ten years of age at the time he entered upon this service. His American Commonwealth is a production ranking with anything of that character written. Two and a half or three years ago he made a tour of South America. He traveled not only through the tablelands of that country but in the extreme elevation of the Andes. That is a test for younger men. I remember when Dr. Nicholas Senn, of Chicago, went south. He was a noted surgeon and physician of Chicago. His death was brought about by his scientific researches in South America, and especially in the elevated plateaus of the Andes Mountains. He died prematurely, and the world lost his professional services.

James Bryce traced all of the steps in the territory of South America where younger and more vigorous men have gone. He went amid the ancient ruins of the prehistoric races, examined minutely all of the buildings that showed the development of an ancient civilization before Pizarro and Cortes came in the wake of Columbus to conquer and lay waste Central and South America. He went to all those points, and in a book that he published a year and a half ago he not only gives an account of the places he visited, but he gives a detailed and at times a scientific account of the discoveries and observations that he made. It shows that at an age verging on 80 years James Bryce is still in the full maturity of his powers, his mental ability unimpaired, his observation, and the body in which the mind dwells and which it uses as an instrument, still fit; that he himself is just as capable of rendering service in public or private as he was before he passed the prohibited age of 70 years.

Again, in our own country, for instance, Benjamin Franklin was a member of the Constitutional Convention that framed the document under which this Senate is operating. Benjamin Franklin was 82 years old at the time he sat in the Constitutional Convention at Philadelphia.

Chief Justice Taney, who rendered the Dred Scott decision that afterwards became a matter of angry political contention, was appointed when he was 59 years of age, and served twenty-eight and a half years on the Federal bench. He died at the age of 87 years. If the volumes of the Supreme Court Reports are searched, it will be found that his opinions in later years, after he had passed the 70-year point, show no diminution in his judicial power or in the penetrative character and the incisive force of the opinions he wrote.

I am disposed, although I did not at first entirely desire to do so, in order to make it a matter of record—because it is all here as a matter of record anyhow in other places, but not so accessible as this would be—to give the list of Senators here who are past the 70-year point. I have 11 years yet to go.

Senator BANKHEAD, of Alabama, was born September 13, 1842.

THOMAS B. CATRON, whose term expires in 1917, has reached the threescore-and-ten point.

Senator COLT, of Rhode Island, who was born June 25, 1846, has reached the age of 70 years.

Senator DILLINGHAM, of Vermont, whose birth occurred on December 12, 1843, has reached his seventy-third year.

Senator DU PONT, born July 30, 1838, has reached his seventy-ninth year.

Senator NATHAN GOFF has reached his seventy-fourth year, having been born in February, 1843.

My esteemed friend the senior Senator from New Hampshire [Mr. GALLINGER], whose birth occurred March 28, 1837, is in his eightieth year. When the shipping bill was up here some time ago it became largely a question of physical endurance, toward the close of the session in March, of how long Senators could hold the floor. This is something of a physical test. I do not regard it essentially as a mental test, Mr. President, because it might result in a very great draft upon the mental ability, with consequent invidious comparisons, if that were made the test; but at least it can fairly be said, in justice, that it is a physical test. The Senator from New Hampshire met that test. He has met the test of a strenuous attendance; and if the roll calls were searched, either on the passage of bills or upon the quorum calls, they would show that the senior Senator from New Hampshire has as good a record, if not the best record, of any Senator sitting in this body. On the occasion to which I referred, after an all-night session, he was able to discharge his official duties equally well with those who are younger in years, although he might reasonably, upon the reasons assigned in such a bill as this, be considered as waning in his physical powers. He stood the test, and was in better condition than some of us who are many years his junior after we had gone through exactly the same test.

If we look over the character of the address made by the senior Senator from New Hampshire on that occasion, it will suffer nothing by comparison with shorter addresses made at about the same time. As a matter of curiosity in the beginning, and as a matter of information and entertainment later, I read the entire address he made on the night referred to. The address has a beginning and an ending; it has a coherence and a continuity of thought all the way through that would do credit to any half-hour address ever made on the floor of this body.

There is no perceptible diminution by reason of the mere lapse of years. I know men 30 years of age, under modern methods of living, with habits somewhat reprehensible, who have exhausted their vitality long ago. Men become prematurely aged by a lack of proper conduct. I can find men who were matured at 18 years of age; at 25 they are either gray or entirely bereft of any hirsute attachment; at 30 they are old, toothless, and senile. It is not a matter of years. The Almighty has so arranged the vital forces in these bodies of ours, Mr. President, that it is not a matter of years. It is a matter of behavior, a matter of good living, a matter of vital force inherited from sound parents and a proper husbanding of that vital force; and along with it goes, if at the beginning there was a fair mind, a good understanding, the preservation of that mind that uses the body only as a dwelling place. Mere years are no sign either of physical or of mental diminution.

Here is the senior Senator from Minnesota [Mr. NELSON], whose birth occurred February 2, 1843, so that he is in his seventy-fourth year. A more vigorous, sturdy mind is not now in this Senate.

Here is the esteemed junior Senator from Vermont [Mr. PAGE], recently reelected, whose birth occurred January 10, 1843. His constituents evidently reject the reasoning of this bill.

The senior Senator from Maryland [Mr. SMITH], who was born February 5, 1845, and is in his seventy-second year.

The junior Senator from Wyoming [Mr. WARREN], who was born June 20, 1844.

We are so situated here, Mr. President, that we are not like the judges and clerks of an election in a suffrage State, where they gallantly waive the preliminary question on legislative day, "How old are you?" when a woman applies. They simply ask the question, "Are you above the age of 21 years?" and permit them to satisfy the demands of the law by a general expression. Now, there is no such false modesty—and I call it that—among Members of the Senate or upon the part of any male in public life.

I am willing to concede that much to our lady friends, and even if they hereafter become Senators under the advanced thought and sit in this body, if they do not want to give their age I would never go out of my way to ascertain it. It is enough for me that they have reached the age of 30 years, making them eligible to sit here in the mere matter of lapse of years.

Here are Senators running from 66 to 69 years of age. Technically they are just on this side of the 70-year line. As a matter of fact there is no distinguishing the ability of men from 66 to 69 and those who are 70 and past. Neither is there in the

occupancy of these offices by the judges. No distinction can justly be made between the service to be rendered.

I was referring a while ago to Franklin. Franklin served in the Constitutional Convention with John Marshall. Franklin was 82 years of age at the time the Constitutional Convention discharged its duties. He sat constantly. He lent of his ability and of his long experience to the perfecting of many of its articles. His wisdom averted, along with Washington, the chairman of the convention, many times friction that would have possibly broken up its deliberations. With Franklin's long experience, his philosophic observation of the actions of men, his kindly good nature, his ability to reconcile differences, along with the patriotism of Washington, they averted the conflicts between the States. Throughout the entire record of that convention, published in Elliott's Debates in the Federalist, in the minutes of the Constitutional Convention prepared by James Madison, appear constantly the wisdom of Franklin and his contemporaries and the very great service they rendered long after they had passed the age of 70 years.

One of the great judges who sat on the Federal Supreme Bench was John Marshall. He was Chief Justice for many years. He was born in Virginia, September 24, 1755. He died July 6, 1835. He was a member of the court at the time of his death. He was appointed Chief Justice January 31, 1801, and has, I believe, the longest record of continuous service on the Supreme Bench of any of the justices.

If it is an argument for the circuit and district judges, it is an argument equally applicable to the Supreme Bench. If it had been applied to John Marshall, it would have deprived this Government of some of the epochal and elemental decisions that mark great chapters in the development of national power.

Here are some of the principal opinions in what are leading cases:

The opinion written by Justice Marshall in the Dartmouth College case in Fourth Wheaton was written in 1819, when John Marshall was 64 years of age. He had long passed the time that the present Chief Executive of this country marks as the limit of the appointment of judges of the Federal courts.

McCulloch against Maryland was written in 1819, in his sixty-fourth year.

The case of Gibbons against Ogden in Ninth Wheaton was written when Justice Marshall was 69 years of age. This is one of the epochal cases. On the reasoning in Justice Marshall's opinion is the basis on which rises all the mighty superstructure of the control of interstate commerce in this country. All of the great powers of the Interstate Commerce Commission, all of the legislation in this body for the years past have been founded upon the reasoning found in this opinion.

At the last session a child-labor bill was enacted. There is some controversy about its constitutionality. Whether merchandise being the product of child labor can constitutionally be excluded from the interstate commerce of the country is a mooted question. It will not be definitely settled until the Supreme Court has decided it. I could base, outside the merits of the case, the support of child labor on the ground that a matter of great public concern in the working of immature persons has reached that point where a Supreme Court decision is necessary. It is rightful to the interests involved that Congress legislate in order that the Supreme Court may finally decide, and it takes both legislation and judicial decision to put beyond a question of doubt the powers of Congress in the regulation of interstate commerce by such methods, thereby making the child labor a national law instead of a local one, such as many of the States now have.

Our right to pass this law is based upon the reasoning adopted by Justice Marshall in his opinion when he was 69 years of age, and this is the foundation, the apparently simple clause easily understood, that—

> Congress shall have power to regulate commerce among the several States, with foreign countries, and with the Indian tribes.

With that apparently simple power vested in Congress came a long train of judicial decisions, and the first time a great illuminating judicial mind shed its light upon the beneficent powers of interstate commerce in a way that laid the foundation broad enough and deep enough to bear the weight of the great superstructure builded on it, the opinion was written by a man who was then reaching nearly the 70-year point. He had reached his sixty-ninth year at the time he built the corner stone on which this great power is developed, both in legislation, judicial decision, and executive administration.

In this opinion the exclusive right of Congress to regulate interstate commerce was developed. It arose in this way: The State of New York required a $50 license from the vessels navigating waters within that State. A vessel carrying a license from the United States was denied the right to navigate New York waters except on taking out a State license. This opinion therefore became a pioneer case. When it is read in the light of all the judicial decisions and the great volume of legislation builded up since 1887, when the Interstate Commerce Commission had its birth in Congress; when it is read in the light of all that has occurred since that time, the power of decision, the great originality of thought, the great scope of John Marshall's understanding, the great public service he rendered by the decision in building up the salutary powers of Congress over interstate commerce can be appreciated at this time more even than the day it was rendered.

Again, the Ohio Tax case in Ninth Wheaton was decided when John Marshall was 69 years old past. This, too, was an elemental decision. It required original powers of thought. It required reasoning. It was a pioneer investigation. At that time the United States Bank had created branches. Among other States there was a branch in the State of Ohio. The State authorities, acting through the legislature, levied a State tax upon the property and the instrumentalities of the United States Bank. It was a question of the power of the State to tax the instrumentalities of the Federal Government or the right of Congress to exempt certain instruments from the taxing power of the State.

In pursuance of an Ohio statute a sheriff took out a distress for taxes, acting under the commands of the auditor of the State, and levied upon the property of a branch bank. A restraining order was had and it brought directly in question the right of a sovereign State to tax an instrumentality of the Federal Government created under an act of Congress. These opinions like that of the one referred to above show the power of Justice Marshall when he was verging on 70 years of age.

In an opinion that is luminous with sound reasoning he built up the doctrine that the instruments of the Federal Government can not be taxed by a sovereign State, placing it on the unassailable ground that the power to tax involves the power to destroy, that not only may a moderate tax be levied, reasonable in its terms, but that an immoderate and an unreasonable tax may be levied, and that finally the taxing power may be used to destroy the thing taxed. There is no limitation on the taxing power where it is once conceded to exist. This Government on an income-tax amendment could take every dollar of your income or mine if the purposes of the Government would justify such an extreme exercise of power.

So based upon that reasoning, with a wealth of illustration and with a solidity of logic that has never been overturned, is the opinion Justice Marshall built up, a decision that has been a pioneer case and a lamp to all who gave advice upon that question, from 1824 down to the present time, soon to be 100 years.

Again in Brown *v.* Maryland, in 12 Wheaton, the court set aside an act of the Maryland Legislature as conflicting with the Federal Constitution. This, too, is a far-reaching opinion full of powerful reasoning. It was filed in 1827. At the time it was filed, showing the opinion to have been written by Justice Marshall, he was then 72 years of age.

Both the cases last referred to were controversies over the validity of acts of State legislatures. It was said that the State was sovereign within such an exercise of its power, and it was only on an order from a United States court attacking the validity of such legislation that the issue was joined and an opinion was had.

It might be well to note that after the Ohio decision was rendered by Justice Marshall the Ohio Legislature passed a resolution which in substance is like the celebrated Kentucky and Virginia resolutions, that the Federal authority had invaded the right of a sovereign State, and expressing their belief that the Ohio public officers ought not to pay any attention to the opinion of the Supreme Court. They were almost as bad as some of the States were in 1861, almost as bad as what we hear not so much about of late years, the celebrated Hartford convention at the time the embargo laws were laid in 1809 and 1810 and along there.

The questioning by a sovereign State of the acts of Congress, of the decisions of courts, of Executive orders and proclamations was not originally confined to any one section of the Union. If the whole truth be told, States North as well as South have adopted at times the spirit of the Virginia and Kentucky resolutions, which had in them the germ of secession. It was only the growth of a strong Union sentiment by attachment to the whole country, making it a Nation in its power, that in later years sustained the powers of the Union and made it live by force of arms. If the whole truth be told, there was always a lingering doubt until it was settled either by judicial decision or by civil war as to the right of a State to deny the powers of the General Government in matters wherein differences arose.

So, John Marshall, in writing the Ohio opinion, as well as in the case of Brown against Maryland, setting aside the acts of the Maryland State Legislature, had in mind the powers of the General Government and the limitations that were placed upon the sovereign States by the adoption of the present form of Government under the Constitution of 1787.

Again, in the Cherokee Nation case, reported in Fifth Peters, the opinion was filed in 1831, and Justice Marshall was then in his seventy-sixth year. The opinion when read shows no failing of his understanding. It is replete with sound reasoning. He adverts to the fact that it calls strongly upon human sympathy, that it removes a race of people, the Cherokees, from the land that their tribe and their ancestors had inhabited, and had hunted upon for centuries; that it appeals very strongly to that human sympathy; but in spite of that he writes the opinion upon the legal question involved only. He shows no trace of mental weakness or lack of sound judicial understanding of the great questions involved.

Here are some other duties given to the public by this distinguished character. The Virginia constitutional convention met October 5, 1829. Marshall was a member of that convention. He took an active part in framing the Virginia constitution. His accustomed vigor and mental power showed no decrease. The records of the Virginia State convention when they met to frame the constitution bear the amplest evidence of the activity and understanding of Marshall at this time.

Bear in mind, Mr. President, that when the Virginia convention met to write their constitution John Marshall was 74 years of age. Send to the library and obtain a copy of the printed report of the Virginia constitutional convention. Scattered throughout that report is the conclusive evidence that John Marshall's powers were unimpaired. The solidity of his reasoning, the long experience from which he draws, the breadth and application of historical questions reaching back to classical days, the understanding in applying general principles to the local conditions in the State of Virginia and adapting them to the genius of the American Government in our country, all show that at 74 years of age John Marshall was more capable than he was when he was 34 years of age.

He served with Madison and Monroe. He served with many a historic name in the annals of the State of Virginia. He suffered, by comparison with them, nothing. He bore his part and with distinguished names in history, not only of Virginia but of the Republic. John Marshall showed at 70 years of age a vigor and understanding that does him credit and does the people of Virginia credit for sending him at that age to the convention that they might have the benefit of his unrivaled powers.

Before I finish Justice Marshall, as in the case of Chief Justice White, I wish to allude to a varied experience of Justice Marshall. He was a member at various times of the Virginia State Legislature and a member, as already stated, of the Virginia State convention. He was also a member of the convention called in the State of Virginia to ratify the United States Constitution, which had been prepared at Philadelphia and submitted to the various States for their ratification. In 1797 he was envoy extraordinary to France, representing this Republic; in 1800 he was Secretary of State; in 1801 he was appointed Chief Justice of the United States and served, as already stated, for many years.

Here is something that is more modern, Mr. President; it is a press report by a staff correspondent of the Chicago Tribune, dated April 1, 1916. That was a short time after a city in New Mexico had been somewhat grievously mauled by a gentleman from Mexico. We were then entertained with the spectacle of a number of United States soldiers across the border denied the use of a railroad, transporting men, supplies, provisions, and the like, by automobile over alkali deserts, with instructions to get Villa dead or alive. Col. George A. Dodd was an officer in this expeditionary excursion to Mexico. I read from the press report, as follows:

WASHINGTON, D. C., *April 1.*

The exploit of Col. George A. Dodd and his flying column in routing the band of Villistas after a dash of 55 miles made in 17 hours never has been equaled in the history of warfare, according to officers of the General Staff and the Army War College.

Neither of those are in the habit of paying empty compliments—neither the General Staff nor the Army War College.

The achievement is regarded as all the more remarkable in view of the fact that the dash was made through a mountainous territory and that Col. Dodd himself is the veteran Cavalry officer of the Army.

Under the statutory requirement Col. Dodd will be retired by reason of age on July 26 next, when he will reach his sixty-fourth birthday.

Now he is past that period; he is eligible to be retired.

The officers of the Army to-night insisted that the veteran colonel had set up two records which it will take many years to surpass.

GREAT TEST OF LONG CAREER.

When Dodd carried his command into Mexico in pursuit of Villa, his lifelong friends in service knew that he was facing the greatest test of a long career. He was given the business of chasing down one of the wiliest bandits in the world, who was also one of the most capable horsemen. Dodd at 64 had all of the odds against him when he went after Villa, a man in the early thirties.

From the day he left West Point in 1876 Col. Dodd has been astride a horse in the Army. As a second lieutenant he was noted as a cavalry genius, and when a captain he organized the crack troop of the Army and revolutionized the entire American system of Cavalry fighting. Officers to-day assert that Dodd is the father of the American cavalry style, and that the remarkable dash and victory he has just attained in Mexico is as great a personal as a military triumph.

Under the Dodd system both man and horse were trained for every sort of fighting they might encounter. Col. Dodd always put his men through the severest physical exercises and treated his horses likewise. Man or beast who could not stand up went by the way. As a result of this system, when he was ordered into Mexico he had both his men and his horses ready for the work before them.

HELD FAITH IN DODD.

Although few officers here cared to predict openly on the outcome of the expedition, many of them, when they learned Dodd was in command of the flying column, asserted that not only would he outfight Villa if they met in an engagement, but that he would outmaneuver him and outrun him if the contest became a long, drawn-out one.

Retired Army officers to-night were exceedingly jubilant over Dodd's victory.

Here is a man who is now in his sixty-sixth year, enduring the greatest physical test that could be put upon a man. Anybody who has ever hiked over an alkali desert under the burning sun down in that country knows what it is. There is no greater physical test that could be put upon a man, whether in youth, in mature age, or in old age, than an accomplishment of this kind.

The retirement of the Army officer, while it is in a different branch of the service, comes at a little earlier age—at 64 years. In civil life the retirement of an occupant of the bench or a member of the Senate might be put at a much later period. The 70-year period has been made the one at which judges may voluntarily retire, so that they may not be put to the necessity of keeping in the service if they wish to retire after that period. The 64 years, which is the age for retirement in the military service, is only out of deference to the more exhausting calls upon the physical capacity of the officers or members of that service.

I referred awhile ago to the article by Prof. Fisher, and was then deflected from the line of observation by some inquiries very properly propounded by certain of the Senators. I now wish to return to this article on the mortality of public men, Mr. President, written by Prof. Fisher, of Yale University. I had read the part referring to the longevity of Presidents.

The longevity of each President is reckoned from the date of inauguration—that is, from the date of his first being President. Thus Washington became President at 57 years of age, when the "expectation of life," according to the American Experience Tables, was 16 years. He actually lived, however, only 11 years instead of the 16. That is, he lived only eleven-sixteenths, or 69 per cent, of his expectation. John Adams, on the other hand, lived after inauguration for 29 years, which was two and twenty-three one-hundredths times his expectation of 13 years.

The men of greatest longevity were John Adams, Madison, Jefferson, John Quincy Adams, Van Buren, Jackson, and Fillmore, and those of the least longevity were the first Harrison, Garfield, Taylor, Polk, Lincoln, McKinley, and Arthur. Of course, in the least-longevity list read, three of them came to violent deaths and could not be charged up properly on expectation under the mortality table.

The long-lived Presidents all belonged to the first half of the list and the majority of the short-lived ones belonged to the second half. * * * If we group these deceased Presidents under four successive periods approximately equal, we have the following table—

Which is very instructive—

in which the Vice Presidents are also included.

The insured lives of to-day on which these tests are made are those of men engaged in private occupations.

We note also that the longevity of our Presidents seems to be diminishing with the increasing complexity of modern life in Washington. Their average longevity in the four successive periods was 156, 84, 75, and 45 per cent, respectively, or, omitting the assassinated Presidents, 156, 84, 84, and 68 per cent. We find the same apparent tendency among the Vice Presidents. It is also interesting to note that the Vice Presidents seem to live out a smaller fraction of their expectations than the Presidents, excluding the influence of assassinations. This fact (if it be a significant fact rather than an accidental incident in so small a number of lives) would suggest that the official social and convivial life at Washington is a greater life-shortener than the heavier responsibilities of office.

The old saying that "men dig their graves with their teeth" is illustrated by the lives of public men in Washington. The lack of exercise, the change from the habits that have become settled in middle or in later years, the entire change of surroundings consequent upon many of the indispensable activities of public life, the anxieties that result—all of those seem

to have a determining influence in shortening the period of the lives of those in the public service.

The five presidents of Yale University, for substantially the same period as that of the above table, show a longevity equal to 137 per cent of their expectations. The consistent conformity of all the results to the hypothesis that a "simple" life is a long life and that a "complex" life is a short one is at least striking.

But as already emphasized, the number of lives in all three lists (only 50 in all, excluding duplications) is so small that any statistical conclusions whatever, without confirmatory evidence, would be dangerous.

We turn now from these preliminary remarks on presidential and vice presidential lives to the lives of our Congressmen—Senators and Representatives. Here, fortunately, we have enough lives, about 7,500, to make the results of undoubted significance.

In this study Mr. Fisher had access to the records of the New York Life Insurance Co., to which he extends his thanks for the courtesy, and also to Arthur Hunter, the actuary of the New York Life Insurance Co., for his assistance and criticism in the preparation of this paper.

I should like to say he continues, in connection with this matter, outside of the article, that the life led by the average Senator or Representative is much more exhausting than that led by any incumbent of the bench. No United States district or circuit judge and no justice of the Supreme Court has the manifold anxieties of a Member of Congress.

If Representatives be considered, Mr. President, every two years they are obliged to submit themselves to their constituents in their respective districts for election. Under our form of government the 435 Representatives approach the end of their terms every two years. In the multiplicity of State laws governing elections, including corrupt-practices acts within State jurisdictions, direct primaries have come on apace; they have grown in popular favor and probably never will wholly exclude elective officers from their operation. In time I believe primaries will be simplified. It is reaching that point now where the most radical of the reformers favor the simplification of primary laws, and the simplification of the ballot will necessarily follow; but, as things go now and as the reasons are urged, the Member of Congress, either of the House or of the Senate, must submit himself to a direct primary.

As I suggested yesterday very briefly in some short observations on another bill in this body, the constantly recurring primaries in the larger States have become serious drafts upon the physical energies, upon the financial resources, and upon the limits set to human endurance.

I wish to insert here again the prediction that I made yesterday, Mr. President—not quoting from myself, but putting it here as a paragraph in my remarks upon this bill—that in all the larger States where the vote runs up to 400,000 or a half million votes in primary contests, where strenuous factional disturbances always enter into the selection of candidates, both Senators and Representatives are required to meet that character of service which ultimately in the years to come will break them down before they reach middle age or before they reach threescore and ten. The smaller States have an advantage, and the Southern States have a marked advantage. They send their Representatives here and keep them here in larger number and for a greater number of years than any other geographical subdivision of our country. In the great States of New York, Pennsylvania, Ohio, Illinois, and Iowa the contest is becoming so strenuous, especially in the three largest States in the Union, that it is doubtful whether a candidate can long stand the strain; and even if he can, whether it is worth while and whether he is justified in risking the destruction of his life, his necessary withdrawal from public business, and the expenditure of a private fortune upon the contests that are inevitable in order to hold a seat in the Senate. I have gone through primary and election contests for 20 years and I know what they are in a State where there is polled from 320,000 to 500,000 votes in a single primary. The soberest question that confronts us in American politics to-day is how long this can continue without breaking down the electoral system of the country. It is now beginning to show its results. Some of the Senators from the larger States cease to be candidates in the primaries. Political organizations are powerful, it is true, but they do not always control; administrations are powerful, but neither do they always control; pay rolls are powerful, but still the opposition engendered by those off the pay roll and by disappointed applicants is also powerful, and pay rolls themselves are of doubtful use in all of these family disturbances. Then after the primary comes the election, there now being a direct election of Senators. No longer is a Senator relegated to the legislature of his State to obtain title to his seat. For various reasons a change has occurred. I favored the amendment for some years before it was adopted—for at least four years. I am in favor of this method and am only alluding to it to show that, with other burdens, the direct election of Senators adds to the burdens that will inevitably tend to exhaust the physical energies and impair the ability of a Senator to remain in this body.

A Member of the House of Representatives goes through the same difficulties. In the larger States there are always ambitious men in every district. It means for the Representative the same struggle, and in these struggles now and in the years to come, in the change of habits due to the transplanting of men in middle age to new surroundings and imposing upon them new duties and fresh anxieties, is perhaps found the reason for some of the figures contained in this remarkable article from which I am reading.

The method employed has not been that of expected longevity used above, but that of expected mortality. This makes it possible to include the influence of the several thousand lives of the Congressmen still living. The mortality of the American experience table was used here also as a standard of comparison, or measuring rod. Although, as already stated, this early table does not agree with the mortality experienced at present, either by the insurance companies of to-day or among the general public, it still serves as a convenient basis in terms of which any actual mortality may be expressed in percentages.

* * * * * * *

Except for the cases mentioned below, where the record was not complete, the investigation covered the entire history from the date of entering Congress until death, or until March 3, 1912. The date of birth was required in order to determine the age on first entering Congress. For some Congressmen this information was not given in the Directory. The number of such cases was small (785) and sufficient accuracy was obtained by assuming that they entered at an average age. In other cases the Directory did not place the history of the Congressman after his retirement from Congress. These cases were not large in number and were included in the investigation from the date of first entering Congress to the date of last retirement from Congress.

There is a table showing the mortality soon after entering Congress and later, divided in all into five periods of life—namely, a period of two years covering the first congressional term, a period of eight years, the second decade after entering, the third decade, and the remainder of the Congressman's life. These are embodied in a table on page 39, Mr. President, which will be found in the article of Prof. Fisher, appended to my remarks.

The observations that are made and the conclusions drawn from this table show strikingly—

that Congressmen had a low mortality immediately after entering Congress, but a greatly increased mortality as the years passed by, reaching the maximum in the second decade after entering Congress, after which there was a decrease. In the first period of two years the mortality is only a little over half of the expected by the American experience table, and somewhat less than the expected if more modern tables had been used. After two years (or one congressional term) it almost reaches, and during substantially the next three decades exceeds, the expected, and after that time it falls back to three-fourths of the expected.

These figures of themselves give no proof, of course, of what causes are at work. They, however, fit into the following hypotheses.

The reasons that are applied here, Mr. President, to Members of Congress, Representatives and Senators, would, if the argument of this bill is sound, withdraw from their seats in both branches of Congress a considerable number of men who are now serving. The mortality is greater here, the absence because of illness is greater, the fitness for service on the Supreme Bench or the inferior United States courts is greater here. More drafts are made upon the vitality, more physical exhaustion comes from service in either branch of Congress than in the case of the judicial department of the Government. There business can proceed orderly, with fixed hours, with no particular draft upon the physical energies of the public officials. But the man in Congress, whether during the session of Congress or in a campaign, has no regular hours, either for rest, for meals, or for the ordinary recreation that belongs to the unoccupied moments of life. These calls upon the ability of a Member of Congress would make a bill retiring us at 70 years of age far more necessary than that relieving the judges of judicial duties after 70 years.

The bill is a subterfuge. If I were an occupant of the Federal bench affected by this bill, and did not care to be shouldered off the woolsack by a judge appointed in my place under the provisions of this bill, Mr. President, I would contest the right of Congress to withdraw from an acting judge his duties under the constitutional power inherent in courts in this country. I would contest the right of Congress to make such a regulation as that proposed in this bill. You withdraw from the judge all active participation, leaving naught but a judicial shell. The only active principle there is is the continuation on the pay roll.

These hypotheses named in the article are interesting, and they are fitly applied to the reasons upon which this bill is sought to be enacted.

He continues:

(1) Congressmen are a select group having unusual vitality, and therefore a low mortality at the outset.

Generally that is true. The Members of the Senate that have sat here in years past, beginning with the first Senate that ever assembled, as a rule have been men of vigorous physical build. There have been notable exceptions. Alexander H. Stephens was long of limited physical capacity, practically an invalid. Certain others who have sat here in years past, of marked mental power, have been in failing physical health, especially the last years of their lives. But these are only exceptions to the general rule announced, and Mr. Fisher is entirely within the facts when he states that the average Member of Congress is found to have unusual vitality.

Then he continues:

(2) Congressional life with its responsibilities, heckling, excitements, worries, indoor and sedentary life, late hours, dining, wining, and other hygienic conditions makes a severe drain on this vitality, showing itself in a gradually increasing mortality.

Mr. President, if you and I accepted all of the invitations issued to the average Senator, ate all of the dinners that are set before us, and drank of all of the various compounds, simple, mixed, and otherwise, that are poured out in front of us, we would be gathered home to our fathers even with the time of service that we have been here. It is an impossibility. Men do not work themselves to death in Congress. They do themselves to death in some other way. That is what happens to them. The professor is right. I do not always agree with the professors, but once in a while they get at the truth.

(3) Some Congressmen contrive to avoid or to correct these unhygienic conditions and cause a partial return toward the original low mortality, after their less careful colleauges have died. At any rate the cardinal fact is clear that some cause or causes connected with entering Congress tends to kill Congressmen.

Those are the tables. Why, the average life insurance company that is writing insurance for a level-rate premium, and issuing a contract with a guaranteed reserve to protect it would be justified in raising the rates to Congressmen as an extra-hazardous occupation on the table presented here of the mortality and the expectation of life of 7,500 Congressmen. We need this bill, Mr. President, more than the Federal judges need it. Why, some of the Members of the House would retire if you would pension them. They might sit as advisers; they might be called in; but there seems to be a constitutional aversion to the House or the Senate being advised. Even if we make mistakes, we like to become responsible ourselves for what we do.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Illinois yield to the Senator from Ohio?

Mr. SHERMAN. Certainly.

Mr. POMERENE. Assuming, for the sake of the argument, that there are a number of judges who have become incapacitated by reason of age or other disability, what remedy would the Senator suggest for the Government and for litigants under those circumstances?

Mr. SHERMAN. Call in the circuit or district judge from outside. They are interchangeable.

Mr. POMERENE. But in many of these instances those judges are already overcrowded by their own dockets.

Mr. SHERMAN. I think there is an abundance of judicial material. I think Chicago has more judicial material than it really needs. I know that for a long time there were two vacancies in Chicago, and the President did not fill them. The judges that were assigned to the Commerce Court were appointed, and of course are life judges. They are active. One of them, Judge Mack, was from Chicago. He is still a United States judge. He is a preacher without a congregation. If somebody would give some of these judges something to do, I have an idea that all those judges would rise up and call him blessed.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes.

Mr. SMOOT. I simply wanted to suggest to the Senator that many times in the past Congress has appointed judges in cases such as those referred to by the Senator from Ohio. This bill takes that power out of the hands of Congress and places it in the hands of the President of the United States. There have been in the past very few cases such as he has referred to, and it seems to me that the proper way to do it would be for Congress to act in every case when it becomes necessary. There are not so many of them but that we can do it very easily.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Ohio?

Mr. SHERMAN. Certainly.

Mr. POMERENE. There are certain instances, as I understand, in which the judges simply arbitrarily refuse to retire—though they could retire under the statute—or to hold court. Now, is the public to suffer from a condition such as that?

Mr. SHERMAN. That is a case for legislative action, as the Senator from Utah suggests. Whenever the facts are shown in this body or to a committee a proper bill will be reported out and an additional judge appointed for that district. But in this case the remedy is applied to every district, whether the condition suggested, which calls for the relief mentioned by the Senator from Ohio, is present or not.

Mr. POMERENE. I want it understood that what I have said does not apply to any of the United States judges in Ohio. We have four United States district judges, and they are all of them very busy all of the time.

Mr. SHERMAN. In such a case I do not apprehend that there would be any difficulty in enacting proper legislation here to relieve such a condition on the facts shown. That would require the appointment of a single judge. It would be better and much easier than the method proposed in this bill.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. SHERMAN. Certainly.

Mr. SMITH of Georgia. Is it not true that there have been cases in which for years the judge has not been holding court, and bills to remedy the situation have been presented repeatedly and have not been passed?

Mr. SHERMAN. But if a judge refuses to hold court or is disabled so that he can not properly perform his judicial duties, would it not be better to meet that particular instance by the enactment of proper legislation to relieve the condition in that district than to make an omnibus law that retires involuntarily every judge reaching the age of 70 years?

Mr. SMITH of Georgia. Have we not had the experience of the pendency of such a condition and the pendency of legislation without its passing for years? And is not that the reason, in part, why the Department of Justice believed it was wise to pass a general bill and not to make this a political issue before Congress in each particular instance?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. SMOOT. I will say to the Senator from Georgia that since I have been in the Senate there have been a number of bills passed relieving the judges of certain districts. I do not know of a case that has come before Congress, or I will say before the Senate—I have not followed it up in the House—but that, if it has been shown that it was necessary, Congress has acted and the bill has been passed. I have not any doubt now in my mind but that if the Senator from Georgia had such a case in his district, or such a condition existed in any other district in the United States, Congress would relieve the situation by the passage of a bill.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me——

Mr. SHERMAN. Certainly.

Mr. SMITH of Georgia. I will state that a bill was pending to relieve the fifth circuit, and it had been pending practically ever since I have been here, for five years, and it has never gotten through. It applied to the case of a judge who was bedridden, who had not been on the bench in a number of years, and who finally reached the age of 82. Since the last session of Congress he has died. He had not been on the bench in six years, and the presiding judge simply would name some district court judge to sit on the circuit court bench. We have not had a full circuit court in five years. The bill was here and it was pressed, but it got sidetracked first in the Senate and then in the House.

I simply mention this case to illustrate the fact that the relief has not come always through Congress; and our view was that if we established a proper basis for action, it would be better to relieve Congress of the investigation of each particular case and insure to the circuits and to the districts not the change of a judge simply because he was 70—the Judiciary Committee did not agree to that view of the Department of Justice—but if the judge, on account of his age, could not discharge all of the duties efficiently, then the President could name a new judge without retiring the old judge, leaving him eligible for service. That is the plan of this bill—to leave him eligible for service, and for special service.

Mr. SMOOT. Do I understand the Senator to say that in the case referred to by him the bill failed of passage in the Senate?

Mr. SMITH of Georgia. I do.

Mr. SMOOT. In the Senate of the United States?

Mr. SMITH of Georgia. I think we got it through at one session and it was lost in the House; and it may have passed once through the House and been lost here. For five years a bill on that subject has been pending.

Mr. SMOOT. I will say to the Senator that within the time mentioned by him bills have been passed through the Senate in cases that were not nearly so meritorious as the case he has just described. I have always felt that whenever a situation of that kind arose both sides of the Senate, no matter what political faith the judge might belong to, would act without hesitation; and I am quite surprised to hear the Senator say that in a case of that kind there was a bill that failed of passage in the Senate.

Mr. SMITH of Georgia. I state positively that one of the circuit court judges of the fifth circuit, living in Texas, Judge McCormick, was off the bench for five years on account of ill health; that for four or five years before he had been able to sit only part of the time on account of ill health; that he had not been on the bench for a number of years when he died, and he died since we adjourned last September; bill after bill had been introduced and never got through. I think we passed it once in the Senate, and it was lost in the House. I do not know that there was opposition to it. I think everybody agreed that it ought to go through, but it just did not get through.

Mr. SMOOT. Was there any objection to the bill itself, or was it claimed that there were plenty of district judges in that district?

Mr. SMITH of Georgia. No. We all knew that it was not desirable to have the presiding circuit judge designate a district court judge to sit in the circuit court of appeals. We all knew that it was very much better for the circuit to have the three full circuit court judges of appeal, and not have a district trial judge sitting in the circuit court of appeals. I know now of other circuits in the United States where the judge, on account of his old age, is not rendering efficient service. I do not like to name them. That statement does not apply to my circuit any more. The Almighty has relieved the circuit in which I live since we adjourned last summer by the death of Judge McCormick. All hope of his ever serving again had ended years before his death, and his associates desired him to retire and let them have another circuit judge. The extra work and the extra responsibility almost broke down the presiding judge. The view of the Department of Justice was that where a man had reached the age of 70 the average allotment of physical strength was exhausted, and that in all of those cases it would be wise to have the President designate an additional judge and not retire the old judge but leave him subject to special assignments. Senator Root, of New York, served on the Subcommittee of the Judiciary and cordially supported the bill. If the Senator from Illinois will study the calendars, he will find that New Jersey has been away behind in its work. Four thousand cases have accumulated there, as the Senator from New Jersey suggests.

It is a denial of justice to leave circuits or districts without efficient and vigorous judges. It is impossible to properly conduct the business depending upon assignments of judges from other circuits and districts.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

Mr. OWEN. There are a number of Senators who are engaged now in working on this bill with a view to making certain amendments to it and in reconciling certain differences with regard to the bill. I think that better progress will be made for the present to have the bill temporarily laid aside. I ask that that be done.

The PRESIDING OFFICER. Without objection, that course will be pursued.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. SHERMAN. I do.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 706, which has just been before the Senate.

The PRESIDING OFFICER. Is there any objection?

Mr. SMOOT. I am not going to object; of course I would have no right to object to the motion; but I do want to have a quorum present, because many Senators may have left thinking that the unfinished business would be taken up at 2 o'clock. Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Husting	Oliver	Smith, S. C.
Beckham	James	Overman	Smoot
Chamberlain	Johnson, S. Dak.	Owen	Sterling
Clapp	Jones	Page	Stone
Clark	Kenyon	Penrose	Sutherland
Cummins	Kern	Pittman	Thomas
Curtis	La Follette	Pomerene	Thompson
Dillingham	Lane	Reed	Tillman
Fletcher	Lea, Tenn.	Saulsbury	Underwood
Gallinger	Lee, Md.	Shafroth	Wadsworth
Gore	Lippitt	Sheppard	Walsh
Gronna	McCumber	Sherman	Watson
Harding	Martine, N. J.	Shields	Williams
Hardwick	Nelson	Simmons	Works
Hollis	Newlands	Smith, Ariz.	
Hughes	Norris	Smith, Ga.	

Mr. CURTIS. I desire to announce the necessary absence of the Senator from Connecticut [Mr. MCLEAN]. He is paired with the Senator from Montana [Mr. MYERS]. The Senator from Idaho [Mr. BRADY] is also necessarily absent. He is paired with the Senator from Mississippi [Mr. VARDAMAN]. The Senator from West Virginia [Mr. GOFF] is necessarily absent and is paired with the Senator from South Carolina [Mr. TILLMAN].

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Sixty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Georgia to proceed to the consideration of Senate bill 706.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. I offer as a substitute for the amendment proposed by the Senator from Georgia the following.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. In lieu of the amendment proposed by the Senator from Georgia, after the words "the President," insert:

If he finds that any such judge is unable to discharge the duties of his office by reason of mental or physical ailments of permanent character, shall.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Iowa——

Mr. CUMMINS. I yield to the Senator.

Mr. SMITH of Georgia. I suggest an amendment to his substitute by adding after the word "discharge" the words "efficiently all."

Mr. SMOOT. So as to read?

Mr. SMITH of Georgia. So as to read:

The President, if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical ailments of permanent character, shall.

Mr. CUMMINS. In so far as I can accept it, I am willing to accept it, for it does not change the thought I have in mind in presenting the amendment.

Mr. SMITH of Georgia. I want to say, Mr. President, with that accepted, I am disposed to accept the amendment of the Senator from Iowa.

Mr. CUMMINS. Before that is done I want——

The PRESIDING OFFICER. Does the Senator from Iowa accept the amendment?

Mr. CUMMINS. I accept the suggestion of the Senator from Georgia, and ask that my amendment be modified accordingly.

The PRESIDING OFFICER. Without objection, the amendment will be modified as suggested by the Senator from Georgia.

Mr. PENROSE. I should like to address an inquiry to the Senator from Georgia and incidentally to the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. CUMMINS. I yield.

Mr. PENROSE. I think the amendment is an admirable one. I asked the Senator from Iowa in a personal conversation lately, and now ask him on the floor of the Senate, what procedure is contemplated to ascertain these facts? Is the President to appoint a commission, one of whom perchance will be a physician, or what kind of testimony will he take? What is the machinery? I think that is a very important feature of the amendment.

Mr. CUMMINS. Mr. President, the inquiry of the Senator from Pennsylvania is a very proper and pertinent one. The amendment I have offered, as it now is, provides for no machinery for the ascertainment of the fact. I think it would be very wise if proper machinery were provided in the bill for the ascertainment of the fact or for advising the President before he finds the fact.

But I desired in my amendment to present clearly in the briefest possible way the difference between the authority granted to the President under my amendment and the authority granted to the President under the amendment of the Senator from Georgia. In the latter amendment, in my opinion, we would attempt to clothe the President with authority to retire a Federal judge for any reason that seemed to the President sufficient to remove him from public office. Under my proposal, and it is now accepted, as I understand it, the President can only appoint the new judge whose appointment in fact retires the old judge in the case of mental or physical ailments which disqualify the judge from the performance substantially of his duties.

I believe that any Federal judge of the country ought to be removed whenever physical or mental infirmities appear which prevent him from fairly and substantially executing the duties of his office. I think that is true without respect to either the age or the service of the judge.

As I remarked before when I had occasion to make some observations upon this bill in a former session, I believe it is within the power of Congress to provide a plan or process for the removal of Federal judges who have thus become incapacitated for the work for which they were appointed.

The amendment which I have proposed would be very greatly improved if the Senator from Pennsylvania or any other Senator were to offer an amendment creating some machinery or process for the ascertainment of this fact and for advice to the President, and I shall very gladly support such an amendment if it is offered.

Mr. PENROSE. One more inquiry and I will not interrupt the Senator any further. Would not the ascertainment of mental incapacity or physical incapacity be largely a matter for the medical profession to pass upon? A layman would hardly be able to determine a question which might confuse the alienists of the country.

Mr. CUMMINS. Sometimes mental incapacity or mental ailment is so obvious that the advice of an expert is not required. Sometimes it is so obscure and mysterious that it must be ascertained by one especially trained to that inquiry.

Mr. PENROSE. It would be well to have the illumination of the medical profession.

Mr. CUMMINS. I would be glad to see that added to the bill, but I am so anxious to rid the bill of its original fault, namely, an attempt to give a President the authority to retire a judge because the President did not like the judge, did not like the character of his opinions or the general tendency of his mind, that I have offered the amendment as it now appears.

I am quite willing to accept the correction or addition proposed by the Senator from Georgia. I think, however, it is only fair, Mr. President, to say that there is very grave question about the constitutionality of the bill even with this amendment. I repeat that I have no doubt about the power of Congress to prepare a procedure and enact a procedur that will remove without the intervention of an impeachment a judge who has become unable to perform judicial duties; but I doubt—and I expressed this doubt to the Senator from Georgia—I doubt very much whether we can commit the decision of that question to the President as an administrative or executive act. I suggest that to the Senator from Georgia for his consideration and for the consideration of other Members of the Senate.

Assuming that the amendment I have offered shall be adopted, we authorize the President to determine whether a given judge, by reason of physical or mental ailment, is unable to efficiently discharge the duties of his office. That we can create a tribunal for the decision of that fact I have no doubt, but I hesitate to affirm that we can authorize the Executive Officer of the Government to make that inquiry and reach that conclusion, and especially without providing any process through which the person who is accused or charged with either mental or physical ailment so as to disqualify him for the discharge of his duties shall be given a hearing.

It seems to me that before any tribunal, whether legislative or executive, can reach a conclusion of that sort so as to warrant the removal of a judge who has been appointed, during good behavior, there must be an opportunity for the person whose good behavior is questioned to be heard; and we have to assume that mental or physical incapacity falls within the term "good behavior," or is the equivalent of it at any rate. I believe that the person who is to be removed has a right to be heard before a judgment of that kind is entered against him, and that is the weakness of the bill as it is now.

Mr. SMITH of Georgia. Will the Senator allow me? This bill does not proceed at all upon the idea of judges being removed. It is based upon the theory that the judge is not removed, that it is a classification of work between the judges. If the judge was being removed, he would be left with no duties; he could not be assigned to work, and he would not draw his pay.

Mr. CUMMINS. I am aware of the view held by the Senator from Georgia with respect to that subject, but I am bound to conclude that it is an unsound view. I think the bill in substance removes the judge from office. I think it in substance denies him the right which he had when he received his commission to perform the ordinary customary duties of a judge, and that we can no more deprive him of that right than we could remove him entirely from his office. The Senator from Georgia and myself differ with regard to that particular phase of the matter. Apparently he does not agree with me that it is within the competency of Congress to remove or provide a plan for the removal of a Federal judge who has, by reason of mental or physical ailment, become incapacitated for the discharge of his duties without impeachment. I know that is a new field, but I have no question in my own mind respecting our power in that regard.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. SMITH of Georgia. If the Senator will allow me, I do agree with the Senator from Iowa. I think that the failure to discharge their duties could be considered judicial lack of good behavior, and that Congress would have the right, without impeachment, to provide a tribunal for such a hearing and remove the judge for failure properly to perform his duties and leave him without any compensation and without his office for the balance of his life. But I think that would be a harsh course. I prefer the kindlier course of not removing them, but of leaving them, after they have given a long service, their salaries the balance of their lives and using them to the extent of their retained capacity in the service of the Government.

Mr. CUMMINS. I am not proposing any drastic plan for the removal of judges who have become unable to do the work, although I have no hesitation in saying that I think the interests of the people and the welfare of the people require that all such judges shall be removed, whether they have been in office 10 years or no or whether they have passed 70 years or no. I think the people of this country are entitled to faithful, competent service from men who are appointed to judicial office precisely as they are entitled to such service from men who are appointed or selected for legislative or executive service; and I have hope that before long Congress will find time and inclination to take up that subject and provide some rational, reasonable, and just way of eliminating from our judicial system those judges, if there be any, who by misfortune or by fault have become unable to serve the people, but whose misfortune or fault is not sufficient to warrant an impeachment.

The PRESIDING OFFICER. The amendment is adopted without objection.

Mr. LANE. Mr. President, just a moment. I should like to ask the Senator from Iowa if he has looked up the definition of the word "ailment," and why he does not use the term "disability"?

Mr. CUMMINS. I rather think, Mr. President, that the Senator from Oregon has chosen a much better word than I did. The word "ailment" came to me instinctively, I know not why, but I would be very glad, if the Senator from Georgia and other Senators will consent——

Mr. SMITH of Georgia. I will be glad to join with the Senator.

Mr. CUMMINS. To use the word "disability" instead of "ailments."

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. SUTHERLAND. What is the amendment?

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. As now modified and accepted by the Senator from Georgia, strike out the words "if in his opinion the public good so requires, may," and after the words "the President" insert "if he finds that any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, shall," and so forth.

Mr. SUTHERLAND. That amendment is still pending, I understand.

The PRESIDING OFFICER. The amendment is still pending.

Mr. SUTHERLAND. I desire to offer an amendment to it.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. CUMMINS. I offered the amendment and accepted a suggestion from the Senator from Georgia. I do not understand that the Senator from Georgia has accepted the amendment; that is to say, it is the amendment which I have proposed, and not the amendment which the Senator from Georgia has proposed.

Mr. SMITH of Georgia. I stated that I was prepared to accept the amendment of the Senator from Iowa.

Mr. SMOOT. In lieu of the amendment offered by you?

Mr. SMITH of Georgia. In lieu of the amendment which I offered.

The PRESIDING OFFICER. The amendment as modified is now pending.

Mr. SUTHERLAND. I offer the following amendment: I move to strike out the words "if he finds" and to insert in lieu of those words "whenever the Chief Justice of the United States shall certify."

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. In the proposed amendment strike out the words "if he finds," and, after the words "the President," insert "whenever the Chief Justice of the United States shall certify," so as to read:

Whenever the Chief Justice of the United States shall certify that any such judge is unable to discharge efficiently all the duties of the office by reason of mental or physical disability of permanent character, shall appoint—

And so forth.

Mr. SUTHERLAND. Mr. President, the purpose of the amendment is obvious. I think that this is a power that ought not to be vested at all, but certainly not entirely, in the executive branch of the Government. It is quite likely to be exercised in many cases from political motives. I do not mean by that to say that the President may consciously do that, but we all know that pressure will be brought to bear upon the President of the United States to make these appointments; and I am fearful that they may be made in many cases where they ought not to be made. Certainly there should be no objection to providing for a certification of this character, which will safeguard appointments against an abuse of the nature that I have indicated.

The Chief Justice of the Supreme Court of the United States is in touch with all the business of the country; it is his duty sometimes to designate a judge to hold court temporarily where the business of the circuit requires it, so that he is obliged to know, and he does know as a matter of fact, far better than does the President the condition of business in the various circuits. I think certainly no harm can result, and a great deal of good is likely to result, if we provide, as a preliminary prerequisite to action of the President, that the Chief Justice of the United States shall certify to the condition of affairs. I do not think that would obviate the objections that I have heretofore urged to the bill, but I think it would modify the practical objections which I have made.

I doubt very much the validity of the provision, either in the form I have suggested it or in the form which it now takes in the bill. The Constitution of the United States provides in Article III:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

The portion of that article that I call attention to particularly is the first sentence:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

The power is expressly conferred by the Constitution of the United States upon Congress to "ordain and establish" these courts. It is, therefore, a legislative power and not an executive power to do that thing. The further provision that I have already read is that—

The judges, both of the supreme and inferior courts, shall hold their offices during good behavior—

And so on.

The Constitution of the United States, therefore, recognizes that the judge holds an office, and in the absence of a constitutional provision it is well established that the creation of an office is a legislative power and not an executive or a judicial power. But the Constitution itself confers in express terms that power upon Congress, and Congress, of course, has no power to delegate the authority which is vested in it by the Constitution.

I am aware of the fact that a good deal may be said, and a good deal has been said, in favor of the proposition that this does not constitute a delegation of the power, because, as it is urged, the law simply provides that upon the happening of an event the law itself goes into operation, and the President proceeds to fill the office. Nevertheless, what this bill does is, first, to authorize the President to create an office, because to provide for the appointment of a judge is to create an office. The President of the United States is authorized, first of all, to create an office, which is purely a legislative act and a legislative function, and then to proceed to fill it by appointment.

Heretofore Congress, whenever a condition of affairs has arisen such as is contemplated by this bill, has itself provided for the additional judgeship. We provided for it in the case that I have called attention to before, which arose in Maryland, where the judge of the district court of Maryland had reached the age of 70 years and past and was unable to discharge effectively the duties of the office. He himself requested that he might have additional help. He said that he was quite willing to do all that he was able to do, but that he was not able to discharge all of the duties of the office; that he was not able to hold court and to try all the cases that were brought in his court for trial. So he asked that another judgeship might be created, and expressed his willingness then to do all he could to assist, so long as he lived, in the trial of cases and in the discharge of his judicial functions. The Judiciary Committee of the Senate inquired into it and concluded that the situation was such as to warrant the passage of a law. It reported to the Senate a bill for that purpose, and the bill was passed by the Senate. By that bill the appointment of an additional judge was provided for, and the President was authorized to make the appointment.

Exactly the same thing was done in a case arising in the State of Georgia, when the distinguished Senator from that State, who is sponsor for this bill, introduced a bill providing for an additional judge in one of the districts there. The Judiciary Committee inquired into that case and concluded that we were warranted in creating that additional judgeship, and we created it. I undertake to say that whenever a proper case can be presented to Congress there never will be the slightest trouble in persuading Congress to pass similar legislation in the future.

Whether this legislation can be supported as constitutional or not, it amounts, in my judgment, to an abdication of the power of Congress; the devolving of a function which Congress ought itself to exercise upon the executive branch of the Government. In my judgment, Congress ought not to do that. Congress itself should maintain control of the situation. The responsible committees of Congress are quite as capable of determining whether or not in a given case the efficient administration of the business of the court requires an additional judge as is the President. We ought to maintain control of it, because it is a function that has been vested in us by the people of the United States.

We are creating altogether too many commissions and too many administrative bodies to carry out the powers of this body. We are getting lazy about our duties; we are devolving our responsibilities upon others, when we ought to discharge them ourselves. Hardly a session of Congress passes that we do not provide for one or more administrative bodies upon whom we devolve functions that we ourselves ought to discharge.

I think that there is grave doubt as to the validity of this provision even as it has now been amended. I call attention to what is said by Mr. Tucker in his work on the Constitution of the United States, volume 2, at page 736. He says:

The power to appoint to an office is executive; the power to create the office as the necessary and proper means for carrying into execution executive functions is a legislative power and clearly vested in Congress, in the coefficient clause so often referred to.

It is said that this bill lays down a standard; that it merely provides that upon the existence of a certain condition of affairs the President is then called upon to act; that the Presi-

dent does not make the law, but that he executes the law. It will be observed that the bill does not provide that when a state of facts exists this shall be done, but it provides that it shall be done when in the opinion of the President of the United States these facts exist. So, after all, whether the office is to be created or not depends upon a state of mind of the President; his mere opinion about the situation. No provision is made for an ascertainment of the facts.

I think it is preferable, if we are going to abdicate our power at all, to provide that some responsible judicial officer, like the Chief Justice, shall certify the facts, and that upon such certification the President shall act, than to allow it to be done upon the mere opinion of the President, which, as we all know, will not mean his individual opinion, but the opinion of some subordinate officer, like the Attorney General, or some Senator who may be interested in having an additional judge appointed.

Mr. President, I think this legislation is bad from a practical point of view, and I think it is of very doubtful constitutional validity. On both those grounds I intend to vote against it. So far as I am concerned, I do not intend to delay the action of the Senate any further, but I submit my amendment for the action of the Senate.

Mr. WORKS. Mr. President, I am opposed to the passage of this bill principally because, in effect, it is a surrender and an abandonment of one of the most important prerogatives of Congress and an attempt to impose upon the President of the United States duties and obligations that belong alone to Congress. This is, in effect, an attempt to create additional offices, a power that does not belong to the executive department of the Government, but one which rests entirely in the hands of the legislative department.

It is said by the Senator from Georgia [Mr. SMITH] that it does not amount to the removal of a judge, but it is at least an enforced retirement from the duties of the office, which is, in effect, a removal.

I object to the legislation not only because of what I have already said but because, as a matter of policy, as a matter of wisdom, I think it is exceedingly inadvisable to vest in the executive department of the Government the power that is now proposed to be transferred to it. This is not an attempt, as I understand the bill, to act by Congress upon the happening of any particular event that may be specified in the bill itself, but it transfers absolutely to the President the right not only to investigate and determine the facts but to act in the matter upon his own opinion without any further action by Congress. I think that is exceedingly inadvisable, laying aside any question of constitutionality that may be involved in it.

For myself I believe that a provision of this kind is unconstitutional. I do not think Congress can abandon this duty that is imposed upon it by the Constitution and vest it in another department of the Government.

I have not been greatly impressed, Mr. President, by what has been so ably said by Senators about the ability of men who have passed the age of 70 years to perform the duties of a judge or of a United States Senator. We elderly gentlemen may flatter ourselves that we are just as able to perform duties of that kind now as we were 20 years ago, but I think most of us must admit that we have lost some of our vigor and our energy and our ability to prosecute continuously the work that is imposed upon us. There are exceptions. A few of the great men of this country have shown their ability to transact business and perform great mental feats after they have passed the age of 70 or even 80 years, and that is to some of us an astonishing fact; but, taking men on the average, a very great proportion of them have at the age of 70 years lost much of their vigor, physical and mental, much of their energy, and a great part of their ability to perform duties of that kind. We must all accept that fact.

In my judgment the best way to reach this question is to so amend the Constitution of the United States as to make the retirement of judges at 70 compulsory, and I believe that should be done. We would no doubt in that case lose the valuable services of some men who have passed that age, and who are competent to perform the services as ably and as energetically perhaps as they did in former years, but we would at the same time terminate the services of men who have ceased to be able to perform their duties as they should and relieve ourselves of the question that is now presenting itself to the Senate.

I have been of the opinion for a long time that retirement at 70 should be made compulsory. I said to one of the judges of the Federal court in my State who wrote me upon the subject that I did not believe in this kind of legislation, and I said to him, as I am saying to the Senate now, that I felt that judges should be compelled to retire at the age of 70, rather than to leave it to them to do so or not, as they pleased. There seems to be a sort of pride on the part of judges nowadays to hold on to the office as long as it is possible for them to do so. They are striving to make a record for a longer term of service than somebody who has gone before them has made. That is not a very excellent reason for a judge remaining in office.

I am not saying this because of conditions that exist in my own State. We have there two judges, and perhaps more, who have passed the retiring age, but, so far as those two are concerned, I have heard no complaint that they are not performing their duties satisfactorily. They are men of the highest ability and, I think, are still performing the duties of their office promptly and ably. So it is not a personal matter with me at all, and not a matter that I am interested in any more than anyone else; but on general principles I think it would be to the interest of the public that these retirements were made compulsory at the age of 70 rather than voluntary.

So far as this attempt to meet that situation is concerned, I deplore it. I think it is an unfortunate kind of legislation. I might go a little further and say that I think it is vicious legislation to attempt to remove judges from their positions in this way. There should be some other matter taken into consideration in determining whether a district judge should be displaced and a new judge appointed besides that of his disability. There are districts in this country where there is very little work to be done by the Federal judge. We have provisions of law now by which one judge may be transferred to another district and perform the duties there and the work that the resident judge is unable to do, whereby his work may be performed by some other judge who is, so to speak, detailed for that purpose. Wherever that condition exists certainly the President ought not to remove the judge and create an additional office at the expense of the people, because under present provisions of law his place can be supplied and his work can be done without an additional judge being appointed. I apprehend that that is so in most cases where disability exists on the part of resident judges. The provisions that are now in existence would enable the Chief Justice of the Supreme Court or other authorities provided for to supply these places without additional judges being appointed. In addition to that, the power rests in Congress at any time in any given case to provide for the appointment of an additional judge if that is necessary.

Mr. SUTHERLAND. Mr. President, in line with what the Senator is saying, is it not a fact that there are now five circuit judges heretofore appointed members of the Court of Commerce who, that court having been abolished, are not assigned to any circuit, but may be assigned from time to time as the business may require to any particular circuit?

Mr. WORKS. I am not able to say now just what the conditions are respecting those judges. Of course, when the Commerce Court was abolished they were left without any assignments. Whether they have been assigned since that time or not I am not able to say.

Mr. SUTHERLAND. They have been assigned and are doing the work of the court and are holding court, but they may be assigned to other circuits as the need arises.

Mr. WORKS. Oh, certainly, that may be done.

Mr. SUTHERLAND. They are not permanently assigned.

Mr. WORKS. Therefore we have five additional judges who may now be used to supply the places of judges who may be laboring under disabilities. I am not going to take up the time of the Senate in discussing this matter at any length. The legal features of it have been very thoroughly discussed, and I only rose for the purpose of giving my own reasons for opposing the enactment of the bill.

Mr. CLAPP. Mr. President, it seems to me not only that this proposed legislation is in opposition to the letter and spirit of the Constitution, but that it is a very dangerous and, if I may use the term, vicious effort to evade the Constitution. I will not discuss the constitutionality of it, for that has been discussed, except as to one thought which has not yet been touched upon.

The Senator from Georgia [Mr. SMITH] contends that under this bill judges are not removed. In the last analysis the logic of his position is that the President is authorized under this bill to designate the jurisdiction of judges who still hold office and draw the salary of the office; that he can determine what kind of business shall be performed by such judges. That determination is just as absolutely a legislative question as is the creation of the office in the first instance. So, whether it be termed the termination of the office or merely vesting the President with the power to say what class of business shall be transacted by a judge, one is just as objectionable under the Constitution as the other.

My next objection to the measure is this: Ordinarily if we pass an act which violates the spirit and letter of the Constitution, it is a very easy matter to test that question in the courts, but it is a well-settled rule of law that the act of an officer exercising the functions of an office, claiming to hold office, and being de facto the officer, can not be questioned collaterally, and it would necessitate a direct proceeding by the Attorney General against the man who was appointed under this law. Of course no Attorney General, at least none in harmony with the administration in power, would ever bring quo warranto proceedings against a man appointed by his superior, the Executive. So, in this instance, in my opinion, we are violating the Constitution in such a way that the question can not fairly be tested; and for the Congress of the United States to set the example of evading not only the letter but the spirit of the Constitution, it seems to me is violative of the very spirit of our oaths and the spirit of our function here as legislators.

The remedy for the situation complained of is simple, and has been applied here time and time again. I am inclined to think we have been swift to create new judgeships rather than subject to the criticism that we have been slow to supply deficiencies where it was necessary to supply them; and, while I am not going to try to debate the bill in any sense or take up the time of the Senate, it seems to me it is one of those cases where there is a more far-reaching violation of the letter and spirit of the Constitution than in much of the legislation which we may enact where we are somewhat in doubt as to its ultimate validity.

Mr. SHERMAN. Mr. President, I will not take up as much time as I originally intended. The amendment offered by the senior Senator from Iowa [Mr. CUMMINS] improves the bill, and, if the Senator from Georgia would feel constrained to accept the amendment offered by the Senator from Utah [Mr. SUTHERLAND], I would announce that I would vote for the bill.

Mr. SMITH of Georgia. I will not accept that amendment. I think that it would utterly destroy the value of the bill. I do not think it is the business of the Chief Justice. I am opposed to that amendment.

Mr. SHERMAN. That amendment keeps the judiciary and judicial assignments within the power of its own members. The criticism offered by the Senator——

Mr. SMITH of Georgia. If the Senator will pardon me, the Chief Justice has no machinery to make investigations of this subject. Of course, the President would get his information largely from the Department of Justice, which has the machinery for gathering the information. I do not think it is within the proper province of the Chief Justice, and I shall hope that the amendment of the Senator from Utah will be defeated.

Mr. SHERMAN. The proposal embodied in the amendment of the Senator from Utah so nearly follows the existing practice in providing for the emergencies mentioned by the Senator from Ohio [Mr. POMERENE] and others, that there is no dislocation of the judicial procedure. If the volume of business in a circuit can not be adequately cared for by the occupants of the judicial office in that circuit, help is assigned. A judge of some one of the nine circuits, which the Supreme Court Justices habitually attend, the assignment being made by the Supreme Court, is designated for the purpose of relieving the absence of judicial talent.

I do not want at any great length to follow out the argument in which I was engaged at the expiration of the morning hour.

I want to add that in one of the several constitutions of the French Republic, framed, I think, in 1848, provision was made for two bodies in their legislative assembly. One is the Chamber of Deputies, which corresponds to the lower House of Congress, and the other, which more nearly corresponds to our Senate, is referred to as the "Council of the Ancients." That is almost a literal translation from the French, according to the inquiries I have made of those who understand that tongue. The disposition of the Federal judges to adhere to office is not peculiar to them. I have discovered traces of that in other occupants of public office. There are lingering vestiges in this body, Mr. President, of a studied purpose deliberately to hold office just as long as constituencies will permit.

Now, I have no ambition myself to emulate my predecessor, who sat in this Chamber 30 years. I hope that my Creator will deliver me from any such prolonged labor if for any reason my life should be prolonged to 86 years. I do not want to serve that long in any public office. But it is no peculiarity of circuit and district judges that they hold on and try to perform judicial service. They are appointed for life, or during good behavior. They are appointed by the President and confirmed by the Senate. Ordinarily they can only be removed upon charges—impeachment—tried in the Senate. That is the method of removal. I wish it were practicable to adopt some amendment to the Constitution by which judges could be removed a little more expeditiously than they are now. If they could be removed by an address passed by a mere majority of both the House and the Senate, I think no injustice would be done. We pass upon questions of much greater moment than the removal of a district judge here every day, and do it by a mere majority of a quorum of 49 Senators or more. Where 25 Senators can pass upon matters of national gravity simply by the action of a mere majority of a quorum, it seems to me that there could be no serious objection to permitting the removal of a judge by an address, something like the method that, as I now remember, can be pursued in the State of Massachusetts. There judicial officers can be removed upon a majority vote by the passage of a joint resolution of the house and the senate. The governor may then remove, within his jurisdiction, certain officers enumerated, so that a majority is able to obtain action very expeditiously.

The criticism offered by the Senator from Utah appeals very strongly to my understanding of the conditions. It puts it in the power of the President to act on his opinion, limited only by the dispatch of the judicial business, or, in the first wording of the bill, as originally introduced, "as the public good may require." That leaves it to his opinion. He is not required even to make an investigation so as to produce evidence in the ordinary acceptation of the term. He may act upon correspondence, upon telegrams, upon unsworn statements of persons who purport to have knowledge of the conditions attending the judicial service in the district in question. The opinion of the President is a mutable thing. It is repeatedly illustrated in the lives of all Executives how frequently they change their opinions. The present occupant of the office of Chief Executive has no preeminent distinction in that line, because other Presidents have changed their minds, and I am making no invidious comparison in that regard; but it is an unwise delegation of congressional authority into the hands of the Chief Magistrate to permit him to remove a judge when in his opinion the public good requires, or when the dispatch of judicial business requires.

In no distant day, Mr. President, no far-away age, I remember that a court presided over by an impartial and learned Federal judge in the city of Indianapolis, Ind., tried a case. I remember the opinion that he delivered. He said, in the disposition of the case finally on a legal question which disposed of the case, that persons had read the Constitution and the history of this country to little purpose if they believed a man might be arrested in a foreign jurisdiction and brought under the law from his home into a strange jurisdiction, and there tried for an alleged offense; and he proceeded with the opinion and discharged the defendant. That was in a case involving the freedom of the press, and the trial of a defendant charged with abusing the power lodged in the free press of the country, taking him away into some other part of the country and trying him, taking away from him the right that has existed from the beginning of this Government—a right which the author of the Declaration of Independence thought proper to incorporate in one of the clauses condemning King George, that he had taken persons across seas to be tried for pretended offenses. Under the claim made it would have been entirely possible to take men from the Philippine Islands, from Porto Rico, or any other of our insular possessions, and bring them into the United States and try them for offenses committed in the islands.

The case referred to was one in which an editor of a newspaper was arrested and brought to Indianapolis for trial for statements made in a newspaper published in another jurisdiction outside of the Indiana district, simply because the newspaper containing the alleged libelous charge was sold from a news stand in that foreign jurisdiction. Men were arrested, as I remember now, in the city of Washington and taken to Indianapolis and placed upon trial. From the beginning, as suggested, defendants have had a right to be tried in the vicinity, or in the vicinage, the place, the locality—in other words, as the legal phrase runs, the venue to be laid in the country where the offense is committed. This judge held that it must be at the home office of the newspaper where the alleged libel is originally uttered, where the offense is committed; that where the home office of the newspaper provides a venue in which he shall be tried, there only can he be indicted and tried for criminal libel; that a defendant can not be taken out of that jurisdiction into some foreign jurisdiction and tried.

Now, that was done, and I remember quite well the course that was taken by the President of the United States at that time, when Judge Anderson ruled, as I think, in accordance with immemorial precedent, in accordance with the law of the land

from the day of the Declaration of Independence to the last adjudicated case upon that subject; ruled justly, as any other just judge might have done, even under the pressure brought to bear upon him on that sort of a ruling under this bill. As soon as he reached the age of 70 years, under this bill he could have been removed from the bench, his judicial functions stripped from him, his duty to perform judicial service entirely taken away, only the shell of a judge remaining, simply because the President, in his opinion, might not have liked that decision.

I remember that the President who was occupying the Chief Magistrate's office at that time proceeded to criticize mercilessly that ruling of the judge, although there was not a lawyer in the United States of any respectability or standing who did not know that Judge Anderson's decision was the law of the land and had been the law from the beginning of this Republic. Any other would be the grossest form of tyranny. It would justify civil revolution to take a man out of his jurisdiction, because he edited a paper in Washington, and take him out to California, where a copy was sold, and try him on the Pacific coast. It would put an end to the liberty of the press in this country. Still, under this bill some President in some not distant age from now might take a judge off the bench, or substantially strip him of his judicial duties, merely because he declared that to be the law. I remember that decision appealed to every lawyer in the country because of its justice.

I do not want to take up any more time than I am obliged to, Mr. President. I wish to submit the remaining part of the article prepared by Prof. Fisher, of Yale University, and have it published entire in the CONGRESSIONAL RECORD. It is not a lengthy document, and I will not read it.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SHERMAN. And with these observations I will not take more of the time of the Senate.

The matter above referred to is as follows:

[Reprinted from quarterly publications of the American Statistical Association, March, 1916.]

THE MORTALITY OF OUR PUBLIC MEN—BEING A STUDY OF THE MORTALITY OF THE PRESIDENTS, VICE PRESIDENTS, SENATORS, AND REPRESENTATIVES OF THE UNITED STATES COMPARED WITH INSURED LIVES AND OTHERS.

(Paper presented at the annual meeting of the American Statistical Association, Washington, D. C., Dec. 29, 1915.)

[By Irving Fisher, professor of political economy, Yale University, chairman of the hygiene reference board of the Life Extension Institute.]

This paper is primarily a study of the mortality of the Senators and Representatives of the United States. As preliminary to this study, however, we first record the facts as to the longevity of the Presidents and Vice Presidents of the United States. The number of cases in the last two groups is too few, of course, to enable us to make any safe statistical generalizations. The following table gives the facts individually as to our Presidents:

Longevity of Presidents.

(1) Name.	(2) Date of first inauguration.	(3) Years served.	(4) Age of President when inaugurated (to nearest year).	(5) Actual years lived from inauguration to death (to nearest year).	(6) Expectation of life at inauguration (American experience table).[1]	(7) Ratio of actual to expectation—(5)÷(6).
						Per cent.
Washington	Apr., 1789	7⅞	57	11—68	16	69
J. Adams	Mar., 1797	4	61	29—90	13	223
Jefferson	Mar., 1801	8	58	25—83	15	167
Madison	Mar., 1809	8	58	27—85	15	180
Monroe	Mar., 1817	8	59	14—73	15	93
J. Q. Adams	Mar., 1825	4	58	23—71	15	153
Jackson	Mar., 1829	8	62	16—78	13	123
Van Buren	Mar., 1837	4	54	25—79	18	139
Harrison	Mar., 1841	1/12	68	1/12—68	9	1
Tyler	Apr., 1841	3 11/12	51	21—72	20	105
Polk	Mar., 1845	4	49	4—53	22	18
Taylor	Mar., 1849	1⅓	64	1—65	12	8
Fillmore	July, 1850	2⅔	51	24—75	20	120
Pierce	Mar., 1853	4	48	16—64	22	73
Buchanan	Mar., 1857	4	66	11—77	11	100
Lincoln	Mar., 1861	4 1/12	52	4—56	19	21
Johnson	Apr., 1865	3 11/12	56	10—66	17	59
Grant	Mar., 1869	8	47	16—63	23	70
Hayes	Mar., 1877	4	54	16—70	18	89
Garfield	Mar., 1881	½	49	½—49	22	2
Arthur	Sept., 1881	3½	51	5—56	20	25
Cleveland	Mar., 1885	8	48	23—71	22	105
B. Harrison	Mar., 1889	4	56	12—68	17	71
McKinley	Mar., 1897	4½	54	4—58	18	22
Roosevelt	Sept., 1901	7½	43	Living.	Living.	.....
Taft	Mar., 1909	4	51	Living.	Living.	.....
Wilson	Mar., 1913	.....	56	Living.	Living.	.....

[1] The "American experience table of mortality" was first published in 1868. It was constructed by Sheppard Homans, principally from the experience of the Mutual Life Insurance Co. of New York. It has been, for a long time, the common standard for life insurance companies' calculations and for statistical comparisons, although it represents a heavier mortality than that of present insurance experience.

The longevity of each President is reckoned from the date of inauguration—that is, from the time of his first being President. Thus, Washington became President at 57 years of age, when the "expectation" of life, according to the American experience table, was 16 years. He actually lived, however, only 11 years instead of the 16. That is, he lived only eleven-sixteenths, or 69 per cent, of his expectation. John Adams, on the other hand, lived after inauguration 29 years, which was 2.23 times his expectation of 13 years.

Greatest longevity: John Adams (223), Madison (180), Jefferson (167), J. Q. Adams (153), Van Buren (139), Jackson (123), and Fillmore (120).

Least longevity: Harrison (the first) (1), Garfield (2), Taylor (8), Polk (18), Lincoln (21), McKinley (22), and Arthur (25).

The long-lived Presidents all belonged to the first half of the list and the majority of the short-lived ones belonged to the second half. These include the three assassinated Presidents—Lincoln, Garfield, and McKinley. If we group these deceased Presidents under four successive periods, approximately equal, we have the following table, in which the Vice Presidents are also included:

Ratio (per cent) of actual to expected longevity beyond inauguration.

Periods.	Of all deceased.		Excluding assassinated Presidents among Presidents and omitting Vice Presidents who became Presidents among Vice Presidents.	
	Presidents.	Vice Presidents.	Presidents.	Vice Presidents.
1st period (4 Presidents, 5 Vice Presidents)	156	137	156	100
2d period (8 Presidents, 7 Vice Presidents)	84	94	84	76
3d period (7 Presidents, 7 Vice Presidents)	75	67	84	69
4th period (5 Presidents, 5 VicePresidents)	45	42	68	44
Total	82	84	93	70

The table shows that the longevity of our Presidents, omitting the three still living, is only 82 per cent of that "expected" according to the table, which in turn is less than that among insured lives of the present time. Even if we omit the assassinated Presidents—Lincoln, Garfield, and McKinley—the longevity of the remainder is still only 93 per cent of that expected by the American experience table and less than two-thirds the expectation of the insured lives of to-day. We note also that the longevity of our Presidents seems to be diminishing with the increasing complexity of modern life in Washington. Their average longevity in the four successive periods was 156, 84, 75, and 45 per cent, respectively, or, omitting the assassinated Presidents, 156, 84, 84, and 68 per cent. We find the same apparent tendency among the Vice Presidents. It is also interesting to note that the Vice Presidents seem to live out a smaller fraction of their expectations than the Presidents, excluding the influence of assassinations. This fact (if it be a significant fact rather than an accidental incident in so small a number of lives) would suggest that the official social and convivial life at Washington is a greater life shortener than the heavy responsibilities of office.

The five presidents of Yale University for substantially the same period as that of the above table show a longevity equal to 137 per cent of their expectations. The consistent conformity of all the results to the hypothesis that a "simple" life is a long life and that a "complex" life is a short one is at least striking.

But, as already emphasized, the number of lives in all three lists—only 50 in all, excluding duplications—is so small that any statistical conclusions whatever, without confirmatory evidence, would be dangerous.

We turn now from these preliminary remarks on presidential and vice presidential lives to the lives of our Congressmen—Senators and Representatives. Here fortunately we have enough lives—about 7,500—to make the results of undoubted significance.

In this study I have been fortunate in having the assistance of the New York Life Insurance Co., to which I am indebted for its courtesy in permitting the clerical work to be done in its offices. I am also greatly indebted to Mr. Arthur Hunter, its actuary, for his assistance and criticism at every stage of the work.

The method employed has not been that of expected longevity used above, but that of expected mortality. This makes it possible to include the influence of the several thousand lives of the Congressmen still living. The mortality of the American experience table was used here also as a standard of comparison or measuring rod. Although, as already stated, this early table does not agree with the mortality experienced at present, either by the insurance companies of to-day (modern experience averages about 25 per cent less than the American experience table; the contrast is more marked for the earlier than for the older ages) or among the general public, it still serves as a convenient basis in terms of which any actual mortality may be expressed in percentages. Thus if for a particular year of age the actual death rate is half the death rate expected for that particular year of age according to the American experience table, and if the same were true for each other year of age, we would say that the actual mortality is half of the expected. Usually, of course, the ratios of actual to expected death rates will be somewhat different for different years of age. In that case an average of the different ratios, duly weighted, is struck. To take a specific example, we find that out of 398 Congressmen entering the 15 Congresses ending March 3, 1911, and being 45 to 49 years of age on entering, the actual number who died in the second year after entering was 7 and the number expected to die out of 398 was, according to the American experience table, 4.94. Therefore the ratio of actual to expected deaths in this second year was 7÷4.94=1.41, or 141 per cent. In the same way the number actually dying in the tenth year out of 275 then surviving was 3, as against 5.47 expected out of 275. The ratio of actual to expected is, in this case, 3÷5.47, or 55 per cent. In this same way the actual and expected deaths are taken not only for the second and tenth years but for each year involved until all have passed from observation, either by death or by surviving to March 3, 1912, at which date all observations closed. The average ratio for all these years is then found by dividing the total deaths,

159, by the total of the expected, 137, giving 159÷137=1.16, or 116 per cent, as the ratio of actual to expected for the group of Congressmen in the entire category considered.

The chief data for this investigation were obtained from the Biographical Congressional Directory, and the necessary facts relating to nearly 7,500 Congressmen were entered upon individual cards. As the congressional year dates from March 4, it was found convenient to carry the observations up to March 3, 1912, at which point they were closed. Except for the cases mentioned below, where the record was not complete, the investigation covered the entire history from date of entering Congress until death or until March 3, 1912. The date of birth was required in order to determine the age on first entering Congress. For some Congressmen this information was not given in the directory. The number of such cases was small—785—and sufficient accuracy was obtained by assuming that they entered at an average age. In other cases the directory did not trace the history of the Congressman after his retirement from Congress. These cases were not large in number and were included in the investigation from the date of first entering Congress to the date of last retirement from Congress.

In order to discover the effect of congressional life on mortality the following table was constructed:

Showing the mortality soon after entering Congress and later, divided in all into five periods of life, namely, a period of 2 years covering the (first) congressional term, a period of 8 years, the second decade after entering, the third decade, and the remainder of life.

[All Congresses, ending Mar. 3, 1911.]

Number of years elapsed since first entering Congress.	Actual deaths.	Expected deaths.	Ratio of actual to expected deaths.
			Per cent.
1–2	114	194.78	59
3–10	824	833.76	99
11–20	1,329	1,247.84	107
21–30	1,360	1,344.67	101
31 and over	1,506	2,028.62	74

The above table shows strikingly that Congressmen had a low mortality immediately after entering Congress, but a greatly increased mortality as the years passed by, reaching the maximum in the second decade after entering Congress, after which there was a decrease. In the first period, of two years, the mortality is only a little over half of the expected by the American Experience Table and somewhat less than the expected if more modern tables had been used. After two years (or one congressional term) it almost reaches, and during substantially the next three decades exceeds, the expected, and after that time it falls back to three-fourths of the expected.

These figures of themselves give no proof, of course, of what causes are at work. They, however, fit into the following hypotheses: (1) Congressmen are a select group having unusual vitality, and therefore a low mortality at the outset; (2) congressional life, with its responsibilities, heckling, excitements, worries, indoor and sedentary life, late hours, dining, wining, and other unhygienic conditions, makes a severe drain on this vitality, showing itself in a gradually increasing mortality; and (3) some Congressmen contrive to avoid or to correct these unhygienic conditions and cause a partial return toward the original low mortality after their less careful colleagues have died. At any rate the cardinal fact is clear that some cause or causes connected with entering Congress tends to kill Congressmen. They enter with more than the average vitality and after a single term of office possess less than the average vitality.

The same conclusion, namely, that congressional life sets, for some cause, a killing pace, is drawn from the following table:

Mortality of Congressmen according to length of service, namely, (a) 6 years or less, (b) more than 6 years in public service.[1]

[Fifteen Congresses, ending Mar. 3, 1911.]

Length of service.	Age on retirement from Congress.			
	All ages.	Under 50.	50–59.	60 and over.
6 years and under	97	112	103	74
Over 6 years	120	103	124	124

[1] This investigation is confined to the group of 15 Congresses ending in 1911. Public service includes not only service in Congress but also any subsequent service as President or Vice President of the United States, Cabinet officer, governor of a State or ambassador to a foreign country, and similar positions under the Southern Confederacy. For this study Congressmen were entered in the investigation after the number of years in public service pertaining to each had been completed. Thus the mortality comparisons for a man who entered Congress in 1880 and had 25 years of public service ending 1905 began with 1905 and not with 1880.

The above table shows that, in general, those who have been in public service the longer time have a mortality of 120 per cent, as compared with 97 per cent for those who have served the shorter time. This contrast is the more marked the older the men when retiring from Congress. Among those retiring at 60 years of age or older the ones who keep in public service the longer show a mortality of 124 per cent, as contrasted with 74 per cent for those who have served the shorter time. Thus the killing pace of public life is more killing to the older men than to the younger. (In fact, as the first column shows, for those retiring before the age of 50 the long-service men show a slightly lower mortality than the short-service men. This may be the effect of selection. It is probable that in general only the hardier men either can or will choose a long career of public service. Everyone knows that the strain of professional life often forces men to retire; some of these men undoubtedly have died soon afterwards. The existence of this selective influence emphasizes all the more the main conclusion that the longer the public service the greater the mortality. Moreover, somewhat apart from voluntary withdrawal from an extended public career on the part of those who find they can not keep the pace, the contrast between the mortalities of the two groups would be still greater if there were any way of transferring from the shorter-service group to the longer-service group those who died before the six years were up, but who, had they lived, would have been classified in the long-term group.)

The following table (by years elapsed since retirement instead of by ages of Congressmen) was made to throw further light on the subject. It is confined to the last fourth of our Congresses.

Fifteen Congresses ending Mar. 3, 1911, observed from date of last retirement from Congress.

(Ratio (per cent) of actual to expected deaths.)

Length of public service.	Number of years from retirement.	
	1–10.	Over 10.
6 years and under	105	89
Over 6 years	128	104

The above table shows the same contrast—higher mortality for the men who served over six years as compared with those who served less, i. e., 128 per cent as contrasted with 105 per cent, and also 104 per cent as contrasted with 89 per cent. Incidentally, the table also shows that the adverse influence of public life is, as might be expected, felt mostly soon after retirement.

In the first decade after retirement the mortality is much higher than in the next decade, as a comparison of the two columns shows. This may be due largely to the fact that many retire on account of ill health, while others may lose health as a consequence of defeat. Again, as already observed, those who survive the first 10 years after retirement are presumably those who have been able to avoid or counteract the worries and bad hygiene which have killed off their colleagues. (The reason why the first table giving the mortality according to time elapsing since entering Congress shows a decided fall in mortality only after the 30-year mark, while this table shows a decided fall after the 10-year mark, is clear, viz, in the last table the years are reckoned from a later date than the first, i. e., from time of retirement instead of from time of entrance. In the former table those in the second and even the third decade after entering Congress include many who had not yet retired.)

Thus far we have considered Congressmen as a single group. But the same conclusions apply separately to different periods in our national history, as the following table shows:

Ratio (per cent) of actual to expected deaths.

Number of years elapsed since first entering Congress.	Group of Congresses ending—				All combined.
	1821	1851	1881	1911	
1–10	94	112	82	85	91
11–20	119	116	97	102	107
21–30	115	110	92	86	101
31 and over	85	85	59	.....	74

The first group consists of the Continental Congresses and the first 16 regular Congresses ending with March 3, 1821, and the other three groups, each of 15 Congresses, ending, respectively, March 3, 1851, 1881, and 1911. The individual cases were classified in the four groups according to the date of first entering Congress. It will be observed by following the eye down any one of the columns of the table that the mortality always rises from the first to the second decade after entering Congress and falls thereafter, especially from the third to the fourth decades.

The above table also affords an opportunity to compare one historical period with another, if the eye is run through it horizontally instead of vertically. The most striking results of such comparisons are the lower mortality of the last two groups of Congresses as compared with the first two. The low mortality of the third group seems especially remarkable.

For historical comparison, however, the best data are those in which the mortality is presented by the attained ages of the Congressmen, as in the following table, which for the present purpose should be read vertically:

Ratio (per cent) of actual to expected deaths by attained ages.

Congresses.	All.	Under 40.	40–49	50–59.	60 and over.
Continental Congresses and 16 regular Congresses ending Mar. 3, 1821	100	82	121	143	91
15 Congresses ending—					
Mar. 3, 1851	100	114	133	135	91
Mar. 3, 1881	79	110	103	97	74
Mar. 3, 1911	92	89	85	98	91

In this table we note: (1) That, in general, there has been an improvement in mortality from the earliest period of our history to modern times, the first two groups showing 100 per cent each and the last two 79 and 92, respectively; (2) that for the oldest age group—those dying over 60 years of age—there has been, generally speaking, no improvement, the figures being 91, 91, 74, and 91 per cent; (3) that the Congresses of the third period of our history had an exceptionally low mortality, especially for the older ages.

It seems difficult to account for the exceptionally low mortality in the group of Congresses from 1851 to 1881. Probably there are several reasons, such as: (1) The temporary withdrawal (about 1861–67) of the southern contingent of Congressmen because of the Civil War (the insurance companies have experienced a higher mortality in the South than in other sections of the country and the statistics given

below show the same contrast for Congressmen); (2) the stricter standard of living which prevailed during war time; (3) the inclusion in Congress of a larger proportion of men of "plain living and high thinking" during the period of and following the Civil War. The last-named factor may account for the special superiority of the Congresses of the third period in respect to the older ages at which time the "wear and tear" diseases chiefly enter into mortality.

As has been previously stated, the expected deaths in the tables of this paper have been calculated by the American Experience table, which table shows a much higher death rate than is experienced by American insured persons at the present time. For instance, the present ratio of actual to expected deaths among the insurance companies of this country is about 75 per cent of the American Experience table. Policyholders, however, have passed a medical examination, which is not the case with Congressmen. It is necessary, therefore, to turn to some other records in order to determine approximately what relationship to the American Experience Table the mortality among Congressmen should have. In the Transactions of the Actuarial Society, Volume X, there appears an analysis by Mr. E. B. Morris of the mortality experienced among Yale graduates. (The figures of Mr. Morris are, so far as I know, the only figures for any representative class of the population extending continuously from the eighteenth century through the nineteenth.)

In order that a more detailed comparison with the mortality experience of Yale graduates may be made, the following tables have been prepared.

They show the mortality of Congressmen and the mortality of Yale graduates as compared with the American Experience Table.

Ratio (per cent) of actual to expected deaths.

Groups.	Attained ages.				
	All ages.	Under 40.	40–49.	50–59.	60 and over.
31 Congresses ending Mar. 3, 1851	100	98	128	139	91
Yale graduates 1792 to 1849 of the academic department	86	125	115	92	75

Ratio (per cent) of actual to expected deaths.

Groups.	Attained ages.				
	All ages.	Under 40.	40–49.	50–59.	60 and over.
30 Congresses ending Mar. 3, 1911	82	101	96	98	77
Yale graduates 1850 to 1900 of the academic department, graduates 1852 to 1901 of Sheffield Scientific School, and graduates 1843 to 1901 of law school	76	70	81	79	85

The lower mortality of the Yale graduates is clearly brought out in the foregoing comparison. (The Yale graduates of the medical school have not been included in the above tables. The experience in regard to these graduates had not been subdivided in the form desired for the above comparison. Although the mortality among medical graduates was somewhat higher than among the other graduates, the relative number of the medical graduates being small, their exclusion does not sensibly affect the comparison.)

As to historical trends we may note such for the mortality of Yale graduates by taking the historical groups worked out by Mr. Morris. These extend back of our national history. The chief groups are three, covering substantially the eighteenth century and the two halves of the nineteenth in the following divisions: (1) The graduates, 1701–91; (2) the graduates of the academic department, 1792–1849; (3) the graduates of the academic department, 1850–1900; the graduates of the Sheffield Scientific School, 1852–1901; and the graduates of the law school, 1843–1901.

The ratios of actual to expected deaths (according to the American Experience table) for these three groups were: 94, 86, and 76 per cent, respectively. It is evident from these figures that there has been a continuous improvement in mortality, as was the case among Congressmen. We also note for Yale graduates that there is an improvement as between the two periods for all ages except "60 and over" for which, on the contrary, there has been an increase of mortality, namely, from 75 to 85 per cent. (Morris's figures show, for the higher ages (above 55), a decided retrogression. The mortalities for ages over 45 [Dates exact for academic department and approximate for others.] were:)

	Ages.			
	46–55.	56–65.	66–75.	76 and older.
1825–1849	98	74	75	70
1850–1874	60	81	86	93
1875–1900	88	211	.....	.....

The recent cessation of improvement in middle-age mortality and in some cases even the increase of mortality after middle age is a fact we encounter at almost every turn. It is even observable in insured lives in spite of improvements in the rigor of medical selection, especially for the older ages (see Eugene L. Fisk, M. D., "Force of Adverse Selection among Entrants at the Extremes of Life," Proceedings Assoc. Life Ins. Med. Directors, Oct. 24, 1907, pp. 129–170) and in the classes constituting policyholders. The great medico-actuarial investigation conducted under Mr. Arthur Hunter showed that mortality at ages 60 and over "has shown no distinct improvement." For the three successive periods, 1885–1892, 1893–1900, 1901–1908, the figures were 91, 98, 93 (based on a special table of mortality). (See Medico-Actuarial Mortality Investigation, Vol. I, Actuarial Society, New York, 1912.) The tendency is, in fact, less observable among congressional lives than in other quarters, owing probably to the fact that public men are to-day held more strictly to account for their personal conduct than formerly, when laxity of various kinds was condoned.

I close this paper by a geographic comparison of Congressmen from the southern, eastern, and western sections of the United States. (In the Southern States were included Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. The Eastern States for this purpose were considered to be Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Delaware, Maryland, West Virginia, and the District of Columbia. The remaining States were classified as western.)

The results of this investigation, based upon the group of 15 Congresses ending in 1911, are as follows:

Ratio (per cent) of actual to expected deaths.

Southern	100
Eastern	93
Western	80
All States	92

The foregoing is in conformity with the experience of insurance companies, namely, that the Southern States have the highest mortality and the Western States the lowest, while the Eastern States represent about the average mortality throughout the United States.

The results of this investigation may be summarized in the following statistical generalizations:

1. The mortality of Congressmen for the two years immediately after entering Congress has been low, being very much lower than that of the American experience table and materially lower than the mortality of Yale graduates from 1792 on.

2. The mortality of Congressmen in the next eight years of life was much higher, being about equal to that of the American experience table and above the mortality of Yale graduates. Again, their mortality in the next decade was still higher.

3. Those Congressmen surviving beyond the second decade showed, in turn, a much lower mortality.

4. Those Congressmen whose public service was only six years or less showed a materially lower mortality than those whose public service extended beyond six years.

5. The mortality of our modern Congressmen is in general lower than that of their predecessors.

6. This historical improvement in congressional mortality is greatest for the younger ages—in accordance with the observations on mortality of the general population.

7. For the ages "60 and above" there has been no improvement. This is also in accordance with observations on the mortality of the general population.

8. The congressional mortality during and soon after the Civil War was exceptionally low.

9. This low mortality for the Civil War period was especially marked for the older ages.

10. The last five conclusions (as to historical changes in mortality) are, in general, consonant with the results of the investigations of Mr. E. B. Morris for Yale graduates. (In the case of Yale graduates the mortality at older ages has not only not improved but has grown worse.)

11. Comparing the mortality of southern, eastern, and western Congressmen we find that of the southerners was the highest and that of the westerners the lowest, the figures being 100, 93, and 80 per cent for the South, East, and West, respectively.

In the above generalizations no mention has been made of the mortality of Presidents and Vice Presidents. This seems to be high and to show a consistent progressive change for the worse; but the number of lives available is so small, compared with the number of Congressmen considered, as scarcely to justify independent generalizations.

The foregoing generalizations merely give the facts as we find them, without reference to their interpretation. The facts may seem to different people capable of different interpretations. My own interpretation is one into which all the facts fit perfectly and which is also in tune with the results of E. B. Morris's investigations for Yale graduates and other studies, such as certain investigations of the United States Census and of the Life Extension Institute. This interpretation is as follows:

(a) Presidents, Vice Presidents, and Congressmen are a select group endowed at the outset with unusual vitality.

(b) The vitality of most of them is severely taxed and materially reduced by the heavy responsibilities and bad personal hygiene incident to a public career.

(c) A minority escape the worst of these conditions and retain the major part of their natural endowment of vitality.

(d) Bad hygiene has been more destructive than the weight of responsibility. This conclusion is suggested by the fact that the Vice Presidents suffer a greater curtailment of life than the Presidents, although Vice Presidents have far less responsibility but spend much more time in Washington social life than the Presidents. It is also suggested by the fact that the Civil War period, with its greater weight of responsibility but more simple living, showed a lower mortality than the periods preceding and following, with less weight of responsibility, but less simple living.

(e) Historically there has been a progressive decrease in those causes of death consisting of infections which kill their victims chiefly at the earlier ages, but a progressive change for the worse in those causes of death consisting of the wear and tear diseases (or degenerative diseases) which kill their victims chiefly at the later years. These opposite changes in the infectious and degenerative diseases would explain the improvement in mortality at the earlier ages and, on the other hand, the nonimprovement (and in the case of the Yale graduates even positive retrogression) in the mortality at the older ages; again they would explain the marked exceptionality of the older ages in the Civil War period; for if it was plain living which explained the low mortality of that period we should expect the most marked influence of this factor to appear, just as it does, at the older ages at which the wear and tear mortality is chiefly registered.

(f) The chief causes of wear and tear on the lives of Congressmen are the same as those applying to modern convivial social life in general; they are the causes emphasized by the Life Extension Institute which, through its hygiene reference board of hygienists and scientists, has described these causes in its recent handbook How to Live. The chief causes emphasized are indoor and sedentary living, a crouch-

ing, cramping posture, late dinners, overeating, especially of nitrogenous foods, such as meat and eggs, overconcentration or lack of bulk in diet, hasty eating, constipation, irregular hours, lack of sleep, worry, and the use of drugs, especially narcotics like alcohol and tobacco. In short, the chief reasons why Congressmen shorten their lives are avoidable, being due, not so much to their work as to the kind of life into which their work leads them.

The damage to vitality which we find from public life is not, therefore, put forward as an argument against entering public service; nor will a knowledge of the facts probably tend in that direction, certainly not among those who place public interests above personal interests, as every public man should. But knowledge is power and a knowledge of the facts should enable us to protect our public men or enable them to protect themselves, and to do so in the public interest. This can be accomplished by better general health conditions in the country and its Capital, by better health customs and habits, by better health ideals, and by a more systematic application of the imperfect ideals already existing.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. SUTHERLAND] to the amendment of the Senator from Georgia [Mr. SMITH].

Mr. SUTHERLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Nelson	Smith, Ariz.
Brandegee	Hughes	Norris	Smith, Ga.
Chamberlain	Husting	Overman	Smith, Mich.
Clapp	James	Owen	Smoot
Clark	Johnson, Me.	Page	Sterling
Cummins	Johnson, S. Dak.	Penrose	Sutherland
Curtis	Jones	Pittman	Swanson
Dillingham	Kenyon	Pomerene	Underwood
Fletcher	La Follette	Reed	Wadsworth
Gallinger	Lane	Saulsbury	Warren
Gore	Lea, Tenn.	Shafroth	Watson
Gronna	Lee, Md.	Sheppard	Weeks
Harding	Martin, Va.	Sherman	Williams
Hitchcock	Martine, N. J.	Shields	Works

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON] and to state that he has a pair with the senior Senator from New Mexico [Mr. FALL].

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

Mr. SUTHERLAND. Mr. President, the objection which the Senator from Georgia [Mr. SMITH] makes to the amendment which I have offered seems to me a somewhat astonishing one, namely, that the Chief Justice will have no machinery to make investigations of this character. I have always understood that if a duty was imposed upon an officer the machinery to discharge it was implied. It requires nothing essentially different from what the Chief Justice may now be required to do under the law.

Section 16 of the Judicial Code, for example, provides:

Any such circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge, in the manner, for the duties, and with the powers mentioned in the three preceding sections, and revoke any previous designation and appointment.

There is a section which contemplates that the Chief Justice, in a proper case, shall make inquiry to ascertain whether or not the public interests require a new designation of a judge, and empowers him, if in his judgment the public interests do require it, to make the designation. No specific machinery is provided for ascertaining that fact; but the duty being imposed upon the Chief Justice all necessary machinery with which to carry out the duty is implied, of course.

Section 17 provides:

It shall be the duty of the senior circuit judge then present in the circuit, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section 14, the district judge of any judicial district within his circuit to hold a district court in the place or in aid of any other district judge within the same circuit.

There is substantially the same sort of a duty imposed upon the senior circuit judge in each of the circuits. He must ascertain whether the public interest requires that a new designation shall be made, and if, in his judgment, it does, he is to make it. Of course all the machinery that may be necessary to be utilized for that purpose is implied. He is required to ascertain precisely the fact which my amendment contemplates that the Chief Justice shall ascertain in this case. There may be a case where the judge in any district has reached the age of 70 and is unable to perform the duties of the office or unable to perform them adequately. That may be the foundation for the determination that the public interests require the designation of an additional judge. So he may be required, under the existing law, to ascertain exactly the facts which the amendment which I have offered contemplates shall be ascertained in this case.

Section 18 provides:

Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge or associate justice or Chief Justice shall designate and appoint any circuit judge of the circuit to hold said district court.

So you see that in those three instances, and in others to which I might call attention in the statute, duties of this same character are imposed upon the Chief Justice, upon the various circuit judges, and upon the senior circuit judges in the various districts.

Section 15 provides:

If all the circuit judges and the circuit justice are absent from the circuit or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any other circuit, and said appointment shall be transmitted to the clerk and be acted upon by him as directed in the preceding section.

There is exactly the sort of fact that is required to be ascertained under the pending bill. That is to be ascertained by the Chief Justice of the United States, and the law provides in that case that the fact is to be certified by the clerk. Certainly the Chief Justice of the United States has as much machinery to ascertain the fact as a clerk of a court has to ascertain the fact. So that it seems to me the objection which is made by the Senator from Georgia upon that ground has absolutely no foundation.

I think that the adoption of my amendment will take from the bill some of the objection which has been urged against it. Certainly there should be no objection to having a responsible judicial officer like the Chief Justice of the United States ascertain and certify to a fact of this character before the President is permitted to act.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES (when his name was called). The senior Senator from Indiana [Mr. KERN] is necessarily absent for a short time, and I am paired with him. If he were present, he would vote against this amendment, and if I were at liberty to vote I would vote for it.

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I desire to announce that I have a pair with the junior Senator from Georgia [Mr. HARDWICK], and therefore withdraw my vote.

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, which I will transfer to the junior Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted; so I withdraw my vote.

Mr. CLARK (after having voted in the affirmative). My attention has been called to the fact that the senior Senator from Missouri [Mr. STONE] is not in the Chamber. Having a pair with that Senator, I am compelled to withdraw my vote.

Mr. GALLINGER (after having voted in the affirmative). Since voting, I have discovered that my pair, the senior Senator from New York [Mr. O'GORMAN], is not present. I therefore withdraw my vote.

Mr. OWEN (after having voted in the negative). I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the senior Senator from Louisiana [Mr. RANSDELL] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the junior Senator from Kentucky [Mr. BECKHAM] and to state that he is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Georgia. I have been requested to announce that the senior Senator from West Virginia [Mr. CHILTON] has been called out of the city on pressing business.

Mr. McCUMBER (after having voted in the affirmative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I understand that he has not voted. Therefore I will withdraw my vote.

Mr. WADSWORTH (after having voted in the affirmative). I understand that the junior Senator from New Hampshire

[Mr. HOLLIS] has not voted, being absent. I have a pair with that Senator, and therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas, 24, nays 28, as follows:

YEAS—24.

Borah	Harding	Page	Sutherland
Brandegee	Kenyon	Penrose	Townsend
Clapp	Lodge	Sherman	Warren
Cummins	Nelson	Smith, Mich.	Watson
Fernald	Norris	Smoot	Weeks
Gronna	Oliver	Sterling	Works

NAYS—28.

Bankhead	James	Owen	Simmons
Chamberlain	Johnson, S. Dak.	Pittman	Smith, Ariz.
Fletcher	La Follette	Pomerene	Smith, Ga.
Gore	Lea, Tenn.	Saulsbury	Smith, S. C.
Hitchcock	Martin, Va.	Shafroth	Swanson
Hughes	Martine, N. J.	Sheppard	Underwood
Husting	Overman	Shields	Williams

NOT VOTING—44.

Ashurst	Dillingham	Lane	Ransdell
Beckham	du Pont	Lee, Md.	Reed
Brady	Fall	Lewis	Robinson
Broussard	Gallinger	Lippitt	Smith, Md.
Bryan	Goff	McCumber	Stone
Catron	Hardwick	McLean	Thomas
Chilton	Hollis	Myers	Thompson
Clark	Johnson, Me.	Newlands	Tillman
Colt	Jones	O'Gorman	Vardaman
Culberson	Kern	Phelan	Wadsworth
Curtis	Kirby	Poindexter	Walsh

So Mr. SUTHERLAND'S amendment to the amendment of Mr. SMITH of Georgia was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. SMITH of Georgia. The amendment is the amendment of the Senator from Iowa [Mr. CUMMINS], which I accepted. It is really the amendment of the Senator from Iowa.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is "Shall the bill pass?"

Mr. SMOOT and Mr. SUTHERLAND called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a general pair with the Senator from Georgia [Mr HARDWICK]. If at liberty to vote, I should vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I shall withhold my vote. If permitted to vote, I would vote "nay."

Mr. GALLINGER (when his name was called). I have a pair with the Senator from New York [Mr. O'GORMAN], who is absent. For that reason I withhold my vote. If privileged to vote, I would vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. JONES (when his name was called). The senior Senator from Indiana [Mr. KERN] is necessarily absent at the present time. I am paired with him for the afternoon. If he were present, he would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. He is absent from the Chamber, and I withhold my vote. Were I permitted to vote, I would vote "nay."

Mr. SAULSBURY (when his name was called). Has the junior Senator from Rhode Island [Mr. COLT] voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I have a pair with that Senator. I transfer my pair to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS] I withhold my vote, having a general pair with that Senator. Otherwise I would vote "nay."

The roll call was concluded.

Mr. OWEN (after having voted in the affirmative). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Arkansas [Mr. ROBINSON] and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The result was announced—yeas 33, nays 25, as follows:

YEAS—33.

Bankhead	La Follette	Pomerene	Smith, S. C.
Chamberlain	Lane	Reed	Stone
Fletcher	Lea, Tenn.	Saulsbury	Swanson
Gore	Lee, Md.	Shafroth	Tillman
Hitchcock	Martin, Va.	Sheppard	Underwood
Hughes	Martine, N. J.	Shields	Williams
Husting	Overman	Simmons	
James	Owen	Smith, Ariz.	
Johnson, S. Dak.	Pittman	Smith, Ga.	

NAYS—25.

Borah	Harding	Penrose	Warren
Brandegee	Kenyon	Sherman	Watson
Clapp	Lodge	Smith, Mich.	Weeks
Clark	Nelson	Smoot	Works
Cummins	Norris	Sterling	
Fernald	Oliver	Sutherland	
Gronna	Page	Townsend	

NOT VOTING—38.

Ashurst	Dillingham	Kirby	Ransdell
Beckham	du Pont	Lewis	Robinson
Brady	Fall	Lippitt	Smith, Md.
Broussard	Gallinger	McCumber	Thomas
Bryan	Goff	McLean	Thompson
Catron	Hardwick	Myers	Vardaman
Chilton	Hollis	Newlands	Wadsworth
Colt	Johnson, Me.	O'Gorman	Walsh
Culberson	Jones	Phelan	
Curtis	Kern	Poindexter	

So the bill was passed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. I ask unanimous consent that Senate bill 1082, to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, be printed for the information of the Senate, showing in small capitals the amendments offered by me March 14, 1916.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SIMMONS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 8, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 7, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we pray for a universal faith that shall dispel doubt, a universal hope that shall eliminate despair, a universal love that shall sweep away hate and place the star of love in the ascendency; that Thy kingdom may indeed come in the hearts of men everywhere and abolish war with its wide desolation and unmitigated evils, that the pursuits of peace may reign supreme and every home be typical of the heavenly home, and the old earth blossom as the rose; in the name of the

King of Peace, who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 5th day of March next.

LEAVE TO PRINT.

Mr. SNYDER. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD an address by my colleague Mr. MOTT delivered yesterday at the National Rivers and Harbors Convention.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the CONGRESSIONAL RECORD an address delivered yesterday at the Rivers and Harbors Convention by his colleague Mr. MOTT. Is there objection? [After a pause.] The Chair hears none.

FISH-CULTURAL STATIONS IN CERTAIN STATES.

The SPEAKER. The unfinished business is the bill H. R. 15617, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama; Louisiana; Florida; Georgia, South Carolina, or North Carolina; Maryland or Virginia; Oregon or Washington; Texas; Oklahoma; Illinois; Washington; Arizona; New Mexico; Michigan; Idaho; Missouri; Pennsylvania, Delaware, or New Jersey; and Minnesota.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

Mr. BENNET. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BENNET. To move to recommit the bill to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. BENNET. I am.

The SPEAKER. The gentleman will send the motion to the desk.

The Clerk will report the amendment.

The Clerk read as follows:

Mr. BENNET moves to recommit the bill to the Committee on the Merchant Marine and Fisheries with the following amendment: Page 2, after line 3, insert:

"State of Wisconsin, $50,000.
"State of Tennessee, $50,000.
"State of New York, on Long Island, $50,000.
"State of Colorado, $50,000."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BENNET. Division, Mr. Speaker.

The House divided; and there were—ayes 16, noes 64.

Mr. BENNET. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-nine Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. ALEXANDER. Mr. Speaker, is the question on the motion to recommit?

The SPEAKER. The question is on the motion to recommit. Those in favor of the motion offered by the gentleman from New York [Mr. BENNET] to recommit will, as their names are called, answer "yea," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 53, nays 305, answered "present" 1, not voting 75, as follows:

YEAS—53.

Austin	Carter, Mass.	Danforth	Gregg
Bennet	Chandler, N. Y.	Dempsey	Hamilton, N. Y.
Booner	Charles	Eagan	Hicks
Byrns, Tenn.	Chiperfield	Farley	Houston
Caldwell	Coleman	Fitzgerald	Hulbert
Cannon	Conry	Gallivan	Humphreys, Miss.
Husted	Miller, Minn.	Platt	Ward
Kettner	Moon	Pratt	Watson, Va.
Langley	Moores, Ind.	Riordan	Wilson, Ill.
London	Morrison	Rowe	Winslow
McDermott	Mott	Siegel	Woods, Iowa
McKellar	Oglesby	Smith, N. Y.	
Magee	Padgett	Snyder	
Maher	Parker, N. Y.	Tague	

NAYS—305.

Abercrombie	Emerson	King	Rouse
Adair	Esch	Kinkaid	Rubey
Adamson	Estopinal	Kitchin	Rucker
Alexander	Evans	Konop	Russell, Mo.
Allen	Farr	La Follette	Russell, Ohio.
Almon	Ferris	Lazaro	Sabath
Anderson	Fess	Lee	Saunders
Anthony	Fields	Lehlbach	Schall
Ashbrook	Flood	Lenroot	Scott, Mich.
Aswell	Fordney	Lesher	Sears
Bailey	Foss	Lever	Sells
Barkley	Foster	Lieb	Shallenberger
Barnhart	Frear	Lindbergh	Sherley
Bell	Freeman	Linthicum	Sherwood
Black	Fuller	Lloyd	Sims
Blackmon	Gallagher	Lobeck	Sinnott
Borland	Gard	Longworth	Sisson
Bowers	Garland	Loud	Slayden
Britt	Garner	McAndrews	Sloan
Britten	Garrett	McArthur	Small
Browne	Gillett	McClintic	Smith, Idaho
Browning	Glynn	McCracken	Smith, Mich.
Buchanan, Ill.	Godwin, N. C.	McCulloch	Smith, Tex.
Buchanan, Tex.	Good	McFadden	Sparkman
Burgess	Goodwin, Ark.	McKenzie	Stafford
Burnett	Gordon	McLaughlin	Steagall
Butler	Gray, Ala.	McLemore	Stedman
Byrnes, S. C.	Gray, Ind.	Madden	Steele, Iowa
Callaway	Gray, N. J.	Mann	Steele, Pa.
Campbell	Green, Iowa	Mapes	Steenerson
Candler, Miss.	Greene, Mass.	Martin	Stephens, Nebr.
Cantrill	Greene, Vt.	Matthews	Stephens, Tex.
Capstick	Griest	Mays	Sterling
Caraway	Hadley	Meeker	Stiness
Carlin	Hamilton, Mich.	Miller, Del.	Stone
Carter, Okla.	Hamlin	Mondell	Stout
Casey	Hardy	Montague	Sulloway
Church	Harrison, Miss.	Moore, Pa.	Sumners
Clark, Fla.	Harrison, Va.	Morgan, Okla.	Sutherland
Cline	Hastings	Morin	Sweet
Coady	Haugen	Mudd	Switzer
Collier	Hawley	Neely	Taggart
Connelly	Hayden	Nelson	Talbott
Cooper, Ohio	Heflin	Nicholls, S. C.	Taylor, Colo.
Cooper, W. Va.	Helgesen	Nichols, Mich.	Temple
Cooper, Wis.	Helm	North	Thomas
Cox	Helvering	Norton	Thompson
Crago	Henry	Oakey	Tillman
Cramton	Hernandez	Oldfield	Tilson
Crisp	Hill	Oliver	Timberlake
Crosser	Hilliard	Olney	Tinkham
Curry	Holland	O'Shaunessy	Towner
Dale, Vt.	Hollingsworth	Overmyer	Van Dyke
Dallinger	Hood	Page, N. C.	Venable
Davenport	Hopwood	Paige, Mass.	Vinson
Davis, Minn.	Howard	Park	Volstead
Davis, Tex.	Howell	Parker, N. J.	Walker
Decker	Huddleston	Peters	Walsh
Denison	Hughes	Phelan	Wason
Dent	Hull, Iowa	Porter	Watkins
Dewalt	Hull, Tenn.	Pou	Watson, Pa.
Dickinson	Humphrey, Wash.	Powers	Webb
Dies	Igoe	Quin	Whaley
Dill	Jacoway	Ragsdale	Wheeler
Dillon	James	Rainey	Williams, T. S.
Dixon	Johnson, Ky.	Raker	Williams, W. E.
Doolittle	Johnson, Wash.	Ramseyer	Williams, Ohio
Doremus	Jones	Randall	Wilson, La.
Doughton	Kahn	Rauch	Wingo
Dowell	Kearns	Rayburn	Wise
Drukker	Keating	Reavis	Wood, Ind.
Dunn	Keister	Reilly	Woodyard
Dupré	Kelley	Ricketts	Young, N. Dak.
Dyer	Kennedy, Iowa	Roberts, Mass.	Young, Tex.
Eagle	Kennedy, R. I.	Roberts, Nev.	
Edwards	Kent	Rodenberg	
Elston	Kincheloe	Rogers	

ANSWERED "PRESENT"—1.

McKinley

NOT VOTING—75.

Aiken	Edmonds	Hinds	Price
Ayres	Ellsworth	Hutchinson	Rowland
Bacharach	Fairchild	Johnson, S. Dak.	Sanford
Barchfeld	Finley	Key, Ohio	Scott, Pa.
Beakes	Flynn	Kiess, Pa.	Scully
Beales	Focht	Kreider	Shackleford
Benedict	Gandy	Lafean	Shouse
Bruckner	Gardner	Lewis	Slemp
Brumbaugh	Glass	Liebel	Smith, Minn.
Burke	Gould	Littlepage	Snell
Carew	Graham	Loft	Stephens, Miss.
Cary	Griffin	McGillicuddy	Swift
Copley	Guernsey	Miller, Pa.	Tavenner
Costello	Hamill	Mooney	Taylor, Ark.
Cullop	Hart	Morgan, La.	Treadway
Dale, N. Y.	Haskell	Moss	Tribble
Darrow	Hayes	Murray	Vare
Dooling	Heaton	Nolan	Wilson, Fla.
Driscoll	Hensley	Patten	

So the motion to recommit was rejected.

The Clerk announced the following pairs:
Until further notice:
Mr. AIKEN with Mr. NOLAN.
Mr. MOSS with Mr. BARCHFELD.
Mr. BEAKES with Mr. MOONEY.
Mr. MORGAN of Louisiana with Mr. BEALES.
Mr. BRUCKNER with Mr. MILLER of Pennsylvania.
Mr. MCGILLICUDDY with Mr. BENEDICT.
Mr. BRUMBAUGH with Mr. KREIDER.
Mr. LOFT with Mr. CARY.
Mr. BURKE with Mr. KIESS of Pennsylvania.
Mr. LITTLEPAGE with Mr. COPLEY.
Mr. CAREW with Mr. JOHNSON of South Dakota.
Mr. LIEBEL with Mr. COSTELLO.
Mr. CULLOP with Mr. HUTCHINSON.
Mr. HENSLEY with Mr. DARROW.
Mr. DOOLING with Mr. HINDS.
Mr. HART with Mr. EDMONDS.
Mr. DRISCOLL with Mr. HEATON.
Mr. HAMILL with Mr. ELLSWORTH.
Mr. FLYNN with Mr. HAYES.
Mr. GRIFFIN with Mr. FAIRCHILD.
Mr. GANDY with Mr. GUERNSEY.
Mr. GLASS with Mr. FOCHT.
Mr. PRICE with Mr. GRAHAM.
Mr. WILSON of Florida with Mr. ROWLAND.
Mr. SCULLY with Mr. GOULD.
Mr. TRIBBLE with Mr. SCOTT of Pennsylvania.
Mr. SHACKLEFORD with Mr. VARE.
Mr. TAYLOR of Arkansas with Mr. SMITH of Minnesota.
Mr. STEPHENS of Mississippi with Mr. SNELL.
Mr. TAVENNER with Mr. TREADWAY.
Mr. KEY of Ohio with Mr. LAFEAN.
Mr. MURRAY with Mr. BACHARACH.
Mr. SHOUSE with Mr. SLEMP.
Mr. DALE of New York with Mr. HASKELL.
Mr. AYRES with Mr. SWIFT.
Mr. FINLEY with Mr. SANFORD.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The motion to recommit is lost. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 91. Joint resolution authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

WITHDRAWAL OF PAPERS.

Mr. THOMPSON, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Julia A. Slaybaugh, H. R. 6474, Sixty-fourth Congress, no adverse report having been made thereon.

PRESIDENT'S MESSAGE—ANNUAL REPORT, GOVERNOR OF THE PANAMA CANAL (H. DOC. NO. 1498).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, were referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1916.*

FISH-CULTURAL STATIONS IN CERTAIN STATES.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. This is on the passage of the bill.

The question was taken; and there were—yeas 189, nays 159, answered "present" 2, not voting 84, as follows:

YEAS—189.

Abercrombie	Dupré	Lazaro	Rubey
Adamson	Dyer	Lesher	Rucker
Alexander	Eagan	Lever	Russell, Mo.
Allen	Eagle	Lieb	Sabath
Almon	Edwards	Liebel	Saunders
Aswell	Farr	Linthicum	Schall
Austin	Ferris	Lloyd	Scott, Mich.
Bailey	Fordney	Lobeck	Sears
Barnhart	Fuller	London	Shallenberger
Bell	Gallagher	Loud	Sherwood
Black	Gard	McAndrews	Sinnott
Blackmon	Garner	McArthur	Slayden
Booher	Godwin, N. C.	McClintic	Small
Borland	Goodwin, Ark.	McCracken	Smith, Idaho
Bowers	Gray, Ala.	McDermott	Smith, Mich.
Britt	Greene, Mass.	McKinley	Smith, Minn.
Browning	Gregg	McLaughlin	Smith, Tex.
Buchanan, Ill.	Hadley	McLemore	Sparkman
Burgess	Hamilton, Mich.	Magee	Steagall
Burnett	Hamlin	Martin	Stedman
Byrnes, S. C.	Hardy	Mays	Steenerson
Callaway	Harrison, Va.	Miller, Del.	Stephens, Tex.
Capstick	Hastings	Miller, Minn.	Stiness
Carlin	Hawley	Mondell	Stone
Carter, Okla.	Hayden	Moore, Pa.	Sumners
Casey	Heflin	Morgan, Okla.	Sutherland
Church	Henry	Neely	Tague
Clark, Fla.	Hernandez	Nicholls, S. C.	Taylor, Colo.
Cline	Hilliard	Nichols, Mich.	Thompson
Coady	Holland	Oakey	Tillman
Coleman	Hollingsworth	Oldfield	Van Dyke
Collier	Hood	Oliver	Vinson
Cooper, Ohio	Howard	Olney	Volstead
Cooper, W. Va.	Howell	O'Shaunessy	Walker
Cooper, Wis.	Huddleston	Overmyer	Watkins
Crago	Hughes	Page, N. C.	Watson, Pa.
Crisp	Humphrey, Wash.	Park	Watson, Va.
Cullop	Humphreys, Miss.	Porter	Whaley
Curry	Igoe	Pou	Wheeler
Davenport	Jacoway	Quin	Wilson, La.
Davis, Minn.	Johnson, Wash.	Ragsdale	Wingo
Davis, Tex.	Kahn	Rainey	Wise
Decker	Kearns	Raker	Woodyard
Dent	Kennedy, R. I.	Randall	Young, N. Dak.
Dewalt	Kettner	Rauch	Young, Tex.
Dickinson	King	Rodenberg	
Dill	Kitchin	Rouse	
Doughton	La Follette	Rowe	

NAYS—159.

Adair	Farley	Kincheloe	Roberts, Mass.
Anderson	Fess	Kinkaid	Roberts, Nev.
Anthony	Fields	Konop	Rogers
Ashbrook	Fitzgerald	Langley	Russell, Ohio
Barkley	Foss	Lehlbach	Sells
Bennet	Foster	Lenroot	Sherley
Britten	Frear	Lindbergh	Siegel
Browne	Freeman	Longworth	Sims
Buchanan, Tex.	Gallivan	McCulloch	Sisson
Butler	Garland	McFadden	Sloan
Byrns, Tenn.	Garrett	McKellar	Snyder
Caldwell	Gillett	McKenzie	Stafford
Campbell	Glass	Madden	Steele, Iowa
Candler, Miss.	Glynn	Mann	Steele, Pa.
Cannon	Good	Mapes	Stephens, Nebr.
Carter, Mass.	Gordon	Matthews	Sterling
Chandler, N. Y.	Gray, Ind.	Meeker	Stout
Charles	Gray, N. J.	Montague	Sulloway
Chiperfield	Green, Iowa	Moon	Sweet
Connelly	Greene, Vt.	Moores, Ind.	Switzer
Conry	Griest	Morrison	Taggart
Cox	Hamilton, N. Y.	Mott	Temple
Cramton	Haugen	Mudd	Thomas
Crosser	Helgesen	Nelson	Tilson
Dale, Vt.	Helm	North	Timberlake
Dallinger	Helvering	Oglesby	Tinkham
Danforth	Hicks	Padgett	Towner
Dempsey	Hill	Paige, Mass.	Treadway
Denison	Hopwood	Parker, N. J.	Walsh
Dies	Hulbert	Parker, N. Y.	Ward
Dillon	Hull, Iowa	Peters	Wason
Dixon	Hull, Tenn.	Phelan	Webb
Doolittle	Husted	Platt	Williams, T. S.
Dowell	James	Powers	Williams, W. E.
Drukker	Johnson, Ky.	Pratt	Williams, Ohio
Dunn	Keating	Ramseyer	Wilson, Ill.
Elston	Keister	Rayburn	Winslow
Emerson	Kelley	Reavis	Wood, Ind.
Esch	Kennedy, Iowa	Reilly	Woods, Iowa
Evans	Kent	Ricketts	

ANSWERED "PRESENT"—2.

Flood	Houston

NOT VOTING—84.

Aiken	Cary	Flynn	Heaton
Ayres	Copley	Focht	Hensley
Bacharach	Costello	Gandy	Hinds
Barchfeld	Dale, N. Y.	Gardner	Hutchinson
Beakes	Darrow	Gould	Johnson, S. Dak.
Beales	Dooling	Graham	Jones
Benedict	Doremus	Griffin	Key, Ohio
Bruckner	Driscoll	Guernsey	Kiess, Pa.
Brumbaugh	Edmonds	Hamill	Kreider
Burke	Ellsworth	Harrison, Miss.	Lafean
Cantrill	Estopinal	Hart	Lee
Caraway	Fairchild	Haskell	Lewis
Carew	Finley	Hayes	Littlepage

Loft	Murray	Scott, Pa.	Swift
McGillicuddy	Nolan	Scully	Talbott
Maher	Norton	Shackleford	Tavenner
Miller, Pa.	Patten	Shouse	Taylor, Ark.
Mooney	Price	Slemp	Tribble
Morgan, La.	Riordan	Smith, N. Y.	Vare
Morin	Rowland	Snell	Venable
Moss	Sanford	Stephens, Miss.	Wilson, Fla.

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CANTRILL with Mr. GUERNSEY.

Mr. VENABLE with Mr. HUTCHINSON.

Mr. CARAWAY with Mr. SNELL.

Mr. TALBOTT with Mr. MORIN.

Mr. DOREMUS with Mr. ROWLAND.

Mr. TAYLOR of Arkansas with Mr. NORTON.

Mr. ESTOPINAL with Mr. BACHARACH.

Mr. RIORDAN with Mr. FOCHT.

Mr. HARRISON of Mississippi with Mr. BENEDICT.

Mr. MAHER with Mr. COSTELLO.

Mr. HAYDEN with Mr. BEALES.

Mr. LEE with Mr. NOLAN.

Mr. JONES with Mr. ELLSWORTH.

Mr. SMITH of New York with Mr. BARCHFELD.

The result of the vote was announced as above recorded.

Mr. ALEXANDER. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. RAKER. Reserving the right to object, the title should be amended.

Mr. ALEXANDER. The title should be amended to include the State of California.

The SPEAKER. Without objection the title will be amended as indicated by the gentleman from Missouri.

There was no objection.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

INAUGURATION OF THE PRESIDENT ELECT.

Mr. GARRETT. Mr. Speaker, there is a Senate concurrent resolution (S. Con. Res. 27) on the Speaker's table. It provides for the appointment of a committee to make the necessary arrangements for the inaugural ceremonies. Perhaps that resolution might as well be disposed of now as at any time, and I ask the Speaker to lay the resolution before the House.

The SPEAKER. It requires unanimous consent.

Mr. GARRETT. I ask unanimous consent to take from the Speaker's table, and that the House now consider, Senate concurrent resolution 27.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table Senate concurrent resolution 27, about the inauguration. Is there objection?

Mr. MANN. Let it be reported first.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President elect of the United States on the 5th day of March next.

The SPEAKER. Is there objection to the present consideration of this resolution.

There was no objection.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Messrs. RUCKER, GARRETT, and MCKINLEY.

VOCATIONAL EDUCATION.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on Saturday next House bill 11250, known as the vocational educational bill, shall be in order.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on next Saturday, immediately after the reading of the Journal and the clearing up of the business on the Speaker's table, the vocational education bill (H. R. 11250) be taken up. Is there objection?

Mr. MANN. Reserving the right to object, will the gentleman permit me to make a suggestion?

Mr. KITCHIN. Certainly.

Mr. MANN. Under the request which the gentleman makes, if the bill is not disposed of on Saturday it will not be privileged after that. I think if we take up that bill we ought to take it up in such a way that it will be finally disposed of, and I suggest to the gentleman that he request that the bill be made privileged, subject to appropriation bills.

Mr. KITCHIN. I was about to ask that it be made privileged, subject to the right of way of appropriation bills.

Mr. MANN. And other privileged matters.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that beginning with Saturday, after the reading of the Journal and the disposition of matters on the Speaker's table, the vocational education bill be made a privileged bill, not to interfere with appropriation bills.

Mr. KITCHIN. And other privileged bills.

The SPEAKER. And things of that sort.

Mr. MANN. And other privileged days.

Mr. KITCHIN. Yes.

The SPEAKER. Just to give it a privileged status. Is there objection?

There was no objection.

ADJOURNMENT UNTIL SATURDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet on Saturday next. Is there objection?

Mr. ASHBROOK. Reserving the right to object, what effect will that have on the rights of the Committee on Invalid Pensions? That committee has a bill ready to act upon to-morrow, which is the regular day.

Mr. KITCHIN. I will say to the gentleman——

The SPEAKER. We can not take it up to-morrow if the House adjourns.

Mr. KITCHIN. We can make the arrangement we have made heretofore for unanimous consent, that on Saturday after 5 o'clock, or after 6 o'clock, we can consider pension bills.

Mr. MANN. Why not now provide by unanimous consent that it shall be in order to consider that bill on Saturday?

Mr. KITCHIN. I will ask unanimous consent that that bill—the pension bill—be in order on Saturday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on Saturday it be in order to consider the pension bill.

Mr. ADAMSON. Mr. Speaker, has the other request been granted, that we adjourn until Saturday?

The SPEAKER. No; it has not.

Mr. ADAMSON. I want to ask what effect that will have upon the meeting of our committee to-morrow? That will not affect the legality of the meeting of our committee, will it?

The SPEAKER. Why, no. You have got the right to meet any day in the year.

Mr. MANN. You can meet at midnight if you can get the members of the committee together.

Mr. ADAMSON. We will get in an all-day meeting, then, if we can get away from this wrangle here.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] proposes to object, unless his pension bill can be considered.

Mr. MANN. That is in the request.

Mr. ASHBROOK. I understand that the gentleman from North Carolina includes in his request that the pension bill be in order on Saturday.

Mr. KITCHIN. And that that be disposed of before we take up the vocational education bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that on Saturday next, the first thing after the reading of the Journal and the disposition of business on the Speaker's table, the pension bill shall be called up and disposed of, and that following that the vocational education bill be a matter of privilege.

Mr. MANN. And that when we adjourn to-day we adjourn to meet on Saturday.

The SPEAKER. Yes; and that when the House adjourns to-day it adjourn to meet on Saturday next. Is there objection?

There was no objection.

FOOD.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent for a change of reference of House resolution 389, directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and effi-

ciency in the marketing of food products and the punishment and prevention of extortion in the prices thereof.

This resolution was sent by the Speaker to the Committee on Interstate and Foreign Commerce. The fact is that it is on a subject which has been before the Committee on the Judiciary. That committee have had hearings on it, and this is the amplification of the resolution upon which the Judiciary Committee have had hearings. Therefore I ask a change of reference to the Judiciary Committee.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of House resolution 389, and that the same be referred to the Committee on the Judiciary. Is there objection?

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. ADAMSON. I rise to reserve the right to object, in order to make an observation.

I do not see why a resolution referred to the appropriate committee through inadvertence or otherwise should be changed. This resolution plainly and evidently deals with matters under the jurisdiction of the Committee on Interstate and Foreign Commerce; it deals with an investigation that that committee has the authority to order. The fact that they have stated in their bill something about the antitrust law does not divest the committee of its fundamental jurisdiction. It may be that in conducting an investigation our committee might unearth something about the antitrust law and in its investigations as to the trade conditions in beef. While I am not going to interfere with the liberal construction of the administration of the Speaker in being good to all the committees that do not have much of anything to do, I shall protest, at least formally, against being divested of jurisdiction which properly belongs to a committee which can and does do business. [Laughter.] I shall leave it to the Speaker and shall not raise any row about it, but I will not agree that a resolution which belongs to our committee shall be taken away.

Mr. MANN. Will the gentleman permit a suggestion?

Mr. ADAMSON. I will yield to the gentleman from Illinois.

Mr. MANN. I should be glad to have the resolution remain with the Committee on Interstate and Foreign Commerce, but after all this is a supplemental resolution. There are a lot, I do not know how many, about 15 or 20, kindred resolutions from different sources which have been referred to the Committee on the Judiciary, and this is simply a supplemental resolution, and in the orderly procedure of business it ought to go to that committee without affecting the question of jurisdiction between the committees.

Mr. ADAMSON. If the gentleman from Missouri will state that the purpose of the investigation is to ascertain violations of the antitrust law I will waive any objections I may have.

Mr. BORLAND. I am much obliged to the gentleman for the courtesy, because we had no intention to take it away from his committee, but simply to follow up the work already done by the other committee.

The SPEAKER. The Chair inadvertently sent this to the committee presided over by the gentleman from Georgia, and the Chair has stated a dozen times that that committee has a lot of work to do and does a lot of work. The rest of these bills have been sent to the Judiciary Committee. The House can do as it pleases. Is there objection to the request of the gentleman from Missouri?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask the gentleman from Missouri if this is the resolution known as the beef-trust resolution?

Mr. BORLAND. It is.

Mr. MOORE of Pennsylvania. And was before the Judiciary Committee at the last session?

Mr. BORLAND. The original resolution was before the committee at the last session, not this resolution.

Mr. MOORE of Pennsylvania. What progress was made by the Judiciary Committee?

Mr. BORLAND. There were extensive hearings, occupying 10 or 12 days in all, and the printed copies of the hearings are in existence.

Mr. MOORE of Pennsylvania. The purpose of this resolution is to inquire into the high cost of living, the price of beef and meats generally.

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Has not the Attorney General announced a purpose of making an inquiry of this kind?

Mr. BORLAND. I think he has; I hope he has; but that would not obviate the work done here.

Mr. MOORE of Pennsylvania. I would like to say that the question of the price of meats in the large cities is an aggravated one. We waited patiently all of last session to have some action taken on these resolutions. No action appears to have been taken. Now, if we are to fall again between the three stools—the Attorney General, the Committee on Interstate and Foreign Commerce, and the Committee on the Judiciary—we might as well have an understanding now when this question of unanimous consent is asked. Does the gentleman think he is going to get any action on the high cost of living if this resolution is referred to the Judiciary Committee?

Mr. BORLAND. I do.

Mr. SHERLEY. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Kentucky demands the regular order, and the regular order is, Is there objection to this change of reference?

Mr. MOORE of Pennsylvania. Reserving the right to object, I merely want to say——

Mr. SHERLEY. I demand the regular order.

Mr. MOORE of Pennsylvania. Evidently the gentleman does not want action.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ADAMSON. I shall not object on the statement of the gentleman from Missouri that the purpose is to investigate violations of the antitrust law.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. I object.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. FREAR] may address the House for one hour.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin [Mr. FREAR] may address the House for one hour. Is there objection?

Mr. ADAMSON. For the purpose of asking a question, I reserve the right to object, and for that purpose only. Is it the intention to transact any other business in the House to-day?

Mr. KITCHIN. No; we will adjourn after the remarks of the gentleman from Wisconsin if consent is granted.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin [Mr. FREAR] be permitted to address the House for one hour. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

Mr. BORLAND. Mr. Speaker, I again submit my request for unanimous consent for change of reference on House resolution 389 from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary. The purpose of this is to discover violations of the antitrust law.

The SPEAKER. Is this the same matter the gentleman had up a moment ago?

Mr. BORLAND. It is.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to rerefer House resolution 389 from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, for the present I object.

PUBLIC BUILDINGS.

The SPEAKER. The gentleman from Wisconsin [Mr. FREAR] is recognized for one hour.

PUBLIC BUILDING WASTE REACHES MANY MILLIONS OF DOLLARS EVERY YEAR—EIGHTY PER CENT OF THE PROPOSED 1916 ITEMS IS WASTE, ACCORDING TO TREASURY DEPARTMENT COMPUTATIONS—IT IS A "PORK-BARREL" BILL, IN DEGREE FULLY AS BAD AS THE AVERAGE RIVER AND HARBOR BILL—THE LAST PUBLIC BUILDINGS BILL WAS PASSED BY THE HOUSE WITH 20 MINUTES' DEBATE—THIS BILL CARRIES $35,000,000 AND SHOULD BE DEFEATED.

Mr. FREAR. Mr. Speaker, the House has passed within a half hour an omnibus bill by a vote of 188 to 159 appropriating nearly $900,000 for 18 fish hatcheries scattered from Alabama to Washington, in addition to 40 now established. The House probably noticed that some of the distinguished Members on the Democratic side, including the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], voted against that omnibus bill, which proposed to establish fish hatcheries throughout the country. Yesterday there was given to Congress by the Secretary of the Treasury a report in which he vigorously criticised the omnibus public buildings bill calling for $35,000,000, and gave reasons why, in his judgment, that bill ought to be defeated. Yesterday, also, the distinguished Vice President of the United States, Mr. MAR-

SHALL, in welcoming a body of men known as the River and Harbor Congress, which is a lobby organized for the purpose of urging the passage of river and harbor bills, also recommended a change in the method of appropriations from omnibus bills to specific legislation. The protest against "pork barrels" is in the air, and at this time, Mr. Speaker, I desire to discuss briefly the subject of public buildings bills, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. CONRY). The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I speak in opposition to the pending $35,000,000 public-buildings bill, which we are told will pass at this session. Judging from past experience the bill will be loaded down at the other end of the Capitol with from $5,000,000 to $10,000,000 more "Government monuments," so that it promises to rival the $43,000,000 river and harbor pork barrel passed at this same session of Congress. The last public-buildings act was rushed through the House under suspension of the rules. Only 20 minutes were given the opponents of the bill in which to discuss a bill of 50 pages, containing between 400 and 500 items, appropriating over $40,000,000, and covering extravagant and worthless projects from one end of the country to the other. The House and the public were blindfolded as to facts, and then bound and gagged by a vote of 154 to 30 to stifle discussion. Those who would know the record will find it beginning on pages 3299 and 4245 of the CONGRESSIONAL RECORD of the Sixty-second Congress.

Protests upon protests against the bill and its method of passage will there be found in the few minutes then permitted for discussion.

There will be found the denunciation of Mr. FITZGERALD, of New York, chairman of the appropriations bill, who said:

> I denounce as indefensible this method of passing a public building bill. * * * It can not be defended from any standpoint of public necessity.

Of the 32 most important chairmanships of House committees, Mr. FITZGERALD is the only chairman from any Northern State, and as the Northern States pay nearly 95 per cent of the revenues with which this Government is being run, and from which appropriations are made, his remarks are of exceptional weight.

AN AUDACIOUS RAID ON THE TREASURY.

A leading Democratic Senator said of the 1913 public-buildings bill it was "the boldest and most audacious raid on the Public Treasury that has been attempted in recent years." The same judgment may be passed on the 1916 bill now before the House.

When the 1913 measure was returned with Senate amendments, the gentleman from Alabama [Mr. BURNETT], in charge of the bill, said:

> I desire merely to state that there are a number of Senate amendments; there are some of them perhaps that are good and many of them no doubt are bad.

The record, however, fails to show that any of the many bad ones put in by the House or Senate were omitted.

The gentleman from Missouri [Mr. BORLAND] said on the same day, February 27, 1913:

> The bill contains perhaps less than a score of items that can be attacked on any ground of just criticism out in the country, but contains nearly $10,000,000 hogshead of pork for the District of Columbia. We are compelled to submit to this unjust criticism from one end of the country to the other of having prepared a pork-barrel bill, when there is not a Member of this House that has got more than a slice of side meat compared with this hogshead of pork (Senate amendments). I am disgusted with this high-handed attempt to not only get the lion's share of the pork, but to load all the odium upon the House of Representatives.

This suggests a new odium movie tragedy entitled "Who gets the most pork, or when is an egg too bad to use?"

On a second motion to suspend rules and demand immediate conference, the opposition to the bill was snowed under—164 to 26 (p. 4247). A record vote of 104 majority was cast against instructing the conferees to urge an amendment to limit buildings to offices having more than $10,000 annual receipts. No restrictions in pork getting were favored.

Without debate or investigation, amid cries, shown by the RECORD, of "Vote!" "Vote!" on page 4245, which significantly sounds like "Pork!" "Pork!" the bill was passed without a roll call. Before the 1916 bill is reached on the calendar, and before the House is again blindfolded, bound, and gagged on the new $35,000,000 public-buildings bill, which may eventually reach over $40,000,000, I desire to place before you some facts to show the legislative scandal that will be involved through stifling investigation and debate on this bill and by its passage.

PROFLIGATE WASTE.

In its Democratic national platform, adopted at Baltimore, the party now in power said:

> We denounce the profligate waste of money wrung from the people by oppressive taxation through lavish appropriations of recent Republican Congresses which have kept taxes high. * * * We demand a return to that simplicity which befits a democratic Government.

Chairman FITZGERALD, in debate last session, declared of his own party associates:

> They have unnecessarily piled up public expenditures until the Democratic Party is becoming the laughingstock of the country.

In the same speech he referred to "this band of Treasury looters."

Many like statements have been heard from the other side of the aisle by way of confession, and the words of Representative SISSON, of Mississippi, were to the same effect when he said to the House:

> I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticizing the appropriations that you made, for if that expression "criminally extravagant" was proper to apply to you, my God! the English language has never found an adjective strong enough to apply to Democratic extravagances.

With expert opinions to guide us on past extravagances of this administration, let us consider the new $35,000,000 bill, which cares for the interests of 300 or more separate congressional districts with over 400 items, and binds, gags, and blindfolds Congress when it is passed by the House.

Mr. Speaker, two public omnibus legislative scandals have been fastened on Congress recently. Two scandals that find supporters but few apologists. From insignificant weaklings they have grown to mighty giants until through allotment of political pelf, they now seek to govern other important legislation.

Both omnibus bills are founded on private greed and local selfishness. They permeate political and legislative activities and encourage the belief among shortsighted constituencies that the relative value of a Representative's service is determined by his ability to obtain appropriations for his constituency. Legitimate public improvements throughout the country, therefore, are required to support these omnibus bills, covering, as they do, scandalous treasury hauls which during the last two decades have jumped from lilliputian size to scores of millions in bills reeking with profligate waste.

Heretofore I have endeavored, although possibly too briefly, to discuss and expose several river and harbor extravagances and the Mississippi River $16,000,000 land reclamation bill, in an effort to arouse sentiment against such notorious raids on the Federal Treasury. I herewith offer a brief analysis of the public buildings legislative atrocity, which also has served to make Congress a laughingstock throughout the country. For scientific distribution of political pork it has no parallel, as may be easily demonstrated.

PORK BARRELS MUST BE ABANDONED.

Other members are better able to perform this service and I do not expect to offer any thoroughgoing analysis of either the 1913 or 1916 bills. I desire, however, to present a few facts that must soon convince intelligent men that public-buildings bills and river and harbor bills are largely political grab measures, wasteful and indefensible in character, and measures that should be abandoned if we would maintain our self-respect individually and collectively.

For those who have not time nor inclination to investigate the facts, but who wish to get a general understanding of public-buildings bills and their methods of preparation, I have collated a few facts taken from official sources which may be of use in determining what should be done with the 1916 bill.

An agreed state of facts and the opinions of experts will first be submitted to show that the average public-buildings bill, including the bill under discussion, is indefensible and vicious in principle. Some intelligent, businesslike system of determining the location and character of public buildings should be submitted in lieu of the shameful methods which characterize every public-buildings bill.

Taxpayers overburdened with public-building, land-reclamation, and waterway pork barrels, amounting in the aggregate to over $100,000,000 during the year 1916, have right to rebel. The 1916 river and harbor bill amounted to $42,886,000, the so-called flood-control and land-reclamation bills to $50,600,000, and the 1916 public-buildings bill already reaches $35,000,000. Over one-half of that total, it can be demonstrated, is to be wasted on useless, extravagant, or private projects and will be improperly drawn from the Public Treasury by three omnibus bills

during this session of Congress, with other equally extravagant bills to follow.

A public-buildings act was passed and approved March 4, 1913, which provided for a Public Buildings Commission. That commission consisted of W. G. McAdoo, Secretary of the Treasury; J. C. Reynolds, Attorney General; A. S. Burleson, Postmaster General; Senators C. A. SWANSON and GEORGE SUTHERLAND, and Representatives FRANK CLARK and R. W. AUSTIN.

THE PUBLIC BUILDINGS COMMISSION'S REPORT.

The commission's report is found in House Document No. 936, Sixty-third Congress. I call attention to several statements therein, to wit:

In 12 years $163,085,431 has been authorized for public buildings. The act of 1913 authorized $41,797,350, or over 25 per cent of the total. On January 1, 1914, 864 buildings had been completed, 120 more were in course of construction, 310 more authorized on sites not built, and 183 more authorized sites for buildings had not been purchased. The Architect's Office is able to prepare for about 75 buildings annually, and, according to information received, that office has not yet caught up with the demands of hungry constituencies, as set forth in the figures cited.

Another significant fact is disclosed. The average annual operating cost for 436 post offices, including heat, light, and so forth, is $2,594. Buildings costing $75,000 averaged $2,320, and buildings costing $50,000 averaged $1,815 annually. To this cost should be added 3 per cent annual interest on the investment, which makes the annual cost to the Government on $50,000 buildings $3,315 and on $75,000 buildings $4,570. To this total must also be added depreciation charges of approximately 3 to 5 per cent annually, to include repairs. These figures should be kept in mind when ascertaining the profligate waste piled up by these bills.

The highest rental paid by the Government to any one of the 508 post offices having over $10,000 annual receipts and occupying leased quarters is $2,580, and the lowest rental $151 annually. At 378 offices the rental is less than $1,000, and at 130 offices the rental exceeds $1,000. For 4,320 post offices of all classes and branches the average annual rental in 1913 was $824.

In other words, it now costs the Government annually about $824 on the average to rent offices which will cost over $3,315 annually when $50,000 buildings are erected, and $4,570 when the cost reaches $75,000 for building and site. Other costs, present and prospective, will be set forth more in detail when specific items are discussed.

No hasty conclusions should be reached as to necessity for "public monuments" in Jim Crow towns or jerkwater stations until the provisions of the 1913 law are first examined. An analysis of the last public-buildings act passed by Congress shows conclusively just how dishonest and wasteful these bills have become.

A HIGH-CLASS COMMISSION.

Before discussing that law I quote from the commission's report signed by Messrs. McAdoo, Swanson, Sutherland, Clark, and Austin. It recommends that no public building be authorized where annual receipts are less than $10,000 per year, and in the consideration of each project "a comparison of rental value for suitable quarters, together with cost of maintenance and operation, including interest at 3 per cent on the investment for the building proposed shall be made in order that it may be determined whether its erection would be a desirable or proper investment." Again the majority of the commission reported "A general examination of sites and buildings authorized but not consummated has been made, and the commission is satisfied that some appropriations and authorizations have been made which are not justified. Other authorizations are too large." This is a positive indictment of past public-buildings bills and of Congress, made by reputable and responsible authority.

Chairman CLARK, of the committee and a member of the commission, signed that report. Thereafter Postmaster General Burleson ripped the cover from off the 1913 public-building pork barrel in a minority report which for comprehensive detail could not be surpassed. Page after page of concrete facts are given in Document No. 936, of last session, wherein the whole miserable system is disclosed, not by argument, but by uncontrovertible statistics.

Mr. Burleson served his apprenticeship in the House and afterwards undertook the administration of the department for which we are providing public buildings. His judgment of locality requirements ought to be that of manager of a great commercial business. He tells us what is needed, but in order to help local constituencies and boost political fortunes the directors of the company—Congress—insists on establishing buildings at hundreds of country cross roads for political purposes rather than public necessity, notwithstanding this protest of the business manager, chosen by the people.

In his minority report, pages 28 and 29, Mr. Burleson, presumably the best-informed member of the Public Building Commission, says:

That a public building for post-office purposes only be not authorized for any place unless the rental paid for Government offices is as much as $1,000 per annum, and then only when either the gross post-office receipts amount to as much as $15,000, or the population to as much as 5,000.

From a brief examination of the 1913 bill this would have barred over 80 per cent of the four hundred and odd projects contained in that bursting pork barrel, and, according to Mr. Burleson's conclusions, that bill was four-fifths waste when measured by items. By the same token over 80 per cent of items in the 1916 bill would be properly rejected apart from extensions and increases.

Again, Mr. Burleson says in his report—

2. That whenever public buildings are authorized quarters be provided, if possible, for all permanent Government offices, but that no provision be made for any branch of the service that will not have real need of accommodations on at least one day of each month, except in the case of United States courts.

3. That United States court accommodations be provided only at places where court has actually been in session on at least 10 days of the preceding year.

Just why 10 days instead of 30 days or more was named is hard to say. Surely he is liberal in his estimates of public necessity.

DESERTED FEDERAL COURTHOUSES.

Yet if the provision recommended by Mr. Burleson had been pursued in the past, about one-half of our magnificent deserted Federal courthouses would not have been built and many millions of dollars would not have been frittered away on extravagant empty buildings—monuments to our own business incapacity. Again, he says—

7. That the practice of authorizing sites in advance of authorizations for buildings be discontinued, and that authorizations for buildings and sites be made simultaneously.

Why not, except to wrongfully encourage a dribbing, unbusinesslike system?

Providing this common-sense plan had been followed, instead of public grab methods, 130 sites contained in the 1913 bill would have been omitted, but these items pulled votes for the bill, and practically the same number of sites in the 1916 bill are relied on to furnish 100 more votes for the measure now before us.

Mr. Burleson says further in his report to Congress:

20. That a lump-sum appropriation of $10,000,000 be made annually for public buildings work.

This would be more economical, but would not affect the vicious system, without other changes made in present methods.

As the amount appropriated from 1906 to 1913, inclusive, for public buildings reached about $130,000,000, or nearly double the average amount recommended by Postmaster General Burleson, one effect of his proposal will be readily appreciated. It tends toward needful economy.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. FREAR. Yes; certainly I yield to the gentleman from Pennsylvania.

Mr. FOCHT. May I ask the gentleman whether it is not a rule of the committee not to consider an appropriation for any location unless the receipts of the particular place where it is proposed to construct a public building are in excess of $10,000?

Mr. FREAR. No; it is not a rule. It is said to be a rule, but by the time the gentleman has seen the statistics which I shall submit in respect to the 1916 bill, he will observe that it is a rule which is honored by its nonobservance from beginning to end.

Mr. FOCHT. I trust the gentleman will develop that.

Mr. FREAR. I shall certainly demonstrate it to the satisfaction of the House with many items that will be submitted. I say any number. I would say offhand 100 or more of the projects contained in this bill. In one case of nine projects from one State not a single one of the projects reaches that amount of receipts.

Mr. FOCHT. I asked the question for the reason that in several instances where I have applied for an appropriation the first consideration was whether there were receipts exceeding $10,000, and I was led to believe that the committee would not consider the matter unless that amount was received.

Mr. FREAR. I readily understand that that has been the position assumed by the committee but not observed. Let me

suggest as an evidence of the action of the House upon that particular proposition that when an amendment was urged as a part of the 1913 bill to limit the construction to places where the receipts amounted to $10,000 it was defeated in the House by nearly 100 majority. I stated that a few moments ago. I propose to offer a tentative bill suggesting a system that will, if adopted, remove all of these objections.

Mr. FOCHT. The gentleman is not opposed to a public building where the necessity of the case demands it?

Mr. FREAR. No; certainly not.

Mr. FOCHT. Or where the receipts are $10,000?

Mr. FREAR. Oh, yes, indeed. I propose to show here that Mr. Burleson said that the limit ought to be $15,000, and the Treasury Department insists that it ought to be $25,000. The question of the amount of money taken in at a particular office, in so far as the construction of a building is concerned at that point, has no more relation to it than has the amount of money taken in by a street car conductor with the cost of the car that he is running. That will be readily observed when it is realized that this money is for the purpose of carrying the mail, and that we are carrying on our Post Office Department not at a profit but at a loss. I shall submit in my statement cases showing the increased expense will be three to ten times the amount now paid by the Government for local rents and other charges, according to the estimates of the Treasury De partment.

Mr. FOCHT. I have always understood the conception to be that these appropriations are made for the accommodation of the public, and hence that it is the best kind of appropriation, if properly applied, that could be made by Congress. In fact, about the only thing that the people get with any directness is the delivery of the mail and the dispatch of their business; and if there is a community of sufficient commercial importance and population to require such a building I would like to ask the gentleman whether he is opposed to it?

Mr. FREAR. Let me ask the gentleman from Pennsylvania what he believes is the proper standard?

Mr. FOCHT. I think that is the standard—the importance of the community and the requirements and the public demand for the dispatch of business.

Mr. FREAR. True; and of these 400 items that have been placed in the 1916 bill there is not a single item which has not been inserted by that very argument, dependent upon the locality itself, dependent upon the political pull that is possessed, as to whether the proposition is sufficient. Who is going to determine it? Not the Treasury Department, not the Post Office Department, but a committee which does not observe any rule of which the gentleman speaks.

Mr. FOCHT. Congress is supposed to determine the question, and as far as the gentleman's constant quoting of Mr. Burleson, I should prefer to have his own opinion as a Member of Congress.

Mr. FREAR. I thank the gentleman. The reason I have quoted Mr. Burleson so frequently is this: He was an able member of that commission. He made a statement based upon a very careful investigation of all the facts, that $15,000 ought to be the limit, the minimum. I can not conceive of any limitation of that kind having any bearing upon what the cost of the building should be. It would seem to me that the recommendation should come through the Treasury Department or the Post Office Department, depending upon the necessity of a particular community, and in such a case, just as with the river and harbor bill or any other bill, that ought to be the determining factor.

Mr. FOCHT. The gentleman's theory is to get away from the pork-barrel feature——

Mr. FREAR. Yes.

Mr. FOCHT. And the local political pull it gives Congressmen. I thoroughly agree that the building should be based upon the public necessity. We must stand on that.

Mr. FREAR. I know the gentleman does. I am offering this statement in order to make clear where we have been led in past legislation.

Mr. FOCHT. I think the gentleman is performing a great public service if he can confine the construction of post-office buildings to communities where necessity alone demands them.

Mr. FREAR. I wish it were more generally believed in by Members of the House.

Returning to the Public Building Commission's report:

Other recommendations seeking to halt or slacken the race for local public-building gifts and grafts appear in the minority report, which covers 100 pages and blasts the present system with a broadside of statistics.

In this discussion it is needless to say I have no interest in what congressional districts are affected or who introduces the bills acted upon by the committee. I do not presume to criticize individual Members for introducing bills under local pressure, nor am I interested in the acts of the committee, excepting in so far as such acts serve to show the character of the present system which notoriously is affected by political or personal pull and in only a secondary degree by the requirements of communities or needs of the General Government.

I do say that 400 different propositions contained in the 1916 bill scattered all over the country are calculated to enlist the support of enough votes to pass any bill. That is a problem as serious in character as any which confronts this Congress. Will Congress put through this legislative monstrosity, which carries many millions of dollars of wasted public money? I shall endeavor briefly to demonstrate, so that he who runs may read, that the whole bill is charged with "profligate waste," such as was denounced by the Democratic convention at Baltimore and to use a further quotation from that historic but disregarded platform, it is "wrung from the people by oppressive taxation."

LIMITATION BASED ON RECEIPTS IS A SUBTERFUGE.

An effort is made ostensibly to limit items going into the public-building grab bag by requiring local office annual receipts to reach $10,000. This modest limit was fixed so as to permit thousands of villages to enter the bill, but the limit is regularly brushed aside by the committee, so that the rule has become honored by its notorious nonobservance. In other words, when the annual rental is only $300 or less a new building costing $3,000 or more in annual carrying charges may be built whenever receipts reach far less than $10,000 annually—if the committee so elects.

What business reason exists for a law or rule which has become a political subterfuge? Let us see. The committee says not even $10,000 annual postage sales and income should be the limit. Burleson says $15,000 annually, and Treasury officials believe $25,000 annual receipts should be shown before a public building is authorized. The matter of local receipts as a measure of Government needs has no relation to the subject. The local post office is only a collector, and the collection is made to handle and carry mail to the four quarters of the globe, not to erect public monuments in corner crossroads.

The department is not self-supporting. The question governing any other kind of business, public or private, would relate to necessity, economy, and policy. The omnibus policy is to build wherever votes are needed to carry through the bill. Every excuse is urged for construction—Federal courts and assay offices—and now to aid the civil service. No inventive genius has yet thought of using these "Government monuments" for Army signal stations or Indian blockhouses in our scheme of public defense, but no reason is too absurd to avoid a nonobserved limitation in receipts which in itself is unintelligible from any business standpoint and manifestly absurd in principle.

This assumed limitation is only used to justify a bad legislative policy, as may be demonstrated.

In order to relieve Members of Congress from the necessity of building these scandalous swap bills, and in order to permit them to engage in more legitimate legislative public service, I suggest a business proposition which will save money and time and promote public efficiency. Why not pass a simple measure to cover the following purposes?

A BILL PROVIDING FOR A PUBLIC BUILDING COMMISSION.

A commission composed of the Secretary of the Treasury, the Postmaster General, and the Attorney General is hereby created whose duty it shall be to receive and investigate all applications for Government public buildings wherever located. The commission may provide rules concerning the size of communities, post-office receipts, and rental paid by the Government in determining where public buildings are to be constructed, and shall determine the character, cost, and plans of every such public building.

The commission shall annually prepare a report of its findings and recommendations and the same shall be embodied in the report of the Secretary of the Treasury and of the Postmaster General. The amounts required to provide for the purchase of sites, construction of buildings, and purchase of needed equipment shall be included and made a part of the regular supply bills submitted by the Secretary of the Treasury to Congress.

Mr. Speaker, a few facts have been presented heretofore relative to the vicious character of river and harbor legislation, which depends for its existence on votes gathered from different sections of the country by the judicious distribution of cash. The public-buildings bill is equally indefensible. Excuses are offered that Congress grants a maximum amount for buildings, and it is then for Treasury officials to reduce the amount, if need be. That excuse is of the same character as occurs in river and harbor legislation when extravagance and waste is avoided by laying responsibility on Army engineers. Congress makes wasteful and extravagant appropriations for rivers and harbors and public buildings. Congress locates these "improve-

ments." Political pull is then brought to bear on the administration authorities to expend the entire amount, and frequently much more than the first amount granted. The system has resulted in illogical measures that waste a score of millions every year on inland waterways and insignificant harbors and on useless public buildings. A pretense of securing Army engineers' approval is offered with river and harbor projects. No official approval as to necessity occurs with public buildings. It is largely a matter of political pull and local graft. Owners of desirable sites, those interested in change of location, those who want to see Government money spent locally, and various other interests demand their "Government monument."

Such bills will not bear public scrutiny, and a few facts presented show imperatively that a more businesslike, economical, and honest method of providing public buildings must be devised. The money waste is large but of minor importance compared with the corrupt influence which underlies all omnibus money grabs.

Before considering the 1916 bill I desire briefly to discuss the last bill passed by Congress in 1913, and on which much definite data is available. The waste, extravagance, and general character of that last bill as passed by Congress may be better understood from statistics gathered from official reports. In round numbers that bill contained over 400 projects, which, evenly distributed, would have covered nearly every congressional district, irrespective of public needs. These items were widely and generously distributed, as will appear from a perusal of Document No. 936, Sixty-third Congress, so that when presented for passage a large majority of the districts were provided with some building or building site. No roll call could be secured, as appears from the RECORD, which was quoted at the outset.

VILLAGES UNDER 3,000 INHABITANTS.

To show what kind of villages and crossroads were recognized in the 1913 bill, a partial list of places under 3,000 inhabitants is offered where the Government is now paying on the average an annual rental of from $300 to $720 per month, yet when the new 1913 public buildings have been erected the average annual cost to the Government will be from five to ten times present expenditures. In other words, that is local pork taken from the Public Treasury in response to clamoring local constituencies. The Postmaster General insists that 280 cities, containing over 5,000 inhabitants each, ought first to be provided with public buildings before any more pork barrels are built, but I am taking a much lower census figure, 3,000, to show the indefensible character of the last public-buildings bill, which did not differ much in general plan from the 1916 bill now urged for passage. Nearly 100 of such items occurred in the 1913 bill alone, of which a few are cited from the commission's report:

The principle governing the distribution of political or local pork in the 1913 bill is found on page 33 of Document 936 when applied to Florida items for illustration:

Location.	Population.	Rentals.	Appropriation.
Bartow, Fla	2,662	$650	$55,000
De Land, Fla	2,812	600	65,000
Orlando, Fla	3,812	900	65,000
Apalachicola, Fla	3,065	600	75,000
Lakeland, Fla	3,719	1,200	75,000
Marianna, Fla	1,915	350	70,000
Sanford, Fla	3,570	600	70,000
De Funiak Springs, Fla	2,017	100	[1]6,000
Key West, Fla	19,945		80,000
Kissimmee, Fla	2,157	360	[1]6,000

[1] Site.

This is not a full list of Florida projects contained in the 1913 bill. Notwithstanding Florida has all its 5,000-population towns already provided according to the report, the above list and several others in the bill show that Florida had some potent influence in getting public funds from the Federal Treasury. Think what joy came to Marianna, with its 1,915 souls, upon learning that a good shepherd had given to its people a $70,000 monument at $35 per capita. Think of Kissimmee, with 2,157 souls, now living on a stream dry eight months in the year, but remembered in a recent river and harbor bill with $43,000 more to insure against prairie fires.

Real estate speculators in De Funiak Springs spent sleepless nights while skirmishing around among its 2,017 inhabitants in a desperate effort to find a vacant building lot for $6,000 on which to erect their Government monument. And that amount alone would have paid rental for 60 years, or over a half century at present rates, in the Springs.

The little city of Key West gets $80,000 from Uncle Samuel just to find a lot on which to build. Is that the site secured by a representative of the Flagler road who haunted the committee before the 1913 bill was reported?

Nine Florida villages above named totaled 25,774 men, women, and children last census, and receive from the good shepherd at Washington nearly a half million dollars to divide among the nine villages. Counting Key West, the allotment reached beyond the half million, and it should be remembered that from other good shepherds Florida gets annually nearly a million dollars more drawn from Federal Treasury vaults for the Kissimmee, the Oklawaha, the Apalachicola, and streams and harbors with liquid names, but often dry banks and bottoms.

OTHER PUBLIC BUILDINGS IN FLORIDA.

The Public Buildings Commission makes an equally astounding statement in its report, pages 94 to 97. From that we learn Florida has 10 Government courthouses containing local post offices which have cost $1,875,000. California has only 4; Ohio, 5; and Illinois, 6. Florida has 4 Congressmen; California, 11; Ohio, 22; Illinois, 27. Florida has less than 10 per cent of the population of Ohio and Illinois, but 10 courthouses to their 11. In its 1915 fiscal year income-tax payments Florida paid $229,509; Ohio, $4,027,459; Illinois, $5,654,151. Florida furnishes less than 3 per cent of Federal funds compared with these two States, but she coopers the barrel, according to official documents. Later we will discover other remarkable Florida statistics disclosing other interesting facts. At the beginning we learn 10 Government courthouse monuments go to the 4 congressional districts of Florida, also 18 items are in the last 2 public-buildings bills for Florida's 4 districts; ten times the courthouse average that is given to Ohio or to Illinois districts, and yet the Buckeye State contributes practically $19 for Florida's Government buildings to every dollar paid by Florida, and the Sucker State contributes $25 for Florida's Government monuments for every dollar paid by Florida, and Florida gets proportionately 10 monuments where Illinois gets 1.

The following covers a few more of the 1913 bill post-office projects which are located in places under 3,000 inhabitants, notwithstanding the Postmaster General insists that no building be placed in cities under 5,000 inhabitants:

Location.	Population.	Appropriation.
Jasper, Ala	2,509	$107,500
Arkadelphia, Ark	2,745	60,000
Fordyce, Ark	2,704	55,000
Statesboro, Ga	2,529	57,500
Hiawatha, Kans	2,974	67,500
Lancaster, Kans	1,507	60,000

Lancaster lost 133 souls through death or departure from 1900 to 1910, but bleeding Kansas of the last generation apparently bleeds the Treasury of this. Lancaster had less than one-third the population recommended by the Postmaster General for consideration.

Location.	Population.	Appropriation.
Hammond, La	2,942	$55,000
Holly Springs, Miss	2,192	50,000

Holly Springs had an epidemic of removals between 1900 and 1910, during which time it lost 623, or 25 per cent, of its Holly Springs; but Christmas gifts, appropriately wreathed by holly, were dumped by war-tax contributions into the Springs by the congressional Santa Claus.

Location.	Population.	Appropriation.
Aurora, Nebr	2,630	$56,000
Chadron, Nebr	2,687	125,000
Wahoo, Nebr	2,168	56,000

The Aurora in Nebraska gets up before breakfast. Chadron stretches its waistband with pork, while the village of Wahoo, increasing just 68 souls from 1900 to 1910, showed disregard of President Roosevelt's advice.

Location.	Population.	Appropriation.
Waynesville, N. C	2,008	$72,000
Jellico, Tenn	1,862	80,000
Martin, Tenn	2,228	55,000
Maryville, Tenn	2,381	70,000

Tennessee made a big haul for its ruralities. Its advantage is noted, when 6,471 people in three villages get $205,000 in public buildings. And this gift comes from an administration that in its 1912 Baltimore platform shrieked, "We denounce the profligate waste wrung from the people by oppressive taxation," and so forth.

Location.	Population.	Appropriation.
Richfield, Utah	2,559	$60,000
Franklin, Va	2,271	50,000
Warrenton, Va	1,427	62,000
Waynesboro, Va	1,389	57,500

The home State of the Father of his Country was not backward in its demands for "profligate waste wrung from the people (in 1914) by oppressive taxation," as shown by these additional items:

Location.	Population.	Post-office receipts.
Buena Vista, Va	3,245	$6,358
Cape Charles, Va	1,948	7,481
Manassas, Va	1,217	7,351
West Point, Va	1,397	3,995
Woodstock, Va	1,314	6,073

These are Virginia villages that are getting Government monuments through oppressive taxation. More will follow.

Location.	Population.	Appropriation.
Basin, Wyo	763	$56,000
Buffalo, Wyo	1,368	69,500
Cody, Wyo	1,132	56,000

When the handful of people in the villages of Basin, Buffalo, and Cody, Wyo., learned what the Public Buildings Committee did for those villages, they sang praises for those from whom the money flows. "Government monuments" to prevent the stranger from losing his way are numerous in the wilds of Wyoming.

Again quoting from the 1913 bill, Document 936, page 37:

Location.	Population.	Appropriation.
Andalusia, Ala	2,480	$50,000
Cordova, Alaska	1,152	100,000
Prescott, Ark	2,705	50,000
Rogers, Ark	2,820	70,000
San Pedro		60,000
Willow, Cal	1,139	75,000

Willow lost 40 of its souls from 1890 to 1910, but San Pedro did not have enough population in 1890, 1900, or 1910 to get into the Government census. It gets $60,000, however, from the Federal Treasury. Over $400,000 given to six villages in "profligate waste wrung from the people by oppressive taxation during Democratic times of 1914 and over the protest of a Democratic Postmaster General.

Location.	Population.	Appropriation.
Glenwood Springs, Colo	2,019	$100,000
Marianna, Fla	1,915	70,000
West Point, Ga	1,906	50,000
Aledo, Ill	2,144	65,000
North Vernon, Ind	2,915	60,000
Girard, Kans	2,446	75,000
North Topeka, Kans		71,000
Glasgow, Ky	2,316	60,000
Marion, Ky	1,627	60,000
Fort Fairfield, Me	1,621	80,000
Bad Axe, Mich	1,559	55,000

What a record for 11 villages, taken in order, that were given approximately three-quarters of a million dollars.

Every appropriation apparently needed a good ax. Remember these are generous public gifts by Uncle Sam, as shown by the 1913 Democratic public-buildings bill. The 1916 bill is of the same general character. Continuing we find—

Location.	Population.	Appropriation.
Midland, Mich	2,527	$60,000
Fairmont, Minn	2,958	65,000

Fairmont shriveled 92 souls from 1900 to 1910, but it crowded into the same 1913 bill.

Location.	Population.	Appropriation.
Butler, Mo	2,894	$60,000
Fayette, Mo	2,586	55,000
Harrisonville, Mo	1,947	52,500

Good work on the Treasury by Harrisonville, which gained 94 people during the preceding 10 years. Political pull is not lacking for Missouri. The "show me" State lands its share of profligate waste both in rivers and public buildings.

Location.	Population.	Appropriation.
Central City, Nebr	2,428	$55,000
Fallon, Nev	741	55,000

That is a good fall out of the Treasury by Fallon. Nevada is one of the newer sister States, but it has learned the ropes without much trouble.

Location.	Population.	Appropriation.
Winnemucca	1,786	$60,000
Fort Plain, N. Y	2,762	65,000
Chapel Hill, N. C	1,149	60,000

Over $50 apiece for every mother's son and daughter in the North Carolina crossroads town is a godsend. Certainly such an appropriation for Chapel Hill warrants prayers against "oppressive taxation wrung from the people," according to the Baltimore platform.

Location.	Population.	Appropriation.
Woodward, Okla	2,696	$110,000
Monessen, Pa	2,197	90,000

That rescues Monessen when the committee says $40 per soul expended in the village is a good investment for Uncle Sam. It sounds more like grab and "profligate waste," to use a familiar platform expression.

Location.	Population.	Appropriation.
State College, Pa	851	$75,000

There is a lesson for Young America in Government economy—on how not to do things. The 1913 Democratic public-buildings bill contained that item of profligacy at $90 per capita.

Location.	Population.	Appropriation.
Bellefourche, S. Dak	1,352	$75,000
Chamberlain, S. Dak	1,275	60,000

These are items in the 1913 keeping-us-in-war-taxes administration. Approximately $50 for every single soul in these South Dakota crossroads towns is given away by Uncle Sam.

Location.	Population.	Appropriation.
Athens, Tenn	2,264	$50,000
Franklin, Tenn	2,924	55,000
Gallatin, Tenn	2,399	50,000
Cameron, Tex	3,263	55,000
Comanche, Tex	2,756	50,000
Commerce, Tex	2,818	50,000
Gilmer, Tex	1,484	55,000
Honey Grove, Tex	2,300	50,000
Mount Pleasant, Tex	3,137	55,000
Pittsburg, Tex	1,916	55,000
Vernon, Tex	3,195	50,000

Above are just a few of the Tennessee and Texas items contained in the 1913 bill. They show the power of pull in creating profligate waste. Yet the Postmaster General from Texas protests against such public waste.

Location.	Population.	Appropriation.
Vernal, Utah	836	$50,000
Farmville, Va	2,971	60,000
Front Royal, Va	1,133	50,000
Leesburg, Va	1,597	55,000
Norton, Va	1,866	75,000

This is part of another installment for Virginia contained in the 1913 bill. "Profligate waste," thy name is democracy, and I am not referring to party labels but to a democracy that pays for shocking waste by oppressive taxation.

It should be understood that the bill proper arranges items alphabetically under different subheads. For this reason the disproportion in State allotments and size of villages require tabulating.

One Wisconsin item in the 1913 bill is for a city of less than 5,000 population, but I am offering no defense and only submitting facts which show that notwithstanding the vigorous protest of the minority report over 80 per cent of our public buildings are being erected in towns having less than 5,000 inhabitants and less than $15,000 annual receipts, and less than $1,000 annual rental.

Building sites—just building sites alone—carrying several hundred thousands in the aggregate, went to some 60 villages with a population under 3,000. As an illustration, a few building sites for Kentucky are found in the 1913 public-buildings bill, showing the class of villages and crossroads that were generously remembered by the committee, to be hereafter followed up with extravagant appropriations for buildings in these crossroads:

[Document 936, 63d Congress, p. 43.]

Location.	Population.	Annual rent.	Site appropriation.
Barbourville, Ky	1,633	$408	$5,000
Central City, Ky	2,545	250	7,500
Elizabethtown, Ky	1,907	400	7,500
Eminence, Ky	1,274	193	8,000

Eminence is properly named for nerve temperature when, with 1,274 souls and $3,825 annual postal receipts, it gets $8,000 for a building site. That ought to buy 100 acres of good farm land right in the center of the village, and should furnish the chairman of the Democratic national convention in 1912 and 1916 with a gold-headed cane sent by admiring constituents. Think of an $8,000 building site in a town with $193 annual rental.

Continuing—

Location.	Population.	Annual rent.	Site appropriation.
Falmouth, Ky	1,180	$340	$5,000
Harrodsburg, Ky	3,147	600	10,000

Hats off to Harrodsburg. Doubtlessly that is enough to buy one of the best business blocks in the village. Even Falmouth could afford to contribute a rainbow necktie toward the garb of the distinguished ex-chairman of the ex-convention and a present statesman from Kentucky.

Location.	Population.	Annual rent.	Site appropriation.
Hodgenville, Ky	744	$300	$5,000
Murray, Ky	942	240	5,000
Paintsville, Ky	942	132	5,000
Pikeville, Ky	1,280	332	7,500
Prestonburg, Ky	1,120	174	5,000

There are no pikers in Pikeville when Uncle Sam pays the bills, but in these times of profligate waste and war taxes there is pork in porkville Kentucky, and the fair State has many struggling villages that lay claim to the biggest share.

The situation in Kentucky's assignment for the last public building sites is worth studying. Eleven of these villages, having an aggregate population of 15,594, were given approximately $70,000 for building sites. The total annual office receipts in these 11 Kentucky villages reached $57,978, or an average of slightly over $5,000 for each village, while Prestonburg reports only $2,633, or about 25 per cent of the minimum rate recommended by Chairman CLARK in his report, and only 17 per cent of the minimum amount urged by Postmaster General Burleson, who, in his report, denounces this bad practice of buying sites in advance.

These 11 sites were expected to marshal a few votes for the last public-building porous plaster and are certainly a tribute to profligate waste. Eleven public monuments to grab were assigned to Kentucky in 1913 in the single item of building sites, We will discover that the present public-buildings bill is a worthy imitator of its immediate predecessor. Oh, for a Proctor Knott to sing the praises of Hodgenville, Paintsville, and Pikeville, and Murray, and Prestonburg. Duluth, with the second largest harbor in the country, has several times the population of the entire 11 Kentucky villages just enumerated, yet Duluth was an inspiration to Kentucky's distinguished statesmen.

DESERTED FEDERAL COURTHOUSES.

In several cases a Government courthouse is combined with the local post office, and to show just what kind of Government investment that makes, it is stated on page 83 that only seven cities in the United States paid rental for Federal courts prior to the erection of Federal buildings.

The following include a few courthouses generally built with some local post office and the total days of court during a year and cost of building to accommodate that litigation:

Location.	Days per year.	Appropriation.
Tuscaloosa, Ala	5	$157,500
Batesville, Ark	6	80,000
Fresno, Cal	4	150,000
Sacramento, Cal	4	430,000
Fernandina, Fla	4	430,000
Marianna, Fla	3	175,000
Ocala, Fla	5	114,000

That is going some in Florida for a total of 12 days of court, but Florida by legislative accident holds the chairmanships of the two great pork-barrel committees. Counting interest and expense, it costs the Government over $3,000 a day to provide halls of justice for these Florida litigants. Of course, Florida has many other courthouses built at Government expense, as previously stated.

Kentucky gets a good pull for Federal courthouses:

Location.	Days per year.	Appropriation.
Bowling Green, Ky	3	$145,000
Jackson, Ky	9	100,000
Owensboro, Ky	5	175,000
Paducah, Ky	6	220,500
Richmond, Ky	11	130,000

Louisiana is also remembered with vacant "Government monuments."

Location.	Days per year.	Appropriation.
Alexandria, La	4	$125,000
Lake Charles, La	5	125,000
Monroe, La	4	75,000
Opelousas, La	2	50,000

Mississippi gets generous aid as usual.

The Flood Control Committee does not control the flood of "profligate waste" that goes to Mississippi, according to the following Federal court buildings:

Location.	Days per year.	Appropriation.
Aberdeen, Miss	8	$79,000
Biloxi, Miss	8	125,000
Clarkesdale, Miss	5	115,750
Meridian, Miss	8	130,000

North Carolina, with usual modesty, gets a few dollars for sundry localities when looking for justice.

Location.	Court days.	Appropriation.
Charlotte, N. C	6	$342,000
Elizabeth City, N. C	10	140,000
Newbern, N. C	9	95,000
Statesville, N. C	6	77,500
Washington, N. C	3	144,000
Wilkesboro, N. C	5	60,000
Wilmington, N. C	10	600,000

This reaches an average cost per day to the Government of about $3,000 for halls of justice in North Carolina. But, then, a Secretary of the Navy, chairmen of Ways and Means and of Judiciary Committees all make up a formidable front when their State is shouting for public-buildings and river and harbor appropriations.

The list could be extended to cover many other States, and, of course, it is to be understood that many other cities in these States have Federal buildings, and, further, that generous giving is not limited North or South. It is all part of the cash distributing system which has been in vogue during recent years, and which has grown more stupendous and extravagant in the last two or three bills, as will appear from the total amounts to which I desire later to refer.

To the student of public-buildings expenditures both Senate Document 321, Sixty-fourth Congress, and Document 244, Sixty-third Congress, are instructive.

From these documents it appears that in all 1,479 "projects" are for public buildings; several hundred are in towns under 5,000 population, and 216 in towns under 3,000 population. Sixty-six communities of 10,000 people or more are yet unprovided, while the number of corner crossroads and jerk-water towns that are now being provided is rapidly increasing in order to get enough votes for the bill.

Is it not time to take an accounting of stock? With that end in view I have submitted these few facts gathered from official reports which are of special interest in days of plum distribution through the imposition of war taxes.

A hasty analysis of the 1913 public-buildings bill has been given, because it is important for us to understand where public moneys have been wasted in the past when we seek to measure the 1916 bill before us.

Waste, extravagance, and political pull have governed public-buildings bills in recent years, according to facts presented by the Public Buildings Commission. In the bill before us the same method of pork-barrel construction has been pursued, and "profligate waste wrung from the people by oppressive taxation" seems to be a cardinal virtue with those who stand sponsors for the 1916 bill.

Let us first examine into the method of distribution to congressional districts in order to secure votes for the 1916 bill.

Needless to say, the list of districts or Members is not mentioned by way of individual criticism, but to disclose the vice of the system.

MEMBERS MUST INTRODUCE BILLS.

The only present method of securing building appropriations is by this omnibus bill. However important may be a public building from a Government point of view, irrespective of local desires, Members have no other alternative than that of submitting their requests to the Public Buildings Committee. As stated in the discussion of the wasteful river and harbor bills, Representatives in Congress do not require any defenders of their standards of public or private honesty. No one familiar with the facts will question the high character of Members individually and collectively. Neither does any Member profit financially by measures passed by Congress. If this statement is subject to exception, it is so rare as not to affect the general high estimate of those called upon to serve in either branch of Congress.

We are, however, bound to vicious practices, and one of the most pernicious is the omnibus public-buildings bill. Every constituency may desire a "Government monument," as these public buildings have been airily termed by their defenders. Constituencies are frequently urged to press their claims by interested local parties, and sometimes Representatives are persuaded to join in the omnibus bill by the allowance of some local item in order to insure their support. The system is vicious, wasteful, and notorious. It has become a public scandal and finds few apologists. In presenting the facts disclosed by this bill, it is also with the purpose of offering a substitute measure for the present method, not alone because of profligate waste now incurred but because of the legislative travesty and fundamental wrong comprehended in the average omnibus public-buildings bill.

Every Member must determine his own standards, and I do not presume to question individual acts or motives. I shall not do so in the bill under consideration, but in order to insure correct knowledge of the means of public-buildings distribution I herewith submit tables that were presented in the Senate last session which I have not had opportunity to personally verify. If incorrect in any particular, the House Committee on Public Buildings should rectify misstatements made in other parliamentary bodies.

States listed alphabetically, districts, and amounts set apart in the 1916 public-buildings bill are shown by tabulation:

ALABAMA (10 DISTRICTS).

Location.	Representative.	District.	Amount.
Extensions, remodeling, etc.:			
Mobile	Gray	1st district	$100,000
New buildings on sites acquired or authorized:			
Greenville	Dent	2d district	30,000
Union Springs	Steagal	3d district	30,000
Sylacauga	Blackmon	4th district	30,000
Albertville	Burnett	7th district	25,000
Attalla	Burnett	7th district	30,000
New sites and buildings:			
Athens	Almon	8th district	35,000
New sites only:			
Montgomery	Dent	2d district	175,000
Ozark	Steagal	3d district	5,000
Sheffield	Almon	8th district	5,000

In dividing up the proposed 1916 plums it will be found by a coincidence that the second district gets two, the third district two, the seventh district two, the eighth district two, and the first and fourth one each. An analysis of the population and other items of interest will be found elsewhere in my remarks.

ALASKA.

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Juneau	Wickersham	Delegate	$300,000
Special legislation:			
Sitka (grant lands owned by Government to Territory as home for aged).			

ARIZONA.

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Globe	Hayden	At large	$25,000
New sites only:			
Bisbee	do	do	25,000
Flagstaff	do	do	7,000
Yuma	do	do	6,000
Special legislation:			
Nogales	do	do	120,000

Arizona scores five times in the 1916 bill and is well remembered.

The last census gives Flagstaff, Nogales, and Yuma about 2,000 population each, yet these villages are cared for in addition to other cities named. In the average district are many cities that could qualify with larger population than in Flagstaff, Nogales, and Yuma, while in the average State scores of cities of larger relative population would be pleased to receive similar evidence of their Uncle Sam's favor. It is submitted that in view of present costs of maintenance these Arizona items come under the Democratic platform's denunciation of "profligate waste wrung from the people by oppressive taxation."

ARKANSAS (7 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Forest City	Caraway	1st district	$25,000
Brinkley	Oldfield	2d district	25,000
Conway	Jacoway	5th district	40,000
Stuttgart	Taylor	6th district	30,000
Eldorado	Goodwin	7th district	25,000
New sites only:			
Blytheville	Caraway	1st district	9,000
Van Buren	Wingo	4th district	6,000
Little Rock	Jacoway	5th district	175,000

It must be conceded that the distribution is fairly generous to Arkansas. The first district, with Forest City of 2,484 inhabitants and Blytheville with 3,849 souls, is taken in blythe and gay. The second district only gets one chance at the grab bag, but Brinkley's 1,740 people are happy in having landed a $25,000 plum in addition to a $5,000 building site. In 1890 Brinkley had 1,510 people, and in 1910, after a period of 20 prosperous years, Brinkley registered 1,740, or an annual in-

crease of 11 souls per year. Brinkley's gross receipts reached $6,752 in 1910, or less than one-half the amount recommended by Mr. Burleson's report. The fourth district has Van Buren, 3,878 souls; the fifth gets two whacks at the Treasury, one for Little Rock and the other for Conway, 2,794 souls. The sixth district gets Stuttgart, with 2,740 watchful waiters, and the seventh is given $25,000 for Eldorado, with 4,202 souls. Incidentally, seven-eighths of the Arkansas haul is barred by Mr. Burleson's report, but as Arkansas received about $1,000,000 in the 1916 river and harbor bill for an insignificant commerce, it may be following the precedent there set, in demanding its share of this omnibus bill.

CALIFORNIA (11 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extensions, remodeling, etc.:			
Sacramento	Curry	3d district	$50,000
New buildings on sites acquired or authorized:			
San Francisco	Kahn	4th district	600,000
Oakland	Elston	6th district	650,000
Modiste	Church	7th district	65,000
Long Beach	Randall	9th district	200,000
San Bernardino	Kittner	11th district	70,000
New sites and buildings:			
Petaluma	Kent	1st district	60,000
New sites only:			
Placerville	Raker	2d district	10,000
Susanville	do	do	10,000
San Jose	Hayes	8th district	15,000
San Mateo	do	do	15,000
Santa Monica	Stephens	10th district	15,000
Venice	do	do	1000 0
Redlands	Kittner	11th district	30,000

California's items are mathematically well distributed. Ten of its eleven districts are represented in the bill, and thus, according to all rules of the game, 10 votes are secured for the 8 Arkansas items and the 10 Alabama items. Placerville, with its 1,914 souls, and Susanville, with its 688 watchful waiting villagers, according to the 1910 census, will be able to purchase suitable sites in these enterprising second district villages with their $10,000 allotments. In fact, these towns are among the prize movievilles of the great Pacific Coast State. In proportion to their size they move the largest haul contained in the bill for two building sites, and for the longest distance, to wit, across the continent. In justice to California it may be said that nearly all of its items are for cities of over 4,000 inhabitants, but Burleson's report protested against appropriations for such cities, and vigorously opposed paying for any sites before an appropriation was made for buildings.

COLORADO (4 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Sterling	Timberlake	2d district	$55,000
Canon City	Keating	3d district	55,000
Montrose	Taylor	4th district	150,000

Colorado is modest, but then Colorado never had much practice in the public purse; its distinguished delegation has not yet learned the ropes. Next year it may seek a few thousands for Bush Creek or Pawnee Creek in order to float battleships up to Denver. When its delegation once gets started the appetite will grow, for in the money-grab game there is no limit excepting the bottom of the Federal Treasury and the blue sky above.

CONNECTICUT (5 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Manchester	Oakey	1st district	$40,000
New sites and buildings:			
Norwalk	Hill	4th district	140,000
Winsted	Glynn	5th district	60,000
New sites only:			
Essex	Freeman	2d district	6,000

Connecticut paid $1,283,695 into the individual income-tax fund in 1915. Florida paid $229,509 for the same fiscal year, and Georgia paid $440,600. In the river and harbor roll of grab Florida and Georgia secured many hauls for every single one given to Connecticut. Florida and Georgia follow on the heels of Connecticut with public buildings, and although their combined individual income-tax contribution does not reach half that paid by Connecticut the State of wooden nutmegs has been badly distanced in the legislative race both in river and harbor allotments and public buildings for jerk-water stations.

DELAWARE (1 DISTRICT).

Location.	Representative.	District.	Appropriation.
New building on site acquired or authorized:			
Newark	Miller	At large	$30,000

Delaware only has one Representative, and it must be admitted Delaware can not cut as much public-buildings hay as Arizona; but as the Arizona Member spells his politics differently this may account for Flagstaff, Nogales, and Yuma. Newark, Del., with its 1,913 souls, has not quite reached the size of the three Arizona villages, according to the 1910 census, but how many cities of 4,000 inhabitants in the country are unprovided when Burleson's report in 1913 showed 284 cities of 5,000 people or over where no post-office building had been built or authorized? Probably a couple of thousand cities of 4,000 inhabitants have been unprovided, but under the present system of political pull it is not material what size or importance is possessed by any town provided the Representative's vote is secured for the bill. Burleson protested against cities under 5,000 inhabitants in the bill, but Burleson's report does not affect the construction of the 1916 public-buildings bill. An analysis of this bill by Treasury officials shows that Burleson's limitations are far too liberal, judging by estimates of increased expenses which are in part submitted elsewhere.

DISTRICT OF COLUMBIA.

Location.	Representative.	District.	Appropriation.
New sites and buildings:			
Equipment shop, Post Office Department.	Clark	2d district, Florida.	$200,000
Special legislation:			
Department of Justice	do	do	3,000,000
Armory, National Guard	Dyer	12th district, Missouri.	800,000

FLORIDA (4 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Lake City	Clark	2d district	$35,000
Kissimmee	Sears	4th district	35,000
New sites and buildings:			
Clearwater	Sparkman	1st district	40,000
New sites only:			
Arcadia	do	do	5,000
Monticello	Clark	2d district	5,000
Perry	do	do	5,000
West Palm Beach	Sears	4th district	10,000

The 1913 public-buildings bill carried 11 items for Florida's four districts.

When the river and harbor bill was before the House, the Oklawaha River in Florida was included for an authorized expenditure of $733,000. On that occasion a rhymster unburdened himself of the following from Mother Goose down to date:

We have a crooked creek, that has a crooked name,
And grabs a crooked million, while in a crooked game,
To make a crooked water power run up a crooked hill,
It crooks your Uncle Samuel through a crooked river bill.

No pride of authorship went with the stanza, and the same is true of another, discovered in an ancient cryptogram of Bacon on bacon. It would seem that he was no mean prophet when we analyze the 1913 public-buildings bill and the 1916 public-buildings bill before us. His deciphered baconic prophecy reads:

There was a crooked crossroads, and a crooked Jim Crow town,
That swiped two crooked building grabs and crooked the public brown.
Each first tried crooked private bills, but crooked bills slept still,
'Till all passed together in a crooked building bill.

Let it be said this was not directed toward appropriations in any particular State so far as appears.

Presumably Bacon did not mean that Representatives receive personal benefit from appropriations. Constituencies demand that Members bring home the bacon, so the Kissimmee River and

Kissimmee village are found in both river and public-buildings bills. All the Representative gets is kicks when he fails to secure the amount locally demanded. Clearwater Crossroads, with only 1,171 souls, gets $40,000 in the public-buildings grab, and running true to form and name it gets $38,000 for a shallow water front, with $52,000 more to follow.

Further comment on Florida items may be improper, because two distinguished statesmen from that State, or one-half of its total, through a peculiar coincidence, are chairmen of the River and Harbor and Public Building Committees.

GEORGIA (12 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Waynesboro	Edwards	1st district	$25,000
Rossville	Lee	7th district	25,000
Monroe	Tribble	8th district	30,000
Sandersville	Vinson	10th district	30,000
New sites only:			
Blakeley	Park	2d district	6,000
Cairo	do	do	6,000
Pelham	do	do	6,000
Ashburn	Crisp	3d district	5,000
Cuthbert	do	do	6,000
Decatur	Howard	5th district	8,000
East Point	do	do	8,000
Jackson	Wise	6th district	5,000
Thomaston	do	do	5,000
Covington	Tribble	8th district	5,000
Commerce	Bell	9th district	5,000
Winder	do	do	5,000
Boxley	Walker	11th district	5,000
Fort Valley	Hughes	12th district	8,000
Hawkinsville	do	do	8,000

I will not presume to comment further upon the amounts allotted to each State and method of distribution beyond calling attention to the fact that practically every Georgia item goes to some small village against the protest contained in the Burleson report. More significant, the items are distributed among 10 of the 12 districts, and thereby insures generous support for a bill which has never been seriously opposed in past years. Permit me to say at this point that this bill and similar bills will probably be opposed, irrespective of the party standing sponsor for such legislation. This prediction is not made as a warning, but the public has awakened to the fact that such bills are constructed on wrong principles, reek with "profligate waste," and are vicious in character. The end of pork barrels will be in sight when a national budget system is put in force.

IDAHO (2 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Coeur d'Alene	McCracken	At large	$88,200
New sites and buildings:			
Blackfoot	Smith	do	65,000

ILLINOIS (27 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Chicago, Ill	Gallagher	8th district	$4,250,000
New buildings on sites acquired or authorized:			
Spring Valley	Stone	16th district	30,000
Carlinville	Wheeler	21st district	30,000
Highland	Rodenberg	22nd district	25,000
New sites and buildings:			
Pittsfield	W. E. Williams.	At large	35,000
Harvey	Wilson	3rd district	55,000
Peru	Fuller	12th district	45,000
East Moline	Tavenner	14th district	45,000
Galva	King	15th district	45,000
Bloomington	Sterling	17th district	150,000
Effingham	Foster	23rd district	45,000
Carbondale	Denison	25th district	60,000
Extensions, remodeling, etc:			
Oak Park	McAndrews	6th district	150,000
Decatur	McKinley	19th district	50,000
New sites only:			
Lewistown	Chiperfield	At large	5,000

Unthinking Members point with astonishment to the large appropriation recommended for Chicago of $4,250,000. The business man quickly discovers that Chicago's receipts last year, 1915, reached $19,650,961.89, or four and one-half times the total appropriation provided. It is less than $2 per capita, and if further argument is needed there is no other course to pursue. No buildings can be rented or other provision made to care for a great public necessity. On the other hand, we find, same page:

Location.	Appropriation.	Population.	Rental.	Per Capita.
East Moline	$45,000	2,665	$576	$17
Pittsfield	35,000	2,095	750	17
Galva	45,000	2,498	450	18

Not one of these cities reached the 5,000 limit in population or $1,000 annual rental urged by Mr. Burleson, and only one reached the annual receipts. Yet as an investment Chicago brings back in one year through receipts four and a half times the total amount appropriated for that city. Speaking generally, it will be discovered that Illinois is one of the smallest offenders among the States, and while it has 4 villages under 3,000 population in the 1916 bill North Carolina has 13 such villages in the same bill.

INDIANA (13 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Mt. Vernon	Lieb	1st district	$40,000
Linton	Cullop	2d district	35,000
Greensburg	Dixon	4th district	45,000
Decatur	Adair	8th district	43,000
Lebanon	Morrison	9th district	45,000
New sites and buildings:			
Hartford City	Rauch	11th district	50,000
Fort Wayne	Cline	12th district	550,000
New sites only:			
Franklin	Dixon	4th district	10,000
Lawrenceburg	do	do	10,000

No detailed analysis of distribution will be attempted beyond a brief statement of facts in each case.

IOWA (11 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extensions, remodeling, etc.:			
Shenandoah	Towner	8th district	$14,000
Sioux City	Steele	11th district	335,000
New buildings on sites acquired or authorized:			
Fairfield	Kennedy	1st district	50,000
Marengo	Hull	2d district	30,000
Oelwein	Haugen	4th district	40,000
Newton	Ramseyer	6th district	55,000
New sites and buildings:			
Eagle Grove	Sweet	3d district	35,000
Knoxville	Dowell	7th district	40,000
Corning	Towner	8th district	35,000
Harlan	Green	9th district	35,000
Algona	Woods	10th district	45,000
New sites only:			
Mount Pleasant	Kennedy	1st district	7,500
Indianola	Dowell	7th district	5,000

The fifth Iowa district, by a peculiar situation disclosed, was omitted from the bill. A good angel must have ignored the district when allotments were made.

Possibly the builders of the bill sought to have this omission counterbalance an extravagant grab by Marengo, which gets $30,000, has a population of 1,786, annual rental of $425, and annual receipts of $7,502.33. It is also noteworthy that every Member of the Iowa delegation, with one exception, fearlessly opposed the 1916 river and harbor pork barrel, notwithstanding the distribution above noted.

KANSAS (8 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extensions—remodeling, etc.:			
Fort Scott	Taggart	2d district	$5,000
New buildings on sites acquired or authorized:			
Holton	Anthony	1st district	35,000
New sites and buildings:			
Olathe	Taggart	2d district	55,000
Columbus	Campbell	3d district	50,000
Council Grove	Doolittle	4th district	35,000
Junction City	Helvering	5th district	55,000
Norton	Connelly	6th district	35,000
Dodge City	Shouse	7th district	60,000
Wellington	Ayres	8th district	15,000
New sites only:			
Oswego	Campbell	3d district	5,000
Wichita	Ayres	8th district	75,000

The effort to cover Kansas in order to secure the delegation's vote is apparent at a glance. Comparative need by the Government in States or districts has no necessary part in such distribution.

One two, three, four, five, six, seven, eight,
Potent arguments to swing the State.

KENTUCKY (11 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Shelbyville	Helm	8th district	$25,000
New buildings on sites acquired:			
Murray	Barkley	1st district	25,000
Madisonville	Kincheloe	2d district	40,000
Central City	Thomas	3d district	30,000
Falmouth	Rouse	6th district	25,000
Eminence	Cantrill	7th district	40,000
Pikerville	Langley	10th district	35,000
Barbourville	Powers	11th district	25,000
New sites only:			
Hickman	Barkley	1st district	5,000
Russellville	Thomas	3d district	10,000
Stanford	Helm	8th district	5,000
Pineville	Powers	11th district	5,000
New sites and buildings:			
Hazard	Langley	10th district	40,000

This analysis indicates a generous method of distribution in order to insure support for the bill. Twelve of the above 13 items in Kentucky are for villages under 4,000 inhabitants, none over 5,000, 10 under 3,000, and 1 reached just 537 souls at the time of the last census. Elsewhere I give a brief analysis of that particular phase of the bill.

LOUISIANA (8 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Alexandria	Aswell	8th district	$30,000
New buildings on sites acquired or authorized:			
Morgan City	Martin	3d district	40,000
New sites and buildings:			
New Orleans	Estopinal	1st district	500,000
Houma	Martin	3d district	50,000
Mansfield	Watkins	4th district	35,000
Plaquemine	Morgan	6th district	35,000
De Ridder	Lazare	7th district	30,000
New sites only:			
Winnfield	Aswell	8th district	5,000

MAINE (4 DISTRICTS).

Increase in limit of cost:			
Bath	McGillicuddy	2d district	$10,000
Extension, remodeling, etc.:			
Houlton	Guernsey	4th district	50,000
New sites and buildings:			
Sanford	Hinds	1st district	50,000
Farmington	McGillicuddy	2d district	45,000

MARYLAND (6 DISTRICTS).

New sites and buildings:			
Easton	Price	1st district	$65,000
Special legislation:			
Baltimore [1]	Linthicum	4th district	
Hagerstown [2]	Lewis	6th district	70,000

MASSACHUSETTS (16 DISTRICTS).

Increase in limit of cost:			
Boston	Tague	10th district	$100,000
Extension, remodeling, etc.:			
Lowell	Rogers	5th district	250,000
Boston	Gallivan	12th district	250,000
New buildings on sites acquired or authorized:			
Framingham	Carter	13th district	100,000
Provincetown	Walsh	16th district	30,000
New sites and buildings:			
Great Barrington	Treadway	1st district	50,000
Gardner	Paige	3d district	90,000
Salem	Gardner	6th district	130,000
Peabody	Phelan	7th district	100,000
Wakefield	Dallinger	8th district	65,000
Everett	Roberts	9th district	115,000
New sites only:			
Westboro	Winslow	4th district	15,000
Whitinsville	do	do	10,000
Boston	Gallivan	12th district	1,500,000
Special legislation:			
Malden [3]	Roberts	9th district	

[1] Make appropriation available for finish and equipment.
[2] Amend legislation to provide new building on present site.
[3] Purchase site and erect building within present building limit.

MICHIGAN (13 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extension, remodeling, etc.:			
Flint	Kelley	6th district	$100,000
New buildings on sites acquired or authorized:			
Benton Harbor	Hamilton	4th district	80,000
Boyne City	Scott	11th district	30,000
New sites and buildings:			
Marshall	Smith	3d district	75,000
St. Johns	Fordney	8th district	55,000
Ludington	McLaughlin	9th district	75,000
Clare	Loud	10th district	35,000
New sites only:			
Detroit	Doremus	1st district	1,250,000
Eaton Rapids	Smith	3d district	7,500
Alma	Fordney	8th district	5,000

MINNESOTA (10 DISTRICTS).

Extension, remodeling, etc.:			
Albert Lea	Anderson	1st district	$50,000
Minneapolis	Smith	5th district	100,000
New buildings on sites acquired or authorized:			
Duluth	Miller	8th district	300,000
New sites and buildings:			
Northfield	Davis	3d district	51,000
Wadena	Lindbergh	6th district	35,000
Litchfield	Volstead	7th district	35,000
Thief River Falls	Steenerson	9th district	55,000
Special legislation:			
Faribault [1]	Davis	3d district	

MISSISSIPPI (8 DISTRICTS).

Extension, remodeling, etc.:			
Jackson	Collier	8th district	$100,000
New sites only:			
Indianola	Humphreys	3d district	5,000
Lexington	do	do	5,000
Okolona	Sisson	4th district	5,000
Winona	do	do	7,500
Columbia	Harrison	6th district	5,000
Pascagoula	do	do	5,000

MISSOURI (16 DISTRICTS).

Extensions, remodeling, etc.:			
Columbia	Shackleford	8th district	$12,000
Jefferson City	do	do	50,000
New buildings on sites acquired or authorized:			
Unionville	Lloyd	1st district	30,000
Trenton	Rucker	2d district	65,000
West Plains	Russell	14th district	40,000
Aurora	Decker	15th district	65,000
Mountain Grove	Rubey	16th district	40,000
New sites and buildings:			
Richmond	Alexander	3d district	40,000
Sedalia	Hamlin	7th district	210,000
Bowling Green	Clark	9th district	40,000
New sites only:			
Milan	Rucker	2d district	5,000
Paris	do	do	5,000
Salisbury	do	do	5,000
Cameron	Alexander	3d district	5,000
Kansas City	Borland	5th district	1,000,000
Eldorado Springs	Dickinson	6th district	4,000
Rich Hill	do	do	4,000
Windsor	do	do	4,000
Perryville	Hensley	13th district	5,000
Charleston	Russell	14th district	5,000
Nooshe	Decker	15th district	5,000

[1] Sell portion of site to city.

Some comparisons are made elsewhere showing the generous treatment afforded Missouri. Only one brief note is here offered. In addition to caring for nearly every Missouri district, the second district enjoys the proud distinction of corralling four luscious plums, present and prospective, among which are noted:

Location.	Population.	Receipts.	Rental.
Milan	2,191	$6,684	$500
Paris	1,474	7,037	540
Salisbury	1,834	7,438	500

Match it if you can in the 1916 bill.

"To keep the outs out, in our State of 'Show me,'
We mustn't count pork as expense," sez he.

The corrupt-practices act seems to be a dead letter when no limit is fixed on Government aid. Why not have the corrupt-practices act properly limit the items to be allowed each Member in public-buildings bills to one single piece of bacon? The President urges that the corrupt-practices act be amended. To

Missouri's second district should go the honor of suggesting this amendment.

MONTANA (2 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Missoula	Evans	At large	$35,000
Extension, remodeling, etc.:			
Butte	do	do	150,000
New sites and buildings:			
Lewistown	Stout	do	100,000
Special legislation:			
Bozeman.[1]			

NEBRASKA (6 DISTRICTS).

New sites and buildings:			
Superior	Shallenberger	5th district	$35,000
New sites only:			
David City	Sloan	4th district	6,000
Seward	do	do	6,000
Broken Bow	Kinkaid	6th district	6,000
O'Neill	do	do	6,000

NEVADA (1 DISTRICT).

New buildings and sites:			
Elko	Roberts	At large	$59,000
New sites only:			
Ely	do	do	5,000
Las Vegas	do	do	5,000

NEW HAMPSHIRE (2 DISTRICTS).

Extension, remodeling, etc.:			
Manchester	Sulloway	1st district	$225,000
New sites and buildings:			
Claremont	Wason	2d district	55,000

NEW JERSEY (12 DISTRICTS).

Increase in limit of cost:			
Millville	Bacharach	2d district	$25,000
Montclair	Lehlbach	10th district	10,000
New buildings on sites acquired or authorized:			
Passaic	Drukker	7th district	125,000
New sites and buildings:			
Phillipsburg	Hart	6th district	60,000
Weehawken	Eagan	11th district	125,000
Special legislation:			
Atlantic City [2]	Bacharach	2d district	60,000
Newark [3]	Lehlbach	10th district	600,000

NEW MEXICO (1 DISTRICT).

New sites and buildings:			
Silver City	Hernandez	At large	$60,000

NEW YORK (43 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Long Island City	Caldwell	2d district	$100,000
Yonkers	Oglesby	24th district	51,500
Extension, remodeling, etc.:			
Albany	Postmaster General.	28th district	10,000
Plattsburg	Snell	31st district	50,000
New buildings on sites acquired or authorized:			
Bronx	Bruckner	22d district	$850,000
Nyack	Husted	25th district	50,000
Oneida	Mott	32d district	55,000
Binghamton	Fairchild	34th district	500,000
Lyons	Gould	36th district	40,000
Bath	Pratt	37th district	50,000
New sites and buildings:			
Newburgh	Platt	26th district	140,000
Liberty	Ward	27th district	55,000
Mechanicsville	Parker	29th district	55,000
Canajoharie	Charles	30th district	60,000
Ticonderoga	Snell	31st district	35,000
Ilion	Snyder	33d district	65,000
Dansville	Danforth	39th district	60,000
New sites only:			
Potsdam	Snell	31st district	9,000
Lowville	Mott	32d district	10,000
Albion	Danforth	39th district	10,000
Wellsville	Hamilton	43d district	12,500
Special legislation:			
Utica, N. Y.[4]	Snyder	33d district	

[1] Donation of part of site to city.
[2] Purchase of certain land and improvements.
[3] Post office, courthouse, etc., new site and building or additional land and enlarge present building.
[4] Revised legislation to tear down building.

NORTH CAROLINA (10 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Wilson	Kitchin	2d district	$75,000
Wadesboro	Page	7th district	5,000
Rockingham	do	do	5,000
New buildings on sites acquired or authorized:			
Edenton	Small	1st district	25,000
Mount Olive	Hood	3d district	30,000
Mount Airy [1]	Stedman	5th district	55,000
Lumberton	Godwin	6th district	30,000
Lenoir	Doughton	8th district	30,000
New sites and buildings:			
Morganton	Webb	9th district	35,000
New sites only:			
Williamston	Small	1st district	5,000
Clinton	Hood	3d district	5,000
Louisburg	Pou	4th district	6,000
Dunn	Godwin	6th district	7,000
Sanford	Page	7th district	7,000
Albemarle	Doughton	8th district	8,000
Marion	Britt	10th district	6,000

[1] Also increase in limit of cost.

In passing, it may be noted that for mathematical perfection North Carolina always brightly shines, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Read over the list of grabs for small cross-roads towns, and then say which one of the 10 districts in Secretary Daniels's State was overlooked, and also predict how many votes will be given to this bill by North Carolina when the roll is called. It may need another boost of war taxes by the Ways and Means Committee, but why worry when North Carolina holds the key to such legislation. It may also seem politically significant, as shown above, that Wilson is the first to raise the limit. But Wilson is peculiarly the one town with over 5,000 population, while 13 of the 16 North Carolina items are in towns under 3,000 people.

NORTH DAKOTA (3 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Jamestown	Young	2d district	$35,000
New buildings on sites acquired or authorized:			
Fargo	Helgesen	1st district	250,000

OHIO (22 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Steubenville	Hollingsworth	18th district	$125,000
Extension, remodeling, etc.:			
Findlay	Key	8th district	50,000
New buildings on sites acquired or authorized:			
Napoleon	Matthews	5th district	35,000
Urbana	Fess	7th district	50,000
Niles	Cooper	19th district	55,000
New sites and buildings:			
Eaton	Gard	3d district	35,000
Port Clinton	Sherwood	9th district	40,000
Circleville	Ricketts	11th district	65,000
Norwalk	Overmeyer	13th district	65,000
Mount Vernon	Ashbrook	17th district	70,000
Painesville	Emerson	22d district	70,000
New sites only:			
Galion	Key	8th district	15,000
Columbus	Brumbaugh	12th district	240,000
East Palestine	Hollingsworth	18th district	7,500

OKLAHOMA (8 DISTRICTS).

New buildings on sites acquired or authorized:			
Hobart	McClintic	7th district	$40,000
Alva	Morgan	8th district	45,000
New sites and buildings:			
Vinita	Davenport	1st district	100,000
Hugo	Carter	3d district	58,000
Sapulpa	Murray	4th district	70,000
New sites only:			
Bartlesville	Davenport	1st district	15,000
Norman	Thompson	5th district	7,000
Stillwater	do	do	7,000
Anadarko	Ferris	6th district	7,000
Duncan	do	do	5,000
Waurika	do	do	5,000
Ponca City	Morgan	8th district	7,500
Special legislation:			
Okmulgee [1]	Hastings	2d district	135,000

[1] Purchase building and remodel same.

Without questioning the reasons for a distribution which generously covers all eight of Oklahoma's districts and thus in-

sures the full delegation's support of the bill, in view of the statement of the Public Buildings Commission's report that 280 cities of 5,000 inhabitants and over are unprovided with public buildings, and no building should be erected where rental is less than $1,000 annually, what excuse exists for the "profligate waste" demonstrated in these items which are similar to others?

Location.	Population.	Rental.
Anadarko	3,439	$540
Duncan	2,477	480
Waurika	2,928	400
Ponca City	2,521	840

Why provide sites in advance by separate appropriations?

OREGON (3 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
St. Johns	McArthur	3d district	$25,000
New sites and buildings:			
Hood River	Sinnott	2d district	60,000
Oregon City	Hawley	1st district	70,000
New sites only:			
Corvallis	do	do	10,000

PENNSYLVANIA (36 DISTRICTS).

Increase in limit of cost:			
York	Lafean	At large	$25,000
Sunbury	Lesher	16th district	40,000
Lewistown	Focht	17th district	20,000
Extension, remodeling, etc.:			
Norristown	Watson	8th district	55,000
Scranton	Farr	10th district	100,000
Pottsville	Heaton	12th district	50,000
Williamsport	Kiess	15th district	80,000
Beaver Falls	Temple	24th district	58,000
New buildings on sites acquired or authorized:			
Lancaster	Griest	9th district	250,000
Tyrone	Bailey	19th district	80,000
Kittaning	North	27th district	50,000
New sites and buildings:			
Lansdowne	Butler	7th district	65,000
Nanticoke	Casey	11th district	60,000
Middletown	Kreider	18th district	65,000
Philipsburg	Rowland	21st district	60,000
Somerset	Hopwood	23d district	58,000
Greenville	Miller	28th district	75,000
Duquesne	Barchfeld	32d district	75,000
New sites only:			
Philadelphia	Moore	3d district	750,000
Doylestown	Watson	8th district	5,000
Plymouth	Casey	11th district	15,000
Lewisburg	Focht	17th district	10,000
Brookville	North	21st district	10,000
Midland	Temple	24th district	5,000
Special legislation:			
Pittsburgh [1]	Garland	At large	
Do. [2]	do	do	50,000

PORTO RICO.

Special legislation: San Juan [3]	Clark	2d district, Florida	

RHODE ISLAND (3 DISTRICTS).

Increase in limit of cost:			
Narragansett Pier	Stiness	2d district	$10,000
Extension, remodeling, etc.:			
Providence	O'Shaunessy	1st district	75,000

SOUTH CAROLINA (7 DISTRICTS).

Extension, remodeling, etc.:			
Aiken	Byrnes	2d district	$75,000
New buildings on sites acquired or authorized:			
Dillon	Ragsdale	6th district	25,000
New sites and buildings:			
Greenwood [4]	Aiken	3d district	125,000
New sites only:			
Manning	Whaley	1st district	5,000
Summerville	do	do	5,000
Bamberg	Byrnes	2d district	5,000
Easley	Aiken	3d district	5,000
Greer	Nicholls	4th district	5,000
York	Finley	5th district	9,000
Conway	Ragsdale	6th district	3,000
Hartsville	do	do	3,000
Special legislation:			
Rock Hill [5]	Finley	5th district	125,000

[1] Sell lot owned by Government.
[2] Federal building, extension and remodeling.
[3] Sell warehouse site.
[4] Also sale of present site and building.
[5] Post office, courthouse, etc., new site and building and sell present one, or to erect new courthouse on additional land for $100,000.

Six of the seven South Carolina districts are cared for in the 12 items above named, and these items are fairly evenly divided among the different districts.

The following villages get new sites:

	Population.	Rent.
Manning	1,854	$350
Summerville	2,355	440
Bamberg	1,937	220
Easley	2,983	300
Greer	1,673	360
York	2,326	600
Conway	1,228	480
Hartsville	2,365	480

The statement of facts is offered without comment.

SOUTH DAKOTA (3 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extension, remodeling, etc.:			
Aberdeen	Johnson	2d district	$60,000
New building on sites acquired or authorized:			
Vermilion	Dillon	1st district	35,000
New sites only:			
Canton	do	do	6,000

TENNESSEE (10 DISTRICTS).

New buildings on sites acquired or authorized:			
Rogersville	Sells	1st district	$25,000
Huntingdon	Sims	8th district	25,000
New sites only:			
Lafollette	Austin	2d district	6,000
Lenoir City	do	do	6,000
Rockwood	do	do	6,000
McMinnville	Moon	3d district	5,000
Lewisburg	Houston	5th district	5,000
Dickson	Padgett	7th district	5,000
Brownsville	Garrett	9th district	5,000

A brief comment in passing is again offered. In 13 Southern States an incomplete statement of income tax for fiscal year to June 30, 1915, is reported at $4,855,902. In 13 Northern States $65,308,684, or for every dollar paid by the 13 Southern States $13 was paid by 13 Northern States. Sectionalism is not absent in the 1916 bill, as evidenced by every page of the bill. Take the above items for illustration. Not one complies with Burleson's report or even Chairman CLARK's report:

Location.	Population.	Rental.	Receipts.
Rogersville	1,242	$190	$5,466
Huntingdon	1,112	360	4,156
Lafollette	2,816	425	5,426
Lenoir	3,392	500	5,986
Rockwood	3,660	360	5,858
McMinnville	2,299	540	8,724
Lewisburg	1,830	360	9,431
Dickson	1,850	425	7,451
Brownsville	2,882	660	8,111

In the Public Buildings Commission's report, signed by Chairman CLARK, occurs the recommendation that no public building be authorized where annual receipts are less than $10,000 per year, and in the consideration of each project "a comparison of rental values for suitable quarters, together with cost of maintenance and operation, including interest at 3 per cent * * * shall be made in order that it may be determined whether its erection would be a desirable investment or not." Not one item meets that condition. All are "profligate waste wrung from the people by oppressive taxation."

Who pays these extravagant bills? I have given facts to show how bad this bill is. How can we support it?

TEXAS (18 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
Paris	Black	1st district	$170,000
Crockett	Gregg	7th district	25,000
Huntsville	Eagle	8th district	30,000
Georgetown	Buchanan	10th district	30,000
Coleman	Slayden	14th district	30,000
Seguin	Garner	15th district	30,000
Sweetwater	Smith	16th district	35,000

TEXAS (18 DISTRICTS)—continued.

Location.	Representative.	District.	Appropriation.
New sites and buildings:			
Kingsville	McLemore	At Large	$40,000
Lufkin	Dies	2d district	35,000
Mexia	Hardy	6th district	35,000
Fort Worth	Callaway	12th district	100,000
Plainview	Stephens	13th district	45,000
New sites only:			
San Benito	Davis	At large	6,000
Henderson	Young	3d district	5,000
Alvin	Burgess	9th district	6,000
Lockhart	Buchanan	10th district	6,000
Special legislation:			
Dallas[1]	Sumners	5th district	550,000
Dallas[2]	do	do	1,250,000

[1] Subpost office and site. [2] Courthouse and other branches.

Elsewhere will be shown a brief analysis of the Texas items, but here it is sufficient to say that three-fourths of the above 16 items are located in villages under 4,000 people, one-half in villages under 3,000 people, and one-quarter in crossroads under 2,000 people. In the 1913 bill the 18 Texas districts gobbled up 28 projects. In this symmetrically built pork barrel every district has been cared for, with several notable exceptions.

Dallas, of Trinity River fame, gets a modest $1,800,000, but the same criticism which covers nearly every State's allotment is, first, that the items are allotted, and, second, that they are distributed without reference to Government interests or needs. Texas items are no exception to the rule.

What can be said to justify buildings in many of the above, including San Benito, with no population given in 1910, and rent of $15 per month; or Henderson, with no population given in 1910, and rent of $25 per month; or Alvin, with 1,453 population in 1910, and rent of $100 per year; or Lockhart, with 2,945 population in 1910, and rent of $660 per year?

What a commentary on "profligate waste" is offered by Texas and by practically every other State.

UTAH (2 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Park City	Howell	1st district	$10,000
New buildings on sites acquired or authorized:			
Nephi	do	do	*25,000

VIRGINIA (10 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Extensions, remodeling, etc.:			
Norfolk	Holland	2d district	$650,000
Roanoke	Glass	6th district	75,000
Harrisonburg	Hay	7th district	60,000
Alexandria	Carlin	8th district	75,000
New buildings on sites acquired or authorized:			
West Point	Montague	3d district	25,000
New sites and buildings:			
Bristol	Slemp	9th district	80,000
Staunton	Flood	10th district	85,000

The 1913 bill was exceptionally generous to Virginia, as I have heretofore shown.

WASHINGTON (5 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New sites nad buildings:			
Hoquiam	Johnson	3d district	$75,000
Seattle	Humphrey	1st district	275,000
Special legislation:			
McNeil Island[1]	Johnson	3d district	10,000

WEST VIRGINIA (5 DISTRICTS).

Location.	Representative.	District.	Appropriation.
New buildings on sites acquired or authorized:			
New Martinsville	Neeley	1st district	$40,000
New sites and buildings:			
Keyser	Bowers	2d district	55,000
Lewisburg	Littlepage	3d district	82,000
Princeton	Cooper	5th district	45,000
New sites only:			
Beckley	Sutherland	At Large	10,000
Mannington	Neeley	1st district	10,000
Berkeley Spring	Bowers	2d district	10,000

[1] Penitentiary, additional land.

WISCONSIN (11 DISTRICTS).

Location.	Representative.	District.	Appropriation.
Increase in limit of cost:			
Milwaukee	Cary	4th district	$100,000
Extensions, remodeling, etc.:			
Kenosha	Cooper	1st district	75,000
Appleton	Konop	9th district	50,000
New sites and buildings:			
Portage	Burke	2d district	57,000
Reedsburg	Esch	7th district	40,000
Grand Rapids	Browne	8th district	70,000
Sturgeon Bay	Konop	9th district	40,000
Ladysmith	Lenroot	11th district	35,000
New sites only:			
Menasha	Reilly	6th district	10,000
Two Rivers	do	do	10,000

WYOMING (1 DISTRICT).

Location.	Representative.	District.	Appropriation.
New buildings onsites acquired or authorized:			
Green River	Mondell	At Large	$25,000
Newcastle	do	do	25,000

The first analysis of the 1916 bill just offered is to show its method of preparation, the skill in distribution of items, and the generally objectionable character of the 1916 omnibus public-buildings bill.

An important finding of the Public Buildings Commission in this connection occurs when, on page 82, the statement is made that in 284 cities in 1910, each having a population of 5,000 or over, no post-office building had been built or authorized; and this is coupled with the statement that in 508 cities of the United States postal receipts reached over $10,000 at offices in private quarters, but at the time of that report, April 30, 1914, and consequently up to the present time none of these cities have been provided for in the six omnibus bills the first of which was passed in 1902 and which in the aggregate have authorized over $150,000,000 for public buildings.

Leaving out of consideration the insistance by General Burleson that minimum receipts should not be less than $15,000 per annum, and the further demonstrable fact by the Treasury Department that even this figure is far too low if Government business interests are to be considered, we may well ask what has been the method of preparing omnibus bills in the past?

Why have these 508 cities and the 284 cities been ignored in past bills, and why have hundreds of country crossroads elbowed the larger towns out of the way? On this subject the commission provides some interesting statistics as follows:

SECTIONAL DISCRIMINATION.

The favored States that had provided buildings with Federal money in all of the cities of 5,000 inhabitants or over, according to the report, are as follows:

Arkansas, Delaware, Florida, Georgia, Idaho, Iowa, Maryland, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia.

Among States having only one city of 5,000 people waiting for one of Uncle Sam's monuments, are the following:

Alabama, Arizona, Colorado, Kansas, Louisiana, Montana, Oregon, Virginia, and Wyoming.

States having only two cities unprovided are Kentucky, Oklahoma, Texas, and Washington.

In other words, the 30 States named were so well taken care of by the Public Buildings Committee that only 17 cities existed in the entire list with a population of 5,000 or more which were unprovided with Government buildings, whereas the remaining 18 States have 267 cities of 5,000 population or over without Government monuments.

It is interesting to note the sectional distribution of these plums.

All towns of 5,000 population have been provided by law in the States of Arkansas, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, and Tennessee.

States having only one shorn lamb left out in the cold include Alabama, Louisiana, and Virginia.

States possessing two deserted lamblets in 1913 include Kentucky, Texas, and Oklahoma.

I do not overlook the fact that several Northern States with aggressive Members have cleaned up waste places in their States in past years, and, it is immaterial where located, the method of congressional distribution speaks for itself.

Another interesting statement appears on page 77 of the report put forth by the Public Buildings Commission last session, and I invite attention to the preceding list when comparisons are made.

There are 508 cities in the United States where local post-office receipts reach $10,000 or more annually which are not provided with public buildings.

States which have no such city unprovided include Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

States with one shorn lamb, Alabama.

States with two shorn lambs, Florida and Louisiana.

In the foregoing 11 States just 5 cities with receipts of $10,000 or over are unprovided out of 508 cities throughout the country. States that have a generous grist of such cities left out in the cold by the Public Buildings Committee are:

Cities with $10,000 receipts.

Pennsylvania	77
New York	56
Massachusetts	40
Michigan	21
Indiana	17
Iowa	17
New Jersey	25
Wisconsin	22
Ohio	39
California	33
Illinois	30

Eleven Northern States have unprovided 377 cities of that class.

Eleven Southern States have unprovided 5 cities of that class.

The rule may not be enforced on sectional lines, but at the risk of being criticized for sectionalism, as in the case of the river and harbor bill, I set forth official statistics, leaving to the individual Member such deduction as he cares to make.

In the case of river and harbor bills I showed that approximately one-half of the appropriations, which now average annually over $40,000,000 for all our waterways, goes to Southern States, although less than 2 per cent of our actual waterway commerce is handled by those States and less than 7 per cent of the total contributions to the Federal Treasury come from those 13 States.

The showing with the $50,000,000 so-called flood-control bill for the reclamation of 16,000,000 acres of land along the Mississippi River is of the same general character. Possibly the fact that 31 chairmen of important House committees out of 32 come from the 13 States of the solid South creates a suspicion that sectionalism is not absent in appropriation bills.

As previously stated, 13 Southern States contributed income taxes to the Federal Treasury in 1915 reaching $4,855,902, whereas 13 Northern States contributed $65,308,684, or 13 to 1.

In the distribution of building items in the allotment to States, or in the omnibus 1916 public-building bill, the splendid political symmetry of the barrel is not affected by the needs of Government or by the comparative size of States or taxes contributed. For this reason New York and Missouri are a standoff, although New York is nearly three times as large politically and eighteen times as large in tax contributions. Alabama and Michigan furnish food for thought, while Massachusetts and Kentucky pair off in items. Other States are briefly compared to show how the builders labored to give every favored State an equal allotment on the vote basis.

In order to cover some districts it was found necessary to build Government monuments in unknown villages, crossroads, and jerk-water junctions, but nothing has stumped the committee. These comparisons are offered in order to demonstrate the injustice to the Government and States brought about by an omnibus bill that presumably has never been excelled in its tribute to profligate waste.

Alabama and Michigan, 10 items each (1916 bill).

ALABAMA.

Name.	Appropriation.	Population.	Page.
Mobile	$100,000		7
Albertville	25,000	1,544	9
Attalla	30,000	2,513	9
Greenville	30,000	3,377	11
Sylacauga	30,000	1,456	15
Union Springs	25,000	4,055	15
Athens	35,000	1,715	16
Montgomery	175,000	38,136	30
Ozark	5,000	2,229	30
Sheffield	5,000	4,865	32

MICHIGAN.

Flint	$100,000	38,350	5
Benton Harbor	80,000	9,185	9
Boyne City	30,000	5,218	9
Claire	35,000	1,350	16
Ludington	75,000	9,132	20
Marshall	75,000	4,236	20
St. Johns	55,000	3,154	23
Alma	5,000	2,757	25
Detroit	1,250,000		27
Eaton Rapids	7,500	2,197	27

Alabama.

Number of items 1916	10
Number of items 1913	
Number of districts	10
Income tax paid 1915	$261,768

Michigan.

Number of items 1916	10
Number of items 1913	11
Number of districts	13
Income tax paid 1915	$2,913,307

	Alabama.	Michigan.
Villages under 2,000	3	1
Villages under 3,000	5	3
Villages under 4,000	6	4
Cities over 5,000	2	5

The disproportion in size of towns in the foregoing comparison is not so striking as will appear in other cases, but it is significant, and the fact is also worth considering that every Alabama district is cared for on the average, although its contribution to the Federal Treasury does not reach 10 per cent of the amount paid in by Michigan. In other words, it depends upon a symmetrical shaping of the buildings bill to secure votes from practically every district, both North and South.

Kentucky and Massachusetts, 13 items each (1916 bill).

KENTUCKY.

Name.	Appropriation.	Population.	Page.
Shelbyville	$25,000	3,412	3
Barbourville	25,000	1,633	9
Central City	30,000	2,545	10
Eminence	40,000	1,274	10
Falmouth	25,000	1,180	10
Madisonville	40,000	4,966	12
Murray	25,000	2,089	13
Pikeville	35,000	1,280	14
Hazard	40,000	537	19
Hickman	5,000	2,739	28
Pineville	5,000	2,161	30
Russellville	10,000	3,111	31
Stanford	5,000	1,532	32

MASSACHUSETTS.

Boston	$100,000	670,000	2
Do	250,000	670,000	5
Do	1,500,000	670,000	25
Lowell	250,000	106,294	6
Provincetown	30,000	4,369	14
Everett	115,000	33,484	18
Farmington	100,000	12,948	18
Gardner	90,000	14,699	18
Great Barrington	50,000	5,926	18
Peabody	100,000	15,721	22
Salem	130,000	43,697	23
Wakefield	65,000	11,404	24
Westboro	15,000	5,446	32
Whitinsville	10,000	4,000	32

Kentucky.

Number of items, 1916	13
Number of items, 1913	17
Number of districts	11
Income tax paid, 1915	$576,957

Massachusetts.

Number of items, 1916	14
Number of items, 1913	10
Number of districts	16
Income tax paid, 1915	$4,536,141

	Kentucky.	Massachusetts.
Villages under 2,000 (1916)	6	
Villages under 3,000	10	
Villages under 4,000	12	
Cities over 5,000		12

The above comparison carries its own argument. What more need be said to show the character of the 1916 bill? Kentucky villages, all of them, are provided.

Illinois and North Carolina (1916 bill).

ILLINOIS—13 ITEMS IN BILL.

Name.	Appropriation.	Population.	Page.
Chicago	$4,250,000	2,447,043	2
Decatur	50,000	31,140	5
Carlinsville	30,000	3,616	7
Highland	25,000	2,675	11

Illinois and North Carolina (1916 bill)—Continued.

ILLINOIS—13 ITEMS IN BILL—continued.

Name.	Appropriation.	Population.	Page.
Spring Valley	$30,000	7,035	14
Bloomington	150,000	25,768	16
Carbondale	60,000	5,411	16
East Moline	45,000	2,665	17
Effingham	45,000	3,898	18
Galva	45,000	2,498	18
Harvey	55,000	7,227	19
Peru	45,000	7,984	22
Pittsfield	35,000	2,095	22

NORTH CAROLINA—16 ITEMS IN BILL.

Reckingham	$5,000	2,155	3
Wadesboro	5,000	2,376	3
Wilson	75,000	6,717	3
Lenoir	30,000	2,400	12
Edenton	25,000	3,046	10
Lumberton	30,000	2,230	12
Mount Airy	55,000	3,844	12
Mount Olive	30,000	1,071	13
Morgantown	35,000	2,712	21
Albemarle	8,000	2,500	24
Clinton	5,000	1,101	26
Dunn	7,000	1,823	27
Louisberg	6,000	1,775	29
Marion	6,000	1,519	29
Sanford	7,000	2,282	31
Williamston	5,000	1,574	33

Illinois.

Number of items, 1916	13
Number of items, 1913	21
Number of districts	27
Income tax paid, 1915	$5,654,151

North Carolina.

Number of items, 1916	16
Number of items, 1913	10
Number of districts	10
Income tax paid, 1915	$381,078

	Illinois.	North Carolina.
Villages under 2,000		6
Villages under 3,000	4	13
Villages under 4,000	6	15
Cities over 5,000	7	1

The foregoing comparison shows where and how the money goes. North Carolina, with slightly more than one-third of the districts contained in Illinois and with about 7 per cent proportionate contribution to the Federal Treasury, gets 16 public buildings for its 10 districts, compared with 13 for Illinois' 27 districts, and of those in North Carolina 15 are under 4,000 population and 6 under 2,000. North Carolina provides the "ways" for profligate waste and Illinois the "means," while North Carolina controls both.

From the Journal of the American Institute of Architects, a New York paper, I find a list of several Florida public-buildings bills which are reported to have been introduced during the present session:

Villages.	Population.	Appropriation.
Tarpon Springs, Fla	2,212	[1] $75,000
Plant City, Fla	2,481	[1] 100,000
Fort Meyers, Fla	2,463	[1] 100,000
Fort Meade, Fla	1,165	[1] 100,000
Brooksville, Fla	979	[1] 100,000
Bradentown, Fla	1,886	[1] 100,000
Arcadia, Fla	1,736	[1] 100,000
West Palm Beach, Fla	1,743	[1] 56,000
Fort Pierce, Fla	1,333	[1] 56,000
Lake City, Fla	5,032	[2] 60,000
Perry, Fla	[4] 1,012	[2] 5,000
Monticello, Fla	1,829	[2] 5,000

[1] Representative SPARKMAN. [2] Representative CLARK. [3] Site.

Florida's demands upon her Representatives, according to the Public Buildings Commission's report, had all been exhausted down to crossroads and villages, so that the foregoing is explained on the general supposition that these villages are next in order. We will have a continuing lower average population in this process of caring for Florida first, second, and last.

Possibly some excuse could be offered for the indiscretion of a new Member who several years ago introduced two bills for cities larger than 11 of the foregoing 12 projects, but what shall be said of two distinguished Members, with a total of over 30 years' service to their credit, who in the face of the Public Buildings Commission's report introduce 11 such bills?

Eight hundred thousand dollars for an even dozen Florida crossroad villages, with a total 1910 population of 23,871, is their contribution to public-buildings legislation offered this session by the two distinguished Florida chairmen of the River and Harbor and Public Buildings Committees. This statement is not offered by way of individual criticism, but rather because of the fact that to such distinguished gentlemen are assigned the construction of two omnibus bills which enjoy the titles of "pork barrels."

It is only fair to the committee to say that this Florida list was cut down in the 1916 bill, although the four districts are handsomely cared for compared with the allotments made to other States. Possibly this curtailment is due to the fact that in the last public-buildings bill Florida secured 11 items, as has been hereinbefore set forth, or an average of over four items in the last two bills for every one of the four Florida districts. A comparison between Florida and Minnesota is of interest, particularly in view of the comparative contributions to the Federal Treasury made by each State.

Florida and Minnesota, 7 items each (1916 bill).

FLORIDA.

Name.	Appropriation.	Population.	Page.
Kissimee	$35,000	2,157	11
Lake City	35,000	5,032	11
Clear Water	40,000	1,171	17
Arcadia	5,000	1,736	25
Monticello	5,000	1,829	30
Perry	5,000	1,012	30
West Palm Beach	10,000	1,743	32

Number of items, 1916	7
Number of items, 1913	11
Number of districts	4
Income tax paid, 1915	$229,509

MINNESOTA.

Name.	Appropriation.	Population.	Page.
Albert Lea	$50,000	6,192	4
Minneapolis	100,000	301,408	7
Duluth	300,000	78,466	10
Litchfield	35,000	2,333	20
Northfield	51,000	3,265	21
Thief River Falls	55,000	3,714	24
Wadena	35,000	1,820	24

Number of items, 1916	7
Number of items, 1913	6
Number of districts	10
Income tax paid, 1915	$2,033,523

	Florida.	Minnesota.
Villages under 2,000	5	1
Villages under 3,000	6	2
Villages under 4,000	6	4
Cities over 5,000	1	3

Again the comparison is startling between States apportioned the same number of building items. It takes 18 items in the last two bills to appease Florida's 4 districts, whereas 13 items are apportioned to the 10 Minnesota districts. Minnesota furnishes over $8 for every $1 contributed by Florida, and 5 of the Florida items are in villages of less than 2,000 inhabitants. Recent history does not record any protest from Florida against the public buildings or river and harbor bills. The reason is not hard to find.

Ohio and Texas (1916 bill).

OHIO—14 ITEMS.

Name.	Appropriation.	Population.	Page.
Steubenville	$125,000	22,391	3
Findlay	50,000	14,858	5
Napoleon	35,000	4,007	13
Niles	55,000	8,361	13
Urbana	50,000	7,739	15
Circleville	65,000	6,744	15
Eaton	35,000	3,187	18
Mount Vernon	70,000	9,087	21
Norwalk	65,000	7,858	22
Painsville	70,000	5,581	22
Port Clinton	40,000	3,007	22
Columbus	240,000	181,521	26
East Palestine	7,500	3,537	27
Galion	15,000	7,214	27

Ohio and Texas (1916 bill)—Continued.

TEXAS—16 ITEMS.

Name.	Appropriation.	Population.	Page.
Coleman	$30,000	3,046	10
Crockett	25,000	3,947	10
Georgetown	30,000	3,096	11
Paris	170,000	11,269	14
Seguin	30,000	3,116	14
Sweetwater	35,000	4,176	15
Fort Worth	500,000	73,312	18
Kingsville	40,000	(1)	20
Lufkin	35,000	2,749	20
Mexia	35,000	2,694	20
Plainview	45,000	2,829	22
Alvin	6,000	1,452	25
Henderson	5,000	(1)	28
Lockhart	6,000	2,945	29
San Benito	6,000	(1)	31
Dallas	500,000	92,104	43
Do	1,250,000		43

[1] Not in census.

Ohio.

Number of items, 1916	14
Number of items, 1913	19
Number of districts	21
Income tax paid, 1915	$4,027,459

Texas.

Number of items, 1916	16
Number of items, 1913	28
Number of districts	18
Income tax paid, 1915	$1,048,277

	Ohio.	Texas.
Villages under 2,000		4
Villages under 3,000		8
Villages under 4,000	3	12
Cities over 5,000	10	3

Texas secured 44 items in the last two bills for its 18 districts, while Ohio was parceled out 33 for its 21 districts. Texas pays slightly over 25 per cent of the amount paid by Ohio into the pork-barrel fund. Twelve towns in Texas out of 16 are under 4,000 inhabitants, compared with 3 in Ohio.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FREAR. Certainly; I yield to the gentleman from Michigan.

Mr. JAMES. Does climate have anything to do with the southern appetite for "pork"?

Mr. FREAR. I do not know whether it has in that particular. I think it is the same condition of climate that affects the Brazos and Trinity, and some of the other streams which have acquired quite a reputation for cooling currency down in that part of the country.

Mr. LONGWORTH. Will the gentleman permit me to correct him?

Mr. FREAR. I yield to the gentleman from Ohio.

Mr. LONGWORTH. The gentleman stated that Ohio had 21 districts; it has 22.

Mr. FREAR. I thank him for the correction. That simply affects the proportion, which becomes greater.

Georgia and Iowa, Maine and New Hampshire (1916 bill).

GEORGIA—10 ITEMS.

Name.	Appropriation.	Population.	Page.
Monroe	$30,000	3,020	12
Rossville	25,000	1,059	14
Sandersville	30,000	2,641	14
Waynesboro	25,000	2,729	15
Ashburn	5,000	2,214	25
Baxley	5,000	831	25
Blakely	6,000	1,838	25
Cairo	6,000	1,505	26
Commerce	5,000	2,238	26
Covington	5,000	2,697	26
Thomaston	5,000	1,645	32
Cuthbert	6,000	3,210	26
Decatur	8,000	2,466	26
East Point	8,000	3,682	27
Fort Valley	8,000	2,697	27
Hawkinsville	8,000	3,420	27
Jackson	5,000	1,725	28
Telham	6,000	1,645	32
Winder	5,000	2,443	33

Georgia and Iowa, Maine and New Hampshire (1916 bill)—Continued.

IOWA—13 ITEMS.

Name.	Appropriation.	Population.	Page.
Shenandoah	$14,000	4,976	8
Sioux City	335,000	47,828	8
Fairfield	50,000	4,970	10
Marengo	30,000	1,786	12
Newton	55,000	4,616	13
Oelwien	40,000	6,528	13
Algona	45,000	2,908	16
Eagle Grove	35,000	3,387	17
Harlan	35,000	2,570	19
Knoxville	40,000	3,190	20
Indianola	5,000	3,283	28
Mt. Pleasant	7,500	3,874	30

MAINE—4 ITEMS.

Bath	$10,000	9,376	2
Houlton	50,000	5,845	5
Farmington	45,000	3,210	18
Sanford	50,000	9,049	23

NEW HAMPSHIRE—2 ITEMS.

Manchester	$225,000	70,063	7
Claremount	55,000	7,529	17

Georgia.

Number of items, 1916	19
Number of items, 1913	18
Number of districts	12
Income tax paid, 1915	$440,600

Three States.

Number of items, 1916	13
Number of items, 1913	15
Number of districts	17
Income tax (also includes Vermont in district)	$1,859,091

	Georgia.	Three States.
Villages under 2,000	7	2
Villages under 3,000	14	4
Villages under 4,000	19	9
Cities over 5,000	None.	7

Every item in Georgia is for towns under 4,000 inhabitants, and Georgia gets 19 items for its 12 districts compared to the same number of items distributed over three Northern States that contributed four times as much to the Federal Treasury.

Wisconsin and Tennessee (1916 bill).

WISCONSIN—10 ITEMS.

Name.	Appropriation.	Population.	Page.
W. S. Milwaukee	$100,000	373,857	3
Appleton	50,000	16,773	4
Kenosha	75,000	21,371	6
Grand Rapids	70,000	6,521	18
Ladysmith	35,000	2,352	20
Portage	57,000	5,440	22
Reedsburg	40,000	2,615	23
Sturgeon Bay	40,000	4,262	23
Menasha	10,000	6,081	29
Two Rivers	10,000	4,850	32

TENNESSEE—9 ITEMS.

Name.	Appropriation.	Population.	Page.
Huntington	$25,000	1,112	11
Rogerstown	25,000	1,242	14
Brownsville	5,000	2,882	26
Dickson	5,000	1,850	27
La Follette	6,000	2,816	28
Lenoir	6,000	3,392	28
Lewisburg	5,000	1,830	28
McMinnville	5,000	2,299	29
Rockwood	6,000	3,660	31

Wisconsin.

Number of items, 1916	10
Number of items, 1913	12
Number of districts	11
Income tax, 1916	$875,352

Tennessee.

Number of items, 1916	9
Number of items, 1913	13
Number of districts	10
Income tax, 1916	$410,203

Wisconsin and Tennessee (1916 bill)—Continued.

	Wisconsin.	Tennessee.
Villages under 2,000		4
Villages under 3,000	2	7
Villages under 4,000	2	9
Cities over 5,000	6	

The significant part of this comparison bears on the fact that all the Tennessee items are in towns under 4,000 people and 7 out of 9 in towns under 3,000 people. None reach 5,000.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 15 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin [Mr. FREAR] may be permitted to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FREAR. Remember, gentlemen, that this is the 1916 bill that I am discussing, the bill that is before the House at the present time, and which Secretary McAdoo says ought to be defeated.

Continuing, we find—

New York and Missouri, 21 items each (1916 bill).

NEW YORK.

Name.	Appropriation.	Population.	Page.
Long Island City	$100,000	(1)	3
Yonkers	51,500	79,803	4
Albany	10,000	100,252	4
Plattsburg	50,000	11,138	8
Bath	50,000	3,884	9
Binghamton	500,000	48,443	9
New York Bronx	850,000	431,980	9
Lyons	40,000	4,460	12
Nyack	50,000	4,619	13
Oneida	55,000	8,317	13
Canajoharie	60,000	2,273	16
Dansville	60,000	3,938	17
Ilion	65,000	6,588	19
Liberty	55,000	2,072	20
Mechanicsville	55,000	6,634	21
Newburgh	140,000	27,805	21
Ticonderoga	35,000	2,475	24
Albion	10,000	5,016	25
Lowville	10,000	2,940	29
Potsdam	9,000	4,036	31
Wellsville	12,500	4,382	32

MISSOURI.

Columbia	$12,000	9,662	5
Jefferson City	50,000	11,850	5
Aurora	65,000	3,661	9
Mountain Grove	40,000	1,722	13
Trenton	65,000	5,656	15
Unionville	30,000	2,000	15
West Plains	40,000	2,914	15
Bowling Green	80,000	1,585	16
Richmond	40,000	3,644	23
Sedalia	210,000	17,822	23
Cameron	5,000	2,980	26
Charleston	5,000	2,500	26
Eldorado Springs	4,000	2,503	27
Kansas City	1,000,000	248,381	28
Milan	5,000	1,800	29
Neosho	5,000	3,661	30
Paris	5,000	1,425	30
Perryville	5,000	1,708	30
Rich Hill	4,000	2,755	31
Salisbury	5,000	2,000	31
Windsor	4,000	2,241	33

[1]Not in census.

New York.

Number of items, 1916	21
Number of items, 1913	15
Number of districts	43
Total income tax paid, 1915	$45,230,685

Missouri.

Number of items, 1916	21
Number of items, 1913	15
Number of districts	16
Total income tax paid, 1915	$2,789,965

	New York.	Missouri.
Villages under 2,000	None.	5
Villages under 3,000	4	13
Villages under 4,000	6	16
Cities over 5,000	10	5

The foregoing comparisons have been made to show first that, as stated, crossroads throughout the South are paired off with larger cities in the North. For illustration, Missouri has 16 out of 21 items in towns under 4,000, and 13 items in towns under 3,000. While New York has six and four, respectively. New York contributes $16 to the Federal Treasury for every dollar paid in by Missouri, but in the race for profligate public-buildings waste Missouri equals its record on waterway appropriations.

Further comparisons can be made to show the sectional character of the bill, but it is submitted that it is immaterial where the waste occurs, whether North or South it should be subject to the same criticism.

The foregoing allotment to States is also presented to indicate the symmetry of the omnibus buildings bill. One of the most significant facts disclosed by the statement relates to the general character of towns, crossroads, and flag stations that are included in the list. Although difficult to compile in the limited time afforded for investigation, I have presented a few comparisons of appropriations given to Northern and Southern States. In the first comparison it may be noted that nine-tenths of the Alabama and three-fourths of the Michigan items would be barred under the requirement urged by Postmaster General Burleson that only cities of 5,000 inhabitants or over be considered, and then only where the post-office receipts exceeded $15,000 annually and annual rental charge reaches over $1,000. Such a limit would prevent the passage of any omnibus public-buildings bill, because practically all the projects in Alabama and most of those in Michigan could not qualify. In this single illustration appears the fundamental weakness of providing public buildings by political-pull methods.

A casual examination shows how the same principle has been invoked to provide many southern crossroad towns in other States with Government monuments in order to secure buildings to meet Government needs in northern cities. The comparison speaks for itself. Income-tax comparisons are those collected only from individuals. The total income-tax payments are not at hand, but it is believed they will preserve the same relative difference in amounts.

It has been repeatedly suggested that Representatives owe to their constituencies all they can get for their districts and that their efficiency is so measured. It is further urged that districts generally will reward or punish Representatives according to the proportion of plums secured for their respective districts.

Every Member desires to perform his full duty by and for his district, but the oath of office contemplates public service not circumscribed by congressional district boundaries, nor does it follow that pork-getting proclivities determine public usefulness, popularity, nor estimate of ability held by the average district.

The River and Harbor Committee of 21 members may properly be held to include those who in past years have abundantly cared for their constituencies, yet nearly one-third of that committee, including several of its oldest members, are to be retired by the primaries or election of 1916, indicating that widespread popularity does not necessarily follow the ability to get something for one's district whatever reason determined results.

DISTRICTS PREFER PUBLIC ECONOMY TO LOCAL PORK.

Measured by such token, I would be relegated to private life, because, with 125 miles of the greatest inland rivers in the country bordering on my district, I have repeatedly opposed waterway and other forms of public waste. Possibly this accounts for a statement published during the campaign in one of the leading Democratic papers of my State, that—

> The Democratic national committee considers Representative FREAR'S district vulnerable, and is preparing to send a half dozen prominent speakers into the district to help the Democratic candidate. * * * In no other Wisconsin Republican congressional district is the Democratic committee thus concentrating its orators.

Money and speakers were generously shoved into the district by the committee during the recent campaign, in a vigorous effort to carry it. Plum getting, however, is not a necessary asset in the tenth Wisconsin district, which gave about 14,000 majority, or more than double its usual vote in indorsement of its Representative's course, and several thousand more than was given to the head of the ticket. Vulnerability does not ordinarily come through efforts to stop extravagance and waste, otherwise the Democratic national committee would have had something to show for its money and "orators" in this Wisconsin district. What is true of that district is true of the great majority of districts throughout the country where constituencies do not ask Representatives to support dishonest bills as a price for local appropriations.

Apologists for omnibus bills urge that the construction of public buildings by the Government is ordinarily a matter of business economy.

The 1913 public-buildings scandal was put through the House with only 20 minutes allowed for discussion of its four hundred and odd projects. Blindfolded, bound, and gagged, as has been stated. On February 17, 1913, the chairman of the Public Buildings Committee, Mr. CLARK, said:

SENSELESS RETRENCHMENT!

As a Democrat, I believe in retrenchment in Government expenditures, but I believe in some common-sense retrenchment and not in the senseless retrenchment demanded by the yellow journals of the land and the alleged economists in this House. * * *

I want to live to see the day when the Government of the United States will not have a single officer or employee in rented quarters. * * * From a business standpoint I am convinced it will be infinitely cheaper for the Government to own all of the property necessary for the transaction of its business than it will be to pay rent."

On page 8 of the report of the Public Buildings Committee, signed by Chairman CLARK shortly afterwards, appears this statement:

It is recommended that the present law that no building shall be authorized when the post-office receipts are less than $10,000 per year be continued. In the consideration of each project a comparison of rental value for suitable quarters, together with the cost of maintenance and operation, including interest at 3 per cent on the investment for the building proposed, shall be made in order that it may be determined whether its erection would be a desirable or proper investment.

Again the report, signed by Chairman CLARK, says (p. 8):

A general examination of sites and buildings authorized but not consummated has been made, and the commission is satisfied that some appropriations and authorizations have been made which are not justified. Other authorizations are too large. These authorizations were, it is believed, the result of the present unsatisfactory system of providing for and constructing public buildings.

NO LIMIT TO POST-OFFICE RECEIPTS REQUIRED.

I have quoted the commission's report to show that in the first public-buildings bill offered after the report was made the joke limit law on annual receipts is repeatedly violated, and in the estimates of proposed expense to be incurred the Treasury Department shows that over 80 per cent of the items in the bill, apart from a few improvements on existing buildings, are extravagant and wasteful. These figures conclusively show that it is not "infinitely cheaper for the Government to own all its property for the transaction of its business," but that it is grossly more extravagant and wasteful to establish Government buildings in country crossroads. If 2 and 2 make 4, then the Treasury Department makes an unanswerable argument against Chairman CLARK'S 1913 effusion.

If the present system of providing for and constructing public buildings is unsatisfactory, as declared by Chairman CLARK in his Public Buildings Commission's report just quoted, then why not change the scandalous system instead of seeking to put through another notorious bill, worse in character, if that be possible, than any of its predecessors—a bill that reeks with "profligate waste wrung from the people by oppressive taxation."

That is not a yellow-journal statement, but is conclusively proven by the report of the Treasury Department, the minority report of Gen. Burleson, and, in fact, by the Public Buildings Commission's report signed by Chairman CLARK, because the Treasury Department has analyzed the present and proposed cost on the basis urged by the Clark report, as I desire to show.

Herewith I present a significant analysis of portions of the public-buildings bill furnished by the Treasury Department, wherein is disclosed the large waste that will result to the Government by constructing buildings in hundreds of little towns all over the country. An annual average charge upon the Federal Treasury of between $3,000 and $4,000 will be incurred, whereas the cost to the Government under present conditions, according to the report, averages less than 25 per cent of the profligate waste that will be assumed under this bill. It should also be borne in mind that this list only affects a portion of the wasteful projects contained in the 1916 bill:

ANALYSES OF SECTIONS 3, 4, AND 5 OF PUBLIC-BUILDINGS BILL (1916) OF PLACES WHERE POSTAL RECEIPTS ARE LESS THAN $15,000.

NOTE.—Explanation of analyses of sections 3, 4, and 5 of public-buildings bill of places where postal receipts are less than $15,000.

"Place" indicates location of proposed building.

"Estimate" is the amount that the department estimated would be the cost of the project at the place named.

"Bill" is the amount provided in the omnibus bill for the place indicated.

"Interest" is the estimated interest on the amount named in said omnibus bill, with furnishing added.

"Depreciation" is the estimated annual depreciation on this same amount less amount paid for site.

"Janitor" and "Supplies" are, respectively, estimated annual cost for janitor service and supplies in each instance.

"Total" is the sum of the four previous columns, namely, "Interest," "Depreciation," "Janitor," and "Supplies."

BUILDINGS ON SITES OWNED OR AUTHORIZED (3).

Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
Albertville, Ala	$30,000	$25,000	$990.00	$630.00	$960	$900	$3,480.00
Attalla, Ala	25,000	30,000	1,140.00	742.50	960	900	3,742.50
Barbourville, Ky	25,000	25,000	990.00	630.00	960	900	3,480.00
Brinkley, Ark	25,000	25,000	990.00	630.00	960	900	3,480.00
Boyne City, Mich	35,000	30,000	1,230.00	742.50	960	900	3,832.50
Carlinville, Ill	45,000	30,000	1,290.00	742.50	960	900	3,892.50
Central City, Ky	30,000	30,000	1,215.00	742.50	960	900	3,817.50
Coleman, Tex	50,000	30,000	900.00	742.50	960	900	3,502.50
Conway, Ark	55,000	40,000	1,350.00	967.50	1,260	900	4,477.50
Crockett, Tex	45,000	25,000	1,020.00	630.00	960	900	3,510.00
Dillon, S. C	30,000	25,000	1,065.00	630.00	960	900	3,555.00
Edenton, N. C	35,000	45,000	1,665.00	1,091.25	960	900	4,616.25
Eldorado, Ark		25,000	990.00	630.00	960	900	3,480.00
Eminence, Ky	30,000	40,000	1,495.50	967.50	960	900	4,323.00
Falmouth, Ky	25,000	30,000	1,140.00	742.50	960	900	3,742.50
Forest City, Ark	55,000	25,000	990.00	630.00	960	900	3,480.00
Georgetown, Tex	45,000	30,000	1,140.00	742.50	960	900	3,742.50
Green River, Wyo	25,000	25,000	1,020.00	630.00	960	900	3,510.00
Greenville, Ala	35,000	30,000	1,140.00	742.50	960	900	3,742.50
Highland, Ill	30,000	25,000	960.00	630.00	960	900	3,450.00
Holton, Kans	35,000	35,000	1,275.00	855.00	960	900	3,990.00
Huntingdon, Tenn		25,000	915.00	630.00	960	900	3,405.00
Huntsville, Tex	55,000	30,000	1,140.00	742.50	960	900	3,742.50
Kissimmee, Fla		35,000	1,290.00	855.00	960	900	4,005.00
Lake City, Fla	50,000	35,000	1,320.00	855.00	960	900	4,035.00
Lenoir, N. C	55,000	30,000	1,125.00	742.00	960	900	3,727.50
Linton, Ind	45,000	35,000	1,380.00	855.00	960	900	4,095.00
Lumberton, N. C	45,000	30,000	1,290.00	742.50	960	900	3,892.50
Madisonville, Ky	50,000	40,000	1,590.00	967.50	1,260	900	4,717.50
Manchester, Conn	45,000	40,000	1,650.00	967.50	1,260	900	4,777.50
Marengo, Iowa	30,000	30,000	1,095.00	742.50	960	900	3,697.50
Monroe, Ga	45,000	30,000	1,140.00	742.50	960	900	3,742.50
Mount Airy, N. C	55,000	55,000	1,890.00	1,305.00	1,260	900	5,355.00
Morgan City, La	30,000	40,000	1,470.00	967.50	1,260	900	4,597.50
Mountain Grove, Mo	45,000	40,000	1,515.00	967.50	1,260	900	4,642.50
Mount Olive, N. C	35,000	30,000	1,140.00	742.50	960	900	3,742.50
Mount Vernon, Ind	55,000	40,000	1,515.00	967.50	1,260	900	4,642.50
Murray, Ky		25,000	990.00	630.00	960	900	3,480.00
Napoleon, Ohio	50,000	35,000	1,365.00	855.00	960	900	4,080.00
Nephi, Utah	30,000	25,000	990.00	630.00	960	900	3,480.00
Newark, Del	30,000	30,000	1,110.00	742.50	960	900	3,712.50
Newcastle, Wyo	25,000	25,000	990.00	630.00	960	900	3,480.00
New Martinsville, W. Va	50,000	40,000	1,635.00	967.50	1,260	900	4,792.50
Pikeville, Ky	25,000	35,000	1,065.00	630.00	960	900	3,555.00
Provincetown, Mass	55,000	30,000	1,230.00	742.50	960	900	3,832.50
Rogersville, Tenn		25,000	930.00	630.00	960	900	3,420.00
Rossville, Ga	30,000	25,000	990.00	630.00	960	900	3,480.00
Sandersville, Ga	55,000	30,000	1,140.00	742.50	960	900	3,742.50
Seguin, Tex	45,000	30,000	990.00	742.50	960	900	3,592.50
Spring Valley, Ill	35,000	30,000	1,290.00	742.50	960	900	3,892.50
St. Johns, Oreg		25,000	990.00	630.00	960	900	3,480.00
Struttgart, Ark	50,000	30,000	1,140.00	742.50	960	900	3,742.50
Sylacauga, Ala	25,000	30,000	1,140.00	742.50	960	900	3,742.50
Union Springs, Ala	45,000	25,000	975.00	630.00	960	900	3,465.00
Unionville, Mo	35,000	30,000	1,215.00	742.50	960	900	3,817.50
Vermilion, S. Dak	45,000	35,000	1,335.00	855.00	960	900	4,080.00
West Plains, Mo	35,000	40,000	1,440.00	967.50	1,260	900	4,567.50
West Point, Va	25,000	25,000	990.00	630.00	960	900	3,390.00
Waynesboro, Ga	30,000	25,000	962.00	630.00	960	900	3,452.00
	2,070,000	1,840,000	70,332.50	45,168.75	59,340	53,100	228,241.25

SITES AND BUILDINGS.

Athens, Ala	$50,000	$35,000	$1,140.00	$742.50	$960	$900	$3,742.50
Bowling Green, Mo		35,000	1,140.00	742.50	960	900	3,742.50
Clare, Mich	45,000	35,000	1,140.00	742.50	960	900	3,742.50
Clearwater, Fla	40,000	40,000	1,290.00	855.00	960	900	4,005.00
Columbus, Kans		50,000	1,590.00	1,080.00	1,260	900	4,630.00
Council Grove, Kans	52,500	35,000	1,140.00	742.50	960	900	3,742.50
Corning, Iowa	50,000	35,000	1,140.00	742.50	960	900	3,742.50
Duquesne, Pa	55,000	75,000	2,340.00	1,417.50	1,260	900	5,917.50
Eagle Grove, Iowa	55,000	35,000	1,140.00	742.50	960	900	3,742.50
East Moline, Ill	65,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Eaton, Ohio	35,000	35,000	1,140.00	742.50	960	900	3,742.50
Effingham, Ill	60,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Farmington, Mass	55,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Harlan, Iowa	52,000	35,000	1,140.00	697.50	960	900	3,697.50
Hazard, Ky	30,000	40,000	1,290.00	787.50	960	900	3,937.50
Hood River, Oreg	65,000	60,000	1,890.00	1,192.50	1,260	900	5,242.50
Houma, La	60,000	50,000	1,590.00	967.50	1,260	900	4,717.50
Keyser, W. Va	55,000	55,000	1,740.00	1,080.00	1,260	900	4,980.00
Kingsville, Tex	55,000	40,000	1,290.00	855.00	1,260	900	4,305.00
Knoxville, Iowa	55,000	40,000	1,290.00	855.00	1,260	900	4,305.00
Ladysmith, Wis	52,000	35,000	1,140.00	697.50	960	900	3,697.50
Lewisburg, W. Va	82,000	82,000	2,550.00	1,755.00	1,260	900	6,465.00
Litchfield, Minn	50,000	35,000	1,140.00	742.50	960	900	3,742.50
Lufkin, Tex	55,000	33,000	1,140.00	630.00	960	900	3,630.00
Mansfield, La	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Middletown, Pa	60,000	65,000	2,040.00	1,192.50	960	900	5,092.50
Mexia, Tex	51,000	35,000	1,140.00	720.00	960	900	3,720.00
Morganton, N. C	61,000	35,000	1,140.00	720.00	960	900	3,720.00
Nanticoke, Pa	65,000	60,000	1,890.00	967.50	960	900	4,717.50
Norton, Kans	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Pittsfield, Ill	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Plaquemine, La	35,000	35,000	1,140.00	742.50	960	900	3,742.50
Port Clinton, Ohio	51,000	40,000	1,290.00	832.50	960	900	3,982.50
Princeton, W. Va	55,000	45,000	1,440.00	855.00	1,260	900	4,455.00
Reedsburg, Wis	55,000	40,000	1,290.00	742.50	960	900	3,892.50
Richmond, Mo	55,000	40,000	1,290.00	742.50	960	900	3,892.50
Sanford, Me	66,000	50,000	1,590.00	945.00	1,260	900	4,695.00

SITES AND BUILDINGS—continued.

Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
Sturgeon Bay, Wis.	50,000	40,000	1,200.00	855.00	960	900	4,003.00
Superior, Nebr.	40,000	35,000	1,140.00	742.50	960	900	3,742.50
Ticonderoga, N. Y.	.....	35,000	1,140.00	742.50	960	900	3,742.50
Wadena, Minn.	35,000	35,000	1,140.00	742.50	960	900	3,742.50
	1,962,500	1,747,000	56,100.00	33,145.00	43,260	36,900	171,405.00

SITES.

Albemarle, N. C.	$10,000	$6,000	$1,620.00	$1,080.00	$1,260	$900	$4,860.00
Alma, Mich.[2]	.....	5,000	.....	.....	.....	.....	.....
Alvin, Tex.	5,000	6,000	1,320.00	855.00	960	900	4,035.00
Anadarko, Okla.	5,000	7,000	1,500.00	967.50	1,260	900	4,627.50
Arcadia, Fla.	5,000	5,000	1,740.00	1,192.50	1,260	900	5,092.50
Ashburn, Ga.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Bamberg, S. C.[2]	.....	5,000	.....	.....	.....	.....	.....
Baxley, Ga.[2]	.....	5,000	.....	.....	.....	.....	.....
Beckley, W. Va.[2]	.....	10,000	.....	.....	.....	.....	.....
Berkley Springs, W. Va.	5,000	10,000	1,140.00	742.50	960	900	3,742.50
Blakely, Ga.	3,000	6,000	1,470.00	967.50	960	900	4,297.50
Blytheville, Ark.	10,000	9,000	1,860.00	1,192.50	1,260	900	5,212.50
Broken Bow, Nebr.	10,000	6,000	1,920.00	1,305.00	1,260	900	5,385.00
Brookville, Pa.[2]	.....	10,000	.....	.....	.....	.....	.....
Brownsville, Tenn.	5,000	5,000	1,140.00	742.50	1,260	900	4,042.50
Cairo, Ga.	5,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Cameron, Mo.	5,000	5,000	1,890.00	1,305.00	1,260	900	5,355.00
Canton, S. Dak.	5,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Charleston, Mo.[2]	.....	6,000	.....	.....	.....	.....	.....
Clinton, N. C.[1]	3,000	5,000	.....	.....	.....	.....	3,500.00
Columbia, Miss.[1]	6,000	5,000	.....	.....	.....	.....	3,500.00
Commerce, Ga.	5,000	5,000	990.00	630.00	960	900	3,480.00
Conway, S. C.	5,000	3,000	.....	.....	.....	.....	3,500.00
Covington, Ga.	5,000	5,000	1,290.00	855.00	960	900	4,005.00
Cuthbert, Ga.[1]	5,000	6,000	.....	.....	.....	.....	3,500.00
David City, Nebr.	5,000	6,000	1,340.00	855.00	1,260	900	4,355.00
Decatur, Ga.	8,000	8,000	1,530.00	967.50	960	900	4,357.50
Dickson, Tenn.	5,000	5,000	1,440.00	967.50	960	900	4,267.50
Duncan, Okla.[2]	.....	5,000	.....	.....	.....	.....	.....
Dunn, N. C.	8,000	7,000	1,500.00	967.50	960	900	4,327.50
Easley, S. C.[2]	.....	5,000	.....	.....	.....	.....	.....
East Palestine, Ohio	10,000	7,500	1,680.00	1,080.00	660	900	4,320.00
East Point, Ga.	10,000	8,000	1,680.00	1,080.00	960	900	4,620.00
Eaton Rapids, Mich.[2]	.....	7,500	.....	.....	.....	.....	.....
Eldorado Springs, Mo.[2]	.....	5,000	.....	.....	.....	.....	.....
Ely, Nev.[2]	.....	5,000	.....	.....	.....	.....	.....
Essex, Conn.	10,000	6,000	1,020.00	630.00	960	900	3,510.00
Franklin, Ind.[2]	.....	10,000	.....	.....	.....	.....	.....
Greer, S. C.[2]	.....	5,000	.....	.....	.....	.....	.....
Hartsville, S. C.[1]	5,000	3,000	.....	.....	.....	.....	3,500.00
Hawkinsville, Ga.	10,000	8,000	1,680.00	1,080.00	1,260	900	4,920.00
Henderson, Tex.	5,000	5,000	990.00	630.00	960	900	3,480.00
Hickman, Ky.	5,000	5,000	1,590.00	1,080.00	1,260	900	4,830.00
Indianola, Iowa	5,000	5,000	1,440.00	1,080.00	960	900	4,380.00
Jackson, Ga.	5,000	5,000	1,140.00	742.50	960	900	3,742.50
La Follette, Tenn.[2]	.....	6,000	.....	.....	.....	.....	.....
Las Vegas, Nev.[2]	.....	5,000	.....	.....	.....	.....	.....
Lawrenceburg, Ind.	5,000	10,000	1,290.00	855.00	1,260	900	4,305.00
Lenoir City, Tenn.[2]	.....	6,000	.....	.....	.....	.....	.....
Lewisburg, Tenn.	5,000	5,000	1,740.00	1,192.50	1,260	900	5,092.50
Lewistown, Ill.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Lexington, Miss.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Lockhart, Tex.[2]	.....	6,000	.....	.....	.....	.....	.....
Louisburg, N. C.	10,000	6,000	1,890.00	1,192.50	1,260	900	5,242.50
Lowville, N. Y.	10,000	10,000	1,740.00	1,080.00	1,260	900	4,980.00
Manning, S. C.[2]	.....	5,000	.....	.....	.....	.....	.....
Mannington, W. Va.[2]	.....	10,000	.....	.....	.....	.....	.....
Marion, N. C.	5,000	6,000	1,740.00	1,192.50	1,260	900	5,092.50
McMinnville, Tenn.	5,000	5,000	1,590.00	1,080.00	1,260	900	4,830.00
Midland, Pa.	8,500	5,000	1,140.00	742.50	960	900	3,742.50
Milan, Mo.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Monticello, Fla.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Okalona, Miss.[2]	.....	5,000	.....	.....	.....	.....	.....
O'Neill, Nebr.	10,000	6,000	1,020.00	630.00	960	900	3,510.00
Paris, Mo.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Pascagoula, Miss.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Pelham, Ga.	5,000	6,000	1,020.00	630.00	960	900	3,510.00
Perry, Fla.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Perryville, Mo.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Pineville, Ky.	6,000	5,000	1,290.00	855.00	960	900	4,005.00
Placerville, Cal.	7,000	10,000	1,950.00	1,305.00	1,260	900	5,415.00
Plymouth, Pa.	23,000	15,000	1,740.00	967.50	1,260	900	4,867.50
Ponca City, Okla.	5,000	7,500	1,665.00	1,080.00	1,260	900	4,905.00
Rich Hill, Mo.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Rockwood, Tenn.[2]	.....	6,000	.....	.....	.....	.....	.....
Russellville, Ky.[2]	.....	10,000	.....	.....	.....	.....	.....
Salisbury, Mo.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
San Benito, Tex.	5,000	6,000	1,470.00	967.50	1,260	900	4,597.50
Sanford, N. C.	5,000	7,000	1,650.00	1,080.00	1,260	900	4,890.00
Seward, Nebr.	5,000	6,000	1,320.00	855.00	1,260	900	4,335.00
Sheffield, Ala.[2]	.....	5,000	.....	.....	.....	.....	.....
Stanford, Ky.[2]	.....	5,000	.....	.....	.....	.....	.....
Summerville, S. C.[1]	5,000	5,000	.....	.....	.....	.....	3,500.00
Susanville, Cal.	5,000	10,000	1,740.00	1,080.00	1,260	900	4,980.00
Van Buren, Ark.	5,000	6,000	1,620.00	1,080.00	1,260	900	4,860.00
Venice, Cal.	10,000	10,000	1,890.00	1,192.50	1,260	900	5,242.50
Waurika, Okla.	7,000	5,000	1,140.00	742.50	960	900	3,742.50
Williamston, N. C.	5,000	5,000	1,140.00	742.50	960	900	3,742.50
Winder, Ga.	5,000	5,000	1,590.00	1,080.00	960	900	4,530.00
Winnfield, La.	5,000	5,000	1,440.00	967.50	960	900	4,267.50
Winona, Miss.	5,000	7,500	1,215.00	742.50	960	900	3,817.50

[1] No estimate as to cost of building in detail.
[2] No estimate made.

SITES—continued.

Place.	Estimate.	Bill.	Interest.	Depreciation.	Janitor.	Supplies.	Total.
York, S. C.	5,000	9,000	1,410.00	855.00	960	900	4,125.00
Yuma, Ariz.	6,000	6,000	.....	.....	.....	.....	5,500.00
	434,500	581,000	75,590	49,342.50	56,760	45,900	[1] 292,592.50

[1] This total is not the sum of the previous columns of interest, depreciation, janitor, and supplies, for the reason that in 18 of the places named certain estimates were made as to the probable cost of upkeep for buildings which it was presumed would eventually be constructed on the sites only which the bills provided for. In these cases no estimates were made on buildings, as none were contemplated in the bills. The total of these 18 places amounts to $65,000, which, deducted from the above total, leaves a balance of $227,592.50, which is the total of the columns named where buildings were estimated upon.

In order to show the carnival of waste covered by the 1916 public-buildings bill introduced by Chairman CLARK on behalf of the committee I have just presented this significant analysis of items, reaching nearly 200 in number, wherein an official estimate has been prepared of the probable annual carrying charges of public buildings in the towns named.

The sites and buildings of 100 of these items furnish an initial cost of between four and five million dollars, although the sites for the first 59 items do not appear in the totals. Under our covering-up style of dribbling appropriations these 59 sites have already been bought in jerk-water crossroads and Jim Crow towns scattered all over the continent. It is probable that not one in a dozen of these vacant sites could be resold for one-half the amount paid by Uncle Samuel. For that reason earnest protests are encountered against abandoning any wasteful project or in refusing to erect buildings wherever located, now that a site has been purchased.

We are in the position of Pat's well-remembered preparedness. All that he needed in order to secure a smoke was the loan of a pipe and a little tobacco; he had the match. We have the sites for the first 59 items. Over $2,000,000 will be spent on the buildings on these sites, according to the appropriations, and then some.

ENORMOUSLY WASTEFUL MAINTENANCE CHARGES.

The original cost is not the most extravagant part of this public-buildings program. The Public Buildings Commission included some of the ablest authorities in the country, and with them was associated the present chairman of the Public Buildings Committee, Representative CLARK. That commission found in its report that the highest rental paid by the Government for any one of the 508 post offices having over $10,000 annual receipts and occupying leased quarters was $2,580 and the lowest annual rental $151. At 378 offices the rental is less than $1,000 annually, while for 4,320 post offices of all classes and branches the average annual rental in 1913 was $824. It will also be remembered that many of the "Government monuments" proposed in this public-buildings bill are for towns where the receipts are far below $10,000 annually, and in some cases do not reach half that amount. A large majority of the buildings are for cities of less than 5,000 inhabitants, and 90 per cent presumably are to be in towns where the rental is less than $1,000 annually.

The 59 public buildings first named in the last analysis herewith presented will make an annual burden upon the Treasury of $228,241 for buildings alone, or an average of $3,868 for each separate item. In 1913 the average rental for 4,320 post offices reached $824, so that if that average was reached in the 59 projects first named an average increase of over $3,000, or a profligate waste of over 350 per cent will be recorded. Expressed differently it means jumping a total rental on these 59 items, based on a $824 average, from $48,616 to $228,241 annually. In a short time this item of waste will overtake the original cost of construction because it is a continuing burden.

The analysis of comparative cost of the first 59 items also applies to the remaining items set forth in the last statement, which in all presumably carries an increased annual carrying charge of over a half million dollars apart from the original investment for "Government monuments." Have I made this plain? A brief examination of the bill, aided by these tabulated statements, will reveal the character of "profligate waste wrung from the people by oppressive taxation," which is proposed by an administration which in 1912 so vociferously denounced extravagance.

WHERE IS THE MONEY COMING FROM TO MEET SUCH EXTRAVAGANCES?

A word of warning to our Democratic friends. You are appropriating lavishly from a depleted Treasury. Under present conditions you are doubly taxing incomes in an effort to save your face financially.

Your chief prophet and spellbinder, who once pledged his candidate to only one presidential term, now predicts that prohibition shall become nation wide. I am speaking only of the financial side of the problem of running a Government when I remind you that approximately $250,000,000 of annual receipts used for meeting Federal expenditures comes from license or excise fees. What do you propose to do with such profligate waste bills as this public-building scandal, when, after scraping the bottom of the Federal Treasury to meet the waste of 1916, you now are providing for more private waterway waste, more private-land reclamation grabs, more public-buildings waste, and other schemes of like character. Practically one-third of the net revenue of the Government may be forfeited by the Treasury in a loss of excise fees. Many States throughout the country have already declared for State-wide prohibition, thereby reducing present Government license fees. We can not blind ourselves to the trend of public sentiment. Based strictly on the financial aspect of the case how can we stupidly continue to vote for these public-building and sectional-waterway grafts in view of the present and prospective condition of the Federal Treasury? Leaving out of consideration the vice that lays at the foundation of such omnibus bills and the potent influence exercised over other legislation by such public scandals, how can we close our eyes to the imperative necessity of lopping off "profligate waste" disclosed in the bill before us?

Mr. Speaker, when the omnibus river and harbor bill was opposed because of its inherent vice and waste, I offered a constructive measure, which I trust will receive consideration by the next Congress. Had the fortunes of politics given to the Republican Party the reins of power I am sure some such measure would have found favor, because that party was pledged to a budget system of which the proposed waterway bill could have been made a comprehensive and economical part. In addition it would give an impetus to actual inland-waterway navigation, providing its recommendations were followed. That waterway bill offers a genuine constructive program for all those who sincerely desire improvement of actual navigation. It removes pork appropriations from waterways but gives what the country has a right to demand, value received for waterway expenditures.

No criticism is of material service unless some constructive proposal is offered as a substitute. I am not ambitious to provide such a measure for public buildings, and realize that every obstacle to any change will be interposed by genuine lovers of political plums. However, I can not believe the people of the country are willing to be flimflammed much longer by such vicious, extravagant bills, and with the purpose of presenting a tentative measure that will insure needed public buildings and avoid local grabbing at public expense, I submit the following:

A BILL (NO. 18450) PROVIDING FOR A PUBLIC BUILDING COMMISSION.

A commission composed of the Secretary of the Treasury, the Postmaster General, and the Attorney General is hereby created whose duty it shall be to receive and investigate all applications for Government public buildings wherever located. The commission may provide rules concerning the size of communities, post-office receipts, and rental paid by the Government in determining where public buildings are to be constructed, and shall determine the character, cost, and plans of every public building.

The commission shall annually prepare a report of its findings and recommendations and the same shall be embodied in the report of the Secretary of the Treasury and of the Postmaster General. The amounts required to provide for the purchase of sites, construction of buildings, and purchase of needed equipment shall be included and made a part of the regular supply bills submitted by the Secretary of the Treasury to Congress.

In addition to the analyses already submitted, a further statement of facts is offered relative to conditions surrounding the 400 different projects included in the proposed 1916 public-buildings bill.

A bare statement of facts herein contained is enough to condemn the bill, and I ask its careful consideration by those who are called upon to vote for or against the bill's passage.

PROFLIGATE WASTE VERSUS RETRENCHMENT.

Never in the history of this country have conditions generally called for greater public economy. No sane man is deceived by the present fictitious national prosperity created by foreign conditions, and never before has the necessity for public retrenchment been more imperative.

We are confronted by a depleted Treasury, by oppressive taxes never before equaled in times of peace, by burdensome appropriations for legitimate Government needs and public defense. Then by what right do we approve notoriously wasteful and extravagant bills? I have performed what I believe to be a duty in opposing this bill. Needless to say, it is a disagreeable task and, I realize, will invite protests from those who have important measures contained in the pending bill. Public improvements are necessary and they should be carried on without hindrance, but this does not justify criminal waste in order to build Government monuments at hundreds of crossroads throughout the country. Let us exercise a small part of the economy and business judgment which men employ in the conduct of business enterprises. Place such public improvements in the hands of reputable officials connected with the administration responsible for expenditures and we will reach an end of extravagance and pork-barrel scandals.

Based on ordinarily good business judgment, I offer a further statement concerning the 1916 public-buildings bill which without argument is sufficient to condemn 80 per cent of the items contained in this bill. Is it any exaggeration to say that one-half of the $35,000,000 appropriation provided by the bill is unparalleled extravagance and "profligate waste wrung from the people by oppressive taxation."

Sites only (1916 bill).

City and amount.	Population.	Receipts for 1915.	Annual rental.
Albemarle, N. C., $6,000	2,116	$8,759.99	$606
Albion, N. Y., $10,000	5,016	18,169.35	904
Alma, Mich., $5,000	2,757	15,658.26	660
Alvin, Tex., $6,000	1,453	9,051.14	100
Anadarko, Okla., $7,000	3,439	10,894.26	540
Arcadia, Fla., $5,000	1,736	14,564.89	500
Ashburn, Ga., $5,000	2,214	6,468.82	480
Bamberg, S. C., $5,000	1,937	4,257.77	220
Bartlesville, Okla., $15,000	6,181	37,892.21	1,560
Baxley, Ga., $5,000	831	6,639.50	408
Beckley, W. Va., $10,000	2,161	9,305.50	600
Berkeley Springs, W. Va., $10,000	864	6,485.23	450
Bisbee, Ariz., $25,000	9,019	33,250.32	1,480
Blakely, Ga., $6,000	1,838	6,327.50	None.
Blytheville, Ark., $9,000	3,849	11,683.91	560
Boston, Mass., $1,500,000	670,585	8,069,113.07	23,600

Only three of the foregoing items could be built with profit to the Government, according to Burleson.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Broken Bow, Nebr., $6,000	2,260	$11,948.10	$1,600
Brookville, Pa., $10,000	3,003	14,742.57	710
Brownsville, Tenn., $5,000	2,882	8,111.42	660
Cairo, Ga., $6,000	1,505	7,273.48	None.
Cameron, Mo., $5,000	2,980	10,330.11	1,056
Canton, S. Dak., $6,000	2,103	10,006.24	500
Charleston, Mo., $5,000	3,144	9,346.62	810
Clinton, N. C., $5,000	1,101	6,254.73	480
Columbia, Miss., $5,000	2,029	8,505.15	660
Columbus, Ohio, $240,000	181,511	1,139,149.32	(?) 1,980
Commerce, Ga., $5,000	2,238	6,290.89	500
Conway, S. C., $3,000	1,228	6,030.89	490
Corvallis, Oreg., $10,000	4,552	27,479.83	1,404
Covington, Ga., $5,000	2,697	7,031.21	400
Cuthbert, Ga., $6,000	3,210	7,813.40	600

Only 1 or, at most, 2 of the last 15 items meet Mr. Burleson's requirements. The others are wasteful and extravagant from the Government's business point of view. In this Burleson is sustained by Treasury estimates heretofore quoted.

City and amount	Population.	Receipts for 1915.	Annual rental.
David City, Nebr., $6,000	2,177	$11,990.90	$780
Decatur, Ga., $8,000	2,466	7,230.65	600
Detroit, Mich., $1,250,000	465,766	3,292,227.62	None.
Dickson, Tenn., $5,000	1,850	7,451.91	425
Doylestown, Pa., $5,000	3,304	15,471.81	1,100
Duncan, Okla., $5,000	2,477	8,042.36	480
Dunn, N. C., $7,000	1,823	9,252.97	500
Easley, S. C., $5,000	2,983	5,342.35	300
East Palestine, Ohio, $7,500	3,537	14,043.55	800
East Point, Ga., $8,000	3,682	11,425.61	400
Eaton Rapids, Mich., $7,500	2,094	8,985.23	800
Eldorado Springs, Mo., $5,000	2,503	7,626.21	390
Ely, Nev., $5,000	2,055	8,315.16	900
Essex, Conn., $6,000	2,745	8,087.39	240

Just 1 item in the last 14 noted meets the minimum of population, receipts, and rental urged by Mr. Burleson when the Government's business interests are considered. His estimates have been questioned by those who insist the limits are too low and ought to be raised. By the Treasury estimates they are too small by half, as heretofore shown.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Flagstaff, Ariz., $7,000	1,633	$15,850.55	$1,680
Fort Valley, Ga., $8,000	2,697	10,408.97	660
Franklin, Ind., $10,000	4,502	12,920.99	660
Galion, Ohio, $15,000	7,214	24,930.60	1,020
Greer, S. C., $5,000	1,673	6,643.48	360
Hartsville, S. C., $3,000	2,365	9,884.33	480
Hawkinsville, Ga., $8,000	3,420	8,129.91	772
Henderson, Tex., $5,000	Not given.	6,666.76	300
Hickman, Ky., $5,000	2,736	8,538.80	520
Indianola, Iowa, $5,000	3,283	11,348.49	660
Indianola, Miss., $5,000	1,098	7,661.88	450
Jackson, Ga., $5,000	1,862	6,647.65	340
Kansas City, Mo., $1,000,000	248,381	2,897,325.00	.....
Lafollette, Tenn., $6,000	2,816	5,425.91	425

Two of the foregoing 14 items meet the limits urged by Burleson for profitable buildings. The rest are wasteful. Think of Greer, Indianola (Miss.), Jackson, and other items, all of which are included in the 1916 bill.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Las Vegas, Nev., $5,000	945	$7,198.68	None.
Lawrenceburg, Ind., $10,000	3,930	13,357.26	$900
Lenoir City, Tenn., $6,000	3,392	5,986.59	500
Lewisburg, Pa., $10,000	3,081	15,203.71	1,087
Lewisburg, Tenn., $5,000	1,830	9,430.44	360
Lewistown, Ill., $5,000	2,312	7,816.41	540
Lexington, Miss., $5,000	2,428	8,421.84	600
Little Rock, Ark., $175,000	45,941	345,986.12	5,193
Lockhart, Tex., $6,000	2,945	10,617.08	660
Louisburg, N. C., $6,000	1,775	8,128.04	600
Lowville, N. Y., $10,000	2,940	14,307.29	1,050
Manning, S. C., $5,000	1,854	5,435.28	350
Mannington, W. Va., $10,000	2,672	12,340.00	1,346
Marion, N. C., $6,000	1,519	8,315.52	924
McMinnville, Tenn., $5,000	2,299	8,724.74	540

Only 1 of the last 15 items can profitably be considered by the Government, according to Mr. Burleson. "Government monuments" in crossroads from Nevada to North Carolina are provided in the 1916 bill.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Menasha, Wis., $10,000	6,081	$16,671.44	$864
Midland, Pa., $5,000	1,244	10,619.45	300
Milan, Mo., $5,000	2,191	6,684.48	500
Montgomery, Ala., $175,000	38,136	191,567.19	1,980
Monticello, Fla., $5,000	1,829	6,065.70	600
Mount Pleasant, Iowa, $7,500	3,874	16,094.48	600
Neosho, Mo., $5,000	3,661	28,524.15	924
Norman, Okla., $7,000	3,724	17,904.49	936
Okolona, Miss., $5,000	2,584	5,425.40	480
O'Neill, Nebr., $6,000	2,089	8,924.77	720
Oswego, Kans., $5,000	2,317	15,166.97	884
Ozark, Ala., $5,000	2,229	6,416.74	400
Paris, Mo., $5,000	1,474	7,037.89	540
Pascagoula, Miss., $5,000	3,379	6,179.94	514
Pelham, Ga., $6,000	1,880	6,719.12	None.

Only 1 item in the last 15 meets limits fixed by Mr. Burleson for profitable or excusable construction by the Government. In this judgment he is sustained by Treasury estimates which have been presented, of carrying charges after buildings have been erected.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Perry, Fla., $5,000	1,012	$6,439.25	$360
Perryville, Mo., $5,000	1,708	5,662.91	400
Philadelphia, Pa., $750,000	1,549,008	8,029,545.51	.....
Pineville, Ky., $5,000	2,161	7,369.33	600
Placerville, Cal., $10,000	1,914	10,038.38	1,517
Plymouth, Pa., $15,000	16,996	12,776.20	1,096
Ponca City, Okla., $7,500	2,521	12,283.13	840
Potsdam, N. Y., $9,000	4,036	19,320.22	780
Redlands, Cal., $30,000	10,449	40,527.68	811
Rich Hill, Mo., $5,000	2,755	7,831.80	480
Rockwood, Tenn., $6,000	3,660	5,857.91	360
Russellville, Ky., $10,000	3,111	7,898.31	448
Salisbury, Mo., $5,000	1,834	7,438.25	500
San Benito, Tex., $6,000	Not given.	8,199.12	180
Sanford, N. C., $7,000	2,282	9,568.04	500

Just 2, or at most 3, of the last 15 items are in the class rated as profitable to the Government. Perry's victory over the British has nothing on the Florida Perry's capture of Congress. San Benito, with $180 rental, will be increased over 2,000 per cent before the annual cost of the proposed monument is completed.

City and amount.	Population.	Receipts for 1915.	Annual rental.
San Jose, Cal., $15,000	28,946	$143,972.60	$480
San Mateo, Cal., $15,000	4,384	17,909.63	900
Santa Monica, Cal., $15,000	7,847	41,139.36	1,096
Seward, Nebr., $6,000	2,106	10,191.59	900
Sheffield, Ala., $5,000	4,865	7,968.77	660
Stanford, Ky., $5,000	1,532	6,228.48	396
Stillwater, Okla., $7,000	3,444	15,591.84	996
Summerville, S. C., $5,000	2,355	7,796.61	440
Susanville, Cal., $10,000	688	7,058.08	600
Thomaston, Ga., $5,000	1,645	6,144.63	360
Two Rivers, Wis., $10,000	4,850	15,728.86	584
Van Buren, Ark., $6,000	3,878	9,884.36	1,060
Venice, Cal., $10,000	Not given.	13,501.77	1,120
Waurika, Okla., $5,000	2,928	6,480.82	420
Wellsville, N. Y., $12,500	4,382	21,834.16	815

Two only of the last 15 items can be justified, according to Mr. Burleson. In all others the population, receipts, and rental do not warrant public buildings. This does not deter Susanville's 688 souls from making their demand for a $10,000 site. "Profligate waste," thy name is Susanville.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Westboro, Mass., $15,000	(1)	$14,552.31	$1,275
West Palm Beach, Fla., $10,000	1,743	25,850.58	2,866
Whitinsville, Mass., $10,000	(1)	10,597.37	800
Wichita, Kans., $75,000	52,450	331,003.87	1,380
Williamston, N. C., $5,000	1,574	6,043.18	300
Winder, Ga., $5,000	2,443	7,317.19	406
Windsor, Ga., $4,000	2,241	7,918.08	600
Winnfield, La., $5,000	2,925	9,098.12	380
Winona, Miss., $7,500	2,512	8,584.35	460
York, S. C., $9,000	2,326	8,596.98	600
Yuma, Ariz., $6,000	2,914	14,038.77	680

[1] Not listed

Wichita and possibly one or two others qualify under Mr. Burleson's estimate of justified building at Government expense, but in order to get through the bill needs the vote of Representatives interested in Government monuments that are to be built in Williamston and on down to Yuma. That is the vice of omnibus or pork-barrel legislation.

Miscellaneous.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Utica, N. Y., $365,000 (sec. 6)	74,419	$333,996.11	.....
Malden, Mass., $150,000 (sec. 8)	44,404	79,932.65	$2,500
Nogales, Ariz., $120,000 (sec. 17)	(1910) 2,000	13,915.57	2,398
Dallas, Tex., $550,000 (sec. 18)	92,104	1,070,751.49	3,000
Rock Hill, S. C., $125,000 (sec. 19)	7,216	23,957.34	2,400
Newark, N. J., $600,000 (sec. 20)	347,469	1,410,925.67	7,086
Okmulgee, Okla., $135,000 (sec. 21)	4,176	25,645.80	1,464
Pittsburgh, Pa., $50,000 (sec. 22)	533,905	3,457,149.06	12,550
Atlantic City, N. J., $60,000 (sec. 25)	16,773	62,818.91	3,700

Sites and buildings.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Algona, Iowa, $45,000	2,908	$15,210.44	$800
Athens, Ala., $35,000	1,715	9,393.82	508
Blackfoot, Idaho, $65,000	2,202	18,414.45	1,468
Bloomington, Ill., $150,000	25,768	122,227.54	None.
Bowling Green, Mo., $35,000	1,585	8,923.57	780
Bristol, Va., $80,000	6,247	45,283.59	1,500
Canajoharie, N. Y., $60,000	2,273	25,913.58	848
Carbondale, Ill., $60,000	5,411	15,980.68	996
Clare, Mich., $35,000	1,350	8,590.91	509
Claremont, N. H., $55,000	7,529	22,856.10	1,060
Circleville, Ohio, $65,000	6,744	17,505.63	860
Clearwater, Fla., $40,000	1,171	10,959.77	1,080
Columbus, Kans., $50,000	3,064	13,279.63	684
Council Grove, Kans., $35,000	2,545	9,141.27	540
Corning, Iowa, $35,000	1,702	7,133.25	660

Beginning with Algona, only 2 or possibly 3 of the last 15 items can be profitably built by the Government, according to Burleson. His statement is verified by Treasury officials.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Dansville, N. Y., $60,000	3,938	$46,034.18	$1,100
De Ridder, La., $30,000	2,100	8,854.54	300
Dodge City, Kans., $60,000	3,214	21,246.73	1,680
Duquesne, Pa., $75,000	15,727	13,740.49	1,020
Eagle Grove, Iowa, $35,000	3,387	11,625.90	775
East Moline, Ill., $45,000	2,665	14,252.47	576
Easton, Md., $65,000	3,083	20,732.09	1,480
Eaton, Ohio, $35,000	3,187	11,290.79	480
Effingham, Ill., $45,000	3,898	12,693.76	1,170
Elko, Nev., $59,000	1,677	22,255.66	2,720
Everett, Mass., $115,000	33,484	(1)	
Farmington, Me., $45,000	3,210	11,924.96	936
Fort Wayne, Ind., $550,000	63,933	323,056.53	960
Fort Worth, Tex., $500,000	73,312	411,999.85	2,500
Framingham, Mass., $100,000	12,948	$84,899.01	$2,955
Galva, Ill., $45,000	2,498	15,691.44	450
Gardner, Mass., $90,000	14,699	32,795.95	1,500
Grand Rapids, Wis., $70,000	6,521	27,973.83	995
Great Barrington, Mass., $50,000	5,926	18,372.93	900
Greenville, Pa., $75,000	5,909	31,245.42	1,380
Greenwood, S. C., $125,000	6,614	23,297.36	None.
Harlan, Iowa, $35,000	2,570	11,809.90	960
Hartford City, Ind., $50,000	6,187	15,983.64	650
Harvey, Ill., $55,000	7,227	22,288.35	902
Hazard, Ky., $40,000	537	4,488.43	250
Hood River, Oreg., $60,000	2,331	12,455.41	1,020
Hoquiam, Wash., $75,000	8,171	23,230.21	2,580
Houma, La., $50,000	5,024	12,095.41	900
Hugo, Okla., $58,000	4,582	16,275.38	950

The last few items reach a higher average. But what shall be said of such items as Hazard, where the annual charge against the Government of $250 will be increased to $3,937, according to Treasury authorities, when we have constructed a Government monument in Hazard and at a per capita cost of $56 to the Government? There are many others.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Ilion, N. Y., $65,000	6,588	$25,409.50	$1,020
Junction City, Kans., $55,000	5,598	17,777.05	900
Keyser, W. Va., $55,000	3,705	13,733.39	840
Kingsville, Tex., $40,000	(2)	13,261.14	480
Knoxville, Iowa, $40,000	3,190	11,182.11	600
Ladysmith, Wis., $35,000	2,350	10,304.29	360
Lansdowne, Pa., $65,000	4,066	25,667.33	1,080
Lewisburg, W. Va., $82,000	803	8,017.37	540
Lewistown, Mont., $100,000	2,992	42,862.76	3,900
Liberty, N. Y., $55,000	2,072	17,948.57	912
Litchfield, Minn., $35,000	2,333	12,368.58	740
Ludington, Mich., $75,000	9,132	27,069.41	1,736
Lufkin, Tex., $35,000	2,749	12,026.45	660
Mansfield, La., $35,000	1,799	11,192.23	1,000
Marshall, Mich., $75,000	4,236	62,763.35	1,350
Mechanicsville, N. Y., $55,000	6,634	17,757.39	952
Middletown, Pa., $65,000	5,374	14,468.46	1,104
Mexia, Tex., $35,000	2,694	10,500.86	585
Morganton, N. C., $35,000	2,712	10,211.35	660
Mount Vernon, Ohio, $70,000	9,087	30,729.19	1,650
Nanticoke, Pa., $60,000	18,877	13,325.70	924
Newburgh, N. Y., $140,000	27,805	91,896.74	None.
New Orleans, La., quarantine station, $500,000	339,075	1,248,603.25	
Northfield, Minn., $51,000	3,265	21,099.96	1,100
Norton, Kans., $35,000	1,787	9,398.69	450
Norwalk, Conn., $140,000	24,211	27,246.60	960
Norwalk, Ohio, $65,000	7,858	28,659.16	1,890
Olathe, Kans., $55,000	3,272	15,919.26	1,320
Oregon City, Oreg., $70,000	4,287	20,334.08	2,064
Painesville, Ohio, $70,000	5,501	41,738.05	1,160

Less than half of the foregoing items meet the requirement urged by Mr. Burleson as to population, receipts, and rent. The annual cost of a $70,000-structure averages over $4,000, according to the Treasury authorities. On that basis not 10 per cent would be profitable investments for the Government.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Peabody, Mass, $100,000	15,721	$25,130.96	$1,375
Peru, Ill., $45,000	7,984	16,247.75	708
Petaluma, Cal., $60,000	5,880	32,348.61	1,610
Philipsburg, Pa., $60,000	3,585	17,016.64	1,144
Phillipsburg, N. J., $60,000	13,903	24,243.33	1,320
Pittsfield, Ill., $35,000	2,095	11,289.17	750
Plainview, Tex., $45,000	2,829	16,330.20	600
Plaquemine, La., $35,000	4,955	11,437.05	300
Portage, Wis., $57,000	5,440	20,372.61	1,060
Port Clinton, Ohio, $40,000	3,007	12,785.02	550
Princeton, W. Va., $45,000	3,027	10,252.84	234
Reedsburg, Wis., $40,000	2,615	11,840.82	590
Richmond, Mo., $40,000	3,664	10,088.02	880
Salem, Mass., $130,000	43,697	136,500.08	4,200
Sanford, Me., $50,000	9,049	13,837.02	872
Sapulpa, Okla., $70,000	8,283	25,803.09	601
Seattle, Wash., improve station, $275,000	237,194	1,388,571.99	
Sedalia, Mo., $210,000	17,822	61,850.42	

[1] Included in Boston. [2] Not included in census of 1910.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Silver City, N. Mex., $60,000	3,217	$16,518.95	$1,720
Somerset, Pa., $58,000	2,612	16,076.75	1,072
Staunton, Va., $85,000	10,604	47,023.77	120
St. Johns, Mich., $55,000	3,154	15,792.43	996
Sturgeon Bay, Wis., $40,000	4,262	11,320.89	555
Superior, Nebr., $35,000	2,106	11,495.82	900
Thief River Falls, Minn., $55,000	3,714	20,630.66	600
Ticonderoga, N. Y., $35,000	2,475	11,513.32	710
Vinita, Okla., $100,000	4,082	17,817.53	1,244
Wadena, Minn., $35,000	1,820	11,267.23	780
Wakefield, Mass., $65,000	11,404	21,469.26	960
Weehawken, N. J., $125,000	11,228	82,857.54	1,432
Winsted, Conn., $60,000	7,754	29,672.37	1,940

Although the average has improved among the recent items, it has not been large enough to excuse over half of the items which fail to reach the limits urged by Mr Burleson or the limit of profitable construction shown by Treasury officials. In fact, the future expense of 90 per cent of the structures will cost the Government approximately 300 per cent increase, according to Treasury estimates.

Buildings on sites owned or authorized.

SECTION 3.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Albertville, Ala., $25,000	1,544	$5,663.04	$500.00
Alva, Okla, $45,000	3,688	15,853.05	624.00
Attalla, Ala., $30,000	2,513	4,610.21	460.00
Aurora, Mo., $65,000	4,148	51,210.15	720.00
Barbourville, Ky., $25,000	1,633	4,532.95	406.00
Bath, N. Y., $50,000	3,884	24,992.62	1,220.00
Benton Harbor, Mich., $80,000	9,185	54,702.56	2,000.00
Binghamton, N. Y., $500,000	48,443	281,439.83	3,840.00
Brinkley, Ark., $25,000	1,740	6,114.53	550.00
Bronx, N. Y., $850,000	431,980	168,601.06	8,698.56
Boyne City, Mich., $30,000	5,218	11,063.17	762.00
Canon City, Colo., $55,000	5,162	23,383.58	1,600.00
Carlinville, Ill., $30,000	3,616	12,566.28	660.00
Central City, Ky., $30,000	2,545	5,707.92	500.00
Coleman, Tex., $30,000	3,046	10,723.84	876.00
Conway, Ark., $40,000	2,794	13,126.17	644.00
Crockett, Tex., $25,000	3,947	7,801.03	632.00

The average is smaller and the profligate waste greater when only 5 out of 17 items reach the limit urged by Mr. Burleson and Treasury officials. Only two pass the Treasury estimates.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Decatur, Ind., $45,000	4,471	$17,009.73	$1,420
Dillon, S. C., $25,000	1,757	7,733.63	400
Duluth, Minn., $300,000	78,466	429,124.11	2,740
Edenton, N. C., $45,000	2,789	8,861.03	660
Eldorado, Ark., $25,000	4,202	9,727.45	480
Eminence, Ky., $40,000	1,274	4,402.53	193
Fairfield, Iowa, $50,000	4,970	28,798.31	750
Falmouth, Ky., $30,000	1,180	5,638.24	340
Fargo, N. Dak., $250,000	14,331	241,282.87	192
Forest City, Ark., $25,000	2,484	9,687.77	460
Georgetown, Tex., $30,000	3,096	12,281.22	984
Green River, Wyo., $25,000	1,313	4,370.18	600
Greensburg, Ind., $45,000	5,420	18,477.35	876
Greenville, Ala., $30,000	3,377	9,294.81	480
Highland, Ill., $25,000	2,675	9,611.45	650
Hobart, Okla., $40,000	3,845	14,134.97	884
Holton, Kans., $35,000	2,842	12,501.30	750
Huntingdon, Tenn., $25,000	1,112	4,156.60	360

Only 3 out of the last 18 is a small average to meet Burleson's liberal figures. These buildings will average an increased cost annually of from 300 to 500 per cent, according to the Treasury Department.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Huntsville, Tex., $30,000	2,072	$10,707.61	$900
Kissimmee, Fla., $35,000	2,157	12,048.85	420
Kittanning, Pa., $50,000	4,311	24,526.51	1,420
Lake City, Fla., $35,000	5,032	11,203.32	660
Lancaster, Pa., $250,000	47,227	185,543.28	None.
Lebanon, Ind., $45,000	5,474	18,287.34	1,180
Lenoir, N. C., $30,000	3,364	9,827.27	846
Linton, Ind., $35,000	5,906	11,988.51	1,150
Long Beach, Cal., $200,000	17,809	99,319.04	100
Lumberton, N. C., $30,000	2,230	12,433.98	780
Lyons, N. Y., $40,000	4,460	16,460.72	860
Madisonville, Ky., $40,000	4,966	12,615.03	660
Manchester, Conn., $40,000	13,641	10,462.38	425
Marengo, Iowa, $30,000	1,786	7,502.33	480
Modesto, Cal., $65,000	4,034	34,634.82	840
Monroe, Ga., $30,000	3,029	7,361.51	450
Montrose, Colo., $150,000	3,254	17,919.54	1,504

Only 2 out of 17 get past Burleson's estimates in the foregoing. Remember, he is sustained by the Treasury. Not one can be built profitably by the Government, according to Treasury estimates.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Mount Airy, N. C., $55,000	3,844	$11,692.02	$360
Morgan City, La., $40,000	5,477	8,370.63	960
Mountain Grove, Mo., $40,000	1,722	12,836.07	960
Mount Olive, N. C., $30,000	1,071	5,679.28	420
Mount Vernon, Ind., $40,000	5,563	13,233.74	600
Murray, Ky., $25,000	2,089	5,531.11	240
Napoleon, Ohio, $35,000	4,007	12,854.36	660
Nephi, Utah, $25,000	2,759	4,935.08	96
Newark, Del., $30,000	1,913	11,388.31	1,110
Newcastle, Wyo., $25,000	975	4,174.70	None.
New Martinsville, W. Va., $40,000	2,176	10,538.29	622
Newton, Iowa, $55,000	4,616	32,156.54	1,440
Niles, Ohio, $55,000	8,361	26,674.27	1,104
Nyack, N. Y., $50,000	4,619	25,257.19	824
Oakland, Cal., $650,000	147,199	509,256.09	840
Oelwien, Iowa, $40,000	6,028	16,333.03	1,260
Oneida, N. Y., $55,000	8,317	33,153.88	1,900
Paris, Tex., $170,000	11,269	46,498.85	.....
Passaic, N. J., $125,000	54,773	124,972.43	4,905

Here the average is better, but still less than half would be passed by Burleson's limit. The limit determined by Treasury estimates of proposed increased expenses would exclude 90 per cent of the last 18 items.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Pikeville, Ky., $35,000	1,280	$6,149.72	$332
Provincetown, Mass., $30,000	4,369	11,191.78	824
Rogersville, Tenn., $25,000	1,242	5,466.83	190
Rossville, Ga., $25,000	1,059	8,062.48	398
Sandersville, Ga., $30,000	2,641	7,855.16	600
San Bernardino, Cal., $70,000	12,779	47,247.08	1,892
San Francisco, Cal., $600,000	416,912	3,324,489.34	.....
Seguin, Tex., $30,000	3,116	10,884.68	588
Springvalley, Ill., $30,000	7,035	10,372.32	543
Sterling, Colo., $55,000	3,044	17,969.35	1,756
St. Johns, Oreg., $25,000	4,872	6,751.25	300
Stuttgart, Ark., $30,000	2,740	12,940.02	1,072
Sweet Water, Tex., $35,000	4,176	14,349.94	675
Sylacauga, Ala., $30,000	1,456	7,256.27	534
Trenton, Mo., $65,000	5,656	14,387.87	1,020
Tyrone, Pa., $80,000	7,176	98,485.58	2,450
Union Springs, Ala., $25,000	4,055	7,027.98	None.

Some items of profligate waste are enthroned in the 17 items last named. Four pass muster limit urged by Burleson. Not more than one would be justified from Treasury estimates.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Unionville, Mo., $30,000	2,000	$6,950.44	$450
Urbana, Ohio, $50,000	7,739	22,967.85	1,084
Vermilion, S. Dak., $35,000	2,187	13,266.10	850
West Plains, Mo., $40,000	2,914	12,174.25	1,596
Westpoint, Va., $25,000	1,397	5,039.37	None.
Waynesboro, Ga., $25,000	2,729	7,022.26	400
Wellington, Kans., $15,000	7,034	21,073.98	None.

In more than 90 per cent of above items it would be more economical to continue on present rental basis than to build. This is not a proper rule to adhere to in public affairs, but what possible defense can be offered to over 80 per cent of the proposed Government monuments that fail to pass the limit fixed by Burleson and are shown by the Treasury statement to be wasteful?

Extension, remodeling, etc.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Aberdeen, S. Dak., $60,000	10,753	$86,810.02	None.
Aiken, S. C., $75,000	3,911	13,818.85	$150
Albany, N. Y., $10,000	100,253	679,446.07	None.
Albert Lea, Minn., $30,000	6,192	43,636.28	None.
Alexandria, Va., $75,000	15,329	36,547.46	None.
Appleton, Wis., $50,000	16,773	62,818.91	None.
Atlantic City, N. J., $60,000	46,150	307,308.09	[1] 3,700
Beaver Falls, Pa., $58,000	13,316	43,718.35	None.
Boston, Mass., P. O. & sub., $250,000	670,585	8,069,113.07	23,600
Butte, Mont., $150,000	39,165	176,905.48	493
Columbia, Mo., $12,000	9,662	57,279.94	None.
Decatur, Ill., $50,000	31,140	152,410.29	None.
Findlay, Ohio, $50,000	14,858	61,191.49	None.
Flint, Mich., $100,000	38,550	124,574.58	None.
Fort Scott, Kans., $5,000	10,463	34,351.90	None.

[1] See section 25, H. R. 17052. See Miscellaneous.

Extension, remodeling, etc.—Continued.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Harrisonburg, Va., $60,000	4,879	$26,924.45	None.
Houlton, Me., $50,000	5,845	24,338.41	None.
Jackson, Miss., $100,000	21,262	114,150.25	$2,068
Jefferson City, Mo., $50,000	11,850	75,837.05	None.
Kenosha, Wis., $75,000	21,371	90,807.47	None.
Lowell, Mass., $250,000	106,294	183,713.79	480
Manchester, N. H., $225,000	70,063	170,999.64	None.
Minneapolis, Minn., $100,000	301,408	2,625,454.86	None.
Missoula, Mont., $35,000	12,889	55,838.69	None.
Mobile, Ala., $100,000	51,521	175,899.86	3,456
Montclair, N. J., $10,000	21,550	70,910.69	None.
Norfolk, Va., $650,000	67,452	408,084.52	6,003
Norristown, Pa., $55,000	27,875	72,230.37	None.
Oak Park, Ill., $150,000	19,444	83,670.58	830
Plattsburg, N. Y., $50,000	11,138	42,110.32	None.
Pottsville, Pa., $50,000	20,236	63,719.44	None.
Providence, R. I., $75,000	224,326	954,467.14	1,440
Roanoke, Va., $75,000	34,874	174,315.84	240
Sacramento, Cal., $50,000	44,696	437,816.28	1,320
Scranton, Pa., $100,000	129,867	543,981.26	2,070
Shenandoah, Iowa, $40,000	4,976	68,266.65	None.
Sioux City, Iowa, $335,000	47,828	416,151.14	[1] 360
Wichita, Kans., $75,000	52,450	331,003.87	1,380
Williamsport, Pa., $80,000	31,860	176,125.37	.....

[1] See sec. 5, H R. 17052 and miscellaneous list.

Increase in the limit of cost.

City and amount.	Population.	Receipts for 1915.	Annual rental.
Alexandria, La., $30,000	11,213	$53,138.70	None.
Bath, Me., $10,000	9,396	26,122.96	None.
Boston, Mass., $100,000	670,585	8,069,113.07	.....
Chicago, Ill., $4,250,000	2,447,045	19,650,961.89	(?)
Coeur d'Alene, Idaho, $88,200	7,291	19,490.84	$5,592
Globe, Ariz., $25,000	7,083	22,557.44	4,800
Jamestown, N. Dak., $35,000	4,358	30,749.45	1,980
Juneau, Alaska, $300,000	1,644	15,588.00	10,035
Lewistown, Pa., $20,000	8,166	19,488.99	1,350
Long Island City, N. Y., $100,000	.....	185,891.69	5,400
Millville, N. J., $25,000	12,451	21,833.07	1,019
Milwaukee, Wis., West Side, $100,000	373,857	1,680,302.10	14,744
Narragansett Pier, R. I., $10,000	1,250	8,252.31	.....
Park City, Utah., $10,000	3,439	8,002.91	None.
Rockingham, N. C., $5,000	2,155	8,055.88	None.
Shelbyville, Ky., $25,000	3,412	13,044.20	920
Steubenville, Ohio, $125,000	22,391	64,389.77	3,150
Sunbury, Pa., $40,000	13,770	36,932.84	1,844
Wadesboro, N. C., $5,000	2,376	6,704.12	400
Wilson, N. C., $75,000	6,717	24,560.94	1,420
Yonkers, N. Y., $51,500	79,803	158,408.99	3,333
York, Pa., $25,000	44,750	141,704.03	None.

In conclusion, I offer the brief estimate of such bills expressed by Representative FITZGERALD, chairman of the Appropriations Committee, the only chairman of a single important committee of the House who comes from a northern State. On February 17, 1913, he said in debate on the public-buildings bill, as previously stated:

I denounce as indefensible this method of passing a public-building bill. * * * It can not be defended from any standpoint of public necessity.

No one ever seriously claims the bill is to meet any "public necessity," but it is a time-honored bill for meeting hundreds of political necessities. Again I submit a tentative proposition that will relieve us from all responsibility for further annoyance with petty matters that now aggregate $35,000,000 in the 1916 bill.

Mr. PLATT. Will the gentleman yield?

Mr. FREAR. Surely.

Mr. PLATT. I notice the gentleman uses the word "city" all through his very interesting address in reference to very small towns of 5,000 and under. In the State of New York we have no cities of less than 10,000 inhabitants. It would strengthen the gentleman's speech to use the word "village" for the small towns.

Mr. FREAR. The gentleman from New York will find, if he cares to examine the report, that some of the towns in the 1916 bill are under 1,000. I thank him for the suggestion.

Mr. PLATT. They certainly ought not to be referred to as cities.

Mr. FREAR. I cheerfully accept the correction.

Mr. KELLEY. I did not have the privilege of hearing all of the gentleman's address, and I am wondering whether or not he has outlined some relief from this system.

Mr. FREAR. I have offered bill No. 18450, which provides relief. If adopted by this Congress, no delay will be incurred in needed public-building construction and Congress will immedi-

ately escape from a ridiculous and indefensible custom. It reads as follows:

A BILL PROVIDING FOR A PUBLIC BUILDINGS COMMISSION.

A commission composed of the Secretary of the Treasury, the Postmaster General, and the Attorney General is hereby created, whose duty it shall be to receive and investigate all applications for Government public buildings wherever located. The commission may provide rules concerning the size of communities, post-office receipts, and rental paid by the Government in determining where public buildings are to be constructed, and shall determine the character, cost, and plans of every public building.

The commission shall annually prepare a report of its findings and recommendations, and the same shall be embodied in the report of the Secretary of the Treasury and of the Postmaster General. The amounts required to provide for the purchase of sites, construction of buildings, and purchase of needed equipment shall be included and made a part of the regular supply bills submitted by the Secretary of the Treasury to Congress.

I thank you, gentlemen.

SECRETARY MCADOO PRESENTS REPORT—ESTIMATES GOVERNMENT FINANCES WILL SHOW $115,000,000 BALANCE JUNE 30, 1917—BIG DEFICIT YEAR LATER.

Secretary McAdoo's annual report of the Government's finances, presented to Congress to-day, estimates that the fiscal year ending June 30, 1917, will show a balance of $115,000,000 in the general fund, but that the figures a year later, June 30, 1918, will show a deficit in the general fund of $185,000,000.

* * * * * * *

OMNIBUS BILLS FOR BUILDING SHOULD BE DONE AWAY WITH, SECRETARY M'ADOO'S BELIEF.

An emphatic recommendation that all "pork" be eliminated from the public buildings business of the Government is made by Secretary McAdoo of the Treasury Department in his annual report. The policy of authorizing post offices and Federal buildings in wholesale groups, known as "omnibus building bills," he urges should be abandoned, and that Congress adopt some other policy whereby buildings shall be authorized only in cities and towns where they are justified by the needs of the community, and at reasonable cost.

This recommendation is expected to start something in Congress. It is generally understood that an effort is to be made during the present session to get through another omnibus bill, carrying appropriations of about $35,000,000, mainly for post-office buildings in small villages throughout the country.

In fact this omnibus building bill was introduced in the House by Representative FRANK CLARK, of Florida, last July. At that time Mr. CLARK stated that he expected to put the measure through Congress at this session. If such an effort is made it will doubtless precipitate a spirited fight.

SOME HAVE LOST TASTE FOR PORK.

It is well known that many members in both Houses of Congress have completely lost their taste for "pork," and will resist to the last ditch the passage of the bill in its present form. But should the advocates of the measure succeed in forcing it through both House and Senate, it is said that the President will veto it.

Following are extracts from the section of the report of Secretary McAdoo dealing with the subject of public buildings:

"Common sense and business judgment would seem to demand that structures for the transaction of Government business should be authorized only in localities where they are imperatively needed, and that buildings should not be erected where no public necessity can be shown. This result could be accomplished by divorcing the public-buildings question from all local or political considerations and authorizing no public buildings until a thorough and intelligent investigation of each proposed building or project has been made by this department and a full report thereon has been submitted to the Congress. If such reports were followed by the introduction and passage of separate measures to cover each proposed building project, the abuses and evils of the omnibus-bill method would be eradicated.

NEEDLESS BUILDINGS ERECTED.

"I am convinced that the methods pursued by the Congress for the past 15 years of providing Federal buildings through so-called omnibus public-buildings bills have resulted in the construction of many public buildings in small towns and localities where they are not needed, and at a cost which is clearly unjustified by any actual requirements of the communities in which they are erected. The conclusion is irresistible that authorizations for public buildings in these small communities are too frequently dictated by local reasons and without regard to the best interests of the Government.

"In the past two decades the Congress has authorized and appropriated approximately $180,000,000 for public buildings, and the major part of this great sum has been expended on costly structures in small localities, where neither the Government business nor the convenience of the people justified their construction; and while the initial cost of these buildings represents a large waste of public funds, this is not the worst of it. The most serious aspect is this: The annual operation and maintenance of these buildings impose on the Treasury a permanent and constantly increasing burden."

ASSISTANT SECRETARY NEWTON IS RENDERING VALUABLE SERVICE.

Assistant Secretary Newton, in charge of public buildings, and who has made a resolute effort to curtail the waste in construction of needless buildings, made this further comment on the Secretary's report:

"There has never been a time when there was so urgent a need for large appropriations for public buildings as now. In nearly every city and large town the existing Federal buildings have been outgrown, and both the Government service and the people are sorely in need of relief.

"But the omnibus bills do not provide this relief. The major part of the authorizations in these bills are for post offices in country villages where every postal facility and convenience are adequately provided in rented quarters, at rentals ranging from $100 to $1,000 annually, whereas the cost of maintaining a Government-owned building averages about $4,000 annually.

CHANGE OF REFERENCE—MARKETING OF FOOD PRODUCTS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent for a change of reference of the House resolution 389, directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of extortion in the prices thereof, from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary. This request is made because the resolution involves a violation of the antitrust laws:

The SPEAKER pro tempore (Mr. RAINEY). The gentleman from Missouri asks unanimous consent that House resolution 389——

Mr. FARR. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if they expect to report on the resolution at this session?

Mr. BORLAND. I can not speak for the committee, but I hope to have a report on it at a very early date.

Mr. FARR. It is the gentleman's resolution?

Mr. BORLAND. I assure the gentleman I hope to have an early report on it.

Mr. FARR. Is it the gentleman's resolution?

Mr. BORLAND. Yes.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the reference of House resolution 389 be changed from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none.

REPORT OF THE SERGEANT AT ARMS (H. DOC. NO. 1448).

The SPEAKER pro tempore laid before the House the report of the Sergeant at Arms to the House of Representatives, which was ordered printed and referred to the Committee on Accounts.

ADJOURNMENT.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p. m.) the House, under its previous order, adjourned until Saturday, December 9, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting a report for the fiscal year 1916, showing the amounts expended at each school and agency from the appropriation for construction, lease, purchase, repairs, and improvements of school and agency buildings (H. Doc. No. 1450); to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a cost account of all moneys, from whatever source derived, expended on each irrigation project on Indian reservations, allotments, and lands for the fiscal year ended June 30, 1916 (H. Doc. No. 1451); to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the Indian Service for the fiscal year 1916 from the appropriation "Industrial work and care of timber" (H. Doc. No. 1452); to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1916 (H. Doc. No. 1453); to the Committee on Indian Affairs and ordered to be printed.

5. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures made for the purpose of encouraging industry among the Indians on various reservations during the fiscal year ended June 30, 1916 (H. Doc. No. 1454); to the Committee on Indian Affairs and ordered to be printed.

6. A letter from the Secretary of the Interior, transmitting a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1916 (H. Doc. No. 1455); to the Committee on Indian Affairs and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made for the purpose of encouraging industry among the various Indians of the reservations during the fiscal year ended June 30, 1916 (H. Doc. No. 1456); to the Committee on Indian Affairs and ordered to be printed.

8. A letter from the Secretary of the Interior, transmitting a report for the fiscal year 1916, relating to the appropriation "Indian schools, support, 1916" (H. Doc. No. 1457); to the Committee on Indian Affairs and ordered to be printed.

9. A letter from the Secretary of the Interior, transmitting a statement showing in detail what officers or employees have traveled on official business to points outside of the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1458); to the Committee on Expenditures in the Interior Department and ordered to be printed.

10. A letter from the Secretary of the Interior, transmitting a detailed statement of all expenditures from March 1, 1916, to June 30, 1916 (H. Doc. No. 1459); to the Committee on Expenditures in the Interior Department and ordered to be printed.

11. A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures made by this department and charged to the appropriation "Repairs of buildings, Department of Interior, 1916" (H. Doc. No. 1460); to the Committee on Expenditures in the Interior Department and ordered to be printed.

12. A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures made by this department and charged to the appropriation "Contingent expenses, Department of the Interior, 1916" (H. Doc. No. 1461); to the Committee on Expenditures in the Interior Department and ordered to be printed.

13. A letter from the Postmaster General, transmitting statement in detail showing what officers or employees have traveled on official business to points outside of the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1462); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

14. A letter from the Postmaster General, transmitting a memorandum of allowances granted payable from the appropriation for unusual conditions for the fiscal year 1916 (H. Doc. No. 1463); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

15. A letter from the Secretary of the Interior, transmitting report of John T. Reeves, special supervisor, Indian Service, on need of additional land and school facilities for the Indians living in the State of Mississippi (H. Doc. No. 1464); to the Committee on Indian Affairs and ordered to be printed.

16. A letter from the Attorney General, transmitting annual report of the Attorney General of the United States for the year 1916 (H. Doc. No. 1483); to the Committee on the Judiciary and ordered to be printed.

17. A letter from the chairman of the Interstate Commerce Commission, transmitting thirtieth annual report of the Interstate Commerce Commission (H. Doc. No. 1484); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

18. A letter from the Secretary of the Navy, transmitting a statement giving the requisite information as to labor-saving devices exchanged by the Navy Department, the naval service, and the United States Marine Corps for the fiscal year ended June 30, 1916 (H. Doc. No. 1465); to the Committee on Appropriations and ordered to be printed.

19. A letter from the Postmaster General, transmitting reports of expenditures of the Postoffice Department for the fiscal year ended June 30, 1916 (H. Doc. No. 1466); to the Committee on Expenditures in the Postoffice Department and ordered to be printed.

20. A letter from the Secretary of the Interior, transmitting a detailed statement of all expenditures under provisions of sundry civil act approved July 1, 1916, making appropriations for protection, improvement, and management of national parks (H. Doc. No. 1467); to the Committee on Expenditures in the Interior Department and ordered to be printed.

21. A letter from the Secretary of War, transmitting tabular statement setting forth the data asked for in House resolution 274 as shown by reports furnished by the adjutants general of the States of Arizona, New Mexico, and Texas (H. Doc. No. 1468); to the Committee on Military Affairs and ordered to be printed.

22. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah Harbor, Ga. (H. Doc. No. 1471); to the Committee on Rivers and Harbors and ordered to be printed.

23. A letter from the Librarian of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled to points outside of the District of Columbia on official business for the fiscal year 1916 (H. Doc. No. 1472); to the Committee on the Library and ordered to be printed.

24. A letter from the chief clerk of the Court of Claims, transmitting a statement of all judgments rendered by the Court of Claims for the year ended December 2, 1916 (H. Doc. No. 1473); to the Committee on Claims and ordered to be printed.

25. A letter from the chairman of the Interstate Commerce Commission, transmitting statement showing the make, model, and serial number of each machine exchanged during the fiscal year 1916 and the period of its use (H. Doc. No. 1474); to the Committee on Appropriations and ordered to be printed.

26. A letter from the Librarian of Congress, transmitting annual report of the Superintendent of the Library Building and Grounds for the fiscal year ending June 30, 1916 (H. Doc. No. 1490); to the Committee on the Library and ordered to be printed.

27. A letter from the Acting Secretary of the Treasury, transmitting statements showing in detail what officers and employees traveled on official business to points outside of the District of Columbia for the fiscal year ended June 30, 1916 (H. Doc. No. 1475); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

28. A letter from the Secretary of the Interior, transmitting a copy of letter from the superintendent of St. Elizabeth's Hospital, transmitting the financial report (H. Doc. No. 1476); to the Committee on the District of Columbia and ordered to be printed.

29. A letter from the Secretary of War, transmitting report of the Adjutant General of the Army relative to the financial and other affairs of the United States Disciplinary Barracks at Fort Leavenworth, Kans., and of the Pacific and Atlantic branches thereof, situated, respectively, on Alcatraz Island, Cal., and Governors Island, N. Y. (H. Doc. No. 1477); to the Committee on Military Affairs and ordered to be printed.

30. A letter from the Secretary of the Interior, transmitting report on irrigation of lands of the Shoshone or Wind River Reservations, including the lands of said reservation in Wyoming (H. Doc. No. 1478); to the Committee on Indian Affairs and ordered to be printed.

31. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting report of the Commissioners of the District of Columbia for the year ended June 30, 1916 (H. Doc. No. 1503); to the Committee on the District of Columbia and ordered to be printed.

32. A letter from the Secretary of the Interior, submitting report on diversions of Indian funds during the fiscal year ended June 30, 1916 (H. Doc. No. 1504); to the Committee on Indian Affairs and ordered to be printed.

33. A letter from the Secretary of the Interior, submitting report on hostilities by any tribe of Indians with which the United States has treaty stipulations since last report (H. Doc. No. 1505); to the Committee on Indian Affairs and ordered to be printed.

34. A letter from the Secretary of Commerce, transmitting reports of expenditures by the several bureaus and divisions of the Department of Commerce for the fiscal year ended June 30, 1916 (H. Doc. No. 1506); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

35. A letter from the chairman of the Interstate Commerce Commission, transmitting statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1916 (H. Doc. No. 1507); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

36. A letter from the Secretary of the Navy, transmitting an analysis, by ranks and ratings, of the pay and allowances of the personnel of the Navy (H. Doc. No. 1508); to the Committee on Expenditures in the Navy Department and ordered to be printed.

37. A letter from the Acting Secretary of the Treasury, transmitting statement of the expenditures of the Coast Guard for the fiscal year ended June 30, 1916 (H. Doc. No. 1509); to the Committee on Appropriations and ordered to be printed.

38. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1916 (H. Doc. No. 1493); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

39. A letter from the president of the Commissioners of the District of Columbia, transmitting a statement of expenditures made from the appropriations for contingent expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916 (H. Doc. No. 1510); to the Committee on the District of Columbia and ordered to be printed.

40. A letter from the Acting Secretary of the Treasury, transmitting a report showing each exchange of typewriters, adding machines, and other similar labor-saving devices during the fiscal year ended June 30, 1916 (H. Doc. No. 1511); to the Committee on Appropriations and ordered to be printed.

41. A letter from the Secretary of the Interior, transmitting a report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1916 (H. Doc. No 1512); to the Committee on Indian Affairs and ordered to be printed.

42. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures made from the tribal funds of the Confederated Bands of Ute Indians (H. Doc. No. 1513); to the Committee on Indian Affairs and ordered to be printed.

43. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made in making per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year ended June 30, 1916 (H. Doc. No. 1514); to the Committee on Indian Affairs and ordered to be printed.

44. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made for the purchase of cattle for the benefit of the Indians on the Standing Rock Indian Reservation, in North Dakota and South Dakota, during the fiscal year ended June 30, 1916 (H. Doc. No. 1515); to the Committee on Indian Affairs and ordered to be printed.

45. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation in Montana, during the fiscal year ended June 30, 1916 (H. Doc. No. 1516); to the Committee on Indian Affairs and ordered to be printed.

46. A letter from the Secretary of War, transmitting a statement showing in detail what officers and employees have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1517); to the Committee on Expenditures in the War Department and ordered to be printed.

47. A letter from the Superintendent of Library Building and Grounds, transmitting certain information relative to travel from Washington, D. C., in connection with the official business of this office during the fiscal year 1916 (H. Doc. No. 1518); to the Committee on the Library and ordered to be printed.

48. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures made for the purpose of encouraging industry and self-support among the Indians on the Tongue River Reservation, in Montana, during the fiscal year ended June 30, 1916 (H. Doc. No. 1519); to the Committee on Indian Affairs and ordered to be printed.

49. A letter from the Secretary of the Interior, transmitting a statement of the expenditures for the fiscal year ended June 30, 1916, of money carried on the books of this department under the caption "Indian money, proceeds of labor" (H. Doc. No. 1520); to the Committee on Indian Affairs and ordered to be printed.

50. A letter from the Secretary of the Interior, transmitting a report of all moneys collected and deposited during the fiscal year ended June 30, 1916, under the appropriation "Determining heirs of deceased Indian allottees (H. Doc. No. 1521); to the Committee on Indian Affairs and ordered to be printed.

51. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ended June 30, 1916, showing exchanges made by this department and its several bureaus and offices of typewriters, adding machines, and other similar labor-saving devices (H. Doc. No. 1522); to the Committee on Appropriations and ordered to be printed.

52. A letter from the Secretary of the Interior, transmitting a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1916 (H. Doc. No. 1523); to the Committee on Indian Affairs and ordered to be printed.

53. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures for the relief of distress and prevention of diseases among Indians, on account of the construction of hospitals (H. Doc. No. 1524); to the Committee on Indian Affairs and ordered to be printed.

54. A letter from the Secretary of the Interior, transmitting fifteenth annual report of the Reclamation Service (H. Doc. No. 1479); to the Committee on Irrigation of Arid Lands and ordered to be printed.

55. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Warren W. Barnes *v.* The United States (H. Doc. No. 1525); to the Committee on War Claims and ordered to be printed.

56. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martha A. Boren, widow of Solomon V. Boren, deceased, *v.* The United States (H. Doc. No. 1526); to the Committee on War Claims and ordered to be printed.

57. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison Berdan *v.* The United States (H. Doc. No. 1527); to the Committee on War Claims and ordered to be printed.

58. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harvey F. Woods *v.* The United States (H. Doc. No. 1528); to the Committee on War Claims and ordered to be printed.

59. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Luther S. Trowbridge *v.* The United States (H. Doc. No. 1529); to the Committee on War Claims and ordered to be printed.

60. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel T. Wellington *v.* The United States (H. Doc. No. 1530); to the Committee on War Claims and ordered to be printed.

61. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas F. Davenport *v.* The United States (H. Doc. No. 1531); to the Committee on War Claims and ordered to be printed.

62. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah A. Cosgrove, widow of Hugh J. Cosgrove, deceased, *v.* The United States (H. Doc. No. 1532); to the Committee on War Claims and ordered to be printed.

63. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James H. Chaffin *v.* The United States (H. Doc. No. 1533); to the Committee on War Claims and ordered to be printed.

64. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ferdinand Burch *v.* The United States (H. Doc. No. 1534); to the Committee on War Claims and ordered to be printed.

65. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William P. Bogardus *v.* The United States (H. Doc. No. 1535); to the Committee on War Claims and ordered to be printed.

66. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard L. Allbritain *v.* The United States (H. Doc. No. 1536); to the Committee on War Claims and ordered to be printed.

67. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lee B. Slaten, son of Benjamin F. Slaten, deceased, *v.* The United States (H. Doc. No. 1537); to the Committee on War Claims and ordered to be printed.

68. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marion A. Shafer *v.* The United States (H. Doc. No. 1538); to the Committee on War Claims and ordered to be printed.

69. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Louise Schweitzer, widow of Gottlieb Schweitzer, deceased, *v.* The United States (H. Doc. No. 1539); to the Committee on War Claims and ordered to be printed.

70. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Rose, son and sole heir of William B. Rose, deceased, *v.* The United States (H. Doc. No. 1540); to the Committee on War Claims and ordered to be printed.

71. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cynthia M. Roberts, widow of Marcus F. Roberts, deceased, *v.* The United States (H. Doc. No. 1541); to the Committee on War Claims and ordered to be printed.

72. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Malinda Pauley, widow of Shadle R. Pauley, deceased, *v.* The United States (H. Doc. No. 1542); to the Committee on War Claims and ordered to be printed.

73. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Walter R. Parker *v.* The United States (H. Doc. No. 1543); to the Committee on War Claims and ordered to be printed.

74. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank S. Nickerson *v.* The United States (H. Doc. No. 1544); to the Committee on War Claims and ordered to be printed.

75. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah J. McAleer, widow of Hugh McAleer, deceased, *v.* The United States (H. Doc. No. 1545); to the Committee on War Claims and ordered to be printed.

76. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William L. Mitchell *v.* The United States (H. Doc. No. 1546); to the Committee on War Claims and ordered to be printed.

77. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Levi L. Martz *v.* The United States (H. Doc. No. 1547); to the Committee on War Claims and ordered to be printed.

78. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lorenzo S. Knox *v.* The United States (H. Doc. No. 1548); to the Committee on War Claims and ordered to be printed.

79. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jane M. Kennedy, widow of James Kennedy, deceased, *v.* The United States (H. Doc. No. 1549); to the Committee on War Claims and ordered to be printed.

80. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Kellison *v.* The United States (H. Doc. No. 1550); to the Committee on War Claims and ordered to be printed.

81. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary Litherland, widow (remarried) of John A. Jordan, deceased, *v.* The United States (H. Doc. No. 1551); to the Committee on War Claims and ordered to be printed.

82. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edwin S. Hill *v.* The United States (H. Doc. No. 1552); to the Committee on War Claims and ordered to be printed.

83. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edgar L. Hendricks et al., children and sole heirs of William C. Hendricks, deceased, *v.* The United States (H. Doc. No. 1553); to the Committee on War Claims and ordered to be printed.

84. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Enoch H. Gurney *v.* The United States (H. Doc. No. 1554); to the Committee on War Claims and ordered to be printed.

85. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Patrick De Lacy *v.* The United States (H. Doc. No. 1555); to the Committee on War Claims and ordered to be printed.

86. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John Spearow *v.* The United States (H. Doc. No. 1556); to the Committee on War Claims and ordered to be printed.

87. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Horace F. Stevens, son of Benjamin F. Stevens, deceased, *v.* The United States (H. Doc. No. 1557); to the Committee on War Claims and ordered to be printed.

88. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter Thompson *v.* The United States (H. Doc. No. 1558); to the Committee on War Claims and ordered to be printed.

89. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry J. Thompson *v.* The United States (H. Doc. No. 1559); to the Committee on War Claims and ordered to be printed.

90. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel W. Turnure *v.* The United States (H. Doc. No. 1560); to the Committee on War Claims and ordered to be printed.

91. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William M. Ware *v.* The United States (H. Doc. No. 1561); to the Committee on War Claims and ordered to be printed.

92. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William M. Watts *v.* The United States (H. Doc. No. 1562); to the Committee on War Claims and ordered to be printed.

93. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James P. Wheatley *v.* The United States (H. Doc. No. 1563); to the Committee on War Claims and ordered to be printed.

94. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jefferson White *v.* The United States (H. Doc. No. 1564); to the Committee on War Claims and ordered to be printed.

95. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Carl Williams, son of John M. Williams, deceased, *v.* The United States (H. Doc. No. 1565); to the Committee on War Claims and ordered to be printed.

96. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Clara W. Ferguson, daughter of Charles W. Anderson, deceased, *v.* The United States (H. Doc. No. 1566); to the Committee on War Claims and ordered to be printed.

97. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Angel, son of Charles A. Angel, deceased, *v.* The United States (H. Doc. No. 1567); to the Committee on War Claims and ordered to be printed.

98. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martha J. Babcock, widow of Edwin F. Babcock, deceased, *v.* The United States (H. Doc. No. 1568); to the Committee on War Claims and ordered to be printed.

99. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edwin L. Barber, son of Epaphras L. Barber, deceased, *v.* The United States (H. Doc. No. 1569); to the Committee on War Claims and ordered to be printed.

100. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin F. Lisk *v.* The United States (H. Doc. No. 1570); to the Committee on War Claims and ordered to be printed.

101. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charlotte J. Husted, widow of Henry Husted, deceased, *v.* The United States (H. Doc. No. 1571); to the Committee on War Claims and ordered to be printed.

102. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Dott N. Hill, widow of George W. Hill, deceased, *v.* The United States (H. Doc. No. 1572); to the Committee on War Claims and ordered to be printed.

103. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John D. Spragins *v.* The United States (H. Doc. No. 1573); to the Committee on War Claims and ordered to be printed.

104. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leroy Rogers *v.* The United States (H. Doc. No. 1574); to the Committee on War Claims and ordered to be printed.

105. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John P. Robertson *v.* The United States (H. Doc. No. 1575); to the Committee on War Claims and ordered to be printed.

106. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Seberiano Rivera *v.* The United States (H. Doc. No. 1576); to the Committee on War Claims and ordered to be printed.

107. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph Ray *v.* The United States (H. Doc. No. 1577); to the Committee on War Claims and ordered to be printed.

108. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas C. Underwood, administrator of William Randolph, deceased, *v.* The United States (H. Doc. No. 1578); to the Committee on War Claims and ordered to be printed.

109. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Porter *v.* The United States (H. Doc. No. 1579); to the Committee on War Claims and ordered to be printed.

110. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William N. Peet *v.* The United States (H. Doc. No. 1580); to the Committee on War Claims and ordered to be printed.

111. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Patton *v.* The United States (H. Doc. No. 1581); to the Committee on War Claims and ordered to be printed.

112. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William L. McGrew and David McGrew, sons of John B. McGrew, deceased, *v.* The United States (H. Doc. 1582); to the Committee on War Claims and ordered to be printed.

113. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas L. Moss, executor of John Moss, deceased, *v.* The United States (H. Doc. No. 1583); to the Committee on War Claims and ordered to be printed.

114. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edmund R. Loughry, Josiah Loughry, and Stanard Loughry, sons and sole heirs of Matthew Loughry, deceased, *v.* The United

States (H. Doc. No. 1584); to the Committee on War Claims and ordered to be printed.

115. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frederick Lanbrecht *v.* The United States (H. Doc. No. 1585); to the Committee on War Claims and ordered to be printed.

116. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of C. Edgar Sutplien and John W. Osborne, executors of George L. Begbie, deceased, *v.* The United States (H. Doc. No. 1586); to the Committee on War Claims and ordered to be printed.

117. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Judah Howard, widow of William G. Howard, deceased, *v.* The United States (H. Doc. No. 1587); to the Committee on War Claims and ordered to be printed.

118. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Belle Palmer, widow of David G. Palmer, deceased, *v.* The United States (H. Doc. No. 1588); to the Committee on War Claims and ordered to be printed.

119. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mabel S. Wilson, daughter of Charles E. Stivers, deceased, *v.* The United States (H. Doc. No. 1589); to the Committee on War Claims and ordered to be printed.

120. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary C. Turner, widow of Matthew H. Turner, deceased, *v.* The United States (H. Doc. No. 1590); to the Committee on War Claims and ordered to be printed.

121. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Vashti Crawford, daughter of John L. Woodward, deceased, *v.* The United States (H. Doc. No. 1591); to the Committee on War Claims and ordered to be printed.

122. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of De Witt C. Alford, administrator of Charles B. Alford, deceased, *v.* The United States (H. Doc. No. 1592); to the Committee on War Claims and ordered to be printed.

123. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Fred Von Baumbach *v.* The United States (H. Doc. No. 1593); to the Committee on War Claims and ordered to be printed.

124. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles H. Dunihue *v.* The United States (H. Doc. No. 1594); to the Committee on War Claims and ordered to be printed.

125. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Willison C. Hall *v.* The United States (H. Doc. No. 1595); to the Committee on War Claims and ordered to be printed.

126. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Delaney *v.* The United States (H. Doc. No. 1596); to the Committee on War Claims and ordered to be printed.

127. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Obadiah M. Knapp *v.* The United States (H. Doc. No. 1597); to the Committee on War Claims and ordered to be printed.

128. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacques Kalt *v.* The United States (H. Doc. No. 1598); to the Committee on War Claims and ordered to be printed.

129. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Parmelia A. Jackson Roberts, widow (remarried) of James S. Jackson, deceased, *v.* The United States (H. Doc. No. 1599); to the Committee on War Claims and ordered to be printed.

130. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Arthur H. Humiston *v.* The United States (H. Doc. No. 1600); to the Committee on War Claims and ordered to be printed.

131. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacob H. Houser *v.* The United States (H. Doc. No. 1601); to the Committee on War Claims and ordered to be printed.

132. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mabel Henderson and Mary H. Fletcher, daughters and sole heirs of William P. Henderson, deceased, *v.* The United States (H. Doc. No. 1602); to the Committee on War Claims and ordered to be printed.

133. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel H. Haynes *v.* The United States (H. Doc. No. 1603); to the Committee on War Claims and ordered to be printed.

134. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Maria M. Gray, widow of Henry H. Gray, deceased, *v.* The United States (H. Doc. No. 1604); to the Committee on War Claims and ordered to be printed.

135. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Victoria J. Golden, widow of William H. Golden, deceased, *v.* The United States (H. Doc. No. 1605); to the Committee on War Claims and ordered to be printed.

136. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eugene H. Gipson, grandson of Cyrus B. Gipson, deceased, *v.* The United States (H. Doc. No. 1606); to the Committee on War Claims and ordered to be printed.

137. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Agnes Gillies, widow of Donald Gillies, deceased, *v.* The United States (H. Doc. No. 1607); to the Committee on War Claims and ordered to be printed.

138. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John P. Gibbs *v.* The United States (H. Doc. 1608); to the Committee on War Claims and ordered to be printed.

139. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George L. Gegner *v.* The United States (H. Doc. No. 1609); to the Committee on War Claims and ordered to be printed.

140. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of E. Ward Frank *v.* The United States (H. Doc. No. 1610); to the Committee on War Claims and ordered to be printed.

141. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Catherine Fleming, widow of John M. Fleming, deceased, *v.* The United States (H. Doc. No. 1611); to the Committee on War Claims and ordered to be printed.

142. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lizzie Flagg, daughter of Henry G. Flagg, deceased, *v.* The United States (H. Doc. No. 1612); to the Committee on War Claims and ordered to be printed.

143. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Bourbon Bank & Trust Co., administrator of Joseph Fithian, deceased, *v.* The United States (H. Doc. No. 1613); to the Committee on War Claims and ordered to be printed.

144. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martin G. Fields *v.* The United States (H. Doc. No. 1614); to the Committee on War Claims and ordered to be printed.

145. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leander Ferguson *v.* The United States (H. Doc. No. 1615); to the Committee on War Claims and ordered to be printed.

146. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah J. Failor, widow of Benjamin M. Failor, deceased, *v.* The United States (H. Doc. No. 1616); to the Committee on War Claims and ordered to be printed.

147. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lewis Eller *v.* The United States (H. Doc. No. 1617); to the Committee on War Claims and ordered to be printed.

148. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah F. Kessner, widow (remarried) of Thomas J. Dugan, deceased, *v.* The United States (H. Doc. No. 1618); to the Committee on War Claims and ordered to be printed.

149. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Florence J. Dodge, widow of Jonas G. Dodge, deceased, *v.* The United States (H. Doc. No. 1619); to the Committee on War Claims and ordered to be printed.

150. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ernestine Deutsch, widow of William Deutsch, deceased, *v.* The United States (H. Doc. No. 1620); to the Committee on War Claims and ordered to be printed.

151. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles

L. Defose *v.* The United States (H. Doc. No. 1621); to the Committee on War Claims and ordered to be printed.

152. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John P. Decker *v.* The United States (H. Doc. No. 1622); to the Committee on War Claims and ordered to be printed.

153. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret J. Cord, widow of Henry B. Cord, deceased, *v.* The United States (H. Doc. No. 1623); to the Committee on War Claims and ordered to be printed.

154. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth Howarth, daughter of Daniel J. Cline, deceased, *v.* The United States (H. Doc. No. 1624); to the Committee on War Claims and ordered to be printed.

155. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edwin L. Clark *v.* The United States (H. Doc. No. 1625); to the Committee on War Claims and ordered to be printed.

156. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ketmah E. Wood et al., children and sole heirs of Stephen F. Ball, deceased, *v.* The United States (H. Doc. No. 1626); to the Committee on War Claims and ordered to be printed.

157. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph P. Aikens *v.* The United States (H. Doc. No. 1627); to the Committee on War Claims and ordered to be printed.

158. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John P. St. John *v.* The United States (H. Doc. No. 1628); to the Committee on War Claims and ordered to be printed.

159. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph R. Putnam *v.* The United States (H. Doc. No. 1629); to the Committee on War Claims and ordered to be printed.

160. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Allison J. Pliley *v.* The United States (H. Doc. No. 1630); to the Committee on War Claims and ordered to be printed.

161. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Francis M. Magee *v.* The United States (H. Doc. No. 1631); to the Committee on War Claims and ordered to be printed.

162. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William E. Woodruff *v.* The United States (H. Doc. No. 1632); to the Committee on War Claims and ordered to be printed.

163. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James S. Wright *v.* The United States (H. Doc. No. 1633); to the Committee on War Claims and ordered to be printed.

164. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ralph H. Thompson, executor of George W. Thompson, deceased, *v.* The United States (H. Doc. No. 1634); to the Committee on War Claims and ordered to be printed.

165. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Peter H. Pierson *v.* The United States (H. Doc. No. 1635); to the Committee on War Claims and ordered to be printed.

166. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry F. Leib *v.* The United States (H. Doc. No. 1636); to the Committee on War Claims and ordered to be printed.

167. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George W. Travers, executor of George W. Travers, deceased, *v.* The United States (H. Doc. No. 1637); to the Committee on War Claims and ordered to be printed.

168. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles D. Todd *v.* The United States (H. Doc. No. 1638); to the Committee on War Claims and ordered to be printed.

169. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Milton Thompson *v.* The United States (H. Doc. No. 1639); to the Committee on War Claims and ordered to be printed.

170. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Philander Talbot *v.* The United States (H. Doc. No. 1640); to the Committee on War Claims and ordered to be printed.

171. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel Sullivan *v.* The United States (H. Doc. No. 1641); to the Committee on War Claims and ordered to be printed.

172. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James Steele *v.* The United States (H. Doc. No. 1642); to the Committee on War Claims and ordered to be printed.

173. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward S. Salomon *v.* The United States (H. Doc. No. 1643); to the Committee on War Claims and ordered to be printed.

174. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Park W. Smith et al., brother and sisters of James W. C. Smith, deceased, *v.* The United States (H. Doc. No. 1644); to the Committee on War Claims and ordered to be printed.

175. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George W. C. Smith *v.* The United States (H. Doc. No. 1645); to the Committee on War Claims and ordered to be printed.

176. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Zenas B. Shipman *v.* The United States (H. Doc. No. 1646); to the Committee on War Claims and ordered to be printed.

177. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Austin A. Scott *v.* The United States (H. Doc. No. 1647); to the Committee on War Claims and ordered to be printed.

178. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Alice C. Sawyer, widow of Frederick A. Sawyer, deceased, *v.* The United States (H. Doc. No. 1648); to the Committee on War Claims and ordered to be printed.

179. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lemuel Saviers *v.* The United States (H. Doc. No. 1649); to the Committee on War Claims and ordered to be printed.

180. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Ruple *v.* The United States (H. Doc. No. 1650); to the Committee on War Claims and ordered to be printed.

181. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rachel B. Purdy, widow of George H. Purdy, deceased, *v.* The United States (H. Doc. No. 1651); to the Committee on War Claims and ordered to be printed.

182. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry Purcell *v.* The United States (H. Doc. No. 1652); to the Committee on War Claims and ordered to be printed.

183. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William W. Pate *v.* The United States (H. Doc. No. 1653); to the Committee on War Claims and ordered to be printed.

184. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Newlin *v.* The United States (H. Doc. No. 1654); to the Committee on War Claims and ordered to be printed.

185. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sophy G. Clark, executrix of David B. McCreary, deceased, *v.* The United States (H. Doc. No. 1655); to the Committee on War Claims and ordered to be printed.

186. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert G. Lewis *v.* The United States (H. Doc. No. 1656); to the Committee on War Claims and ordered to be printed.

187. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Amelia King, widow of Prettyman King, deceased, *v.* The United States (H. Doc. No. 1657); to the Committee on War Claims and ordered to be printed.

188. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah P. Jenkins, widow of John H. B. Jenkins, deceased, *v.* The United States (H. Doc. No. 1658); to the Committee on War Claims and ordered to be printed.

189. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Wiley S. Holland *v.* The United States (H. Doc. No. 1659); to the Committee on War Claims and ordered to be printed.

190. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Shadrach T. Harris *v.* The United States (H. Doc. No. 1660); to the Committee on War Claims and ordered to be printed.

191. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Judea G. Davison, widow of Austin S. Davison, deceased, *v.* The United States (H. Doc. No. 1661); to the Committee on War Claims and ordered to be printed.

192. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of W. H. Graham, administrator of Milton Graham, deceased, *v.* The United States (H. Doc. No. 1662); to the Committee on War Claims and ordered to be printed.

193. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of David R. Connard *v.* The United States (H. Doc. No. 1663); to the Committee on War Claims and ordered to be printed.

194. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harrison Clark *v.* The United States (H. Doc. No. 1664); to the Committee on War Claims and ordered to be printed.

195. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Simon Lyon, administrator of William T. Chapman, *v.* The United States (H. Doc. No. 1665); to the Committee on War Claims and ordered to be printed.

196. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles M. Carter *v.* The United States (H. Doc. No. 1666); to the Committee on War Claims and ordered to be printed.

197. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James L. Carpenter *v.* The United States (H. Doc. No. 1667); to the Committee on War Claims and ordered to be printed.

198. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James A. Stinson, administrator of Tilford N. Bruner, *v.* The United States (H. Doc. No. 1668); to the Committee on War Claims and ordered to be printed.

199. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George W. Brown *v.* The United States (H. Doc. No. 1669); to the Committee on War Claims and ordered to be printed.

200. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Austin L. Abbott *v.* The United States (H. Doc. No. 1670); to the Committee on War Claims and ordered to be printed.

201. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Alice W. Rash, daughter of Humphrey W. Woodyard, deceased, *v.* The United States (H. Doc. No. 1671); to the Committee on War Claims and ordered to be printed.

202. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Wood *v.* The United States (H. Doc. No. 1672); to the Committee on War Claim and ordered to be printed.

203. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ira E. Starks *v.* The United States (H. Doc. No. 1673); to the Committee on War Claims and ordered to be printed.

204. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry Ziesing *v.* The United States (H. Doc. No. 1674); to the Committee on War Claims and ordered to be printed.

205. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph H. Yundt *v.* The United States (H. Doc. No. 1675); to the Committee on War Claims and ordered to be printed.

206. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Victor Wolf *v.* The United States (H. Doc. No. 1676); to the Committee on War Claims and ordered to be printed.

207. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacob R. Witmer *v.* The United States (H. Doc. No. 1677); to the Committee on War Claims and ordered to be printed.

208. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Wilmington *v.* The United States (H. Doc. No. 1678); to the Committee on War Claims and ordered to be printed.

209. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Oscar D. Williamson, son and one of the heirs of Eleazer Williamson, deceased, *v.* The United States (H. Doc. No. 1679); to the Committee on War Claims and ordered to be printed.

210. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry Wiley *v.* The United States (H. Doc. No. 1680); to the Committee on War Claims and ordered to be printed.

211. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry O. Wheeler *v.* The United States (H. Doc. No. 1681); to the Committee on War Claims and ordered to be printed.

212. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas C. Weaver *v.* The United States (H. Doc. No. 1682); to the Committee on War Claims and ordered to be printed.

213. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Helen T. Tyler, widow of Thomas E. Tyler, deceased, *v.* The United States (H. Doc. No. 1683); to the Committee on War Claims and ordered to be printed.

214. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel E. Tubbs, son of Samuel S. Tubbs, deceased, *v.* The United States (H. Doc. No. 1684); to the Committee on War Claims and ordered to be printed.

215. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph L. Thomas *v.* The United States (H. Doc. No. 1685); to the Committee on War Claims and ordered to be printed.

216. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James B. Thomas *v.* The United States (H. Doc. No. 1686); to the Committee on War Claims and ordered to be printed.

217. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. Taylor, daughter and sole heir of John W. Taylor, deceased, *v.* The United States (H. Doc. No. 1687); to the Committee on War Claims and ordered to be printed.

218. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac N. Taylor *v.* The United States (H. Doc. No. 1688); to the Committee on War Claims and ordered to be printed.

219. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hobart M. Stocking *v.* The United States (H. Doc. No. 1689); to the Committee on War Claims and ordered to be printed.

220. A letter from the Acting Secretary of the Treasury, requesting that the estimates of appropriations for the office of the Auditor for the Post Office Department for the fiscal year ended June 30, 1918, be modified by striking out certain words (H. Doc. No. 1469); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOLLAND: A bill (H. R. 18374) to provide for an examination and survey of Elizabeth River, Va., including approaches thereto, with a view to increasing the width of the channel, and also the depth of the channel to 40 feet from above the navy yard to the sea; to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A bill (H. R. 18375) prescribing a rule of evidence in certain cases; to the Committee on the Judiciary.

By Mr. ROUSE: A bill (H. R. 18376) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. SWIFT (by request): A bill (H. R. 18377) to incorporate the United States Platinum Corporation and to aid in the development of the mineral resources of Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. FIELDS: A bill (H. R. 18378) to create a commission on illiteracy to be known as the American Illiteracy Commission; to the Committee on Education.

By Mr. HAYDEN: A bill (H. R. 18379) to authorize a report upon the necessity for certain bridges on the Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. LAZARO: A bill (H. R. 18380) to investigate the condition of Indians living in Louisiana; to the Committee on Indian Affairs.

By Mr. MAPES: A bill (H. R. 18381) to authorize officers of the National Guard called into the service of the United States for duty on the Mexican border June 18, 1916, or subsequently, who were under 30 years of age at the time of said call, to take the examination for provisional second lieutenants in the Regular Army under certain conditions; to the Committee on Military Affairs.

By Mr. BENNET: A bill (H. R. 18382) to regulate the weight of bread sold in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HASTINGS: Joint resolution (H. J. Res. 313) authorizing an investigation into the expenditure of money by committees, persons, firms, associations, and corporations to influence or to attempt to influence the result of the election of November 7, 1916, in respect to the election of the President of the United States or of any Member of the United States Senate or House of Representatives; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. TINKHAM: Joint resolution (H. J. Res. 314) inviting the people of the United States to visit the District of Columbia during the week of February 26 to March 4, 1917, to view the Capitol and inspect an exhibition of the various activities of the Government service; to the Committee on Industrial Arts and Expositions.

By Mr. BARNHART: Concurrent resolution (H. Con. Res. 65) authorizing the printing of the journal of the national encampment of the Grand Army of the Republic; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18383) granting an increase of pension to Emma S. Phelps; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 18384) granting an increase of pension to Mary Cronk; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 18385) granting an increase of pension to John R. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18386) granting an increase of pension to Elsie A. Mahana; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18387) granting an increase of pension to Cynthia A. Henderson; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18388) granting a pension to Benjamin Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18389) granting a pension to Joe Emmet Reyman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18390) granting a pension to William H. Andry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18391) granting a pension to Scott Farmer, dependent child of Eli Farmer; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 18392) granting a pension to John Avery; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 18393) granting an increase of pension to Edward S. Ragan; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 18394) granting an increase of pension to Robert C. Cowell; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18395) granting an increase of pension to Chester P. Tryon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18396) granting an increase of pension to Thomas Quinby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18397) granting a pension to Ethel Borden; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 18398) granting a pension to Henry Graf; to the Committee on Pensions.

Also, a bill (H. R. 18399) granting a pension to Mary D. Holgate; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 18400) granting a pension to Sarah Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18401) to remove the charge of desertion from the record of Henry T. Shafer; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 18402) granting an increase of pension to William W. Hudson; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 18403) for the relief of the heirs of John Kensler; to the Committee on Claims.

Also, a bill (H. R. 18404) granting a pension to Irvin L. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18405) granting an increase of pension to Charles Shepler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18406) granting an increase of pension to William H. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18047) granting an increase of pension to Jonathan Scharbrough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18408) granting an increase of pension to William McCann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18409) granting an increase of pension to David McQuinney; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18410) granting a pension to Amanda L. Dodson; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18411) granting an increase of pension to Isaac Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18412) granting an increase of pension to Francis Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18413) granting an increase of pension to John Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18414) granting an increase of pension to Marion E. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18415) granting a pension to Ethan H. Allen; to the Committee on Pensions.

Also, a bill (H. R. 18416) granting a pension to Louis F. Moebus; to the Committee on Pensions.

Also, a bill (H. R. 18417) granting an increase of pension to David E. Rench; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 18418) granting an increase of pension to John E. Packard; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 18419) granting an increase of pension to Harry L. Wilson; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 18420) granting a pension to Anna Courtney; to the Committee on Pensions.

Also, a bill (H. R. 18421) to reimburse Robert Reid and Charles C. Eckliff, United States local inspectors of steamboats, for defending themselves on account of their arrest and prosecution growing out of the steamer *Eastland* disaster on the Chicago River July 24, 1915; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 18422) granting a pension to Frank Clark; to the Committee on Pensions.

Also, a bill (H. R. 18423) granting an increase of pension to Frank M. Clark; to the Committee on Pensions.

Also, a bill (H. R. 18424) granting an increase of pension to Margaret E. Fickle; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 18425) granting a pension to Katharine Schellschmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18426) granting an increase of pension to George C. Sausser; to the Committee on Pensions.

Also, a bill (H. R. 18427) for the relief of Kate A. Wallace; to the Committee on Military Affairs.

By Mr. OVERMYER: A bill (H. R. 18428) granting an increase of pension to Anthony Lafor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18429) for the relief of former Postmaster Clemens Leaf; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 18430) granting an increase of pension to Joseph Hackett; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 18431) granting a pension to Elizabeth C. Archibald; to the Committee on Pensions.

By Mr. REAVIS: A bill (H. R. 18432) for the relief of Wells C. McCool; to the Committee on War Claims.

By Mr. ROWE: A bill (H. R. 18433) for the relief of the heir at law of A. Beemer, deceased; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 18434) granting a pension to Sim J. Hyder; to the Committee on Pensions.

Also, a bill (H. R. 18435) granting a pension to Samuel Evans; to the Committee on Pensions.

Also, a bill (H. R. 18436) granting an increase of pension to Alexander H. McQueen; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 18437) granting an increase of pension to Ruth M. Hoag; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18438) granting an increase of pension to Charles W. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18439) for the relief of the heirs at law of I. G. Bugbee, deceased; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 18440) for the relief of the Peoples Bank of Bloomington, McLean County, Ill.; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 18441) granting an increase of pension to Benjamin Taylor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 17515, for relief of John Wharton; to the Committee on Invalid Pensions.

By Mr. CRISP: Petition of O. S. Reese and others, relative to extension of eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORTH: Petition of members of the Theosophical Society of Rochester, N. Y., protesting against deportation of women from northern France; to the Committee on Foreign Affairs.

By Mr. ESCH: Papers in support of House bill 17884, granting an increase of pension to Silas L. Taylor; to the Committee on Invalid Pensions.

By Mr. FARR: Memorial of directors of the Chamber of Commerce of McKeesport, Pa., favoring the improvement of national highways; to the Committee on Roads.

Also, memorial of American National Live Stock Association, Denver, Colo., relative to State regulation of railroad rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of Rome, Ga., favoring embargo on food products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Peter Van Schaack & Sons, of Chicago, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany a bill granting an increase of pension to William W. Hudson; to the Committee on Invalid Pensions.

By Mr. GARDNER: Memorial of Board of Selectmen of Groveland, Mass., favoring the placing of an embargo on the export of wheat and other foodstuffs and urging the public ownership of coal mines and railroads; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Board of Selectmen of Ipswich, Mass., urging an investigation of the high cost of living; to the Committee on Rules.

By Mr. HAMLIN: Papers to accompany House bill 4219, a bill to increase pension of Louis L. Stafford; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Evidence supporting House bill 17695, for the relief of William L. Wiles; to the Committee on Military Affairs.

By Mr. ROGERS: Memorial of Municipal Council of Lowell, Mass., for investigation of high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees in the maintenance-of-way department of American railways for an eight-hour day; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Petition of Branch No. 19, National Association of Letter Carriers, urging an increased appropriation for letter carriers' salaries; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *December 8, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the King of Kings, the Lord of Lords, Thou dost preside with uncontrolled authority and power over the destiny of the nations of the earth. We believe Thou hast laid Thy hand upon us and given us a place among the nations. Thou hast lavished upon us with a prodigality of love and mercy that amazes the world the gifts of Thy grace and of Thy providence. We pray that Thou mayst lead us forth with a message to the world and an influence upon the governments of earth. We pray that we may take forth with us the inspiration of Thy spirit and of Thy truth that all our work begun, continued, and ended in Thee may accomplish the Divine purpose and plan in our national life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM MASSACHUSETTS.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the governor of Massachusetts certifying to the election of HENRY CABOT LODGE as a Senator from that State for the term of six years beginning March 4, 1917, which will be inserted in the RECORD and placed on the files.

The certificate was ordered to be placed on the files of the Senate, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, in the year of our Lord 1916, HENRY CABOT LODGE was duly chosen by the qualified voters of said Commonwealth a Senator to represent the Commonwealth of Massachusetts in the Senate of the United States for the term of six years commencing on the 4th day of March, A. D. 1917.

Witness his excellency Samuel W. McCall, our governor, and our great seal hereunto affixed at Boston, this 6th day of December, in the year of our Lord 1916, and of the independence of the United States of America the one hundred and forty-first.

[SEAL] SAMUEL W. McCALL.

By his excellency the governor.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. WEEKS. Mr. President, I have received a duplicate copy of the credentials of my colleague, which I ask may be received and placed on the files of the Senate.

The VICE PRESIDENT. Without objection, that action will be taken.

SENATOR FROM MONTANA.

Mr. WALSH. I present the certificate of election of Hon. HENRY L. MYERS, elected from the State of Montana a Senator for the term beginning March 4, 1917.

The VICE PRESIDENT. The credentials will be printed in the RECORD and placed on file.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, HENRY L. MYERS was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency our governor, S. V. Stewart, and our seal hereto affixed at Helena this the 4th day of December, in the year of our Lord 1916.

[SEAL.] S. V. STEWART, *Governor.*

By the governor.

A. M. ALDERSON,
Secretary of State.

Mr. WALSH. Mr. President, I desire to state in this connection that my colleague [Mr. MYERS] is detained from the Senate on account of illness and that he will not be able to attend the sessions of the Senate for some time.

REPORT OF THE RECLAMATION SERVICE (H. DOC. NO. 1479).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the fifteenth annual report of the Reclamation Service, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

DISTRIBUTION OF DOCUMENTS (H. DOC. NO. 1706).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the documents received and distributed during the fiscal year ended June 30, 1916, which was referred to the Committee on Printing and ordered to be printed.

FREEDMEN'S HOSPITAL (H. DOC. NO. 1690).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement from the surgeon in chief of the Freedmen's Hospital of expenditures for professional and other services for the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of receipts and expenditures on account of pay patients received into the Freedmen's Hospital during the fiscal year ended June 30, 1916 (H. Doc. No. 1691), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPAIRS OF BUILDINGS (H. DOC. NO. 1460).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Interior Department and charged to the appropriation "Repairs of buildings, Department of the Interior, 1916," for the fiscal year ended June 30, 1916, which was referred to the Committee on Appropriations and ordered to be printed.

CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR (H. DOC. NO. 1461).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures during the fiscal year 1916 made by the department and charged to the appropriation, "Contingent expenses, Department of the Interior, 1916," which was referred to the Committee on Indian Affairs and ordered to be printed.

SUPERINTENDENT OF NATIONAL PARKS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures from March 1, 1916,

to June 30, 1916, under the provisions of the act appropriating money for the employment of a Superintendent of National Parks, which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures from July 1, 1916, to November 30, 1916 (H. Doc. No. 1467), under the provisions of the act authorizing the Secretary of the Interior to employ a Superintendent of National Parks, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXCHANGES OF TYPEWRITERS (H. DOC. NO. 1522).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the exchanges made by the Department and its several bureaus and offices of typewriters, adding machines, and other labor-saving devices during the fiscal year 1916, which was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF ST. ELIZABETH'S HOSPITAL (H. DOC. NO. 1476).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from Dr. W. A. White, superintendent of St. Elizabeth's Hospital, transmitting the financial report of that institution for the fiscal year 1916, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ENLARGEMENT OF CAPITOL GROUNDS (S. DOC. NO. 638).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report including receipts from rentals relative to vacant lands and properties acquired for the enlargement of the Capitol grounds, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TRAVEL OF EMPLOYEES OF INTERIOR DEPARTMENT (H. DOC. NO. 1458).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the travel from Washington to points outside the District of Columbia by officers or employees on official business during the fiscal year 1916, which was referred to the Committee on Appropriations and ordered to be printed.

SIOUX INDIANS (H. DOC. NO. 1523).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

DISEASE AMONG INDIANS (H. DOC. NO. 1524).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures for the fiscal year ended June 30, 1916, from the appropriation for the relief of distress and prevention of disease among Indians on account of the destruction of hospitals, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

TONGUE RIVER RESERVATION (H. DOC. NO. 1519).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures for the purpose of encouraging industry among Indians on the Tongue River Reservation during the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN MONEYS (H. DOC. NO. 1520).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures of money carried on the books of the Interior Department under the caption "Indian moneys, proceeds of labor," for the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

HEIRS OF DECEASED INDIANS (H. DOC. NO. 1521).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of all moneys collected and deposited during the fiscal year ended June 30, 1916, under the provision "determining heirs of deceased Indian allottees, 1915," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

NORTHERN CHEYENNE INDIANS (H. DOC. NO. 1516).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, in Montana, during the fiscal year 1916, which was referred to the Committee on Indian Affairs and ordered to be printed.

STANDING ROCK INDIAN RESERVATION (H. DOC. NO. 1515).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures made for the purchase of cattle for the benefit of Indians on the Standing Rock Indian Reservation in North and South Dakota during the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

PAYMENTS TO INDIANS (H. DOC. NO. 1514).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures made in making per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

CONFEDERATED BANDS OF UTE INDIANS (H. DOC. NO. 1513).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures from tribal funds of the Confederated Bands of Ute Indians appropriated therein for the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

THE INDIAN SERVICE (H. DOC. NO. 1512).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the diversion of appropriations for pay of specified employees in the Indian Service for the fiscal year ended June 30, 1916, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SUBSISTENCE FOR INDIAN TRIBES (H. DOC. NO. 1504).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, informing the Senate, pursuant to law, that no diversions or expenditures were made during the fiscal year ended June 30, 1916, under the provision of the act authorizing the Secretary of the Interior, under the direction of the President, to use any surplus that may remain in any appropriation for the purchase of subsistence for Indian tribes, which was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN HOSTILITIES (H. DOC. NO. 1505).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of acts of hostilities by tribes with which the United States has treaty stipulations during the fiscal year, 1916, which was referred to the Committee on Indian Affairs and ordered to be printed.

INDIANS IN MISSISSIPPI (H. DOC. NO. 1464).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of an investigation relative to the condition of the Indians living in Mississippi, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 1507).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the employment under all appropriations for the valuation of carriers, for the fiscal year 1916 by each division or title of organization, which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

TRAVEL OF EMPLOYEES OF INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 1717).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement of travel by officers and employees of that commission on official business from Washington to

points outside the District of Columbia, which was referred to the Committee on Appropriations and ordered to be printed.

PURCHASE OF TYPEWRITERS (H. DOC. NO. 1474).

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a detailed statement of typewriters purchased and exchanged during the fiscal year 1916, which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present certain resolutions adopted at a mass meeting in Boston, Mass., in regard to the deportation of Belgians. The resolutions are very brief. I ask that they may be printed in the RECORD with the names of the signers without reading.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

THE AMERICAN RIGHTS LEAGUE,
Boston, Mass., December 4, 1916.

Hon. HENRY CABOT LODGE.

DEAR SIR: I have the honor to transmit to you the resolutions adopted at a mass meeting on the German deportations from Belgium held in Tremont Temple, Boston, Tuesday, November 28. This meeting, attended by more than 2,500 Massachusetts citizens, was addressed by the presiding officer, the Hon. Nathan Matthews, Moorfield Storey, Lorin F. Deland, and the Rev. George A. Gordon. The resolutions, adopted without a dissenting vote, are as follows:

"Whereas the civilized world has been shocked by uncontradicted reports from northern France and Belgium of the deportation into bondage of many thousands from the noncombatant populace, so renewing the cruelties of ancient Babylon and Nineveh.

"*Resolved*, That we, American citizens, assembled in public meeting at Tremont Temple, in Boston, express our abhorrence of this fresh outrage against international law and common humanity, deliberately perpetrated by the Imperial German Government, and give our sympathy to the victims of this policy of 'frightfulness.'

"*Resolved*, That we urge upon our Massachusetts Members of Congress to support the President of the United States in every measure he undertakes to maintain America's traditional position as the friend of freedom and the champion of all the oppressed."

For the committee.

Yours, very respectfully. HENRY COPLEY GREENE,
Secretary.

Larz Anderson, John Graham Brooks, Winston Churchill, John S. Codman, Samuel McC. Crothers, Lorin F. Deland, Edward W. Emerson, William Endicott, W. Cameron Forbes, Worthington C. Ford, Paul H. Hanus, Herbert Jaques, E. S. Mansfield, August de Meldunaer, Joseph H. O'Neil, George H. Palmer, Charles S. Rackemann, William K. Richardson, Henry M. Rogers, Ellery Sedgwick, William T. Sedgwick, H. Langford Warren, Barrett Wendell, Franz E. Zerrahn.

Mr. FLETCHER. I present a letter and accompanying petition from citizens of Tallahassee, Fla., asking that they be included in the provisions of the Adamson eight-hour law. I ask that the letter and the body of the petition be printed in the RECORD and that they be referred to the Committee on Interstate Commerce.

There being no objection, the letter and petition were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA., *December 5, 1916.*

Hon. D. U. FLETCHER,

DEAR SIR: I am handing you herewith a petition which speaks for itself, with the request that you will kindly give it due consideration. We in the maintenance of way department believe that we are entitled to the operation of the eight-hour law as well as other departments of the railway.

Thanking you in advance for what you may be able to do for us,

Yours, truly,

T. N. GODBOLD.

To the honorable the Members of the Senate and House of Representatives in the United States Congress assembled, greeting:

We, the undersigned citizens and voters, do respectfully petition your honorable body to include the employees in the maintenance of way department of American railways in the workings of the eight-hour day. We respectfully submit for your consideration the following facts:

1. That the number of employees affected is in excess of 400,000.

2. That their work is of a most strenuous nature, rough, dirty, and laborious, and has to be performed often under the most unfavorable conditions; in heat and cold, summer and winter, rain or shine, these men are exposed to all kinds of inclement weather conditions by night and day, as they are subject to a call at any time, and in case of severe storm they are expected to go on duty without a call except as their experience shall dictate that same is necessary to preserve intact the tracks and bridges for the safety of which they are held responsible.

3. That at certain times, owing to the strenuous nature of their employment, men are often physically unable to stand the strain, and as a consequence in a few years are broken in health and unable to continue longer at this work.

4. For the preservation of health and prolongation of life, aside from any pecuniary consideration, we deem an eight-hour day an actual necessity.

5. At the present time, although these men must serve an apprenticeship of from three to seven years to become proficient in the trade to earn a foreman's position, their department is one of the poorest paid in the entire service, while their duties and responsibilities are among the most exacting.

Wherefore we pray you to give our petition consideration and grant them the relief the aforesaid employees so earnestly desire.

J. C. MONTFORD
(And others).

Mr. FERNALD presented petitions of sundry citizens of the State of Maine, praying for the inclusion of the maintenance of way employees of railroads within the provisions of the Adamson eight-hour law, which were referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented petitions of sundry citizens of Randolph County, Ill., praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Boston and Newton, in the State of Massachusetts, remonstrating against the deportation of Belgian citizens by Germany, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Aldermen of Medford, Mass., praying for the placing of an embargo on food products and fuel, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch No. 12, National Association of Letter Carriers, of Worcester, Mass., praying for the enactment of legislation to increase the compensation of letter carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of sundry citizens of Pittsburgh, Edgewood, and Imperial, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 2296, United Mine Workers of America, of Crenshaw, Pa., praying for the appointment of a commission to investigate the increased cost of living, which was referred to the Committee on the Judiciary.

CAPT. HARVEY H. YOUNG.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 10049) for the relief of Capt. Harvey H. Young, reported it without amendment and submitted a report (No. 873) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 7193) to regulate the payment of salaries of post-office clerks in first and second class post offices and letter carriers in the City Delivery Service; to the Committee on Post Offices and Post Roads.

By Mr. SHAFROTH:

A bill (S. 7194) for the acquisition of additional lands and the erection thereon of an addition to the public building at Boulder, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 7195) authorizing the President to appoint Myron C. Cramer a lieutenant in the Regular Army; to the Committee on Military Affairs.

A bill (S. 7196) granting an increase of pension to John M. Gowdy; and

A bill (S. 7197) granting an increase of pension to John C. Vennum (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7198) granting a pension to Abbie Holbrook (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7199) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely; to the Committee on Public Lands.

A bill (S. 7200) for the relief of Lee M. Clark (with accompanying papers); to the Committee on Military Affairs.

By Mr. THOMPSON:

A bill (S. 7201) granting an increase of pension to William H. McGovern (with accompanying papers); and

A bill (S. 7202) granting an increase of pension to Benjamin McFarland (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7203) granting an increase of pension to Thomas Sharp Neal (with accompanying papers); and

A bill (S. 7204) granting an increase of pension to Robert Summerville (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7205) to enable James K. Wilson to take the examination for second lieutenant (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7206) granting an increase of pension to William L. Miles (with accompanying papers);
A bill (S. 7207) granting an increase of pension to Albert C. White (with accompanying papers);
A bill (S. 7208) granting an increase of pension to Marcellus Hoben (with accompanying papers);
A bill (S. 7209) granting an increase of pension to Moses Tarbox (with accompanying papers);
A bill (S. 7210) granting an increase of pension to George Tarbox (with accompanying papers);
A bill (S. 7211) granting an increase of pension to Samuel P. Wenthworth (with accompanying papers);
A bill (S. 7212) granting an increase of pension to Timothy Welch (with accompanying papers);
A bill (S. 7213) granting an increase of pension to Charles F. Smith (with accompanying papers);
A bill (S. 7214) granting an increase of pension to George Maybury (with accompanying papers);
A bill (S. 7215) granting an increase of pension to Patrick Murphy (with accompanying papers);
A bill (S. 7216) granting an increase of pension to Moses E. Lowell (with accompanying papers);
A bill (S. 7217) granting an increase of pension to Frank J. Davis (with accompanying papers);
A bill (S. 7218) granting an increase of pension to Levi G. Foss (with accompanying papers);
A bill (S. 7219) granting an increase of pension to Lester Holway (with accompanying papers);
A bill (S. 7220) granting an increase of pension to Michael M. Holland (with accompanying papers);
A bill (S. 7221) granting an increase of pension to Charles A. Darrington (with accompanying papers);
A bill (S. 7222) granting a pension to George N. Tibbetts (with accompanying papers);
A bill (S. 7223) granting an increase of pension to Charles E. Peabody (with accompanying papers);
A bill (S. 7224) granting an increase of pension to Nelson L. Nourse (with accompanying papers);
A bill (S. 7225) granting an increase of pension to Henry H. Steward (with accompanying papers);
A bill (S. 7226) granting an increase of pension to James H. Hines (with accompanying papers);
A bill (S. 7227) granting a pension to Ida M. Paine (with accompanying papers);
A bill (S. 7228) granting an increase of pension to Timothy Stone (with accompanying papers);
A bill (S. 7229) granting an increase of pension to John W. Hall (with accompanying papers);
A bill (S. 7230) granting an increase of pension to Bertha M. Shaw (with accompanying papers);
A bill (S. 7231) granting an increase of pension to Asa T. Worcester (with accompanying papers);
A bill (S. 7232) granting an increase of pension to Sarah T. Cram (with accompanying papers); and
A bill (S. 7233) granting an increase of pension to George F. Boothby (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:
A bill (S. 7234) authorizing the Secretary of the Navy to enter into contract for the use by the Government of a dry dock at Boston, Mass.; to the Committee on Naval Affairs.

By Mr. LA FOLLETTE:
A bill (S. 7235) granting an increase of pension to Thomas King;
A bill (S. 7236) granting a pension to Julia A. Waddell;
A bill (S. 7237) granting an increase of pension to Anna C. Stahel; and
A bill (S. 7238) granting an increase of pension to Charles A. Dobratz; to the Committee on Pensions.

By Mr. HARDWICK:
A bill (S. 7239) to amend the act of September 3 and September 5, 1916, entitled "An act to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce," and for other purposes; to the Committee on Interstate Commerce.

DRY DOCK AT PUGET SOUND.

Mr. JONES. I submit an amendment proposing to appropriate $500,000 for beginning the construction of a dry dock at the Puget Sound Navy Yard of such capacity as will accommodate not only the present but the reasonable future needs of the Navy, to cost not to exceed $3,000,000. I desire to have the amendment included in the naval appropriation bill for the year 1918, and I ask that it be received, printed, and referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, that action will be taken.

ADDRESS BY ROBERT R. PRENTIS.

Mr. SWANSON. I ask unanimous consent to have printed as a public document the address of Robert R. Prentis, president of the National Association of Railway Commissioners, delivered November 14, 1916, at a meeting of the Association of State Commissioners in Washington, D. C.

The matter is now pending in Congress as to the relative power that should be given to the State railway commissions and the Interstate Commerce Commission. It is a very able address, and I ask that it be printed as a public document.

Mr. SMOOT. I ask that the address be referred to the Committee on Printing, because I gave notice at the last session that I would insist that all such requests should go first to that committee.

Mr. SWANSON. I have no objection to that course.

The VICE PRESIDENT. The address will be referred to the Committee on Printing.

STOCK-RAISING HOMESTEADS.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of Arizona. On Tuesday last the Chair appointed conferees on the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, and the Senator from Montana [Mr. MYERS] was appointed as one of the conferees. I have a letter from him in which he states that he will not be able to be here before the 1st of January. As it is important that the conferees should meet and agree on a report, I ask that in place of the Senator from Montana I, as the ranking member, be appointed in his absence.

The VICE PRESIDENT. Is there any objection to the request? The Chair hears none. The Senator from Montana [Mr. MYERS] will be excused from service upon the committee of conference, and the Chair appoints in his place the Senator from Arizona [Mr. SMITH]. So the conferees on the part of the Senate will be the Senator from Arizona [Mr. SMITH], the Senator from Colorado [Mr. THOMAS], and the Senator from Utah [Mr. SMOOT].

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. SMOOT. Mr. President, the calendar under Rule VIII is in order and the motion is out of order until 1 o'clock. I ask unanimous consent that we now proceed with the calendar under Rule VIII and consider bills to which there is no objection. Then the Senator from Texas at 1 o'clock can make his motion if he desires to do so at that time.

Mr. SHEPPARD. Is not the motion to proceed to the consideration of a measure in order at this time?

The VICE PRESIDENT. It is in order now.

Mr. SHEPPARD. That is my motion.

The VICE PRESIDENT. The morning business is closed.

Mr. SMOOT. Is the morning business closed?

The VICE PRESIDENT. It is.

Mr. SMOOT. Then, of course, the motion is in order.

The VICE PRESIDENT. The Senator from Texas moves to proceed to the consideration of Senate bill 1082.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The VICE PRESIDENT. The bill will be read.

Mr. SHEPPARD. I ask that the formal reading of the bill be dispensed with.

The VICE PRESIDENT. There are committee amendments?

Mr. SHEPPARD. There are committee amendments.

The VICE PRESIDENT. The Senator from Texas asks that the formal reading of the bill be dispensed with and that the bill be read for action upon the amendments of the committee. Is there any objection?

Mr. GRONNA. I should like to have the bill read.

The VICE PRESIDENT. It will be read.

Mr. SHEPPARD. I desire to state to Senators that there is on the desk of every Senator a reprint of the bill with the amendments which I proposed in small capitals.

Mr. SMOOT. So that we may understand the reading of the bill, I will ask the Senator having it in charge whether it is his intention to strike out the words of the bill in brackets and to insert in their place the words in italics and in capitals.

Mr. SHEPPARD. I shall move to insert the words in italics and small capitals for those in brackets.

Mr. SMOOT. That is the intention of the Senator having the bill in charge?

Mr. SHEPPARD. It is.

The Secretary read the bill.

The VICE PRESIDENT. Certain committee amendments are proposed to the bill, which will be stated by the Secretary.

The SECRETARY. On page 3, line 19, after the words "person who is," the committee propose to insert the words "known to him to be."

Mr. GALLINGER. What page and line is that?

The SECRETARY. On page 3, line 19, after the words "person who is," it is proposed to insert "known to him to be."

Mr. GALLINGER. I do not find that in this reprint.

Mr. UNDERWOOD. Mr. President, I should like to inquire from what bill the Secretary is reading. The bill I have on my desk seems to be differently paged.

Mr. GALLINGER. It was reprinted on yesterday, and I should think we ought to take it as reprinted.

Mr. CLARK. It is impossible to follow.

The VICE PRESIDENT. Yes; it is pretty hard to follow, but the Chair would be of the opinion that it is the business of the Secretary to deal with the bill as reported by the committee.

Mr. SMOOT. Let the Secretary read the bill as reported by the committee now for amendment, and when the proper place is reached in the bill then offer the amendment. Then we can follow it; otherwise we can not do it.

The SECRETARY. The particular amendment occurs in the reprint on page 4, line 16. After the words "person who is," on line 16 of the reprint, page 4, it is proposed to insert "known to him to be," so that if amended it will read:

If any wholesale druggist, owner of a wholesale drug store, registered pharmacist, clerk, or other employee of such store shall upon such affidavit or otherwise, sell or give away such alcohol to any person who is known to him to be of intemperate habits or is addicted to the use of any narcotic drug—

And so forth.

The amendment was agreed to.

The SECRETARY. Also in section 6, on line 7, page 13, of the reprint, in the original copy on page 5 at the end of line 19, after the word "denomination" and the comma, it is proposed to insert:

or when any ambassador or minister of a foreign country duly credited to the United States of America and maintaining an official residence in the District of Columbia desires alcoholic liquors for use in such residence, and for no other purpose.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I move that the word "sixteen," on line 4, page 1, be changed to "seventeen."

The VICE PRESIDENT. Let us finish the committee amendments first.

Mr. SHEPPARD. I understood that the committee amendments had been concluded.

The VICE PRESIDENT. No; not yet.

The SECRETARY. On page 6, in section 7, in the fifth line——

Mr. VARDAMAN. Mr. President, what page is that?

The SECRETARY. Page 14, line 13, of the reprint, page 6, line 22, of the original bill, in the fifth line of section 7, after the words "District of Columbia" and the comma, it is proposed to insert the words "knowing the same to be such," so that if amended it will read:

That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his, or its agents, clerks or employees, any prohibited alcoholic liquors in the District of Columbia, knowing the same to be such—

And so forth.

Mr. CLARK. Mr. President, I should like to ask the Senator having the bill in charge just what words the proposed amendment refers to?

Mr. SHEPPARD. To the words "prohibited alcoholic liquors."

Mr. CLARK. I should like to ask if it is not a question whether it would refer to the words "for prohibited purposes" in the line above, or to the "person, company, corporation, club, or association" to whom it is delivered. It seems to me that that is very ambiguous.

Mr. SHEPPARD. Will the Senator suggest what he would like to have in the place of those words?

Mr. CLARK. I would not like to have anything particularly, except that I would like to have it definitely stated just to what the words refer; whether it is the intention of the committee to have the words refer to the "common carrier known to be such" or the "company, corporation, club, or association * * * or its agents, clerks, or employees known to be such," or whether it is intended to have them refer to the "liquors for prohibited purposes."

Mr. SHEPPARD. The words "prohibited alcoholic liquors" occur in very close proximity to the words "knowing the same to be such," and they are between the words to which the Senator refers and the words "knowing the same to be such."

Mr. CLARK. Yes; but the Senator will observe that the punctuation separates them—the comma after the word "Columbia."

Mr. SHEPPARD. Suppose I should move to strike out the comma; would that be satisfactory to the Senator?

Mr. CLARK. Anything is satisfactory to me that makes the purpose clear. I am simply calling attention to what I think is an ambiguity.

Mr. SHEPPARD. I appreciate the force of what the Senator says, and I ask that the comma be stricken out.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the comma after the words "District of Columbia," on line 22.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHEPPARD. Now, Mr. President, have the committee amendments been disposed of?

The VICE PRESIDENT. They are now disposed of.

Mr. SHEPPARD. I move that the word "seventeen" be substituted for the word "sixteen," in line 4, page 1.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Where it reads "anno Domini nineteen hundred and sixteen," it is proposed to strike out "sixteen" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

Mr. SHEPPARD. Now, Mr. President, I ask that the amendments contained in the reprint be first considered. They are not committee amendments, but they were proposed by me subsequently to the introduction of the bill. The main effect of the amendments is to make the bill apply to the manufacture and sale of intoxicating liquors for beverage purposes, and to eliminate the personal-use feature. The bill, as originally introduced, prohibited the personal use or storage for such use of intoxicating liquors and the giving away of the same. The effect of these amendments is to eliminate that feature and to modify certain other portions of the bill, which I shall be glad to explain if any Senator should desire.

The SECRETARY. First, it is proposed, on page 1, lines 7 and 8, to strike out the words "store, or deposit" and the comma after the word "deposit," so that, if amended, it will read:

That on and after the 1st day of November, anno Domini 1917, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders—

And so forth.

The amendment was agreed to.

The SECRETARY. On page 2, line 2, after the word "liquors," it is proposed to strike out the comma and the words "give away the same, or import the same therein, except as hereinafter provided"; also after the word "alcoholic," in line 1, to insert "or other prohibited," so that it will read "alcoholic or other prohibited liquors."

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator from Texas what the effect or purpose of that amendment is.

Mr. SHEPPARD. The purpose is to include malt liquors.

Mr. UNDERWOOD. But what is the purpose of striking out certain portions of the paragraph?

Mr. SHEPPARD. I explained a moment ago that the purpose is to do away with that part of the bill which prohibits the personal use of intoxicating liquors and the keeping of the same or the giving away of the same. It makes the bill apply solely to the manufacture and sale of liquors for beverage purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. It is also proposed to insert the following words in lieu of the words stricken out:

For beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

The amendment was agreed to.

The SECRETARY. In the reprint, page 2, line 10, after the word "bitters" and the comma, it is proposed to strike out the words "pure grain," and insert before the word "alcohol" the word "ethyl," so that, if amended, it will read:

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol—

And so forth.

The amendment was agreed to.

The SECRETARY. And after the word "alcohol" and the comma it is proposed to strike out the words "and all malt and other liquors which contain one-half of 1 per cent by volume of alcohol or more," and insert "all malt liquors, and all other alcoholic liquors."

The amendment was agreed to.

The SECRETARY. On page 2 of the reprint, beginning with line 24——

Mr. SHAFROTH. Mr. President, before that is reached I want to move an amendment. On line 12 of page 2 of the original bill, or line 19 of page 2 of the reprinted bill, it provides, as it is now, "and * * * shall be fined not less than $300 nor more than $1,000." I am heartily in favor of this bill being administered properly, and for that reason I think the words "less than $300 nor" should be stricken out, so as to leave it to read "shall be fined not more than $1,000."

It has been the experience of nearly every prosecutor of crimes that where you have a high minimum penalty you are not going to get a conviction at all. Jurors will often refuse to convict if a heavy penalty is sure to be imposed. Bootleggers often escape punishment. Therefore, in the interest of getting convictions where the evidence is good, it seems to me there ought to be no minimum. On that account I move to strike out the words "less than $300 nor."

Mr. SHEPPARD. That is acceptable to me.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out the words "less than $300 nor," so that it will read "shall be fined not more than $1,000."

The amendment was agreed to.

The SECRETARY. It is now proposed by the Senator from Texas in the reprint, page 2, beginning on line 24 with the words "wood alcohol," to strike out all down to and including the words "such oath" on page 3, line 23, and to insert:

Of methyl alcohol, or of ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in section 3 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes within the District of Columbia shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

The amendment was agreed to.

The next amendment of Mr. SHEPPARD was to strike out section 3 in the following words:

SEC. 3. If any wholesale druggist, owner of a wholesale drug store, registered pharmacist, clerk, or other employee of such store, shall upon such affidavit, or otherwise, sell or give away such alcohol to any person who is known to him to be of intemperate habits or is addicted to the use of any narcotic drug, or sell or give the same to anyone to be used for any purpose other than that named in said affidavit he shall be deemed guilty of a misdemeanor, and if convicted punished by fine of not less than $100 nor more than $500 and be confined in the District jail or workhouse not less than 30 days nor more than 6 months. In any prosecution against a wholesale druggist, owner of a wholesale drug store, registered pharmacist, clerk, or employee, for selling or giving liquor contrary to law, if a sale or gift be proven, it shall be presumed that the same was unlawful in the absence of satisfactory proof to the contrary, and the presentation of such affiadvit by the defendant at the time of the trial for such sale or gift shall be sufficient to rebut the presumption arising from the proof of such sale or gift: *Provided*, That such druggist, owner of a drug store, registered pharmacist, clerk, or employee shall have complied with all other provisions of this act relating to a sale or gift.

And to insert in lieu thereof the following:

SEC. 3. That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "Canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this act shall go into effect, and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, or scientific purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than $50 nor more than $300, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not less than 30 days nor more than 6 months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this act, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section 1 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 1, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

Mr. SHAFROTH. I should like to move an amendment in line 5, page 8, of the reprint, to strike out the words "less than 30 days nor." It seems to me that that is in line with the other amendment that I proposed. It is very difficult to get a conviction where there is a minimum prescribed. It would then read:

Shall be imprisoned in the jail or workhouse of said District not more than six months.

This is offered in the interest of the enforcement of the act. It seems to me that is in line with the other amendment.

Mr. VARDAMAN. Mr. President, I am not going to object to that since the Senator in charge of the bill has, I understand, accepted it; but I really think there ought to be a minimum punishment provided for in the law. If you happen to have a judge inclined to the sale of whisky and opposed to the spirit of this act, he would not make it very unprofitable or disagreeable to the man to violate the law. I can, without a great stretch of the imagination, see how the violation of the law could be encouraged by a dishonest judge. I think there ought to be some penalty attached which the judge could not set aside or overlook. I prefer that the Congress rather than the court should make the law and fix the punishment for its violation.

Mr. SHAFROTH. The experience in nearly all prosecutions shows the difficulty of getting a conviction, especially in the bootlegging cases. They evade it, and they get an acquittal in many instances on the very ground that you have got to imprison the man for a certain period of time. It has been the experience of nearly all prosecutors that when you have a provision of that kind you do not have the chances of conviction that you do where the fine is one not exceeding a certain amount.

Mr. VARDAMAN. Will the Senator yield to me just there?

Mr. SHAFROTH. Yes, sir.

Mr. VARDAMAN. I have known instances where it has been less expensive to violate the prohibition law and sell liquor under such terms as the Senator proposes to this bill than it would be to pay a license. If the justice of the peace or the court are in favor of the sale of liquor, they can make it cheaper to con-

duct a saloon in violation of law than to pay for the regular license.

Mr. SHAFROTH. They can not do that if there is any enforcement of the law. Of course if there is no enforcement of the law it might be done. I presume that the officers will discharge their duty in the interest of the proper enforcement of this law, and it seems to me that this amendment to the amendment should be adopted.

Mr. VARDAMAN. Believing as I do that alcohol is the most insidious poison and the most destructive enemy to the human race, and feeling also that the city of Washington, the Capital of the greatest Nation in all of the annals of time, should be a model government, a city set upon a hill, a beneficient example to the people of the entire Republic, I would not permit anything in this bill that would leave a doubt of its purposes or fail in any way to bring about the condition so much desired and so much needed. Let the law fix moderate punishment for the crime committed without aggravation and leave to the discretion of the judge to increase the punishment when the bad purpose or motive is revealed.

Mr. SMOOT. Mr. President, while I disagree with the Senator from Colorado and agree with the Senator from Mississippi that there ought to be a minimum penalty, in order that the bill may conform in all parts I suggest to the Senator from Colorado that he had better also move an amendment on page 9 of the reprint, lines 6 and 7, where it reads, "shall be fined not less than $100 nor more than $500." In order that it may all be in the same line the Senator, I think, ought to offer the same amendment on page 9 of the reprint.

Mr. SHAFROTH. We have not reached that part of it yet.

Mr. SMOOT. That is a part of the amendment that we are going to adopt now.

Mr. SHAFROTH. That is true, but this part which precedes it it seems should come first.

Mr. SMOOT. The item to which I have just called the Senator's attention is in the same amendment and will be adopted at the same time. It is all one amendment.

Mr. SHAFROTH. I move, then, also in lines 6 and 7 of the reprint, that the minimum fine fixed there be omitted, so as to let it read, "shall be fined not more than $500."

Mr. SMITH of Georgia. Does not the Senator think a minimum fine of $100 is little enough?

Mr. SHAFROTH. It might be. When it gets down low the minimum fine is not of great importance. I really did not intend to move that amendment, although as a matter of fact I believe that the modern tendency is to have a maximum fine and let the court impose such a fine as in its judgment it deems best. I believe you will get convictions in that way. Of course when you have a small minimum fine pretty nearly the same principle is observed.

Mr. CURTIS. Mr. President, for many years in our State the penalty for a man found guilty on the charge of selling intoxicating liquors in violation of law was a fine of not less than $100 nor more than $500, or by imprisonment for not less than 30 nor more than 90 days, or by both such fine and imprisonment, and it did not interfere in any way with the enforcement of the law. Later on the law was amended by inflicting greater punishment and there was a noticeable decrease in the violations of law.

I think the Senator from Colorado is wrong. I think it is better to have a minimum sentence. If a man is convicted of a crime of this kind and is let off with a light sentence he may repeat the crime just as often as he can get off with little punishment. If he is punished severely he will take notice and will not be apt to violate the law the second time.

I hope the amendment of the Senator from Colorado to the amendment will not be agreed to.

Mr. NORRIS. Mr. President, I hope the Senator from Texas will not agree to these amendments that are being suggested with regard to the minimum sentence. I was sorry that he agreed to accept the striking out of the minimum penalty of $300 for a violation of the act. If we are going to have nothing but a maximum penalty, then the verdict of the jury can be, if the presiding judge desires, practically set aside. He can fine a man 1 cent and imprison him for one minute in jail.

It seems to me the law itself ought to provide a minimum penalty, and it ought to be such an amount that it would not be a financial proposition to violate the law rather than pay a reasonable license. You would make it possible for the court, if the court wanted to do it, to practically nullify the entire law.

The Senator from Texas has already agreed to the striking out of the minimum penalty in the act for selling liquor contrary to the law. It is true the fine may be as high as a thousand dollars, but it may be 5 cents, and a man would make more profit on one sale than he would have to pay.

Mr. SHAFROTH. Will the Senator yield to me?

Mr. NORRIS. I yield to the Senator.

Mr. SHAFROTH. In view of the fact that there is a good deal of opposition to this amendment to the amendment, which will likely produce long discussion, and as the Senator from Texas has concluded that he would rather have the bill expedited in its passage by voting upon it—and I would, too—I wish to withdraw my amendment to the amendment.

The amendment was agreed to.

Mr. NORRIS. I move to reconsider the vote by which the $300 minimum penalty on line 19, page 2, of the reprinted bill was stricken out.

Mr. SHAFROTH. Very well; I have no objection to that.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Is there objection to the motion made by the Senator from Nebraska? There is no objection, and it is reconsidered. The question now is on the amendment to the amendment.

Mr. SMITH of Georgia. I do not think the Senate understood the question. I understood the Senator from Colorado to say upon reconsideration he would withdraw that amendment.

Mr. SHAFROTH. I did.

Mr. NORRIS. But the amendment had been agreed to, and I have moved to reconsider it. If that motion should prevail, then the original motion on the adoption of the amendment to the amendment is before the Senate.

The PRESIDING OFFICER. The Chair will state that the Senate has reconsidered the vote by which the amendment was agreed to.

Mr. SHAFROTH. As it is reconsidered, I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Texas [Mr. SHEPPARD] will be stated.

The SECRETARY. On page 9 of the reprint strike out all of section 4 in the following words:

SEC. 4. If any person who is of intemperate habits or addicted to the use of any narcotic drug shall make the affidavit mentioned in section 2 of this act, or if any person making such affidavit shall use as a beverage, or for any purpose, or at any place, other than that stated in such affidavit, or shall knowingly permit another to do so, said alcohol, or any part thereof, or shall knowingly make any false statement in such affidavit, he shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than $100 nor more than $500, or be confined in the District jail or workhouse not less than one nor more than six months for the first offense hereunder; and upon conviction for a second offense he shall be punished by a fine of not less than $200 nor more than $1,000, and shall be confined in the District jail or workhouse for not less than six months.

And to insert in lieu thereof, from line 11, page 10, to line 8, page 11, in the following words:

SEC. 4. That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period, and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached until delivered to the consignee when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

Mr. SHEPPARD. Before that amendment is agreed to I wish to move to insert the amendment on page 13 of the reprint, lines 8 to 12, after the word "denomination," in line 14, or page 10.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 10 of the reprint, line 14, after the word "denomination" and the comma, insert the following words:

Or when any ambassador or minister of a foreign country duly credited to the United States of America and maintaining an official residence in the District of Columbia desires alcoholic liquors for use in such residence, and for no other purpose.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of Mr. SHEPPARD was, on page 11, to strike out section 5, in the following words:

SEC. 5. Wholesale druggists desiring to deal in alcohol for scientific or mechanical purposes, as heretofore provided, shall on or before the 1st day of November of each year obtain a license from the Commissioners

of the District of Columbia for the year beginning November 1, upon the payment of $25, which money shall be deposited with other license funds of the District. The said commissioners shall make necessary regulations governing the purchase and sale of alcohol by wholesale druggists in accordance with this act, and shall limit the number of licenses to wholesale druggists to not more than five, and may consider petitions for or protests against the granting of such licenses.

And in lieu thereof to insert:

SEC. 5. Any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall on or before the 1st day of November of each year obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the the payment of $100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being $25, for retail druggists $10. The commissioners shall have power to refuse or revoke all licenses referred to in this section if doubtful of the good faith of the licensee and his intention to comply with this act. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors to druggists only, and only to such druggists as are licensed under the terms of this section. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in the District of Columbia, and these only for the purposes permitted by this act. Violations of this section shall be prescribed by fine of not less than $300 nor more than $1,000 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 1 year.

Mr. STERLING. Mr. President, I desire to call the attention of the Senator from Texas to the peculiar language, as I deem it, in line 21, on page 12 of the bill, where it reads:

Violations of this section shall be prescribed by fine of not less than $300 nor more than $1,000.

Mr. VARDAMAN. The language should be "shall be punished."

Mr. SHEPPARD. That is a typographical error. I move that the word "punished" be substituted for the word "prescribed."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 12, line 22, after the word "be," it is proposed to strike out the word "prescribed" and to insert in lieu thereof the word "punished," so as to read:

Violations of this section shall be punished by fine of not less than $300 nor more than $1,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That when any wholesale druggist, licensed as provided in the previous section, desires to sell or keep for sale pure grain alcohol, or when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used, and in the case of wine the period to be covered by such use: *Provided*, That the amount of wine permitted to be shipped shall not exceed 5 gallons at one time, and in case of shipment of either alcohol or wine said permit shall be attached to the package by the shipper and remain attached until delivered to the consignee. The fee for issuing said permit shall be 25 cents, paid to the collector of taxes for the District of Columbia. Said permit shall be void after 20 days from date, and shall not be used for more than one shipment. The carrier or party making delivery shall keep a record of all such deliveries of wine for said purposes, which record shall, during business hours, be open to public inspection.

The amendment was agreed to.

The next amendment was, on page 14, line 18, to change the number of section 7 to section 6.

The amendment was agreed to.

The next amendment was, in section 6, on page 14, line 11, after the word "any," to strike out "prohibited alcoholic"; in line 12, after the word "liquors," to insert "for prohibited purposes"; in line 13, after the name "District of Columbia," to insert "knowing the same to be such"; in line 14, after the words "case of," to strike out the word "legal"; in line 14, after the words "shipments of," to strike out the words "alcohol or wine, as provided in section 6 of this act, it shall be unlawful to deliver the same, whether brought from without the District of Columbia or otherwise, or whether," and to insert "liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein," so as to make the section read:

SEC. 6. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his, or its agents, clerks or employees, any prohibited alcoholic liquors for prohibited purposes in the District of Columbia, knowing the same to be such, and in the case of legal shipments of alcohol or wine, as provided in section 6 of this act, it shall be unlawful to deliver the same, whether brought from without the District of Columbia or otherwise, or whether liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500, or be confined in the District Jail or workhouse not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. UNDERWOOD. Mr. President, I desire to ask the Senator in charge of the bill a question. Many of these amendments I have not previously seen, and I do not follow them under the mode in which the Senator is proposing to amend the bill. Is the importation of liquor into the District of Columbia prohibited?

Mr. SHEPPARD. The importation of liquor into the District of Columbia for the purposes prohibited in this bill is prohibited; that is, for purposes of sale for beverage purposes.

Mr. UNDERWOOD. But it is not prohibited for consumption purposes?

Mr. SHEPPARD. Not for personal consumption.

Mr. UNDERWOOD. In other words, if the Senator desired to send to New York or to Baltimore for liquor to be sent to his house for personal consumption there is no prohibition in this bill against his doing so?

Mr. SHEPPARD. There is not.

Mr. UNDERWOOD. And this amendment is to carry out that purpose?

Mr. SHEPPARD. It prohibits shipments for unlawful purposes and regulates shipments for lawful purposes.

Mr. UNDERWOOD. I should like to ask the Senator another question while I am on my feet, though the question is not pertinent to the amendment here. I notice that the bill permits the manufacture of alcohol in the District of Columbia for other than beverage purposes. Will the Senator in charge of the bill explain to me how far that would go?

Mr. SHEPPARD. The manufacture of liquors for scientific, medicinal, pharmaceutical, or mechanical purposes is permitted without limitation in the District.

Mr. UNDERWOOD. And it is prohibited except for those purposes?

Mr. SHEPPARD. No; it is permitted in the District without limitation.

Mr. UNDERWOOD. I now understand. I am informed that there is a large factory here for making yeast? Would this bill permit the manufacture of alcohol for that purpose?

Mr. SHEPPARD. It would. The bill permits the manufacture, importation, and sale, without restriction, of denatured or methyl alcohol, and also the manufacture in the District of liquors for any other purposes than beverage purposes.

Mr. UNDERWOOD. Under this bill could alcohol be manufactured in the District of Columbia to be exported into the States?

Mr. SHEPPARD. I think it could be, if manufactured for purposes not prohibited.

Mr. UNDERWOOD. I should like to know the Senator's view on that question, if he is definitely advised.

Mr. SHEPPARD. Though exportation is not in so many words prohibited, the fact that the manufacture of liquors within the District for beverage purposes is prohibited would include, I think, exportation of such liquors.

Mr. UNDERWOOD. How does the Senator draw the line as to what the alcohol shall be used for when manufactured? For instance, if you manufacture methyl alcohol, that is primarily not to be used for drinking purposes, because it is ordinarily a poison; but if it is ethyl alcohol and it is manufactured, how does the bill distinguish whether it is going to be used for denatured alcohol or mechanical purposes or is going to be used for consumption as a drink?

Mr. SHEPPARD. That will become a question of administration and proof after the law has been adopted.

Mr. UNDERWOOD. What is there in this proposed law, I will ask the Senator to explain to the Senate, which defines that purpose? Without a distinction in the law, I do not see how you are going to have an ascertainment of the facts.

Mr. SHEPPARD. I think the first section sufficiently covers the matter, or covers it in so far as language will permit. Of course, the purpose for which the liquor is manufactured—the real purpose—will be a matter of evidence of proof before administrative officers or before the courts. The manufacture of liquors for beverage purposes within the District of Columbia is prohibited by this bill, and it will be a matter of evidence as to whether the parties undertaking the manufacture of liquor intend to manufacture it for other purposes.

Mr. UNDERWOOD. I evidently do not make myself clear to the Senator in charge of the bill. What I wish to call his attention to is, that if you were manufacturing ethyl alcohol or grain alcohol when it comes out of the spigot it is capable of

being consumed as a beverage. Whether you manufacture it for mechanical purposes or for denatured alcohol or for a beverage it comes out of the spigot just the same; it is manufactured as grain alcohol and it can be consumed as a beverage.

Mr. SHEPPARD. But the manufacturer would not be permitted to take out a license unless he gave assurance that the liquor was not to be manufactured for beverage purposes.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. I do.

Mr. WORKS. I should like to ask the Senator from Alabama whether he thinks that the manufacture for exportation purposes should be prohibited by the bill?

Mr. UNDERWOOD. My position on this question—not the question of manufacture—is that I have always believed that each State and each community should decide this question for itself. In my judgment the question involved in this bill is not the question of manufacture, but the question of consumption. What I want to find out is whether the machinery of the bill affects certain enterprises in this District, and if so, how it affects them. I have not as yet got a clear explanation of that point.

Mr. WORKS. I think the Senator from Alabama is quite right about that, and that his inquiry is a very pertinent one. I am of the opinion that there should be an express prohibition in this bill of the manufacture of alcohol for exportation; and I suggest to the Senator from Texas that a very few words will cover that situation by simply adding after the exception the words "but not for exportation." I do not think, if prohibition comes about in the District of Columbia, that this ought to be a place for the manufacture of liquors to be sent out into the States. Of course this is a matter that is local and could be dealt with only by Congress. It does not affect the judgment of the Senator from Alabama that the States separately should deal with the question. I suggest to the Senator from Texas that some such amendment as that which I have suggested ought to be made, so that the matter could be determined by the terms of the bill itself.

Mr. UNDERWOOD. As I said a while ago, so far as my views are concerned, I think the question of the prohibition of the consumption of alcoholic liquors is one for the States themselves to determine. But what I want to find out definitely is, What is the attitude of this bill and whether the proponents of this bill propose to prohibit the consumption of alcoholic liquors in the District and not prohibit the manufacture of alcohol in the District to be shipped to other States? I want to understand as to that. It is not my purpose or desire to interfere with the efforts of the Senator from Texas to perfect his bill along the line that he believes in, and along the line of thought that he desires to present to the Senate and to the country, but my object, when the proper time comes, is to have whatever bill is determined on here as a proper measure submitted to the people of the District of Columbia for their determination. Therefore I do not care to interfere by amendment with the purpose of the Senator from Texas in perfecting his own bill. I do want, however, to know what the attitude of the committee and of the Senator in charge of this bill is in reference to the question of manufacturing liquor in the District, where its consumption is proposed to be prohibited, for exportation and sale somewhere else.

Mr. WORKS. Mr. President, I have had nothing to do with the preparation of this bill. If I had had any controlling influence over it, I think it would have been in quite different form. I think there are some exceptions made in the bill that ought not to be made. There is no occasion in the world for making any exception as to the manufacture of alcohol for medicinal purposes, because I think the doctors very generally agree now that alcohol has no medicinal qualities at all, and that exception simply opens the door to the sale of intoxicating liquors in that form that ought not to be allowed; but I am not going to antagonize the bill on that account or attempt to remove that defect, as I regard it. I think, however, the question ought to be definitely settled as to whether we are to forbid the manufacture of alcohol or alcoholic liquors for the purpose of exportation. I think that door ought to be closed absolutely.

Mr. SHAFROTH. Mr. President, I should like to suggest to the Senator from California that the language, as it seems to me, is very plain and very clear, and that it would exclude the manufacture of alcohol for export purposes. I do not believe that it is necessary to insert an express prohibition to that effect. I will read the provision which I have in mind:

That on and after the 1st day of November, A. D. 1917, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic or other prohibited liquors.

Mr. WORKS. Except——

Mr. SHAFROTH. Yes; there is an exception, which reads "for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes"; but it seems to me that the language is so plain as to exclude the manufacture of alcohol for beverage purposes for exportation as well as for use as a beverage in the District of Columbia.

Mr. WORKS. Let me ask the Senator if it is his purpose to allow by this bill the manufacture of alcohol to be exported for the excepted purposes, or ought that to be confined to the District? That feature of it is not covered at all.

Mr. SHAFROTH. It seems to me that under this bill a manufacturer may be permitted to make alcohol for the excepted purposes. Of course, a very strict watch would be required to be kept to see that it is used only for such purposes; but, as a matter of fact, it seems to me no distinction is made as to the purpose for which it can be manufactured either for export or for use in the District of Columbia.

Mr. WORKS. Suppose it is manufactured and shipped out of the District; what control have we of it then?

Mr. SHAFROTH. It may be that we will have difficulty in following it up. Nevertheless, there is such a thing as following it.

Mr. WORKS. I do not think there ought to be any difficulty about it at all. The manufacture of it for exportation for any and every purpose ought to be prohibited.

Mr. SHAFROTH. It seems to me there ought to be the same line pursued as to the people of the District and outsiders, and therefore the use of alcohol for beverage purposes being the thing that is prohibited, the privilege, if it can be so called, of the exceptions ought to apply to persons outside of the District as well as to those inside of the District.

Mr. WORKS. I am extremely sorry that the friends of this bill should take any such attitude as that respecting it.

Mr. SHAFROTH. Well, that seems to me the interpretation to be placed upon it from the language as reported by the committee.

Mr. UNDERWOOD. Mr. President, I do not think the language to which the Senator from Colorado refers would justify the conclusion he has reached, and I should like to have the question decided before I offer my amendment to the bill, which will propose to submit it to a vote of the people of the District as to whether or not it shall be put into effect. This first paragraph as amended and as it stands now reads in this way:

That on and after the 1st day of November A. D. 1917, no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, in the District of Columbia shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Of course, the exception is so broad that there can not be any question that the manufacture of alcohol except for beverage purposes is permitted under the terms of this bill, for it excepts nonbeverage purposes, but prohibits the manufacture, sale, purchase, or trafficking in of liquor for beverage purposes.

I do not see anything in this bill that prohibits the manufacture of grain alcohol, and that is the only kind of alcohol involved, because, so far as I know, there is no wood alcohol or methyl alcohol manufactured in the District. There is nothing in this bill that would prohibit the manufacture of grain alcohol if the manufacturer of the alcohol declares that he is not manufacturing it for beverage purposes. There need merely be such a declaration on his part. There are no provisions in this bill to denature this alcohol if it is manufactured. There are no provisions in this bill to limit its control if it is used for mechanical purposes, as the Government of the United States now limits the control of taxed alcohol when the tax is exempted and it is used for mechanical purposes. There is no way to follow the manufacture of this alcohol after it has gone out of the hands of the man who distils it, so far as this bill is concerned, that I can see.

I may not have analyzed the bill as carefully as the proponents of the bill have, and that is the reason why I have asked my question. It appears to me, however, that under the terms of this bill you can set up a distillery in Washington, declare that you are not doing it for beverage purposes, ship your liquor across the line to somebody who says he is going to use it for denatured purposes or mechanical purposes or medical purposes, and then he can go on with the sale of it without restriction to anybody that he chooses to sell it to for beverage purposes outside of the District of Columbia. As a matter of fact, under

the terms of this bill it appears to me that the manufacturer here in the District can declare that he is not manufacturing the alcohol for beverage purposes.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. SMOOT. I do not believe that the manufacturer would even have to declare that he is manufacturing it for nonbeverage purposes. I believe that under the provisions of the bill they can establish a distillery in the District of Columbia and ship all the alcohol they can manufacture, providing it goes out of the District; and I do not think they would even have to declare that it shall go out of the District.

Mr. UNDERWOOD. I am inclined to think that myself; but the interpretation that the Senator in charge of the bill put on it was that it would require a declaration on the part of the manufacturer of his purpose in manufacturing it. I agree with the viewpoint of the Senator from Utah, but I say I have not had a chance to study these amendments carefully. Therefore I was taking the interpretation that the Senator in charge of the bill put on it. Under that interpretation you can manufacture the grain alcohol in the District, ship it across the line—and the line is not very far away—and immediately ship it back into the District for anybody to consume who wants to pay for it outside of the District and say he is going to consume it in his own house.

If that is the purpose of the bill, while, as I say, I am not here to correct the bill that the Senator desires to propose—my only purpose is to have a referendum on the subject—I want the Senate to understand what is in the bill before we vote on it, and I want the people in the District of Columbia to understand what is in the bill before we vote on it.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. VARDAMAN. I would suggest to the Senator, in answer to the suggestion made by the Senator from Utah, that the purchaser would not have to make any declaration as to the purpose to which this alcohol was to be devoted. The bill says that he shall not sell it for any other purpose than scientific, mechanical, and similar purposes. Now, if the sale is made in the District of Columbia, it can not be sold as a beverage without violating the law.

Mr. UNDERWOOD. Undoubtedly. There is no dispute there. My question was, when he sends it across the line.

Mr. VARDAMAN. Oh, I understand that he can not follow it. I think there ought to be some provision in the bill to prohibit shipment out of the District of Columbia. The terms of the law should be clear and definite, and every provision needful to meet and baffle the circumvention of the shrewd and unscrupulous lawbreaker.

Mr. CURTIS. Mr. President——

Mr. SHAFROTH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. UNDERWOOD. Yes.

Mr. SHAFROTH. I should like to ask the Senator whether this language would not be satisfactory to him——

Mr. UNDERWOOD. I am not objecting to the language of the bill, if the Senator in charge of the bill desires to put it in the form that it is in. I want to know what the intention is. That is all I am after.

Mr. SHAFROTH. I recognize that there might be a violation of this law after the product is shipped out of the District, and I am going to suggest this kind of amendment——

The PRESIDING OFFICER. Will the Senator yield to the Senator from Kansas before that is done?

Mr. UNDERWOOD. Certainly.

Mr. CURTIS. I simply wanted to ask the Senator from Texas, who has charge of the bill, in order to remove all doubt, to agree to an amendment to prohibit the manufacture of liquor in the District for exportation or sale outside of the District.

Mr. SHEPPARD. I think the language of the bill is entirely clear and covers the point; but in order that there may be no question about it, I shall be very glad to accept an amendment of that kind.

Mr. SHAFROTH. That is the amendment which I suggest. After the word "purposes," in line 4 of page 2, I move to insert the words "or shipment from the District of Columbia." The word "export" seemed to refer more particularly to shipments to foreign countries. Consequently, I think that language would be a little better, and I will propose that amendment.

The PRESIDING OFFICER. Let us see if the Secretary has that.

Mr. UNDERWOOD. The amendment has not yet been proposed, as I understand, but the Senator says that he will propose it.

Mr. SHAFROTH. Yes.

ADJOURNMENT TO MONDAY.

Mr. KERN. Mr. President, will the Senator from Alabama yield to me to make a motion with reference to adjournment?

Mr. UNDERWOOD. I yield to the Senator.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until Monday next at 12 o'clock meridian.

The motion was agreed to.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. SHAFROTH. Mr. President, I now move that after the word "purposes," in line 4, on page 2, of the reprint, there be inserted "for shipment from the District of Columbia."

Mr. SMOOT. "For shipment outside of the District of Columbia."

Mr. SHAFROTH. Or "for shipment from the District of Columbia." That would be outside.

Mr. SMOOT. I thought the other word was a little the better, but I have no objection.

The PRESIDING OFFICER. Without objection, the vote whereby the amendment was agreed to will be reconsidered.

The SECRETARY. On page 2 of the reprint, line 4, after the word "purposes," it is proposed to insert the words "for shipment from the District of Columbia."

The PRESIDING OFFICER. The question is on the adoption of the amendment to the amendment.

Mr. KENYON. Mr. President, I ask that that part of the section be now read down to line 6, as it will be with those words included.

Mr. SHAFROTH. There ought to be another amendment following that.

Mr. KENYON. There ought to be some thought given to the amendments at this point, I should think, to formulate them properly.

Mr. SHAFROTH. I would suggest to the Senator that there ought to be a limitation as to that matter, and there ought to be put after the word "purposes," in line 6, the words "in the District of Columbia."

The PRESIDING OFFICER. Does the Senator make that as a motion?

Mr. SHAFROTH. Not until this other matter is disposed of.

Mr. KENYON. I should simply like to have it read as it will appear when the amendment is made.

Mr. SMOOT. Let me suggest to the Senator having the bill in charge that this is a most important thing in the bill. Why can we not pass this section and get it into shape, so that when we do perfect it there will be no question about it?

Mr. VARDAMAN. I think that is a very wise suggestion.

Mr. SMOOT. I think it is of enough importance to give considerable attention to it, and let us get it right first before we adopt any amendments to it at all.

The PRESIDING OFFICER. There is an amendment pending on page 14, the Chair will say to the Senator from Utah.

Mr. SMOOT. I am only asking that section 1 be passed over until we can agree as to really what the section means, and what amendments ought to be made to make it perfect.

Mr. SHEPPARD. For the present I ask that the reading of the bill, which was interrupted on page 14, be continued, and then, at the conclusion of the reading, we may have arrived at some decision regarding the point that has been debated.

The PRESIDING OFFICER. Then this part will go over?

Mr. SHEPPARD. I simply ask that the reading be continued.

The PRESIDING OFFICER. Without objection, that will be done. The pending amendment is on page 14, lines 17 to 20, which has been read by the Secretary.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 15, line 5, to change the number of the section from 8 to 7.

The amendment was agreed to.

The next amendment was, on page 15, line 10, after the word "of," to strike out the word "use"; in line 15, after the word "sell," to strike out "or give away"; and in line 16, before the

words "any liquors," to strike out "or giving away," so as to make the section read:

SEC. 7. That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse, or other place in which any alcoholic liquor is received or kept for the purpose of gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this act, and every person who shall use, barter, sell, or assist or abet in bartering, selling any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject to the penalties prescribed in section 1 of this act; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this section of this act, or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

The amendment was agreed to.

The next amendment was, on page 16, to strike out lines 3 to 6, both inclusive, in the following words:

The keeping or giving away of alcoholic liquors, or any schemes or devices whatever, to evade the provisions of this act, shall be deemed as unlawful selling within the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert a new section, as follows:

SEC. 8. The keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 1 of this act.

Mr. UNDERWOOD. Mr. President, I should like an explanation of that section from the Senator in charge of the bill.

The proposed amendment reads:

The keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 1 of this act.

As I understood the Senator a while ago, he stated that the purpose of this act was to prohibit the sale for beverage purposes and the manufacture for beverage purposes, but that it did not prohibit the importation for consumption or the keeping of liquor for consumption. I should like to understand what is the meaning of this provision under that interpretation, because it says, "the keeping or giving away of alcoholic or other prohibited liquors." Now, if a man had liquor in his house, if he imported it for beverage purposes, for individual consumption, unless he drank it all as soon as it landed in his house he would be keeping it for beverage purposes. Is not the amendment now proposed by the Senator in conflict with what he says is the purpose of the act?

Mr. SHEPPARD. Not at all. If it is a bona fide keeping or a bona fide giving away, there is no violation of the act. That section is intended to prevent evasions of the law under the cloak of keeping intoxicating liquor for pretended personal use or of pretended gift.

Mr. WORKS. Mr. President——

Mr. UNDERWOOD. What I am trying to get at is a thorough understanding of this proposition, as it will bear on the amendment which I propose to offer. As I understand, if a citizen of Washington imports from the city of Baltimore into his house liquor for beverage purposes, under the construction placed on this bill by the Senator in charge of it he can keep that liquor in his house indefinitely if he does not sell or barter it, and he can give it to his friends who come into his house to see him. Is that the interpretation of the bill?

Mr. SHEPPARD. That is true.

Mr. UNDERWOOD. And this clause in the bill does not interfere with that purpose?

Mr. SHEPPARD. Not at all, if he is acting in good faith.

Mr. CURTIS. Mr. President, if he was arrested and charged with violating the section, it would be a question of fact for the jury to determine whether or not he had violated it.

Mr. SHEPPARD. That is entirely correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 16, line 13, before the word "by," to insert "of"; on line 15, after the word "alcoholic," to insert "or other prohibited"; on line 16, after the word "liquors," to insert "for purposes forbidden"; and on line 18, after the word "publish," to insert "or distribute," so as to make the section read:

SEC. 9. That if any person shall advertise or give notice of by signs, billboards, newspapers, periodicals, or otherwise for himself or another the manufacturer, offering for sale, or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden prohibited under this act, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises, or premises under his control (including billboards), or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $500.

The amendment was agreed to.

The next amendment was, on page 17, line 7, after the word "manufacturing," to strike out "storing or depositing"; in line 8, after the words "keeping for sale," to strike out "or use"; and in line 9, after the word "goods," to strike out "giving away," so as to make the section read:

SEC. 10. That if one or more persons who are competent witnesses shall charge, on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found, to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing same, or the paraphernalia of a barroom or other alcoholic liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 18, to strike out all of section 11 in the following words:

SEC. 11. That it shall not be necessary, in order to convict any person, company, house, association, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing, importing, or selling alcoholic liquors, to prove the actual manufacture, importing, sale, delivery of, or payment for any alcoholic liquors, but the evidence of having or keeping them in hand, stored or deposited, taking orders for, or offering to sell or barter, or exchanging them for goods or merchandise, or giving them away, shall be sufficient to convict; nor shall it be necessary in a warrant or information to specify the particular kind of alcoholic liquor which is made the subject of a charge of violation of this act.

The amendment was agreed to.

The next amendment was, on line 1, page 19, to change the number of section from 12 to 11, and, on line 4, after the word "car," to strike out "or railroad passenger train or in or upon" and insert "or," so as to make the section read:

SEC. 11. That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car or any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 19, line 19, to change the number of the section from 13 to 12, and, on line 21, after the words "other than," to strike out "wholesale" and insert "manufacturers or," so as to make the section read:

SEC. 12. The payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 5 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors contrary to the provisions of this act, and a certificate from the collector of internal revenue, his agents, clerks, or deputies showing the payment of such tax, and the name or names of persons to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering and exposing for sale of liquors contrary to the provisions of this act in all trials or legal inquiries.

The amendment was agreed to.

The next amendment was, on page 20, line 11, to change the number of the section from 14 to 13; on line 13, after the word "manufactured," to strike out "stored"; on line 14, before the word "vended," to strike out "or"; on the same line, after the word "vended," to strike out "given away"; and on line 16,

after the word "barter," to strike out "give away," so as to make the section read:

SEC. 13. All houses, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 8 of this act) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section one of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

The amendment was agreed to.

The next amendment was, on page 21, line 4, to change the number of the section from 15 to 14.

The amendment was agreed to.

The next amendment was, on page 21, line 16, to change the number of the section from 16 to 15.

The amendment was agreed to.

The next amendment was, on page 21, line 24, to change the number of the section from 17 to 16.

The amendment was agreed to.

The next amendment was, on page 22, line 8, to change the number of the section from 18 to 17.

The amendment was agreed to.

The next amendment was, on page 22, line 16, to change the number of the section from 19 to 18.

The amendment was agreed to.

The next amendment was, on page 23, line 1, to change the number of the section from 20 to 19; on line 7, after the word "selling," to strike out the comma and insert the word "or"; and on the same line, after the word "bartering," to strike out the words "or giving," so as to make the section read:

SEC. 19. Every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to change the number of the section from 21 to 20.

The amendment was agreed to.

The next amendment was, on page 24, line 1, to change the number of the section from 22 to 21.

The amendment was agreed to.

The next amendment was, on page 24, line 24, to change the number of the section from 23 to 22.

The amendment was agreed to.

The next amendment was, on page 25, line 23, to change the number of the section from 24 to 23.

The amendment was agreed to.

The next amendment was, on page 26, line 5, to change the number of the section from 25 to 24.

The amendment was agreed to.

The next amendment was, on page 26, line 9, to change the number of the section from 26 to 25, and on line 12, after the word "repealed," to insert:

And that the Excise Board for the District of Columbia, provided for and established under the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 13, 1914, be, and it is hereby, abolished upon the taking effect of this act.

So as to make the section read:

SEC. 25. That this act shall be in full force and effect on and after the 1st day of November, 1916, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed. And that the Excise Board for the District of Columbia, provided for and established under the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this act.

The amendment was agreed to.

DEATH OF REPRESENTATIVE SAMUEL J. TRIBBLE.

Mr. HARDWICK. Mr. President, I send to the desk the following privileged resolutions and ask for their adoption.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 285.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL J. TRIBBLE, late a Representative from the State of Georgia.

Resolved, That a committee of nine Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The Presiding Officer appointed as the committee under the second resolution Mr. SMITH of Georgia, Mr. HARDWICK, Mr. BRYAN, Mr. JOHNSON of Maine, Mr. ASHURST, Mr. JOHNSON of South Dakota, Mr. NORRIS, Mr. STERLING, and Mr. FERNALD.

Mr. HARDWICK. Mr. President, I move as a further mark of respect to the memory of the deceased that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock p. m.) the Senate adjourned, the adjournment being until Monday, December 11, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 9, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Grant us, O most merciful Father, a keener insight into and a broader conception of the things eternal, that we may be inspired to do the work Thou hast given us to do now with patience, endurance, and efficiency, and be prepared to meet the changes in the things temporal with perfect faith and confidence in the overruling of Thy providence for the good of mankind. Our hearts are profoundly touched by the sudden and unexpected death of a Member of this body. Comfort his colleagues and friends, especially the bereaved wife and children, with the precious promises of the immortality of the soul, that they may look forward with bright anticipations to a reunion in the realm where sorrows never enter and where the continuity of life is not broken, but flows on to larger and nobler existence. And all praise shall be Thine, in the spirit of Him, who said, "I am the resurrection and the life. He that believeth on me shall never die." Amen.

The Journal of the proceedings of Thursday, December 7, 1916, was read and approved.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, by direction of the Committee on Indian Affairs, submitted the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, which was read a first and second time and, with the accompanying report (No. 1208), was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Kansas reserves all points of order on the bill.

RESIGNATIONS FROM COMMITTEES.

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. I wish to make a privileged announcement to the House.

Mr. KITCHIN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. ADAMSON. Yes; I will yield to the gentleman from North Carolina.

Mr. KITCHIN. I understand, Mr. Speaker, there are some resignations from committees on the Speaker's desk. I have the nominations to fill them.

The SPEAKER. The Chair announces the following resignations from committees, which the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *December 7, 1916.*

Hon. CHAMP CLARK, *Speaker.*

DEAR SIR: I hereby tender my resignation as a member of the Committee on the Merchant Marine and Fisheries.

Yours, very truly, C. F. CURRY.

WASHINGTON, D. C., *December 7, 1916.*

Hon. CHAMP CLARK, *Speaker.*

DEAR SIR: I hereby tender my resignation as a member of the Committee on Roads.

Yours, very truly, JOSEPH WALSH.

WASHINGTON, D. C., *December 7, 1916.*

Hon. CHAMP CLARK, *Speaker.*

DEAR SIR: I hereby tender my resignation as a member of the Committee on the Merchant Marine and Fisheries and the Committee on Expenditures in the Navy Department.

Yours, very truly, GEO. A. LOUD.

The SPEAKER. Without objection, these resignations will be accepted.

There was no objection.

NOMINATION AND ELECTION OF MEMBERS TO VACANCIES ON COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I nominate to the various vacancies Members in accordance with the list which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the list of nominations.

The Clerk read as follows:

COMMITTEE NOMINATIONS.

Military Affairs: T. W. HARRISON, of Virginia.
Naval Affairs: GEORGE A. LOUD, of Michigan.
Merchant Marine and Fisheries: GEORGE M. BOWERS, of West Virginia; H. STANLEY BENEDICT, of California.
Judiciary: JOSEPH WALSH, of Massachusetts.
Roads: HARRY C. WOODYARD, of West Virginia.
Expenditures in the Navy Department: H. STANLEY BENEDICT, of California.
Expenditures in the Treasury Department: GEORGE M. BOWERS, of West Virginia.

The SPEAKER. Are there any other nominations?

There were no other nominations.

The Members nominated were elected.

REPORTS BY THE DOORKEEPER.

The SPEAKER laid before the House two reports by the Doorkeeper, one on the sale of waste paper (H. Doc. No. 1715) and the other on property in charge of the Doorkeeper (H. Doc. No. 1716), which were ordered printed and referred to the Committee on Accounts.

LEAVE OF ABSENCE.

Mr. BRITT, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL J. TRIBBLE, late a Representative from the State of Georgia.

Resolved, That a committee of nine Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance of the foregoing resolutions the Presiding Officer had appointed as the committee under the second resolution Mr. SMITH of Georgia, Mr. HARDWICK, Mr. BRYAN, Mr. JOHNSON of Maine, Mr. ASHURST, Mr. JOHNSON of South Dakota, Mr. NORRIS, Mr. STERLING, and Mr. FERNALD.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 706. An act to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

THE PHILIPPINE ISLANDS.

Mr. ADAMSON. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] has asked me to yield to him for a moment for some purpose.

Mr. GARRETT. Mr. Speaker, in the year 1910 the Hon. Jacob M. Dickinson, then Secretary of War, made an official trip to the Philippine Islands, and during his journey there he made a number of addresses that I think would be of considerable historic interest. They have not been printed, and I desire to ask unanimous consent to have them printed as a document.

Mr. MILLER of Minnesota. Mr. Speaker, reserving the right to object, will the gentleman include in that document the report of Mr. Dickinson that he made upon his return, covering the Philippine Islands situation?

Mr. GARRETT. The report was printed.

Mr. MILLER of Minnesota. Yes; but not as a document. It was printed as all reports of the Secretary of War are printed. It has never been available as a document. It seems to me pertinent to have the report printed in the same document with the addresses to which the gentleman from Tennessee refers.

Mr. GARRETT. Mr. Speaker, I shall have no objection to that; but I will withdraw the request I have made for the present, and will talk with the gentleman about it.

The SPEAKER. The gentleman from Tennessee withdraws his request. The gentleman from Georgia [Mr. ADAMSON] is recognized.

DEATH OF REPRESENTATIVE TRIBBLE, OF GEORGIA.

Mr. ADAMSON. Mr. Speaker, it becomes my sad duty to announce to the House the death of our colleague, the Hon. SAMUEL J. TRIBBLE, a Representative from the State of Georgia, which occurred yesterday morning in this city at 7 o'clock.

It is not my purpose at this time to indulge in any extended remarks touching the services and life and character of our deceased comrade, but at some future time I shall request the House to set apart a day on which an appropriate tribute can be paid to the memory of the deceased. At present I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 393.

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL J. TRIBBLE, a Representative from the State of Georgia.

Resolved, That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

The SPEAKER. The Clerk will announce the members of the committee appointed on behalf of the House to attend the funeral.

The Clerk read as follows:

Mr. EDWARDS, Mr. CRISP, Mr. WISE, Mr. BELL, Mr. VINSON, Mr. LOBECK, Mr. GODWIN of North Carolina, Mr. CULLOP, Mr. AUSTIN, Mr. MUDD, Mr. KELLEY, Mr. FARR, Mr. ADAMSON, Mr. HOWARD, Mr. LEE, Mr. WALKER, Mr. HUGHES, and Mr. PARK.

ADJOURNMENT.

The SPEAKER. The Clerk will report the concluding resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

Accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned until Monday, December 11, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting a copy of a letter from the surgeon in chief of the Freedmen's Hospital transmitting detailed statement of expenditures for professional and other services (H. Doc. No. 1690); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a copy of a letter from the surgeon in chief of the Freedmen's Hospital, transmitting detailed statement of receipts and expenditures on account of pay patients (H. Doc. No. 1691); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Bayou Bartholomew, La. and Ark. (H. Doc. No. 1692); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of upper Pasquotank River, N. C., from Turners Cut up to the head of navigation at Lebanon Road, or as far as may be practicable (H. Doc. No. 1693); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Steele and Washington Bayous and Lake Washington, Miss. (H. Doc. No. 1694); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of the project for improvement of the Ohio River with references to changes in type, number, and location of the locks and dams constructed and proposed (H. Doc. No. 1695); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of

Bear Creek, Miss. (H. Doc. No. 1696); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of New York Harbor, N. Y., with a view to securing an increase in depth up to 40 feet and suitable widths in the North or Hudson River Channel from deep water in the upper bay as far north as Spuyten Duyvil Creek (H. Doc. No. 1697); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Ashland Harbor, Wis. (H. Doc. No. 1698); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of St. Croix River, Minn. and Wis., from the mouth to Taylors Falls, with a view to the removal of logs and other obstructions, consideration being also given to the question of cooperation on the part of local interests in the construction of harbors, levees, and terminals at various points along said river (H. Doc. No. 1699); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of harbor of refuge at Harbor Beach, Mich. (H. Doc. No. 1700); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

12. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Coos Bay and Bar entrance, Oregon, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 1701); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

13. A letter from the chairman of the Federal Trade Commission, transmitting the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1916 (H. Doc. No. 1485); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

14. A letter from the Secretary of War, transmitting the twenty-sixth annual report of the Board of Ordnance and Fortification, covering the fiscal year July 1, 1915, to June 30, 1916 (H. Doc. No. 1375); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Smithsonian Institution, transmitting a detailed statement of the expenditures for the fiscal year ended June 30, 1916, under the appropriations for "International exchanges," "American ethnology," the "Astrophysical Observatory," the "International Catalogue of Scientific Literature," the "National Museum," the "National Zoological Park," etc. (H. Doc. No. 1702); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Postmaster General, transmitting a report of the public property in the Post Office Department on November 1, 1916 (H. Doc. No. 1703); to the Committee on the Post Office and Post Roads and ordered to be printed.

17. A letter from the Secretary of Agriculture, transmitting report of contributions on account of cooperative work with the Forest Service, and the amount refunded to depositors on account of excess deposits, national forest fund, for the fiscal year 1916 (H. Doc. No. 1704); to the Committee on Agriculture and ordered to be printed.

18. A letter from the Secretary of the Navy, transmitting a statement of the documents received and distributed by this department during the fiscal year ended June 30, 1916 (H. Doc. No. 1705); to the Committee on Expenditures in the Navy Department and ordered to be printed.

19. A letter from the Secretary of the Interior, transmitting a statement showing the documents received and distributed during the fiscal year ended June 30, 1916 (H. Doc. No. 1706); to the Committee on Expenditures in the Interior Department and ordered to be printed.

20. A letter from the Secretary of the Navy, transmitting detailed statements of expenditures under the contingent appropriations for the Navy Department for the fiscal year ended June 30, 1916, contingent expenses, Navy Department, 1916; contingent and miscellaneous expenses, Hydrographic Office, 1916; contingent and miscellaneous expenses, Naval Observatory, 1916 (H. Doc. No. 1707); to the Committee on Expenditures in the Navy Department and ordered to be printed.

21. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney General submitting urgent deficiency estimates for the fiscal year 1917 (H. Doc. No. 1708); to the Committee on Appropriations and ordered to be printed.

22. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Surgeon General, Public Health Service, submitting an urgent estimate of deficiency for maintenance and ordinary expenses of the quarantine service for the fiscal year 1917 (H. Doc. No. 1709); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required by the Signal Corps of the Army for the fiscal year 1916 (H. Doc. No. 1710); to the Committee on Military Affairs and ordered to be printed.

24. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required by the Ordnance Department for the fiscal year 1918 (H. Doc. No. 1711); to the Committee on Appropriations and ordered to be printed.

25. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting supplemental estimates of appropriations required by the Ordnance Department for the fiscal year 1918 (H. Doc. No. 1712); to the Committee on Appropriations and ordered to be printed.

26. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the acting president of the Board of Commissioners of the District of Columbia, submitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1918 (H. Doc. No. 1713); to the Committee on Appropriations and ordered to be printed.

27. A letter from the Acting Secretary of War, transmitting a copy of a communication from the Secretary of War, submitting supplemental estimates of appropriations required by the Ordnance Department for the fiscal year 1918 (H. Doc. No. 1714); to the Committee on Appropriations and ordered to be printed.

28. A letter from the Doorkeeper of the House of Representatives, transmitting a statement of money received from sale of waste paper from December 1, 1915, to December 1, 1916 (H. Doc. No. 1715); to the Committee on Accounts and ordered to be printed.

29. A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of all property under his charge belonging to the United States (H. Doc. No. 1716); to the Committee on Accounts and ordered to be printed.

30. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the travel of all officials and employees who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1717); to the Committee on Appropriations and ordered to be printed.

31. A letter from the Secretary of the Smithsonian Institution, transmitting a statement showing in detail what officers or employees of the branches of the Government service under the direction of the Smithsonian Institution have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1718); to the Committee on Appropriations and ordered to be printed.

32. A letter from the Secretary of War, transmitting 1,263 reports of inspections of disbursements and transfers by officers of the Army received in the office of the Inspector General during the past fiscal year; to the Committee on Military Affairs.

33. A letter from the Secretary of War, transmitting information relative to progress in revision and codification of the military laws of the United States, under provisions of the act of August 29, 1916 (S. Doc. No. 560); to the Committee on Military Affairs and ordered to be printed.

34. A letter from the Secretary of the Interior, transmitting report of the disbursements for the fiscal year ending June 30, 1916, under provisions of acts to endow colleges of agriculture and mechanic arts (H. Doc. No. 1719); to the Committee on Agriculture and ordered to be printed.

35. A letter from the Secretary of Agriculture, transmitting information relative to disposition of useless department files and waste paper in the Department of Agriculture (H. Doc. No. 1720); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

36. A letter from the Secretary of War, requesting certain changes in the estimate of appropriation for the support of the Army for the fiscal year ending June 30, 1918 (H. Doc. No. 1721); to the Committee on Military Affairs and ordered to be printed.

37. A letter from the Secretary of War, requesting that appropriations for the payment of mileage of certain Army officers be made immediately available (H. Doc. No. 1722); to the Committee on Military Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOLLINGSWORTH: A bill (H. R. 18442) to conserve the ammunition supply of the United States and to protect the people from extortionate prices in case of war, and from responsibility for aiding in the continuance of the present European war by temporarily prohibiting the export of firearms and munitions of war; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 18443) to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: A bill (H. R. 18444) to prevent cold-storage warehouses from holding perishable food products for a longer period than three months; to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: A bill (H. R. 18445) to increase the pensions of the blind who served in the War with Spain; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 18446) to establish a unit of the Reserve Officers' Training Corps in a National Guard organization in each State and Territory in the United States; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 18447) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LESHER: A bill (H. R. 18448) authorizing the Secretary of War to donate to the Straubs Church Cemetery, near the town of Buckhorn, in the State of Pennsylvania, one bronze cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 18449) authorizing the Secretary of War to donate to the Canby Church Cemetery, in the town of Millertown, in the State of Pennsylvania, one bronze cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 18450) providing for a public-building commission; to the Committee on Public Buildings and Grounds.

By Mr. CONNELLY: A bill (H. R. 18451) providing for a standard sign or emblem to be used exclusively by the post offices of the United States and providing for penalties for infringements on the same; to the Committee on the Post Office and Post Roads.

By Mr. WINGO: A bill (H. R. 18452) authorizing the Secretary of War to have made an appropriate investigation of the Arkansas, Red, Little River, and other rivers in western Arkansas, with a view to controlling floods; to the Committee on Flood Control.

By Mr. STEPHENS of Texas (from the Committee on Indian Affairs): A bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918; to the Committee of the Whole House on the state of the Union.

By Mr. MOTT: A bill (H. R. 18454) for the purchase of a site and the erection thereon of a public building at Phoenix, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. HELGESEN: Resolution (H. Res. 392) creating a committee to investigate and report on plans of Carroll Livingston Riker relating to submarine-arsenal batteries for dirigible torpedoes and battleship-hunting submarines; to the Committee on Naval Affairs.

By Mr. CHANDLER of New York: Joint resolution (H. J. Res. 315) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18455) granting an increase of pension to Mary Schnetzer; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 18456) granting an increase of pension to John T. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18457) granting an increase of pension to Erastus S. Bussell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18458) granting an increase of pension to William H. Woffenden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18459) granting an increase of pension to John A. Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18460) granting an increase of pension to William Greer; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18461) granting an increase of pension to Samuel Young; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 18462) granting an increase of pension to Humphrey T. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18463) granting a pension to David S. Toland; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 18464) granting an increase of pension to Marion Vandiver; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18465) granting a pension to George D. Jacobs; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 18466) granting an increase of pension to Douglass Luce; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 18467) granting a pension to Thomas M. Rodgers; to the Committee on Pensions.

Also, a bill (H. R. 18468) granting a pension to Henry Lebrecht; to the Committee on Pensions.

Also, a bill (H. R. 18469) granting a pension to Henry Johnson; to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 18470) granting an increase of pension to William B. Hazeltine; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 18471) for the relief of William F. Fogarty; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 18472) granting an increase of pension to Isaac D. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18473) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18474) granting a pension to Lewis J. Moore; to the Committee on Pensions.

Also, a bill (H. R. 18475) granting an increase of pension to Joseph A. Craig; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 18476) for the relief of Joseph P. Terrell; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 18477) granting an increase of pension to William H. Pitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18478) granting an increase of pension to Otto Höhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18479) granting an increase of pension to Andrew C. Perkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18480) granting an increase of pension to Frederick Volkman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18481) granting an increase of pension to Morton B. Fitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18482) granting a pension to Asa Wood; to the Committee on Pensions.

Also, a bill (H. R. 18483) granting a pension to James H. Blocker; to the Committee on Pensions.

Also, a bill (H. R. 18484) granting a pension to Bert Fuller; to the Committee on Pensions.

Also, a bill (H. R. 18485) granting a pension to Clarissa Pells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18486) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Phillip Hudspeth; to the Committee on Claims.

Also, a bill (H. R. 18487) for the relief of William H. Dooley; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 18488) granting an increase of pension to Maria L. Winston; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 18489) granting an increase of pension to Ella C. Tremble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18490) granting an increase of pension to A. G. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18491) granting an increase of pension to Rebecca Shanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18492) granting an increase of pension to Mary E. Tryon; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 18493) granting a pension to Elizabeth Carter; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 18494) granting an increase of pension to Thomas H. Goodrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18495) for the relief of Rudolph Brandle (alias Dengler), deceased; to the Committee on Military Affairs.

By Mr. OGLESBY: A bill (H. R. 18496) granting an increase of pension to Eliza Moshier; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 18497) granting an increase of pension to James Bruen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18498) granting an increase of pension to Abner Q. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18499) granting an increase of pension to Samuel E. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18500) granting an increase of pension to Jane Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18501) granting an increase of pension to George Barker Niles; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 18502) granting an increase of pension to Emily Hughes Burch; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 18503) granting an increase of pension to Eli W. Myers; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18504) granting an increase of pension to David H. Crumpacker; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18505) granting an increase of pension to George M. Mays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18506) granting an increase of pension to Luke Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18507) granting an increase of pension to Thomas Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18508) granting an increase of pension to William T. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18509) granting an increase of pension to Alexander McGahon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18510) granting an increase of pension to Thomas H. McClosky; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 18511) granting an increase of pension to Henry Adler; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 18512) granting a pension to Milo M. Miller; to the Committee on Pensions.

Also, a bill (H. R. 18513) granting a pension to Benjamin Coward, invalid son of John Coward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18514) granting an increase of pension to Samuel Prisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18515) granting an increase of pension to John B. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18516) for the relief of the Peoples Bank of Bloomington, McLean County, Ill.; to the Committee on Claims.

By Mr. SWIFT: A bill (H. R. 18517) granting a pension to William Butler; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 18518) granting an increase of pension to Tilson M. Sutherland; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18519) for the relief of Washington M. Knight; to the Committee on Claims.

By Mr. WILLIAMS of Ohio: A bill (H. R. 18520) granting an increase of pension to Francesco Bonistalli; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18521) granting an increase of pension to John Harris; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 18522) granting an increase of pension to Benjamin M. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18523) granting an increase of pension to George D. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18524) granting an increase of pension to Thompson P. Burtch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18525) granting an increase of pension to Martin L. Thomas; to the Committee on Pensions.

By Mr. FITZGERALD: Resolution (H. Res. 391) directing the Clerk of the House to pay to Lenora McCall Courts, widow of James C. Courts, late clerk to the Committee on Appropriations, a sum equal to one year's salary; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of employees of the Bureau of the Census, requesting an increase in the salaries of the classified service; to the Committee on Appropriations.

By Mr. BRUCKNER: Memorial of the Merchants' Association of New York, in re pneumatic-tube service in New York; to the Committee on the Post Office and Post Roads.

Also, memorial of the Crockery Board of Trade of New York and the Chamber of Commerce of Philadelphia, in re extension of the pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Max Klein, The Bronx, N. Y., in favor of the Nolan bill; to the Committee on Appropriations.

Also, petition of Richard E. Hjeitperg, The Bronx, N. Y., favoring granting of full citizenship rights to Indians; to the Committee on Indian Affairs.

Also, petition of Fred. C. Earle, New York City, favoring passage of House bill 15312; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Philadelphia Chamber of Commerce in re pneumatic-tube service in that city; to the Committee on the Post Office and Post Roads.

Also, memorial of the Crockery Board of Trade, of New York, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Armour Grain Co., of Chicago, in re control of the Hessian fly pest; to the Committee on Agriculture.

By Mr. ELSTON: Petition of East Oakland Socialist Center, for embargo on food exportation, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. S. Lomes, of Alameda County, Cal., and other citizens, requesting congressional action on the high cost of living; to the Committee on Rules.

By Mr. ESCH: Papers in support of House bill 18228, granting a pension to Hiram C. Barrows; to the Committee on Invalid Pensions.

Also, papers in support of House bill 18277, granting a pension to Arabella Miller; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Memorial of Philadelphia Chamber of Commerce, favoring the pneumatic-tube service in the city of Philadelphia for the year 1917; to the Committee on the Post Office and Post Roads.

Also, memorial of Brooklyn Board of Real Estate Brokers, favoring additional facilities for the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Armour Grain Co., of Chicago, for legislation in aid of exterminating the Hessian fly; to the Committee on Agriculture.

Also, petition of Buda Co., of Chicago, opposing the abandonment of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Louis Webber & Co., of Chicago, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of mass meeting of American citizens protesting against alleged deportations from Belgium; to the Committee on Foreign Affairs.

Also, memorial of Boston Typographical Union, in favor of Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIFFIN: Memorial of Philadelphia Chamber of Commerce, in re pneumatic-tube service in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, petitions of Advance Novelty Candy Manufacturing Co., of New York; De Haven Manufacturing Co., of Brooklyn; Thomas J. Moore, of Brooklyn, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 18410, to increase the pension of Amanda L. Dodson; to the Committee on Invalid Pensions.

By Mr. HOPWOOD: Petition of employers of post office at Connellsville, Pa., for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Papers to accompany House bill 18424, for relief of Margaret E. Fickle; to the Committee on Invalid Pensions.

Also, Papers to accompany House bill 18422, for relief of Frank Clark; to the Committee on Pensions.

Also, papers to accompany House bill 18423, for relief of Frank M. Clark; to the Committee on Pensions.

By Mr. MEEKER: Petition of Central Trades and Labor Union of St. Louis, Mo., representing 65,000 wage earners, in favor of instituting an immediate investigation of the unwarranted high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petitions of United Garment Workers of America, Local No. 238, and Pattern Makers' Association, both of St. Louis, Mo., favoring an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. NORTH: Petition of Local Union No. 2296, United Mine Workers of America, Crenshaw, Pa., representing 90 members, and Local Union No. 819, United Mine Workers of America, Seminole, Pa., representing 450 members, praying for the appointment of a commission to proceed to devise ways and means to restore the food prices back to something near normal; to the Committee on Rules.

SENATE.

MONDAY, *December 11, 1916.*

Rev. Edward King Hardin, of the city of Washington, offered the following prayer:

Our heavenly Father, we pause before the beginning of the work of this day and of this new week to humbly ask that Thy blessing may rest upon us and that we may have the Divine guidance that we so much need. We thank Thee, O Lord, for the privilege of work. We thank Thee that Thou dost give to us the inestimable privilege of becoming coworkers with Thyself in the carrying out and fulfilling of this great task. We remember that it is written in Thy word, "The eyes of Jehovah run to and fro throughout the whole earth, to show Himself strong in the behalf of them whose heart is perfect toward Him." May we fulfill this condition and with clear heads and strong hearts be ready to do the work that God has for us to do, and may we ever by Thy help trust in God and do the right. In Christ's name, we ask it. Amen.

The Journal of the proceedings of Friday was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate (S. Con. Res. 27) providing for the appointment of a joint congressional committee and authorizing such committee to make the necessary arrangements for the inauguration of the President of the United States on the 5th day of March, 1917.

The message also announced that the Speaker of the House had appointed as members of the committee on the part of the House to make arrangements for the inaugural ceremonies Mr. RUCKER, Mr. GARRETT, and Mr. MCKINLEY.

The message further announced that the House agrees to the amendments of the Senate to the joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The message also announced that the House had passed a bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama, California, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota, in which it requested the concurrence of the Senate.

The message further communicated to the Senate the intelligence of the death of Hon. SAMUEL J. TRIBBLE, late a Representative from the State of Georgia, and transmitted resolutions of the House thereon.

HOUSE JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable, and it was thereupon signed by the Vice President.

INAUGURAL CEREMONIES.

The VICE PRESIDENT. In accordance with the provisions of the concurrent resolution of the two Houses the Chair appoints as the committee on the part of the Senate to make arrangements for the inaugural ceremonies Mr. OVERMAN, Mr. SMITH of Georgia, and Mr. WARREN.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I have several numerously signed telegrams from citizens of Concord, Manchester, Franklin, and Nashua, N. H., in favor of the bill which proposes to prohibit the liquor traffic in the District of Columbia. I ask that they may lie on the table, the bill being on the calendar.

The VICE PRESIDENT. It is so ordered.

Mr. KENYON presented petitions of the Trades and Labor Union of Dubuque; of Typographical Union No. 118, of Des Moines; of Local Branch, American Federation of Railroad Workers, of Marshalltown; and of Local Union, United Brotherhood of Carpenters and Joiners of America, of Sioux City, all in the State of Iowa, praying for the placing of an embargo on foodstuffs and the necessities of life, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch No. 101, National Association of Custodian Employees of the United States Treasury Department, of Keokuk, Iowa, praying for an increase of wages, which was referred to the Committee on Appropriations.

Mr. WEEKS presented a petition of sundry citizens of Newton, Mass., praying for the placing of an embargo on coal, which was referred to the Committee on Foreign Relations.

He also presented a petition of Typographical Union No. 13, of Boston, Mass., praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of sundry citizens of South Carolina, praying that the maintenance-of-way employees of railroads be included within the provisions of the Adamson eight-hour law, which was referred to the Committee on Interstate Commerce.

Mr. SIMMONS presented a petition of the North Carolina Conference of the Methodist Episcopal Church South, held at Durham, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Washington, N. C., praying for an increase in the salaries of post-office clerks, city and rural carriers, and railway mail clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented a memorial of Local Branch, United Mine Workers of America, of Terre Haute, Ind., remonstrating against compulsory arbitration of industrial disputes, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Branch, United Mine Workers of America, of Terre Haute, Ind., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of South Bend, La Fayette, Greencastle, Richmond, Fort Wayne, Evansville, Attica, and Winchester, all in the State of Indiana, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Fort Wayne, Ind., remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. HUGHES presented a petition of the Woman's Club, of Englewood, N. J., praying for the enactment of legislation to prohibit the dishonest advertising and sale of merchandise, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 7240) to prevent unfair discriminations in the sale of print paper by persons engaged in commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. HARDING:

A bill (S. 7241) granting an increase of pension to Francis M. Whips (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7242) for the relief of Warren Robinson; to the Committee on Military Affairs.

A bill (S. 7243) granting an increase of pension to Oluf Volkerts (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7244) to authorize and direct the Secretary of the Treasury to contract for the enlargement, extension, remodeling, and improvement of the present Federal building in Youngstown, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SHIELDS:

A bill (S. 7245) to provide for the purchase of a site and the erection of a public building at South Pittsburg, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 7246) granting an increase of pension to Jeremiah Fogerson; and

A bill (S. 7247) granting an increase of pension to Perry Greene; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7248) for the relief of Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians; to the Committee on Indian Affairs.

A bill (S. 7249) granting an increase of pension to Ferdinand Klawether;

A bill (S. 7250) granting an increase of pension to Reason D. Evensizer (with accompanying papers); and

A bill (S. 7251) granting an increase of pension to Hiram Haynes (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7252) granting an increase of pension to John A. Crozier; and

A bill (S. 7253) granting an increase of pension to Madison O. Rose; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7254) to amend section 301 of an act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes"; to the Committee on Finance.

A bill (S. 7255) granting a pension to John B. Fulton (with accompanying papers); and

A bill (S. 7256) granting a pension to William Douglas (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7257) providing a fine for whoever shall forge, counterfeit, or falsely alter any certificate of discharge from the military or naval service of the United States; and

A bill (S. 7258) to further amend an act entitled "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, as amended by the act of March 3, 1901; to the Committee on Naval Affairs.

By Mr. KERN:

A bill (S. 7259) for the relief of James Andy Wallace (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 7260) granting an increase of pension to John H. Lemon (with accompanying papers);

A bill (S. 7261) granting an increase of pension to Joseph H. Dearborn (with accompanying papers);

A bill (S. 7262) granting an increase of pension to Caroline Heaton (with accompanying papers);

A bill (S. 7263) granting an increase of pension to James H. Boyle (with accompanying papers);

A bill (S. 7264) granting an increase of pension to Charles E. Reynolds (with accompanying papers); and

A bill (S. 7265) granting an increase of pension to George W. Bennett; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7266) for the purchase of a site and the erection of a building for a United States post office at Phoenix, N. Y. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON:

A bill (S. 7267) granting an increase of pension to Homer E. Benton (with accompanying papers); to the Committee on Pensions.

By Mr. LEE of Maryland:

A bill (S. 7268) granting an increase of pension to Annie A. Haines; to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 7269) granting an increase of pension to Georgianna Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 7270) granting an increase of pension to Frederick Nientzenhelzer; to the Committee on Pensions.

By Mr. VARDAMAN:

A joint resolution (S. J. Res. 181) directing the Attorney General of the United States to submit to the Supreme Court all information available bearing upon the validity of the fourteenth and fifteenth amendments to the Constitution of the United States; to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS—ALICE A. RICHEY.

On motion of Mr. HARDING, it was

Ordered, That the papers accompanying the bill (S. 4121) granting an increase of pension to Alice A. Richey, Sixty-fourth Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

SUPERINTENDENT OF FOLDING ROOM.

Mr. ROBINSON submitted the following resolution (S. Res. 286), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint a superintendent of the folding room, who shall be paid at the rate of $1,600 per annum from the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. UNDERWOOD. Mr. President, I desire to propose an amendment to Senate bill 1082. Some time ago I offered an amendment providing for a referendum to the voters of the District. Since that time the Senator from Texas [Mr. SHEPPARD] in charge of the bill has amended it. I desire to have the substitute I now offer to accord with the amendments made to the bill printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

H. R. 15617. An act to establish fish-hatching and fish-cultural stations in the States of Alabama, California, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota was read twice by its title and referred to the Committee on Fisheries.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 10384, known as the immigration bill.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The SECRETARY. August 21, 1916, the bill was taken up on motion and considered as in Committee of the Whole, the committee amendments were agreed to, and the bill was reported to the Senate.

The VICE PRESIDENT. The Chair is informed by the Secretary that on page 49, at line 8, the amendment which consists in striking out the article "a" was not agreed to as in Committee of the Whole. If there be no objection, the record will now disclose that this amendment has been agreed to. The Chair hears none, and the amendment is now agreed to.

The Chair is also informed that there is an amendment on page 12 which was overlooked as in Committee of the Whole. It will be stated.

The SECRETARY. On page 12, line 20, after the word "necessary," insert a comma.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. REED. I wish to inquire the exact parliamentary situation. Is the bill now in Committee of the Whole?

The VICE PRESIDENT. It is in the Senate. The first question is upon concurring in the amendments made as in Committee of the Whole. Afterwards it will be open to further amendment in the Senate.

Mr. REED. Mr. President, I would have objected to taking up the bill at this time if I had known the parliamentary situation. In the months that have intervened since adjournment it escaped my recollection that the bill had proceeded to the point the record now discloses it has reached. There has not been at this session any very thorough consideration of the bill. It came up during the somewhat troublous hours of the last session. I do not think the Senate has really had its attention directed to the measure in the way it ought before so important a measure is passed.

I will say to the Senator in charge of the bill that I do not intend to take much of the time in a discussion of the measure. There are some amendments which I think are consistent with, at least, some of the purposes of the bill, which I should like to have the opportunity to present and have considered.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I yield.

Mr. OWEN. I should like to suggest to the Senator that I had intended at the conclusion of the morning hour when the bill came up to ask that it be sent back to the committee for the very purpose the Senator has in mind.

Mr. REED. Is the Senator speaking of the immigration bill?

Mr. OWEN. I thought the Senator was speaking of the corrupt-practices bill.

Mr. REED. No; the immigration bill is before the Senate. I was saying to the Senator in charge of the bill I should like to have an opportunity to present these amendments to him on the floor. It now appears that the bill is ready for a vote unless some one desires to speak on it. As far as I am concerned, I do not want to be put to the unpleasant task of talking on the bill and consuming the morning hour. I will ask the Senator from South Carolina if he will be willing to let the bill go over until to-morrow morning and allow me to present these amendments to him? I have already spoken to him about them in a general way. Then we can take up the bill at that time.

Mr. SMITH of South Carolina. Mr. President, I do not anticipate that the bill will come to an immediate vote. I will say to the Senator from Missouri that there have been no radical changes made in the bill by the Senate committee from the body of the bill as it came over from the House. In one particular we made a change, where we inserted certain lines of longitude and latitude to exclude the zone which it was agreed by a vote of the Senate and the House should be excluded. There has also been, to meet the objection of some who opposed the bill before, a change in the verbiage referring to the literacy test that I think will meet some of the objections heretofore made to it. I also think that the provisions of the bill in reference to political offenses have been so worked out that they will meet, in part at least, certain objections of the Executive, who vetoed the bill when it went to him before.

The amendment to which the Senator from Missouri has called my attention seems to be one that could be readily prepared and put before the Senate upon its merits. The bill has been so often before both Houses in all its essential features that it would be a waste of time, it seems to me—except on the part of those, if there be any such, who might wish to defeat the bill—to prolong the debate. The committee embodied that amendment so as to perfect the verbiage of the text without affecting the principle in the bill as it came from the other House, which, I think, embodies in better form the principle of the old bill No. 6060. The amendment to which the Senator refers, I think, could be offered on its merits to-day. It is very easy to find the section to which it would naturally belong.

I am sure the Senator understands my position as to the crowded condition of work in the other House. It is essential that bills which are going to pass should be promptly considered and passed. For that reason I called this bill up this morning. I should be very glad to have considered, and I am sure that the Senate would consider with interest, any amendment that the Senator from Missouri might offer looking to the perfection of the measure.

Mr. REED. Well, Mr. President, I could not prepare the two amendments which I have in mind while I am sitting on the floor, with the Senate prepared to vote on the bill, in the hour and a half that remains for discussion. I shall not undertake to do it in that length of time. The matters involved are too important to be dealt with in that way.

Mr. SMITH of South Carolina. Mr. President, I had overlooked one suggestion that I should be glad on this occasion to mention to the Senator from Missouri. If I understood the Senator from Oklahoma [Mr. OWEN] aright, he intends at the hour of 2 o'clock, when the bill, which is the unfinished business, shall come up, to move to recommit that bill, which will then give this bill possibly the right of way of to-day after 2 o'clock. I had intended, the unfinished business notwithstanding, to move to continue the consideration of this bill until it be passed. I think that we perhaps shall have all of the day on this bill. I think there are others who are going to discuss the amendments which are in the bill, and I should certainly anticipate that the Senator from Missouri would have all of to-day and possibly some time to-morrow in which to prepare and discuss his amendments.

Mr. REED. All right, if I shall have that time; but of course I do not know what may happen. Here is a bill which has reached a point where the roll call is likely to occur at any minute on its final passage. I did not know that or I should have objected to the bill being considered this morning. I have already made my statement with reference to that matter. In my judgment, nothing will be gained in the saving of time by now refusing a reasonable concession and allowing the bill to go over until to-morrow morning. If it does go over until to-morrow morning, I shall then be ready to present whatever I desire. I wish to examine the bill now in its amended form.

As the Senator from South Carolina knows, this bill came up in the last hours of the last session, when there was a great deal to divert attention from it. We then had most important matters before us, and the attention of most Members was directed to those other matters. What amendments were made to this bill I do not know. They may all be wise; they may be such amendments as I should be entirely satisfied with, but they may not accord with my judgment, and I must exercise my own judgment, of course. All I am asking for is a reasonable amount of time—a few hours—in which to go over the bill and prepare whatever amendments I desire to submit. If the Senator now desires to insist upon forcing the bill on, of course I think the discussion will be longer than it would be otherwise.

Mr. SMITH of South Carolina. Mr. President, in reply to the Senator from Missouri, I desire to say that it has been indicated to me that there are other minor amendments which perhaps will be offered to the bill. As I understand the status of the bill now, it is still in Committee of the Whole and open to further amendment, if I understood the Chair aright.

Mr. REED. No; the bill is in the Senate and open to amendment.

Mr. SMITH of South Carolina. The bill is in the Senate and open to amendment. It has been indicated to me that there might be other amendments. I should dislike to lose the position of the bill parliamentarily, because it is of such importance, and yet I should not like arbitrarily to foreclose the opportunity of amendment to those who in good faith might desire to offer amendments.

Mr. REED. Then, I suggest to the Senator from South Carolina, if he will pardon me, to let amendments be called for, and if any are offered we can discuss them; but if none are offered, then I ask the Senator to let the bill go over until to-morrow morning, with the understanding that it shall not lose its place.

Mr. SMITH of South Carolina. I should like to ask the Chair a question for information. The bill has now been taken up in the morning hour, as I understand. At 2 o'clock is the proper time, as I understand, when a bill can be made the unfinished business. Without committing myself, I want to ask the Chair, If this bill were now laid aside, would it be in order for me to move at 2 o'clock that it be made the unfinished business and then be temporarily laid aside?

Mr. GALLINGER. It would not be.

The VICE PRESIDENT. No one can make unfinished business. Unfinished business is the business that is pending at the close of the session of the Senate. In order, at 2 o'clock or at any other time, the Senator from South Carolina may obtain the floor to move to take up this bill or any other bill.

Mr. SMITH of South Carolina. Then, Mr. President, I ask that the consideration of the bill before the Senate be proceeded with now, and I think other amendments may be offered.

Mr. WORKS. Mr. President, I desire to make a parliamentary inquiry. I should like to know just what is the position of the bill now? I think it was taken up at the close of the last session, when I was not present.

The VICE PRESIDENT. The bill is now in the Senate. The pending question is on concurring in the amendments made as in Committee of the Whole. It should be understood, of course, that if these amendments are concurred in they are not again amendable in the Senate, but the bill in all other respects will be open to amendment in the Senate.

Mr. WORKS. I should like to ask the Senator having the bill in charge what was done with the amendment found on page 7 of the bill, which affects immigration from Japan into this country?

Mr. SMITH of South Carolina. That amendment was agreed to.

Mr. WORKS. I think it most unfortunate, Mr. President, that that amendment should have been agreed to. I may desire to take some steps to have the vote by which it was agreed to reconsidered.

The Senate may remember that some time back I submitted some remarks upon that very question. I have never been quite able to understand what the purport or the effect of that amendment really is. It may be that the Commissioner of Immigration may be able to determine what it means; the Committee on Immigration may understand it; but it is so complicated, and I think so inadvisable, that I may desire, before the discussion of the bill is concluded, to have that matter reconsidered.

Mr. SMITH of South Carolina. If the Senator from California will allow me, I think I can give him an explanation of that amendment, which was satisfactory at least to the committee.

Mr. WORKS. I should like very much to have some explanation of the amendment.

The VICE PRESIDENT. Just a moment. Let there be no doubt about the parliamentary situation. If there is to be a separate vote on this particular amendment, it must be reserved and a separate vote taken on it. The only interest the Chair has in the matter is to be sure that the parliamentary situation be understood.

Mr. SMITH of South Carolina. May I ask, for information, as to any of the amendments which were adopted as in Committee of the Whole, would it be in order to have a separate vote on them in the Senate?

The VICE PRESIDENT. If a separate vote is reserved, undoubtedly there can be such vote had in the Senate.

Mr. WORKS. Mr. President, I shall take the precaution now of making that reservation. I am not sure that I shall desire to follow it up, but in order to protect my rights I shall reserve the right to call for a separate vote upon that amendment. If in the meantime the chairman of the committee can so explain the amendment as to satisfy my mind on the subject, it will not be necessary for me to take that step.

Mr. SMITH of South Carolina. Mr. President, in reference to the action of the committee I will say that there were quite a number of little nationalities occupying islands contiguous to the Asiatic coast, the inhabitants of which would make undesirable immigrants to this country. The committee, without designating these nations or peoples by name or going into details, found that it was possible by reference to longitudinal and latitudinal lines to exclude, without specific reference to them by name or nationality, those who have proven their undesirability.

Mr. WORKS. Mr. President, I shall be glad to have the Senator state to the Senate just what effect the fixing of these lines would have upon immigration from Japan into this country.

Mr. SMITH of South Carolina. I was coming to that point. We have a passport agreement with Japan, which is generally known as a "gentlemen's agreement," reference to which is made in the law of 1907 and reiterated in the present bill. We say "unless otherwise provided for by treaty." The gentlemen's agreement up to the present has had the binding force of a treaty, and we have provided in relation to any infringement of that agreement, in these words, found on page 11 of the pending bill:

> *Provided further,* That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone.

There was some complaint that, after we had entered into this agreement with Japan, laborers, citizens of that country, were being sent across to the Philippine Islands and from the Philippine Islands to continental United States; but, so far as I am informed, Japan is keeping religiously her passport agreement with the United States. We provide in this bill that the exclusion act, unless otherwise provided for by treaty, shall obtain in the territory over which we have jurisdiction. We are attempting to keep faith with Japan under our agreement in view of the fact that it is alleged that Japan is keeping faith on her part.

Mr. WORKS. Mr. President, it is very evident to my mind that the chairman of the committee has entirely misconceived the purpose of this amendment, because the preservation of the rights of Japan under the secret or "gentlemen's agreement" which was made was provided for in the House amendment. The House provision has been stricken out, although there was no occasion for amending the bill in that particular at all. The provision in the House bill was as follows, in defining those who should be excluded from admission:

> Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements or by treaties, conventions, or agreements that may hereafter be entered into.

That preserved all of the rights of the respective nations under the so-called "gentlemen's agreement" by which really we turned over to the Government of Japan the right to determine who shall come into this country. The language in the House bill has been stricken out, and there has been substituted the provision to which I have referred and which the Senator has attempted to explain.

Mr. SMITH of South Carolina. Mr. President, if the Senator from California will allow me, the amendment has been reported on exactly the grounds that we have enumerated; the Japanese nation is in the same category as certain other nations. To be perfectly explicit, we have in force the Chinese exclusion act and a treaty safeguarding its provisions. I presume the conditions under which the so-called "gentlemen's agreement" was brought about are more or less known to all the Members of the Senate. The Japanese Government insisted that it would keep its agreement and insisted also that we did not have a specific treaty in reference to them at the time when we entered into the agreement. We agreed then to enter into a "gentlemen's agreement" without a treaty——

Mr. WORKS. Let me ask the Senator another question.

Mr. SMITH of South Carolina. Just let me finish this sentence. We agreed to enter into that agreement in lieu of a treaty, because we had with them a treaty in which was incorporated the favored-nation clause.

Mr. WORKS. Mr. President, that was all provided for in the language included in the House bill, and there was no occasion for making this amendment to cover any such purpose as that.

Mr. SMITH of South Carolina. And it was to that very thing that our attention was called. Japan objected that we were breaking the agreement in that we were classing her citizens, right or wrong, with others, which was the very thing that she had resented, and which gave rise to the agreement, and in good faith we had to keep it. So long as she was keeping it, we should keep it until a treaty could be negotiated that could be openly referred to as a treaty, but the committee thought that, as we did want to exclude the Hindus and others, the provision in regard to longitudinal and latitudinal lines should be incorporated in the bill. They have no reference to Japan whatever. It is a mistake to think that reference to the longitudinal and latitudinal lines was incorporated in the bill in order to relieve an embarrassment in reference to Japan. It was not; the reference was made in order, without calling the names of any of the little nations, to cover islands situated near the coast or off the coast of Asia.

Mr. WORKS. Let me ask the Senator another question. Suppose there were no existing agreement with Japan or suppose that it should be abrogated, would this bill as it now stands admit immigrants from Japan?

Mr. SMITH of South Carolina. That would be true of any country if our treaty were abrogated. It would be true of China.

Mr. WORKS. I should be glad if the Senator would answer my question. In view of that fact, if there should be at any time no agreement at all on the subject between the two nations, then would they be entitled to come in under this bill?

Mr. SMITH of South Carolina. They would, just the same as in the case of China, for instance. Let me tell the Senator the situation, so that he may understand it. We have an existing treaty with China which was referred to here. If that treaty should be abrogated, outside of any legislation to the contrary, they might come in. We have no treaty with any of these little nations in the excluded territory. If to-morrow they were to enter into an agreement with us, under the terms of this bill, their people could come in. For instance, say, we have none with Turkey. Suppose Turkey were to make an agreement. She is in the geographically excluded territory. Suppose she were to make an agreement with America to-morrow granting her citizens all the rights of the favored-nation clause. The bill says "unless otherwise provided by treaty." It does not say treaties existing now, treaties made to-morrow or next day, but "by treaty." When that treaty is ratified, then her citizens can come in. Whenever Japan abrogates the gentlemen's agreement, then it is for us to have either a treaty with her incorporating this, or some statutory enactment forbidding them to come.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator a moment to ask if it is not true that this provision in the bill as it is now framed will absolutely abrogate the so-called gentlemen's agreement we now have with Japan? The Senator speaks of its abrogation by the Japanese Government, but it seems to me that the amendment proposed by the committee absolutely does away with it.

Let me call the Senator's attention to my reason for believing that. Article I of the treaty with Japan, which was signed on the 21st day of February, 1911, provides:

> The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

The treaty has the favored-nation clause in it. There is nothing in it to restrict Japanese immigration except the so-called gentlemen's agreement.

Mr. SMITH of South Carolina. That is all.

Mr. CHAMBERLAIN. Now, then, you practically do away with the gentlemen's agreement by lines 10 to 23, on page 7 of the bill, because this treaty does protect the Japanese Government and its proposed immigrants to this country. There is nothing in the treaty that excludes them. They are only excluded by the gentlemen's agreement, and yet the proposed Senate amendment says "unless otherwise provided for by existing treaty." The existing treaty does provide for their admission whenever they see fit to come, laboring or any other classes of Japanese.

Mr. SMITH of South Carolina. I want to call the Senator's attention to the fact that the amendment to which he refers has no reference to Japan. We are excluding another territory which was included by the House. An objection was made to the Hindus, so called; but we left out any reference to Japan on the very ground that it was not in the form of a treaty, but a gentlemen's agreement. They objected to being put in a convention in the same category with certain others, and we agreed that we would not put them there; but in effect they were there, and we agreed that as long as they observed the agreement we would observe it. They have observed it, and they objected to our referring to it as a binding treaty. It was binding so far as the good faith of one nation to another was concerned without being expressed in the formal language of a treaty. They said: "We do not want you to put us in that category, publicly expressed, but we will keep this agreement." They have kept it and we have provided in this bill that the others shall be excluded by this longitudinal and latitudinal provision. Now, we are simply keeping faith with Japan.

Mr. WORKS and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. SMITH of South Carolina. I do.

Mr. WORKS. Mr. President, I should like the Senate to understand that, by the admission of the chairman of the committee, this bill will leave the exclusion of the Japanese entirely and absolutely to the gentlemen's agreement, and that whenever that gentlemen's agreement is abrogated in any way by Japan or by this country, then the doors are absolutely open to the entry of Japanese into this country. This bill is intended to do that very thing out of consideration for Japan. Now, I think we ought to be thinking a little about the interests of our own country.

By this gentlemen's agreement we have absolutely turned over to the Japanese nation the right to say who of their subjects shall enter this country, and we have no control over it. That is bad enough. I think the Japanese Government has kept faith with us under that agreement, so far as I have been able to determine, fairly well, at least; but we are absolutely at the mercy of Japan. She can admit or exclude her subjects as she pleases, and we have no control over it. We are proposing now by this bill to make it worse by passing a bill that will admit all of the Japanese if that agreement should be violated by Japan or should be abrogated. Now, I do not think we ought to place ourselves in any such position as that; so I have protested against it.

Mr. LODGE. Mr. President, the Senator from California makes a mistake on one point. If this bill should not become law, or if it should become law with this amendment, we should be left exactly as we are to-day. This amendment does not change the existing condition at all.

Mr. WORKS. Mr. President, that is precisely what I am objecting to. I do not want that.

Mr. LODGE. One moment. What changes the existing condition is the clause in the language which has been stricken out. That, if it became law, would change the existing condition.

Mr. WORKS. That is exactly what I desire.

Mr. LODGE. Precisely; but if this amendment should be substituted by the Senate, we should be left exactly as we are to-day. The situation as it is to-day rests on the treaty which the Senator from Oregon [Mr. CHAMBERLAIN] cited between the United States and Japan, which was proclaimed on the 5th of April, 1911. The gentlemen's agreement was not put into the treaty. The understanding between the Governments was that that gentlemen's agreement, as it is called—the passport amendment of our law—should remain in force during the life of the treaty—that is, during 12 years—but in order to protect us in case the gentlemen's agreement was abandoned a clause was put into article 17 giving either of the contracting parties the right to terminate the treaty on six months' notice within the 12 years of its life. That power to terminate on six months' notice at any time within the 12 years was specifically put in in order to protect us in case the gentlemen's agreement was not maintained.

All I desired to call attention to was that the substitution of the amendment of the committee for the language of the House does not alter the situation as it exists to-day. The original language of the House bill, which has been stricken out, does alter the situation, because it excludes all persons who under our laws can not be naturalized. That is not in any law to-day, and it leaves us no worse and no better off than we are at this moment to adopt this amendment.

If I may be pardoned for a moment longer, the amendment is an extremely awkward one. It was put in at the request of the executive department of the Government—the State Department. They believed it necessary that it should be embodied. To put it in plain language, it excludes all Asiatic immigration not now excluded by gentlemen's agreement or by treaty.

Mr. CHAMBERLAIN. In what treaty or law does that gentlemen's agreement appear?

Mr. LODGE. None. It does not appear in any treaty or any law.

Mr. CHAMBERLAIN. As I construe the proposed amendment, I am in thorough accord with the Senator from California, and I differ from the Senator from Massachusetts as to the effect of it. Section 3 of the bill that is under consideration provides:

> That the following classes of aliens shall be excluded from admission into the United States: * * * Unless otherwise provided for by existing treaties, persons who are natives—

And so forth.

Now, the Japanese are absolutely protected under the only treaty that we have. The gentlemen's agreement is not a part of the treaty.

Mr. LODGE. Certainly not.

Mr. CHAMBERLAIN. So that the treaty we have with Japan absolutely protects them, and if we adopt the proposed amendment here we simply throw down the bars, and Japan will say, "We are protected by treaty, and our citizens are entitled to admission to the United States under the new immigration bill."

Mr. LODGE. We certainly do not alter the situation. We are under the treaty to-day. If we adopt that amendment, we remain under the treaty. There is no change. The change is in that provision of the House bill which is new law. The adoption of that does not alter the condition. We are under the treaty to-day. If that bill should fail here in the Senate, it would be just the same in result as if that amendment were adopted. It would not alter the situation.

Mr. SMITH of South Carolina. I should like to suggest to the Senator from Massachusetts that the treaty to which the Senator from Oregon refers is existing now.

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. And existing with the gentlemen's agreement with Japan. Our only remedy is either to abrogate the treaty or to have it amended so as to leave out the favored-nation clause, or to adopt the proposed amendment, which on our part, in the opinion of the committee, would be tantamount to amending the Japanese treaty. Now, the Japanese Government says: "We will in effect abrogate the favored-nation clause so far as our citizens are concerned, provided you will not officially and openly put it that way."

Mr. LODGE. If I may repeat what I said, Mr. President, the treaty does not mention the gentlemen's agreement. It is not part of the treaty. The Senator from California admits that Japan has lived up to that agreement. If she ceased to live up to that agreement, then in six months we could terminate this treaty and pass any legislation we choose.

My point, however, is that this amendment does not alter the situation as it exists to-day at all. If the treaty with Japan lets down the bars, they are down now. This amendment does not change it in any respect; but that treaty proceeds and is framed on the theory that the gentlemen's agreement, the passport amendment of our law, will be maintained. As long as it is maintained we have a practical exclusion. When they cease to maintain it we can, under the treaty, terminate the treaty and make any laws we choose; but this amendment does not alter the situation at all.

At the risk of being wearisome, I repeat, the new legislation is that proposed in the House bill. That does change the situation, but it is not on the statute book. It never has been on the statute book, and it was embodied in this bill for the first time. It was in the bill when it was vetoed. It had passed both Houses of Congress. It is in the bill again to-day and has been stricken out. The provision there about persons not capable of

naturalization has been stricken out of the bill for the reasons which I have tried to explain.

Mr. WORKS. Mr. President, both the chairman of the committee and the Senator from Massachusetts either misunderstand the effect of the provision in the House bill or they are misconstruing it. That provision in the bill does not interfere with this gentlemen's agreement at all. It preserves it in force.

Mr. LODGE. It does not; that is perfectly true. It preserves it in force in so many words. My point was that it changed existing law. It is new legislation, and it would have the effect that if the Japanese Government rescinded the gentlemen's agreement they would all be excluded under that law if it became law.

Mr. WORKS. And so they should be, if that agreement is abrogated. That is what I am contending for.

Mr. LODGE. But that could be done in six months under the terms of the treaty.

Mr. WORKS. Oh, well, it is not necessary that we should wait six months to do it.

Mr. BRADY. Mr. President, I will ask the Senator from Massachusetts if there is any doubt that the United States could terminate that treaty in six months if this legislation should be passed?

Mr. LODGE. Not the slightest. It does not affect the treaty at all.

Mr. WORKS. We could enact this statute now, which would have that effect immediately, if the treaty should be abrogated or in any way set aside. Why not do it now instead of waiting six months after the Japanese Government has violated the agreement?

Mr. LODGE. The view is, Mr. President, that while they are carrying out that agreement in good faith it is not very civil, I will say, on our part to exclude them by a statute just as if they had violated the agreement.

Mr. WORKS. Mr. President, it does not do any such thing as that.

Mr. LODGE. Why, certainly it does. The moment you pass the House bill as it stands the gentlemen's agreement is a dead letter.

Mr. WORKS. If the House bill stands, the contract we have made with Japan is respected and preserved in force; and that provision of the bill would only take effect in case that agreement were either abrogated or violated by Japan. Now, what objection can there be to that?

Mr. LODGE. It excludes them whether there is a gentlemen's agreement or not.

Mr. WORKS. It does not exclude them so long as the gentlemen's agreement is in force.

Mr. LODGE. The gentlemen's agreement excludes them.

Mr. WORKS. The gentlemen's agreement does not exclude them. It prescribes that the Japanese Government shall determine who shall come to this country.

Mr. LODGE. Yes; certainly.

Mr. WORKS. It does not exclude them.

Mr. LODGE. But in practice it excludes them.

Mr. WORKS. Well, if it is carried out, and so long as it is, it does.

Mr. LODGE. It does, in practice, exclude them.

Mr. WORKS. Therefore that agreement is preserved in force; and so long as that is done this provision does not take effect, by the language of the House bill. The trouble about it is that we are proposing now to legislate in such a way as to leave the door open, after that gentlemen's agreement is set aside in any way, to the immigration of Japanese without any limitation whatever. I do not think that door ought to be left open.

Mr. LODGE. The treaty leaves it open.

Mr. WORKS. That may be.

Mr. POMERENE. Mr. President, it occurs to me that this discussion is involving our treaty rights with friendly nations, and it does seem to me it would be more in keeping with what has been the practice of the Senate if the discussion were behind closed doors. Therefore, I move that the doors of the Senate be closed for the purpose of discussing this branch of the pending bill.

The VICE PRESIDENT. Is the motion seconded?

Mr. SAULSBURY. I second the motion.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate with closed doors. After one hour and a half the doors were reopened.

CORRUPT PRACTICES.

While the doors were closed,

The PRESIDING OFFICER (Mr. JAMES in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

Mr. OWEN. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

After the doors were reopened,

Mr. SMITH of South Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smith, Ga.
Bankhead	Harding	Owen	Smith, Mich.
Beckham	Hitchcock	Page	Smith, S. C.
Borah	Hollis	Phelan	Smoot
Brady	Hughes	Pittman	Sutherland
Brandegee	Husting	Poindexter	Thompson
Chamberlain	James	Pomerene	Tillman
Clapp	Johnson, Me.	Reed	Townsend
Clark	Jones	Robinson	Underwood
Culberson	Kenyon	Saulsbury	Vardaman
Cummins	Kirby	Shafroth	Walsh
Curtis	Lee, Md.	Sheppard	Warren
Dillingham	McCumber	Sherman	Watson
du Pont	McLean	Shields	Weeks
Gallinger	Martin, Va.	Simmons	Works
Gore	Martine, N. J.	Smith, Ariz.	

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS] is detained from the Senate on official business.

Mr. CHAMBERLAIN. My colleague [Mr. LANE] is unavoidably absent from the Senate to-day on business.

Mr. VARDAMAN. I desire to announce the unavoidable absence, on account of illness, of the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. BROUSSARD].

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS], who is detained from the Senate on account of illness.

Mr. CURTIS. I was requested to announce the absence of the Senator from Nebraska [Mr. NORRIS], the Senator from South Dakota [Mr. STERLING], and the Senator from Maine [Mr. FERNALD] on business of the Senate.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. A quorum is present. The question is on concurring in the amendment on page 7, upon which the yeas and nays were ordered while the doors were closed.

Mr. REED. Mr. President, I regard it unfortunate that this bill should have been taken up and a vote forced under existing conditions. Here is an amendment that certainly very gravely affects our treaty rights and very seriously concerns that part of the country which has been threatened with an immigration invasion from certain countries—from one country in particular, which I will not name in open debate. There is a serious difference of opinion among Senators as to the correct construction of the language of that amendment. There ought to be sufficient time allowed before a vote is taken, so that all Members may have the opportunity to carefully analyze the language.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I do.

Mr. SMITH of South Carolina. Will the Senator from Missouri allow me to call his attention to the fact that during the closing days of the last session in several caucuses by the majority it was clearly and definitely understood that this bill would be the first bill called up and considered at the convening of this session of Congress? Senators had notice of that fact from the time we adjourned until now.

I also gave notice on last Tuesday of my intention to move to take up the bill, and that I would do so in accordance with the pledge and understanding on both sides of the Chamber, and I have taken occasion to ascertain if that was the understanding. All of us know that that was our agreement; that immediately upon the reconvening of Congress this bill would be brought up and finally disposed of; in fact, that it would be the first one

brought up and disposed of. Simply in accordance with that understanding I have taken the action which I have.

Mr. REED. Oh, Mr. President, nothing I have said can be construed by the Senator from South Carolina as any criticism of his conduct in pressing the bill for attention; but it is nevertheless true that the majority of Senators have not given to the particular language of this amendment any thorough consideration or study. Having read it here on the floor of the Senate two or three times, I confess that I am not satisfied as to its meaning. It seems to me there is a great question involved here that ought to be very thoughtfully considered, and I am not willing to take any man's ipse dixit, no matter how much I may respect him or his opinion, when his conclusions concern so grave a matter. Without criticizing anyone, I wish to say there has seemed to be an impatience about driving this bill on that is not usually manifested.

I want to ask the chairman of the committee now to tell me whether the geographical line that is described in the amendment, which I now read, "situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south," does or does not embrace Africa?

Mr. SMITH of South Carolina. It does not embrace Africa.

Mr. REED. Well, why is Africa excepted from the exclusion?

Mr. SMITH of South Carolina. In the first place, it would almost be a dead letter to exclude Africa, because there is no immigration now coming from there; and, in the next place, because there would have to be a considerable number of exceptions if the line were extended to include Africa. A reference to the statistics will show that perhaps for the last 45 or 50 years the number of Africans coming into this country has been practically negligible. I say the statistics will show that; but it is perfectly within the powers of the Senate to run the lines farther on, to make them continuous, if the Senate sees fit to say that no immigrants of African descent shall come to our shores.

Mr. REED. I understood the Senator from South Carolina to state that he will accept an amendment of that kind, but I should have to have the map before me, I think, to frame it.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Missouri will allow me, I desire to say that I do not think, to reach the point he has in view, a reference to any geographical lines is necessary. If he will glance at the map he will see it would include considerable territory. It would be very awkward to put the necessary descriptive language in the bill when a few words would accomplish what he desires. What we desired to avoid was the naming of all the little islands in the archipelago running along the Asiatic coast and to do what the Senate and the House thought was the proper thing, merely to draw certain geographical lines and to say that none within those lines should come. If the Senator from Missouri will allow me to say so, the present language splendidly fits the occasion and excludes those whom it is desired to exclude without any burdensome language or any invidious distinctions. It fits very nicely, with the exception to which attention has been called, and which can be very easily remedied in conference.

Mr. REED. Mr. President, it may "splendidly fit" the notions of the committee, but nevertheless the language of the amendment does not exclude the natives of Africa. I can see no common sense in a proposition which denies to the inhabitants of Asia the right to land in America and opens the door to all of the inhabitants of Africa. There is only one reason that can be assigned, which is that there are some of the former inhabitants of Africa who now live in this country and who vote. There is not a man on the floor of the Senate who dares make the public assertion that from the standpoint of citizenship the people of Asia are not fully equal to the inhabitants of Africa.

Mr. VARDAMAN. Mr. President, I will suggest, if the Senator will pardon me, that the natives of both continents should be excluded. I do not think the inhabitants of either are fit for citizenship in this Republic. And I say this not in a spirit of hostility to the black man, or the yellow man, but for the preservation of the purity of the white race in America and the conservation of the white man's civilization, which in turn will redound to the good of all the races of the world.

Mr. REED. That is exactly my opinion, and I move, Mr. President, to amend the amendment by inserting after the word "of," in line 11, page 7, the words "Africa or of," so that the clause will read:

Unless otherwise provided for by existing treaties, persons who are natives of Africa or of islands not possessed by the United States adjacent to the continent of Asia.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. SIMMONS in the chair). Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Certainly.

Mr. VARDAMAN. If the Senator will permit me to interrupt him further, I will suggest that when you eliminate all of Africa you include the English and Dutch and German citizens of that country. Why not just state the races to be eliminated? That is what is wanted, and that, too, without equivocation or tergiversation. It is a question of race rather than a problem in geography.

Mr. REED. Those to whom the Senator from Mississippi refers are not natives of Africa.

Mr. VARDAMAN. Oh, yes; they live there and a great many of them were born there. A part of that continent constitutes a very fine section of the globe.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. I will ask the Senator if he has any data which show to what extent immigration is reaching this country from Africa?

Mr. REED. At the present time?

Mr. GALLINGER. At the present time or during the past 10 years.

Mr. REED. I have not any in my immediate possession; I have seen the figure; it is not large.

Mr. GALLINGER. It is very small, is it not?

Mr. REED. Yes, sir.

Mr. GALLINGER. Negligible, as a matter of fact?

Mr. REED. I hardly think that; but is that the test? If the immigration is small, then there will be a less number of people to complain of a law of exclusion.

Mr. GALLINGER. I would not say that is the test. I think I understand the test the Senator is advocating, and I will take pleasure in voting against it.

Mr. REED. I do not know whether the Senator understands the test that I am advocating. Let me state it to him. I am not including Africa because of any prejudice that I have against any particular race of men. I have no prejudice—and I take it that the committee had no prejudice—against the people who are from Asia and from certain adjacent islands, whom they do undertake to exclude. The reason for the action of the committee is, I believe, exactly the same as the reason I have in offering this amendment. I think the time has come when we ought to keep our country from being filled up with people who are not capable of becoming first-class citizens of the United States; people who, by birth, by environment, by disposition, or by dense ignorance, are not qualified to perform the duties of citizenship.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him further?

Mr. REED. I will.

Mr. GALLINGER. I have not recently read this bill; but if I recollect its provisions correctly, the Russian Jew is given a preference in this bill; he does not need even to submit himself to the educational test? Is he an especially desirable citizen?

Mr. REED. I shall be very glad to answer that question. First, however, I think the Senator has his facts wrong. I do not think there is any preference given to the Russian Jew, unless it is claimed that some exception might apply to him more than to others.

Mr. GALLINGER. Yes; that is right.

Mr. REED. Because there is more of that race perhaps in a particular situation than there may be of another. But I answer the Senator with great frankness, that the Russian Jew comes from a race and a blood that has been civilized for thousands of years. He springs from a race that gave us our religion and the fundamentals of every one of our laws. He comes from a race that has never been permitted at any time in history to manage its own affairs in any spot of the earth that it has not set up a civilized government in which every one of the great fundamentals necessary to a high civilization has been recognized. The Russian Jew who has come to this country, I am ashamed to say, has sent his children to the public schools to a greater extent than have the native-born population. The figures demonstrate that, and I produced them here in the debate a few months ago.

Mr. GALLINGER. Mr. President, once more may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. The Russian Jew does not send his children to the public schools in any greater proportion than the colored man does when he is given opportunity to do so.

Mr. REED. Oh, yes; vastly greater. The Russian Jew who has come to this country has furnished a smaller percentage of criminals, I again am ashamed to say, than have our native-born population. The Russian Jew who has come to this country has been industrious, frugal, law-abiding, patriotic; and in all the clamor that has occurred in this country in the last 24 months charging disloyalty among those who reside in our land, no living man, to my knowledge, has charged a Jew with thinking more of a foreign country than of this country; and if such a Jew existed he was an exception to the general rule and a disgrace to his race.

Mr. CLARK. Mr. President, will the Senator permit me a query, not along this immediate line, but in connection with his amendment?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. I do.

Mr. CLARK. Has the Senator considered that from Africa, if any immigration should come, it would be perhaps the natives of Africa who are the descendants of Europeans—that is, German, English, Dutch, or Portuguese? It seems to me that that strain would be more apt to immigrate than would the aborigines of the Continent. Does the Senator contemplate shutting up our ports against the entrance of that class of immigrants, and would not his amendment have that effect?

Mr. REED. It would have that effect; and that is the trouble we encounter when we take up a measure in the way we are now treating with this bill. I asked the Senator from South Carolina [Mr. SMITH] to let the bill lie over until to-morrow, so that some amendments could be prepared. I freely say that I should like to have this amendment so phrased that it would not exclude the Germans, the English, the French, the Portuguese, or other races that are not indigenous to Africa but who are emigrants living in Africa.

The Senator from New Hampshire [Mr. GALLINGER] asked me whether it was not true that the Russian Jew does not send his children to school to any greater extent than the African sends his children to school. Mr. President, I will have to answer that the Senator is in error in the thought that is suggested by his question. It is notoriously true that the degree of illiteracy among the colored people in this country far exceeds the degree of illiteracy among the whites. That is true of the younger generation and it is true in those States where the public schools have been as open to the colored children as they have been to the white children. The figures, the statistics, prove this beyond peradventure of doubt, beyond a shadow of cavil.

I did not offer this amendment for the purpose of raising the old black and white issue in our country. It is claimed here, however, that we are making a good-faith effort to protect the citizenship of our country against an influx of undesirables. If that is true, it seems to me that every effort ought to be made to keep out of this country all people who are not capable of thorough amalgamation into the life of our people and who are not capable of being brought into thorough sympathy with our laws and our institutions. I am prepared to go as far as any man in the Senate to stop a movement—which has gone too far—that has allowed to come to our shores many people who do not add to the general average of American citizenship; but if we are to exclude the Asiatic, which is the proposition brought forward by the committee, then by what line of reasoning are we to admit the African? Every Asiatic nation has had its civilization, some of them older than ours, and from some of those countries, the inhabitants of which will be excluded by the terms of this amendment, we have gained many of the great precepts of our civilization.

In many of these countries the inhabitants of which are to be excluded wonderful architecture still stands to manifest the genius of the past. In many of the countries, whose inhabitants we propose to exclude, there have existed wonderful governments and wonderful men. But if you turn to Africa, the country you do not propose to include in the exclusion, you can not find a single civilization except at the northern extremities; and those civilizations have died centuries ago, and the races that created them have disappeared. The great body of the African race has never developed a civilization of any kind. There is no civilization there now, and never has been.

I do not know upon what theory men proceed who say: "We will go into Asia and exclude the Asiatics, and then we will hold our arms open to the Africans." Is there any good faith back of this measure? Is there any patriotism back of it? Is it really intended to protect our people and our country from undesirables? If so, let us exclude all undesirables.

It is true the amendment I have offered ought to be recast so as not to exclude men who are descendants of European races. I shall write the amendment in that form, so that it shall read: "Not, however, including Europeans or the descendants of Europeans who have emigrated to Africa"; I desire to discuss the amendment as I shall so perfect it. Now, why not exclude the undesirable races of Africa?

Mr. SMITH of South Carolina. Mr. President, if the Senator will pardon me, I think it is only fair that the Senate should have the benefit of the statistics gathered by the committee. It is necessary in justification of the point raised by the Senator from Missouri.

In 95 years the total immigration to this country from Africa was 14,279. The total immigration from Europe was 29,002,796. The total immigration from Asia was 721,735. The percentage of illiteracy—for there is a clause in this bill raising illiteracy as a bar, declaring that the immigrants must speak and write certain languages—the percentage of illiteracy from Africa is 83.

The number of immigrants that have come to this country from Africa in 95 years—14,000—is, as has been said, almost negligible. If the literacy test is adopted in this bill, then it might be fair to say that 83 per cent of those that will yet come here will be excluded by virtue of their illiteracy. That means that 83 per cent of those that came were illiterate. We have no figures that enable us to know the percentage of illiteracy in Africa. Eighty-three per cent of the 14,000 that have already come here were illiterate. If you apply your illiteracy test and cut out 83 per cent, I do not think any very drastic legislation will be necessary to exclude them entirely. Now, I am not saying and I do not want the Senate to understand that I would not vote—and I am going to vote—to exclude alien races that can not, as the Senator from Missouri says, amalgamate with and help and add to the general personnel of the American people.

Mr. REED. Mr. President, if the Senator will pardon me, his argument is that only a small number of people from Africa have emigrated to the United States, and that a large percentage of those who have emigrated are illiterates, and consequently that there is no necessity for including Africa in the bill, because so few people would come from that country.

Mr. SMITH of South Carolina. The Senator misunderstood one word. I do not want to use the expression that there is no necessity. It seemed to the committee that if we were going to put into full force and operation the illiteracy test, in view of the extremely small number that came and the high rate of illiteracy, we practically had prohibition right there, without trying to encumber it with the very difficulty that he finds himself confronted with—namely, that all through Africa there are to-day natives of good white people whom he would be glad to welcome here if they could pass the other requirements.

Mr. REED. The Senator, after the use of many words, really gets to an affirmation of what I just stated. It amounts to this: The Senator thinks there is very little reason to include Africa among the countries which are to be prohibited from sending their people here, because there has been up to this time only a small immigration, and because a large part of that immigration has been illiterate, and therefore will be included within the prohibition of this bill. That goes to the question of degree and not to the question of principle. As for the language of my amendment, it is not difficult to perfect it if I can be permitted to have a few minutes in which to write it out. I now desire to ask the Senator what immigration there has been from the islands that are included within the prohibited or proscribed district.

Mr. SMITH of South Carolina. The tables that I have hardly give that information accurately. We have China, Japan, India, Turkey in Asia, and other Asia. The total of Asia includes all the islands as well. Perhaps the Senator would like the figure just for Asia itself, including the Mongolian race—the yellow race.

Mr. REED. Yes.

Mr. SMITH of South Carolina. It is 721,735.

Mr. REED. But that is all Asia and does not answer my question, which was, How many have emigrated from the proscribed islands?

Mr. VARDAMAN. Mr. President, will the Senator from Missouri permit me to ask the chairman of the committee, the Senator who has charge of the bill, a question?

Mr. REED. Certainly.

Mr. VARDAMAN. Will the Senator explain to me why the bill uses the geographical lines described rather than designating by name the races which it is desired to exclude?

Mr. SMITH of South Carolina. That has been explained here a great many times. It is because there are quite a number of little nationalities, and as we have not called Japan's name we do not want to call the name of any other nation. We do not want to make any invidious comparisons, so we did not refer to any nation. I reckon I really should not have used the name there.

Mr. VARDAMAN. Oh, I think we might as well be candid. You can not fool anybody. It does not pay to be disingenuous.

Mr. SMITH of South Carolina. Well, you have to, diplomatically. We were not calling any names, and in order to avoid calling any names we did what we wanted to do without calling any.

Mr. VARDAMAN. Really, the purpose of this amendment is to exclude people on account of their race rather than their intellectual acquirements. It is not so much a question of book learning as it is a matter of blood. The best educated negro in the world is not as capable of understanding the genius of American institutions as the average illiterate, sound-minded white man; it is not in the strain of blood.

Mr. SMITH of South Carolina. I suspect the Senator is right.

Mr. VARDAMAN. That is what I thought. Mr. President, the purpose is very manifest; and I am most heartily in favor of prohibiting, in so far as we can, the immigration into this country of any people, any race, the amalgamation of which with the white race will tend to lower the standard of manhood and womanhood. It is not a question of intellectual acquirements; it is a question of race. I do not think any student of history will deny the fact that that is a very vital question. I think, if I am correctly informed, that the decadence of the civilizations of the past has been in a large measure due to the amalgamation of superior and inferior races. Nothing could be more undesirable in America than the encouragement of the multiplication of the mongrel in this country. I defy anyone to show an instance where a mongrel race has ever maintained very long a stable form of government or preserved an enlightened civilization. I believe every race is capable of governing itself according to its needs, and I am in favor of permitting every other race to govern itself. But I do not want to vitiate the pure Caucasian blood of America with the blood of the darker races of the Orient or the degenerate races of Europe. If I had my way about it, I would not permit any but the Caucasian races to enjoy the privileges of citizenship in America. We have experimented with the black man in politics and found it a disastrous failure.

Mr. REED. Mr. President, glancing at this map on which the line described in the bill is drawn, I find that it includes all of India and parts of Russia. Am I correct in that?

Mr. SMITH of South Carolina. The Senator is correct.

Mr. REED. In other words, we propose to run a line—and I want the Senator to know this——

Mr. SMITH of South Carolina. But just one moment——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I do.

Mr. SMITH of South Carolina. The Senator seems not to have been present at the executive session when we discussed this map and these lines. There is no disposition on the part of the committee to exclude Russia, and there will be no difficulty about the adjustment of the territory included between the two latitudinal lines, including a part of Russia. There is at present no treaty with Russia. The bill reads, "except as otherwise provided for by treaty"; and, of course, there will be in process of time a treaty that will take care of that very feature. If it does not, this being a Senate amendment, the committee having the bill in charge will certainly not jeopardize this country by prescribing such longitudinal lines as are there now, when the very purpose of drawing those lines is to avoid the difficulty referred to in executive session.

Mr. REED. I am unable to quite follow the reasoning of the Senator, but I want the Senate to understand—and I am going to try to talk loud enough to be heard by all——

The PRESIDING OFFICER. Senators will preserve order.

Mr. REED. I want the Senate to understand that this bill as it now stands with the amendments in it excludes about one-half of Russia and denies to the inhabitants of about one-half of Russia the right to come to the United States; and these men who are so tender about some white men who have immigrated into Africa do not hesitate in excluding scores of millions of white men who live in Russia. Now, it seems to me there is a very large-sized bug under this chip and that this amendment ought to be entitled "An amendment to exclude Jews from the United States," because they are Jews. There is no other reason that can be assigned for including nearly one-half of Russia save that which is implied in the remark of the Senator from New Hampshire, who inquired whether I really thought that a Jew was as desirable a citizen as a colored man from Africa.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. I qualified it by saying "a Russian Jew."

Mr. REED. A Russian Jew—yes; a poor fellow who has worn the chains of an arbitrary Government, who has been denied the opportunities of school life, who has been herded within the pale, who has been dragged to Siberia in shackles, who has endured the horrors of the Siberian mines, whose back has been cut in stripes by the cruel whips of brutal masters, and who has lifted his eyes every morning to the same God to whom the Senator prays and has asked for deliverance. Let it be known now and understood that the Senate committee has brought in an amendment that proposes to exclude people because they have Jewish blood in their veins, and therefore that they have included one-half of the Russian Empire.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. If the Senator will yield just one moment further, I called attention to the fact that these men were given a preference in this bill; that all other classes that were admitted had to undergo the literacy test, but these people, because they are supposed to have been persecuted, are permitted to come in without submitting themselves to that test. That was the particular point I made in the matter, and I do not think it ought to remain in the bill. That is my judgment.

Mr. REED. And the particular point I am making is that, notwithstanding that provision, which the Senator claims is favorable to the admission of the Jew, the provision of the bill I am now discussing will absolutely bar from our shores every Jew who comes from any place in Russia between the fiftieth and one hundred and twentieth meridian of longitude east from Greenwich. That vast area, over 2,000 miles in width, stretches from the south line of Russia to the Arctic Circle, and embraces all of central Russia and fully one-half of the entire territory of the Russian Empire.

I read the language of the bill. It is provided that no emigrants shall be admitted to the United States who shall come from the "islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north."

Without the map the language of the bill is meaningless, but with the map which is before me I am able to state that the bill excludes all those who shall emigrate from that great interior of Russia, which stretches from a line drawn north from the Caspian Sea to the Arctic regions to a line drawn north from Lake Baikal. The people of that vast domain are absolutely barred from entering the United States.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. I do.

Mr. WORKS. I should like to ask the Senator whether he understands that the territory he is talking about is occupied exclusively by Jews?

Mr. REED. No, sir.

Mr. WORKS. Are there no other people living there?

Mr. REED. There are other people living there. There are Russians living there. There are Jews living there. There are Polanders living there, as has been suggested by my friend the Senator from Michigan [Mr. SMITH]. There are doubtless many other races of men living there. But, to put it in a word, it is proposed by this bill to say that the inhabitants of fully one-half of the Russian Empire are barred from coming into this country. No matter what their intellectual attainments, no mat-

ter what their moral standards, no matter what their degree of good citizenship may be, they are excluded. Now, why did you not exclude the whole of Russia?

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I do.

Mr. SMITH of South Carolina. For the simple reason that in the case of the territory included in these lines, as those who are familiar with it and who are charged with cooperating with your committee have declared, the vast majority of the inhabitants are of the very races that we are seeking to exclude in the islands contiguous to the coast of Asia. If the Senator is better informed than I, as a matter of course this has no weight with him; but the information received by the committee was that even were it to stand after we shall have made a treaty with Russia the territory excluded is almost entirely populated by descendants of the Mongolian race.

Mr. REED. What does the Senator mean by saying "even if it should stand after we have made a treaty"? Is his argument, then, that we shall exclude these people by law and shall hereafter admit them by diplomacy, to adopt the phrase of the Senator from Michigan [Mr. SMITH]? That is a singular position to take. If we ought to exclude them by law, then we ought to exclude them by treaty. The evil does not exist in the rule under which they are permitted to come, but in the fact of their coming, if there be an evil.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from South Carolina?

Mr. REED. I do.

Mr. SMITH of South Carolina. The Senator was not present in executive session.

Mr. REED. Oh, yes, I was.

Mr. SMITH of South Carolina. Then the Senator missed the point I will bring out now, if it can be said in the open here—that there was and is great difficulty in drawing the line as we had hoped to draw it without the necessity of calling any names. The department drew these lines carefully in regard to the object the Senate had; and changing them will force us largely into the very difficulty that we were seeking to avoid, which was excluding people by calling names.

Now, this is the last I am going to say on this subject. No man shall charge the committee, or me as chairman of it, with trying to discriminate invidiously against the Jews or any worthy citizen. All that we had hoped to do was to try to avoid racial complications as nearly as we could without running into other national complications. That is what we were trying to do. We did our best. Now, it does not lie at the door of the committee nor of the State Department, who collaborated with us, and the other departments, that we have come here and insidiously tried to legislate in a sinister manner in favor of a citizen that might be desirable. We have, as nearly as we were able, drawn these geographical lines to meet the expression of the wish of the House and the Senate and the people of America; and I do not know that we have, except in the imagination of the Senator from Missouri, violated the intent and purpose of the American people in this.

The committee has done what it conceived to be its duty by and with the advice of those charged with the execution and administration of this law. If there is any possible way by which, without running into other difficulties that we consider very grave, we can exactly meet the necessity of dealing in this bill with certain people whom we may wish to come in, we will do it.

The committee has not been trying to force the poor, lacerated Jew out of America. It does not want to do anything to add to his burdens. The fact is that we have so rearranged certain phraseology of the bill as to meet the objection of those who said that it would fall heaviest upon him, namely, in the case of certain discriminations by a nation on account of religion and on account of race. Unless a man is proven to be guilty of a felony, he is not excluded under that peculiar provision of the bill. We did everything we could to keep the bill in a rational and inoffensive form to those who would have a right to be offended. We have done everything we could to make this country an asylum for the oppressed, provided the oppressed are worthy to come to this country or any country and add to its citizenship.

Mr. REED. Well, Mr. President, of course it is a sort of crime to question anything that a committee does in the Senate, particularly if it be the Committee on Immigration. I do not know who advised the committee, and I do not care who advised them. I know that the people of the Mongolian races the Senator speaks of are not all included within the lines the committee draws through Russia, but that they exist as well outside of those.

I can not understand either why the line should be drawn through China, including a part of China in the excluded district and leaving a part of China out of the excluded district. About the same race of people, speaking generally, inhabit all parts of China. They are two races, the original Chinaman and his conqueror, the Manchu; and simply because this committee has seen fit to take a pen and draw two lines on a map and say within that boundary nobody shall come and outside of that boundary everybody shall come if he can pass a literacy test and the health test is no reason why the Senate should follow the particular lines drawn by the committee.

Now, I want Senators to understand, if they can see this map [exhibiting], that it is proposed to exclude every human being, whether he is yellow or white, whether his blood is Jewish or whether it is what is commonly termed Russian, or whether it be Polish, or whether it be a Germanic strain, or any other strain. It is proposed to exclude every individual who resides between that line drawn down through the westerly part of Russia [indicating] and that line drawn down through the easterly part of Russia [indicating] from coming to the United States. As I judge, from my eye, the inhabitants of over one-half of Russia are to be cut off from coming to the United States and those of the rest of the territory of Russia are to be admitted. The people of this eastern part, which embraces eastern Siberia, are to be permitted to come to the United States, but 2,000 miles west of that, toward the more civilized parts of Russia, they are to be excluded.

Now, that may be logical, but I fail to grasp the logic. If we want to exclude the Tartar race, let us exclude it. If we want to exclude the Mongolian, let us exclude him. If we want to exclude the African, let us be big enough to exclude him. But in this territory that is cut out by the bill there are many races and kindreds of men. There are, I have no doubt, men within that territory of the highest intellectual attainments, men of the pure white blood. Why, then, exclude them? Why not face this matter as men and pass a bill that will really protect the citizenship of the United States?

The Senator from South Carolina tells us that he has been "advised by the State Department and others." Will the Senator tell me how many Jews reside within the excluded area in Russia? How many Polanders? How many Swedes and Norwegians who have migrated there or are the descendants of Scandinavian immigrants? How many Germans are there? Of what races is the population composed?

It seems to me that this is a strange way to proceed. If the committee had said, "We propose to exclude all Russians," it might have been logical, whether it was good judgment or not, but to arbitrarily draw a line through a map and say the man who lives on the right side of that line can not come and the man who lives on the left side can, regardless of all other considerations, it seems to me is neither logical nor, in any way, sensible. And the committee is here absolutely without any figures to tell us what these people are who are within the excluded district.

That leads me to observe, Mr. President, what I have felt like saying for a good while. This sovereign Nation has the right to say who shall and who shall not come within its borders, either to abide temporarily or permanently. If we do not possess that attribute of sovereignty, then we have sunk to a point so low that we are beneath the level of contempt. If we can not protect ourselves, if we can not secure our land against an invasion by those who are unfitted for American citizenship, then we have no right to call ourselves an independent Nation.

So far as I am concerned, I do not propose to subordinate the pride of America for the pride of any other nation on the earth. I do not intend to surrender the sovereign prerogatives of the United States of America to the sensitiveness or the pride of some other nation, especially when the question involves the protection of our soil and the preserving of the character of our civilization. I have no fear of giving offense, because there is no just cause for offense. Every nation has from time immemorial possessed the right to determine the class of people who shall live within its borders. It has been a right asserted by the small as well as by the great nations of the earth. It is a right that is peculiarly essential to a government like ours which rests upon the will of the people. If that will be not intelligent and patriotic, the government of necessity must fall.

I have no fear of giving offense, because there will be no just cause for offense; but if any nation, great or small, shall see fit to take offense because the United States of America proposes to protect its own land, then, while desiring to remain at peace

and in amity and good will with all the nations of the earth, I would on such a question unhesitatingly register my vote in favor of sustaining the dignity and majesty of my own country.

This bill has reached an unfortunate stage. I have observed in the years that I have been in the Senate that the Senate will listen with attention the first day or so to a bill which is before it, but after a while Senators grow weary; and it is at such a time as that that bills are put through without full consideration by the Senate. We come to regard the subject as having been fully gone over and we get busy with other matters and cease to give close attention.

Reading this amendment as I did and not following it on the map, I assumed that it applied to the inhabitants of a few scattered islands in the Indian Ocean. Following it upon the map I find that it excludes from entrance into the United States the inhabitants of about one-quarter of the Asiatic continent, and that it does not exclude about one-third of the Chinese Empire.

Now, I am wondering why the committee could not have run the line around China. China has no feelings to be hurt. They may be included in our treaty, but they are not included in this bill.

I call the attention of the Senate to the line run down through China leaving outside of it about one-third of the Chinese Empire. Surely the line ought to be changed to include all of China, unless some one now is getting so tender about the rights of those nations which have been going into the western part of China and establishing themselves by fire and sword.

I want the Senators who have come in while I have been speaking to understand that the bill proposes to exclude every human being who lives between these two lines drawn through the map I hold in my hand, and that included within them is about one-half of the Russian Empire. It excludes these men regardless of their race, regardless of their intelligence, regardless of their morals, regardless of their patriotism. It cuts them out absolutely, because, forsooth, the committee took pen in hand and drew two ink lines down through that map.

I want the Senate to understand that the committee does not pretend to know how many Polanders it will exclude, how many Jews will be excluded, how many men of German or Swedish or Norwegian or other descent will be excluded, how many Russians will be excluded. The committee, with serene self-assurance, simply proposes to cut off about one-half of the Russian Empire because it feels so inclined. A few millions of human beings, more or less, do not bother the committee.

I want the Senate to understand that when you pass beyond these lines traced by the magic pen of the committee you enter into eastern Siberia—all of farthest Siberia is open—and under the wise mandate of the committee anybody living there can come, no matter what his race or what his blood, if he can pass a literacy test. Such is the amendment now before the Senate. I undertake to say that until within the last few minutes very few Members of the Senate knew what the amendment accomplishes, and there are yet many who do not know what the amendment means.

Mr. NORRIS. How far south does the line go?

Mr. REED. It goes south to the tenth degree of latitude. It goes through the Indian Ocean to a line that, drawn east and west, runs just north of Australia. It extends to the east, and embraces the Philippine Islands. The Philippines are, however, excepted from the terms of the bill, the Filipinos being permitted by express provision to come to this country.

Mr. President, that brings up another matter. We start with the proposition that we want to protect our country against an influx of undesirables. That is a highly patriotic motive. It is one I am in hearty accord with. I have never been against restricting undesirable foreign immigration. I have been against denying a foreigner the right of sanctuary simply because he has been so unfortunate as to have been denied the opportunity of an education. I will go as far as he who goes farthest to keep out of this country every man who is not fitted for citizenship in the country, whatever his race, his color, or his creed. If we are to apply that rule, then why should we open our doors to the Philippine Islanders? Why should we make it so that men can go to the Philippine Islands and contract for vast numbers of Philippine Islanders and transport them to the Sandwich Islands to take the place of the labor there? Why should we make it so that these Filipinos can come to the United States and in the United States take the places of American workmen?

I have not the slightest hesitation in charging that the Philippine Islander is not morally or intellectually or physically the equal of the Chinaman. We propose to give those islands their independence; we are taking steps in that direction whether we do or do not; what reason is there to open our doors to the Filipino and close them to the Chinaman, open them to the Filipino and close them to the white races of Russia?

Upon what principle is this bill constructed? What reason is there, if we are to protect our shores, for closing the door in the faces of white races of men and opening them to a people that is not a race because it is a conglomeration of many different tribes and peoples and races.

What is the reason, in all good conscience and common sense, in excluding the people of all the contiguous islands, who in blood and disposition and everything else are similar to the Filipinos, and then admitting the Filipino? What is the reason that can be assigned, keeping always in mind that we propose to protect our lands from undesirables? Why should we exclude the Polander, who comes of a proud race with a great history, because that Polander happens to have been born between the two arbitrary lines drawn on this map, and admit the Philippine Islander? If you are excluding the Mongolian race in Russia, if that is your object and purpose, why admit the Philippine Islander, who does not even rise to a point where he can claim that he belongs to any pure race of any kind?

It seems to me this bill ought to go back to the committee, and that the committee ought to exclude undesirables by a proper test. So far as I am concerned, I will gladly vote for a bill that excludes from the United States every man who is not of a pure white blood. I apply that to the yellow race and the brown race and the black race, and I apply it to them not because I hate these races, not because I have any enmity in my heart toward them, but because this civilization we have built up is a civilization peculiar to the race to which we belong.

You can take a hundred white men and shipwreck them on an island where there is no form of government or authority, and they will establish a civilization and a government essentially similar to that which we live under or essentially similar to that of England or of Germany, and they will do it within 30 days' time and will live under it. You can take the same hundred men and you can send them to any one of the countries I have named; they will intermarry with the inhabitants of the land, and they will support that kind of law and order and society which we know in all its great essentials.

Now, without reflecting in the least upon these other races of men, if you were to shipwreck a hundred Chinamen upon an island they would set up a government similar to the Government of China. They would establish a home life similar to the home life of China. They would reproduce the customs of their country, and do it for the plain reason that those customs and those forms of government are the offspring of their own hearts and brains and exist because the Chinamen wanted to make them that way. He sets up his form of life and government in that way because it is a part of his nature, as much as it is for him to write from right to left instead of from left to right; and he is entitled to his form of government. That form of government and that kind of civilization is not our form of government and is not our civilization, and they will no more mix with our government and our civilization than oil and water can be mixed.

And so it is with these other races. The people of India had a wonderful civilization, but it was their civilization. They are a people divided into castes, a people believing in religions that to us seem strange and fantastic, but to them seem natural. They are a people living according to certain habits. They are as unlike us as is the foliage of the tropics unlike that of the Temperate Zone, and their civilization, their habits of thought can no more be transformed into the habits and thoughts of the people of the Occident than the tropic vegetation can be made to grow at the Arctic Circle. They have a civilization that suits them. And again I say, as I said in the case of Chinamen, the religion which they believe, the castes which they acknowledge, the family life which they employ, all exist in their country because it was the natural flower and fruitage of their hearts and souls. Accordingly as long as they have the same minds and the same souls they will cling to that type and kind of civilization. They can no more appreciate a government like ours, or a civilization such as ours, than we can appreciate theirs. They can no more transform themselves into creatures of the Occident than we can make ourselves into children of the Orient.

The same line of argument can be presented now with reference to these inhabitants of the islands of the sea and with reference to the natives of Africa. The native of Africa has sat under a tree content to live off of its fruit, content to occasionally go upon maurauding expeditions, content to set up here and there a sort of barbarous scheme of government, tribal in its nature, content to hunt heads, and in some cases to feed upon human flesh. That is so of the natives of some of the

islands of the sea, but that is the method of life they want; it is a part of their nature; it wells up from their hearts. It is as instinctive for them to go upon a marauding expedition as it is for the Anglo-Saxon to build a courthouse and elect a judge. You can not change them; at least, if you do change them, it must be through the course of centuries. You can not change any of these races suddenly. You can set good examples, and you can teach by example, but you can not speedily change the impulses of hearts or the shape of heads.

I am speaking of this question now from the standpoint of American citizenship. This country is great in direct proportion to the greatness of its citizens. The temple of human liberty is supported by myriad pillars; each pillar is an individual man; and as the individual pillar is strong, so is the temple of liberty secure. Therefore, when it is proposed to determine who shall and who shall not come to this country, the touchstone is not the amount of wealth the man may possess; it is not the amount of learning he may have acquired; it is not the titles or the honors he may have gained; the questions are, Does there burn in his bosom a deathless love of liberty? Does his soul long for freedom? Is he willing to devote himself to the maintenance of a government of law? Will he help us to sustain a republic of equality? Is he made of that kind of metal which will cause him in defense of our country to lay his property, his sacred honor, and his life upon its sacred altar? If you will find a man of that kind, he will make a good American citizen, it does not make any difference, sir, whether his ancestors long ago stood with Joshua at the fall of Jericho or whether they long ago established or helped to establish one of the mighty nations of Europe. But it makes every difference whether by instinct he clings to those great fundamentals upon which our civilization rests—the home, the schoolhouse, the courts of law, justice, and liberty.

Now, I protest—protest for the most part to empty benches; protest for the most part to men who do not know the terms of this amendment, and who will vote upon it without knowing; protest for the most part to men who have closed their ears—that there is neither logic nor sense in a bill that proposes to arbitrarily draw two lines through a great kingdom and to exclude those within those two lines and admit those who are without the two lines; that proposes to exclude people from this country by parallels, by latitude, and by longitude; that makes the test where a man was born and not how he was born; that determines a man's qualifications for citizenship by geography; that settles the question of morals by the red line of a map; and which ascertains an individual's patriotism by longitude and latitude.

Look at the map [exhibiting]. If you were born 6 inches on the farther side of it, and are a philosopher and a saint, you can not come to the United States; but if you were born on the hither side, if you have a smattering of education, you can come, no matter though every drop of blood in your veins may have been drawn from an ancestry that never did an honest act in all their course back to Adam. All Africa can come in; it is not excluded. The Barbary pirate is not within the excluded area. Turks can come in; the "unspeakable Turk" has no line of exclusion drawn about him. These gentlemen who massacred Christians and burnt their temples a thousand years ago, and who within the last few months have shown that they have bred true by ravishing, torturing, and burning the Armenian Christians, they are not excluded; they can come here with the blood of murder on their swords, pose as gallant soldiers, pass a literacy test, and come in. The Russian soldier who was born on that side of the line [indicating], and who has spent his life driving back into the midnight of the Siberian mines the unfortunate creatures whom tyranny had sentenced to infernal torture, can come in; but the savant, the poet, the orator, the statesman, the writer, born anywhere in the 2,000-mile stretch between those two lines the committee draws through Russia can not come in. Such is the philosophy of the committee.

Again, if you were born just east of this line [indicating], in farthest Siberia, in darkest Siberia, you can come in; but if you were born just west of this easterly line you can not come in. Truly this is a strange and wonderful thing.

But the committee say there are a good many Tartar races in that part of Russia. I inquired what other races there are, but the committee can not tell us. Neither can they tell us their numbers or the degree of immigration that we may expect. The thing that strikes me as curious and humorous is why they did not reach out and take all of Siberia in; why they cut off a piece of it and left it there as a hallowed spot from which all peoples, nations, races, kindreds, and tongues happening to abide there can emigrate in safety to the United States. I want the Senate to know concerning this matter. All this part of Russia [indicating] is excluded; all this part of China [indicating] is excluded, but all this part of Russia [indicating] is admitted and this part of China which lies east of the committee's easterly line, to wit, about one-third of the Chinese Empire, is not excluded by the bill, although it is excluded under a treaty.

Mr. President, I have directed attention to these incongruities in the hope—perhaps the vain hope—that the Senate will undertake even at this late day to change the structure of this bill so that we will reach the real object that we all, I think, have in mind—the protection of our country from an influx of undesirables from other countries so that good and honest men capable of amalgamation into our life shall not be excluded.

CORRUPT PRACTICES.

Mr. OWEN. I desire to ask permission to make a motion to recommit the unfinished business, the corrupt-practices bill (H. R. 15842) to the Committee on Privileges and Elections, with instructions to report the bill back to the Senate at not later than January 3, 1917. I ask unanimous consent to that effect.

The VICE PRESIDENT. Without objection, it is so ordered.

HARVEY H. YOUNG.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 10049) for the relief of Capt. Harvey H. Young.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Harvey H. Young, late captain Company C, Ringgold's battalion, Pennsylvania Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States: *Provided*, That other than as set forth above no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CUMMINS. Mr. President, the beneficiary of this bill is about 78 years old. His wife is probably upon her deathbed. He has been laboring for more than 50 years under an unjust sentence of a court-martial, rendered under peculiar circumstances during the progress of the Civil War. The evidence submitted to the House committee and also to the Senate committee shows conclusively that he ought to have been exonerated and acquitted of all the charges made against him. I hope that there will be no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. Mr. President, as I understand, the immigration bill is still before the Senate. If it is not, then I move that the Senate proceed to the consideration of that bill.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. SMITH of South Carolina. Now, I move that the Senate take a recess until to-morrow at 12 o'clock.

Mr. GALLINGER. Why a recess?

Mr. SMOOT. Morning business will not consume more than 15 minutes, I will say to the Senator from South Carolina.

The VICE PRESIDENT. What time does the Senator fix in his motion for the expiration of the recess?

Mr. SMITH of South Carolina. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina, that the Senate take a recess until 12 o'clock meridian to-morrow.

Mr. REED. I ask the Senator to make that an adjournment, so that bills can be introduced in the morning hour to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was rejected.

Mr. REED. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 12, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 11, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

By Thy grace, O God, our Heavenly Father, as revealed in the precepts and glorious example of Thy Son, Jesus Christ, we lift up our hearts to Thee in prayer, that our minds may be illumined and our hearts made strong to meet the duties of life as they unfold themselves hour by hour, day by day; that we may measure up to their requirements and pass on to larger life and nobler service with an approving conscience; in His name. Amen.

The Journal of the proceedings of Saturday, December 9, 1916, was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the Coast Guard.

The SPEAKER. The gentleman from New York [Mr. HICKS] asks unanimous consent to extend in the RECORD his remarks on the subject of the Coast Guard. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech by my colleague, the gentleman from New York, Mr. WILLIAM S. BENNET, on socialism.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD by inserting a speech on socialism, made by Hon. WILLIAM S. BENNET, a Member of the House from New York. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia legislation.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill (H. R. 18453).

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business, and the gentleman from Texas [Mr. STEPHENS] makes a preferential motion, that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Indian appropriation bill. The vote will be taken first on the motion of the gentleman from Texas [Mr. STEPHENS].

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 69, noes 19.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count.

Mr. JOHNSON of Kentucky. Mr. Speaker, pending the announcement of the result of the count, I will ask the gentleman from Texas if he is willing to allow the House to take up—not in Committee of the Whole, but in the House—a little bill that I am sure will provoke no discussion? I know that the bill which I have contemplated taking up—the forum bill—will create a good deal of discussion and probably consume time; but there is one little bill that some colored people desire to have passed, a bill doing away with a cemetery. It is a bill which passed the last House, and which ought to pass, and which will provoke no discussion.

Mr. STEPHENS of Texas. On the assurance of the gentleman from Kentucky that it will not delay the consideration of the Indian appropriation bill unnecessarily, and if I can do so without forfeiting any rights, I will agree that that bill may be taken up.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] withholds his motion, and the Chair understands that the gentleman from Kentucky withdraws his point of order.

Mr. JOHNSON of Kentucky. Yes.

The SPEAKER. Both are temporarily withdrawn?

Mr. JOHNSON of Kentucky. Yes.

CEMETERY OF THE WHITE'S TABERNACLE, NO. 39.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 7621) prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That from and after the date of the passage of this act, it shall be unlawful to inter the body of any person in the cemetery known as the Cemetery of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia and situate in the District of Columbia, to wit: Part of a tract called "Chappell's Vacancy," contained within the following metes and bounds, namely: Beginning for the same at the southeast corner of the land conveyed to Frederick Bangerter by deed recorded in liber No. 785, folio 474, of the land records of the District of Columbia, and running thence north 15¾° east, 20.44 perches; then south 89° east, 3.9 perches; thence south 15¾° west, 20.44 perches; thence north 89° west, 3.9 perches to the point of beginning; and any person or persons violating the provisions of this act, or aiding or abetting its violation, shall be subject to a fine of not less than $100, nor more than $500 for each offense, to be collected as other fines are collected in the District of Columbia.

SEC. 2. That the board of officers of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia be, and they are hereby, authorized and empowered, under such regulations as the Commissioners of the District of Columbia may prescribe, to disinter and remove all the bodies now buried in said cemetery lot, and to transfer and reinter the same in some other suitable cemetery or cemeteries selected by the said board of officers of White's Tabernacle, No. 39, of the Ancient United Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, and at the cost and expense of said order: *Provided*, That each monument, tombstone, or marker, marking any grave or graves in said described burial ground shall be transferred to mark the grave or graves in which such body or bodies are to be interred, and shall be there placed in position as soon as can be done without danger of settling.

SEC. 3. That in so far as the same shall be inconsistent with the provisions of this act as to the cemetery lot herein described, sections 675 and 680 of the Code of Laws of the District of Columbia shall be, and the same are hereby, declared inoperative, otherwise said sections 675 and 680 to remain unqualified and in full force and effect.

With the following committee amendment:

Page 3, line 3, after the word "Moses," strike out the words "in the District of Columbia."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

LEWIS S. HARRIS—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. SCHALL, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of Lewis S. Harris (H. R. 11601, 64th Cong.), no adverse report having been made thereon.

INDIAN APPROPRIATIONS.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Indian appropriation bill.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, pending my motion I desire to ask the gentleman from Kansas [Mr. CAMPBELL] what time is desired on that side for general debate. I have no requests over here at all.

Mr. CAMPBELL. I have a request for 1 hour and 20 minutes.

Mr. STEPHENS of Texas. Will the gentleman agree to an hour on a side? I do not know that there will be any time consumed on this side.

Mr. CAMPBELL. If the gentleman will yield to me so that I can have, say, 20 minutes out of his hour, if he has no demands for time——

Mr. STEPHENS of Texas. That will be entirely satisfactory. Then we may agree on two hours' general debate?

Mr. CAMPBELL. Yes.

The SPEAKER. The gentleman from Texas asks unanimous consent that general debate on this bill be limited to not to exceed two hours.

Mr. STEPHENS of Texas. One half to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and the other half by myself.

The SPEAKER. One-half to be controlled by the gentleman from Kansas and one-half by the gentleman from Texas. Is there objection?

Mr. HARRISON of Mississippi. Mr. Speaker, reserving the right to object, there is one provision in this bill that may call for some discussion under the five-minute rule. I will ask the gentleman from Texas if he will agree to a reasonable length of time for discussion of that provision under the five-minute rule?

Mr. STEPHENS of Texas. What does the gentleman consider reasonable?

Mr. HARRISON of Mississippi. Well, the same length of time that this item has been discussed heretofore.

Mr. STEPHENS of Texas. Ten, fifteen, or twenty-five minutes? I desire to reach some conclusion about the time.

Mr. HARRISON of Mississippi. If the gentleman will state that some reasonable time will be allowed for debate under the five-minute rule when we get to that item, then I shall have no objection. We do not want unnecessary time, I will say to the gentleman, and I do not think we will want as much time as we have had heretofore. It may be that we will not want any discussion at all.

Mr. STEPHENS of Texas. I am willing to yield to the gentleman under the five-minute rule such time as I can, but if anyone should object, of course I could not make an agreement that would bind the House.

Mr. HARRISON of Mississippi. I understand that.

Mr. MILLER of Minnesota. Mr. Speaker, none of us can hear what is going on between the gentleman from Texas and the gentleman from Mississippi, but if any arrangement is made contrary to that made with the gentleman from Kansas [Mr. CAMPBELL], I want to object.

Mr. STEPHENS of Texas. The gentleman from Mississippi says that there is a certain item in this bill that may require more discussion than is allowed under the five-minute rule, and wished me to yield him extra time. I will not raise any objection under the five-minute rule to such discussion, but, of course, he will have to have the House agree with him.

The SPEAKER. The gentleman from Texas asks unanimous consent that general debate on this bill shall not exceed two hours, one half of the time to be controlled by him and the other half by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

There was no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I wish to make a brief statement relative to the contents of the bill. It has been only a few months since we had exhaustive hearings on the Indian appropriation bill, and nearly all the items in this bill are the same as the one which we passed in the last Congress but a few months ago. We have had hearings on all the new items that are in this bill and none of the items has been changed in any material respect. This bill will be practically a reenactment of the bill of last year. There is but one exception. The gentleman from Arizona [Mr. HAYDEN] had passed through the House, as will be remembered, after several days' discussion, a bill providing for the mining of metalliferous ores under the direction of the Secretary of the Interior. We have adopted that bill as an amendment to this bill to permit the mining of metalliferous ores on Indian reservations.

As I say, a bill of that kind has passed the House two or three times after being recommended by the department. It went to the Senate and was there defeated, but this House last year had presented to it a much better bill, guarded in every respect, modeled, as I understand it, after the bill that had already passed the House for mining on the public domain of the United States. I hope that this amendment, prepared here, having passed the House after full discussion, will pass the House at this time. It takes the place of the one which permitted the Secretary of the Interior under rules and regulations to do the very same thing. We have in this bill better guarded the matter by placing restrictions around it, the same as were placed in the bill relating to mining upon the public domain.

I desire to state that there is nothing that will be more beneficial to the Indians and the people of the United States than to have this amendment incorporated in this bill. It is true that a similar bill is pending in the other body, but if we put it on here as an amendment we will stand a double chance of enacting into law this much-desired measure. I regard it as one of the most beneficial laws that can be placed on the statute books relating to Indian affairs.

At the present time there are several million acres of land in the reservations in the West which have been reported upon as carrying metalliferous ores, and there is no reason why they should be left there to remain forever without being developed. They should be developed and the Indians should have their share as provided in this bill. In that way we will give the Indians on the reservations the right to be employed, and they will be deriving a revenue from their mines; they will also come in contact with white citizens, as they do not now, and it will benefit the Indian children and men able to work on the reservation. It would put them on the highway or road that we desire them to go, to make them useful citizens in the future. I hope there will be no objection to the amendment when it is reached, but that it will become a law.

We have in this bill a well-considered recommendation made by the department, and I have here a report that gives a succinct statement of each item, and I ask that the report of the committee be printed in the RECORD as a part of my remarks.

The CHAIRMAN (Mr. COLLIER). The gentleman from Texas asks unanimous consent to print the report upon this bill in the RECORD as a part of his remarks. Is there objection?

There was no objection.

The report is as follows:

The Committee on Indian Affairs presents the accompanying bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and submits in explanation thereof the following:

The items adopted in this bill are estimated for in the Book of Estimates for the fiscal year ending June 30, 1918, and are found on pages 399 to 466, inclusive, aggregating the sum of $12,230,356.67, exclusive of trust funds.

The amount appropriated for the fiscal year ending June 30, 1917, the current fiscal year, aggregated the sum of $10,967,644.88, exclusive of trust funds.

The estimates for the fiscal year ending June 30, 1918, exceeds the current law $1,262,711.79.

Your committee have recommended in the accompanying bill appropriations of sums amounting to $10,625,956.67, exclusive of trust funds, thus decreasing the department estimates for the fiscal year 1918 by $1,604,400 and the current law by $341,678.21.

This bill recommends gratuity appropriations payable from the Federal Treasury amounting to $7,146,896.67; appropriations reimbursable from Indian funds, $2,632,700; treaty appropriations, $845,360, exclusive of Indian trust funds in the Treasury to the credit of the Indians, aggregating $1,167,100.

A subcommittee of your committee held hearings on each item in the bill and these hearings have been printed in full, giving separate justifications for each item in the bill, whether such appropriations were gratuity, reimbursable, treaty, or trust funds.

The policies pursued by the present Commissioner of Indian Affairs, in looking after the health of our Indian wards, are very commendable. The money appropriated for irrigation and stock-raising purposes has been wisely and judiciously expended. The Indian Bureau has safeguarded the morals of the Indians in energetically fighting the introduction into the Indian country of all intoxicating liquors. Much progress has been made by the present administration of the Indian affairs in the education of Indian children. The schools are well attended, and the parents of the children, as a rule, are greatly pleased by the advancement of their children in their studies. The hospitals heretofore appropriated for, and in many instances specifically appropriated for in this bill, have fully justified the large Government expenditures of money for their erection, equipment, and maintenance, and it is the information of the committee that, as a general rule, the Indians willingly and voluntarily go to the hospitals for treatment. Nearly all of the Indian population is in the arid and semiarid regions of the West and the large sum appropriated for irrigation is very necessary to successfully farm their allotments. Your committee feels that the large sums we are annually expending on the Indian irrigation systems will in a few years make these Indians largely self-supporting. It is the opinion of your committee that the Indians, under the present Government supervision, are making rapid advancement in every avenue leading to their ultimate happiness and civilization.

The following table shows the separate items carried in this bill, whether gratuity, reimbursable, treaty item, or payable from trust funds, together with a comparison as between the current law, what was estimated for by the department, and what your committee recommends be allowed for the next fiscal year:

	Current law.	Estimates.	Committee allowed.	Hearings, page.
Surveying and allotting Indian reservations (reimbursable)	$100,000.00	$100,000.00	$100,000.00	3
Irigration, Indian reservations (reimbursable)	244,700.00	300,000.00	244,700.00	8
Suppressing liquor traffic among Indians (gratuity)	150,000.00	150,000.00	150,000.00	19
Relief of distress and prevention of disease (gratuity)	350,000.00	400,000.00	350,000.00	24
Indian day and industrial schools (gratuity)	1,550,000.00	1,700,000.00	1,550,000.00	29
Repair, Indian school and agency buildings (gratuity)	400,000.00	475,000.00	400,000.00	38
Indian school, transportation (gratuity)	72,000.00	75,000.00	72,000.00	43
Industrial work and care of timber (gratuity)	425,000.00	500,000.00	425,000.00	45
Purchase and transportation of Indian supplies (gratuity)	300,000.00	300,000.00	300,000.00	60

	Current law.	Estimates.	Committee allowed.	Hearings, page.
Telegraphing and telephoning, Indian Service (gratuity)	$10,000.00	$10,000.00	$8,000.00	72
Court costs (gratuity)	1,000.00	1,000.00	1,000.00	73
Expenses, Board Indian Commissioners (gratuity)	10,000.00	10,000.00	10,000.00	73
Pay of Indian police (gratuity)	200,000.00	200,000.00	200,000.00	75
Pay of judges, Indian courts (gratuity)	8,000.00	10,000.00	8,000.00	76
General expenses, Indian Service, pay special agents, etc. (gratuity)	135,000.00	135,000.00	135,000.00	77
Inspectors, Indian Service (gratuity)	30,000.00	30,000.00	30,000.00	79
Determining heirs of deceased Indians (reimbursable)	100,000.00	100,000.00	100,000.00	81
To encourage industry among the Indians (reimbursable)	300,000.00	450,000.00	300,000.00	82
Vehicles, Indian Service	[1]	[1]	[1]	92
Reimbursing Indians for live stock destroyed because of infectious diseases (gratuity)	100,000.00	100,000.00	50,000.00	95
Leasing Indian lands for metalliferous minerals	[1]	[1]	[1]	98
Sale of lands purchased by the United States	[1]	[1]	[1]	102
Authorizing employees, Indian Service, to administer oaths	[1]	[1]	[1]	102
Rights of way for pipe lines through Indian lands	[1]	[1]	[1]	104
ARIZONA AND NEW MEXICO.				
Support of Indians in Arizona and New Mexico (gratuity)	330,000.00	350,000.00	330,000.00	105
Indian school, Fort Mojave (gratuity)	42,900.00	39,000.00	39,000.00	107
Indian school, Phoenix (gratuity)	135,400.00	166,900.00	146,900.00	109
Indian school, Truxton Canyon (gratuity)	21,200.00	21,200.00	21,200.00	112
Continuing construction irrigation system, Pima Indians, Gila River (reimbursable)	20,000.00	20,000.00	20,000.00	114
Irrigation, Colorado River Reservation, Ariz. (reimbursable)	15,000.00	40,000.00	15,000.00	115
Water for domestic and irrigation purposes, Papago Indians, Arizona, (gratuity)	20,000.00	20,000.00	20,000.00	117
Fulfilling treaties with Navajoes, schools (treaty)	100,000.00	100,000.00	100,000.00	118
Water supply for Navajo Indians (reimbursable)	25,000.00	30,000.00	25,000.00	119
Ganado irrigation project, Arizona (reimbursable)	23,000.00	4,000.00	3,000.00	121
Diversion dam, Gila River Reservation, Ariz. (reimbursable)	75,000.00	125,000.00	125,000.00	122
Payment for water, Salt River Indian allottees, Arizona (reimbursable)	20,000.00	20,000.00	15,000.00	124
Diversion dam, Gila River, above Florence, Ariz. (reimbursable)	75,000.00	225,000.00	175,000.00	125
CALIFORNIA.				
Support of Indians in California (gratuity)	42,000.00	50,000.00	42,000.00	134
Purchase of lands for homeless Indians) gratuity	10,000.00	25,000.00	10,000.00	135
Indian school, Riverside, Cal. (gratuity)	129,500.00	149,500.00	134,500.00	136
Irrigation, Yuma allotments (reimbursable)	10,000.00	40,000.00	15,000.00	140
Indian school, Fort Bidwell, Cal. (gratuity)	21,800.00	38,700.00	21,700.00	140
Indian school, Greenville, Cal. (gratuity)	26,400.00	30,700.00	21,700.00	142
Roads and bridges, Yuma Reservation, Cal. (reimbursable)	10,000.00	10,000.00	10,000.00	145
FLORIDA.				
Support Seminole Indians in Florida (gratuity)	8,000.00	5,000.00	8,000.00	151
IDAHO.				
Support of Indians, Fort Hall Reservation (gratuity)	30,000.00	30,000.00	30,000.00	152
Maintenance, Fort Hall irrigation system (reimbursable)	25,000.00	35,000.00	25,000.00	153
Fulfilling treaties with the Bannocks (treaty)	5,000.00	5,000.00	5,000.00	154
Fulfilling treaties with the Cœur d'Alenes, Idaho (treaty)	3,000.00	3,000.00	3,000.00	155
Reimbursement to Thomas B. Le Sieur (gratuity)	95.50	95.50	95.50	155
KANSAS.				
Indian school, Haskell Institute, Lawrence, Kans. (gratuity)	148,250.00	142,750.00	142,750.00	157
Indian school, Kickapoo Reservation, Kans. (gratuity)	16,860.00	18,860.00	16,860.00	160
MICHIGAN.				
Indian school, Mount Pleasant, Mich. (gratuity)	73,450.00	108,000.00	74,800.00	162
MINNESOTA.				
Indian school, Pipestone, Minn. (gratuity)	$64,675.00	$57,175.00	$45,175.00	165
Support of schools, Chippewa Indians (treaty)	4,000.00	4,000.00	4,000.00	167
Tribal funds, Chippewa Indians, Minnesota, civilization and support (trust funds)	185,000.00	185,000.00	185,000.00	168
Tribal funds, Chippewa Indians, White Earth celebration (trust funds)	1,000.00	1,000.00	1,000.00	169
Support of Indians, Fort Belknap Agency, Mont. (gratuity)	20,000.00	20,000.00	20,000.00	171
Support of Indians, Flathead Agency, Mont. (gratuity)	20,000.00	20,000.00	20,000.00	171
Support of Indians, Fort Peck Agency, Mont. (gratuity)	30,000.00	30,000.00	30,000.00	172
Support of Indians, Blackfeet Agency, Mont. (gratuity)	25,000.00	100,000.00	50,000.00	173
Maintenance, irrigation system, Fort Belknap Reservation (reimbursable)	20,000.00	30,000.00	20,000.00	174
Fulfilling treaties, Crow Indians (treaty)	6,000.00	6,000.00	6,000.00	176
Fulfilling treaties, Northern Cheyennes and Arapahoes (treaty)	80,000.00	80,000.00	80,000.00	176
Line riders, Northern Cheyenne Reservation (gratuity)	1,500.00	1,500.00	1,500.00	177
Support and civilization, Rocky Boy's Band (gratuity)	5,000.00	5,000.00	5,000.00	178
Irrigation system, Flathead Reservation (reimbursable)	750,000.00	750,000.00	750,000.00	179
Irrigation system, Fort Peck Reservation (reimbursable)	100,000.00	100,000.00	100,000.00	181
Irrigation system, Blackfeet Reservation (reimbursable)	25,000.00	25,000.00	25,000.00	182
NEBRASKA.				
Indian school, Genoa, Nebr. (gratuity)	91,100.00	88,320.00	81,200.00	186
NEVADA.				
Support of Indians in Nevada (gratuity)	18,500.00	18,500.00	18,500.00	188
Indian school, Carson City, Nev. (gratuity)	62,430.00	99,100.00	67,430.00	189
Irrigation, Pyramid Lake Reservation, Nev. (reimbursable)	30,000.00	30,000.00	30,000.00	191
NEW MEXICO.				
Indian school, Albuquerque, N. Mex. (gratuity)	97,400.00	95,450.00	95,450.00	192
Indian school, Sanata Fe, N. Mex. (gratuity)	92,150.00	78,650.00	78,650.00	194
Counsel, Pueblo Indians (gratuity)	2,000.00	2,000.00	2,000.00	197
NEW YORK.				
Fulfilling treaties with the Senecas of New York (treaty)	6,000.00	6,000.00	6,000.00	198
Fulfilling treaties with Six Nations of New York (treaty)	4,500.00	4,500.00	4,500.00	199
NORTH CAROLINA.				
Indian school, Cherokee, N. C. (gratuity)	36,000.00	51,660.00	36,000.00	199
NORTH DAKOTA.				
Support of Sioux, Devils Lake (gratuity)	5,000.00	5,000.00	5,000.00	202
Support of Indians, Fort Berthold Agency (gratuity)	15,000.00	15,000.00	15,000.00	202
Support Turtle Mountain Band of Chippewas, North Dakota (gratuity)	11,000.00	11,000.00	11,000.00	203
Indian school, Bismarck, N. Dak. (gratuity)	56,175.00	53,475.00	53,475.00	204
Indian school, Fort Totten (gratuity)	82,500.00	100,800.00	75,800.00	207
Indian school, Wahpeton (gratuity)	63,540.00	60,450.00	43,540.00	209
OKLAHOMA.				
Support Wichitas and affiliated bands (gratuity)	5,000.00	5,000.00	5,000.00	218
Tribal funds, Apaches, Kiowas, Comanches (trust funds), agency and employees	25,000.00	30,000.00	30,000.00	218
Tribal funds, Apaches, Kiowas, Comanches, support and maintenance (trust funds)	250,000.00	250,000.00	250,000.00	220
Support of Cheyennes and Arapahoes (gratuity)	35,000.00	35,000.00	35,000.00	221
Support of Kansas Indians, Oklahoma (gratuity)	1,500.00	1,500.00	1,500.00	222
Support of Kickapoo Indians, Oklahoma (gratuity)	2,000.00	2,000.00	2,000.00	222
Support of Ponca Indians in Oklahoma and Nebraska (gratuity)	8,000.00	8,000.00	8,000.00	223

[1] No appropriation.

	Current law.	Estimates.	Committee allowed.	Hearings, page.
OKLAHOMA.—contd.				
Indian school, Chilocco, Okla. (gratuity)	$93,250.00	$101,600.00	$111,600.00	223
Fulfilling treaties with Pawnees, Oklahoma (treaty)	47,100.00	47,100.00	47,100.00	226
Fulfilling treaties with Quapaws, Oklahoma (treaty)	1,500.00	1,500.00	1,500.00	228
Fulfilling treaty with Citizens Band of Pottawatomie Indians (gratuity)	.....	3,791.17	3,791.17	231
FIVE CIVILIZED TRIBES.				
Administration of affairs, Five Tribes (gratuity)	185,000.00	185,000.00	185,000.00	232
Erection dormatories, Murray State School Agriculture (trust funds)	.....	.....	50,000.00	(?)
Per capita payment to Choctaw and Chickasaw Indians, Oklahoma (trust funds)	.....	.....	.....	236
Per capita payment to Seminole Indians (trust funds)	.....	.....	.....	236
Probate attorneys, Five Tribes (gratuity)	85,000.00	85,000.00	85,000.00	239
Orphan training school, Tahlequah, Okla. (gratuity)	40,000.00	53,200.00	40,500.00	240
Indian schools Five Tribes (gratuity)	275,000.00	275,000.00	275,000.00	242
Sale unallotted lands, Five Tribes (trust funds)	35,000.00	35,000.00	35,000.00	244
Fulfilling treaties with Choctaws (treaty)	10,520.00	10,520.00	10,520.00	244
Salaries and expenses, 6 oil and gas inspectors (gratuity)	15,000.00	25,000.00	25,000.00	245
Purchase of land, Nuyaka school, Creek Nation (trust funds)	.....	1,100.00	1,100.00	247
Building road and improving grounds, Choctaw Sanatorium, near Talihina, Okla. (trust funds)	.....	5,000.00	5,000.00	251
Building road to Cherokee Orphan Training School (trust funds)	.....	.....	10,000.00	(?)
OREGON.				
Support of Indians, Klamath Agency (gratuity)	6,000.00	6,000.00	6,000.00	251
Support of Indians, Warm Springs Agency (gratuity)	4,000.00	4,000.00	4,000.00	252
Support of Indians, Umatilla Agency (gratuity)	3,000.00	3,000.00	3,000.00	252
Indian school, Salem, Oreg. (gratuity)	128,700.00	162,200.00	127,200.00	253
Support of Indians, Grande Ronde and Siletz Agencies (gratuity)	4,000.00	4,000.00	4,000.00	256
Irrigation system, Modoc Point, Klamath Reservation (reimbursable)	20,000.00	5,000.00	4,000.00	257
PENNSYLVANIA.				
Indian school, Carlisle, Pa. (gratuity)	152,000.00	151,250.00	151,250.00	260
Higher education, students, Carlisle Indian School	(1)	(1)	(1)	262
SOUTH DAKOTA.				
Indian school, Flandreau, S. Dak. (gratuity)	67,500.00	83,955.00	73,955.00	262
Indian school, Pierre, S. Dak. (gratuity)	60,750.00	82,025.00	53,750.00	264
Indian school, Rapid City S. Dak. (gratuity)	83,500.00	65,500.00	68,925.00	267
Support of Sioux of different tribes, employees, etc. (treaty)	307,000.00	307,000.00	307,000.00	269
Education Sioux Nation (treaty item)	200,000.00	200,000.00	200,000.00	271
Support of Yankton Sioux (gratuity)	14,000.00	14,000.00	14,000.00	272
Asylum for insane Indians, Canton, S. Dak. (gratuity)	45,000.00	60,000.00	60,000.00	273
UTAH.				
Fulfilling treaties with Confederated Bands of Utes (treaty item)	53,740.00	53,740.00	53,740.00	275
Support of Indians in Utah, not otherwise provided for (gratuity)	10,000.00	10,000.00	10,000.00	275
Support and civilization, Confederated Bands of Ute Indians (trust funds)	300,000.00	300,000.00	300,000.00	277
Seeds and agricultural implements, Confederated Bands of Ute Indians (treaty item)	10,000.00	10,000.00	10,000.00	280
Irrigation, Uintah Reservation (reimbursable)	40,000.00	40,000.00	40,000.00	281
WASHINGTON.				
Support of D'Wamish and allied tribes (gratuity)	$7,000.00	$7,000.00	$7,000.00	282
Support of the Makahs (gratuity)	2,000.00	2,000.00	2,000.00	283
Support of the Quinsielts and Quillehutes (gratuity)	1,000.00	1,000.00	1,000.00	283
Support of Indians, Yakima Agency (gratuity)	3,000.00	3,000.00	3,000.00	284
Support of Indians at Colville and certain other agencies in Washington (gratuity)	13,000.00	13,000.00	13,000.00	284
Fulfilling treaty with Spokanes in Washington (treaty item)	1,000.00	1,000.00	1,000.00	285
Irrigation, Yakima Reservation (reimbursable)	15,000.00	15,000.00	15,000.00	286
Fourth installment for water, Yakima Reservation, Wash. (reimbursable)	100,000.00	100,000.00	100,000.00	287
Cushman Indian School, Tacoma, Wash. (gratuity)	50,000.00	60,000.00	60,000.00	287
Diversion dam and distribution and drainage system, Yakima Reservation, Wash. (reimbursable)	200,000.00	400,000.00	200,000.00	289
WISCONSIN.				
Indian school, Hayward, Wis. (gratuity)	51,550.00	51,350.00	51,200.00	291
Indian school, Tomah, Wis. (gratuity)	56,125.00	85,025.00	79,525.00	292
Support of Chippewas, Lake Superior (gratuity)	7,000.00	9,000.00	7,000.00	293
Support of Pottawatomie Indians residing in Wisconsin (gratuity)	7,000.00	7,000.00	7,000.00	296
Support of Wisconsin Band of Pottawatomie Indians in Wisconsin and Michigan (reimbursable)	100,000.00	100,000.00	100,000.00	297
Promoting civilization and self-support among Menominee Indians in Wisconsin (trust funds)	300,000.00	300,000.00	300,000.00	298
Conveyance of lands to public schools, Oneida, Wis.	(1)	(1)	(1)	300
Sale of lands reserved for school purposes, Oneida Indians, Wis.	(1)	(1)	(1)	301
WYOMING.				
Support of Shoshone Indians (gratuity)	15,000.00	15,000.00	15,000.00	301
Indian school, Shoshone Reservation (gratuity)	36,025.00	36,725.00	36,475.00	302
Support of Shoshone Indians (treaty item)	6,000.00	6,000.00	6,000.00	304
Irrigation system, Shoshone or Wind River Reservation (reimbursable)	50,000.00	50,000.00	50,000.00	305
Roads and bridges, Shoshone Reservation (reimbursable)	25,000.00	25,000.00	25,000.00	306
Investigating commission (gratuity)	.....	.....	10,000.00	(?)

[1] No appropriation.

[1] No appropriation.

Summary.

	Current law.	Estimates.	Committee recommends.
Gratuity appropriations	$7,558,098.88	$8,307,796.67	$7,147,896.67
Reimbursable appropriations	2,564,186.00	3,077,200.00	2,632,700.00
Treaty appropriations	845,360.00	845,360.00	845,360.00
Total	10,967,644.88	12,230,356.67	10,625,956.67

Mr. STEPHENS of Texas. Mr. Chairman, the news comes from the West through the newspapers that a great deal of useful legislation has reached these Indians in the way of education, and that they have benefited therefrom greatly.

I desire to read now one item coming from Tucson, dated September 25, which shows commendable progress in the red man's welfare in the West:

TUCSON, *September 25.*

Large numbers of Papago and Yaqui Indians are leaving this locality for the Salt River Valley, where they will pick cotton for the season. Last year Indians averaged $2 a day each, and so the word has spread even into Sonora, and more Indians than ever are available for the work.

That item comes from the Douglas International of September 25, 1916.

The Department of the Interior in the last few years has developed the Sacaton Reservation of Indians into one of the best cotton-growing regions of the whole Southwest, and it is true that this Indian reservation is the first reservation where the cotton business has been proven to be a success. The move-

ment has spread to California. In the Imperial Valley of California the whites have taken up the road that the Indians have not occupied fully, and through the Indian Department they have been shown that this cotton can be produced there. It is the long staple sea island cotton that is worth twice as much as the short staple ordinary cotton raised in the South. I have seen these Indians from the largest to the smallest, only a few years old, making quite a sum of money each day by picking cotton. It is the same as the situation of the white people and the colored man who raise cotton in the South. It gives more labor on the reservation than anything else that could be devised.

This report emphasizes the work of the Indian Bureau relative to the health of the Indians. It is stated that the death rate among the Indians has been cut to 7 to 1,000, when heretofore it was double that amount. The bureau has conducted a campaign to save Indian babies by giving Indian mothers proper care through the hospitals that have been recently built by the Government. A few years ago there was a great movement among humanitarians of the country that was published far and wide in all the publications of the country to the effect that the Indians were dying out, that they were becoming fewer every day. A great deal of truth was contained in that idea and in those statements. It caused Congress to act. Since that time we have built many hospitals in the various regions of the West where they were most needed, after a full investigation by a joint committee of the two Houses of Congress. That committee reported the facts, and the bills have been passed, and the hospitals have been erected, and nurses and doctors are taking care of these Indians in a manner better than ever before.

We have also taken charge of the Indian schools and are conducting them in a different way from what they have been heretofore conducted. A few years ago a proposition was made, encouraged, and enacted into law that the Indians living in a State where there were public free schools might have the benefit of a fund given to them for the purpose of going to the white schools in the neighborhood, that fund supplementing the moneys used by the State for its own schools. A considerable sum of money has been expended along that line. Let me state that nothing could be more beneficial than educating the Indian with the white children wherever the State laws permit it. We find in Oklahoma quite a sum of money has been expended along those lines, with benefits to both races, and we hope this system will be extended.

Indian moneys carried on deposit in the State and national banks, the report says, amount to $20,000,000. This is a matter of very great importance, showing the progress made by these Indians. We estimate the progress made by the white man by the amount of money deposited to the credit of individuals in the counties, cities, and States. New regulations have been made for leasing oil land in the Osage Nation at a rate which, the report estimates, in the first year will pay $700,000 in royalties, and 90,000 acres of Indian lands were sold for $1,666,000. This shows commendable progress, and we hope that the policy that we are pursuing and have pursued for many years will benefit the people—not only the Indians but the people of the whole United States—along the lines I have suggested.

I reserve the remainder of my time, and will now yield to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Chairman, will the gentleman from Texas yield me 20 minutes of his time?

Mr. STEPHENS of Texas. Yes; out of my time.

Mr. CAMPBELL. Then I have 1 hour and 20 minutes at my disposal. Mr. Chairman, this bill does not originate any new policies or new projects. It simply carries on the work of the Indian Office in the manner in which it has been carried on and provided for in the past. We have been as economical as we could be, consistent with the best service to the Indians.

I have no disposition to take up the time of the committee in adding to the statements made by the gentleman from Texas [Mr. STEPHENS], the chairman of the committee. I now yield out of my time one hour to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and Members of the House, through the kindness of this membership sufficient time has been granted me under general debate to explain the bill known as the vocational-education bill that we are hoping to have up for consideration and final action sometime in the near future, since it was made in order by unanimous consent the other day. There came to my desk last week a pamphlet entitled "Rebuilding Men." I examined it briefly and found that it was a dissertation upon the movement for the reclaiming of those who have gone wrong and have found a lodgment in our State prisons and penitentiaries, and that the movement was to reclaim these unfortunate people and make out of them men of usefulness. It was claimed by the writer to be one of the greatest movements that the present day knows. While I concede that to reclaim men is important, it seems to me that the "building of men" is of vaster importance than the rebuilding, and, therefore, any legislation that would take up the view of the building up of our youth into the future citizen of the Nation is as important a piece of work as can be done by this or any other body. The bill I wish to explain has this latter purpose in view.

Vocational education has been of interest for years to cities and to the country districts and has received the approval as well as strong indorsement of many superintendents of public schools, of State superintendents of various States, of county superintendents throughout the Nation, these representing the public-school interests of the country. It has also been strongly backed by associations of employers of labor, and in a most remarkable sense by the associations of labor of various characters. It is forcibly supported by many voluntary associations like chambers of commerce and the National Society for Vocational Education. I know of no suggestion in legislation that has met such universal approval as vocational education.

This comes from the conviction that whatever good our present school system has achieved—and it has been great—it is not designed to care for the boy or the girl who leaves school at the age of 14. One of the most startling statements that the Commission on Vocational Education appointed by the Sixty-third Congress made was that 85 per cent of all the children that enter the public schools of the country leave the schools before they reach the age of 16; that not over 8 per cent of those who enter the high school ever get through and take the diploma; that not over 3 per cent of those who graduate in the high school ever enter the college or the university. This is the more startling since most of the effort in the grades is designed to induce the pupils to enter high schools, and most of the emphasis in the high school is to induce the pupil to enter college, as most of the emphasis in college is to lead to the university.

This dominant note may explain the apparent fear of the university man that the vocational education movement may contain an element of danger to the Nation.

When we take into consideration the amount of money that has been expended for our more than 600 colleges and universities and which to many is a standing wonder, then realize the small proportion of those who are educated in the preparatory schools for college entrance enter the college, it seems to be a disproportionate use of funds. I make no criticism upon the work of the college or university; indeed, I very strongly indorse it, but when you realize the amount of money that is expended by taxation for our public-school system and then discover that 93 per cent of those who enter the school leave it before they finish the course, it is a startling fact when it is remembered the effort employed to advance from rank of pupil to that of student. As you go through the country you notice the finest buildings in a city are those devoted to education, an expression of public spirit back of popular education, and yet so small a proportion of our school population ever goes through them. There is a growing conviction that is well defined in the public mind that we ought to do something beyond what we have done for the 93 per cent who leave the schools before they reach the college grade. Whatever fear the educator might have of the recent enthusiasm back of vocational education, he must admit something is wrong.

I recently heard a distinguished university president of a Middle Western State speak upon the theme "The trap," and I listened with much interest to what that significant suggestion meant. He contended that the trap was the tendency to devote too much time to the bread-and-butter side of life, which leads into the workshop too quickly, and that the vocational movement was likely to so operate; that we ought to keep the stimulus before the youth to go into the higher fields of learning, to be in the higher ranges of thinking and activity. He caught the inspiration of Longfellow's Excelsior, to keep the aim high. Whether it be a trap or not, and whether the pupil ought to stop his schooling so early as 14—of course, we know he should not—but whether he should or should not, the facts are that he does. It is no longer a matter of what he ought to do, but, rather, what he does, that faces us. We have got to meet the condition as it is rather than as it ought to be. We know he should not, but we also know that he does go out. The problem is to reach the 93 per cent that are leaving school before graduation to work with their hands to make a living. The Sixty-third Congress authorized the President to appoint a commission to investigate that particular problem, as to how much has been done or is being done by the various States and by the various municipalities for vocational education for the

benefit of the boy or girl who leaves school at 14. It was also desired that the public be informed as to how much the Government here through its executive departments has stimulated the States in doing work for these particular classes. That commission was appointed on the 20th of January, 1914. It went into session here in Washington on the 2d day of April. It held daily sessions, forenoon, afternoon, and evening, from the 2d day of April until the 1st day of June. The commission was authorized to spend $15,000. The investigation was limited in its time to the 1st of June. It reported to Congress its findings on that day. That commission had its hearings, before which appeared either the Cabinet officer or his representative selected by him. It had before it educators, business heads, labor leaders, and heads of voluntary bodies. It received information from letters from nearly all the superintendents of the States and various county and city superintendents. That commission made its report on the 1st day of June, within the time limit fixed by Congress, and returned to the Treasury, I want this membership to know, one-third of the amount of money that was voted for that purpose. [Applause.] The report, with hearings, was published in two volumes, Document 1004, the most comprehensive statement yet made in any country on vocational education.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman about three questions, providing he has the time; if not, I do not desire to interrupt him.

Mr. FESS. I have the time, and I will be glad to answer the questions if I am able.

Mr. CLARK of Missouri. Out of the whole number, how does the gentleman explain that 85 per cent of them quit?

Mr. FESS. There are various suggestions offered, and one of them is this: That the present school system has been largely arranged with reference to college entrance rather than to the entrance into the actual activities of the work-a-day world, where most of them will go, and that the present system, therefore, does not provide the linking of their present education with that they are going to do in the future, and they see no reason to stay, and drop out and go to work at once.

Mr. CLARK of Missouri. It is fair to assume that one-half of the 85 per cent are girls—there are 21 boys born in the world for every 20 girls. There is no compulsion on most of them to quit school and go to work, is there?

Mr. FESS. No. Undoubtedly much blame should attach to the negligence, if not the ignorance, of parents.

Mr. CLARK of Missouri. Now, another question. How can the gentleman explain the fact that such a large per cent of boys appointed to Annapolis and West Point fall down on their entrance examination, and that they fail in spelling, reading, writing, geography, arithmetic, and grammar, the same as they do in the higher branches? What is the matter with the school system?

Mr. FESS. That is a sensitive question, Mr. Speaker.

Mr. CLARK of Missouri. I know; but it goes to the very root of this matter.

Mr. FESS. I am a practical educator.

Mr. CLARK of Missouri. So am I; that is, I used to be.

Mr. FESS. I think, frankly speaking, that we devote too much time to what we call the "culture" side, that will express itself in many fads, and not enough time to the fundamentals, what we used to call the three "R's"—"reading, 'riting, and 'rithmetic." [Applause.]

I am a thorough believer that no useful system of education can supersede the irksome toil of learning the simple rudiments well as a basis for higher work. I once heard a great man declare that there was no trouble to secure a successful teacher in the higher subjects, but a very difficult task to find a real success in the teaching of the common branches. That observation is well taken.

Mr. NORTON. Will the gentleman yield?

Mr. FESS. Yes.

Mr. NORTON. Is it not a fact we try to cover too much ground; that we are too extensive and not intensive enough in the common-school curriculum?

Mr. FESS. In the educational field more than any other that I know there seems to be an itching to do the thing that will attract attention, and, consequently, one of the things that we are constantly facing is the attempt to enrich the course of study, and every year, under enriching the course of study, we are adding this thing and that thing, with little demonstration of its present or future value.

Fellow Members of the House, I frankly say that the field of education furnishes a greater opportunity for the development of fads and "isms" than any other field of which I know, and, unfortunately, our school population takes up with those things too rapidly and too easily. At one time it was child study, and everybody went wild on it. Some one wrote a book; then others wrote books and monographs. Every man and woman that spoke on the platform addressed himself to the subject, until we had a veritable surfeit of the subject. And then came the adolescent, and everybody went wild over it. Last year it was sex hygiene, and the country was treated to a bedlam of observations. Just now we are taking up the Montessori system, and this District here is going wild over that. Somebody announces a new thing, and everybody seems to think it is the whole thing. I do not know any place else where that operates so rapidly as in the educational field. Why, universities are establishing chairs of special phases of psychology, and if the devotees are embarrassed from a lack of psychological data they will simply create it.

Mr. POWERS. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. POWERS. Since there is such a large per cent of the pupils of the country who leave school and go to various employments, and since there is a large amount of our money expended for the purpose of education, and since the gentleman is a practical educator himself, what suggestion would he offer to divest school curriculums as they are now to, in a measure, embrace the field of vocational education?

Mr. FESS. My colleague on the committee has asked a question the answer to which leads me immediately to the bill that is before us. The bill as prepared is to supplement what the present educational system is doing, not especially to take anything away from it, but to add to it an entirely different department. The bill provides that instead of confining our educational activities to the present course, which is largely for college entrance, we should enlarge upon it for vocational reasons, and this enlargement will enter three fields. The first is agricultural development, the second is the development in the trades and industries, and the third is home economics. Federal aid is offered in this bill under three heads. The initial appropriation is $1,500,000 and the maximum after nine years $7,000,000, $3,000,000 ultimately in nine years to be annually appropriated by the Federal Government to pay in part the salaries of the teachers in agricultural subjects and directors and supervisors of agricultural subjects. Three million are ultimately to be annually appropriated for the payment in part of teachers of trades, industrial and home economic subjects. That makes the $6,000,000 to be applied for the payment of salaries. There are $1,000,000 to be annually appropriated for the training of teachers in these three fields—agriculture, trade and industry, and home economics—making the sum total of the Federal appropriation for 1927 and thereafter annually $7,000,000. This appropriation is made upon this basis, that every dollar that the Federal Government appropriates must be matched by the local or State authorities, so that when the ultimate appropriation of $7,000,000 will be made it will be an investment of at least $14,000,000 annually by State and Nation to these three fields—agricultural education, trade and industrial education, and home economics education.

Mr. POWERS. Will the gentleman yield there now?

Mr. FESS. I will.

Mr. POWERS. Would not there be $7,200,000 appropriated?

Mr. FESS. The $200,000, of course, is to go for the administration of the board, and, more than that, there is to be a minimum allotment of $167,000, which adds to the total appropriations, including the $200,000 for administration, $367,000.

Mr. MEEKER. Will the gentleman yield?

Mr. FESS. I will.

Mr. MEEKER. Did the committee consider, in connection with this work, the advisability or feasibility of adding another course, namely, a course in the rudimentary elements of American civil government, about which nobody seems to know much these days in school?

Mr. FESS. The Federal Government is assuming that the educational system must be left with the State. The Government will not interfere in any way with the State in a system of education, but simply add a certain amount of money as a stimulus, and then fix a minimum requirement upon which the State can receive the money. It does not specify what should be studied, because that ought to be left with the State, to be approved by the Federal board.

Mr. MEEKER. I beg the gentleman's pardon, but an appropriation for such work would be as legitimate as teaching a man's hand to earn a livelihood in the Government.

Mr. FESS. The educational system must be left with the State. The General Government must not interfere with that.

This bill is written upon that theory. I would oppose the Nation superseding the State in educational matters.

Mr. MEEKER. The gentleman is a practical educator, and I will ask him if it is common to-day in our public-school system that any attention is paid to that side of our civil life?

Mr. FESS. I think every public school in the country gives a course in civics. Civil government is one of the important branches of the course of study.

Mr. MEEKER. The gentleman thinks it does?

Mr. FESS. Yes.

Mr. MEEKER. Under what system of teaching? What authorities are studied in our public schools on American government?

Mr. FESS. Every schoolbook publishing house has various textbooks on the subject.

Mr. MEEKER. What are some of the standards?

Mr. TOWNER. Will the gentleman yield?

Mr. FESS. I yield.

Mr. TOWNER. If the gentleman will permit me, I will say to the Representative from Missouri [Mr. MEEKER] that his own State has in its curriculum the teaching of the fundamentals of civil government. And this statement was made by an educator not long ago, and which statement I believe to be true, that every State in the Union now either requires or advises a course in civil government that embraces the fundamental principle of both National and State Government and control. So we are already doing a great deal on that line in the public schools.

Mr. FESS. Mr. Chairman, the details of the bill are not numerous and were written to embrace certain principles. When you appropriate a certain sum for agricultural or other purposes to the State there ought to be some method of apportionment so that what would be called the "pork-barrel" element of legislation would be entirely obviated.

We have done that as far as it is possible. For example, the $3,000,000 that is annually to go to agricultural education is to be apportioned to the States in the proportion that the agricultural population of the State holds to the agricultural population of the Nation. That will give to one State a large amount and to another State a small amount simply because one State, like Iowa, for example, is largely agricultural, while another State, like Connecticut, is not largely agricultural. Then the $3,000,000 that will be devoted annually to trade and industrial education will be on the basis that the industrial and trade population of the State will hold to the whole population, industrial and trade, in the Nation. That will give Iowa a small amount of that fund, because not largely industrial, while it gets a large amount of the agricultural fund; but the State of Connecticut will get a large amount of the industrial fund, while it gets a very small amount of the agricultural fund.

But when it comes to apportioning the sums for the training of teachers, it is in proportion that the total population of the State, agricultural and industrial, bears to the total population of the Nation, and it is left to the State to say how much shall be for agriculture and how much shall be for trade and industry, with the limitation that not more than 60 per cent nor less than 20 per cent shall go for either.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to my friend.

Mr. SLOAN. I notice in the apportionment that it is based upon the rural and urban population, and reference is constantly made to the census of 1910. Under the census of 1910, if I recall correctly, rural population not only includes those upon the farm, but those in villages and cities under 2,500 inhabitants. Is that arbitrary classification of the census of 1910 followed in your apportionment here?

Mr. FESS. It is; but we make exceptions in this bill that the urban population in towns under 2,500 will be included as rural population.

Mr. SLOAN. As rural?

Mr. FESS. Yes. There will be, as noticed, certain conditions of a minimum to be supplied. For example, the State of Wyoming would get a very small sum—something like $1,000—for agricultural purposes, and it would get the very small sum of $500 for vocational or industrial purposes. Consequently the bill provides for a minimum below which no State will fall, and that minimum is $5,000 up to the year 1923; after that it is to be $10,000. Consequently up to that period there will have to be an additional appropriation beyond the $7,000,000 to make the requirement of the minimum, and the totaling of that, including the grant to each State, is as follows for agricultural teaching:

State.	Rural population.		Allotment, 1915-16.	Maximum allotment, 1923-24.	Special allotment to guarantee $5,000 to each State in 1915-16.	Special allotment to guarantee $10,000 to each State in 1922-23.
	Number, 1910.	Percentage distribution.				
Alabama	1,767,662	3.58	$17,900	$107,400		
Arizona	141,094	.29	1,450	8,700	$3,550	$2,750
Arkansas	1,371,768	2.78	13,900	83,400		
California	907,810	1.84	9,200	55,200		
Colorado	394,184	.80	4,000	24,000	1,000	
Connecticut	114,917	.23	1,150	6,900	3,850	4,250
Delaware	105,237	.21	1,050	6,300	3,950	4,750
Florida	533,529	1.08	5,400	32,400		
Georgia	2,070,471	4.20	21,000	126,000		
Idaho	255,696	.52	2,600	15,600	2,400	
Illinois	2,161,662	4.38	21,900	131,400		
Indiana	1,557,041	3.16	15,800	94,800		
Iowa	1,544,717	3.13	15,650	93,900		
Kansas	1,197,159	2.43	12,150	72,900		
Kentucky	1,734,463	3.51	17,550	105,300		
Louisiana	1,159,872	2.35	11,750	70,500		
Maine	360,928	.73	3,650	21,900	1,350	
Maryland	637,154	1.29	6,450	38,700		
Massachusetts	241,049	.49	2,450	14,700	2,550	
Michigan	1,483,129	3.01	15,050	90,300		
Minnesota	1,225,414	2.48	12,400	74,400		
Mississippi	1,589,803	3.22	16,100	96,600		
Missouri	1,894,518	3.84	19,200	115,200		
Montana	242,633	.49	2,450	14,700	2,550	
Nebraska	881,362	1.79	8,950	53,700		
Nevada	68,508	.14	700	4,200	4,300	6,500
New Hampshire	175,473	.36	1,800	10,800	3,200	1,000
New Jersey	629,957	1.28	6,400	38,400		
New Mexico	280,730	.56	2,800	16,800	2,200	
New York	1,928,120	3.91	19,550	117,300		
North Carolina	1,887,813	3.83	19,150	114,900		
North Dakota	513,820	1.04	5,200	31,200		
Ohio	2,101,978	4.25	21,250	127,500		
Oklahoma	1,337,000	2.71	13,550	81,300		
Oregon	365,705	.74	3,700	22,200	1,300	
Pennsylvania	3,034,442	6.15	30,750	184,500		
Rhode Island	17,956	.04	200	1,200	4,800	9,000
South Carolina	1,290,568	2.62	13,100	78,600		
South Dakota	507,215	1.03	5,150	30,900		
Tennessee	1,734,744	3.53	17,650	105,900		
Texas	2,958,438	5.99	29,950	179,700		
Utah	200,417	.40	2,000	12,000	3,000	
Vermont	187,013	.38	1,900	11,400	3,100	500
Virginia	1,585,083	3.21	16,050	96,300		
Washington	536,466	1.09	5,450	32,700		
West Virginia	992,877	2.01	10,050	60,300		
Wisconsin	1,329,540	2.69	13,450	80,700		
Wyoming	102,744	.21	1,050	6,300	3,950	4,750
Total, United States	49,348,883	100.00	500,000	3,000,000	47,050	33,500

Totaling the grants to each State for trade and industrial teaching, including the allotment to make up minimum, is as follows:

State.	Urban population.		Allotment, 1915-16.	Maximum allotment, 1923-24.	Special allotment to guarantee $5,000 to each State in 1915-16.	Special allotment to guarantee $10,000 to each State beginning 1922-23.
	Number.	Percentage distribution.				
Alabama	370,431	0.87	$4,350	$26,100	$650	
Arizona	63,260	.15	750	4,500	4,250	$6,250
Arkansas	202,681	.48	2,400	14,400	2,600	
California	1,469,730	3.45	17,250	103,500		
Colorado	404,840	.95	4,750	28,500	250	
Connecticut	999,839	2.35	11,750	70,500		
Delaware	97,085	.23	1,150	6,900	3,850	4,250
District of Columbia	331,069	.78				
Florida	219,080	.51	2,550	15,300	2,450	
Georgia	538,650	1.26	6,300	37,800		
Idaho	69,898	.16	800	4,800	4,200	6,000
Illinois	3,476,929	8.16	40,800	244,800		
Indiana	1,143,835	2.68	13,400	80,400		
Iowa	680,054	1.60	8,000	48,000		
Kansas	493,790	1.16	5,800	34,800		
Kentucky	555,442	1.30	6,500	39,000		
Louisiana	496,516	1.16	5,800	34,800		
Maine	381,443	.89	4,500	27,000	500	
Maryland	658,192	1.54	7,700	46,200		
Massachusetts	3,125,367	7.33	36,650	219,900		
Michigan	1,327,044	3.11	15,550	93,300		
Minnesota	850,294	1.99	9,950	59,700		
Mississippi	207,311	.49	2,450	14,700	2,550	
Missouri	1,398,817	3.28	16,400	98,400		
Montana	133,420	.31	1,550	9,300	3,450	2,250
Nebraska	310,852	.73	3,650	21,900	1,350	
Nevada	13,367	.03	150	900	4,850	9,250
New Hampshire	255,099	.60	3,000	18,000	2,000	
New Jersey	1,907,210	4.47	22,350	134,100		
New Mexico	45,571	.11	550	3,300	4,450	7,250
New York	7,185,494	16.86	84,300	505,800		

State.	Urban population.		Allotment, 1915–16.	Maximum allotment, 1923–24.	Special allotment to guarantee $5,000 to each State in 1915–16.	Special allotment to guarantee $10,000 to each State beginning 1922–23.
	Number.	Percentage distribution.				
North Carolina	318,474	.75	$3,750	$22,500	$1,250	
North Dakota	63,236	.15	750	4,500	4,250	$6,250
Ohio	2,665,143	6.25	31,250	187,500		
Oklahoma	320,155	.75	3,750	22,500	1,250	
Oregon	307,060	.72	3,600	21,600	1,400	
Pennsylvania	4,630,669	10.86	54,300	325,800		
Rhode Island	524,654	1.23	6,150	36,900		
South Carolina	224,832	.53	2,650	15,900	2,350	
South Dakota	76,673	.18	900	5,400	4,100	5,500
Tennessee	441,045	1.03	5,150	30,900		
Texas	938,104	2.20	11,000	66,000		
Utah	172,934	.41	2,050	12,300	2,950	
Vermont	168,943	.40	2,000	12,000	3,000	
Virginia	476,529	1.12	5,600	33,600		
Washington	605,530	1.42	7,100	42,600		
West Virginia	228,242	.54	2,700	16,200	2,300	
Wisconsin	1,004,320	2.36	11,800	70,800		
Wyoming	43,221	.10	500	3,000	4,500	7,500
Total, United States	42,623,383	100.00	500,000	3,000,000	64,750	54,500

In other words, the total additional appropriation to bring the minimum for each State to $5,000 up to the year 1923 and $10,000 after that for both payment of teaching in agricultural and trade subjects and for training teachers would be $167,000.

Mr. HASTINGS. Mr. Chairman, will the gentleman state how much Oklahoma will get at that time?

Mr. FESS. Yes. Oklahoma gets $81,300, with no minimum to be made up.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. REAVIS. The basis of apportionment is the number of children we seek to equip, is it not, as disclosed in comparison with the population?

Mr. FESS. Yes.

Mr. REAVIS. If that be true, why should there be a gratuity to any State? Why should we make a gift over and above the population for the number of children of any of those States?

Mr. FESS. That would enter at once into the question whether Federal aid is justified at all. A great many people think that the States ought to take care of this subject altogether. I think the Federal Government ought to aid, and I will give you my reason for my belief.

Mr. REAVIS. The gentleman evidently does not understand my question. I am not seeking any controversy as to the legitimacy of Federal aid. What I ask is this: If the basis of apportionment is the number of children that we seek to equip, why should not all the apportionment be based upon the number of children rather than make an additional apportionment to some States because of a small population?

Mr. FESS. I can see that the gentleman's contention has some merit and that the apportionment ought to be based upon the number that will be benefited. However, it was much easier for us to take the total population, because the figures could be very easily gathered. I am not sure that there is any inequity suffered in the plan proposed.

Mr. REAVIS. But even taking the total population, why give to some of the States an apportionment greater than they would be entitled to if the apportionment were based upon the total population?

Mr. FESS. Well, to be equitable, it would seem that the better plan would be based upon the population rather than upon the school population. There are some States—I do not know that this as a general statement is true—but there are some States where probably the size of the family is less than it is in other States. I do not know about that, and do not know why it should be. I understand, however, that it is true, and one State under those circumstances would get more than another State under our proposal, but the difference would not appear to be sufficient to warrant much contention either way.

Mr. REAVIS. These children, when they reach maturity in the larger sense, are citizens of the Nation rather than of the States?

Mr. FESS. Yes.

Mr. REAVIS. And the only justification for Federal aid would be their national citizenship. Now, if that be true, and Wyoming, based upon population, would be entitled to but $1,000, why should that State be given $5,000?

Mr. FESS. We believe this, that you can not justifiably grant a sum of money for such a purpose as this to be other than waste unless you make it at least a minimum sum. If you say that the State of Wyoming shall get $1,000 only, rather than $5,000, then it would be so small that there could be no apportionment of it. It would all have to go in one place in order to do any good at all, and that would be partial to some particular portion of the State. In other words, the Federal Government is not justified in making any grant if in such small sums as to be wasted. We prefer to make the minimum large enough so that it will not be frittered away.

Mr. REAVIS. The $1,000 to Wyoming would give to each child in Wyoming the same proportion of this appropriation that each child in Ohio would receive.

Mr. FESS. That is true. But, my friend, when you come to establish a school, you can not have all the necessary equipment for two or three children only. You ought to have a larger number in order to be of value.

Mr. REAVIS. Yet in Ohio and Nebraska, in many of the rural districts, there are schools which have very few scholars.

Mr. FESS. That is true, to the hurt of both of the States, you will admit.

Mr. REAVIS. I will admit that; yes.

Mr. FESS. When we come to speak of the reason why the Government will enter upon Federal aid there are three things to which I want to call your attention: First, there is an army of unemployed juveniles neither in school nor at work, but idle; secondly, there are a great number of improperly employed juveniles at work but not in the proper kind of work; and, thirdly, there is a great mass of imperfectly employed juveniles.

Now, the Government ought to assist in attempting to correct all of that. We ought to make it possible for the person who goes out of school to find proper work and not to join the idle gang. Secondly, we ought to give him vocational guidance so as not to employ him improperly or to put him where he does not belong, and thus drive him into the blind alley; and, thirdly, we ought to think in reference to his ability, so that he will not be imperfectly employed in whatever he is doing but may continue to take the next step upward. Now, is not that a national function as well as a function of the State?

Mr. REAVIS. There is no question about that. I am not disputing that at all. I entirely agree with the gentleman from Ohio [Mr. FESS] and I do not want to divert him from the line of thought he is pursuing, but I would like to ask one further question.

Mr. FESS. Certainly.

Mr. REAVIS. It is stated in the report on this bill, and has also been stated by the gentleman in the course of his remarks, that the school system as now devised is suited to fitting pupils for a college or university education, and he followed that with the statement that but 3 per cent of the graduates of the public schools go through the colleges and universities. Is it not about time that a change should be made in this system so that practical education should be given to the high-school scholars, if only 3 per cent of them take advantage of the higher opportunity?

Mr. FESS. I agree with the gentleman entirely, and I recognize that there is a sort of rivalry or jealousy between the two schools of thinking. There is one group that is afraid to teach or train for work; they think it is sacrificing the ideal to the practical, the cultural to the utilitarian. There is another group that is afraid that if you take pupils into the higher realms of education they will learn nothing practical and will cease to be of use. As one father said, "My son was worth something before he went to college." Those who believe in vocational training say, "Do not try to put everybody through college. The world is full of college men with nothing to do." They have college training, but they do not know anything. That is, they have been trained mentally but they do not know anything practical. That is the claim of the practical man.

Mr. REAVIS. Educated fools.

Mr. FESS. One of the most distinguished college professors whom I know was asked the question why so few literary men went into public life and became active in civic movements, and he replied, "Because they don't know very much." Probably that is true. On the other hand, the man whose life is spent in thinking along cultural lines is afraid that vocational training is going to trap the youth and clip his wings of ambition, and that he will never get into the higher realms where the world yearns to reach; and we have those two jealousies operating among us. You hear it on every side where men and women gather to talk it over. Every time you move on vocational training somebody comes in and warns you against the dangers that lurk along the way. On the other hand, why should we

not take the same view of both these schools and ask the Federal Government to stimulate vocational training on the ground that it is cultural? [Applause.] When a man does a piece of work with his hands, he may never have seen a college, but if his work reflects thought and power to see, why is it not in that degree cultural. The man with the chisel on the stone brings out the soul. He works with his hands, but he is an artist. If a man can do a thing with his fingers, why is he not just as cultured as the man who, though he carries a diploma, can not make anything. I think it was Emerson who once said, in substance at least, If a man could make a mousetrap, and make the best one in the world, the world would make a beaten path to his door, for they like a man who can do things. I think the time is here when America ought to cultivate as well as stimulate the idea that there is not so much difference between the fellow who is working with his brains alone and the fellow who is working with his hands directed by his brains. One is as honorable as the other, and the idea that a man should avoid going into work with his hands because it unranks or disarranges him in society is an idea that we have got to get away from. In other words, it seems to me that the crying need of this hour is to dignify labor, is to make the man who works with his hands feel himself in any company just as honorable as the man who works with his head. It was Carlisle, as I recall it, who said that there is a perennial nobleness in work and an abiding hope for the man who is willing to work; it was Russell Lowell who said, He who stands with arms akimbo set, waiting for occasion to mark out his way, will die with his task unfulfilled. The world will angrily shove him aside, to make room for him who will take his work and stand by it.

It is not the worker who is pitied. It is he who does not make connection of hand and brain. It is the untrained whose daily toil reflects no thought. The Federal Government should attempt to connect the hand with the brain in all human endeavor.

Mr. Chairman, this bill is looking to the American population of 14 and over who will have to work with their hands, and it is looking to make them trained workers, so that they will feel a dignity in what they are doing and not be ashamed of it, and be not only satisfied as citizens in a degree, but will meet the approval of their fellow citizens. In order to do this we have got to have three kinds of schools. We will have the all-day school, the part-time school, and the evening school. The all-day school provided in this bill will require Federal aid to be limited to children of from 14 to 18, nothing below that, on the ground that no child under 14 has yet gotten a general education sufficient to go into some useful vocation. The Government will not and should not furnish that general education, but the State ought to supply that supplemental education prior to 14. Then when the child becomes 14, he can enter the all-day school provided by this act, which requires this school to be nine months in the year, and it also requires that there shall be 30 hours during each week. It also requires that at least one-half of his time in the all-day school shall be spent in the practical work in the shop. Do I get that before the committee so that it is understood?

The all-day school must not dissociate the recitation in the schoolroom from the work in the shop. The shop is the laboratory and the schoolroom is for the study and recitation of the principles to be applied in his practical work in after life. No Federal aid will be allowed to go to a pupil that will study all the time and work none of the time. This bill is written to articulate the boys thinking in the schoolroom with his working in the shop. For example, in the college we devote so many hours to laboratory work, and during laboratory days we do not have the recitation; the recitation deals with principles and the laboratory with the application of those principles.

When a boy is going on the farm he is going to be taught in the classroom the principles; then he must go to the farm a part of the year—in this bill we fix the time at six months—either on the school farm supplied by the school or upon his own home farm from which he comes. That is the reason why we enlarge beyond teachers. The bill says the payment of salaries to teachers—that is, in the classroom; and the supervisors or directors are for the field work or the demonstration work, and six months the bill says shall be devoted to demonstration work.

We permit the pupil in the classroom in the winter to study principles and in the fall and spring he is out in the field making a demonstration of the things he studies in the winter. The same correlation between study and demonstration is required in the trades and industries and home economics.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. STEPHENS of Nebraska. I want to ask if the amount appropriated is not so small that it will be impossible to carry the work into the rural schools? There are isolated all over the country tens of thousands of one-room school buildings. How is it proposed to benefit the school, itself incapable of establishing financially any sort of system for practical education?

Mr. FESS. Here is the amount for Nebraska, for example: Total amount, $88,600, for training teachers and for salaries of agricultural and vocational teachers.

Mr. STEPHENS of Nebraska. That would not be a drop in the bucket in comparison with the total amount appropriated for rural schools.

Mr. FESS. I will say that every dollar that is appropriated must be matched by a dollar from the State for the same purpose. Consequently there will not be a dollar of the money go to equipment of the building or plant or anything outside of the part payment of teachers. It is estimated that it will be about one to two; that is, the State will spend $2 to the Federal Government's $1, so that if $88,600 is given by the Federal Government the amount expended would be about three times that for vocational education in your State, to be applied by your State board.

Mr. STEPHENS of Nebraska. I presume the gentleman contemplates that this is merely an incentive more than anything else?

Mr. FESS. Absolutely.

Mr. STEPHENS of Nebraska. A stimulant to appropriate larger sums?

Mr. FESS. One thing that the committee and the prior commission wanted to do was to prevent any State leaning on the Federal Government. The State must take the initiative and must not look to the Federal Government except as an assistant. This is simply a stimulant to the State, and it does not supersede the State in any other respect, except that it fixes a minimum condition upon which the State may obtain the funds.

Mr. STEPHENS of Nebraska. Will the gentleman explain how it will apply to the little one-room school?

Mr. FESS. In this way: All the money that is given to the State will be given through the Federal commission to the State board of education. Then the State board will make its application in the State as the State board sees fit. The conditions in the States are so varied that we could not designate how they should be applied. If we did, it would be allowing the Federal Government to step in and supersede the State.

Mr. TOWNER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. TOWNER. I was going to make the suggestion that in similar cases where the Government aid has been already extended the States are not limited in their appropriation to merely meeting the requisite amount, but have appropriated four to twenty times as much as was appropriated by the General Government.

Mr. FESS. I thank the gentleman. It is designed as a stimulant. In all important movements the main purpose is to once rightly inaugurate it. The people will then care for its needs.

Mr. NORTON. Will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. NORTON. Is not the answer to the gentleman from Nebraska this, that it will be a stimulus and an incentive to do away with the small one-room school of three or four pupils and bring about a consolidation of those schools in the township?

Mr. FESS. I think that will be the effect. That has already become a prominent policy of many States of the Union.

Mr. HAMILTON of Michigan. How would this operate—how would it be put in operation?

Mr. FESS. The country school would have its agricultural department. Michigan is in advance on rural agricultural education, I may say. It must organize and provide for a plant, a teacher, and satisfy the requirements of the Federal board; then the Federal Government steps in and pays one-half of the salary of the teacher, the work in the school to be determined by the State board. The State board must meet certain conditions which the Federal board lays down. First, there must be a plan submitted, and that plan must show the kind of school they propose to carry on, its building and its equipment. Second, we provide the course of study; third, the methods of teaching; fourth, the qualification of teachers; and then it must be under the public control. Its work must be limited below college entrance, and it must be applied to pupils that either have already entered upon some employment or are preparing to enter upon actual work with their hands.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. HAMILTON of Michigan. It would involve the employment of additional teachers?

Mr. FESS. Probably; not necessarily. The two together could employ the teacher. It would increase the fund to be used and would likely employ a higher-trained teacher.

Mr. HAMILTON of Michigan. And the teacher could conduct the different kinds of instruction?

Mr. FESS. Yes. In agriculture it will be either payment of the teacher or payment of the supervisor and director who would be out in the field.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. REAVIS. In States like Ohio, Iowa, and Nebraska, hundreds of thousands of dollars are now being spent in agricultural schools. Will such States be entitled to this Federal aid without additional expenditure on their part?

Mr. FESS. That will depend entirely upon whether its plant already meets the approval of the Federal board.

Mr. REAVIS. Assuming that the plants do meet the method devised by the Federal board, this appropriation would amount in that event to a gift to these States?

Mr. FESS. It would, just as it will to every State that receives the grant. In any event, all that goes to the States from the Government will be a gift or grant as you may choose to call it.

Mr. REAVIS. And not an incentive?

Mr. FESS. It would. If the State is already well equipped it may stimulate it beyond what it has already done. I should judge it would help.

Mr. Chairman, I want now to call attention to the part-time school. I believe it is the greatest movement in modern education. It has taken hold of many States, and I think it is in many ways the most advanced step that modern education has taken. It is this: When a boy or girl is forced out of school at the age of 14 to go to work under the present system, his education stops. He goes into the blind alley of occupation; it is anything that comes. He is forced out either because he may not have had any direction from home or elsewhere, or may be compelled to go out because of the exigencies of the home.

This bill takes the view that if a boy or girl has stopped at the age of 14 in order that he may work, or for any other reason, his education shall not stop. He can go to work one day and go to school the next day, or go to work half a day and to school the other half, or go to work one week and to school the next week, and so on. In other words, he is at an employment for wages, but he is in school part of the time learning the principle of things that he is working at for wages. Immediately you say, "Will you not get into trouble with the employer?" And you wonder if the employer will be willing to take a boy or a girl who can not be with him every day or every half day or every week. This has been tried in Cincinnati, where it is called the cooperative system. It works wonders. The State of Pennsylvania has recently passed a law making it possible for every boy that goes out of school to work at the age of 14 to still continue in school. That is your part-time school. I repeat, it is the greatest movement that has taken place in modern education. Heretofore when a child dropped out he was gone, but now when a child drops out permission is granted that he may work part of the time in the line that he is studying and get wages for it and this will give him an incentive later on probably to go on to school all of the day, or it will give him an incentive to prepare himself beyond what an apprentice would do, and he will therefore win promotion. It is, in other words, the closing up of the blind alley, not in education, but in work. All over the country that fact has come to be recognized as feasible and workable. The vocational commission was once inclined to limit all Federal aid to the part-time school. I could not agree to it, because, while I regard it as the most important single step, yet I could not agree to say that a boy still in school all day could not share in Federal aid. But the general results of part-time work are so far-reaching that I believe this Congress could do no greater constructive work for the future citizen than to provide a way when the poor fellow is forced to work for wages so that his schooling may still proceed.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I will yield to my colleague on the committee.

Mr. TOWNER. I am told that there is such a demand from the Cincinnati schools for the workmen they furnish that they can find a place for any boy to take the half-time system, and that their work is so satisfactory that they are in greater demand than any other class of workmen by the factories. In fact, the statement was made to me by an educator from Cincinnati that there was one factory in Dayton, Ohio, that would almost be willing to take every man that could be sent from the Cincinnati schools into their factory.

Mr. FESS. I thank the gentleman for making a note of that, for Dean Schneider, of the University of Cincinnati, who inaugurated this plan, tells me that various employers have waiting lists, standing claims filed for persons, just as rapidly as they can get them to go into the service of their various companies. They say they are better workmen, these boys that are still studying; that they are more efficient than those who are not studying. They appear to have a different viewpoint in what they do. The plan is no longer experimental. It can be worked, for it has been in other places. It seems to me a very fine suggestion as a solution of the 93 per cent which this bill proposes to reach.

Mr. TOWNER. In the Dayton mills they work two weeks and go to school two weeks.

Mr. FESS. Some of them arrange to work half a day and are in school the other half, and others work so many days in the week—two days, and in school the other days—and others one week out and one week in school. That will have to be arranged, of course, by the locality, and this bill is written on this basis—that the whole suggestion be given over to the State board and the State board will deal with the locality.

The locality in one place will be different from the other. For instance, in east Liverpool the main thing would be work in pottery, while in Detroit it might be automobile manufacturing, in Boston shoe manufacturing, and so forth. One provision of the bill is that the education should be in line of the thing for which they are paid in their employment, to make them more efficient. We do not attempt to specify, but leave it with the State board to designate what the situation between the State and locality shall be. There are persons who will not be reached, either by the all-day or the part-time school. That calls for the evening school. We provide in this bill for such a school but forbid a pupil under 16 years going into the evening school. We do this on the ground that the physical disadvantage will overtop the advantage in a pupil under 16. We also limit the attendance on the evening school to those who are not in the day school. You can see why we do that. We do not fix any maximum age for the evening school. In the evening schools supported by various cities over the country we have people 50 years old; but we do not fix any maximum age in the bill. The bill is drafted upon the theory that the all-day and part-time schools if properly organized and conducted will ultimately totally obviate the necessity of the evening school.

But I said we do not fix anything of that kind. All we do is to fix the minimum and provide that no person should receive Federal aid for this character of evening instruction if he is less than 16 years of age, because it is physically bad, and also to keep from frittering away the funds. We do not allow the ones in the day schools to get advantage of Federal aid in the evening school as well. We think that is a wise provision.

Mr. Chairman, there are some controverted points in the bill. The Senate bill provides that the Federal board shall be made up of five ex officio members. They are members of the Cabinet specified in the bill. It provides that the executive head of that board shall be the Commissioner of Education. It also provides a board of specialists, five in number, with a fixed salary, ranging from $5,000 to $7,000. These specialists are to be, one in agriculture, one in labor, one in commerce, one in vocational education and administration, and so on. Then, there is to be, in addition to that, an advisory board of seven men, representative, limited to 30 days service in a year. The pay is $10 a day for expenses in addition to traveling expenses. They serve without compensation.

The House bill has an entirely different plan. It provides for a Federal board of five, the chairman of which is the Commissioner of Education. The four associate members are to be appointed by the President, no more than two to be of one political party. The salary fixed in the House bill is $5,000 a year. There is no specified board of specialists; but, on the other hand, this board has the administration of $200,000 annually to employ specialists to make studies and investigations in cooperation with the executive departments through the various heads and for making their investigations in the States of the needs of vocational education. There is no advisory board. The one striking distinction between the House bill and the Senate bill is the organization of the Federal board. The two bills in all other respects are almost identical. They were identical when introduced from the vocational commission. There is one slight difference in that the Senate bill does not include home economics as one of the coordinate subjects to be taught. The House bill does. There is another very slight difference. The Senate bill includes in the purposes of this education the training of immigrants for better citizens. We

have not specifically mentioned the immigrant, but in the House bill, I think, that is included without having it mentioned. Now, those are the only points of difference between the two bills. However, the opinion as to the merits of a permanent board, whose entire time shall be given to this important matter rather than an ex officio board is so well defined that, personally, I sincerely hope the House will prefer the House to the Senate bill. I am convinced that in the past legislation has not sufficiently recognized the importance of the education work of this body. There is no more important function and none of higher rank than that of education. Its controlling board ought not to be ex officio.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield for me to ask him a question?

Mr. FESS. I will.

Mr. HAMILTON of Michigan. Unfortunately I have not had an opportunity to study this very interesting question. I was thinking of this—take the country school. There are certain boys, for illustration, who want to be carpenters or one of the other trades. What opportunity would there be for diversifying the vocation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask that the gentleman's time be extended for three minutes?

The CHAIRMAN. The time is in the control of the gentleman from Kansas.

Mr. MANN. Has not the gentleman from Texas some time to yield to the gentleman from Ohio?

Mr. CAMPBELL. Mr. Chairman, I yield seven minutes to the gentleman.

The CHAIRMAN. The gentleman from Kansas yields seven minutes to the gentleman from Ohio.

Mr. HAMILTON of Michigan. Now, the gentleman understands the purport of my question. I had not quite finished my question, but the gentleman understands what I was trying to get at.

Mr. STEPHENS of Texas. Mr. Chairman, I will yield three minutes additional from my time to the gentleman from Ohio.

Mr. FESS. I am very much obliged to the chairman of the committee. The question of the gentleman from Michigan was, "How would you diversify these vocational trades?" One boy wants to be a carpenter and another desires to take up another trade——

Mr. HAMILTON of Michigan. Say, to be a blacksmith, and there are some young men who have a predisposition looking toward certain trades, and yet they will be only open to these vocations by wholesale, so to speak, along a specific line, and I take it from what the gentleman says only agriculture would be taught.

Mr. FESS. Agriculture is one field.

Mr. HAMILTON of Michigan. Yes.

Mr. FESS. Vocational training in industrial trades is the other.

Mr. HAMILTON of Michigan. Yes.

Mr. FESS. Now, you catch your carpenter under that. That is a trade.

Mr. HAMILTON of Michigan. Do not they elect in each school which particular line of instruction shall be given?

Mr. FESS. The State board will say whether they can apportion to that particular school any funds to carry along the particular thing they want.

Mr. HAMILTON of Michigan. Very well, but in each case in this country school it will be given over wholly to agriculture, and there might be some number of boys who might want to study some trade.

Mr. FESS. I should say to my friend from Michigan that must be left to the State boards——

Mr. HAMILTON of Michigan. I understand; I see the difficulty.

Mr. FESS. That we can not step into the State and determine.

Mr. REAVIS. That is administrative.

Mr. FESS. That is purely administrative. Now, Mr. Chairman and Members of the House, there has been a question whether this money would not be frittered away; whether the money might not be wasted; we have safeguarded that in the bill in this way, that if a State wants the money it has got to meet the minimum conditions and we make that very specific. The State makes an application to the Federal board, and the Federal board will take up the plans to see whether they can approve the plans. If approved, then the money is to be sent to the State and to be in the State treasurer's hands as the custodian and is to be paid to him in quarterly installments by the Secretary of the Treasury upon the authority of the Federal board.

It will be noted that the State must make an annual report to the Federal board on or before September 1 of each year, giving the applications of the funds received.

The Federal board is also required to make its report annually to Congress.

There is another provision here that ought to be noted, and that is, if the State does not wish to use both funds for agricultural and for vocational teaching, it can have its option. It can use one and not take the other, but it must use the fund that is sent to it for the training of teachers after 1918, for training of vocational teachers is so important that if the State has not sufficient interest to use its minimum for that purpose, after 1918 no further appropriation will be made. Then, there is another provision. If at any time the Federal Government may find that the State is not using the money in accordance with the purposes intended, there will be withheld further allotment to that State, and if any of it has been abused or wasted, the Federal Government will deduct that amount in the future allotment and punish the State in that way. And if any portion of the fund has been lost, the State must make up that loss before it can get any further allotment. So that I think these Federal funds have been very wisely safeguarded, so that there can be no waste.

There is only one item in the bill that troubles all of us, and that was raised by one of the Members, I think the gentleman from Nebraska [Mr. STEPHENS] a moment ago. That item is that the amount to be apportioned is so small at times that it is a question whether it is sufficiently large to do much more than merely stimulate, and whether it would do very much of that. In other words, there are so many schools that are organized as vocational schools, they are so numerous in the States, that when the State board gets this money, how is it going to apportion it? Are they going to give it to all these different schools—a little here and a little there, and so on? That is all up to the State board, and we will have simply to depend on their good judgment not to waste it.

The Federal Government can not go further than that. There was some objection some time ago that some of the States do not have a State board, and my State falls in that list. Ohio has no State board of education. Therefore, in the machinery of this bill there is no provision for that State to get the money. The agency through which it is gotten is not created. We do say that any department so designated as a board, but we limit the number to three. Now, fellow members, I hope that will not be passed over lightly. My own opinion is that a State that does not organize a State board of education ought to be punished to the extent of not having this money. I did my best to provide for such a board in the Ohio constitutional convention, but failed. Massachusetts set the example by organizing the first State board of education in the country in 1836, and Horace Mann, the first president of old Antioch, who died in the house in which I live, was the first head of the first board of education in the world. Nearly every State has followed suit and organized a distinctive board to take care of the educational interests of the people.

I am sorry to say that Ohio is one that has not taken advantage of it. Now, as a Representative from Ohio that wants the benefit of this aid, I frankly say from the floor of this House it must, so far as I am concerned, meet the requirements and create a board that is a State board of education through which this money can be administered if it desires to obtain this assistance. You say, why not give it to some individual? No. The Federal board has a great work in the studying of the needs of the various States, and it must operate not through an individual but through a board whose business it is to give the information that we need. And we therefore say that this money shall be applied through a State board to consist of not less than three persons, because the administration of it is too important to be lightly considered, because the State board is to do more than simply apply the money. It is so important that the money be not wasted that it is necessary for a State board to be created by legislative enactment in order to do the things that are required in the bill. And for that reason I hope that nobody will seriously object to that phase of it.

Mr. POWERS. Will the gentleman yield for a suggestion?

Mr. FESS. I will yield to my colleague on the Education Committee.

Mr. POWERS. This State board must be created by legislative enactment and the provision of this bill accepted by the State legislature.

Mr. FESS. Yes. I hope the observation of my friend from Kentucky will be noted. Some one said we ought to eliminate the necessity for the legislative act and let it be through the option of a governor or an individual like the State superintendent. No. The State board is going to be vested with responsibility here, and it ought to come through the law-making power of the State, to whom they will be responsible, and if the legislature is not in session let it come in session and meet the requirements of the law.

Gentlemen of the House, I think that I have gone over all of the details of the bill, not fully, it is true, but sufficiently, I hope, so that the bill will be intelligible, and I conclude what I have to say with this one thought. In America we are a working people. Whatever has marked any nation, ours is marked by the word "accomplishment." I believe that the man who accomplishes something stands as high in America to-day as any other person. I once heard it said that the eighteenth century's trade-mark was authority, that everything went by order. People did not stop to be independent, to make any query. They were told what to do and they did it. That was the eighteenth century. The nineteenth century was marked by opinion, a degree of independence, where people began to think for themselves in all lines. But the twentieth century is marked by doing things, by achieving, by accomplishing. The man to-day who gets recognition is the fellow who can do something. Why, I would go a long distance to see the fastest horse in the world perform, simply to see him do something that no other horse could do. I enjoy seeing an accomplishment, whatever it is, that is difficult to perform. That is the thing that America has been thinking about. Some one said we think the unthinkable and do the impossible—ours is a working Nation.

Now, here is a bill to make the most out of brain, heart, and hand. And any legislation that will do that is worthy of the consideration of this House. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Chairman, no subject is more vital to the great mass of the American people at this time than the increased cost of living. All kinds of laws are being proposed to remedy the situation, some investigations are already being made, and many others are being proposed. The value of a dollar has shrunk far below the value which it possessed a year ago when measured in terms of the necessary commodities of life.

A statement by the Hon. Martin W. Littleton in the New York World of Sunday, December 10, 1916, sets forth the situation in such an admirable way that I can do no better than to quote it. It is as follows:

Somewhere Shakespeare makes somebody say:
"A man may eat of a fish that's eat of a worm that's eat of a king."
And then somewhere Tennyson, I think it was, has said:
"I am a part of all I ever met."

We who eat of the fish in which our nearby seas and oceans abound, judged by the price, are eating of Shakespeare's fish which has "eat of a king," for we pay the royal price. Everything from the soil to the stomach, from the field to the palate, from the flock to the garment, "becomes a part of all it ever meets"; and on its way it apparently meets everybody who is out of money and who takes his toll.

From the apples that blush in the sunlight and glisten in the rain to the potatoes that blink their dull eyes on our dinner table, we are burdened with the cost of maintaining every manipulator that touches them from the time they fall from the tree or come out of the earth.

Nature prodigally produces everything that we can eat or wear under the blessed influence of the procession of seasons. For ages the sun in his westbound course has been storing the fuel in the mountain side; the forests under his magic touch have sprung up, and each year the valleys are overflowing with plenty in response to his kindling touch.

BARE MEANS OF EXISTENCE.

The little that we do is merely to accommodate ourselves to the great dynamic energies provided for us from a Heaven-sent source; and yet, with all that is flung up from the sod, and all that flows in the running streams, and all that comes from the purple vineyards and the reddening orchards, and all that comes from the domesticated fowls and animals which have yielded themselves in placid servitude to the human race, we get by dint and stint barely enough, through the exertion of all our energies, to clothe our backs and feed our appetites.

The ordinary apple, whose fall to the ground simply illustrates its overflowing ripeness and reminds us of the philosophy of Sir Isaac Newton, before it reaches our tables becomes the golden apple of Hesperides. The corn blowing its tasseled riches over endless acres, the wheat waving its golden banners, the cotton whitening under the warmth of a southern summer sun, the potatoes buried in the travail of their miraculous birth, the earth letting out streams of endless plenty for the health and comfort and satisfaction of the human race—all of these to find their inglorious destiny in the corner of a cold storage, their wonderful bounty bled by the thrift of the toll-taking middleman, and nature's predestined plenty shriveled to a starving deficiency!

Has this all been brought about because there are crafty and shrewd men who know that we prefer to pay the cost of high living? Has all of this come about by a crafty arrangement born of a knowledge that we consider how much we spend a tribute to how much we earn? Is there a class of people who spend so much and so profligately that they have created and educated a school of middlemen in America who know how to dam up the streams of plenty until each drop will be priceless? Is the average man obliged to pay the awful tribute to the toll taker because there is a class of more than average men and women who have been thrown up on the peak of some fortune by the mere friction of modern commerce and who insist upon paying too much and spending too much?

WHY THE COST IS SO HIGH.

How did it all come about that everything is ten times higher than its real value when nature is faithfully working in our behalf, with her miracle of sun and rain mingled with the fecundity of sod and soil, skillfully combining all their marvelous processes for our happiness and contentment? How did it all come about that the toll takers line up between the stalk in the field and the cold-storage warehouses, line up between the potatoes in the soil and the commission merchants, line up between the grain fields and the elevators, line up between the noble herds and the packing houses, and, having taken their increasing tolls, switched their line about and, forming on the right, established themselves between the dinner table and the commission merchants, and again take toll compounded on compound, until when the food is consumed we eat not the product of a watchful and benevolent nature, but we eat all of the parsimonious accretions of these thrifty toll takers streaming as they do from pantries to prairies, from kitchens to truck farms, from dinner tables to cornfields?

Too many are busily engaged in complicating life instead of producing something. Too many are turning things over and demanding pay for turning them over. Too many are adding the touch of their useless toll to the products of the soil before they reach the consumer. The manipulator, the hoarder, the impounder, the cold-storage cornerer—all of these in endless variety and in infinite ways divert or dam up the streams of supply.

It is as difficult to get a big red apple that falls blushing to the ground as it is to carry a football through Yale's doughty eleven between the goal posts. The commission merchants and the middlemen are keeping the goals.

You ask me what I would do if I were king. I'd make as straight a line as geography would allow from the cornfields to the cities, and from the orchards, the truck farms, the ranches; and in those cities at the end of that line I'd establish storage warehouses and cold-storage plants, and I'd allow the man who produced them to hang up his product, freeze them if they must be frozen, but only long enough to sell them; to keep them if they must be kept, but only long enough to dispose of them.

And I'd let every consumer in the city find his way to this great emporium of plenty and pay a good, sound price, a profit to the man who made it or produced it, a profit to the man who carried it; and I'd throw so many men out of employment, whose chief employment now is increasing the cost, that they would have to go out and begin to cultivate the soil; and they would add to the production of the country, and that production would add to the store of plenty, and the price would come down sufficiently to enable the people not merely to exist but to live in this world, not to work their nails off to the quick for sufficient to keep body and soul together, but to pursue in the even tenor of their ways congenial employment, with their eyes feasting upon some vision more entrancing than a rump steak.

We do not need industrial justice or social justice or economic justice. What we need is justice. We do not need socialism or communism or nihilism. What we would most profit by would be a little ordinary horse sense.

New York is almost the banner apple State and grape State and milk State, and yet simply because we won't take the time from our maddening pursuit of making big money and spending more the apples are rotting in the orchards while we pay 10 cents apiece.

The milk is turning to whey in the succulent udder and the grapes are withering in an atrophy of inaccessibility; the fruitful hen robbed of the brooding joys of motherhood by the insensate incubator, divorced from her richly plumed paramour by commercial greed, and reduced to the tasteless diet of bone dust and sea shells is made to lay in season and out of season, all for the purpose of choking the storage plants with millions of eggs until their shells become as silver and their yellow yolks as gold.

ALL PRICES ARE INFLATED.

The world has gone mad over fictitious values and inflated prices. Everything has lost its genuine value in the bewildering figures of its arbitrary price. There was a time when the stock market represented alone that illogical region of rumor, where cause had no effect, and effect had no cause; when a lonely shot fired in the far-off Balkan Peninsula would send a local stock to the bottom, when a vigorous sneeze or a prolonged snore of some overfed manipulator would send a feeling of dismay through the Street.

The unsophisticated and ungullible public stood aghast at the superstitious gamblers of Wall Street. But now everybody is gambling with everything, the same as Wall Street gambled with a few things. The gambling which was once confined to bonds is now extended to bread. The juggling which was once limited to stocks is now applied to foodstuffs. The corners that once alarmed only a few stock speculators now startle the old men and the women and children, for they know that the corner includes them.

The gambling which at one time was limited to Wall Street and its hot furnace of speculation has overflowed and swept over the country and poured into all channels of trade. True values have been abolished, intrinsic worth has been forgotten, and everything has been artificially inflated, and everybody stands for it because each is gambling in something and expects to be able to pay for it.

GAMBLING WITH FOOD.

I am liberal enough to allow that anyone who wishes to gamble and juggle and corner may do so if he is gambling and juggling and cornering with others who have the same chance he has, but if I were a sort of benevolent despot I would strangle the men who dared to gamble or juggle with or corner the things which mankind must eat and wear. Better a thousand times the archaic faro table with the persistent idiot hurling himself against the prevailing percentage; better the poker game with its sudden, short, sharp thrill and its ensuing sadness; better all the old forms of gambling with their classical paraphernalia, for only a few went under.

But to convert the great rich earth into a vast gambling table, with all of nature's beautiful and necessary products as the pawns and wagers, until everything is stamped with a gambling value, and every human being drawn into the game whether he plays or not, and every one suffering the losses whether he wagers or not, and nobody but the dealer reaping the profit—this is demoralization; this is not commerce—this is chicanery; this is not economics—this is conspiracy; this is not business—this is blackmail!

Scarcely any man is wise enough to put his finger on the trouble or lay the ax to the root. I am an intense and uncompromising individualist. I abhor the dull program of socialism, which proposes to strap the live man to the corpse in order to create a dead level of equality. But if the gamblers who call themselves merchants, the highwaymen who call themselves business men, the exploiters who call themselves economic units persist in trifling with the very vitals of a country they will have only themselves to blame if all business does not become socialized and if all property is not finally held in common by all.

I firmly believe that the Government should refrain from entering any field of industry which the individual can better develop, but the band of exploiters who constrict the arteries of trade and withhold the free and just circulation of life necessaries are calling down upon themselves the blind wrath of men and women who may not stop in time to preserve a free government and a free people.

Mr. STEPHENS of Texas. Mr. Chairman, I next yield to the gentleman from Nebraska [Mr. STEPHENS].

Mr. STEPHENS of Nebraska. Mr. Chairman, I am moved by the splendid address of my colleague from Ohio [Mr. FESS] to make some remarks as to the application of this bill to the little one-room school. I had hoped there would be a provision in this bill that would in a manner penalize that institution, or, in other words, stimulate the establishment of a better one in its place. The one-room school to-day is a relic of the past. It ought to be abolished where possible, and in its stead we ought to have a rural school of the sort that this bill can greatly encourage. I would like to see incorporated in this measure if possible a provision that in the agricultural districts this money could be paid only to such schools as conform to some sort of an ideal similar to the one which is in the minds of most men who have considered this subject of rural education. I believe that the six or eight or nine little one-room schools in each township should be consolidated; or, rather, in their place there should be established an agricultural school doing actual farm work.

We have always had a sort of a stereotyped conception that a school must consist of a building with four walls and some one ensconced in that building to teach, when, as a matter of fact, we ought to have in our minds a conception of the object of this education and the best way to get it. Now, what we ought to have, in my judgment, is a miniature agricultural school in each congressional township, established with a view to teaching agriculture and such academic instruction as properly belongs to that subject. It should be strictly a scientific institution. In my judgment we will never make any educational progress in this country until we can get rid of this one-room school, presided over by the little girl teacher, who is not a model either in scholarship or ability to inspire the pupils by any manner of means. We ought to consolidate these rural schools in small centers where men and women of large experience and ability can be employed.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes. I yield to the gentleman.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that in the frontier countries often 10 miles square will not afford more than 20 students in a school? I remember the first school I went to. I had to walk about 2 miles to get to it. The whole building was made of logs, with no floor in it. That is the way my education started. I hope we shall never see the day in the western country when the day schools will be abolished in favor of anything. I think a good agricultural school is one like most of us attended under our father's instruction on the farm.

Mr. STEPHENS of Nebraska. Of course, I would not advocate the impossible. We must always have schools fitted to the conditions of each locality. But in the thickly populated agricultural districts there is no excuse whatever for the one-room school. It is inferior in every particular to the one-room school that the gentleman from Texas refers to. That school was presided over by a man of mature years, a man, no doubt, of considerable education, at least of considerable experience. He was fitted in a measure to render some sort of service to that school. But when you substitute for him the identical sort of conditions that the gentleman refers to, only substituting therefor a better building and a little immature girl in charge of the school, you can easily see that no progress whatever can ever be made in the matter of education in our rural districts. We have got to have mature teachers of ability who can inspire and lead in a community.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman.

Mr. FESS. The bill on that particular line is very specific. It writes into the law minimum requirements. It will not give any Federal aid to any building, any plant, any repair, but it does leave it to the Federal board to say what must be done by the State in order that the State may get this appropriation, and in that they take in plans, courses of study, methods of teaching, the qualifications of the teacher, and so on. The thing the gentleman from Nebraska is afraid of certainly could not happen under a wide-awake State board, because the Federal board would not approve of any application of this money unless those plans are met.

Mr. STEPHENS of Nebraska. I hope that the provision in the bill that the gentleman refers to would operate in this way at least, to add to the teacher's pay, in order that a higher grade of teacher might be employed. But this it can not do. It can not bring to that little one-room school, with 10 or 15 pupils, a high-class man or woman who could render that district a great service. Now, the sort of school that I have in mind is one of a size that will enable the people of that locality to bring to their service a high-grade man or woman as supervisor. This school will operate on the farm and will be conducted under actual practical methods. It will not be an indoors school any more than a farm is operated indoors.

It will be a school of shops, classrooms, drafting rooms, and laboratories, everything built on that farm, which is a real farm, not a make-believe farm, presided over by a man of real ability, who will be a leader in the community. This will be a school not only for children but for farmers, landowners, and farm hands. I want this money to encourage building schools of this sort, and not frittered away on the little isolated one-room school, presided over by a little immature girl teacher. Such an expenditure, in my judgment, would be a sheer waste of money.

Mr. FESS. If the gentleman will permit, if the Federal board should say to the State board, "No money shall be paid unless you meet the qualifications as to the teacher"——

Mr. STEPHENS of Nebraska. That is the only fear I have. The board may not say so. I will say to the gentleman that I am very enthusiastic for this bill. I believe it is the opening wedge. I believe it is going to mean more toward preparing our citizenship for the duties of self-government than any measure I have ever had the privilege of supporting. But it is essential that we should provide some means in this measure by which these appropriations could not possibly be used by a State board for the purpose simply of increasing the wages of one of these poorly paid rural teachers without raising her standard. We should devise some plan whereby we can attract a man or woman of real quality, which is impossible in the case of a small one-room school of from 5 to 20 pupils. Good results can not be had from them, no matter what you pay, because the conditions will never attract the higher sort of teachers that ought to be employed in these schools.

Mr. FESS. If the gentleman will permit, the Vocational Commission, in looking to the feasibility of aiding this movement, takes into consideration the fact that the payment of salaries would be an important item in the conduct of the school, and in order to get what the gentleman is asking for, a higher grade teacher, it is necessary for the Federal Government to give the State assistance. Otherwise it would simply mean to increase the salary of those teachers already employed. That would not do at all. It is to find somebody to do the work that the present ones can not do.

Mr. STEPHENS of Nebraska. I think the gentleman from Ohio is entirely correct is his view.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. CAMPBELL. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. LENROOT. Mr. Chairman, I am sure that every member of the committee feels very greatly indebted to the gentleman from Ohio [Mr. FESS] for his very splendid presentation of the purposes of this bill and his explanation of its details. He has stated that there are but few controverted points between the Senate bill and the House bill, and that is true. It is one of those controverted points that I want very briefly to discuss at this time.

I wish to discuss it now, rather than to wait until the bill shall actually come before us for consideration, because I think it is a matter of such importance that the success or failure of this bill when it is enacted into law will depend very largely upon how Congress shall deal with that fundamental point, and I sincerely hope that, between now and the time when this bill shall be actually considered by us, the membership of this House will give serious consideration to the matter that I propose to discuss. That matter is the method of the organization of this Federal board.

As Dr. FESS has stated, the Senate bill provides for an ex officio board composed of five members of the Cabinet. The House bill provides for a board consisting of five members, four of them to be appointed by the President of the United States, no more than two of whom shall belong to the same political body, and the fifth member, the Commissioner of Education, who shall ex officio be a member of the board. Now, to my mind, neither of these systems or methods will bring about the result that ought to be gained by the enactment of this bill. There are only two grounds upon which Federal aid for this purpose can to my mind be justified: One, to secure the establishment of practical standards of vocational education; second, to stimulate the States by Federal aid to accept these standards. I have no sympathy with the view sometimes expressed that the Federal Government should aid the States in carrying the burdens of vocational education. On the contrary, any State that to-day has any practical system of vocational education can well afford to continue it out of its own funds, for there is no expenditure that the State can make that will bring better or larger returns to it than a practical system of vocational education. But it is necessary to establish practical standards, and in order to secure the adoption of those standards it is necessary that Federal aid such as is proposed in this bill be given.

Now, the House bill provides that the Commissioner of Education shall ex officio be the chairman of the board; that four members shall be appointed by the President. And I am afraid that that is going to mean that the fixing of these standards and the control of this subject will be in the hands of general educators rather than in the hands of practical men. And I want to say very frankly that I do not believe general educators are qualified to fix standards for vocational education such as we ought to have in the United States. It is no reflection upon any general educator when I say that, any more than it might be considered to be a reflection upon me if some one should say that I was not qualified to perform a surgical operation.

In the fixing of these standards we all agree that they should be practical standards. They should be standards such as, when adopted by the State, are going to result in training boys and girls for vocations. Is that going to be secured unless those standards are passed upon by practical men? If not passed upon by practical men, they will be fixed by an examination in the field, in the first instance, by trained men, it is true, college graduates, trained investigators in getting raw material, but who have never had any practical experience in industry or in trade. They in turn will send their reports in to the Bureau of Labor or other department, as the case may be. That raw material will be interpreted by experts who have never had any practical experience, and finally general educators through these channels will fix the standards and they themselves are not practical men in these lines. So we have theory from beginning to end as against the fixing of standards by practical men. So it is my purpose at the proper time to offer an amendment providing, as the House bill provides, for five members of this general board, the Commissioner of Education to be a member ex officio, four members to be appointed by the President of the United States, but with the qualification that one of those members shall be representative of labor, one of them representative of manufacturing, one representative of commerce, and one representative of agriculture. And I want to say, Mr. Chairman and gentlemen of the committee, that this method which I shall at the proper time propose is not only indorsed but it is urged by the United States Chamber of Commerce, by the National Association of Manufacturers, and by the American Federation of Labor. And I want to suggest——

Mr. FESS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FESS. I would say to the gentleman that that proposition was before the committee, and they went over it very carefully, and we had some fear that to designate these special activities might in a sense restrict the President in his appointments. We believed that with the bill specifying that there must not be a separation of the theoretical from the practical, but that the practical must be carried into effect by specifying how many hours shall be devoted to practical things, no President would be so unwise as to appoint on the board simply educators.

Mr. LENROOT. Oh, I do not say, nor do I think, it would follow that all of them would be educators; but the gentleman knows that in the testimony before his committee the Commissioner of Education himself stated that he believed he should fix these standards from information gathered by specialists.

Mr. FESS. Will the gentleman yield again?

Mr. LENROOT. Yes.

Mr. FESS. While it is true that the Commissioner of Education made that statement, is there any fear in your mind that your plan would produce the dual control of education, having one board for the vocational and one board for the general education?

Mr. LENROOT. I do not fear that, because with the Commissioner of Education a member ex officio of the board it would take care of that portion of the subject that ought to be intercorrelated and administered together.

Mr. FESS. I wish to say to the gentleman that that is the only feature in it that I was afraid of.

Mr. LENROOT. But if there be anything in the objection, it seems to me very clear that it is very greatly outweighed by the other proposition, that instead of these standards being fixed theoretically they ought to be fixed by practical men—men who know for themselves rather than to depend upon others for their views.

My amendment will also cover one other proposition, and that is to permit the appointment of advisory committees by this general board, representing these different fields, to assist them in the administration of the law, with a limitation upon the expenditures that may be made by this committee of not exceeding $50,000 per year.

Mr. FESS. May I ask whether that would come out of the $200,000?

Mr. LENROOT. Yes; out of the $200,000.

Mr. FESS. And it would not increase the appropriation?

Mr. LENROOT. Not at all.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STEPHENS of Texas. I will yield the gentleman five minutes more.

Mr. LENROOT. Going back to where I was interrupted, where I was stating that the method I proposed has the indorsement of the National Chamber of Commerce, the National Association of Manufacturers, and the American Federation of Labor, I want to suggest that if upon any question the American Federation of Labor and the National Association of Manufacturers can agree, it is a matter of very serious consideration for the membership of this House. With reference to the United States Chamber of Commerce, the Members of the House no doubt have received a pamphlet from them where the Chamber of Commerce specifically asks for the amendment of the bill in the certain particulars that I propose to offer as an amendment here. The National Association of Manufacturers has adopted a resolution declaring that in their opinion that board should be made up of the interests specially to be advanced—labor, employment, and education. The American Federation of Labor in its report to the executive committee made at their annual convention last month used this language:

> We had hoped that the provisions of the act relative to the board would have been changed so that the Secretaries of the several Departments of Agriculture, Interior, Commerce, and Labor would not have been delegated as the board. We felt that their duties are already altogether too onerous and too complex to have this additional responsibility thrust upon them. There is, in addition, a double danger in having department Secretaries serve as the Federal board for vocational education—first, administrations and administrative officials are subject to quadrennial changes, and it has happened in the past that sometimes Cabinet members have been changed several times during an administration. This objection in itself should be sufficient for us to object to the Federal vocational education board being so constituted; the second objection is a more serious one, namely, that of the possible injection of partisanship into the administration of this new field of educational effort.
>
> It is our opinion that this new board should be composed of representative men but not partisan representatives of the administration in power. Its personnel should represent the great fundamental activities of life, namely, agriculture, labor, commerce, industry, and education, and the local advisory boards should be equally representative, so that the human activities of the Republic could feel assured that experienced, tested men from their own vocations, such as labor, commerce, agriculture, industry, and education should be fairly and efficiently represented.
>
> It is our opinion that when this measure is once launched it should be directed along proper channels at the start. If we permit politicians to direct its energies, there is a danger that it may become a mere political adjunct of the party in power. If we permit the present academic educational group of the Nation to dominate, the whole force and virtue of genuine vocational trade training will be in danger of being lost sight of and the Nation's appropriations will probably be misdirected along minor lines of endeavor, such as manual training, amateur mechanics, and other trifling, impractical, valueless schemes. Neither can we afford to permit this great measure to be overweighted by any special trade, commercial, or vocational interests. The agriculturists should not predominate, neither should the commercial or even the labor and industrial interests. We should insist that the board be properly balanced to start with, and that the interest of each of the great divisions of activity should be fairly and properly conserved; and unless we are otherwise instructed by this convention we shall make endeavors to change the proposed law according to the lines herein laid down.

That, Mr. Chairman, is the view of the American Federation of Labor. Now, I submit that the views of the manufacturers and of labor when they agree upon a proposition like this are entitled not only to weight in this House but, in a matter of this kind, ought, it seems to me, to control, rather than the views

of the general educators, who, very humanly, desire to have for themselves all the power that they can get. It is no reflection, as I said a moment ago, upon the general educators that they desire this power; but if this is to be a workable and successful measure, as I hope it will be, we ought to do everything within our power to make it practical in every sense of the word.

Mr. SLOAN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SLOAN. The gentleman has quoted the American Federation of Labor and the National Association of Manufacturers. Has the bill in its present form been favored by the grangers of the United States?

Mr. LENROOT. Yes, generally; I do not know about its present form.

Mr. SLOAN. And favored by the Farmers' Union?

Mr. LENROOT. I do not know that they have taken any action as to the details. The general purpose of the bill, as the gentleman knows, is favored by everybody.

Mr. SLOAN. Are not their views as important as those of the American Association of Manufacturers or the American Federation of Labor?

Mr. LENROOT. Yes; and if I had those views, I would be glad to present them, whatever they might be.

Now, the amendment which I shall propose will be, in substance, as follows:

Amend H. R. 11250 by striking out all of lines 17 to 25, on page 8, and the words "per annum," on page 9, and insert section 6—

"That a Federal board for vocational education is hereby created, to consist of the United States Commissioner of Education and four citizens of the United States to be appointed by the President; one of said four citizens shall be an employer of labor engaged in manufacturing, one engaged in commercial pursuits, one a representative of labor, and one a person engaged in agriculture. The board shall elect annually one of its members as chairman. It shall have the power to employ an executive secretary and such assistants as may be necessary to carry out the provisions of this act. In the first instance two members shall be appointed for two years and two for four years, and all subsequent appointments shall be for four years. The members of the board, other than the United States Commissioner of Education, shall each receive a salary of $5,000 per annum.

"Said board shall from time to time appoint advisory committees, made up of persons representing industry, commerce, labor, agriculture, home making, or general or vocational education, to assist them by advice in the administration of this act, and may fix the compensation of the members of such advisory committees, but not more than $50,000 shall be expended by the board in any fiscal year for this purpose."

Mr. STEPHENS of Texas. Mr. Chairman, how much time is left for general debate?

The CHAIRMAN. The gentleman from Texas has 12 minutes and the gentleman from Kansas 3 minutes.

Mr. STEPHENS of Texas. I desire to yield the rest of my time to the gentleman from North Dakota [Mr. NORTON], a member of the committee, if he wants it.

Mr. CAMPBELL. Mr. Chairman, in the three minutes I have I simply want to say that it is peculiarly fortunate that the discussion on the vocational bill has taken place on this Indian appropriation bill. Nothing is more important to the Indian than that he should have vocational education. The chairman of this committee, who, unfortunately for the Indian, is now directing his last Indian appropriation bill through the House, has been insisting for years upon vocational training for the Indian. He and I have had a cherished plan of creating a great university for the training of Indians and Indian teachers in agriculture and other vocations with a view of getting something like the value of a dollar for the Indian out of every dollar appropriated for his support and civilization. It is unfortunate that the plan of vocational education for Indians has not been further advanced, and I take this opportunity of calling the attention of the Members of the House to the debate that has occurred upon the vocational education bill, which has been projected into the debate upon this Indian appropriation bill, and I ask them to make application of the practicability of that sort of education for the Indian, and to aid in making substantial and proper provision for that sort of education for the Indians in the future.

I yield the remainder of my time to the gentleman from North Dakota [Mr. NORTON].

Mr. STEPHENS of Texas. Mr. Chairman, I yield the remainder of my time to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I desire to discuss briefly a few questions pertaining to the Indian appropriation bill now before the committee. Let me emphasize at the outset that the very foundation of the education of the Indian must from the nature of the Indian's condition and needs be primarily vocational. It has been along that line for years and is now and, of course, must so continue in the future if it is to be of the greatest possible benefit to the Indian. During the past summer it has been my privilege to visit a number of the Indian schools and a number of the Indian agencies of the country, and to observe the work that is being done at these schools and agencies. At nearly all of the Indian schools which I visited the educational work being done is most commendable. Last October for a day I visited the Indian school at Genoa, Nebr. There the work of education is practically altogether along vocational lines. The boys are taught farming, carpentering, shopwork, printing, and other useful and practical trades. The girls are taught housekeeping, sewing, dressmaking, general home economics, and dairying. They are at this school carrying on a very fine industrial and utilitarian course of training for the more than 400 Indian boys and girls in attendance. They have at this school one of the finest herds of registered Holstein-Friesian cattle in the country and they also have one of the finest herds of Duroc Jersey hogs to be found in the United States. They raised on the school farm the grand champion Duroc Jersey aged sow of this year. This sow won this year the grand championship at the Omaha Exposition, and at the Iowa State Fair. Their Holstein-Friesian herd took many prizes at fairs where they were shown.

What I particularly desire to say in a few words is concerning the tendency in the administration of Indian affairs that we find in governmental affairs generally in the United States—that tendency of the Federal Government to increase and hold perpetual supervision over the Indians, the same tendency we find in the Federal Government to assume control and supervision of a great many functions of government which formerly were held to properly belong to the State and to the local community.

We have in the House Committee on Indian Affairs a great deal of pressure brought to bear to have the committee take up the care and education of Indians who have been caring for themselves in the different States for many years. We have knocking at the door of the Indian Committee to-day the case of Indians in North Carolina and the case of Indians in Mississippi. This demand involves to my mind one of the large principles in the administration of Indian affairs. A question that Congress should definitely settle soon is, Whether it shall be the policy of the Government to educate Indians to that degree where they can care for themselves and then separate them from the guardianship of the Government, or whether the Government shall treat as wards of the Government those who are classed as Indians as long as that classification can in any way be attached to them? I think that the day should soon come when the Indian Bureau ought to be abolished and when all the Indians in the several States should be required to provide for themselves. I believe that our educational system as it applies to the Indians should be such that they will soon, in every State, be brought to a condition where they will be self-supporting and be able to take care of and provide for themselves, and that then they will no longer be treated or considered wards of the Government. The other day before the Indian Committee we had a case presented to us of Indians in Mississippi who for more than a half century have been caring and providing for themselves. We were told that this year five or six hundred Indians down there had suffered crop failures; that they were in a poor and distressed condition; that their children were not receiving the educational advantages which the petitioners thought they should have; and that in consequence good reason existed why the Federal Government should make an appropriation to care for those Indians and provide for the education of their children. We have had recently practically the same claims made for Indians in North Carolina.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. NORTON. I shall be pleased to yield in just a moment. I want to say this, that if these requests are granted, we are going to enter upon a policy where the Government will eventually take over the care of the Indians in New York, Ohio, Michigan, and other States who have been caring and providing for themselves for many years—these Indians who have acquired a citizenship in the several States, and who now have all of the rights and responsibilities that devolve upon white citizens in these States. I do not believe and do not expect that this Government can pursue any system of education or administration for the Indians that will enable every Indian to be and continue to be a well-to-do, rich, prosperous, and always happy member of society when he is released from the guardianship of the Government. The Indian when given a good vocational education should be freed from Government restrictions and be required to make his own living in the industrial life of the

Nation. I now yield to the gentleman from Mississippi, Mr. HARRISON.

Mr. HARRISON of Mississippi. Mr. Chairman, I wanted to ask the gentleman a question. He referred to the Mississippi Indians.

Mr. NORTON. I referred to them because very recently we had a very urgent request to make an appropriation of Federal funds for the benefit of Indians in that State. I do not mean to say that the Indians in Mississippi who have been given citizenship rights in that State many long years ago are in any different position or should be dealt with differently than many Indians in Maine, New York, Michigan, or some of the Indians that have recently been given citizenship in my own State.

Mr. HARRISON of Mississippi. I wanted to get some information. The gentleman said it came up in the committee. Was that in the form of a report about the Mississippi Indians?

Mr. NORTON. Yes; the request was supported by a report.

Mr. HARRISON of Mississippi. What kind of a report was it?

Mr. NORTON. The request was presented by one of the very able members of the committee representing one of the congressional districts in Mississippi. The report was one made by an inspector of the Bureau of Indian Affairs.

Mr. HARRISON of Mississippi. Was it based on a report from the Commissioner of Indian Affairs, through the Secretary of the Interior, about the condition of the Mississippi Indians?

Mr. NORTON. I will say that it was based upon a report received from the Bureau of Indian Affairs. It is in just that kind of reports that lies the danger of Congress being led into adopting the policy to which I have called attention. Whenever a question is submitted to the Indian Bureau as to whether the Government shall provide aid for Indians scattered here or there throughout the country the Indian Bureau, whether intentionally or otherwise, to perpetuate itself, finds a reason to report that something should be done by the Federal Government for such Indians. The Indian Bureau did it in this case and will, I venture to say, do it in ninety-nine cases out of a hundred that may be referred to it. It is not surprising at all that a great bureau like the Indian Bureau, made up of hundreds of civil-service employees, would want to continue its hold and supervision of the Indians throughout the country and enlarge and perpetuate itself. This policy of which I speak can not safely be left to the employees in the Indian Bureau to decide. It is a question that Congress should and must meet squarely; a question that Congress should and must definitely decide for the best interest of the Nation and for the highest welfare of the Indians.

Mr. HARRISON of Mississippi. The reason I ask is because I have not been able to see the report. I understand it has just been filed and has not been printed, and that it states to the committee that these Indians in Mississippi should be taken care of. Now, does the gentleman feel, under the North Dakota item, an item should be written in "for support and civilization of the Sioux at Devils Lake, N. Dak., including pay of employees, $5,000," and several other items along that line for the State, and that at the same time the committee should have turned down a request that came from the Interior Department saying that certain things should be done for the Mississippi Indians?

Mr. NORTON. I want to say to the gentleman in all frankness and fairness, having in mind only the best interests of the country at large and what I believe to be the best interests of the Indians, that I believe that the sooner a great many of the Indians of the Devils Lake Indian Reservation, the Fort Berthold and the Standing Rock Indian Reservations are placed upon their own resources and freed from the guardianship of the Government it will be better for the Indians and for the Nation. The restrictions from many of the Indians on these reservations have been removed, and such Indians have taken upon themselves the full responsibilities of citizens of our States. Such Indians, as a rule, are doing splendidly for themselves and families. I trust the Government will never take a backward step and provide an appropriation for the care and education of these Indians who have been given full citizenship rights.

Mr. HARRISON of Mississippi. Oh, but the gentleman did not exactly answer my question.

Mr. NORTON. I would deeply regret and I believe it would be a serious error and a dangerous policy for the Federal Government to go backward and in Mississippi, North Carolina, New York, Michigan, or in any other State provide a Federal appropriation for Indians whose restrictions were removed many years ago.

Mr. HARRISON of Mississippi. If the gentleman will permit—and I do not desire to trespass upon his time, but this is along the question of education—the trouble is that in North Dakota and many of the other States the Federal Government for the past 10, 15, or 20 years, maybe longer than that, has been appropriating money for that very purpose. They have not in Mississippi. If the gentleman will recall the fight that has been made for the Mississippi Choctaws, that very condition was pointed out—that in the event they were not permitted to share in the tribal funds in time the Government of the United States would have to put up some money, and that report shows now that that condition has come about.

Mr. NORTON. I will say to the gentleman this, that there is a very great distinction between Indians who have been surrounded by white civilization for 75 or 100 years in the Carolinas, in Mississippi, and in other of the older States, and the Indians in North Dakota, who have been off the warpath for only about 25 or 30 years; in fact, some not longer than 20 years.

Mr. HARRISON of Mississippi. The gentleman's State has had civilization longer than that.

Mr. NORTON. No; not very much longer than 30 years near these reservations.

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed two warehouses in the Indian Service.

Mr. IGOE. Mr. Chairman, I wish to offer an amendment. Page 9, line 3, strike out the word "two" and insert the words "three permanent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 3, strike out the word "two" and insert the words "three permanent."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order against that, that it is new legislation and not recommended.

Mr. IGOE. Then, Mr. Chairman, may I suggest that no point of order having been made on the paragraph which is new legislation the gentleman can not make a point of order on this amendment. The last appropriation bill read "two permanent warehouses." Now, that was allowed to go by without a point of order, and I think this amendment of mine, therefore, is in order.

Mr. MANN. It is a mere appropriation; there is no point of order against it.

Mr. STEPHENS of Texas. The last bill provided for two permanent warehouses, and we struck out the word "permanent."

Mr. MANN. The last bill did not provide for two permanent warehouses. It only provided that the appropriation should be for the maintenance of not more than two permanent warehouses. That is a mere limitation, and this amendment is a mere limitation. I think it is a bad proposition.

The CHAIRMAN. The Chair overrules the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, then I ask for a vote on it.

Mr. IGOE. Mr. Chairman, the appropriation bill this year changes the provision of last year for two permanent warehouses by striking out the word "permanent." I desire to insert three permanent warehouses, and that is on the recommendation of the department. It seems to me that anyone who reads the recommendation of the department must come to the conclusion that the three permanent warehouses should be retained. The department now maintains not only three permanent but two temporary warehouses, which they say are necessary for the proper conduct of the business. Now, I want to read what the department says about that:

Because of the elimination of two warehouses, most of the firms in Omaha and many in New York have unexpectedly stopped bidding on our supplies, only a few of the larger ones having submitted bids during the past year. The further elimination of another warehouse this year, in compliance with the 1917 appropriation, will aggravate the situation. Therefore while the Indian Service can no doubt handle the shipments with two permanent warehouses and such temporary receiving stations as may be required for short periods, there is no doubt now but that the withdrawals of the bidders in either Chicago, St. Louis, or San Francisco will have a serious affect on the prices paid for goods and supplies, particularly at this time when we need all the competition that can be obtained in order to keep down the prices.

Further, the department says in its report that the abolishment of the warehouses will mean an additional expense of $100,000 a year to the Indian Service.

Mr. MANN. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. MANN. The gentleman says the department; from what is the gentleman reading?

Mr. IGOE. This is the report of the Bureau of Indian Affairs.

Mr. MANN. Is it the report of the Commissioner of Indian Affairs?

Mr. IGOE. The Commissioner of Indian Affairs has prepared this statement and submitted it to the committee. It is in the hearings, the entire statement.

Mr. MANN. It is in the hearings and not in his annual report?

Mr. IGOE. It is the statement of the assistant commissioner in the hearings.

Mr. STEPHENS of Texas. I will state that page 61 in the hearings on the present bill is where it begins.

Mr. IGOE. I know.

Mr. MANN. I just wanted to know who was reversing himself, that is all.

Mr. IGOE. This is the report from one representing the Commissioner of Indian Affairs, who appeared before the committee, and he positively recommends three permanent warehouses, and he wants to have permission to have these temporary warehouses in case they are needed, and it simply means that if they have only two permanent warehouses they are going to lose money and not save it. This is the only time I ever heard of a committee, in face of the department stating they would save money for them if they would give them a certain thing, saying that they did not want to save money in that way. By the abolishment of the warehouses they did save $10,000 but they were deprived of competition. If you abolish all of them it means that the goods are delivered to the different reservations at additional expense to the Government, so says the assistant commissioner, of over $100,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. IGOE].

Mr. STEPHENS of Texas. On page 61 I find this language in the hearings of this year:

> The other expenses chargeable to this appropriation are for the maintenance of the warehouses. Prior to the year 1915 these were five in number, but during that year the number was reduced to three. However, the two could not be discontinued until late in this fiscal year. The appropriation act for 1917 provides that another warehouse shall be discontinued during the present year, leaving but two. The figures for the different fiscal years are not therefore strictly comparable.

And the department has found time and again, and this seems to have been after a series of investigations, that they should reduce it to two, and have done so.

Mr. IGOE. Will the gentleman yield?

Mr. STEPHENS of Texas. I will.

Mr. IGOE. Is it not true that the department at the present time has been obliged to retain that third warehouse that you thought to eliminate last year?

Mr. STEPHENS of Texas. Only temporarily.

Mr. IGOE. It is still maintained, and further than that, they already maintain two of the other warehouses temporarily, because under the law as it read before, they could only keep three permanent warehouses, but could take such temporary warehouses as they needed. Now, you want to write it so that they will have to keep two permanent warehouses, and you will not give them authority, if they need it, to establish a temporary warehouse at any time. That is what is wanted to be accomplished by this amendment.

Mr. STEPHENS of Texas. That is the law.

Mr. IGOE. The law now says not exceeding three permanent warehouses.

Mr. CARTER of Oklahoma. Two permanent warehouses.

Mr. IGOE. Not to exceed two permanent warehouses, but they can establish temporary ones if we need them.

Mr. STEPHENS of Texas. As I understand it, the explanation before the committee was that they had quite a number of valuable supplies for the Indians of the United States, and they did not——

Mr. IGOE. That was Omaha and New York.

Mr. STEPHENS of Texas. Will the gentleman let me explain?

Mr. IGOE. I will.

Mr. STEPHENS of Texas. Would it not be a very bad idea to take them from the present temporary warehouses and put them in permanent warehouses, and not distribute what they have on hand to the Indians from the temporary warehouses? And then they would do away with all the warehouses except two, and then they would put those in there.

Mr. IGOE. If the gentleman will pardon me, the gentleman who appeared before the committee said that if he had two he would comply with the law if they needed two warehouses, but his statement was that they needed more than two permanent warehouses in order to get advantage of the bidding in these different cities. If you have your way about it, you will ship the goods to the reservation at greater expense to the Government than is now the case.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. IGOE].

Mr. MANN. Mr. Chairman, I had not read the statement before the Committee on Indian Affairs this year. For a great many years the Indian Office has been seeking to reduce the number of warehouses to one. There used to be one in New York, one in Chicago, one in St. Louis, one in Omaha, and one in San Francisco, and year after year Mr. Meritt, now the Assistant Commissioner of Indian Affairs, urged upon Congress that all of these be abolished, with, I think, the exception of one. It may be that he has learned by experience. If it be true, Mr. Chairman, that the location of an Indian warehouse in a city is necessary in order to get bids on goods that are advertised for, there is something wrong with the Indian Office.

Mr. IGOE. Will the gentleman yield?

Mr. MANN. Wait a minute. Men ought to have the opportunity to bid on even terms, wherever they are located, on goods supplied to the Government. It may be there is some favoritism, but of that I do not know. Some years ago the West charged that in the purchase of supplies for the War Department there was no attention given to people who bid from the West. I do not know. I thought that was a mistake then, and I think it is a mistake now; that is, I do not think it was correct. But the mere location of a warehouse ought not to determine whether some one will receive even and fair treatment about bids when the Government advertises for supplies. I can hardly believe that the Indian Office takes the position that it does not deal fairly with everybody who wants to bid on Government supplies. It is not possible to purchase all of the supplies of the Government in one locality with economy. Some localities furnish one kind of supplies cheaper than another. Another locality furnishes another kind of supplies. As far as I am concerned, I do not care how many Indian warehouses there are or where they are. I was only attracted to the floor by the statement made by my distinguished friend from Missouri, Mr. IGOE, to whom I now yield if he wishes to ask me a question.

Mr. IGOE. Mr. Chairman, I just wanted to suggest to the gentleman from Illinois one of the reasons why it profits the Government to keep these there and also profits the men who bid, and that is the saving in the freight rates, the land-grant rates. The Assistant Commissioner was asked the question on that proposition, and gave the table showing the saving in the rates, whereas if these people have to bid for shipment to the reservation, or ship supplies themselves, they can not get the rate; but the Government does get the rate and these people have inspection at the places where the warehouses are located.

Mr. MANN. That matter was all fought over by the Indian Office before they made their previous recommendation, I will say to the gentleman from Missouri. They said then there was nothing to it. I do not know whether there is or not.

Mr. IGOE. They presented a very exhaustive report showing there is a great deal to it.

Mr. MANN. It was at the instance of the Indian Office that the first proposition came to abolish the warehouses. They persistently assaulted Congress, declaring that Congress was extravagant because we did not accede to their wishes. They persistently and continually insisted that there was no occasion for the whole of these Indian warehouses, and declared that the Congress kept them in the bill as a matter of political "pie." They made that statement. Now, when Congress follows their lead, they turn around and turn the other way.

Mr. IGOE. That is unquestionably what they report now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. IGOE. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri demands a division.

The committee divided; and there were—ayes 5, noes 28.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling and incidental expenses, and $3 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

Mr. McCRACKEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCCRACKEN: Page 10, line 4, after the figures "$30,000" insert "*Provided*, That the salary of the chief inspector shall not exceed $3,000 per annum, together with his actual traveling expenses and $3 per diem in lieu of subsistence when actually employed on duty."

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order on the amendment. It is new legislation and does not reduce the appropriation, and it is not estimated for.

Mr. McCRACKEN. Mr. Chairman, this will not increase the salary of anyone. It simply designates what the salary shall be of the chief inspector. The bill specifies six inspectors.

Mr. STEPHENS of Texas. But is it not new legislation?

Mr. McCRACKEN. Not at all. The six inspectors will draw $15,000, and you are appropriating $15,000 for expenses. You are simply estimating that this will be the expense of the six, together with the expense of the chief inspector. What I want to get at is that you fix the salary of this chief inspector, and that you also put a limitation on his traveling expenses exactly as you do with the other special agents.

Mr. STEPHENS of Texas. But that is existing law—$2,500 per annum for the chief inspector.

Mr. McCRACKEN. Does the chief inspector now get $2,500?

Mr. STEPHENS of Texas. The paragraph reads:

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum.

That is the same language that was carried last year. It is the same appropriation.

Mr. McCRACKEN. But this paragraph reads, "exclusive of the chief inspector." I desire to fix the salary of the chief inspector by this amendment.

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. STEPHENS of Texas. Yes. I insist on the point of order.

The CHAIRMAN. The Chair thinks it is subject to a point of order. It is new legislation.

Mr. MANN. Is it not a mere limitation, Mr. Chairman?

The CHAIRMAN. The Chair is not familiar with the statute.

Mr. STEPHENS of Texas. The point is that it changes existing law, and of course it would be new legislation.

Mr. MANN. Of course if it is a mere limitation it is not subject to the point of order. It may be a question of fact whether the inspector's salary is paid out of this appropriation. Of course if it is not, this would not be a limitation upon this appropriation.

Mr. NORTON. Mr. Chairman, this item does not provide for the pay of the salary of the chief inspector at all. It pays for the salary of six inspectors, exclusive of the chief inspector, but his salary is provided in some other way.

Mr. McCRACKEN. Mr. Chairman, I submit——

Mr. NORTON. I say clearly the amendment is subject to the point of order made against it under this item.

The CHAIRMAN. Does this item carry the salary of the chief inspector?

Mr. NORTON. It does not.

Mr. CARTER of Oklahoma. The amendment is not germane.

Mr. McCRACKEN. I should like to ask the gentleman from North Dakota if this bill provides anywhere for the salary of the chief inspector?

Mr. CARTER of Oklahoma. It does not.

Mr. NORTON. I do not recall that there is a particular provision in this bill for the salary of the chief inspector. It is not provided for in this item.

Mr. CARTER of Oklahoma. If the gentleman will permit me, I will say that my recollection is that the salary of the chief inspector is provided for in the legislative appropriation bill, his office being located in Washington, and it is a matter over which the Committee on Indian Affairs has no jurisdiction.

Mr. NORTON. That probably answers the inquiry of the gentleman from Idaho.

Mr. McCRACKEN. With that explanation of the gentleman from Oklahoma, Mr. Chairman, I shall not insist upon my amendment; but I want to make sure that he knows that that is the case. Now, who is the chief inspector?

Mr. CARTER of Oklahoma. I do not know what his name is.

Mr. McCRACKEN. What is his salary at the present time?

Mr. CARTER of Oklahoma. I regret to say to the gentleman that I could not give that information. His salary is carried in another bill.

The CHAIRMAN. It certainly would not be germane to this bill if the salary of the chief inspector were carried in an entirely different bill.

Mr. CARTER of Oklahoma. The Committee on Indian Affairs has no jurisdiction whatever over the salaries of the employees located in the city of Washington.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For reimbursing Indians for live stock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, $50,000: *Provided*, That not to exceed $15,000 of this amount may be used in reimbursing Indians for horses killed previous to the passage of the act of May 18, 1916, for which they have not heretofore been reimbursed.

Mr. MANN. Mr. Chairman, I ask unanimous consent that, beginning with line 19, page 12, the bill may be read as one paragraph down to and including line 10, on page 19.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that, beginning on page 12, line 19, and ending on page 19, line 10, the bill may be read as one paragraph. Is there objection?

Mr. STEPHENS of Texas. I have no objection. It all relates to the same subject.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this act, to lease to citizens of the United States or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

That after the passage and approval of this act, unallotted lands within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for and discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this act, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located, and that application for a lease under this act may be filed with such superintendent for transmission through official channels to the Secretary of the Interior.

That leases under this act shall be for a period of 30 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

That in addition to areas of mineral land to be included in leases under this act the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, a tract of unoccupied land, not exceeding 80 acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

That the Secretary of the Interior, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

That any lease granted under this act may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent herewith as may be specifically recited in the lease.

That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which, in the discretion of the Secretary of the Interior, shall not be less than 5 per cent of the gross value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such

lease, at the rate of 25 cents per acre for the first calendar year thereafter; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than $100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States.

That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

That all moneys received from royalties and rentals under the provisions of this act shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their education, support, and civilization.

That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this act as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this act into full force and effect: *Provided*, That nothing in this act shall be construed or held to affect the right of the State or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

That the provisions of this act relating to mining for metalliferous minerals on Indian reservations shall not apply to the Five Civilized Tribes and Osage Nation of Indians in Oklahoma.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph which has just been read.

Mr. STEPHENS of Texas. Will the gentleman state his point of order.

Mr. STAFFORD. The point of order is that it is new legislation.

Mr. Chairman, I understand that the paragraphs just read are identical with a bill that passed the House under unanimous consent in the closing days of the last session.

Mr. HAYDEN. I have compared the bill very carefully. It is identical, word for word, with that bill, except in the very last lines on page 17, after the words "the provisions of this act," the words "relating to mining for metalliferous minerals on Indian reservations" have been inserted, so that it would not make the entire Indian bill not apply to the Five Civilized Tribes and the Osage Nation of Indians in Oklahoma. Otherwise the provisions are identical with that bill.

Mr. STAFFORD. Mr. Chairman, since this bill was considered in the House it has come to my attention that representatives of the Indians are opposed to this character of legislation because it forbids the Indians themselves from developing mineral resources on their own lands. At the time the bill was under consideration in the House, when unanimous consent was given, I was led to believe that it had the hearty approval of the Board of Indian Rights, who look after the interests of the Indians here at Washington. Since that time I have been informed to the contrary. And a further objection to this character of procedure is that the bill is pending in the Senate. The Senate has had no time whatever to consider this legislation. It applies to 90,000,000 acres of land owned by the Indians, who are our wards. Before the other body has had any opportunity whatever to consider the merits of the proposition, I question the advisability of annexing it as a rider to an appropriation bill in this House. Accordingly, Mr. Chairman, for the reason stated, I make the point of order.

Mr. HAYDEN. Will the gentleman yield to me for a moment?

Mr. STAFFORD. I withhold the point of order to enable the gentleman to make a statement.

Mr. HAYDEN. I will state to the gentleman that, so far as permitting Indians to mine on their own reservation is concerned, there is no law at present that will permit Indians to mine on their own reservations any more than a white man can mine there. I have given consideration to the matter of allowing competent Indians to locate mining claims. It would be no wiser to allow an incompetent Indian to locate a mining claim than it would be to allow him to have the disposition of his own property; and if the Indian Office and the friends of the Indians can devise any plan that will allow competent Indians to locate mining claims under this act, I shall have no objection, and I have so stated to the only persons who have made any objection to this bill to my knowledge. It seems strange to me that if the Indians have any opposition to this bill they would not allow the author of the bill to be aware of that opposition, and I have never received a letter or a word from anybody connected with any Indian commission or from any members of the Indian Rights Association indicating any objection to this bill, except in this one instance—that they thought competent Indians ought to be allowed to mine, to which I have no objection. Beyond that nobody connected with any organization of so-called friends of the Indians has communicated with me expressing any objections to the bill. On the contrary, all the representatives of the Indians whom I know here in Washington have expressed their hearty approval of the measure, as has the secretary of the Indian Rights Association, and nobody has said a word to me in opposition to it. I would be very glad to hear from anybody who has any objection to the bill.

Mr. STAFFORD. The bill is on the way to enactment in another body. If we annex it here, it will not receive the serious consideration which it requires, because it is a rider on an appropriation bill. The bill has passed this House. It is under consideration in the other body, and it should receive the careful consideration of that body and not the hasty consideration it might receive as a rider to an appropriation bill. We have all had experience as to how little consideration is given to legislative proposals when added to general appropriation bills. I think it is a bad practice, especially in this case, when the other body has had no time as yet to consider the merits of the proposition. Ninety million acres of the land of the Indians are involved in this proposal, and yet you wish to have it added here as a rider and to foreclose perhaps the opportunity to the other body to give it that thorough consideration which this proposition deserves.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. STAFFORD. I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

That the following provision of the act approved March 11, 1904 (33 Stats. L., p. 65), authorizing the Secretary of the Interior to grant rights of way across Indian lands for the conveyance of oil and gas, to wit, "No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from, and the maps of definite location of said lines approved by, the Secretary of the Interior," be, and the same hereby is, amended to read as follows: "No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior."

Mr. MANN. I reserve a point of order on the paragraph. What is the reason for removing the present means of securing authority for making locations?

Mr. STEPHENS of Texas. I yield to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. The necessity for this grows out of the fact that leases are given on these lands and flowing wells are developed. Up to that time no pipe line has been laid. If the well is a gusher, much oil will be wasted before blue prints can be prepared and sent to Washington and approved by the Secretary of the Interior and before the authority for constructing a suitable pipe line to take care of the oil can be obtained. The purpose of this amendment is that as soon as a well of that sort is found, immediately application shall be made by wire or otherwise, as the necessities of the case may require, for the laying of a suitable pipe line to take care of the oil and save the waste.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 3. For support and civilization of Indians in California, including pay of employees, $42,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER: "Page 23, line 12, after the word 'employees,' in line 12, on page 23, strike out '$42,000' and insert '$50,000.'"

Mr. RAKER. Mr. Chairman, this item, referred to in the amendment, is the same amount that has been recommended by the Bureau of Indian Affairs, and is in the estimates for 1908, page 418. The justification for this amendment is found on pages 134 and 135 of the hearings. You will note that there are approximately 20,000 Indians in California, and the amount appropriated, $42,000, makes practically $2 per Indian.

"Likewise with a larger appropriation it will enable the office to furnish more equipment to the Indians, and in that way be of greater assistance to them."

That will include part of the wages of employees, as well as the support fund for the Indians in California. We paid out of that appropriation $20,199.42 for salaries and wages of employees. We want to increase, not for the purpose of paying additional salaries to employees, but to provide additional help for the Indians. As Judge RAKER said this morning, those California Indians are in need of additional assistance.

Mr. McCRACKEN. The gentleman's amendment proposes to increase the amount from $42,000 to $50,000?

Mr. RAKER. Yes.

Mr. McCRACKEN. I am not aware that there is anything stated in the report and there is nothing in the bill to show how this money is to be expended.

Mr. RAKER. Oh, yes. The gentleman evidently has not read the justification offered by Mr. Meritt, who appeared before the Committee on Indian Affairs, showing exactly all the expenditures under each item and what the expenditure is for. It is on page 134 of the hearings.

Now, I want to say to the committee that, not like many of the other Indian tribes, in California years ago there were attempted treaties prepared that were never signed. Some of these Indians have allotments and many of them have none. Many are old and decrepit; many are blind, and many are destitute. I am stating this not from what I read from the report of the commissioner, but from personal observation and inspection of the various Indians in many parts of California. The matter has been within my knowledge and has been called to my attention by many good people, who have been assisting in a charitable way these old, blind, and decrepit Indians.

The department badly needs this additional $8,000 for the assistance of these poor, old, blind, and decrepit Indians. While you appropriate large sums for other Indians—in amount two and a half times per Indian—these deserve the same consideration in a humanitarian way. It is the duty of the Government to look after them just as much as it is for the Government to look after others, and I know that the Committee on Indian Affairs is not stony hearted. The matter possibly has not been directly called to their attention or they would not have reduced the amount as estimated and recommended by the department from $50,000 to $42,000. It is not applied to one particular locality in the State.

The justification of this item was made by Mr. Meritt, of the Indian Bureau, before the subcommittee, viz:

The next item is in California:

"SEC. 3. For support and civilization of Indians in California, including pay of employees, $50,000."

We are asking for an increase of $8,000 for that item.

The CHAIRMAN. What is that? Is that just the wages of the employees there?

Mr. MERITT. We offer for the record the following justification for this item:

Support of Indians in California.

Fiscal year ending June 30, 1917: Amount appropriated	$42,000.00
Fiscal year ended June 30, 1916:	
Amount appropriated	42,000.00
Amount expended	41,155.67
Unexpended balance	844.33
Analysis of expenditures:	
Salaries and wages	20,199.42
Traveling expenses	2,232.38
Transportation of supplies	419.86
Heat, light, and power (service)	380.44
Telegraph and telephone service	210.66
Printing, binding, and advertising	12.75
Subsistence supplies	4,448.08
Dry goods, wearing apparel, etc	304.71
Forage	2,954.83
Fuel, illuminants, lubricants, etc	2,593.03
Educational, stationery, and office supplies	174.25
Medical supplies	2,319.55
Live stock	525.00
Implements, vehicles, tools, etc	1,314.60
Sundry supplies, equipment, etc	2,363.63
Miscellaneous	702.48
Total	41,155.67

"This item is for the purpose of looking after the welfare of the Indians of the State of California and rendering them assistance along the lines of purchasing subsistence, implements, seed, and the like. There are approximately 20,000 Indians distributed among 11 agencies. In the southern part of the State are located the Mission Indians, and, while they are under the jurisdiction of but six superintendents, they are located on over 30 reservations which require supervision and attention. These small reservations are distant from one another and require much traveling on the part of the superintendents and others to reach them. Many are not located on the railroads, and it often becomes necessary to travel entirely by vehicle, which consumes two or three days' time. Furthermore, because of the large number of small reservations and the limited amount of funds available for their support and civilization, some of the Indians and reservations are without supervision.

"At the last hearing of the committee much emphasis was placed on the fact that it took over one-half of the appropriation to administer the affairs of the Indians, while only $4,000 was expended for subsistence. There are in California 512,298 acres of Indian lands; 82,162 acres are allotted and 430,136 acres unallotted. The Indians raised crops during 1915 valued at $171,510. The live stock was valued at $35,821. Weaving, basketry, etc., was valued at $50,549, and the wages earned by those not employed regularly in the Government service at $208,728. The Indians of California received rations and other miscellaneous issues to the value of $7,726 and obtained from the leases on their lands $17,703. Of the allotted lands but 35,842 acres are cultivated, and of that amount but 7,290 acres by the Indians. There are 188 leases of allotted lands. Of the unallotted lands there are 28,899 acres being used for agricultural purposes, and of that amount but 8,058 acres by the Indians. None was leased. Fourteen thousand nine hundred and ninety-one acres of the allotted lands and 10,000 of the unallotted lands were leased for grazing purposes.

"The matter of grazing, stock raising, cultivation of land, leasing, etc., all call for supervision and action on the part of the Government. Efforts are being made to see that the Indians adopt the methods of cultivation which will bring about the best results and that leases are made which will award them the greatest amount in return. It is also necessary to protect the Indians against trespass, stock depredations, etc.

"There are 3,896 adult Indians within the State who are self-supporting; 330 Indians received rations to the value of $4,054, and 256 received miscellaneous supplies to the value of $3,672.

"While these figures might indicate that these Indians are wealthy and do not need the support and aid of the Government, yet it should be realized that this wealth is somewhat restricted and that a majority of the Indians are poor and needy.

"The analysis of expenditures herewith indicates how the appropriation was expended during the fiscal year 1916. The employees are necessary for the purpose of supervising the affairs of the Indians and protecting their interests. As said heretofore, the reservations are at great distances apart and therefore much time and money must be expended in traveling. Automobiles are greatly needed for the work in question, but because they have been required for administrative purposes and other important activities it has not been possible to supply the superintendents with the necessary equipment.

"Automobiles for the superintendents in southern California would prove of great benefit, directly and indirectly, to the Indians. Likewise with a larger appropriation it will enable the office to furnish more equipment to the Indians and in that way be of greater assistance to them."

That will include part of the wages of employees, as well as the support fund for the Indians in California. We paid out of that appropriation $20,199.42 for salaries and wages of employees. We want to increase, not for the purpose of paying additional salaries to employees, but to provide additional help for the Indians. As Judge RAKER said this morning, those California Indians are in need of additional assistance.

Mr. STEPHENS of Texas. Mr. Chairman, I hope that the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $10,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. RAKER. Mr. Chairman, I desire to present the following amendment.

The Clerk read as follows:

Page 23, line 15, after the word "Indians," in line 15, strike out "$10,000" and insert "$25,000."

Mr. RAKER. Mr. Chairman, I desire to call the committee's attention to that part of the hearings on pages 135 and 136 as a justification for this amendment. The estimate is $25,000 instead of $10,000 (see p. 418, Estimates of Appropriations for fiscal year 1918). The Assistant Secretary in making the statement to the committee used the following language:

"It is believed, however, that with great care it will be possible to complete this work with the amount asked for, namely, $25,000. It should be remembered also that the salary and expenses of the special agent who is engaged in this work must come out of the fund. This salary and expenses for the past year amounted to about $4,000 (salary, $2,000). It is obviously unfair to make provision in the way of lands for about 4,771 of the "homeless" California Indians, as has been done, and yet fail to provide for the 2,782 Indians who remain landless. Reports from the field indicate that the Indian beneficiaries are in every instance showing great appreciation for the purchases made for their use, and that they are earnestly trying to reach the white man's standards."

We have bought lands for several thousand of the homeless Indians of California, and there are estimated to be between 3,000 and 4,000 Indians now without lands, and we hope within two or three years more to have lands for all homeless Indians in California. We can use this $25,000 to very great advantage of those Indians.

It seems to me the mere statement as presented by the assistant commissioner ought to be sufficient for the good members of this committee to include in this bill the amount that has been estimated for, and that that estimate is upon reports from the field, from actual facts.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. STEPHENS of Texas. Can the gentleman inform us how many acres of land have been bought under this?

Mr. RAKER. Yes; the report shows 15,217.

Mr. STEPHENS of Texas. Is it not a fact that it is shown on page 236 that the balance of cash on hand is $9,823?

Mr. RAKER. Yes; but you have to care for the officers in the field just the same, and it will take $25,000 to complete the work of buying this land needed and necessary.

Mr. STEPHENS of Texas. What per cent of the amount actually expended is the salary?

Mr. RAKER. I have not figured that out. It is in the department.

Mr. STEPHENS of Texas. Is it not greatly out of proportion for salaries and not for land?

Mr. RAKER. No; you continue the salaries just the same; you are not making a sufficient appropriation to buy the land, and I think it ought to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, $18,200; for general repairs and improvements, $3,500; in all, $21,700.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 6, after the figures "$3,500," insert "for new school buildings, $12,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. RAKER. Mr. Chairman, I find in the bill a number of items of a similar character; for instance, for new barns.

Mr. MANN. They are all subject to the point of order. The gentleman can make the point of order if he desires to.

Mr. RAKER. I know; but I am just saying that I wondered if a cow or a horse deserves more consideration than an Indian?

Mr. MANN. Than a beggar—very often.

Mr. RAKER. It depends upon the horse, I guess. I want to call the attention of the committee to this item. The department has made an investigation and a report is on file with the Interior office from the local office. An investigation has been had, and they have reported that it is necessary to have a new school building there at a cost of $12,000. I want to say to the committee that I am not taking the report second hand or even first hand. I made a personal investigation of the school and have done so a number of times. There is no school, I believe, in the United States—Indian school—that has given a better service to the Indians than this school. It has been doing splendid work in regard to the general education and health of the Indians. You can go there and can see clean, healthy Indians, eyes bright and clear, their noses clean, and other conditions that are remarkable for health. They need another school building so as to be able to educate and handle pupils and to keep up the standard. The department, as I have stated, have strongly recommended the school, as they have in other instances, and from every indication, from every viewpoint, economic and otherwise, and particularly for the benefit of the Indians, for their uplift and proper education, there ought to be an appropriation here of $12,000 for the purpose of constructing this new school building.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to the distinguished gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Will the gentleman tell us what the per capita cost is at that school?

Mr. RAKER. It is a little higher than at some of the rest.

Mr. CARTER of Oklahoma. Than at any other school, is it not?

Mr. RAKER. Should that deprive these Indians of proper treatment and care, because the school happens to be located over the mountain, far from the railroad, and because it costs more to get supplies and equipment in? Because of that should you deprive them of the same kind and character of treatment that you give to the others when the other schools may be located near to a railroad? The surrounding conditions, climatic and otherwise, are ideal for these Indians. The condition, so far as the moral condition is concerned, is good, and so far as it concerns liquor it can not be better; but because it may cost a few dollars more, or a few cents more per capita, surely this House will not make a distinction in a case where by virtue of the location they can receive better treatment and better education and be under better conditions. I know the distinguished gentleman would not deprive these good people of an opportunity of an education. The justification for this amendment is found in the hearings, as follows:

The next item is the Fort Bidwell School:

"For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, $18,200; for general repairs and improvements, $3,500; for new school building, $12,000; for dairy barn, $5,000; in all, $38,700."

We are asking for a new school building, $12,000; dairy barn, $5,000, making the total $38,700. Last year we had an appropriation of $21,800.

I offer for the record the following justification for that estimate:

Indian school, Fort Bidwell, Cal.

Fiscal year ending June 30, 1917, amount appropriated	$18,200.00
Fiscal year ended June 30, 1916:	
Amount appropriated	20,500.00
Amount expended	19,315.74
Unexpended balance	1,184.26
Analysis of expenditures:	
Salaries and wages	10,878.78
Transportation of supplies	295.03
Telegraph and telephone service	7.88
Subsistence supplies	1,962.46
Dry goods, wearing apparel, etc	2,034.28
Forage	173.00
Fuel, illuminants, lubricants, etc	1,458.86
Educational, stationery, and office supplies	283.14
Medical supplies	155.95
Implements, vehicles, tools, etc	339.06
Sundry supplies, equipment, etc	1,649.76
Miscellaneous	77.54
Total	19,315.74

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1917, amount appropriated	$3,600.00
Fiscal year ended June 30, 1916:	
Amount appropriated	3,600.00
Amount expended	3,827.40
Overdrawn	227.40
Analysis of expenditures:	
Construction	495.00
Repairs (to plant)	3,332.40
	3,827.40

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1916.

Value of school plant—real property	$76,897
Number of buildings	20
Number of employees	15
Total salaries	$10,300
Average attendance of pupils	66
Average enrollment	69
Capacity	98
Cost per capita, based on average enrollment (the per capita cost is now computed upon the average enrollment for the entire year in compliance with the act of Apr. 30, 1908, 35 Stat. L., 70, 72, and the act approved Sept. 7, 1916, Public, No. 264, 64th Cong.)	$258
Cost per capita, based on average attendance	$270
Area of school land (acres)	3,087
Area of school land (acres cultivated) (besides this, 2,200 acres are used for pasture)	200
Value of products of school (this includes both materials and labor of employees and pupils)	$668
Value of agricultural products (this includes products from farm, garden, floriculture, dairy, and stock)	$3,474
Expended also of "Miscellaneous receipts, Class IV"	$164

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1918.

Support	$19,475
Repairs and improvements	4,500
New buildings, school building, and dairy barn	10,500
Total	34,475

REQUESTED IN PROPOSED BILL.

Support and education of 100 Indian pupils and superintendent's salary	$18,200
Repairs and improvements	3,500
New buildings, dairy barn, and school building	17,000
Total	38,700

SALARIES, 1917.

Superintendent	$1,400
Physician	1,000
Teacher	660
Do	600
Industrial teacher	600
Matron	600
Assistant matron	500
Seamstress	500
Nurse	720
Laundress	300
Cook	500
Carpenter	720
Engineer	720
Laborer	600
Do	600
Total	10,020

The item of $18,200 for support of Fort Bidwell School, Cal., includes the salaries of employees, subsistence and clothing, and the cost of supplies for academic and industrial training of 100 pupils at the rate of $167 per capita.

The new construction work required at this school will include a new school building. This is an urgent need, the one now in use being an old building used as a hospital when the United States troops were stationed there. A building large enough to provide two or three classrooms and an assembly hall is required. A new dairy barn is also a necessity at this school. The present barn is dilapidated and insanitary and has been the subject of condemnatory reports by inspectors and supervisors.

The item of $3,500 is to cover needed general repairs, such as new flooring and painting, to all the old buildings at this school.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN (Mr. CRISP). The Chair sustains the point of order.

The Clerk read as follows:

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, $18,200; for general repairs and improvements, including laundry equipment, $3,500; in all, $21,700.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 24, line 10, after figures "$3,500," in line 10, insert "for new school building, $9,000."

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. MANN. As far as I am concerned I will reserve the point of order.

Mr. STEPHENS of Texas. I will reserve the point of order.

Mr. RAKER. Mr. Chairman, this school at Greenville is some two hundred and odd miles south of the former one and is located off the railroad, in a community that can not be surpassed by any place in the United States so far as the surrounding conditions are concerned, living, and all, but it is a little more expensive than some others. The Indians live in this territory. There is a school there, and in this particular place there is one building. The lower story is used for a dining room, kitchen, and so forth, where they all eat together, boys and girls. On the second story there is a dormitory, with the boys at one end and the girls at the other. Anyone who knows anything about the conduct and care and treatment of Indian children knows that there ought to be two separate buildings, there ought to be a dormitory at least in a separate building for the boys, so that the teachers may have an opportunity of giving proper training and education. While I am not using it for an invidious comparison, I call the attention of the committee to the fact that while the point of order is made we may turn to the rest of the bill, and there you will find they are able to build up barns for two or three horses, and other improvements, but with those that actually need them, with those who are actually entitled to them, who ought to have the care of the Government the same in one place as in another, so that their proper condition may be provided for, we can not obtain those things. I know the committee in this instance will not insist upon the point of order; I believe they will permit this item to go in, because it is just. You want to give these Indian children an opportunity to be cared for, and it is a fact that these schools have done much for the moral uplift of these people by taking these young girls from 11 years up and giving them an opportunity for training and giving them an opportunity of being provided for by doctors and cared for. All except two in one institution have been diseased, and you do not want to deprive them of an opportunity of being provided for.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MILLER of Minnesota. The gentleman has emphasized the fact in respect to the last two schools mentioned in the bill that they are located where the climate is good and the morals are excellent. Do those two characteristics distinguish these two spots from the rest of the State of California? [Laughter.]

Mr. RAKER. Oh, it is all the same way all over California, from Siskiyou to San Diego and from the Sierras to the sea. The justification for this amendment is found in the hearings had before the subcommittee, as follows:

The CHAIRMAN. The next is the Greenville School:

"For support and education of 100 Indian pupils at the Greenville Indian School, Cal., including pay of superintendent, $18,200; for general repairs and improvements, $3,500; for new school building, $9,000; in all, $30,700."

Mr. MERITT. I offer for the record the following justification in support of our estimates:

Indian school, Greenville, Cal.

Fiscal year ending June 30, 1917, amount appropriated	$18,400.00
Fiscal year ended June 30, 1916:	
Amount appropriated	18,400.00
Amount expended	18,285.66
Unexpended balance	114.34
Analysis of expenditures:	
Salaries and wages	10,235.01
Traveling expenses	12.80
Transportation of supplies	297.05
Heat, light, and power (service)	363.70
Telegraph and telephone service	54.39
Printing, binding, and advertising	21.50
Subsistence supplies	3,476.67
Dry goods, wearing apparel, etc	1,212.15
Forage	289.20
Fuel, illuminants, lubricants, etc	833.33
Educational, stationery, and office supplies	338.97
Medical supplies	112.72
Implements, vehicles, tools, etc	273.73
Sundry supplies, equipment, etc	761.94
Miscellaneous	2.50
Total	18,285.66

REPAIRS AND IMPROVEMENTS.

Fiscal year ending June 30, 1917, amount appropriated	$8,000.00
Fiscal year ended June 30, 1916:	
Amount appropriated	6,600.00
Amount expended	6,360.27
Unexpended balance	239.73
Repairs (to plant)	6,360.27

STATISTICAL STATEMENT FOR YEAR ENDING JUNE 30, 1916.

Value of school plant, real property	$49,068
Number of buildings	24
Number of employees	14
Total salaries	$9,720
Average attendance of pupils	71
Average enrollment	75
Capacity	90
Cost per capita based on average enrollment (the per capita cost is now computed upon the average enrollment for the entire year in compliance with the act of Apr. 30, 1908 (35 Stat. L., 70, 72), and the act approved Sept. 7, 1916, Public, No. 264, 64th Congress)	$187
Cost per capita based on average attendance	$236
Area of school land (acres)	200
Area of school land, acres cultivated (this includes both materials and labor of employees and pupils)	1
Value of products of school	$479
Value of agricultural products (this includes products from farm, garden, floriculture, dairy, and stock)	$92
Expended of miscellaneous receipts, Class IV	$46

SUPERINTENDENT'S ESTIMATE OF ABSOLUTE NEEDS FOR 1918.

Support	$18,400
Repairs and improvements	1,350
New buildings, chapel, schoolrooms, and gymnasium	8,000
Purchase laundry equipment	875
Total	28,625

REQUESTED IN PROPOSED BILL.

Support and education of 100 pupils and superintendent's salary	$18,200
Repairs and improvements	3,500
New buildings, new school building	9,000
Total	30,700

SALARIES, 1917.

Superintendent	$1,500
Clerk	1,000
Physician	720
Disciplinarian	600
Principal teacher	720
Kindergartner	600
Matron	600
Assistant matron	520
Nurse	720
Seamstress	520
Laundress	500
Cook	500
Engineer	720
Laborer	720
Total	9,040

The sum of $18,200 for support of the Greenville School, California, will provide for 100 pupils at $167 per capita, in addition to the superintendent's salary. The cost of maintenance of the Greenville School, owing to local conditions, is somewhat in excess of other Indian schools.

The item of $3,500 for repairs and improvements will be required for the upkeep of the school plant. The main building needs new flooring and repainting inside and outside. It should be thoroughly screened and two screen porches should be added to it. The other buildings need new roofs, painting, and extensive repairs to withstand the heavy fall of snow usual in this locality. Laundry equipment to the value of $875 is desired, the present equipment being antiquated and inadequate.

The occasion for a new school building at a cost of $9,000 is to provide much-needed classroom space and to release for other purposes the space now used for classes. The new building will include an assembly hall in addition to classroom and provide needed accommodation for physical culture, recreation, and social gatherings.

We are asking for a new school building, $9,000, for this school. The improvements asked for are very much needed at both of those schools.

I have presented the needs of this Indian school to the department, and they in addition, from their own investigations and reports, have recommended this building, and it was estimated for and approved by the Treasury Department. (See estimates of appropriation required for the service of the fiscal year ending June 30, 1918, H. Doc. No. 1499, p. 420.)

The following letter, just received from Hon. Edgar K. Miller, superintendent and special disbursing agent of the Greenville Indian School, of date December 6, 1916, plainly and clearly shows the necessity of this new school building provided for in the proposed amendment, viz:

[Department of the Interior. United States Indian school and agency.
Edgar K. Miller, superintendent and special disbursing agent.]

GREENVILLE, CAL., *December 6, 1916.*

Hon. JOHN E. RAKER,
Washington, D. C.

MY DEAR MR. RAKER: I know that you will be interested in knowing the needs of the Greenville Indian School for the year 1918. I submit the estimate of needs, as presented to the office:

For the support and education of 100 pupils at the Greenville Indian School and the superintendent's salary, $18,400; for repairs and improvements to old buildings of the plant, $1,300; for a new building to contain chapel, schoolrooms, and gymnasium, $8,000; for purchase of laundry equipment, $875; in all, $28,625.

I have cut the estimate just as close as I could, owing to the fact that we will try to get the much-needed school building this year. You will note that I have asked for but $1,300 repairs and improvements money.

The most necessary and vital need, as you know, is the school building. On account of cutting the other items, I anticipate no trouble to get this building this year.

You will remember that Congress told you to make good on what we got and the building would be forthcoming. We can call their hands on that bluff, all right.

July 1 I took immediate steps to get the farm, with the result that the office is just now about to turn to Mr. A. J. Schieser $6,000 for a farm of 75 acres, one of the best pieces of land there is in this valley.

Of course, I had no way of raising any crops on land I had no control over, but I made the sale of the Schieser land subject to the Government getting the crops harvested this year, and if the sale is finally consummated, which there is no doubt of now, we will get these crops, so that so far as making good on the farm proposition is concerned we have done so. If the sale is consummated this school will not have to pay out a cent for grain—oats and wheat—or for hay or straw, thereby making a saving of about $500.

Outside of this forage we get and do not have to pay out good money for, I will have several hundred dollars' worth to sell, thereby providing a call 4 fund, from which to buy a few cows, so that we may be able to raise our own milk on the farm.

The farm is a fine one, and we were very fortunate in getting such good land so close to the school.

Now, as to the other side of the management—the per capita cost and the attendance. You will remember there was some complaint about, and some kick on, appropriating for 90 students when the enrollment was very low. Also, the criticism was made that it seemed poor judgment to recommend a school building when the attendance was so poor and the per capita cost so high.

These matters I have remedied. When I came here the per capita cost (for year 1915) was $279.62. Last year, despite the fact that I spent every cent of the appropriation, the per capita cost was but $219.80. These are office figures, not mine. Dr. McChesney turned back to the Treasury over $7,000; still his per capita cost ran up to $279.62.

The capacity of the school is but 90. Some Congressman made the complaint that an appropriation for 100 students should not be made upon the past showing; that it was evident that the school was not filled even near up to its capacity. While I know that was a reasonably good way of figuring, I want to show you that my judgment was good in requesting that appropriation for the 100 students at that time.

I figured that if I built up the plant, made it comfortable and decent, fed the pupils as they should be, and otherwise conducted a first-class school, where the girls and boys would be properly cared for both as to their training and their physical condition, the students would come as a matter of course.

Last year our per capita cost was based on an average enrollment of 75 pupils. This year we opened school with over 80 in attendance, coming in of their own accord. We have 96 present now, and have more than 20 applications yet to be acted upon. I will carry enough in order to show an average attendance of 100. This, you will see, vindicates my judgment, shows that the students are here, and that there can be at least 125 carried if we could get the room. It shows conclusively that the school building asked for is not only a necessity, but that it will be used the minute it becomes finished.

General conditions in every way have been improved. The plant is in fairly good shape again and we are having no trouble with the pupils as in former years. The neighbors uniformly comment on the changed conditions about the school.

I give you this inside information that you may be in a position to say to the House Indian Committee, when you appear before it on behalf this school at this session, as I would like to have you do, "We have made good; give us what we ask for this year; it is needed. If you do this, I promise you that next year's work at Greenville will practically put the work there on a basis that the Government can be proud of."

If I can give you any other information, or assist you in any way toward carrying out plans suggested by you, I will be very glad to do so at any time.

With much appreciation for your kindness and assistance in the past, I am,

Very truly, yours, EDGAR K. MILLER,
Superintendent.

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order.

The CHAIRMAN. The amendment is new legislation, and the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $185,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That not to exceed $60,000 of said amount, and the one-fourth interest on the tribal funds of the Chippewa Indians of Minnesota now to their credit in the Treasury to be used for the maintenance of free schools, shall be used for the compensation of employees in the Indian Service in Minnesota except for irregular laborers, and that the said Chippewas shall receive the preference in filling permanent positions in the service of the Chippewas of Minnesota where the compensation is paid from their tribal funds: *Provided further*, That not less than $10,000 of said amount of $185,000 may be used to furnish employment to the said Chippewas in building roads and making other improvements upon the Chippewa reservations in Minnesota for the benefit of the said Chippewas.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, or some one who is informed on the subject, where this one-fourth interest in the tribal fund of the Chippewas, which is now diverted to employees of the Indian Service, arises?

Mr. STEPHENS of Texas. I will say to the gentleman the hearings show that this fund was established by the act of January 4, 1889. It is derived from the proceeds of timber upon ceded lands sold by agreement for the benefit of the Indians. A provision of this act provides that after the United States has been reimbursed for money advanced to the Indians a certain amount, not to exceed 5 per cent of the principal fund, may be withdrawn for the support and civilization of the Indians. This legislation is to carry out the intention of the act of January 4, 1889.

Mr. BORLAND. Are these Indians on the White Earth Reservation in Minnesota?

Mr. STEPHENS of Texas. I think so.

Mr. BORLAND. My understanding is that within the last two years——

Mr. STEPHENS of Texas. Here is the gentleman from Minnesota [Mr. MILLER].

Mr. BORLAND. Within the last two years an allotment was made to these Indians, and a regulation was made—or a provision of the statute—by which the money belonging to minors living with their parents was paid to the parents with the exception that one-fourth of the minor's interest was retained. Now, where is that one-fourth fund I speak of? Is that included in this one-fourth fund now being diverted?

Mr. MILLER of Minnesota. No; the gentleman is in error in assuming that within two years any allotments have been made to Indians in Minnesota. Allotments were made 20 years ago. A majority of the Indians do live on the White Earth Reservation, and of the 11,000 Indians in the State I think 5,000 or 6,000 are to be credited to White Earth and the rest are scattered throughout the State and some have gone West; so that about one-half of the Indians within the borders of the State reside on the White Earth Reservation and they were allotted 20 years ago. I think what the gentleman has in mind is that the Government made a treaty in 1889 under which the Indians of our State, the Chippewas of Minnesota, ceded to the Government certain lands and consented to be removed, most of them to White Earth. By that treaty there was a provision that one-fourth of the interest of the fund in the United States Treasury accruing from the sale of timberland from the surplus lands would be paid out in matters of education. Now, they did not do it. The department did not pay the one-fourth of the sum for educational purposes of the State, and, indeed, it was only this last year here that Congress, following the recommendation, enacted a law requiring the Secretary of the Interior to make the per capita payment. Many of the Indians died. One-fourth of that which would be due those Indians was distributed out as of date of May 18, 1916, and certain rules and regulations were authorized or adopted by the Secretary of the Interior. It was necessary to determine who were the Indians who should participate in this distribution as of May 18, 1916. Then came the further question of authority being given to the Secretary of the Interior to withhold the payments that naturally would go to infirm if not incompetent Indians, and also infants, children, if he saw fit, or to their parents in his discretion.

Now, he did withhold payments that would naturally have gone to a great many Indians, some to children, some to grown people. They made a rough classification between the competents and the incompetents, and as to the incompetents they withheld, and the Secretary promised to issue the money out for their support and benefit as he thought advisable. Now, this one-fourth is entirely different from that. That was a one-fourth per capita distribution of the funds in the Treasury. This is one-fourth of the interest on the capital fund in the Treasury for educational purposes in the State, but, as I said, that one-fourth educational fund was not used and swelled the principal fund until it became very large.

Mr. BORLAND. Of the one-fourth of which the gentleman speaks, what was done with that money? What action was taken with it, so that eventually it would go to the Indians? Does it remain in the Treasury of the United States to the credit of the tribal funds?

Mr. MILLER of Minnesota. Oh, yes; unless expended it does.

Mr. BORLAND. Is any portion diverted by this provision?

Mr. MILLER of Minnesota. The gentleman will observe that the Indians of Minnesota are not a tax upon the taxpayers of the United States. There is but one item here calling for a payment from the Treasury, and that is $25,000 for the school at Pipestone, which does not serve the Indians of Minnesota, but serves South Dakota and——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask for five minutes additional.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. The Chippewas do not get very much.

Mr. BORLAND. I have no criticism to make of the fact that the Chippewas are being paid or being provided for by a tax on

the people of the United States. My question relates to this: There is a very highly educated Chippewa in my district named William Madison, who is engaged in earning his own living, and doing it very creditably, and who has two minor sons.

He undertook to draw his allotment under the regulation providing that this interest money should be paid to the parties entitled. One-fourth of the share of each boy was withheld under regulation that it ultimately should be used for their education. As the boys are residing with their father in Missouri and being educated, clothed, and fed by him, they have no way of participating in this reserved amount at all. He questions somewhat the wisdom of that, but it seemed to be a provision of the law. The question occurred to me, What provision is there for the ultimate establishment to these boys of their share, or does this provision divert it to some expenses of the Indian Department that does not serve them at all?

Mr. MILLER of Minnesota. The treaty of 1889 provides that there shall be no distribution of the capital sum until the period of 50 years has expired, and this one-fourth which was authorized in the appropriation bill last summer throws a great deal of doubt as to whether it ought to be paid or not. It is contrary to the provision of that treaty, and Congress has considered that the department may do anything under a treaty, whether provided for or not.

Mr. BORLAND. According to the gentleman's statement, then, it is a trust fund for the education of the Indians?

Mr. MILLER of Minnesota. One-fourth of it is.

Mr. BORLAND. And was never used for that purpose?

Mr. MILLER of Minnesota. Part of it. I made complaint several times, but I have never gotten anywhere with them.

Mr. BORLAND. And the share was still maintained?

Mr. MILLER of Minnesota. And authority was given to the Secretary to retain that part that was to go to children and incompetents.

Mr. BORLAND. What is the status of these two boys that are being educated by the father?

Mr. MILLER of Minnesota. The only suggestion that I would make is that they make application to the Secretary of the Interior; that is, the father make that application to receive the sums due these two children in view of the fact that he is paying for the education of the boys, and the Secretary, if proper representation is made, will doubtless pay over to the father the sums due to the boys.

Mr. BORLAND. Does the law as now drawn permit that?

Mr. MILLER of Minnesota. The law permits it, but does not require it.

Mr. BORLAND. But no portion of that fund is being diverted by this provision here?

Mr. MILLER of Minnesota. None whatever.

Mr. LENROOT. I think the gentleman will find, as in his case, that where the money is held it will be placed to their individual credit.

Mr. MILLER of Minnesota. They will get the money in due time.

Mr. BORLAND. My understanding was to the contrary.

Mr. MILLER of Minnesota. No; the law specifically requires that when an Indian, small or large, shall receive one-fourth of his share it shall be charged up to the general account in the fund.

Mr. TILSON. Will the gentleman yield? I should like to inquire what kind of a band this White Earth Band is, which is going to celebrate on the 14th of June and which wishes $1,000 to blow itself with? Is it a brass band?

Mr. MILLER of Minnesota. No. They have several bands. It is the White Earth Band of Indians. The White Earth Indians annually, on the 14th of June, have a big celebration. That may be associated by some people with a drunk, or something like that, but it is not so at all. It is a time when they gather and show their horses, their cattle, their food products, their accomplishments during the year. They have a good time, they meet old friends, and they confer about things which they consider of best advantage to the Indians. Many of these Indians, I will say to the gentleman, are just as well educated and as good business men as any people in the world.

Mr. TILSON. It is something like our county fairs?

Mr. MILLER of Minnesota. Yes.

Mr. STEPHENS of Texas. It is paid out of the funds at the request of the Indians themselves.

Mr. MILLER of Minnesota. I would like to make an inquiry relative to the language of that provision on page 27, which says:

That not less than $10,000 of said amount of $185,000 may be used to furnish employment to the said Chippewas in building roads and making other improvements upon the Chippewa reservations in Minnesota for the benefit of the said Chippewas.

Now, one of two things is apparent, either the Secretary of the Interior has not authority to divert $10,000 or more for this purpose, and therefore requires this authority, or he has. Now, the language is that he may use it.

Mr. STEPHENS of Texas. It was said there was some question whether they had the legal authority to do it.

Mr. MILLER of Minnesota. There is no question about it at all. They have done it for years and years.

Mr. STEPHENS of Texas. There has been a question whether their use of appropriations was justified by the law, and they could not get the money out of the Treasury in some instances, and they have asked in numerous instances for this species of legislation.

Mr. MILLER of Minnesota. I am not quibbling about that. There is one point I desire to make. In building roads up there—and I am very glad to say I think I got the Indian Office to give their first consent for road building in the woods of Minnesota for Indians some years ago—they have followed it up satisfactorily. But we have found from experience it is never proper for the Indians to do all the work alone. They do not build good roads. We can cite several instances where a lot of money has been spent and good roads are not yet secured. Today where you have a combination between the counties, for instance, and the Indian agents, the man building the road employs Indian labor so far as possible, and that means quite generally, but the supervision is by regularly constituted road-building agencies, such as we have in Minnesota, and the results are fine.

Now, this language would indicate that they could not cooperate with the county. They could not expend a penny except for payment to the Indians. Now, you could just imagine what a fine job the average Indian agent could do with road building when he would say, "Come on, boys" to a couple of hundred Indians, "and we will go out and build a road to this swamp," without any appliances or road-building machinery. They can go out with pick and shovel and an ax and a piece of dynamite, and they can chop down a hill here and cut down a tree there and fill in a hole somewhere else. They may work for a year or two in that way, but they will not get anywhere. It seems to me that the language I have suggested is advisable. The Secretary of the Interior would always require, before a dollar is expended, that Indian labor should be secured to the largest extent practicable, but——

Mr. STEPHENS of Texas. But it should be under the supervision of the department, should it not?

Mr. MILLER of Minnesota. Yes; it should be; and we should provide by law that "not less than $10,000 of said amount may be used in building roads and making other improvements upon the Chippewa Reservations in Minnesota for the benefit of said Chippewas." That is all the authority that is desired.

Mr. STEPHENS of Texas. If the gentleman will come before the committee next year and give us the benefit of his experience we shall be glad to consider the matter.

Mr. MILLER of Minnesota. I am going to offer an amendment anyhow. I do not know whether the chairman will accept it or not.

Mr. STEPHENS of Texas. I would not like to accept it unless the department had passed on the question.

Mr. MILLER of Minnesota. I do not care whether the department agrees to it or not. It is common sense and common business.

Mr. MANN. Unless it is made obligatory to employ Indians, would not the department be required to advertise and let the work to the lowest bidder? We all know that it costs a great deal more to build a road by the Indians than if the whites built it, but it is the Indians' money.

Mr. STEPHENS of Texas. That is correct.

Mr. MILLER of Minnesota. I am not certain whether it would be required to be advertised or not.

Mr. MANN. The gentleman would not want to fix it so that it could not be done?

Mr. MILLER of Minnesota. No; I want it advertised. We have a first-class engineer in one county in that neighborhood where the county is spending $1,200,000 in road building each year. It has a very large equipment and very highly skilled men, and they are building the finest roads imaginable. The county has been willing to spend money to put roads into these reservations to aid the Indians. We have found that by using the skill of the engineer in drawing the plans for the roads we could get a very great deal more for our money than otherwise. I have never seen a road built entirely by Indian labor under the direction of the agent that amounted to a hill of beans.

I want to offer the amendment anyhow, Mr. Chairman. I move, in line 12, page 27, to strike out the words "to furnish employment to the said Chippewas."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

Amend, on page 27, line 12, by striking out the words "to furnish employment to the said Chippewas."

Mr. STEPHENS of Texas. I hope, Mr. Chairman, the amendment will not be adopted without first having been passed upon by the Indian authorities. It is charged, or at least intimated, that they have been derelict in the performance of their duties. We would not like that to go on record.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. MILLER].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MILLER of Minnesota. Mr. Chairman, a division.

The CHAIRMAN. The gentleman from Minnesota demands a division.

The committee divided; and there were—ayes, 14, noes 31.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. LENROOT. Mr. Chairman, in reference to this proviso, what construction does the gentleman from Texas [Mr. STEPHENS] give to the language that "not less than $10,000 may be used"?

Mr. STEPHENS of Texas. That is on page 27, line 10?

Mr. LENROOT. Yes. They must use $10,000 to furnish employment, and if they do not use $10,000 they can not use any?

Mr. STEPHENS of Texas. I suppose it is to force them or to compel them to use that money.

Mr. LENROOT. Why do you use the word "may," then? Why not use the word "shall"?

Mr. STEPHENS of Texas. It is to notify them that the money is available and that they have not used it. It is to force them to use that much money for the employment of Indian labor.

Mr. LENROOT. Should not the word "shall" be used instead of the word "may"?

Mr. STEPHENS of Texas. Either "may" or "shall" is usually used.

Mr. LENROOT. The two parts of this provision are inconsistent with each other.

Mr. STEPHENS of Texas. It has been drafted by the department. We took it as they gave it to us.

Mr. VENABLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. VENABLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VENABLE: After line 22, page 27, insert as a new paragraph the following:

"MISSISSIPPI.

"For the construction of school plans for Mississippi Indians and the purchase of the necessary land for school sites and farms, $100,000; for support and education of Indian children, including salary of superintendent, $30,000; in all, $130,000."

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment.

Mr. VENABLE. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi [Mr. VENABLE] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. VENABLE. Mr. Chairman and gentlemen, this amendment arose out of a recommendation made by the Indian Department, following the report of a special supervisor, pursuant to a provision contained in the last general appropriation bill which provided a thousand dollars to investigate the condition of the Mississippi Choctaws.

That report is now in print, but I find it is not available. In substance, however, it gives in detail the condition of these Indians and their land holdings. It shows their poverty and their need. It shows that there are about 500 children of these Indians. It shows further that their condition is a pitiable one, and that the death rate exceeds the birth rate. They are dying from exposure to the weather, owing to the fact that they live in insanitary surroundings and know nothing of sanitation. Those, in substance, are the facts. It shows that these Indians have no educational advantages other than some very meager ones that are provided by the State, the State undertaking to maintain two or three Indian schools for two or three months in the year.

On those facts, disclosed in this report, the department makes this recommendation providing for the purchase of land and the establishment of schools.

On page 217 of the hearings before the subcommittee on Indian affairs is found a statement from Mr. Meritt, and this amendment embodies what the Indian Department thinks is necessary for the Mississippi Choctaws. The report recommended certain provisions for the maintenance of the adult Indians on the ground that there had been a complete crop failure in that portion of Mississippi this year, and there is very great suffering and indeed danger that some of these people will come near starving. However, this amendment does not deal with that phase of it, but asks that some provision be made by the Government for these children. According to this report and according to my personal knowledge at the present rate of decrease, if something is not done, in a few years the Mississippi Choctaws will become extinct. They are dying off now very rapidly, and the hope of the preservation of these people lies, of course, in what is done for the children. This amendment is offered simply for that purpose.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. STEPHENS of Texas. Is it not a fact that these Indians could now be permitted to attend any of the Indian schools, on proper application to the department, and showing that they were Indians and indigent?

Mr. VENABLE. I am informed that that is the case, but it is not feasible as a practical proposition, for you could not get the parents of these Indian children to consent that they be sent to these Indian schools. That grows out of their suspicion, their ignorance, and their natural desire to have their children near them.

Mr. STEPHENS of Texas. Is the gentleman aware that that is the fact all over the United States, that the Apaches and Navajoes, and a good many of the other Indians, where there is no compulsory means of putting their children in school, will not let them attend?

Mr. VENABLE. I do not know anything about the others.

Mr. STEPHENS of Texas. They are in exactly the same condition relative to that as all the other Indians in the United States. We have never passed compulsory Indian education laws. We have not reached that point yet.

Mr. VENABLE. That doubtless is true. I know it is peculiarly true of the Mississippi Choctaws that he will not consent to sending his children away to school. Almost every agent who has gone down among the Mississippi Choctaws to have anything to do with them has been a grand rascal and a blackleg, and, if you want to convict a man without trial in the minds of these Indians, all that is necessary for him to do is to allow himself to be denominated as an Indian agent. That will convict him.

Mr. NORTON. What is the great and good State of Mississippi, which has so long and so highly prized State rights, doing for those Indians down there to benefit them?

Mr. VENABLE. They are doing—not under the doctrine of State rights, however—just what the gentleman's State does, I assume, which I suppose does not regard the doctrine very highly. They are apportioning such part of their funds to the Indians as they feel to be just and right. You must remember that the white people themselves in a great many sections of Mississippi have only a few months' school in the year. You must remember also that we have a very large negro population in Mississippi, outnumbering the whites in fact, for whom the white people of Mississippi maintain schools. With the white people, the principal taxpayers and property owners, carrying the burden of the education of the large number of negroes that we have in Mississippi, we do for the Indians in those counties, I am satisfied, as much as the people can.

Mr. NORTON. These Indians are full citizens of Mississippi?

Mr. VENABLE. Yes.

Mr. NORTON. They have the same rights as other citizens?

Mr. VENABLE. Yes; theoretically.

Mr. NORTON. What property they have is subject to taxation?

Mr. VENABLE. Yes. They own very little. Most of them, as a matter of fact, are croppers. A few of them own some very poor land, on which it would take three men to raise a row. [Laughter.]

Mr. NORTON. You have no compulsory education system in Mississippi?

Mr. VENABLE. No, sir.

Mr. NORTON. The children of these Indians are not compelled to go to school?

Mr. VENABLE. No, sir.

Mr. NORTON. As a matter of fact, they have a custom of the tribe which precludes them from attending school, have they not, or a custom which did obtain up to within the past few years, by which those attending school were subject to punishment by the band?

Mr. VENABLE. I never heard of that, sir. I do not think any such custom exists.

Mr. NORTON. There is no custom in opposition to attending school, as there is in Florida?

Mr. VENABLE. No, sir; I never heard of it. And I am sure I would have heard of it if it existed.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. STEPHENS of Texas. It is new legislation.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, $25,000 (reimbursable), which shall be immediately available and remain available until expended: *Provided*, That not to exceed $15,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $9,000 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $2,000 may be used for the purchase of motor-propelled passenger-carrying vehicles.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee in regard to these irrigation systems. The irrigation system on the Blackfeet Reservation in Montana is practically finished now, is it not?

Mr. STEPHENS of Texas. No; I think it is in process at the present time.

Mr. BORLAND. There is an appropriation of only $25,000. That means that it is practically completed. What progress are they making toward using that irrigated land?

Mr. STEPHENS of Texas. I understand that a great many of the Indians are taking it. Many of the laterals from the main ditch yet remain to be dug; and although the main ditches may be completed to take the water from the source of supply, it can not be used until the laterals are dug to carry the water from the main ditch and irrigate the land. That seems to be the main reason why more land is not taken up and used by the Indians.

Mr. BORLAND. What is the condition of the Blackfeet now; are we making an appropriation for their subsistence through the hard winter, as we did years ago?

Mr. STEPHENS of Texas. There is a general appropriation for subsistence and civilization of $50,000, I believe.

Mr. BORLAND. My recollection has been that the Blackfeet every year have had a special appropriation to keep them from starving during the winter.

Mr. STEPHENS of Texas. That is the amount here.

Mr. BORLAND. Is there any prospect that this irrigation will add to their means of self-support?

Mr. STEPHENS of Texas. It is stated by the agency that they are in much better condition than they were. Three or four years ago they were in a deplorable condition, but the committee has done everything it could to relieve their condition. If the gentleman from Missouri or anyone else can point out any means by which they can be relieved further, the committee is ready to take it up.

Mr. BORLAND. How much more is necessary to complete the Flathead irrigation system?

Mr. STEPHENS of Texas. There are about 120,000 acres of irrigable land, 73,000 of which is unallotted. A large part of the land is subject to irrigation. It is in the best stock-raising region, and if crops are to be raised in that country the land must be irrigated. They now raise some grass and fairly good crops of hay and potatoes and other farm products. The Indians now are in much better condition than they were a year ago.

Mr. BORLAND. How much more money is necessary to complete that irrigation project?

Mr. STEPHENS of Texas. A little more than $4,000,000.

Mr. BORLAND. How many Indians are there there?

Mr. STEPHENS of Texas. Several thousand.

Mr. EVANS. About 2,500.

Mr. BORLAND. How much has the project cost altogether?

Mr. EVANS. Six or seven million dollars. That includes the land. It is to be sold and is to be reimbursable. There are 10,000 white people there.

Mr. BORLAND. How many of the Indians are self-supporting?

Mr. EVANS. I should say 40 or 50 per cent.

Mr. BORLAND. What is the condition of the Fort Peck project and what is the total cost?

Mr. EVANS. I do not know.

Mr. BORLAND. Does the chairman of the committee know how much is the total cost?

Mr. STEPHENS of Texas. Four million six hundred and fifteen thousand dollars.

Mr. BORLAND. How many Indians are there there?

Mr. NORTON. Nineteen hundred and forty-three.

Mr. BORLAND. And it will cost about how much?

Mr. EVANS. About $4,000,000.

Mr. STEPHENS of Texas. The gentleman must not forget that this money is money that belongs to the Indians and we are administering it for them as our wards.

Mr. BORLAND. This is reimbursable out of a fund that does not now exist.

Mr. STEPHENS of Texas. They have a great estate, a very valuable property, and it is estimated that it will far more than pay the United States every dollar that it puts out. Every cent will be refunded.

Mr. BORLAND. Oh, I expect that eventually it will all be repaid.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. Can the gentleman from Montana tell me how much is actually irrigated on the Fort Peck irrigation project?

Mr. EVANS. I can not tell the gentleman.

Mr. NORTON. Approximately.

Mr. EVANS. I can not say approximately.

Mr. NORTON. There are 152,000 acres in the project and there has been expended $485,000.

Mr. EVANS. I have never been over the Fort Peck project, but I have been over the Flathead.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. We have spent a lot of money on these three irrigation projects in Montana—I think something like three and a half million dollars on the three of them. So far we have not irrigated much land. The report of last year did not indicate that any land was irrigated on either of the reservations.

Mr. NORTON. The report shows that 12,500 acres are under irrigation on the Fort Peck Reservation.

Mr. MONDELL. Not the report I have. This is the report of last year, the latest report that we have, House Document 177.

Mr. NORTON. How much was actually cultivated is not shown in any report.

Mr. MONDELL. If the gentleman will refer to House Document 177, the report of last year on the cost of irrigation projects, page 14, he will find that under the head of "Blackfeet" there is no land given as being irrigated, white or Indian. Nor is there on the Fort Peck Reservation. The report of this year is not as yet published. I have been trying to get a copy of it, but it is not over from the Printing Office. I presume they have been able to irrigate some lands possibly on one or all of these reservations this year. I do not rise for the purpose of calling attention to this lack of progress in irrigation with the idea of suggesting that these lands can not or will not be irrigated. I have very grave doubts about the Blackfeet, about our ever irrigating very much land on that reservation; but as to the others, I think those reservations will ultimately be cultivated and irrigated.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. EVANS. Permit me to say that the Blackfeet Reservation project is wholly an Indian project. The other two are what we call white-men projects. On the Blackfeet Reservation there are at least 10,000 people, and almost 25,000 acres of land under cultivation.

Mr. MONDELL. I have no doubt that those lands will eventually be irrigated and that the project will eventually work out. That is my understanding of the project; that it has very good soil and plenty of water and a very fair climate. I am simply calling attention to these three projects and our large appropriations for them in order to furnish something of a foundation for a statement that I hope to make to the committee to-morrow relative to the very great needs of a reservation where they are actually irrigating the soil and raising crops. This bill carries an appropriation of $50,000 for the continuation of the extension of the irrigation systems on the

Wind River Reservation in Wyoming. The committee gave all that the Indian Office asked. I did not appear before the committee asking more, because of the fact that the report which the committee in its bill of last year requested was not received by the House and printed until Saturday, so that we have not had the report before us, and I did not care to appear before the committee and ask for a larger appropriation for that work without having the report which the committee had called for. But to-morrow, when this item is reached or before it is reached, I want to appeal to the committee to increase that appropriation of $50,000 to at least $150,000 in order to carry on very greatly needed work on this reservation, where the land is being put under cultivation just as fast as it is being irrigated, and I hope that the committee will see its way clear to allow the sum I shall ask.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. The gentleman referred to the report of the Secretary of the Interior. We have received the report of the Secretary of the Treasury, the report of the Secretary of War, and the various other reports of the various heads of the departments, but the reports of the Secretary of the Interior and the Commissioner of Indian Affairs have not yet come in. We take up the Indian bill first. Those reports we have not had an opportunity to read. They ought to be before us when we take up the Indian bill, but I suppose that is one of the inscrutible ways of Providence. If there is a chance to get information, sweep away the chance!

The Clerk read as follows:

NEBRASKA.

SEC. 10. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $68,800; for general repairs and improvements, $7,500; for addition to hospital, $2,500; for purchase and erection of steel water tank, $2,400; in all, $81,200.

Mr. STEPHENS of Nebraska. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 11, after the semicolon in line 11, insert the following: "for the purchase of 320 acres, more or less, of land, $41,600."

Mr. MANN. Mr. Chairman, I reserve the point of order on that.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. STEPHENS of Nebraska. I would like to discuss it for a moment, if you please.

Mr. MANN. I would be very glad to reserve the point of order, but the Chair asked me if I made it. I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. STEPHENS of Nebraska. Mr. Chairman, as a justification of this amendment I wish to call the attention of the committee to the fact that this school has the smallest land area of any Indian school, I think, in the United States. Not only that, but it has the finest herd of pure-bred dairy cows on any Indian reservation in the United States, and this herd ranks with the best herds in the United States off the Indian reservations. In fact, this Indian school has won prizes year after year in the big State fairs of Iowa and Nebraska upon the exhibits from this herd. This school has the best swine herd of any Indian school in the United States, pure bred, and it has the best pure-bred Percheron horses. In fact, this school farm, in my judgment, is as well managed a farm as there is in the whole West. This school is carried on with a per capita cost of something like, I think, $152, which is very small in comparison to the cost of some other schools that run from $200 to $300 per capita. Not only that, but while these other schools have been spending their appropriations and have nothing practically to show for them, this school has expended its appropriations, has educated its children, has maintained the farm in splendid condition, and has to show for it a dairy herd that is worth somewhere from $25,000 to $35,000. The pure-bred horses and hogs run into thousands of dollars in value, all accumulated out of the profits of the management of this farm.

There is not an individual in this dairy herd that is worth less than $250, from that up to $750, perhaps $1,000; in fact, some of the individuals are too good to sell, as no price has been placed upon them. This has all been done under the splendid management and efficient supervision of Supt. Sam Davis, the best Indian superintendent, in my judgment, in this country. He has 320 acres of land on which to operate. That is not sufficient for the support and maintenance of the amount of stock that he has there now, and he can, with 320 additional acres lying next to this land, produce an abundant food supply for this herd and keep it intact and eventually reduce the cost of the maintenance of this school. In fact, it is now below the cost of any other school, I think, in the United States and on the smallest acreage of any school in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Nebraska. Mr. Chairman, I would like a few minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Nebraska. The price of this land is nominal. It is located right on the edge of a little village of a thousand people, I should say, and it is rated, I believe, at $130 an acre. This land undoubtedly will continue to rise in price and would ultimately show a great profit to the Government on the investment should this land be purchased. I could not conceive of an investment of this character losing the Government money. It is not like the appropriations that are made for expenses, because this is an investment in property that will constantly enhance in value as the community increases in population. I believe that it would be the wisest sort of expenditure for the Government to encourage this splendid school in the effort that it is making toward self-support. I do not think that anyone could possibly criticize the policy of purchasing this land, in view of the needs of the school and the fact that it will constantly decrease the expenditure for support. I often visit this institution and look over these splendid herds that are there, and I feel that such work as this ought to be appreciated by Congress in view of the slipshod manner that characterized much of Government expenditures. These herds supply the demands of many of the Indian schools of the country for pure-bred stock, and will continue to do so in a larger degree as these herds multiply. This work ought to be encouraged in a manner that would increase its usefulness to the Government. I think that it is a splendid example to set before the country to have at least one Indian school in the United States that shows a good reason for its existence, and this school certainly does. It is situated in the midst of four Indian reservations. It is splendidly equipped to give industrial training to these pupils, but the need of these 320 acres of land is apparent to any one who will look at the situation, and I hope that this committee will be able ultimately to add this land to the school farm.

Mr. STEPHENS of Texas. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, $2,000, or so much thereof as the Secretary of the Interior may deem necessary.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 31, after line 20, insert the following, "for construction work on the Indian highway, extending from Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, $15,000; said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CAMPBELL. Mr. Chairman, what I want to say is this. I would suggest to the gentleman from Colorado I think that his amendment should read "for continuing" work on this road. As I recall I think we appropriated in one or two appropriation bills for this particular road if this is the road the gentleman has in mind.

Mr. TAYLOR of Colorado. That is the road.

Mr. CAMPBELL. Then this should be for "continuing."

Mr. TAYLOR of Colorado. Mr. Chairman, I will ask to modify that language by substituting the word "continuing."

Mr. CAMPBELL. If that is true, of course, it is not subject to the point of order.

The CHAIRMAN. Without objection, the gentleman will be permitted to modify his amendment. [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. TAYLOR of Colorado. Mr. Speaker, this matter came up before when this bill was under consideration, on the 4th of February, in the last Indian appropriation bill. At that time I presented to the House a very elaborate report from the Secretary of the Interior and the Commissioner of Indian Affairs upon this item and the desirability of building this road. This Indian highway extends 100 miles through the Navajo Indian Reservation in New Mexico. The amount the Interior Department estimated and reported necessary to complete it was $54,253.25, and they recommended that we appropriate $15,000 a year until the road was built. The Navajo Indians are a very wealthy tribe of Indians in a way. That is, they have a reservation of about 9,000,000 acres, and a large part of it contains coal that is very valuable, and a large part of it will be either farming land or good pasture land. They have, I think, something like 100,000 sheep that are very valuable, and the Indians are in good condition. They are fairly good workers and have done considerable work on that reservation, and both the Indians and the white people want this road built. It furnishes a very necessary outlet for the interior portion of the reservation that is very important for its development. I will frankly say that a large part of La Plata and Montezuma Counties in Colorado are also interested in the construction of this road. It will open up, furnish an outlet, and develop a large territory of country, and especially the entire San Juan Valley. I explained the importance of this road quite fully at the time I offered this same amendment to this same bill last February, and my remarks and the reports presented at that time appear at pages 2147 and 2148 of the CONGRESSIONAL RECORD of February 4, 1916.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Certainly.

Mr. MANN. Is this supposed to be an automobile road?

Mr. TAYLOR of Colorado. They will hope to make it a good road that they can use auto trucks on and haul all sorts of freight over.

Mr. MANN. I am not talking about hauling freight. Is it supposed to be an automobile road for the benefit of touring automobiles?

Mr. TAYLOR of Colorado. Its primary purpose, I will say to the gentleman——

Mr. MANN. The gentleman hesitates.

Mr. TAYLOR of Colorado. No; I do not hesitate at all. It can not be an automobile road in that country until it is made a good highway.

Mr. MANN. I understand that this is for the purpose of building a good highway. I want to know if this is an automobile road, and if that is the purpose?

Mr. TAYLOR of Colorado. My purpose is to have constructed as good a highway as I possibly can for use by everybody and all kinds of vehicles and all kinds of people, and I hope it will be a good automobile road for all these people.

Mr. BORLAND. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. BORLAND. Do I understand the Government has already commenced the construction of this road?

Mr. TAYLOR of Colorado. Yes.

Mr. BORLAND. Is this appropriation asked for in the gentleman's amendment a continuation of public work in the course of construction?

Mr. TAYLOR of Colorado. Yes.

Mr. BORLAND. What point is there to it? Does the gentleman discuss the point of order?

Mr. TAYLOR of Colorado. I do not understand that it is subject to a point of order.

Mr. BORLAND. The point of order has been reserved. What point of order can there be to it?

Mr. TAYLOR of Colorado. I do not think my amendment is subject to a point of order because the construction of this road was recommended and authorized in the last Indian appropriation bill and the first appropriation of $15,000 was made and has been expended on the work, and I am now asking for $15,000 more to continue that work of construction. But aside from the technical objection to it, I want to present the amendment upon its merits. I may say the distinguished chairman of the committee [Mr. STEPHENS] made a similar point of order against this amendment in the last bill and then kindly withdrew it afterwards, as the RECORD shows, because the committee at that time believed it was a worthy improvement and that this road ought to be built through that Indian reservation, and I hope the gentleman will again withdraw his point of order.

Mr. STEPHENS of Texas. When this project appeared before the House was there any statement as to the amount it would cost to build this road?

Mr. TAYLOR of Colorado. Oh, yes; I have it here.

Mr. STEPHENS of Texas. Will you please read it?

Mr. TAYLOR of Colorado. Certainly, if you will permit me. I have a statement here signed by the Secretary of the Interior, which is inserted in the CONGRESSIONAL RECORD of February 4, 1916.

Mr. STEPHENS of Texas. Was it recommended by the department?

Mr. TAYLOR of Colorado. Very strongly.

Mr. STEPHENS of Texas. There is nothing allowed in the bill except $15,000.

Mr. TAYLOR of Colorado. He recommends we allow $15,000 each year until it is completed. It appropriates $15,000. And I am asking to have that same continuing appropriation for this ensuing year, of $15,000. I have used the identical language that was approved in the last bill.

Mr. STEPHENS of Texas. Will the gentleman permit me to read that language?

Mr. TAYLOR of Colorado. Surely.

Mr. STEPHENS of Texas. It says:

For construction work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, $15,000, said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

There is nothing said about a subsequent appropriation of money, or that this road shall cost $45,000 or $50,000 or $75,000. It is only an appropriation to complete the road, but if they put in this word "construction" we have nothing to recommend to the House. We will have to have a separate appropriation. Therefore it is certainly subject to the point of order that I raised.

Mr. TAYLOR of Colorado. Will the gentleman permit me to read the latter portion of the report on this measure?

Mr. STEPHENS of Texas. Certainly.

Mr. TAYLOR of Colorado. The report reads as follows:

JANUARY 28, 1916.

MY DEAR MR. STEPHENS: Referring to your letter of January 14, requesting a report on H. R. 24, appropriating $15,000 for the construction of a wagon road on the Navajo Reservation, in New Mexico, I wish to give you a statement of the facts which demand attention in considering this bill.

The valley drained by the San Juan River lies partly in New Mexico and partly in Colorado. It is a fertile valley, with an abundance of water, and several thousand acres of land are under irrigation. Excellent crops are produced, but there is only one railroad entering the valley, and this has to cross the high mountains north and east of Durango, Colo. Freight rates are unusually high, and the inhabitants of the valley suffer from the inaccessibility of good markets. The Navajo Reservation in New Mexico forms the southern part of the valley, and as there is a railroad running through the towns located just south of the reservation in New Mexico, this vast stretch of Indian country acts as a barrier between the rest of the valley and these railroad towns.

Gallup is the most accessible railroad station south of the reservation, being located on the main line of the Atchison, Topeka & Santa Fe Railroad, while Farmington, near the center of the valley, is the terminal of the railroad entering the valley from Colorado. At the present time, to ship by rail from Farmington to Gallup, a distance of a little more than a hundred miles in an air line, the supplies must pass over a long circuitous route of some 600 miles via Albuquerque, N. Mex. It now requires about four days for mail to go from Shiprock, the agency for the San Juan jurisdiction, about 35 miles from Farmington, to Gallup by rail. From this it can be seen that the shipment of products from the valley by rail is made under most unsatisfactory conditions.

A large amount of traffic goes to Gallup at the present time from the valley by way of an overland route, running from Farmington to Shiprock and thence to Gallup. The route has been maintained for years by Indian labor, and it is in such shape that automobiles can make the trip during certain parts of the year. However, the summer rains in this region are torrential in character, and there are times when the arroyos run bank full, often carrying as high as 10 feet depth of water. After such rains large ditches are washed and travel is exceedingly difficult for any kind of vehicle. Water stands on the roads, and the surface is so rutted as to be impassable for long periods. When automobiles can travel on the road the trip from Shiprock to Gallup can be made in from 10 to 12 hours, while teams can make the trip in from 2 to 2½ days.

On the section of the road under the jurisdiction of the San Juan School, from Shiprock south to the Navajo jurisdiction, work has been done and the condition so improved that it is not believed advisable to make the large expenditure necessary to provide a permanent, first-class road. The route under the jurisdiction of the Navajo Agency, commencing at a point where the road enters the southern boundary of the reservation and running in a northerly direction to the San Juan jurisdiction, must be improved, however, before the route from Farmington to Gallup will be open at all times to all kinds of traffic.

There has been a great deal of agitation for good roads throughout this section. The people of San Juan County and southern Colorado are building good roads from Durango and farther north to the reservation line, while McKinley County is constructing a good road from the southern reservation line on to Gallup. The people of the valley are very desirous of having established a good, permanent highway which will permit the operation of automobile mail service between Farmington and Gallup by way of Shiprock, across the Navajo Reservation for a distance of about 100 miles, which will give an outlet for the sale of fruit and other products and connect the San Juan Valley with the main

line of the Santa Fe system at Gallup. It is believed that the improvement of the stretch of road under the Navajo jurisdiction and the other improvements by the counties will permit the operation of seven-hour mail service between Gallup and Farmington. The Navajo population in the valley is considerable, which means that a large amount of Indian freight goes over the road annually, the Indians doing the freighting for the different traders on the reservation, and the Indians will share with the other inhabitants of the valley in the benefits to be derived from such an outlet.

The white people all request that the Government do its share by making the road passable across the reservation. No great amount of funds have been available, and maintenance work on the route now used is all that has been done. An engineer recently made a survey of the bad stretch of road, approximately 40 miles in length, and estimated that $54,253.25 would be needed to establish a first-class road. The Indians are unable to repair the road and there is no prospect of obtaining funds for the work unless an appropriation is made by Congress.

I believe that in a situation of this sort the Government should not let the Indian country prove a drawback to the other part of the San Juan Valley and a bar to the progress of the whole valley. I therefore recommend that the bill receive favorable consideration and that approximately $15,000 be appropriated for expenditure each year until the amount estimated has been appropriated and the project completed.

The report of the engineer is inclosed for the information of your committee, and return after its purpose has been served.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. STEPHENS of Texas. Is it not a fact that that is the request of the Secretary of the Interior, made through the Indian Department, and that Congress never acceded to that?

Mr. TAYLOR of Colorado. Congress adopted that recommendation and made the first $15,000 appropriation for work during the past summer, and that work has been done and the road is partially constructed.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. I will insert a part of the remainder of the report of the Bureau of Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 18, 1915.

MY DEAR MR. TAYLOR: The receipt is acknowledged of your letter dated March 9, 1915, submitting a resolution adopted at a meeting held by the farmers of Montezuma County, Colo., at which it was urged that action be taken to agitate the construction of roads across the Navajo and Ute Indian Reservations to Gallup, N. Mex.

Good roads are recognized to be an important factor in the industrial progress of the Indians, and the office has had under consideration the improvement of conditions on the Navajo Reservation and the construction of a road entirely across the reservation from Gallup to Farmington by way of Shiprock. The superintendents of the various agencies having jurisdiction over the reservation have filed reports and plans giving an estimate of the cost of the work and showing that the proposed improvements would result in materially benefiting the Indians.

Owing to the depleted condition of funds applicable for the work, it has been impossible to take any direct action, and it appears that unless a special appropriation is made for the purpose the office would be unable to undertake any extensive work at this time.

The resolution submitted by you has been placed on file and will be given consideration in connection with the other papers in the case at any time funds become available.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. EDWARD T. TAYLOR,
House of Representatives.

—

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 11, 1915.

MY DEAR MR. TAYLOR: The receipt is acknowledged of your letter dated September 2, 1915, with further regard to the construction of roads across the Navajo and Ute Indian Reservations.

Since the reports were made by the superintendents of the various agencies having jurisdiction over the reservations, the superintendent of the San Juan Agency has been able to improve road conditions under his jurisdiction. Various road organizations and other bodies adjacent to the reservation have just recently presented resolutions regarding the improvement of the remainder of the route across the reservation toward Gallup. There are not yet funds available for extensive improvements, but with the view of doing everything possible to better the present conditions, an engineer has been detailed to make an investigation to ascertain the cost of necessary roads and bridges.

The investigation has not yet been completed. As soon as possible you will be advised of the information obtained and furnished with copies of the reports desired, as well as a draft of legislation in the event an appropriation seems advisable.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. EDWARD T. TAYLOR,
Glenwood Springs, Colo.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 13, 1916.

MY DEAR MR. TAYLOR: I am returning herewith the copies of correspondence which were left in the office some time ago, with a copy of H. R. 24, providing for an appropriation of $15,000 for the construction of a wagon road on the Navajo Reservation in New Mexico.

This is only one of many proposed road and bridge projects in northwestern New Mexico for which appeals have been made for Government funds. There has been agitated the proposition of constructing a bridge across the San Juan River near Farmington, N. Mex., at a cost of approximately $20,000. Efforts have also been made to provide for the construction of a highway across the Jemez and Zia pueblos; also for the construction of a bridge across the Jemez River at a site within the Zia pueblo. I doubt the wisdom of pushing all these projects, and think it most advisable to decide which is the most urgent and then make concerted efforts to obtain an appropriation for the one.

The reports obtained on the San Juan River Bridge are somewhat conflicting in that there is a difference of opinion regarding the proper proportion of the cost which should be borne by the Indians. The data obtained regarding the Jemez River Bridge and the road across the Zia and Jemez pueblos is not definite enough to justify the making of a recommendation without further investigation.

As a survey has been made, data prepared, and all preliminary details arranged in the case of the Shiprock-Gallup Road, I feel that that project should receive preference.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. E. T. TAYLOR,
House of Representatives.

—

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 15, 1915.

MY DEAR MR. TAYLOR: Referring again to your letter regarding the improvement of a road across the Navajo Reservation on a line between Shiprock and Gallup, N. Mex., you are informed that the investigation referred to in office letter of September 11, 1915, has now been completed by an engineer of the Indian Irrigation Service. According to a survey made and an estimate prepared by him, it will require between $50,000 and $55,000 to construct a permanent highway over that part of the course that is yet unimproved. These figures far exceed superficial estimates of $20,000 or thereabouts heretofore made for the work. This may be accounted for by considering that all former estimates were not based on surveys but rather on observations taken while traveling over the country, which, though very smooth apparently, is in reality more or less broken by swales, to cross which it will be necessary to raise the roadbed for drainage.

The superintendent of the Navajo Agency suggests that a certain sum be set aside each year, in case the road is built, in order that the project may be completed within two or three years. Under this arrangement an appropriation of about $15,000 should be made annually.

The various organizations which took up the matter with this office have been advised that on account of the fact that the estimate for the Indian appropriation bill for the fiscal year 1917 has been completed all that can be done by this office is to keep the matter on file for consideration when preparing the estimate for the Indian bill for 1918. They have also been advised that if the commercial clubs and other organizations interested in the improvement of the road because of the benefit to be derived by tourists and white residents of the State shall see fit to urge legislation for this project this office will be glad to make such report thereon as conditions appear to justify and also furnish all the information and data at its command.

As suggested by you, there are inclosed copies of the reports made on this subject by the superintendents of the San Juan and Navajo Agencies, also a draft of legislation for your use in the event you see fit to introduce a bill providing for an appropriation.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. E. T. TAYLOR,
House of Representatives.

I presented this report of the Interior Department and the Commissioner of Indian Affairs. I presented them to the committee and to this House when this bill was up last February, and the House accepted the view of the Interior Department and appropriated $15,000. That is all we asked. Now, I supposed, of course, that the Interior Department having recommended that that road be built and the House and this committee having approved of it and made the money reimbursable and the Indians being in favor of it, the committee would again allow the same amount in this bill when they drafted the bill.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. CARTER of Oklahoma. Let me ask the gentleman if the department this year estimated for the continuation of it?

Mr. TAYLOR of Colorado. No; I do not think so. I supposed they having gone over the matter fully and made elaborate investigation of it that no further consideration or estimation was necessary at this time.

Mr. CARTER of Oklahoma. The gentleman knows, of course, that every year the Treasury presents estimates to each of the appropriating committees by whom the bills are made up. Now, the estimates this year did not carry any item for the continuation of this road.

Mr. TAYLOR of Colorado. I think that is correct.

Mr. CARTER of Oklahoma. I will say frankly to the gentleman that I agreed with him about the matter last year, but this year we found the bill without any estimate for the road

in it, and therefore we did not feel justified in inserting any amount in the bill for the road.

Mr. TAYLOR of Colorado. I will say, if the gentleman will permit me, that I was out home in Colorado in the campaign when this estimate was made up. I was not here, and I never had any opportunity of appearing before the Indian Committee or the Indian Bureau, and I never thought it was necesssary to either go before the bureau or before your committee.

Mr. CARTER of Oklahoma. I am not trying to attribute any failure to the gentleman from Colorado for not making this estimate, but I want to say that when we put an item in the bill we have not only before us the estimate but a justification from the bureau that presents it. In this case we had no estimate and we had no justification for the item, and therefore it did not go into the bill. To this day we have not any justification for it from any administrative officer of the Government. We have only what the gentleman from Colorado has so ably said.

Mr. TAYLOR of Colorado. I supposed that when they had made an estimate and had two or three engineers go down into that country and survey this route and make an estimate down to as close as 25 cents as to what it would cost, and had filed that here, and the Secretary of the Interior had made to this House and to the chairman of the committee and to the committee this very strong and favorable report, it was not necessary to have an estimate every year on the same measure.

Mr. CARTER of Oklahoma. It is necessary.

Mr. TAYLOR of Colorado. I did not realize that they had to go over it and estimate it all over again. I supposed it was a settled project.

Mr. CARTER of Oklahoma. The gentleman is familiar with the procedure of the House and knows that every year the Treasury Department sends to the Speaker of the House the estimates of the matters that are to go into the bill. Repeating what I have just said, when we have those estimates before us in the proper way we can make the proper justification for the items, but not having that estimate the committee was completely in the dark. Therefore we did not feel warranted in putting the item in the bill.

Mr. TAYLOR of Colorado. Of course I realize that the committee acted within the rule and practice, but at the same time I feel that, having gone over this matter fully, and having approved that project before, and started the work and having done one-third of it, we ought to proceed with it.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling.

Mr. BORLAND. I would like to be heard on the point of order.

Mr. STEPHENS of Texas. I insist, Mr. Chairman, upon the point of order being ruled upon at the present time.

Mr. BORLAND. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. What is the point of order that the gentleman from Texas makes?

Mr. STEPHENS of Texas. That it is new legislation and not authorized by law. Fifteen thousand dollars was authorized last year. As we have shown you, whether or not that has been expended, there is no authorization for it this year in the law.

Mr. BORLAND. I want to be heard on the point of order.

Mr. STEPHENS of Texas. I agreed to move that the committee rise before 5 o'clock.

Mr. MANN. It was my reservation of the point of order. I am willing to submit the question to the House at this time.

Mr. BORLAND. Mr. Chairman, this amendment, as offered by the gentleman from Colorado [Mr. TAYLOR], provides for the continuing of the work on this Indian highway, and it appears from the estimate that was submitted two years ago—there was an estimate for about $65,000 and a recommendation of $15,000 for construction—that one such appropriation has been made of $15,000. It does not make any difference whether or not the appropriation that was made of $15,000 showed on its face that it was the beginning of construction; but whether or not it was supposed at that time to be the complete amount for construction, the real question before the Chair is whether this appropriation is in fact a continuation of that work, because it might turn out that the original estimate was only $15,000.

Mr. STEPHENS of Texas. Mr. Chairman, in order to save time I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. TAYLOR].

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee, from the Committee on Appropriations, reported the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (H. Rept. 1209), ordered to be printed.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Wisconsin reserves all points of order.

CHANGES OF REFERENCE.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the adverse report on the bill (H. R. 16153) for the relief of Denny Costello be withdrawn from the files of the House, and that the bill be rereferred to the Committee on Claims. I will say in explanation of that that since this report was filed other evidence has been filed with the committee, and they desire to reconsider the claim.

Mr. MANN. Have the committee been consulted about this?

Mr. BORLAND. Yes.

Mr. MANN. Who made the report?

Mr. BORLAND. The gentleman from Ohio [Mr. RUSSELL] made the report.

Mr. MANN. What is the claim?

Mr. BORLAND. It is a claim for reimbursement of the amount paid by a bondsman, who afterwards apprehended the criminal and returned him to justice.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to withdraw from the files of the House the adverse report on House bill 16153——

Mr. MANN. The only thing to do is to ask that the bill be recommitted. There is no withdrawal of the report.

The SPEAKER. The gentleman from Missouri asks unanimous consent that House bill 16153 be rereferred to the Committee on Claims. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent that House bill 17845, to provide for the testing of the underground water supply in Lincoln County, Colo., which was referred to the Committee on Irrigation, be referred to the Committee on Appropriations. This is at the request of the Committee on Irrigation.

Mr. MANN. What does the bill propose, to make an appropriation?

Mr. TIMBERLAKE. Yes.

The SPEAKER. Is there objection to discharging the Committee on Irrigation from the further consideration of House bill 17845, and that the same be referred to the Committee on Appropriations?

There was no objection.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the pension bill (H. R. 18181) be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, do we understand that there will be no further business to-day after this bill is disposed of?

Mr. KITCHIN. No other business.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Blackstone, late of Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Shrewsbury, late of Company I, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Leeson, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Clark, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram P. Lanphere, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David I. Hawk, late of Company B, Fifth Regiment Pennsylvania Reserve Infantry, and Twenty-eighth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. R. Estes, late of Company D, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard Van Dusen, late of Company H, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Hagan, late of Company D, Sixty-fifth Regiment Indiana Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Hammond, late of Company G, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Hart, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Powers, late of Company A, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Lenz, widow of Max Lenz, late of Companies F and E, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nathaniel E. Peare, late of Company E, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Swails, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Head, late of Company B, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Turner, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Francis Palmer, late of Company G, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clinton Miller, late of Company H, Ninth West Virginia Infantry, and Company H, First Regiment West Virginia Volunteer Veteran Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Oiler, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Wharton, late of Company K, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nancy M. S. Piercy, widow of Samuel Piercy, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Gillum, late of Company D, Seventeenth Regiment Kentucky Infantry, and Company F, Twenty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelia E. Kimball, widow of Daniel B. Kimball, late of Company D, Second Regiment Indiana Cavalry, and Company I, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alfred J. Thomas, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Pack, late of Company E, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melvin P. Long, late of Company F, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Wilson, widow of William Wilson, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Martin Kohn, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horace L. Brown, late of Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Coppock, late of Company A, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Sepin, late of Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander Price, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen N. Burdsall, late of Company D, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Snoderly, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of LeGrand Comstock, late of Company F, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pleasant Rose, late of Company F, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph N. Elmer, late of Company E, Ninth Regiment New Jersey Infantry and Unassigned Detachment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William L. Carpenter, late of Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Joseph Walker, late of Company B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Gibbons, late of Company F, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Davis, late of Company K, One hundred and sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick Smith, late of Company L, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Wilson, late of Company D, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mason H. Marietta, late of Company A, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alonzo Judd, late of Company K, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Botner, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli McK. Trego, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Hartless, late of Company C, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore R. Stearns, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan Lawson, late of Companies E and A, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George F. Derr, late of Company C, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John L. Andrews, late of Company I, Tenth Regiment Missouri Cavalry, and Company H, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Hampton, late of Company K, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Archibald Caldwell, late of Company H, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin A. Crouse, late of Company G, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Carlton, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ransom W. Dwyer, late of Company B, Seventy-seventh Regiment New York State Militia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis B. Lomax, late of Company K, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Horrad, late of Company B, Seventh Regiment Tennessee Volunteer Mounted Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Boehmler, late of Company A, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Kelley, late of Company H, Two hundred and eighth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Parker, late quartermaster, U. S. S. *Passaic*, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Selsing, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Gaylord, late of Company C, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Prather, late of Company E, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Cason, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Ortell, late of Company E, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank H. Hungerford, late of Company I, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Stewart, late first-class boy, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Zachariah Jackson, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew D. Seely, late of Company H, Eighty-fourth Regiment, and Company H, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Anderson, late of Company C, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wesley McC. Williams, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Waters, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wallace B. Phillips, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. McKinley, late of Company A, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nancy Hutchings, widow of Simon Hutchings, late of Company D, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas M. McQuillan, late of Company C, Eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Lambert, late of Company G, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Rafter, late of Company B, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Ellis, late of Company C, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aaron Spotts, late of Company D, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Blackwell, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carroll C. M. Frame, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Martin Jordan, late a coal heaver, U. S. S. *Iuka*, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Ammons, late of Company C, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Knight, late of Company G, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nimrod Pratt, late of Company H, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Keener, late of Company I, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen A. Childers, late of Company I, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. McKee, late of Company D, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Thomas Deegan, late of Company C, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Francis M. Cotrell, late of Company G, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Catherine Steele, helpless and dependent child of Mason A. Steele, late of Company H, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Theodore B. Norris, late of Company F, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Summers, late a second-class fireman, United States Navy, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Lewis A. Clemons, late of Company H, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leroy Litchfield, late of Company H, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Blessing, late of Company F, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Walton, late of Third Battery Indiana Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James O'Connell, late of Company A, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Hatton, late of Company D, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles J. Smith, helpless and dependent child of Harrison Smith, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Richard C. Martin, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia, afterwards Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Christian B. Old, late of Company I, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas M. Lamons, late of Company K, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hutson, late of Company G, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Schwoebel, late of Company K, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Young, late of Company B, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Christina Leibecke, widow of Charles Leibecke, late of Company A, Forty-fifth and Fifty-eighth Regiments New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ferdinand Opperman, late of Company K, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Knapp, late of Company G, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert L. Hutchison, late of Company G, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John A. Boggs, late of Company K, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan W. Maddox, late of Company B, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Serelda Pargin, widow of David Pargin, late of Company I, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin F. Scott, late of Company G, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter J. Collins, late of Company C, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Volkmann, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah Sweet, dependent mother of Marcus W. Sweet, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George N. Shepherd, late of Company F, Fifty-sixth Regiment New York National Guard Infantry, and landsman, U. S. S. *Geneseo*, *Winnebago*, and *W. C. Anderson*, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Spencer Phillips, late of Company E, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ezra A. Bristol, late of Company E, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Billings, late unassigned, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson W. Haskell, late of Company D, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Margaret Brown, widow of John Brown, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Blose, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carlos E. Scales, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Elliott, late of Company A, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wyatt L. Starrett, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mathias Seaborn, late of Company E, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Dayton, alias William H. Stewart, late ordinary seaman, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stephen Skeen, late of Company H, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Shreeve, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Bowley, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred H. Bash, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George R. Rosenbrook, late of Company B, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Stevens, late of Company K, One hundred and first and Fifty-eighth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward B. Badger, late of Company C, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Cottman, late of Company C, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elisha Woodruff, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Crites, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael J. Newman, alias Michael Johnson, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Divine, late of Company E, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Williams, late of Company D, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura E. Smith, widow of Theodore C. Smith, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James M. Eaton, late of Company A, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Early, late of Company K, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David P. Green, late of Company B, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Willis O. Shaw, late of Company A, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wanton G. Moon, late of Company C, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Parker T. Gibbs, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles F. M. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cyrus T. Bowman, late of Company A, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John J. Kiersted, late of Company G, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel C. Walden, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Cooper, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Smith, late of Company G, Eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Rushing, late of Company B, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William R. Parke, late of Company H, Ninety-ninth Regiment, and Company H, Fiftieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Weaver, late of Company A, Eleventh New Jersey Infantry, and Company H, Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Vasteen, late of Company G, First New York Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Newkirk, late of Company C, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Valentine B. Farquhar, late of Company B, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. Frankfather, late of Company I, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Flesher, late of Company K, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander French, late of Company C, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Plympton J. Liles, late of Company K, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall McFarland, late of Company B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Philip A. Kantz, late of Company G, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David R. Groves, late of Company H, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel L. Kennedy, late of Company I, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Godschall, late of Company K, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Ross, late of Company E, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander S. Nobles, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leonard Waller, late of Company H, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar Blunt, late of Company B, Twenty-fourth Regiment Maine Infantry, and Battery G, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Lambert, late of Company D, Forty-eighth Regiment Iowa Infantry, and Company K, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Denison, late of Company D, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles L. Loney, late of Company K, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frances McGee, widow of Jonas McGee, late of Company F, One hundred and first Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George Pool, late of Company B, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herschel C. Young, late of Sixth and Fifteenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McDonald, late of Company B, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and Company I, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wood Browning, jr., late of Company B, One hundred and Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Dumphy, late of Company G, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert W. Johnson, late of Company B, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Aney, late of Company I, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew W. McCornack, late of Company I, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Green Williams, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Muir, late of Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Lane, late of Company I, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name Isaac H. Dewey, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Gilbert, late of Company B, One hundred and forty-fourth New York Infantry, and artificer, Company A, First Regiment New York Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marion Ashton, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Wheeler, late of Company G, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob H. Wolf, late of Company B, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Miles Beckwith, now known as Miles Turner, late of Company M, Fourth Regiment United States Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Towner, late of Company G, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram Shurtleff, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Sinnard, late of Company D, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thompson S. Lozaw, helpless and dependent son of Samuel Lozaw, late of Company D, Fourth Independent Battery New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Wells, late of Company I, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Givens, late of Company C, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthias Gates, late of Company F, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph L. Reel, late of Company D, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Brown, late of Company A, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Sprouse, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Gerrold, late of Company H, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph Wigger, late of Company K, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oliver W. Moore, late of Company K, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah Marsh, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otis Hull, late of Company D, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank Thomas, late of Company H, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emanuel L. Price, late of Company E, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of S. Augustus Elliott, late of Company A, Forty-second Regiment Massachusetts Militia Infantry, and Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Gifford, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Jackson, late of Companies I and G, Tenth Regiment Missouri Infantry, and Company E, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James P. Reynolds, late of Company H, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James O. Whorl, late a second-class fireman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calice Boudreau, late of Company G, Second Illinois Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar D. Culver, late of Company H, One hundred and twenty-seventh and Fifty-fourth Regiments New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram S. Woods, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Florence Ada Stoddard, helpless and demented daughter of Freeman Stoddard, late of Company K, Eighteenth and Ninth Regiments Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Marvin W. Bennett, late of Company G, Twelfth Regiment, and Company E, One hundred and fifty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nicholas Scholl, late of Company F, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Wolvin, late of Company H, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Doctor W. Epps, late of Company B, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jefferson R. McKaig, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Z. Rogers, late of Company B, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert M. Gottwalt, late of Company E, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Russell, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick Mayer, late of Company B, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah Blackhurst, alias William Henry, late of Company B, First Regiment New York Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Wolfe, late of Company E, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Pitts, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac L. Ferris, late of Company D, Fortieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Opdyke, late of Company D, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry D. Sumner, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Mix, late of Company F, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Escue, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elliott F. Wise, late of Company I, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Kilmer, late of Company C, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Israel Marshall, late of Company D, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Chalmers, late of Company B, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles B. Kunstler, late of Company K, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Lott, late of Company K, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marquis D. Usher, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Whitfield H. Lance, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Kinder, late of Company B, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel B. Morris, late of Company D, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert M. Glasgow, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Hummel, late of Company C, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Short, late of Company H, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David S. Griffith, late of Company F, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac W. Nutting, late of First Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson B. Miller, late of Company D, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert B. Thomas, late boatswain's mate, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Parker, late of Companies D and F, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Jacobs, late of Company A, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John K. Miller, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Eaton, widow of Russell G. Eaton, late of Company G, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harvey Sallade, late of Company D, Thirty-third Regiment, and Company K, One hundred and fifty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John I. Throckmorton, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edgar W. Rose, late of Company H, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Friederika Serini, widow of Philip J. Serini, late of Company M, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Calvin Curler, late of Company H, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles L. Bigelow, late of Company H, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John S. Grosvenor, late of Company K, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of E. McLean B. Scott (insane), late of Company E, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William S. Jackson, late of Company B, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard Burge, late of Company K, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Dick Ransom, late of Cooley's Mercantile Battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Robinson Davis, alias John Robinson, late of Company A, Twenty-third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Christopher C. Watkins, late of Company B, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Rine, late of Company B, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Richard A. Woodall, late of Company M, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Power, widow of John Power, late of Company B, One hundred and second Regiment New York Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Tyler W. Parker, late of Company A, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Foutch, late of Company G, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Miron Harper, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Cainan, late of Company D, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Beckley, late of Company D, Fifth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin H. Monk, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almon G. Cooley, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Scott Moore, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edgar Brown, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hodge, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lawrence O'Toole, late of Company D, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Dennis, late of Company A, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira McLaughlin, late of Company E, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Gilbert O. Hoffman, late of Company K, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert E. Ewing, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel P. Young, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ignatius Boff, late of Company K, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Julius A. Keeler, late of Company D, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Weingand, late of Eighth Independent Battery, Ohio Light Artillery, and Company F, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Clay, late of First Battery, Arkansas Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Haines, late of Company I, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Byron See, late of Company K, Thirty-fifth New York Infantry, and Company B, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William T. Figley, late of Company G, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Parker, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marcus F. Nesmith, late of Company G, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Logan, late of Company D, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Ort, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Archibald McGinnis, late of Company A, Fifty-fourth Regiment Indiana Infantry, Company E, One hundred and seventeenth Regiment Indiana Infantry, Company I, Ninety-first Regiment Indiana Infantry, Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Poston, late of Company H, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Barber, late of Company A, Thirty-sixth Regiment Illinois Infantry, Company I, Fifteenth Regiment Illinois Cavalry, Company M, Tenth Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Darrah, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Aquila Huff, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth C. Wallace, alleged widow of James H. Wallace, late of Company G, Twentieth Regiment Kentucky Infantry, and Troop D, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Isaac Newman, late of Company A, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Beaver, late of Company K, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nathan Smith, late of Company G, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amanda D. Wymore, helpless and dependent child of Samuel H. Wymore, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 873. William Blackstone.
H. R. 858. John R. Shrewsbury.
H. R. 1351. Robert Leeson.
H. R. 1423. Samuel J. Clark.
H. R. 1426. Hiram Lanphere.
H. R. 1463. David I. Hawk.
H. R. 1507. William P. R. Estes.
H. R. 1723. Richard Van Dusen.
H. R. 1821. John A. Hagan.
H. R. 1822. John M. Hammond.
H. R. 1823. Henry Hart.
H. R. 1859. Henry C. Powers.
H. R. 1864. Mary Lenz.
H. R. 1891. Nathaniel E. Peare.
H. R. 2008. Josiah Swails.
H. R. 2014. Levi Head.
H. R. 2316. Francis M. Turner.
H. R. 2654. Francis Palmer.
H. R. 2699. Clinton Miller.
H. R. 2707. Andrew J. Oiler.
H. R. 2797. John Wharton.
H. R. 2851. Nancy M. S. Piercy.
H. R. 2893. John W. Gillum.
H. R. 3214. Cornelia E. Kimball.
H. R. 3332. Alfred J. Thomas.
H. R. 3335. James H. Pack.
H. R. 3340. Melvin P. Long.
H. R. 3814. Margaret Wilson.
H. R. 3824. Martin Kohn.
H. R. 3893. Horace L. Brown.
H. R. 3986. Jacob Coppock.
H. R. 3981. John Sepin.
H. R. 4004. Alexander Price.
H. R. 4065. Stephen N. Burdsell.
H. R. 4081. William H. Snoderly.
H. R. 4498. Le Grand Comstock.
H. R. 4501. Amanda Dwymore.
H. R. 4552. Pleasant Rose.
H. R. 4563. Joseph N. Elmer.
H. R. 4607. William L. Carpenter.
H. R. 4625. Joseph Walker.
H. R. 4916. James M. Gibbons.
H. R. 4984. John Davis.
H. R. 4986. Frederick Smith.
H. R. 5157. Alexander Wilson.
H. R. 5165. Mason H. Marietta.
H. R. 5232. Alonzo Judd.
H. R. 5331. Benjamin Botner.
H. R. 5347. Eli McK. Trego.
H. R. 5392. Thomas Hartless.
H. R. 5407. Theodore R. Stearns.
H. R. 5525. Nathan Lawson.
H. R. 5553. George F. Derr.
H. R. 5556. John L. Andrews.
H. R. 5557. William H. Hampton.
H. R. 5583. Archibald Caldwell.
H. R. 5696. Benjamin A. Crouse.
H. R. 5731. James S. Carlton.
H. R. 5958. Ransom W. Dwyer.
H. R. 6152. Louis B. Lomax.
H. R. 6272. William M. Horrad.
H. R. 6384. Edward Boehmler.
H. R. 6710. David Kelley.
H. R. 6947. Thomas J. Parker.
H. R. 6971. Lewis Selsing.
H. R. 6972. Henry Gaylord.
H. R. 6990. John H. Prather.
H. R. 7042. John B. Cason.
H. R. 7053. Jacob Ortell.
H. R. 7089. Frank H. Hungerford.
H. R. 7093. George W. Stewart.
H. R. 7203. Zachariah Jackson.
H. R. 7218. Andrew D. Seely.
H. R. 7231. David W. Anderson.
H. R. 7386. Wesley McC. Williams.
H. R. 7408. James Waters.
H. R. 7438. Wallace B. Phillips.
H. R. 7461. William M. McKinley.
H. R. 7664. Nancy Hutchings.
H. R. 7859. Thomas M. McQuillan.
H. R. 7888. Adam Lambert.
H. R. 7992. Michael Rafter.
H. R. 8112. John H. Ellis.
H. R. 8150. Aaron Spotts.
H. R. 8162. John A. Blackwell.
H. R. 8215. Carroll C. M. Frame.
H. R. 8250. Martin Jordan.
H. R. 8255. Benjamin Ammons.
H. R. 8385. William J. Knight.
H. R. 8406. Nimrod Pratt.
H. R. 8444. Joseph Keener.
H. R. 8450. Stephen A. Childers.
H. R. 8505. Thomas J. McKee.
H. R. 8568. Thomas Deegan.
H. R. 8599. Francis M. Cotrell.
H. R. 8634. Catherine Steele.
H. R. 8708. Theodore B. Norris.
H. R. 8709. George Summers.
H. R. 8726. Lewis A. Clemons.
H. R. 8727. Leroy Litchfield.
H. R 8744. John H. Blessing.
H. R. 8755. Henry Walton.
H. R. 8967. James O'Connell.
H. R. 8968. George W. Hatton.
H. R. 9102. Charles J. Smith.
H. R. 9105. Richard C. Martin.
H. R. 9151. Christian B. Old.
H. R. 9196. Thomas M. Lamons.
H. R. 9275. James Hutson.
H. R. 9305. John Schwoebel.
H. R. 9381. Thomas Young.
H. R. 9584. Christiana Leibecke.
H. R. 9631. Ferdinand Opperman.
H. R. 9648. George Knapp.
H. R. 9724. Robert L. Hutchison.
H. R. 9733. John A. Boggs.
H. R. 9782. Jonathan W. Maddox.
H. R. 9792. Serelda Pargin.
H. R. 9887. Benjamin F. Scott.
H. R. 10006. Walter J. Collins.
H. R. 10059. Frederick Volkmann.
H. R. 10202. Hannah Sweet.
H. R. 10216. George N. Shepherd.
H. R. 10453. Spencer Phillips.
H. R. 10471. Ezra A. Bristol.
H. R. 10597. Samuel Billings.
H. R. 10612. Nelson W. Haskell.
H. R. 10795. Margaret Brown.
H. R. 10816. John Blose.
H. R. 10949. Carlos E. Scales.
H. R. 10956. Thomas W. Elliott.
H. R. 11018. Wyatt L. Starrett.
H. R. 11042. Mathias Seaborn.
H. R. 11050. William H. Dayton.
H. R. 11182. Stephen Skeen.
H. R. 11224. Charles H. Shreeve.
H. R. 11363. James Bowley.
H. R. 11433. Alfred H. Bash.
H. R. 11525. George R. Rosenbrook.
H. R. 11560. Henry H. Stevens.
H. R. 11639. Edward B. Badger.
H. R. 11640. James Cottman.
H. R. 11681. Elisha Woodruff.
H. R. 11743. Joseph Crites.
H. R. 11803. Michael J. Newman.
H. R. 11813. James M. Divine.
H. R. 11837. George W. Williams.
H. R. 11839. Laura E. Smith.
H. R. 11845. James M. Eaton.
H. R. 11848. John S. Early.
H. R. 11899. David P. Green.
H. R. 11917. Willis O. Shaw.
H. R. 11998. Wanton G. Moon.
H. R. 12024. Parker T. Gibbs.
H. R. 12084. Charles F. M. Morgan.
H. R. 12162. Cyrus T. Bowman.
H. R. 12167. John J. Kiersted.
H. R. 12168. Samuel C. Walden.
H. R. 12245. George W. Cooper.
H. R. 12310. George Smith.
H. R. 12469. John H. Rushing.
H. R. 12502. William R. Parke.
H. R. 12507. William H. Weaver.
H. R. 12519. Henry Vasteen.
H. R. 12597. James Newkirk.
H. R. 12722. Valentine B. Farquhar.
H. R. 12757. Samuel S. Frankfather.
H. R. 12850. William M. Flesher.
H. R. 12913. Alexander French.
H. R. 12972. Plympton J. Liles.
H. R. 12979. Marshall McFarland.
H. R. 12983. Philip A. Kantz.
H. R. 12989. David R. Groves.
H. R. 13021. Samuel L. Kennedy.
H. R. 13041. Samuel Godschall.
H. R. 13131. Robert W. Ross.
H. R. 13203. Alexander S. Nobles.
H. R. 13301. Leonard Waller.
H. R. 13024. Oscar Blunt.
H. R. 13357. Isaac Lambert.
H. R. 13378. George W. Dension.
H. R. 13382. Charles L. Loney.
H. R. 13507. Frances McGee.
H. R. 13607. George Pool.
H. R. 13655. Harsxhel C. Young.
H. R. 13659. William McDonald.
H. R. 13694. Wood Browing, jr.
H. R. 13736. Thomas Dumphy.
H. R. 13738. Robert W. Johnson.
H. R. 13756. James P. Aney.
H. R. 13761. Andrew W. McCornack.
H. R. 13893. Green Williams.
H. R. 13933. James H. Muir.
H. R. 13944. William Lane.
H. R. 13954. Isaac H. Dewey.
H. R. 13958. Henry W. Gilbert.

H. R. 13959. John I. Throckmorton.
H. R. 13974. Marion Ashton.
H. R. 14011. James Wheeler.
H. R. 14047. Jacob H. Wolf.
H. R. 14108. Miles Beckwith.
H. R. 14111. Henry C. Towner.
H. R. 14171. Hiram Shurtleff.
H. R. 14179. Henry Sinnard.
H. R. 14310. Thompson S. Lozaw.
H. R. 14347. Nathan Baker.
H. R. 14362. George W. Wells.
H. R. 14365. John Givens.
H. R. 14394. Matthias Gates.
H. R. 14467. Joseph L. Reel.
H. R. 14493. William T. Brown.
H. R. 14500. William Sprouse.
H. R. 14519. Charles E. Gerrold.
H. R. 14556. Joseph Wigger.
H. R. 14628. Oliver W. Moore.
H. R. 14640. Elijah Marsh.
H. R. 14659. Otis Hull.
H. R. 14676. Frank Thomas.
H. R. 14690. Emanual L. Price.
H. R. 14737. S. Augustus Elliott.
H. R. 14744. Henry Gifford.
H. R. 14938. William G. Jackson.
H. R. 14979. James P. Reynolds.
H. R. 15054. James O. Whorl.
H. R. 15074. Calice Boudreau.
H. R. 15079. Oscar D. Culver.
H. R. 15122. Hiram S. Woods.
H. R. 15145. Florence Ada Stoddard.
H. R. 15163. Marvin W. Bennett.
H. R. 15183. Nicholas Scholl.
H. R. 15203. William F. Wolvin.
H. R. 15205. Doctor W. Epps.
H. R. 15243. Jefferson R. McKaig.
H. R. 15294. Daniel Z. Rogers.
H. R. 15302. Albert M. Gottwalt.
H. R. 15306. Michael Russell.
H. R. 15310. Frederick Mayer.
H. R. 15328. Elijah Blackhurst.
H. R. 15360. George W. Wolfe.
H. R. 15366. William H. Pitts.
H. R. 15402. Isaac L. Ferris.
H. R. 15408. John E. Opdyke.
H. R. 15414. Henry D. Sumner.
H. R. 15415. William H. Mix.
H. R. 15417. Andrew J. Escue.
H. R. 15429. Elliott F. Wise.
H. R. 15475. Israel Marshall.
H. R. 15477. George W. Kilmer.
H. R. 15519. James Chalmers.
H. R. 15532. Charles B. Kunstler.
H. R. 15535. William H. Lott.
H. R. 15536. Marquis D. Usher.
H. R. 15595. Whitfield H. Lance.
H. R. 15622. Nathan Smith.
H. R. 15672. Reuben Kinder.
H. R. 15677. Samuel B. Morris.
H. R. 15695. Robert M. Glasgow.
H. R. 15712. James Hummel.
H. R. 15729. James J. Short.
H. R. 15779. David S. Griffith.
H. R. 15796. Isaac W. Nutting.
H. R. 15800. Nelson B. Miller.
H. R. 15813. Robert B. Thomas.
H. R. 15817. John Parker.
H. R. 15846. George M. Jacobs.
H. R. 15853. John K. Miller.
H. R. 15882. Mary Eaton.
H. R. 15925. Harvey Sallade.
H. R. 15984. Edgar W. Rose.
H. R. 15998. Friederika Serini.
H. R. 16023. Calvin Curler.
H. R. 16027. Charles L. Bigelow.
H. R. 16049. John S. Grosvenor.
H. R. 16050. E. McLean B. Scott (insane).
H. R. 16083. William S. Jackson.
H. R. 16102. Richard Burge.
H. R. 16103. Dick Ransom.
H. R. 16113. John Robinson Davis.
H. R. 16119. Christopher C. Watkins.
H. R. 16161. David Rine.
H. R. 16194. Richard A. Woodall.
H. R. 16229. Mary Power.
H. R. 16243. Tyler W. Parker.
H. R. 16270. John H. Foutch.
H. R. 16298. Miron Harper.
H. R. 16302. George W. Cainan.
H. R. 16314. William G. Beckley.
H. R. 16335. Benjamin H. Monk.
H. R. 16340. Almon G. Cooley.
H. R. 16637. John Scott Moore.
H. R. 16829. Edgar Brown.
H. R. 16846. William Hodge.
H. R. 16936. Thomas Dennis.
H. R. 16906. Lawrence O'Toole.
H. R. 17006. Ira McLaughlin.
H. R. 17075. Gilbert O. Hoffman.
H. R. 17099. Robert E. Ewing.
H. R. 17138. Samuel P. Young.
H. R. 17163. Ignatius Boff.
H. R. 17225. Julius A. Keeler.
H. R. 17226. William Weingand.
H. R. 17227. George W. Clay.
H. R. 17343. William Haines.
H. R. 17344. Byron See.
H. R. 17416. William T. Figley.
H. R. 17486. William Parker.
H. R. 17533. Marcus F. Nesmith.
H. R. 17534. Charles Logan.
H. R. 17595. John C. Ort.
H. R. 17617. Archibald McGinnis.
H. R. 17661. Acquilla Huff.
H. R. 17721. John A. Poston.
H. R. 17751. James S. Barber.
H. R. 17752. George W. Darragh.
H. R. 18029. Elizabeth C. Wallace.
H. R. 18166. Isaac Newman.
H. R. 18165. John Beaver.

The SPEAKER. The Clerk will read the bill for amendment.

The bill was read for amendment.

The following committee amendment was agreed to.

Page 35, line 21, strike out "$40" and insert "$50."

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADJOURNMENT.

Mr. RUSSELL of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 12, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on reexamination of Leaf River, Miss. (H. Doc. No. 1723); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of West Creek, N. J. (H. Doc. No. 1724); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of Apalachicola River, the Cut-Off, Lee Slough, Lower Chipola River, and Upper Chipola River, Fla. (H. Doc. No. 1725); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting data relative to the exchange of typewriters, adding machines, and other similar labor-saving devices in part payment for new machines used for the same purpose as those exchanged by the Panama Canal, for the period of July 1, 1915, to June 30, 1916 (H. Doc. No. 1726); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting a memorandum of the Chief of Staff, recommending a change in the provision in the estimates under the fortifications bill in regard to the rental of suitable space for the drafting force of the Office of Chief of Ordnance (H. Doc. No. 1727); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17710) authorizing the construction of a bridge across the Tallapoosa River, dividing the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry, reported the same with amendment, accompanied by a report (No. 1210), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17603) to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark., reported the same with amendment, accompanied by a report (No. 1211), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17602) granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States, reported the same without amendment, accompanied by a report (No. 1212), which said bill and report were referred to the House Calendar.

Mr. LA FOLLETTE, from the Committee on the Public Lands, to which was referred the bill (S. 5900) providing for the disposal of certain lands in block 69 in the city of Port Angeles, State of Washington, reported the same with amendment, accompanied by a report (No. 1213), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HELM, from the Committee on the Census, to which was referred the joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce, reported the same without amendment, accompanied by a report (No. 1214), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 12417) authorizing and directing the Director of the Census to collect and publish the statistics of forest and State finance, reported the same with amendment, accompanied by a report (No. 1215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18526) providing for an increase in salaries of the United States district attorneys and United States marshals for the northern and southern districts of Ohio; to the Committee on the Judiciary.

By Mr. EMERSON: A bill (H. R. 18527) to provide for the extirpation of the Hessian fly; to the Committee on Agriculture.

By Mr. TIMBERLAKE: A bill (H. R. 18528) authorizing and directing the Secretary of the Interior to test the existence of artesian and other underground water supplies in Lincoln County, Colo.; to the Committee on Irrigation of Arid Lands.

By Mr. ASWELL: A bill (H. R. 18529) granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River, at or near Boyce, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 18530) providing for the construction of bridges and culverts under reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. FULLER: A bill (H. R. 18531) concerning proof of widowhood in claims for pensions; to the Committee on Invalid Pensions.

By Mr. HARRISON of Virginia: A bill (H. R. 18532) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended by an act approved May 15, 1916; to the Committee on Banking and Currency.

By Mr. SLOAN: A bill (H. R. 18533) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; to the Committee on Ways and Means.

By Mr. CARAWAY: A bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near Parkin, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: A bill (H. R. 18535) to provide for the improvement of a public building in the city of Youngstown, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. WOODYARD: A bill (H. R. 18536) to provide for the purchase of a site and the erection thereon of a public building at Spencer, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 18537) relating to statutes of limitations and amendments to pleadings in matters relating thereto; to the Committee on the Judiciary.

By Mr. QUIN: A bill (H. R. 18538) to appropriate $500, or so much thereof as may be necessary, for the purpose of securing and erecting a flagpole and a flag of the United States of America and the expense of the proper Government official to assist in raising said flag, to commemorate and celebrate in the city of Natchez, Adams County, Miss., in 1917, or any date to be fixed, the first raising of the flag of the United States of America and the first occupation by United States troops of the seat of government (now Natchez, Miss.) of the Spanish territory, on March 30, 1798, by Capt. Guion, commanding the troops of the United States; to the Committee on the Library.

By Mr. KALANIANAOLE: A bill (H. R. 18539) for the construction of a breakwater at Nawiliwili Harbor, island of Kauai, Territory of Hawaii; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18540) for the improvement of Honolulu Harbor, island of Oahu, Territory of Hawaii; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18541) to provide for a military road around the island of Oahu, Territory of Hawaii; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RAKER: A bill (H. R. 18543) for site and building of Federal building at Red Bluff, Cal., and for other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18544) for the protection and improvement of the Lassen Volcanic National Park, Cal., and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 18545) for the protection and improvement of the Yosemite National Park, Cal., and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 18546) making an appropriation for improving the Sacramento and Feather Rivers, continuing improvement and maintenance, including improvement above Sacramento to Red Bluff, Cal.; to the Committee on Rivers and Harbors.

By Mr. MONDELL: A bill (H. R. 18547) making an appropriation for the continuation of the irrigation of the lands on the Wind River Reservation, in Wyoming; to the Committee on Indian Affairs.

By Mr. FESS: A bill (H. R. 18548) authorizing the Secretary of War to donate condemned cannon and cannon balls to the village of Cedarville, Ohio; to the Committee on Military Affairs.

By Mr. McKELLAR: A bill (H. R. 18549) authorizing the Secretary of War to deliver to the town of Murfreesboro, Tenn., two condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River; to the Committee on Interstate and Foreign Commerce.

By Mr. HULBERT: A bill (H. R. 18552) to appropriate $600,000 for the improvement of the North or Hudson River, N. Y., with a view to securing an increase in depth to 40 feet and suitable widths in the North or Hudson River Channel from deep water in the Upper Bay, as far north as Spuyten Duyvil; to the Committee on Rivers and Harbors.

By Mr. McKELLAR: A bill (H. R. 18553) authorizing the Secretary of War to deliver to the town of Bolivar, Tenn., two condemned bronze or brass cannon or fieldpieces and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 18554) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," etc.; to the Committee on Foreign Affairs.

By Mr. SNELL: A bill (H. R. 18555) for the improvement of the harbor at Ogdensburg, N. Y.; to the Committee on Rivers and Harbors.

By Mr. KAHN: Resolution (H. Res. 394) authorizing the appointment of a committee to investigate the shipment of war material from the United States into Mexico; to the Committee on Rules.

By Mr. BENNET: Resolution (H. Res. 395) authorizing the Secretary of Labor to investigate immigration conditions as they will be affected by the close of the present war in Europe; to the Committee on Immigration and Naturalization.

By Mr. TREADWAY: Resolution (H. Res. 396) requesting the Federal Trade Commission to furnish the House of Representatives certain information; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 397) requesting the Department of Justice to furnish the House of Representatives certain information; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Joint resolution (H. J. Res. 316) providing that the Congress of the United States shall participate in the celebration of the "golden wedding" of the first transcontinental lines of railway in the United States; to the Committee on Industrial Arts and Expositions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18556) granting an increase of pension to William W. Keen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18557) granting an increase of pension to Samuel Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18558) granting an increase of pension to Jacob J. Cope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18559) granting an increase of pension to John H. Stratton; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 18560) granting an increase of pension to Jacob Moser; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18561) granting an increase of pension to George W. McConchie; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 18562) granting an increase of pension to Loretta Ducolon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18563) granting a pension to Jackson W. Bankston; to the Committee on Pensions.

Also, a bill (H. R. 18564) granting a pension to Theopolis Barnett; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 18565) to authorize the sale of certain land in Alabama to the heirs at law of Thomas Tumlin, deceased; to the Committee on the Public Lands.

By Mr. CANDLER of Mississippi: A bill (H. R. 18566) for the relief of Mrs. Nancy E. Mullins; to the Committee on Military Affairs.

By Mr. CARTER of Massachusetts: A bill (H. R. 18567) granting an increase of pension to Dennis W. Riordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18568) granting an increase of pension to William E. Openshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18569) for the relief of Charles E. Currier; to the Committee on Claims.

By Mr. CHANDLER of New York: A bill (H. R. 18570) granting a pension to Eliza Peel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18571) granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 18572) granting an increase of pension to Hansford Austin; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 18573) granting an increase of pension to Albert E. Worsham; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 18574) granting an increase of pension to Francis M. Choat; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 18575) granting an increase of pension to Julius Joles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18576) granting an increase of pension to David Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18577) granting an increase of pension to John M. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18578) granting an increase of pension to Perry A. Crandall; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 18579) granting an increase of pension to Daniel Bachman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18580) granting a pension to William F. Mohr; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 18581) granting an increase of pension to Charles H. Bothwell; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 18582) granting an increase of pension to Mrs. Sarah E. Hamm; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 18583) granting an increase of pension to William J. Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18584) granting an increase of pension to Laura McWilliams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18585) granting an increase of pension to William H. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18586) granting an increase of pension to Francis A. Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18587) granting an increase of pension to Nathaniel R. Sylva; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 18588) granting an increase of pension to Elizabeth J. Eden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18589) granting a pension to Walter H. Denis; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 18590) granting an increase of pension to David Bellnap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18591) granting an increase of pension to Lewis H. Bradshaw; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 18592) granting an increase of pension to Charles M. Kell; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 18593) granting a pension to John R. Houchin; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 18594) granting an increase of pension to Robert Anderson, now known as Robert M. Martin; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 18595) granting an increase of pension to Augustus Niles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18596) granting a pension to George W. Irvin; to the Committee on Pensions.

Also, a bill (H. R. 18597) granting a pension to Mary C. Phillips; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 18598) granting an increase of pension to Richard W. Webb; to the Committee on Pensions.

Also, a bill (H. R. 18599) for the relief of Jacob Ehla, alias Jacob Eby, alias John Ihle; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 18600) granting an increase of pension to Thomas McLarnan; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 18601) to correct the military record of Peter Netz; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 18602) granting an increase of pension to John W. Wymore; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 18603) waiving the age limit for admission to the Dental Corps of the United States Navy in the case of Orville A. Grove; to the Committee on Naval Affairs.

By Mr. HAMILTON of New York: A bill (H. R. 18604) granting an increase of pension to Eaton Kinney; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18605) granting a pension to Elizabeth Dickens; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 18606) granting an increase of pension to Jeremiah Shine; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 18607) granting an increase of pension to Samuel A. Ham; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 18608) for the relief of Adam W. Wright; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 18609) granting an increase of pension to Simon Z. Whitelather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18610) granting an increase of pension to Israel Sheppard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18611) granting an increase of pension to John W. Randels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18612) granting an increase of pension to John Haines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18613) granting an increase of pension to William Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18614) granting an increase of pension to William H. H. Sheppard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18615) granting an increase of pension to James S. Frizzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18616) granting an increase of pension to Joseph Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18617) granting a pension to Albert McAllister; to the Committee on Pensions.

Also, a bill (H. R. 18618) for the relief of Wickliff Fry, for horse lost while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. HOWELL: A bill (H. R. 18619) for the relief of Robert D. Young; to the Committee on the Public Lands.

By Mr. IGOE: A bill (H. R. 18620) granting a pension to Theresa Dietz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18621) granting an increase of pension to John Cochrane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18622) granting an increase of pension to John Brown; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky; A bill (H. R. 18623) granting an increase of pension to James J. Hollywood; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 18624) granting an increase of pension to James A. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18625) granting an increase of pension to Doctor E. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18626) granting an increase of pension to John Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18627) granting an increase of pension to John Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18628) granting a pension to Augustus Light; to the Committee on Pensions.

Also, a bill (H. R. 18629) for the relief of George H. Marriott; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 18630) granting an increase of pension to Maurice J. Gordon; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18631) for the relief of Joseph Kahnheimer; to the Committee on Claims.

By Mr. KONOP: A bill (H. R. 18632) granting a pension to Bernard Klatt; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 18633) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 18634) granting an increase of pension to Kate Low; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18635) granting a pension to John D. Hoskins; to the Committee on Pensions.

By Mr. LIEB: A bill (H. R. 18636) granting an increase of pension to Elijah H. Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18637) granting an increase of pension to William H. Wilkerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18638) granting an increase of pension to Philip Newton Jones; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 18639) granting an increase of pension to Isaac Comer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18640) granting an increase of pension to Thomas Swinburn; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 18641) granting a pension to Charles P. Hagely; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 18642) granting a pension to J. William Lambright; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 18643) granting an increase of pension to Caroline Montgomery; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 18644) granting a pension to William L. Killoren; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 18645) granting a pension to Justus W. Swanberg; to the Committee on Pensions.

Also, a bill (H. R. 18646) granting an increase of pension to Hiram Corbin; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 18647) granting a pension to Sarah M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18648) granting a pension to Eliza A. Heslar; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 18649) granting a pension to Hannah L. Gowdy; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 18650) granting an increase of pension to James Young; to the Committee on Invalid Pensions.

By Mr. OGLESBY: A bill (H. R. 18651) granting an increase of pension to Andrew Henri Hart; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 18652) granting an increase of pension to Mary A. Mykins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18653) granting an increase of pension to Norman L. McCausland; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 18654) granting an increase of pension to Patrick Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18655) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18656) granting an increase of pension to Theodore G. Carlisle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18657) granting an increase of pension to George W. Carter; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 18658) for the allowance of certain claims for back pay growing out of service in the Army during the Civil War as reported by the Court of Claims; to the Committee on War Claims.

By Mr. PRATT: A bill (H. R. 18659) granting an increase of pension to John D. Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18660) granting an increase of pension to Benjamin Cuddeback; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 18661) authorizing the President to promote Edwin T. Burnley, sergeant, Third Company, Fort Kamehameha, Hawaiian Territory, to the rank of second lieutenant; to the Committee on Military Affairs.

By Mr. REAVIS: A bill (H. R. 18662) granting an increase of pension to Fred A. Angelo; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 18663) granting a pension to Lafayette Fasnaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18664) granting a pension to Sarah Amerine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18665) granting a pension to Eliza Greten; to the Committee on Pensions.

Also, a bill (H. R. 18666) granting an increase of pension to Mary C. Ryan; to the Committee on Pensions.

Also, a bill (H. R. 18667) granting an increase of pension to Martin V. Inboden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18668) granting an increase of pension to James Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18669) granting an increase of pension to Thomas E. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18670) granting an increase of pension to Edward H. Wallar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18671) granting an increase of pension to Gilbert Geslen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18672) granting an increase of pension to Peter Daubenmier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18673) granting an increase of pension to Harvey Stultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18674) granting an increase of pension to James S. Knighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18675) granting an increase of pension to Thomas L. Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18676) granting an increase of pension to James Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18677) granting an increase of pension to Helen A. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18678) granting an increase of pension to Annie M. Shell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18679) granting an increase of pension to Austin P. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18680) granting an increase of pension to James W. Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18681) granting an increase of pension to John Wyskiver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18682) granting an increase of pension to Samuel S. Howdyshell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18683) granting an increase of pension to Samuel Wilds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18684) granting an increase of pension to R. D. McManigal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18685) granting an increase of pension to David Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18686) granting an increase of pension to William Vorhees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18687) granting an increase of pension to Samuel St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18688) granting an increase of pension to Jeremiah K. Spohn; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18689) providing for the appointment of Chief Boatswain William Lowell Hill as a commander in the United States Navy; to the Committee on Naval Affairs.

By Mr. ROUSE: A bill (H. R. 18690) granting an increase of pension to James Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18691) granting an increase of pension to Samuel H. Sloan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18692) granting an increase of pension to Samuel A. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18693) granting an increase of pension to Mary Ryan; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 18694) granting an increase of pension to Henry L. McMullen; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18695) granting an increase of pension to C. L. Haldaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18696) granting an increase of pension to T. J. Stoner; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 18697) granting an increase of pension to Walter McCracken; to the Committee on Pensions.

Also, a bill (H. R. 18698) granting an increase of pension to John West; to the Committee on Pensions.

Also, a bill (H. R. 18699) granting an increase of pension to Rial Jennings; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18700) granting an increase of pension to Aristine Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18701) granting an increase of pension to Henry Nance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18702) granting an increase of pension to Samuel W. Van Pelt; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 18703) granting an increase of pension to Edward G. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18704) granting a pension to George Watson; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 18705) granting an increase of pension to E. G. Burnet; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 18706) granting a pension to Jenkin Williams; to the Committee on Invalid Pensions.

By Mr. STEELE of Pennsylvania: A bill (H. R. 18707) granting an increase of pension to Archelius Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18708) granting an increase of pension to Frank B. Carey; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 18709) granting a pension to Sirena Short; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18710) granting a pension to John J. Swan; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 18711) for the relief of Elmer Howe; to the Committee on Claims.

By Mr. WARD: A bill (H. R. 18712) granting a pension to Torance D. Reynolds; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 18713) granting an increase of pension to James Hibbard; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 18714) granting an increase of pension to W. W. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18715) granting a pension to Pearley P. Beal; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 18716) granting a pension to William C. Leonard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of J. H. Housel, H. G. Mowry, R. C. Huffman, H. G. Benna, C. Brown, E. R. Brant, A. A. Hymes, G. H. Barkley, Raymond Miller, Raymond Hurley, H. N. Elder, B. J. Holler, W. E. Brant, Austin Banker, Sherman A. Smith, W. C. May, J. C. Turner, J. H. Myers, J. L. Turner, E. O. Turner, and G. H. Brown, all of Buffalo Mills, Pa., for an embargo on the shipment of foodstuffs abroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. A. Taylor, James Manock, Harvey Housel, John Bridaham, George V. Corboy, Elias Gibson, D. M. Shaffer, Elbert E. Devore, H. G. Davidson, John F. Brightbill, J. D. Clapper, W. E. Brown, Howard S. Mardorff, and Sewall W. Rouger, all of Bedford, Pa., for increase of pay for postal employees; to the Committee on Appropriations.

By Mr. BROWNE: Petitions of S. E. Pearl, Lucy Garfield, K. A. McCauley, and others of Wood County, Wis., against House bill 13778, to exclude from mails certain publications; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the State of New York, relative to cooperation for export trade; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to international alliances and American trade cooperation with the Tariff Commission for study; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to congressional inquiry into interstate transportation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of the State of New York, relative to inadequate salary for United States Tariff Commission; to the Committee on Ways and Means.

By Mr. DANFORTH: Petition of employees of the post office of Brockport, N. Y., relative to increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. DEWALT: Petition of sundry citizens of the thirteenth Pennsylvania district, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petitions of the Trades and Labor Council of La Crosse, Wis., and Branch No. 1 of the Social Democratic Party, favoring an embargo and Government control of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of post-office employees of Ottawa, Ill., favoring increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of Kellogg Switchboard & Supply Co., of Chicago, Ill., opposing the abandonment of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER: Memorial of Lynn Chamber of Commerce, of Lynn, Mass., with regard to the increased cost and difficulty of securing leather; to the Committee on Rules.

Also, memorial of a men's meeting in Boston, Mass., on Tuesday, November 28, 1916, protesting against the deportation of Belgians by Germans; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Petition of citizens of El Dorado, Ark., favoring House joint resolution 264; to the Committee on Rules.

By Mr. HERNANDEZ: Papers in support of bill for relief of Adam W. Wright; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 18613, for relief of William Henderson; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 18615, granting an increase of pension to James S. Frizzell; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 18612, granting an increase of pension to John Haines; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 18614, granting an increase of pension to William H. H. Sheppard; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 18610, granting an increase of pension to Israel Sheppard; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 18616, for increase of pension to Joseph Moyer; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 18617, for pension to Albert McAllister; to the Committee on Pensions.

Also, papers to accompany House bill 5151, granting a pension to Jacob Kopp; to the Committee on Pensions.

Also, papers to accompany House bill 18611, for pension for John W. Randels; to the Committee on Pensions.

Also, papers to accompany House bill 18609, granting pension to Simon Z. Whiteleather; to the Committee on Invalid Pensions.

By Mr. HOWELL: Memorial of Retail Merchants' Association of Ogden, Utah, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Pattern Makers' Association and Bottlers' Local Union No. 187, United Brewery Workers of America, of St. Louis, Mo., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petition of postal employees of Marinette, Wis., for increases in salaries; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of National Live Stock Shippers' Protective League, relative to power to regulate rates and transportation of interstate traffic, etc.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Atlantic Deeper Waterways Association, favoring passage of legislation for improvement of certain specified waterways, etc.; to the Committee on Rivers and Harbors.

Also, memorial of Philadelphia Chamber of Commerce, relative to pneumatic-tube service in Philadelphia; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of Maine railway employees in maintenance-of-way departments of railways, for eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of employees of the Post Office Department, of Chicago, Ill., for increase of salaries; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of employees of post office at Stoughton, Wis., for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petitions of sundry citizens of Hartford, Conn., asking for a congressional investigation of the new city building proposition at Lomax, Ill.; to the Committee on Rules.

Also, petition of Connecticut Daughters of the American Revolution, protesting against the enactment of the Myers bill, the Shields bill, and the oil-land provision of the Phelan bill; to the Committee on the Public Lands.

By Mr. OVERMYER: Petition of Columbia Camp, No. 17, Woodmen of the World, of North Baltimore, Ohio, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. SAUNDERS: Petition of J. M. Favrow and others, favoring eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of sundry citizens of Linden, Tenn., favoring pensions for Confederate soldiers; to the Committee on Pensions.

By Mr. SISSON: Petition of E. T. Sweeney and others, Grenada, Miss., as employees in maintenance-of-way department, American railways, asking inclusion in provision of eight-hour law, and setting forth reasons therefor; to the Committee on Interstate and Foreign Commerce.

Also, petition of T. J. Chambers and others, Okolona, and W. J. Howell and others, of Egypt, both in the State of Mississippi, as employees in the maintenance-of-way department of American railways, asking that employees of this department be included in the workings of the eight-hour law and setting forth reasons therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petitions of citizens and commercial organizations of Texas, protesting against the transfer to the Interstate Commerce Commission of the right to control intrastate rates for freight carriage; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Memorial of citizens of Boise, Idaho, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of George S. Zang and 21 citizens of Hillsdale, Mich., favoring increase in pay to mail clerks; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of postal employees of Ilion, N. Y., for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of post-office clerks and carriers of Portsmouth, N. H., favoring increase in wages; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Memorial of Woman's Society of the First Presbyterian Church of Colorado Springs, Colo., relative to abolishing polygamy; to the Committee on the Judiciary.

By Mr. WASON: Petition of L. V. Barrett and 49 other residents of Nashua, N. H., voters and employees in the maintenance-of-way department of American railways, to be included in the workings of the eight-hour day; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. J. Dana and 21 other postal employees at Keene, N. H., petitioning for an increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS of Ohio: Petitions of Branch 1337, U. N. A. P. O. C., of Elyria, and clerk and letters carriers of Lorain, both in the State of Ohio, for increase of pay to meet the high cost of living; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *December 12, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast put an image of Thyself in the mind of man. The unity of life, the sequence of history, the obligations we owe one another arise out of the oneness of the life that we have in God. Thou hast called us into the great service of humanity. Thou hast taught us the sphere of our influence, the measure of our power, by the revelation of Thyself in contact with men. Thou hast served Thy creatures, and Thou hast loved them. And so we must serve, and so we must love. We pray Thee to call us by Thy spirit into this large service and inspire us with a constant thought that we are working together with God in the service which we rendered to our fellow men For Christ's sake. Amen.

THOMAS B. CATRON, a Senator from the State of New Mexico, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM NORTH DAKOTA.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the governor of North Dakota certifying that PORTER J. MCCUMBER has been chosen a Senator from that State for the term of six years beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The certificate is as follows:

[Certificate of election.]

STATE OF NORTH DAKOTA, BISMARCK.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, A. D. 1916, PORTER J. MCCUMBER was duly chosen by the qualified electors of the State of North Dakota a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness, his excellency our governor, Louis B. Hanna, and our seal hereto affixed at Bismarck, N. Dak., this 5th day of December, in the year of our Lord 1916.

[SEAL.] L. B. HANNA, *Governor.*

By the governor:

THOMAS HALL, *Secretary of State.*

SENATOR FROM MAINE.

The VICE PRESIDENT. The Chair lays before the Senate the certificate of the governor of Maine certifying that FREDERICK HALE has been chosen a Senator from that State for the term of six years beginning March 4, 1917, which will be printed in the RECORD and placed on the files of the Senate.

The certificate is as follows:

STATE OF MAINE.

To all who shall see these presents, greeting:

Know ye that FREDERICK HALE, of Portland, in the county of Cumberland, on the 11th day of September, in the year of our Lord 1916, was chosen by the electors of this State a United States Senator to represent the State of Main in the United States Senate for the term of six years from the 4th of March, 1917

In testimony whereof I have caused the seal of the State to be hereunto affixed.

Given under my hand at Augusta the 1st day of December, in the year of our lord 1916, and in the one hundred and forty-first year of the independence of the United States of America.

[SEAL.] OAKLEY C. CURTIS.

By the governor:

JOHN E. BUNKER, *Secretary of State.*

STEAMBOAT-INSPECTION SERVICE (H. DOC. NO. 1437).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a set of general rules and regulations prescribed by the Board of Supervising Inspectors, Steamboat-Inspection Service, which was referred to the Committee on Commerce.

REPORT OF FEDERAL TRADE COMMISSION (H. DOC. NO. 1485).

The VICE PRESIDENT laid before the Senate the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1916, which was referred to the Committee on Interstate Commerce and ordered to be printed.

RESOLUTIONS OF SYMPATHY ON THE DEATH OF SENATOR CLARKE.

The VICE PRESIDENT presented resolutions adopted by sundry citizens of the municipality of Calumpit, Bulacan, P. I., in mass meeting assembled, on the death of Hon. JAMES P. CLARKE, late a Senator from the State of Arkansas, and President pro tempore of the Senate, which were ordered to lie on the table and to be printed in the RECORD, as follows:

[Translation.]

CALUMPIT, BULACAN, P. I., *November 1, 1916.*

SIR: I have the honor to forward you, inclosed herewith, copy of a resolution of sympathy adopted by the residents of this municipality of Calumpit, Bulacan, upon the death of the Senator from Arkansas, United States, Hon. JAMES P. CLARKE, valiant defender of Philippine independence, in order that you may advise the American Senate thereof.

Very respectfully,

M. FERNANDO.

The honorable the SECRETARY OF THE AMERICAN SENATE, *Washington, D. C.*

[Translation.]

MESSAGE OF SYMPATHY.

CALUMPIT, BULACAN, P. I., *October 29, 1916.*

The town of Calumpit voices the regret created throughout the Philippines by the news of the death of Hon. JAMES P. CLARKE, Senator from Arkansas, in a mass meeting composed of the residents of said municipality, held on this date at 6 p. m. in the Plaza Rizal, opposite the city hall. After a patriotic address delivered by the municipal president, Mr Mariano Serrano, upon the death of Hon. JAMES P. CLARKE, Senator from Arkansas, it was agreed, in the form of a resolution, to express the sympathy of the town of Calumpit for the death of the Senator, and for which purpose a committee of three was appointed, composed of Messrs. Mariano Serrano, Deogracias Macam, and Sergio Céspedez, to draft and send the message of sympathy.

RESOLUTION.

"Whereas the Manila press, in telegrams received from the United States, has given the sad news of the death in America of Senator JAMES P. CLARKE;

"Whereas it is common knowledge that the deceased Senator is the author of the famous amendment called the 'Clarke amendment,' whereby the concession of absolute independence to the Philippines was provided, to take effect in not less than two nor more than four years;

"Whereas said amendment, while through unprecedented efforts of some enemies to our cause in the United States, was not converted into law, was a faithful and unmistakable expression of the sympathies of the illustrious Senator, deceased, with the cause of independence of the Filipino people;

"Whereas in the death of Senator JAMES P. CLARKE the Philippine Islands have lost one of their most loyal, enthusiastic, and determined supporters of their cause: Therefore the town of Calumpit

"*Resolved*, To express, as it hereby does express, the profound sorrow with which it has received the news of the death of Hon. JAMES P. CLARKE, of Arkansas, Member of the United States Senate, and President pro tempore thereof.

"*Resolved further*, That the committee appointed forward copies of this resolution to the Senate of the United States, to the family of the deceased, and to the Manila press, especially to the papers El Ideal and Consolidación, for its publication, as well as to the two houses of the Philippine Legislature."

MARIANO SERRANO.
DEOGRACIAS MACAM.
SERGIO CÉSPEDEZ.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7621. An act prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia; and

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented telegrams in the nature of memorials from the New York Joint Board of the Amalgamated Clothing Workers of America, and from the Working Men's Circle, of Philadelphia, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a memorial of the Civil War revenue cotton tax claimants in the case of Johnson *v.* McAdoo pending in the court of appeals in the District of Columbia, remonstrating

against the passage of the bill (S. 3732) to refund the cotton tax to the States wherein collected, which was referred to the Committee on Claims.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Citizens' Northwest Suburban Association, of Washington, D. C., praying for the erection of a new municipal hospital, which was referred to the Committee on Appropriations.

He also presented the petition of Seth W. Jones, of Portsmouth, N. H., praying for an increase in the salary of the employees of the Internal-Revenue Bureau, which was referred to the Committee on Appropriations.

He also presented a petition of F. H. Mills, Charles A. Hynson, and H. T. Butler, foremen of the Federal Penitentiary at Atlanta, Ga., praying for a raise in salary, which was referred to the Committee on Appropriations.

Mr. LODGE presented resolutions of the Board of Aldermen of Medford, the City Council of Lawrence, and the City Council of Revere, all in the State of Massachusetts, favoring an investigation into the high cost of living, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Boston, Leicester, and Holyoke, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Manhattan, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Farm Bureau of McPherson County, Kans., and a memorial of the Cooperative Grain Dealers' Association of Kansas, remonstrating against the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hutchinson, Kans., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. COLT presented a petition of the Business Men's Association of Pawtucket, R. I., praying that an appropriation be made for the widening of the channel from Providence Harbor to that city, which was referred to the Committee on Commerce.

Mr. STONE. Mr. President, I am obliged to leave the city this evening for two or three days. I hold in my hand a number of petitions signed by Charles Wade, of St. Louis, and some twenty-seven or twenty-eight hundred other people of the State of Missouri, praying for the passage of the bill now pending—the immigration bill—with the literacy clause. I ask that I may present these petitions and have them referred, and I should like to have the heading of one of them, with the first name, printed in the RECORD.

There being no objection, the petitions were order to lie on the table, and the heading of one of the petitions was ordered to be printed in the RECORD, as follows:

HON. WILLIAM J. STONE,
Senator from Missouri, Washington, D. C.

HONORED SIR: As citizens of the United States, as well as of Missouri, we most earnestly appeal to you to support the immigration bill containing the "illiteracy test," and assist in having an early vote on same by the Senate. We are confident you have read the report and final recommendations of the Immigration Commission, especially that part in which they say: "We are receiving too many undesirables," and "that the 'illiteracy test' is the most feasible single method of stopping them." Surely you realize the need of this legislation.

CHARLES WADE
(And many others).

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. OVERMAN. I am directed by the Committee on Rules, to which was referred House concurrent resolution No. 61, providing for the enrollment of certain bills and joint resolutions which passed both Houses at the last session of the Congress, and so forth, to submit an adverse report (No. 875) thereon, and I ask that the concurrent resolution be postponed indefinitely.

The VICE PRESIDENT. The concurrent resolution will be postponed indefinitely.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 6956) to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark., and I submit a report (No. 874) thereon. I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 7271) authorizing the Secretary of War to donate to Mount Vernon, Tex., three brass cannon, with carriage; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 7272) to grant Saturday afternoon as a holiday to all Government employees; and

A bill (S. 7273) to increase the salaries of employees of the United States Government, the District of Columbia, or either House of Congress; to the Committee on Appropriations.

A bill (S. 7274) granting a pension to Elizabeth Lobb; and

A bill (S. 7275) granting an increase of pension to Hartman K. Wismer; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7276) for the relief of Richard M. Calhoun; to the Committee on Military Affairs.

By Mr. FERNALD:

A bill (S. 7277) granting an increase of pension to Charles F. Penley (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7278) granting an increase of pension to Charles B. Greenhalgh (with accompanying papers);

A bill (S. 7279) granting an increase of pension to Laughlin Deegan (with accompanying papers);

A bill (S. 7280) granting an increase of pension to Thomas J. Leathers (with accompanying papers);

A bill (S. 7281) granting a pension to Ellen Hoctor (with accompanying papers);

A bill (S. 7282) granting an increase of pension to Granville H. Shackford (with accompanying papers);

A bill (S. 7283) granting an increase of pension to John G. McKay (with accompanying papers);

A bill (S. 7284) granting an increase of pension to Barber B. Durgin (with accompanying papers);

A bill (S. 7285) granting an increase of pension to Alfred K. Nelson (with accompanying papers); and

A bill (S. 7286) granting an increase of pension to Henry E. Flanders (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7287) for the relief of Thomas Mulvey (with accompanying papers); to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 7288) providing for the appointment of Chief Boatswain William Lowell Hill as a commander in the United States Navy; to the Committee on Naval Affairs.

By Mr. ROBINSON:

A bill (S. 7289) granting an increase of pension to Frank Burrow; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7290) granting a pension to Amanda C. Fenton (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7291) granting a pension to Margaret J. Davis; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 7292) for the relief of Torger Olson; to the Committee on Public Lands.

A bill (S. 7293) for the relief of Patrick Rafferty (with accompanying papers); to the Committee on Claims.

A bill (S. 7294) granting a pension to Mary E. Hover (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7295) granting an increase of pension to Henry Perrine (with accompanying papers);

A bill (S. 7296) granting an increase of pension to Jacob A. Kenoyer (with accompanying papers); and

A bill (S. 7297) granting an increase of pension to William G. Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 7298) granting a pension to Clara C. Loomis (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7299) granting a pension to Frank H. Seay (with accompanying papers);

A bill (S. 7300) granting an increase of pension to William H. McKay (with accompanying papers);

A bill (S. 7301) granting an increase of pension to Anderson Ward (with accompanying papers);

A bill (S. 7302) granting an increase of pension to Ransom D. Ridge (with accompanying papers);

A bill (S. 7303) granting an increase of pension to John Eltzroth (with accompanying papers);

A bill (S. 7304) granting a pension to Emma Emery (with accompanying papers); and

A bill (S. 7305) granting an increase of pension to William Schmook (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7306) granting an increase of pension to Jasper Taylor;

A bill (S. 7307) granting an increase of pension to John J. Ashline (with accompanying papers);

A bill (S. 7308) granting a pension to Margaret E. Hutchinson (with accompanying papers);

A bill (S. 7309) granting an increase of pension to William C. Moran (with accompanying papers);

A bill (S. 7310) granting an increase of pension to Silas Clyde Whitcomb (with accompanying papers);

A bill (S. 7311) granting an increase of pension to Sarah E. Gee (with accompanying papers);

A bill (S. 7312) granting an increase of pension to Myron Gillmore (with accompanying papers); and

A bill (S. 7313) granting a pension to Elizabeth Stover (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 7314) to authorize the city of Winchester, Ky., to divert water from the pool in the Kentucky River formed by Lock and Dam No. 10; to the Committee on Commerce.

A bill (S. 7315) for the relief of Mrs. E. W. Sankey; to the Committee on Claims.

By Mr. DU PONT:

A bill (S. 7316) for the relief of William Thomas Winstanley; to the Committee on Military Affairs.

A bill (S. 7317) granting a pension to Sarah E. Croes; to the Committee on Pensions.

By Mr. SAULSBURY (by request):

A joint resolution (S. J. Res. 182) inviting the people of the United States to visit the District of Columbia during the week of February 26 to March 4, 1917, to view the Capitol and inspect an exhibition of the various activities of the Government service; to the Committee on Industrial Expositions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Commerce.

CORRUPT PRACTICES.

Mr. JONES. Mr. President, on September 6 I submitted an amendment to be proposed to the bill known as the corrupt-practices act. That bill has been referred back to the Committee on Privileges and Elections. I asked that my amendment might lie on the table. I now ask that it be referred to the committee, so that it may be considered in connection with the consideration of the bill.

The VICE PRESIDENT. It will be so referred.

FUNERAL EXPENSES OF THE LATE SENATOR JAMES P. CLARKE.

Mr. ROBINSON. Mr. President, on a subsequent day I shall ask the Senate to fix a date when eulogies may be had touching the life and services of the late Senator CLARKE, of Arkansas. I now submit the following resolution and ask for its appropriate reference.

The resolution (S. Res. 287) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator JAMES P. CLARKE, from the State of Arkansas, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

COMMITTEE SERVICE.

Mr. CHILTON, on the request of Mr. KERN, was excused from further service as chairman of the Committee on the Census.

Mr. SHEPPARD, on his own request, was excused from further service on the Committee on Expenditures in the Department of Agriculture.

On motion of Mr. KERN, it was

Ordered:

1. That Senator CHILTON, of West Virginia, be appointed chairman of the Committee on Printing to fill the vacancy caused by the resignation of Senator FLETCHER;

2. That Senator SHEPPARD, of Texas, be appointed chairman of the Committee on the Census to fill the vacancy caused by the resignation of Senator CHILTON;

3. That Hon. WILLIAM F. KIRBY, Senator from the State of Arkansas, be appointed chairman of the Committee on Expenditures in the Department of Agriculture to fill the vacancy caused by the resignation of Senator SHEPPARD;

That Senator KIRBY be assigned to membership on the following committees to fill vacancies caused by the death of Senator CLARKE, of Arkansas, viz: Committee on Commerce and Committee on Military Affairs, and to membership on the following committees to fill vacancies caused by the retirement of Senator Taggart: Committee on Patents, Committee on Interoceanic Canals, Committee on Civil Service and Retrenchment, and Committee on Disposition of Useless Papers in the Executive Departments;

4. That Senator SHIELDS, of Tennessee, be appointed a member of the Committee on Foreign Relations to fill the vacancy caused by the death of Senator CLARKE, of Arkansas; and

5. That Senator HOLLIS, of New Hampshire, be appointed a member of the Committee on Pensions to fill the vacancy occasioned by the retirement of Senator Taggart.

HOUSE BILLS REFERRED.

H. R. 7621. An act prohibiting the interment of the body of any person in the cemetery known as the Cemetery of the White's Tabernacle, No. 39, of the Ancient Order of Sons and Daughters, Brethren and Sisters of Moses, in the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 18181. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. Is there further morning business? [After a pause.] The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 10384, the unfinished business.

The motion was agreed to, and the Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

Mr. HARDWICK. Mr. President, I rise to invite the attention of the Senate not so much to the pending amendment, although I am prepared to discuss that, as to the general subject matter of this legislation, and the situation in which both this body and the country find themselves with respect to it.

In the first place, Mr. President, it can not be either denied or doubted that the pending measure is not a partisan measure. A great majority of the Senators who sit on this side of the Chamber favor this bill, and it is likewise true that a great majority of the Senators who sit on the other side of the Chamber are equally earnest and honest in its advocacy. On the other hand, Mr. President, there are Senators on both sides of the Chamber, I think, certainly some on this side, who are equally earnest and equally honest in their opposition to the measure. For those Senators, whether they be Democrats or Republicans, I have nothing but the profoundest respect. Nothing that I shall say, I hope, will be construed by any of them as in any way reflecting upon their motives or challenging their right to oppose this legislation that I so earnestly favor.

Mr. President, it seems to me that this legislation, above all other immigration bills that have been presented to the American Congress and engaged the attention of this body, rests on two sound fundamental propositions:

First, that, as a rule, so far as we can accomplish it, so far as we are permitted by existing international obligations to do so, it shall be the fixed and settled policy of this country not to invite, and wherever we can avoid it not to permit, immigration into this country from any race or the members of any race who are not capable of assimilating with our own people and becoming a permanent part of the American body politic.

The second fundamental upon which this bill rests is, in my judgment, equally as sound. It is that in this free Republic of ours, where the perpetuity of our institutions and the success of our Government depend upon the enlightenment and intelligence of the people who constitute its electorate, it is right and proper that we should require of immigrants who come to our shores the possession of a certain amount of intelligence, just as in a majority of the American Commonwealths we require our own people before they may become and remain

voters of the Republic that they shall be possessed of a certain amount of intelligence.

So, Senators, the propositions of this bill fundamentally are but two: First, that hereafter, if this legislation shall be enacted, it shall be the fixed and settled policy of the American people not to permit immigration on any extended scale from members of any race who are not capable of assimilating with our own, whose sons and daughters are not of a blood and lineage which will fit them for intermarriage with our own sons and daughters; and, second, that we will seek to exclude from this country as far as we can do it, by tests that are exceedingly reasonable at first and ought to be made more rigid as time progresses, the vast mass of ignorant, unlettered, uneducated, and unintelligent persons who have in the past invaded this country from other shores.

Mr. President, objection was made at the last session of Congress to the consideration of this bill on the ground that it was pressed when immigration into our country had been greatly decreased as the result of the great foreign war, that there was no necessity for legislation of this kind, whatever might be said on that subject under different conditions and at a different time. That argument did not appeal to me when it was made, and it does not appeal to me now. I have always been taught and I have always believed that an ounce of prevention is worth a pound of cure. I have always thought and I have always believed, as I now think and believe, that the proper time to prepare against an emergency of this sort is when we have the power and the opportunity to prepare against it, regardless of whether the immediate danger is pressing and patent or not.

It has developed, Mr. President, during the consideration of this measure that international considerations of the most delicate sort are necessarily involved in the consideration of such a measure. The great nations with whom we are on terms of peace and amity and with whom we have maintained treaties of that kind and character are sensitive beyond expression to the provisions of measures of this sort. It has seemed to me, therefore, that at a time when the policy of almost every great nation on earth is to keep their own people at home, at a time when it is almost certain that no serious objections can or will be urged by a foreign power to the consideration and passage of such a measure, and at a time when it is almost certain that no international complications of a serious character can possibly result from it, that of all times that is the proper time for the consideration and determination of a measure of this kind.

Mr. President, I do not know that other Senators will agree with me; I do not know that a majority of my colleagues even on this side of the Chamber will indorse the statement I am about to make; but I do not hesitate to say, measuring my words, with full responsibility for them, that if I could have my way I would write in plain, unvarnished, and unmistakable language into the American statutes that no immigrants could come to these shores who were not of pure Caucasian blood, because, after all, when all is said and all is done, this country is the white man's country, dedicated to his civilization and governed by his laws; and while I would not treat with injustice the humblest citizen of any race within our borders, I do not see why we should admit yellow men, brown men, or black men into this country to add to the confusion that we already have. It seems to me that the sound policy, the safe policy, the wise policy would be to admit Caucasian immigrants only.

Mr. President, there is another phase of this great question to which I wish to invite the attention of the Senate briefly—and I intend to be very brief this morning—and that is the labor phase. I have never in my life been accused, either here or at home, of being in subordination to labor interests or under their control; on the other hand, I have always endeavored to treat them exactly as I do all the balance of my constituents and to mete out to them, just as I endeavor to mete out to every citizen of the United States upon whose public interests I am called to pass in this body, equal and exact justice so far as my mind can weigh it and measure it; no more and no less.

There have been times, there have been occasions, and there have been questions upon which I have not been in entire sympathy with the demands of organized labor, because at those times, on those occasions, and on those questions I have thought their demands were extreme and unjust. I must confess, sir, that in respect to this question my sentiments are entirely different. I know that the great bulk of the American laboring people favor this legislation, and I believe they are right in favoring it. I stand with them on this matter, because I believe the position in which they stand is the one that the true interests of my country require that I also should occupy.

I have never been, sir, a protectionist either in principle or in practice, either with reference to tariff legislation or other legislation, and yet it has been impossible for me not to sympathize with the plea made by the American laboring man that if everything else in this country was to be protected by law human labor ought also to be protected by law.

I do not plant my advocacy of this measure on that ground, however; if that were all that was in it I should oppose legislation of this character; but I do think the American workingman is right when he says that our laws ought to be so drafted, our policies ought to be so directed and so framed that people shall not come to this country of ours to give him unfair competition, to skim the country, and then to return to some foreign shore with the proceeds of a few years' cut-throat wages, that are princely to him and that have come out of the pockets of the American workingman, reducing him in the standard and scale of living.

For every immigrant who comes to these shores of a suitable race, capable of assimilation into our body politic, fit to marry and to intermarry with our sons and daughters, possessed of a reasonable amount of intelligence so that he may comprehend and enjoy the blessings of the most enlightened Government upon this earth, I have a hearty hand of welcome extended and outstretched, provided he comes with the desire and intention to become a part and parcel of this country, to share our lot with us; provided he comes renouncing his allegiance to all foreign powers and potentates and princes, determined to bear true faith and allegiance only to the United States of America; provided he comes to become a part and parcel of this great Republic, a sharer in its destiny, a bearer of its burdens; but against the immigrant who comes, in most instances, induced by the greed of steamship companies and of labor slave drivers, merely to stay a while, to skim up what he can and take it back to his own country, who comes knowing nothing and caring less about American institutions, American history, American government, and the American people, I would, if I had the power, close the door forever in his face.

Mr. President, it is not necessary that I should discuss the details of this bill which comes from the committee of which I am a member. The amendments suggested are not important; they are not fundamental. The argument has already been made; the case is made up; and I should weary your patience unnecessarily and inexcusably if I undertook to go through the details of the bill.

I will say with reference to the provision with which my friend from Missouri [Mr. REED] found so much fault—the latitudinal lines that the committee drew—that I think every Senator in this body understands full well why that was done and exactly what it means. If other territory besides that specifically described in the first part of the amendment is included, it is simply to show a certain power that we treat other powers just as we treat it, and that the legislation is not confined exclusively to any one power. There is no material number of immigrants from any other country who can be affected by its terms and conditions, or who will be, in all probability.

Mr. President, I believe that the overwhelming verdict of the people is for this bill. It has had long consideration in both Houses of this Congress and of preceding Congresses. It has been thoroughly assimilated, thoroughly digested, not only by the Members of this body and those of the other Chamber, but by the great masses of the American people; and I believe that when this bill shall receive the approval of this body, shall emerge from Congress to make its way to the White House, it will receive very careful consideration there before our distinguished President will veto it. I trust that he may not do so; I trust that his judgment, enlightened and instructed by the four years of great administration through which we have just passed, will be matured and possibly changed in some particulars in this matter. If not, I believe the verdict of the American people and of the American Congress is already made, that this bill is destined to be written on our statute books, with the Executive approval, I hope; without it, if must be.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The question is on the amendment of the Senator from Missouri to the amendment of the committee made as in Committee of the Whole.

Mr. GALLINGER. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 7, line 11, after the words "natives of," it is proposed to insert the words "Africa or of," so that it will read:

> Unless otherwise provided for by existing treaties, persons who are natives of Africa or of islands not possessed by the United States.

Mr. VARDAMAN. Mr. President, the Senator from Missouri [Mr. REED] is not in his seat. I take it he desires to discuss the amendment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McLean	Smith, Md.
Bankhead	Gronna	Martin, Va.	Smith, S. C.
Beckham	Harding	Martine, N. J.	Smoot
Borah	Hardwick	Nelson	Sterling
Brady	Hollis	Newlands	Stone
Brandegee	Hughes	Norris	Sutherland
Bryan	Husting	Overman	Swanson
Catron	James	Page	Thomas
Chamberlain	Johnson, Me.	Penrose	Thompson
Clapp	Jones	Phelan	Tillman
Clark	Kenyon	Reed	Townsend
Colt	Kern	Robinson	Vardaman
Culberson	Kirby	Shafroth	Wadsworth
Cummins	La Follette	Sheppard	Warren
Curtis	Lane	Sherman	Works
Dillingham	Lippitt	Simmons	
Fernald	Lodge	Smith, Ariz.	
Gallinger	McCumber	Smith, Ga.	

Mr. MARTINE of New Jersey. I desire to state that the Senator from Illinois [Mr. LEWIS] is detained at his home by sickness. I wish also to announce the absence of the Senator from Florida [Mr. FLETCHER]. He is engaged on official business.

Mr. VARDAMAN. I desire to announce the absence of the Senator from Louisiana [Mr. RANSDELL] on account of illness; and while I am on my feet I make the same statement in reference to his colleague [Mr. BROUSSARD]. They are both detained from the Chamber on account of sickness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Missouri to the amendment made as in Committee of the Whole.

Mr. REED. Mr. President, I desire to withdraw that amendment, and offer in its stead the following:

After the words "natives of," in line 11 on page 7, insert "Africa, except persons of the white race, natives of," so that the clause will read:

Unless otherwise provided for by existing treaties, persons who are natives of Africa, except persons of the white race, natives of islands not possessed by the United States adjacent to the Continent of Asia.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, in the committee amendment made as in Committee of the Whole, on line 11, before the word "islands," it is proposed to insert the words "Africa, except persons of the white race, natives of"; so that, if amended, it will read:

Unless otherwise provided for by existing treaties, persons who are natives of Africa, except persons of the white race, natives of islands not possessed by the United States adjacent to the Continent of Asia.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri to the amendment made as in Committee of the Whole.

Mr. REED. Mr. President, I simply make the statement that this amendment will exclude the black races of Africa. If it is accepted I shall offer an amendment to include the same races that are now coming in large numbers to this country from certain islands of the sea. It is true that there is only a very small immigration of the black race from Africa to this country at this time, but there is a considerable immigration of that race from certain islands, and I am informed that it is of a highly undesirable character.

It has been said that it is not necessary to include Africa because of the small immigration. Upon that question I appeal to the argument made by the eloquent Senator from Georgia [Mr. HARDWICK], who warned us that the time to prevent immigration was before it had come to this country in any large numbers—a very logical and proper statement, and one which ought to apply here.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Missouri will allow me, as chairman of the committee, speaking for myself alone, I will very readily accept the amendment proposed by the Senator from Missouri.

Mr. REED. If the committee accepts it——

Mr. GALLINGER. Mr. President, possibly the Senate may not accept it.

Mr. REED. Very well. I will withhold any further remarks until we hear from the other side.

Mr. GALLINGER. Mr. President, it strikes me that this is an unnecessary amendment so far as Africa is concerned. The Senator from South Carolina [Mr. SMITH], chairman of the committee, on yesterday called attention to the fact that in 95 years only 14,000 immigrants had come to this country from Africa, and that if the literacy test had been applied to them 83 per cent of them would not have been admitted. So that, as I said on yesterday, the number is absolutely negligible, and it does not seem to me that legislation with regard to them is at all necessary.

Turning to Senate Document 662, Sixty-first Congress, third session, entitled "Dictionary of Races or Peoples," I find, on page 101, this language:

The immigration statistics of the race are of no significance so far as Africa is concerned, for only 15 are recorded as having come from that continent in 1907.

The Senator from Massachusetts [Mr. LODGE] suggests to me aside that in 10 years there have been only 712 immigrants of all kinds from Africa. That does not seem to be a great peril to our institutions. That there is a considerable immigration from Portuguese territory, the Azores, and the Cape Verde Islands is beyond a doubt true, although that number, according to this document, is inconsequential, being only 341 in 1907. The Senator from Missouri, I believe, intends to offer a further amendment excluding those people.

Again quoting the Senator from Massachusetts [Mr. LODGE], who is a member of the Committee on Immigration, he tells me that in 10 years there have been 8,000 immigrants from those islands or that territory, which is of some consequence; but——

Mr. REED. Mr. President, will the Senator pardon me?

Mr. GALLINGER. Certainly.

Mr. REED. On that point the figures handed me by the committee are to the effect that from the West Indies there came to this country in 1907, 4,561; in 1908, 3,563; in 1909, 3,340; in 1910, 3,769; in 1911, 4,973; in 1912, 4,885; in 1913, 4,891; in 1914, 5,724; in 1915, 4,004; and in 1916, 3,257, making a total coming to this country from 1907 to 1916 of 43,067; and that from the other islands of the Western Hemisphere there came 5,321.

Mr. GALLINGER. That, as I understand, represents the immigration from the West Indies, including Cuba.

Mr. REED. There came from Portugal, including the Cape Verde and the Azores Islands, 8,825 in the period referred to, and there came to this country a total of people of this race from 1907 to 1916 of 57,931, according to these figures.

Mr. GALLINGER. But, Mr. President, if the literacy test which is found in this bill, and which I trust may remain in the bill, had been applied to those immigrants a very small proportion of them would have been admitted, probably not 10 per cent of them. So that after all the danger is not imminent; and, as I said a moment ago regarding the immigration from Africa, it seems to me hardly of sufficient consequence for us to solemnly legislate against those few people who find their way here.

I sincerely hope that the amendment including the word "Africa" will not be agreed to, and then we can deal with the question of immigration from the West Indies, which is of some consequence, while the immigration from Africa is so inconsequential that it seems to me absolutely unnecessary to deal with it in this bill.

That is all I care now to say about the matter, Mr. President, and I am ready to vote on the pending amendment, reserving the right to vote according to my best judgment on any further amendments which the Senator from Missouri may offer.

Mr. REED. Mr. President, just a word in reply. These arguments all proceed upon this line: First, there are not many people coming; second, there is another provision of the bill that will exclude most of those who may come, and therefore there should be no legislation on the subject.

Now, either these people are desirable or they are undesirable. If they are desirable they ought not to be excluded by any test. If they are undesirable as a class they should be excluded, so that all that you can say for the literacy test is that it reduces the evil.

The Senator states that it is not of sufficient importance to solemnly legislate against Africa. We could pass an amendment including Africa in about five minutes if the committee's suggestion of accepting the amendment were adopted. We are solemnly legislating with reference to a subject, and why not cover it?

But, Mr. President, while there is only a small number of immigrants from Africa coming to this country to-day, who shall say, in view of the changing industrial and economic conditions of the earth, that there may not be vast bodies of these people brought to this country in the near future? If they should come, I take it there are few men here who would want to see that movement. If they are to be prevented from coming, the time to do it is now, while we have that question thrust upon us.

I ask that this amendment, which the committee is ready to accept, be adopted, and I shall then frame one which will cover

the immigration which comes to us from certain islands of the sea and which I think everybody regards as highly undesirable from many standpoints.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment made as in Committee of the Whole.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not see him present, and therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who does not seem to be present. Not knowing how he would vote on this question, I withhold my vote. If privileged to vote, I would vote "nay."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence, I withhold my vote. As I understand the senior Senator from Montana will not be here this week, I will let this announcement stand for the day.

Mr. PENROSE (when Mr. OLIVER'S name was called). My colleague [Mr. OLIVER] is absent from the city. Were he present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

The roll call was concluded.

Mr. CATRON (after having voted in the negative). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I observe that he is not present, and I therefore withdraw my vote.

Mr. GALLINGER. I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I desire to inquire whether the senior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I withdraw my vote, having a general pair with that Senator.

Mr. LIPPITT. I have a general pair with the junior Senator from Montana [Mr. WALSH]. In his absence, I withhold my vote.

Mr. MARTINE of New Jersey. I have been requested to announce that the senior Senator from Montana [Mr. MYERS] is detained on account of illness.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. CURTIS. I have been requested to announce that the senior Senator from New Mexico [Mr. FALL] is paired with the senior Senator from West Virginia [Mr. CHILTON], and that the junior Senator from Indiana [Mr. WATSON] is paired with the senior Senator from Illinois [Mr. LEWIS].

The result was announced—yeas, 32, nays 37, as follows:

YEAS—32.

Ashurst	Hollis	Overman	Smith, Ga.
Bankhead	James	Phelan	Smith, S. C.
Beckham	Johnson, Me.	Reed	Stone
Bryan	Johnson, S. Dak.	Saulsbury	Swanson
Chamberlain	Kern	Sheppard	Tillman
Culberson	Kirby	Shields	Underwood
Gore	Lane	Simmons	Vardaman
Hardwick	Martin, Va.	Smith, Ariz.	Williams

NAYS—37.

Borah	Gallinger	Nelson	Thomas
Brady	Gronna	Norris	Thompson
Brandegee	Harding	Page	Townsend
Clapp	Husting	Penrose	Wadsworth
Clark	Jones	Pomerene	Warren
Colt	Kenyon	Shafroth	Weeks
Cummins	La Follette	Smith, Mich.	Works
Curtis	Lodge	Smoot	
du Pont	McCumber	Sterling	
Fernald	Martine, N. J.	Sutherland	

NOT VOTING—27.

Broussard	Hitchcock	Myers	Ransdell
Catron	Hughes	Newlands	Robinson
Chilton	Lea, Tenn.	O'Gorman	Sherman
Dillingham	Lee, Md.	Oliver	Smith, Md.
Fall	Lewis	Owen	Walsh
Fletcher	Lippitt	Pittman	Watson
Goff	McLean	Poindexter	

So Mr. REED'S amendment to the amendment made as in Committee of the Whole was rejected.

The VICE PRESIDENT. The question recurs on concurring in the amendment made as in Committee of the Whole, on which the yeas and nays have been ordered.

Mr. REED. Mr. President, I offer the following amendment: Add at the end of the committee amendment now under consideration the following:

Also all persons, except white persons, from the West Indies and the Cape Verde and Azores Islands.

Now, Mr. President, I am going at least to have the satisfaction of finding out how much good faith there is in the Senate upon the question of excluding undesirables. The committee has brought in an amendment which proposes to exclude every human being in more than one-half of the territory of Russia, no matter what their education, no matter what their morals, no matter what their attainments; and the best information I can get is that the territory in Russia which is embraced within the exclusion provisions of the bill is populated by probably the best class of Russians.

The committee and Members who are advocating this measure have been loud in their claim that they desire to protect the people of this country from an influx of undesirables who are incapable of amalgamating themselves into the great body of the American people, and accordingly they propose to proscribe and keep out of this country members of races that have builded great civilizations, that have in times past produced men of great eminence, and at present can point to men of great eminence who belong to their countries and races.

The amendment that I now propose can not be brushed aside, as was the one just voted upon, on the ground that there is no immigration coming from these countries. There has been a total immigration from them in the last 15 years of 57,931, and that immigration seems to be steady and continuous.

It will be admitted by every candid man that the most undesirable immigration to this country to-day from any place on earth is from these islands, and I challenge any man in the Senate to dispute the fact—a class of people who in their morals, in their ideas of government, in all those things that make for citizenship, good or bad, is coming to this country from these islands that is the lowest, the most vicious coming to our country from any spot or spots of earth.

I want to see a vote on this question and a record vote. I want to see the consistency of men who will exclude millions of white people by territorial lines, not by any intellectual test nor any moral standard, but by the red lines of a map. I want to see their consistency. I want to see how much good faith there is back of this movement.

I am willing to submit the matter in just this form.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri to the amendment made as in Committee of the Whole.

Mr. GALLINGER. I will ask that it be read.

Mr. WADSWORTH. Let the amendment be read.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 7, at the end of the committee amendment to be found in line 23, after the word "north," insert a semicolon and the words:

Also all persons, except white persons, from the West Indies and the Cape Verde and Azores Islands.

Mr. GALLINGER. Mr. President, I will ask the Senator from Missouri, simply for information, whether his amendment excludes all immigration from Cuba except white people?

Mr. REED. Yes.

Mr. GALLINGER. All native Cubans?

Mr. REED. Yes.

Mr. GALLINGER. A country that we have in our legislation treated with the greatest possible consideration; and now we are going to exclude them from the privilege of coming into our country. The Senator may think that that is good legislation, but it does not appeal to me. Cuba is our neighbor, and ought to have been, as I have thought, a part of our possessions. There are a great many very good people in Cuba, as I happen to know personally, who are not white and who would make good citizens. If we exclude Cubans from our country, I suppose Cuba can retaliate and say that no Americans shall be permitted to go to Cuba. That is what I would do if I occupied the position that Cuba would if the amendment is agreed to. I think it would be a very great blow to the interests of some very good Americans. So I think Cuba ought to be excluded from the provisions of the Senator's amendment, as Cuba and the United States ought to be good neighbors.

Mr. REED. Mr. President, I think the Senator is unduly alarmed about Cuba excluding Americans from Cuba. Cuba will exclude Americans from Cuba whenever America gets ready to be excluded, and not before.

Mr. GALLINGER. Possibly.

Mr. REED. The Government of Cuba is standing to-day because the United States Government is propping it up. Cuba could not exist as an independent nation 24 hours without the assistance of the Federal Government. Our rights are secured by treaty with Cuba.

The Senator may think there are a lot of good people in Cuba who are not of the white race. I would not say that all people who are not of the white race are bad people, but I say that no man not of the white race ought to be permitted to settle permanently in the United States of America. Already in our laws relating to naturalization we have excluded from the privilege of citizenship every race except the white race and the black race, and the black race no man can claim is the equal of the brown or the yellow race.

Mr. GALLINGER. Does the Senator claim that all the citizens of the island of Cuba who are not white are black? Is that the contention of the Senator?

Mr. REED. If they are not white they must be black, or a shade of color that is not white.

Mr. GALLINGER. Well, Mr. President, I think it is rather bad legislation to take into consideration the shades of color. I, however, am not going to occupy the time of the Senate in combating the Senator's amendment, but I am quite content to enter my protest against it and to vote against it. If the Senator puts it into the bill, I shall find no fault.

Mr. REED. The Senator on yesterday did not think it was bad taste to vote against a man because he happens to be a Jew.

Mr. GALLINGER. No; but I did not vote against him.

Mr. REED. He asked me the question whether I thought a Russian Jew was as good as a negro.

Mr. GALLINGER. I did not vote against him, and I do not intend to vote against him.

Mr. REED. Of course, I can not speak for the Senator, but I assume the Senator intends to vote for this bill.

Mr. GALLINGER. That is my purpose.

Mr. REED. And he intends to vote for the amendment of the committee.

Mr. GALLINGER. That is my purpose.

Mr. REED. The committee amendment excludes millions of people of pure white blood.

Mr. GALLINGER. I am going to vote for the bill. I will take my chances about that.

Mr. THOMAS. I should like to ask the Senator from Missouri if his amendment includes Porto Rico?

Mr. REED. It includes the West India Islands, which would include Porto Rico.

Mr. THOMAS. Then the effect of the amendment would be to prohibit Porto Ricans——

Mr. REED. Unless he is a white man.

Mr. THOMAS. From coming into the United States?

Mr. REED. Yes; not from becoming a citizen, but from coming to continental United States.

Mr. THOMAS. That is what I meant by my last statement.

Mr. GALLINGER. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN]. As he is not present, I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I transfer the general pair I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer as on the former vote, I vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

The roll call was concluded.

Mr. LODGE. I am requested to announce that the Senator from Vermont [Mr. DILLINGHAM] stands paired with the Senator from Maryland [Mr. SMITH]. If the Senator from Vermont were present, he would vote "nay."

Mr. CLARK (after having voted in the negative). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withdraw my vote.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON].

Mr. GALLINGER (after having voted in the negative). I withdraw the transfer of my pair to the Senator from Washington [Mr. POINDEXTER], who has come into the Chamber, and in turn transfer it to the Senator from Idaho [Mr. BORAH], and will let my vote stand.

Mr. BORAH entered the Chamber.

Mr. GALLINGER. I withdraw my announced pair with the Senator from Idaho [Mr. BORAH] and transfer it to the Senator from Connecticut [Mr. BRANDEGEE] and will let my vote stand.

The result was announced—yeas 28, nays 36, as follows:

YEAS—28.

Ashurst	Hardwick	Martin, Va.	Smith, Ga.
Bankhead	Hollis	Overman	Smith, S. C.
Beckham	James	Reed	Swanson
Bryan	Johnson, Me.	Sheppard	Tillman
Chamberlain	Johnson, S. Dak.	Shields	Underwood
Culberson	Lane	Simmons	Vardaman
Gore	Lee, Md.	Smith, Ariz.	Williams

NAYS—36.

Borah	Harding	Norris	Smoot
Brady	Husting	Page	Sterling
Clapp	Jones	Penrose	Thomas
Cummins	Kenyon	Phelan	Thompson
Curtis	Kirby	Poindexter	Townsend
du Pont	Lodge	Pomerene	Wadsworth
Fernald	McCumber	Shafroth	Warren
Gallinger	Martine, N. J.	Sherman	Weeks
Gronna	Nelson	Smith, Mich.	Works

NOT VOTING—32.

Brandegee	Fletcher	Lippitt	Ransdell
Broussard	Goff	McLean	Robinson
Catron	Hitchcock	Myers	Saulsbury
Chilton	Hughes	Newlands	Smith, Md.
Clark	Kern	O'Gorman	Stone
Colt	La Follette	Oliver	Sutherland
Dillingham	Lea, Tenn.	Owen	Walsh
Fall	Lewis	Pittman	Watson

So Mr. REED's amendment to the amendment made as in Committee of the Whole was rejected.

Mr. REED. Mr. President, I move to add at the end of the committee amendment the words "all persons who are not of the white race."

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I have prepared an amendment as to that matter. There seems to be some dissatisfaction on account of the longitudinal lines, and the Senator from Missouri may accept this amendment as we have worked it out. I move, on page 27, line 24, after the word "to," that there be inserted the words "white persons nor to." I ask the Secretary to read the paragraph as proposed to be amended.

The SECRETARY. In the House text on page 7, line 24, it is proposed before the word "persons" to insert the words "white persons nor to," so that it will read:

The provision next foregoing, however, shall not apply to white persons nor to persons of the following status or occupations.

Mr. GALLINGER. Mr. President, will the Senator from South Carolina, in a word, explain precisely what that amendment accomplishes?

Mr. SMITH of South Carolina. Mr. President, there seems to be, and there is, ground for the objection that in the excluded territory there would be very desirable immigrants.

Mr. GALLINGER. In the excluded territory according to the Senator's map?

Mr. SMITH of South Carolina. Yes; that is all.

Mr. GALLINGER. I think that is a wise amendment.

Mr. REED. I have no objection to that amendment so far as I am concerned. Is the amendment adopted, then, Mr. President?

The VICE PRESIDENT. Does the Senator from Missouri withdraw his amendment?

Mr. REED. No; let this amendment take precedence of mine. Then I shall desire to ask a question.

The VICE PRESIDENT. The parliamentary situation——

Mr. REED. I withdraw my amendment for the sake of clearing the parliamentary situation.

The VICE PRESIDENT. But the committee amendment is now before the Senate, and the yeas and nays have been ordered on the committee amendment.

Mr. SMITH of South Carolina. This is not an amendment to a committee amendment, but to the House text.

The VICE PRESIDENT. Then this is not an amendment of the committee amendment.

Mr. LODGE. It comes on the next line.

The VICE PRESIDENT. It is to the House text. So, in the ordinary procedure of the bill the yeas and nays must first be called on concurring in the committee amendment.

Mr. REED. If that is the parliamentary situation in which we find ourselves I suggest to the Senator from South Carolina that he could very easily meet it by offering his amendment to the language of the committee amendment instead of to the subsequent language.

Mr. SMITH of South Carolina. I had intended to say to the Chair that in effect this amendment really is an amendment to the amendment of the committee, the purpose being to amend the foregoing amendment of the committee.

The VICE PRESIDENT. The Chair has no doubt about that; but that does not make any difference in the parliamentary situation.

Mr. LODGE. I ask unanimous consent that the question may be first taken on the amendment proposed by the Senator from South Carolina.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is unanimously agreed that the amendment of the Senator from South Carolina may first be disposed of. The question is on that amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Missouri to the amendment of the committee made as in Committee of the Whole.

Mr. REED. Now, Mr. President, I move to strike out of the committee amendment the following language, "not possessed by the United States," occurring in lines 11 and 12, on page 7.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, in the committee amendment, on lines 11 and 12, it is proposed to strike out the words "not possessed by the United States," so that it will read:

> Persons who are natives of islands adjacent to the Continent of Asia situate south of the twentieth parallel of latitude north, west of the one-hundred and sixtieth meridian of longitude east from Greenwich.

Mr. SMITH of South Carolina. Mr. President, before that amendment is acted upon I desire to call the attention of the Senator from Missouri to a decision of the Supreme Court, with which I presume he is familiar, and which I think would apply in this case. The decision of the Supreme Court in Gonzales against Williams, One hundred and ninety-second United States Reports, page 1, is to the effect that citizens of the insular possessions of the United States, while not citizens of this country in the full and complete sense, are not aliens within the meaning of our immigration laws. The person involved in that case was a Porto Rican, but, of course, a Philippine Islander is in the same category.

In view of that decision, if this amendment passes, I do not know what its effect may be in reference to the Philippine Islands; but it seems to me that, so long as that decision stands, Filipinos would be quasi citizens and be entitled to all the rights and privileges of citizenship, so far as that decision would guarantee them.

Mr. REED. That decision only goes to the effect that they are not aliens under the immigration laws. In my opinion, that decision makes it all the more necessary that now, in this law, we shall take the position that they shall be excluded by this statute, and such is the effect of my amendment.

Now, just one word about it, so that every one may understand the import of the amendment. I do not intend to argue it. It is proposed by the committee to exclude the inhabitants of all the islands adjacent to Asia within certain territorial limits, except those islands now possessed by the United States; in other words, the Filipino is excepted because of our relations to the Philippine Islands. Our relations to the Philippine Islands do not make the Filipino any more desirable as a citizen than if we did not sustain those relations. He is equally as detrimental to this country as are the inhabitants of the other islands who are excluded. He is coming to this country in considerable number; he has been imported into the Sandwich Islands in great numbers to take the place of the labor there, and there is a genuine peril from this source, if there be any peril in the immigration question. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). Being generally paired with the Senator from Oklahoma [Mr. OWEN], I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "yea."

Mr. GALLINGER (when his name was called). I again announce my pair with the Senator from New York [Mr. O'GORMAN], and in his absence withhold my vote, unless I can secure a transfer of the pair.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who, I notice, is absent, and I therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. GALLINGER. I transfer my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from South Dakota [Mr. STERLING] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Illinois [Mr. LEWIS]; and

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 12, nays 46, as follows:

YEAS—12.

Ashurst	Lane	Reed	Tillman
Chamberlain	Lee, Md.	Shields	Vardaman
Hardwick	Overman	Smith, Ariz.	Williams

NAYS—46.

Beckham	Hollis	Nelson	Smith, S. C.
Borah	Husting	Norris	Smoot
Brandegee	James	Page	Sutherland
Bryan	Johnson, Me.	Penrose	Swanson
Clapp	Jones	Phelan	Thompson
Cummins	Kenyon	Poindexter	Townsend
Curtis	Kern	Pomerene	Wadsworth
du Pont	Kirby	Shafroth	Warren
Fernald	Lodge	Sheppard	Weeks
Gallinger	McCumber	Sherman	Works
Gore	Martin, Va.	Simmons	
Gronna	Martine, N. J.	Smith, Mich.	

NOT VOTING—38.

Bankhead	Fletcher	McLean	Smith, Ga.
Brady	Goff	Myers	Smith, Md.
Broussard	Harding	Newlands	Sterling
Catron	Hitchcock	O'Gorman	Stone
Chilton	Hughes	Oliver	Thomas
Clark	Johnson, S. Dak.	Owen	Underwood
Colt	La Follette	Pittman	Walsh
Culberson	Lea, Tenn.	Ransdell	Watson
Dillingham	Lewis	Robinson	
Fall	Lippitt	Saulsbury	

So Mr. REED's amendment to the amendment of the committee made as in Committee of the Whole was rejected.

Mr. REED. Mr. President, I have a number of other amendments which I had intended to present, the import of which would have been to bar from this country all immigrants except those of the white race. I have sufficiently tested the temper of the Senate upon the amendments which have been offered, and understand perfectly well that it would be futile to offer any further amendments. I have not the slightest desire to take the time of the Senate unnecessarily. I make this statement in justice to myself, in order that it may be understood that I do not offer further amendments because I recognize the futility of the effort.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHAMBERLAIN. Mr. President, I move to amend the proposed amendment of the committee by inserting, after the word "treaties" in line 11, page 7, the words "and agreements as to passports," so that it will read:

> Unless otherwise provided for by existing treaties and agreements as to passports.

Mr. President, this matter was discussed somewhat at length yesterday, and I then stated my reasons for desiring to have that language inserted in the Senate amendment. This language, and possibly something more, is included in the bill as it came from the House; and I can not see how the most sensitive peoples on the face of the earth could object to having that language inserted in the Senate amendment. It may be that there are numerous treaties entered into between the United States and other powers where there is some sort of an agreement as to passports that is not embodied in treaty stipulations, and my purpose in proposing this amendment is that there may be no question as to the exclusion of persons with whose government the Government of the United States has entered into any sort of a side agreement under the terms of which the immigration of certain classes of people into this country is restricted.

There seems to be some sentiment here in reference to avoiding the mention of names of other powers and other people. I do not share in that diffidence, Mr. President. It seems to me

that the slogan of our people ought to be "Safety first"; and when I speak of "Safety first," I mean the protection of our own race from disintegration in any way whatsoever. But in the way I propose to amend that language, Mr. President, I do not mention any other power, but the amendment covers all or any countries with whom we may have some other agreement in addition to the treaty stipulations, where the side agreement is not involved in the language of the treaty itself.

I do hope that the amendment that I now suggest may be adopted by the Senate.

Mr. WORKS. Mr. President, I should like to ask the Senator how that amendment differs from the language that was contained in the House bill?

Mr. CHAMBERLAIN. If the Senator will notice, it is not quite so broad as the House provision. The House provision is:

Unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into.

I have eliminated all that and have simply inserted in the committee amendment the following:

Unless otherwise provided for by existing treaties and agreements as to passports.

Mr. WORKS. But the Senator has included in his amendment just what was objected to in the House bill. That was the provision that the Senate committee attempted to avoid.

Mr. CHAMBERLAIN. I know that that was objected to, but I can not see any reason whatsoever for it.

Mr. WORKS. I do not, either; but I was only calling attention to the fact that we are coming back to the House provision.

Mr. CHAMBERLAIN. Not quite the House provision, I will say to the Senator.

Mr. WORKS. Very nearly so, as the Senator explains; so that it only serves to show that we had better not make this amendment at all, but allow the House provision to stand.

Mr. CHAMBERLAIN. I will say to the Senator, Mr. President, that I was perfectly satisfied with the House provision; but there seems to be great objection to it on the part of some Members of the Senate, and I feel that the protection of some parts of our country, at least, demands that this amendment be inserted here.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Oregon allow me to call his attention to a fact that seems to be entirely overlooked by those who are insisting that the wording of the House bill shall be kept in this bill? I want to ask the Senator what possible additional safeguard could be thrown around this particular case by inserting that word, when it is simply calling attention to an agreement that stands on an absolutely independent footing from any wording you may put in this bill?

The Senator has said "Safety first." Those who entered into this agreement with us have kept it in good faith, and up to the present time we have also kept our part of the agreement by not officially or conventionally mentioning it. Now, unless you have a treaty that would have the binding force of law, what good purpose would you serve by mentioning it, when that very nation is objecting to your doing this thing, the doing of which could only anger them and not give you any safeguard whatever?

Suppose you should enter into a secret or private agreement with me, the understanding being that as long as I said nothing about it and you said nothing about it and I kept it and you kept it we would all keep faith. I have kept it, and you have kept it, and now I go to work and publicly and officially announce that the reason why I have kept it is because we have entered into it. The other party says, and you say: "One of the stipulations was that we were not to be put in that category publicly and officially." What good purpose would you serve by your action? What more binding effect would it have on the status that now exists between the two countries?

Mr. CHAMBERLAIN. Mr. President, the Senator goes on the assumption that we have only one gentlemen's agreement with only one other power. I do not know whether we have or not. I am assuming that there may be others.

Mr. SMITH of South Carolina. Well, if we were to have others——

Mr. CHAMBERLAIN. One of the Senators near me says we have not any other. Then, Mr. President, let us talk plainly to one another, and be perfectly honest with ourselves and with the American people about this proposition. If the Senator says we only have one, then I suppose he refers to the gentlemen's agreement with Japan.

Mr. SMITH of South Carolina. Very good, if the Senator sees fit, but I want to call his attention to this fact: It would not make any difference if we had a dozen or if we had a hundred; if they involved good faith, surely we would keep them if not keeping them would serve no good purpose.

Mr. CHAMBERLAIN. Mr. President, I have no desire, as a Member of this great body, to undertake to arouse the passions of any of the people with whom we are doing business, but my fear about this matter is that the language of the Senate amendment absolutely avoids the force and effect of the gentlemen's agreement with Japan, for instance, or with some other power, because this says "unless protected by treaty." The treaty does not protect us from the immigration of the laboring classes of the Orient at all. It simply allows them to come in here ad libitum, and the only thing that protects us is the so-called gentlemen's agreement.

Mr. PHELAN. Mr. President——

Mr. CHAMBERLAIN. Now, if we do not insert the amendment that I suggest here, then we go back to the treaty itself, and the treaty allows them to come in; and Japan or any other power between whom and us there exists this gentlemen's agreement may say: "We did have that treaty with you; we did have a treaty with a favored-nation clause in it, and we did have a side agreement in reference to the issuance of passports, but you have done away with that very thing in your new immigration law, and have said that nothing governs except the treaty itself." Now, it is because of the fear of that that I want to have this clause inserted here by way of amendment.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Oregon what is his amendment?

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I do.

Mr. VARDAMAN. I was not in the Chamber when the Senator from Oregon proposed his amendment. What is the amendment which the Senator proposes?

Mr. CHAMBERLAIN. I simply propose to insert, after the word "treaties," in line 11, the words "and agreements as to passports," so that it will read:

Unless otherwise provided for by existing treaties and agreements as to passports.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield.

Mr. PHELAN. As a matter of information, the clause in the bill proposed as a Senate amendment which the Senator seeks to amend relates to a great many other countries, but does not relate at all to Japan nor to China, because here we have the geographical lines excluding those countries. Therefore when the Senator says, according to his amendment, "unless otherwise provided for by existing treaties and agreements as to passports," he does not refer to Japan at all. I think the Senator is laboring under that misapprehension, and in order to meet that objection I will submit another amendment as soon as this one is disposed of.

Mr. CHAMBERLAIN. Well, it is barely possible.

Mr. PHELAN. This clause, the Senator will see, relates to a great many other Asiatic countries, and specifically excepts, by geographical exclusion, Japan and China. Therefore when the Senator inserts the words "agreements as to passports," his exception applies not to Japan or China, but to all the other countries with which we are told we have no agreements whatever. I submit that it is a harmless amendment, but if the Senator from Oregon intends to reach Japan or China he fails in his intention.

Mr. REED. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I yield.

Mr. REED. If the Senator from California is correct in his statement—and I am not sure but that he is—then the committee certainly could not object to putting in the word "agreements," because, as stated by the Senator from California, if this committee amendment is accepted there is nothing left in the bill that deals with Japan at all.

Mr. PHELAN. Nothing.

Mr. REED. The bill is an absolute blank as to Japan, because Japan lies outside of the lines which include the proscribed district.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Oregon allow me to address a remark both to him and to the Senator from Missouri? We have no immigration law now affecting Japan, and Japan is observing this gentlemen's agreement. Now, if the danger that the Senator from Oregon seems to fear exists, it has existed from 1908 up to the present

time without any mention of it in the law. Why should we be afraid now?

Mr. CHAMBERLAIN. Mr. President, the very language of the Senate amendment, it seems to me, makes us abandon every other agreement and everything else except the treaty that is in force.

Mr. SMITH of South Carolina. Why, it is the evidence that we are keeping the very compact that up to now has not been broken.

Mr. WORKS and Mr. PHELAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the senior Senator from California?

Mr. CHAMBERLAIN. I yield, Mr. President.

Mr. WORKS. I wanted to suggest to the Senator from Oregon that the amendment he proposes would have no effect whatever, because the territory of Japan is absolutely excluded from the provisions of the bill. Therefore the amendment to that amendment would not effect what he has in mind. It is effective in the House bill, because that is made a condition upon which they may be admitted into this country; but the amendment to the amendment would accomplish nothing, I think.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Oregon will allow me, the whole object to be attained can only be attained by a new treaty. If it is desired to attain the object that all the Senators are speaking of here who are opposed to the Senate committee, if they want to exclude them, just abrogate the present treaty and tell them openly and aboveboard that we mean to have a new one and exclude them.

Mr. WORKS. That is precisely what we ought to do, but we are not ready to do that yet.

Mr. SMITH of South Carolina. Well, it is not a function of the Immigration Committee to write treaties.

Mr. WORKS. It is a function of Congress, however, to legislate against the admission into this country of objectionable immigrants, whether they come from Japan or somewhere else. There is no reason why one nation should be excepted from the provisions of the bill.

Mr. SMITH of South Carolina. Not when we have an agreement with a separate nation. We solemnly pledged ourselves to observe it as long as the other side observes it.

Mr. WORKS. Very good. The bill as passed by the House anticipates the provisions of the agreement.

Mr. SMITH of South Carolina. But objection was made——

Mr. WORKS. One moment. What I am insisting upon is that when that agreement for any reason is violated we should have some sort of protection.

If the Senator from Oregon will permit me, I want to say that the gentlemen's agreement, so-called, with Japan is not protecting us. While it is lived up to, I think, fairly well by Japan, there is a class of Japanese subjects who are coming into this country who are exceedingly objectionable. They are what we call in our part of the country picture brides. They are permitted to come in under that agreement. It is estimated that there are something like 1,000,000 Japanese in this country. These picture brides are permitted to come in under existing conditions, and in that way we are bringing up Japanese-American citizens, made so by the fact that they are born in this country. I think that is one of the most serious difficulties that is presenting itself to us at the present time. We ought to have some means of protecting ourselves against that condition of things, and it ought to be done in this bill.

Mr. CHAMBERLAIN. Mr. President, I am in thorough accord with the views of the Senator, but the Senator knows, as I know, how difficult it is to get Congress to take a positive position in reference to certain people in the world.

Mr. President, it is not that I have a poor opinion of Japan or any of the oriental peoples. As a matter of fact, I believe that Japan is one of the most efficient as well as one of the most powerful of nations. I recognize her great intelligence, I recognize her great efficiency in whatever walk of industrial life they seek to enter, but it does not suit our civilization, it does not suit our institutions or our national life, to have them, or, rather, particular classes of them, amongst us in such great numbers as to interfere with our institutions, domestic or other.

I agree with the Senator from California that we ought not to be afraid to insert in this bill or in any other measure of legislation language which will fully and amply protect our own country and our own people.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield.

Mr. WORKS. I want the Senator to know that I was not taking exception to his position or what he said. I was only calling attention to the fact that I was afraid the amendment would not accomplish what we both desire.

Mr. CHAMBERLAIN. I did not intend to criticize the attitude of the Senator, because I know very well from past experience how he feels about this bill.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the junior Senator from California?

Mr. CHAMBERLAIN. In just a moment. I think the junior Senator from California is going to suggest an amendment which will be more forceful and more effective probably than the one I have offered, and I will withdraw my amendment until that one has been submitted to the Senate. I think it will do the work better than mine.

Mr. PHELAN. I desire to submit an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "act," in line 11, page 8, insert the following:

> Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

Mr. PHELAN. Mr. President, the amendment submitted by the Senate committee undertakes by drawing lines of latitude to include a large part of Asia and purposely and by intention excludes territory of Japan and of China. They exclude China because there is now an existing treaty of exclusion, and they exclude Japan because there is an existing treaty and a supplemental agreement restricting immigration.

I desire to call attention to the fact that inasmuch as this amendment excludes these countries entirely from the operation of the bill there might be in the minds of some people, diplomatists or attorneys, an avenue found for the escape of the peoples excluded by treaty or by agreement. For instance, this bill, the latest expression of the legislature, if it passes, leaves the Republic of China out of consideration, so far as the exclusion of its laboring people are concerned, and the same may be said of the Empire of Japan; and this latest expression of the legislature having done so, there might be by implication a repeal of the treaty or the agreement or the understanding by which we are now protected against the immigration of the people of those countries.

This strikes me with particular force in view of the fact that the treaty for commerce and navigation with Japan negotiated in 1911, and which superseded the treaty of November 22, 1894, provides that—

> The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

Here is a treaty which admits the citizens of Japan into this country and the possessions of this country for trade purposes. It is to that extent, apart from any agreement, a restriction upon their coming. I do not know that it can be contended that coolies who come for the purpose of offering their labor for hire can be called persons coming to this country for the purpose of trade and travel. Therefore, if the Senate amendment as proposed is made a part of this latest expression of the legislative will, the people of Japan, if you please, without restriction, may enter the United States. It might well be considered a nice question whether the proposed bill has not modified in some degree the language of the treaty of 1911, which I have just read and which to some degree safeguards us against inundation.

Mr. SMITH of South Carolina. Will the Senator allow me?

Mr. PHELAN. Let me finish, if you please, on this point. I have before me the treaty which was superseded by the treaty of 1911, namely, the treaty of 1894. In Article I of the superseded treaty I find that there is no restriction upon the coming of the Japanese. On the contrary, they are given free charter to come. Therefore the subsequent treaty, by limiting their coming to trade, is in fact a limitation which should not be ignored. Article I of the superseded treaty of 1894 reads:

> The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

It is therefore plain that the later treaty is a restriction upon the freedom of entry given to those people in the treaty of 1894.

Now we come to enact a law, and Congress by law can repeal or abrogate a treaty. If there is anything inconsistent between the act of Congress and the treaty, the act of Congress, being

the latest expression of the legislative will, shall prevail. Therefore I consider it extremely dangerous to pass the Senate amendment unless, as provided in the amendment which I have submitted, it shall appear that there is no intention on the part of Congress to repeal or abrogate any treaty or any agreement which has existence at this time.

Mr. SMITH of South Carolina. Mr. President, this matter seems so perfectly plain to my mind that I will admit I am a little impatient at the object sought to be obtained by those who oppose it, when that object can only be attained by an abrogation or by a radical change of the existing treaty.

The Senator from California has just said that the last expression of the legislative will, without referring or relating to an agreement, might be taken to mean that it has abrogated that agreement. That can hardly be argued in this case, when in the process of the formulation of the proposed legislation the foreign power affected called attention to the language we proposed to incorporate and said:

> That language is in violation of our understanding; we propose to observe, as we have already observed, that agreement; and now you are about to incorporate into your last legislative expression a practical violation of our understanding. We kept it, we propose to keep it, and intend to keep it.

The remedy the Senator from California proposes is not the remedy of broken faith or a violation of the self-respect of a great nation, but if you are seeking to abrogate the treaty and exclude them, what possible benefit will accrue to us by referring to an agreement which has met all the purposes for which we are now striving without any question, without any clash? To go to work and put an absolutely inoperative, ineffectual provision into the bill that can serve only to irritate the other party and leaves you no power in your hands, where is the statesmanship of it? You say we are going to refer to it and we mean to enforce it. You can only enforce it by the good faith of the other party. The other party has kept good faith and we, as American citizens, I propose shall by my vote and voice keep faith as to the agreement.

If you refer to it, as you propose in your amendment, as an indirect way of doing the same thing as by the treaty which the Senator has read, one succeeding the other and being a subsequent treaty, you have disclosed the fact that in our treaty relations we have extended to them what they so earnestly sought, putting them with other first-class nations including the favored-nation clause. But when conditions arose that were acute, and in some instances we considered intolerable, they met us on this ground as to the thing complained of—"If you will not abrogate the treaty, if you will not push this thing further, we will see that the source of your annoyance ceases; provided you will not change our nominal status in relation to you and among the other nations of the world by changing that treaty, we will render inoperative and ineffectual certain rights guaranteed by the treaty by a side agreement and keep it." They have kept it.

Now, what do you propose to do? You propose to say, "Yes; you have kept it, but we do not trust you. We have not any faith in your keeping it, and believe that you will take advantage of this last expression of the legislative will and flood the country." Suppose they did keep it; they have a right now to abrogate it. If they saw fit, they could have done it in all the eight years between 1908 and 1916, and they have not done it.

Mr. PHELAN. Abrogate what?

Mr. SMITH of South Carolina. Their agreement is not to issue certain passports. They have kept it. This is not the place nor is this the manner for you to abrogate treaties, unless you are ready to abrogate them. If it is the intent and purpose of the United States Senate here and now to abrogate a solemn treaty entered into and disregard the good faith of our country with reference to another solemn treaty—if you choose, call it a compact—that has been kept in good faith, I, for one, shall not vote for it.

Mr. PHELAN. May I ask the Senator a question?

Mr. SMITH of South Carolina. Certainly.

Mr. PHELAN. Does the Senator contend that the treaty of 1911 giving liberty to the people of Japan to enter this country for trade admits laborers under that provision, or does it exclude laborers under that provision by necessary implication?

Mr. SMITH of South Carolina. I think the illustration the Senator seeks to use is one in my favor. In spite of the treaty of 1911, that was subsequent to the agreement of 1908, Japan has kept her compact.

Mr. PHELAN. I do not think the Senator understands. I have contended that by the treaty of 1911 no Japanese laborers may enter the United States, because manifestly they do not enter for trade. I am not sure of my contention as a legal proposition. Then the agreement by which Japan undertakes not to issue passports for laborers is an act of supererogation if the treaty bars that same class of laborers.

Mr. SMITH of South Carolina. I do not think by the State Department or those charged with the administration and the execution of our laws that has been so construed. It can only be by implication. I think the treaty of 1911 has reference entirely to our trade relations. But the State Department and the Senate Committee on Foreign Relations will agree that our real treaty with Japan includes all the favored-nation clause. She has by an agreement with us, so far as the objection raised by certain citizens of our country is concerned, made that treaty inoperative without doing violence to her national self-respect. We have observed it; she has observed it. Why now inject that which will create friction and discord without giving you any remedy whatever?

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH of South Carolina. Certainly.

Mr. VARDAMAN. I wish to ask the Senator a question for information. How many Japanese have come to this country in the last few years?

Mr. SMITH of South Carolina. I have not the data before me. So far as I have been informed she has kept her agreement by keeping out the class we have objected to.

Mr. VARDAMAN. No laborers can come in at all?

Mr. SMITH of South Carolina. Not in the last few years.

Mr. PHELAN. In reply to the Senator from South Carolina, there is no favored-nation clause, of which he speaks, in the treaty of 1911 or elsewhere, except what "concerns commerce and navigation"—not immigration. Mr. President, for the information of the Senator from Mississippi, there is grave question as to whether or not the Japanese have increased in number on the western coast. They may not have come in through the open ports of the United States, but, as a matter of fact, the Immigration Department knows that they do come over the border surreptitiously and without passports. Many of them have been caught; and in violation of the spirit of the agreement, certainly the importation of the picture brides should be taken into account. With the picture brides coming in through the ports unchallenged, it means a very large increase in Japanese immigration, because the Immigration Department informs me that they are coming in at the rate of 1,900 a year.

Mr. SMITH of South Carolina. But the Senator from California does not mean to imply that these surreptitious violators of the law come in with the knowledge or consent of their Government? Where the cases have been apprehended they have been dealt with according to the agreement, with the sanction of that Government.

Mr. PHELAN. I merely wish to show that our Japanese population is increasing, whether it be through the regular road or through the irregular road that they enter.

Mr. REED. Women are coming in.

Mr. PHELAN. Women are coming in at the rate of 1,900 a year, and that is a new policy of somebody; I do not know who inaugurated it. So, instead now of the United States receiving Japanese from Japan they are received as natives of the soil in California, because the picture brides come here for the purpose of wedding the Japanese, neither party to the matrimonial arrangement having seen each other, except by exchange of photographs. It looks very much like what we discovered in Hawaii, an attempt to populate the land with Nipponese, because we know how tenacious they are of their nationality and how unassimilable they are.

So it is really immaterial whether they come by immigration or come by birth.

I visited Hawaii the other day and 90 per cent of the school children I found in the public schools supported by the Territory were Japanese. I asked the governor what their numbers were. He said there were 12,500 Japanese children, and 11,200 of them attend not only the American schools, but the Japanese, which are held before and after the sessions of the public schools, for the purpose of indoctrinating them with their own religion and their own language and their customs and their manners. So very soon there will be a native population in Hawaii which will outvote the American, German, French, and Russian population, which we call white. There are 97,000 Japanese in Hawaii to-day, in a Territory of the United States, as against 16,000 white, as above, and 22,000 Portuguese.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Michigan?

Mr. PHELAN. I yield.

Mr. TOWNSEND. Will the amendment proposed by the Senator from California prevent the immigration of the picture brides to whom he refers?

Mr. PHELAN. I have not reached that yet. I intend to propose an amendment, if possible, to meet that condition. This relates to another matter.

Mr. TOWNSEND. My understanding is that the amendment offered by the Senator does not touch that question.

Mr. PHELAN. It does not. Addressing myself to the amendment, I will ask the Senator from South Carolina, in charge of the bill, if he has any objection to the amendment. I understood that he had no objection if the word "agreement" was eliminated.

Mr. SMITH of South Carolina. To be perfectly frank with the Senator from California, the reason why I had no objection was because I did not think with the word "agreement" out it affected anything at all. I thought it did not really affect it one way or another. As the Senator from Michigan has just pointed out, it does not touch the question of picture brides. So, no matter how you go around the circle, you come back to the fact that you want to abrogate our treaty.

Mr. PHELAN. But I do insist that permitting picture brides to enter is certainly an irregular traffic. It is a violation of the spirit, whether it be a treaty or an agreement. Our object is to exclude these very people who are now born upon our soil and given over to labor competing with our own people, destroying our native white population. I will deal with that later.

Mr. WILLIAMS. Mr. President, from the viewpoint of a southerner who has looked at the race question very closely for a long time this whole thing appears rather ridiculous.

The Senator from California solemnly informs us that there are 200 Japanese a month—that means 2,400 a year—coming over surreptitiously or otherwise. According to what he said, I imagine he means coming over surreptitiously, and that they are going to "flood" the white people of America with a population of alien and unassimilable blood. Two hundred a month, 2,400 a year!

There are some 14,000,000 negroes in the South. They are spreading themselves all over the United States. Everybody admits that they are an inferior race to the Japanese.

Mr. President, there are just two classes of men lined up on this particular question. One class of men wants to declare that the United States is a white man's country, and they dare say so out in the open. The other class of men either do not mean it or do not dare to say it. It does not make much difference whether they do mean it or whether they do not dare to say it; they fall in the same category. They may be lacking in ideal or they may be lacking in courage. Whichever it happens to be, they fall down there and remain there—impaled.

I have never found since I sounded the tocsin when the Chinese-exclusion bill was under consideration in the Fifty-third Congress any particular help from the Pacific slope with regard to the race issue in the South. We then extended them the glad hand and said we would help them if they would help us. Thus far they have not helped us at all. The Senate has to-day and yesterday voted down half a dozen amendments to this bill to exclude negroes from immigration into the United States. Neither the Independent Senator from the State of California nor the Democratic Senator will dare to say that the Japanese are inferior to negroes, and yet we got no help. We asked for bread, and you gave us a stone. You are not willing to vote to exclude negro immigration from the West Indies. A great many of them are attempting to come from Jamaica and Guadaloupe. You are not willing to provide for the danger by excluding negro immigration from Africa itself or the West Indies.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Mississippi yield to the Senator from California?

Mr. WILLIAMS. I always yield to the Senator from California, and with more than gladness.

Mr. WORKS. I think the Senator from Mississippi is not representing my position quite correctly. There has been no proposition here to exclude negroes that did not include some one else, so far as this bill is concerned; and when that question was directly presented on a former occasion I voted to exclude the negroes. I presume the Senator has forgotten that; but no such question has been presented here by any of the amendments which have been offered.

Mr. WILLIAMS. I had temporarily forgotten what the Senator states, but I now remember it, and I recognize the fact as one that ought to have created a greater impression upon my mentality than it did. I am very glad to be able to say publicly that I now remember that the Senator from California did vote with me upon that proposition, but I remember that at that time there came up to me on the Democratic side of this Senate——

Mr. PHELAN. Mr. President, will the Senator from Mississippi allow me to say——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from California?

Mr. WILLIAMS. Wait one minute. There came to me on the Democratic side of the Senate men who appealed to me on partisan grounds to withdraw the very resolution for which the Senator from California voted, stating that it might hurt the Democratic Party in some doubtful district where the negroes voted very largely. I refused to withdraw it, and I was pretty generally defeated. I did happen to forget that the Senator from California voted with me upon that occasion. I am sorry that I had forgotten it. Now I yield to the junior Senator from California.

Mr. PHELAN. I wish to remind the Senator from Mississippi that within the hour I voted for the exclusion of natives of Africa. Hence the Senator must not overlook that fact; but I did not vote to exclude the natives of the West Indies, because I have visited that country, and I find men in Cuba and in San Domingo and in other parts of that region quite fit for admission to this country. There are so few of them that it is no problem.

Mr. WILLIAMS. Mr. President, there is no fear of negro immigration to this country from Africa in the present or in the immediate future, but there is some chance of negro immigration from the West Indies. They are already beginning to come not only from Jamaica, encouraged by the Panama Canal work, but from Guadaloupe and Martinique.

Now, then, either this is a white man's country or it is not. Those of you who are willing to say that this is a white man's country ought to say so by your votes. You stand around and smile and risk international complications with Japan on a race issue about the Japanese, who are as highly civilized as you are, and you dare not, because of congressional situations here and there, declare as to the negro that this is a white man's country, because the negro has a vote. Not only you Republicans, but you northern Democrats waive it all aside. "A white man's country; yes, in a way; oh, yes; but do not offend that negro voter in my district!"

If you want this country to be a white man's country, say so. Every one of you at the bottom of your heart does want it. There is not a man in this Senate who to-day would risk any chance of America becoming anything except an English-speaking white man's country; and yet you hesitate and halt and play the coward both upon the language and the race.

Speaking for myself, I love my race more than I do my family. I would sacrifice the family to-morrow to the race—wife and children and self—if I could accomplish anything by it.

The Senator from California tells us that this bill is a matter of supererogation, so far as the Japanese are concerned. Suppose it is. If it be a work of supererogation, then it is solely so because the Japanese Government has kept faith, and it has kept faith in a very distinguished way. They are a very highly civilized people; very much superior to both you and to me in some particulars; inferior to us in some others. In that nice, clean-cut courtesy that enables a gentleman to meet a gentleman anywhere in the world, the Japanese are not my inferiors nor yours.

You come to face this immigration question with an arrière-pensée that you want to keep this a white man's country, and yet the minute you are faced by the fact that there exists in some congressional districts somewhere a negro vote, you dare not face it. When I say that I am not speaking to Republicans any more than I am speaking to some of the Democrats.

Why, Mr. President, cast your eyes for one moment over the history of the world from its beginning. I do not ask you to go into details, but what does it all mean? From the very day that the first Scythian came around the Black Sea, down to now, it means that the torch of enlightenment and civilization has been in the hands of the white race, and no other race, except temporarily, and very temporarily at that, has had anything to do with the advance of civilization, commerce, literature, law, and justice in this world. The whole history of humanity in its better and its higher aspect is simply the history of the accomplishments and achievements of the white race. We are of European extraction; white extraction. We do not want America ever to be even so much as questioned as a white man's country.

As for myself, I here declare that there is no question of family or of patriotism or of law that rises superior in my mind to my devotion to the race. I can not see for the life of me why all this tempest in a teapot is created. I can not see how gentlemen can quarrel with Japan about what Japan as a

Government has done. Above all, I can not see how they can quarrel with Japan because of what Japan as a Government has refrained from doing. The Japanese have treated us in the very best possible way as a Government; and if there have been violations of the law they have been individual violations of individual Japanese, with which the Japanese Government had nothing to do. I hope the Senate will not take a position insincere in itself, because it is based upon the idea of declaring that this is a white man's country, when they dare not do it all along the line—of accusing the Japanese Government of bad faith, when the Japanese Government has not been guilty of bad faith in the slightest particular, but has, upon the contrary, strained itself against the will and the emotions of the Japanese people in order to meet us more than half way.

The Japanese are not a race of barbarians; they are not a race of veneered men; they are a race of people who have proven their ability to stand in the front ranks of civilization. I do not want them here, not because they are inferior, but because they are different. I want a homogeneous population here; I want a population in the United States which shall be entirely and altogether white, as far as we can make it so, with our past history behind us; not because I assert that I as a white man am necessarily superior to the other man, but because he is different from me, and he is unassimilable by me and I am unassimilable by him. I am absolutely in accord with the idea that no part of this country shall be Japanese, or Chinese, or Negro, or Filipino, or Porto Rican, or anything else; but when you accuse the Japanese Government of bad faith you have no ground to travel upon. They have not been guilty of it at all. They have made a gentlemen's agreement and they have kept it like gentlemen—the gentlemen that they are.

Mr. President, a great Republic can not exist except with a homogeneous population. You have got to support the temple of democracy upon the four pillars of equality of opportunity, of liberty, of justice, and of fraternity. I have said this so often that I am ashamed to repeat it; but you can not have real fraternity without real equality, and you can not have real liberty without both, and you can not have real fraternity except with a population that voluntarily and willingly intermarries. If it does not voluntarily and willingly intermarry and attempt to assimilate every part of itself to itself, then you can not have it; it is a physical impossibility. So I do not want any Japanese Pacific coast; I do not want any Chinese Pacific coast; I do not want any negro Mississippi, and I do not want any negroes to come in from the West Indian islands to flood the market with new immigrants, against the proposition to stop which all of you have this morning voted, or nearly all of you.

It seems to me, Mr. President, that this bill ought to pass as it is, without the amendment offered by the Senator from California.

Mr. WORKS. Mr. President, the views of the Senator from Mississippi [Mr. WILLIAMS] and my own on the race question may not differ so much as he thinks. I am opposed to the bringing into this country of the negro or the Chinaman or the Japanese. As I said a while ago, when the abstract and direct question was presented as to whether negroes should be admitted into this country, I voted against it because I do not believe in it. I have always believed, and I have never hesitated to say so, that it is a great mistake that negroes were granted the franchise. I have said so in public addresses delivered before the negroes themselves. I think it has resulted in great injury to the colored race and has been of practically no benefit to them; but we have the negro here; we have granted him the franchise; and what can we do upon this side of the Chamber, or we who are representing States on the Pacific coast, to relieve the South from the presence of the negro? He is there; we brought him there; we have by our own voluntary act granted him the franchise; he has the rights of an American citizen, and they can not be taken from him either at the instance of the Senator from Mississippi or of the whole South. We owe the colored race protection in their rights, whatever they may be. We are just as responsible for the protection of their rights as we are for the protection of the rights of the white race, so long as we have brought them here and made them citizens of this Government. So, I think the Senator from Mississippi is quite unjust in any criticism he may pass upon Senators from the Pacific coast or other Senators on this side of the Chamber that they should stand by the colored race and see that they are protected in their rights.

Mr. President, this proposed amendment that is intended to relieve the Japanese Government from the effects of the bill has not been defended on principle by any Senator on the floor. Nobody has been willing to say that he desires that the Japanese shall be admitted into this country. That is not it. The amendment is based upon two propositions. One is that by excluding the Japanese we are violating the treaty made with their Government. The other that by the mention of the side agreement that was made by this country and the Japanese Government we are giving offense to that nation.

Mr. President, do you suppose that if this side agreement had not been made by which the Emperor of Japan bound himself to prevent the emigration of his people to this country the treaty would ever have been signed or ratified by the Senate? In effect, that side agreement so made, so far as the two Governments are concerned, is a part of the agreement and should be taken as excluding the Japanese from this country, because it obligates the Emperor of Japan to see that laborers from that country do not enter the United States; and it was upon that promise, made, it is true, outside of the treaty, that we consented that nothing should appear in the treaty that would reflect, as they said it would, upon the Japanese Government as compared with other nations. So, in effect, so far as the rights of the two nations are concerned, we have to-day a treaty that excludes the Japanese from this country when we have the agreement that was made and the treaty itself.

The provision in the House bill is that Japanese subjects, like the others to whom the bill relates, shall be excluded, subject to two things: First, the treaty that was made with Japan, which, if it stood alone, would allow Japanese subjects to come into this country without restriction or limitation. The other exception is any agreement that was made with that country or any other. Now, what is the effect of that provision? It is to continue in force and effect not only the treaty that we had made with Japan but the side agreement that was made, by which Japanese subjects were to be excluded from this country by their own nation. Why should anyone object to that provision in the bill? Why should the Japanese Government object to that provision in the bill? The treaty is allowed to stand as it is; the other agreement is continued in force. This provision has no effect whatever until that agreement is abrogated in some way or other; and when it is abrogated there is every reason in the world why there should be a provision in this bill that would exclude the Japanese from this country. That is the only effect of the House provision. It does not take effect until that agreement is in some way set aside and ceases to operate. When it does, when there is no longer any agreement, then the House provision will operate to do just exactly what the Emperor of Japan agreed he would do, namely, exclude his subjects from this country. So we are not proposing, if we adopt the House provision of the bill, to violate any treaty that we made with Japan. There is no reason that I can see why the Japanese Government should take exception to a provision of that kind. It does not reflect upon that nation in the slightest degree.

In this connection let me say, Mr. President, that the comment by the Senator from Mississippi upon any claim made that the Japanese Government has dealt unfairly with this matter or that it has not carried out its agreement is entirely unjust. Nobody here has made any such claim as that. When I first addressed the Senate on that subject, I said in explicit terms that I understood that the Japanese Government had kept that agreement in good faith. I am not criticizing the Japanese Government or the Japanese, and have never done so. I have never claimed, neither do the people of the Pacific coast claim, that the Japanese are an inferior race; that is not it. They are a nonassimilable race. There are reasons that I do not care to mention in this presence why the people on the Pacific coast object to the presence of the Japanese in that section of the country; nor is it wise or proper that I should do so; but you can ask any Senator here who represents one of the Pacific Coast States, and he can tell you promptly and succinctly why it is that the people of the Pacific coast object to the presence of the Japanese. It has nothing to do with the question as to whether or not they are inferior. Nobody claims that they are inferior.

Nor is it true, Mr. President, as intimated by the Senator from Mississippi, that, so far as I am concerned, I have any quarrel with the Japanese Government. They are a friendly nation; they have never, so far as I know, offended against us. There is no reason why we should have any feeling against that nation as a nation; there is no reason why we should have any feeling against the Japanese people; and there is no such condition of mind, so far as I know, on the Pacific coast; but there is every reason, insurmountable reasons, why the Japanese people ought not to be allowed to come into this country in any large numbers. That has been recognized by the Government for many years past.

I referred very briefly to the incoming of women from Japan. I do not know what construction has been placed upon the so-called "gentlemen's agreement" with respect to the admission of that class of people. Evidently the Emperor of Japan has construed it as allowing their entry into this country. He has not excluded them, at least, and, therefore, I assume that the construction placed upon it is that Japanese of that class, no matter whether they be working women or what not, may come into this country under the agreement that we have now with Japan.

Mr. President, I regard that as one of the most unfortunate and dangerous features of the whole situation. As I said a while ago, we have something like 100,000 Japanese men in this country. A very large proportion of them are in California. Two years ago I visited the immigration station at San Francisco, and at that time there were in the station that had just come over from Japan, about 30 of these so-called "picture brides." They are scattered throughout California. The man who has selected one of them by a picture that has been sent him comes to San Francisco; they are married there at the immigration station, and go out into California. There will be enough of them before very long to mate with all of the 100,000 Japanese men, perhaps 75,000 of whom are in the State of California; and do you know what that means? It means the propagation of Japanese in the State of California by the thousands, and whenever a Japanese child is born in California it becomes a citizen of the State.

There have been laws passed in California to prevent the permanent holding of land by Japanese, but they are evading that provision of the California statute by having the land conveyed to the children who are native-born citizens. It is plain that we can not prevent any American citizen from holding land in this country. Some Senator suggests, "Amend the law"; but do you think we could pass a law that would be effective that would forbid one American citizen to hold lands within this country while another was permitted to hold them? Do you think a law of that kind in California would be constitutional?

Mr. President, this is a more serious question than a good many people appreciate. You people here in the East have no conception of the conditions; you have no knowledge of the objection that applies to the incoming and living of those people in this country. You have not lived alongside of them, as some of us have done; you have not done business with them and met them in all walks of life, as we have done. We know how objectionable it is that they should be allowed to come to this country; and it is for that reason that I am protesting against this amendment, which opens the door to the incoming subjects of Japan at the moment the Emperor of Japan sees proper to abrogate the secret agreement that he has made with this country. No protection is given, not only to the Pacific coast, but no protection is given to this country against that sort of immigration.

That is the effect of the amendment against which I am contending. The amendment of my colleague would not help the situation very much. It is simply attempting to patch up an amendment that ought not to be passed under any circumstances; and the very same objection that is made to the House provision of the bill applies to the amendment proposed by my colleague, because, as I have said, the only reason for making this amendment at all is to avoid any offense to Japan and a violation of a treaty made with that country, and the provision that my colleague offers would do the very same thing.

Mr. President, I think we ought to deal fairly and openly and honestly with Japan. This is a pure evasion. It is intended, I suppose, to convey to the Japanese Government the idea that we have no objection to the incoming of their people into this country, while we all have. There is not a Member of this body who would get up and say that he wanted the Japanese admitted into this country, whether they are civilized or uncivilized, or better educated or less educated than we are. Therefore, while the Senator from Mississippi is talking about a man having the courage of his convictions, and saying that he wants this country to be a white man's country, we ought to be just as courageous when we are dealing with Japan. I hope we have not become a nation of cowards, who are afraid to protect our own interests against any nation on earth.

Mr. President, I have said all that I desire to say on this subject. I would not myself say one word that would give offense to Japan. I should be sorry to see the Congress of the United States take any step that could justly be called a ground for offense to Japan or its Government, but there is nothing in this provision of the House that I am able to see that could be given any such construction or that should convey any such meaning or exhibit any such intent on the part of the Congress; for we are simply attempting to protect ourselves from immigration that the Emperor of Japan has himself agreed to prevent.

Mr. CHAMBERLAIN. Mr. President, I do not desire to take up very much time in the discussion of this bill or the amendment of the Senate committee to the bill. I think I have made my position quite plain with reference to it. I do, however, want to take exception to the remarks of the distinguished Senator from Mississippi [Mr. WILLIAMS] in his criticism of those who happen to differ from him about this whole question.

The distinguished Senator builds a man of straw in his criticism of Senators, particularly those on the other side, and some of us on this side, and then proceeds to demolish him with his usual force and eloquence. He assumes, Mr. President, in what he has to say that there has been severe criticism of the Japanese Government by Members who want the language of this bill written so plainly that he who runs may be able to read. There has not been any purpose upon my part, and I am sure there has not been upon the part of those who agree with me in this discussion, to criticize the course of Japan. I think I disclaimed any purpose either to criticize the Japanese people or to criticize the course of Japan with reference to this so-called gentlemen's agreement. As a matter of fact, Mr. President, the Japanese Emperor has carried out his agreement with the United States to the letter—at least so far as I have been informed it has been done—and the laboring classes, or the classes that this Government desires to restrict, have not been permitted to land here. Whether that agreement has been observed in spirit or not, as has been suggested by the Senator from California, in permitting another class of Japanese citizens to come here, is another question, which I do not propose to discuss; but I disclaim any purpose to criticize the course of the Japanese Government with reference to this gentlemen's agreement. It has been carried out, and I hope it may continue to be carried out. The purpose I have in view, Mr. President, and those who agree with me on this subject, is that it shall be carried out in the future, and shall not be avoided by simply leaving the terms of the bill in such condition that the Japanese people can say, "You have avoided this gentlemen's agreement and you have possibly avoided the effect of your treaty by your new immigration bill."

I do not think the bill as it is amended by the Senate committee does that thing; at least, it is a subject of very grave doubt, because distinguished gentlemen on the floor of the Senate have disagreed as to the effect of the language embraced in the amendment as it has been proposed by the Senate committee. Now, the proposed amendment of the junior Senator from California ought not to offend the sensibilities of anybody. It simply proposes to reserve any treaty restrictions or any other restrictions upon immigration that now exist by virtue of any laws on the statute books, and I do not see how anybody can be offended at that.

Mr. President, every nation on the face of the earth has reserved the right to protect its government and its institutions by legislation on the subject of immigration. If the press tells the truth about Europe to-day, the European Governments now are taking steps to further restrict immigration or to impose upon citizenship conditions which did not exist heretofore. A man comes to this country and in five years, practically, he becomes a citizen of the United States. I do not know but that in some of the European countries as short a time as that, possibly a shorter time than that, was required in order that a man might declare his allegiance to the Government and become a full citizen. But they have found over there, Mr. President, if the current reports be true, that a man does not cast aside his allegiance to his fatherland or to his native land after he has been in the new country for five years and then has become a citizen, and the Governments of Europe have found it necessary to extend the time of residence longer than 5 or 10 years, or 15 or 20 years, in order that they may be sure that after a man has cast aside his former citizenship and become a citizen of that particular country they will be sure of the position he occupies.

We have had some such trouble as that in this country, it seems to me, in the not very distant past. Criticisms have been had of men of different nationalities who have come here and taken out their citizenship papers, and it has been claimed in some quarters that they have not become as devout citizens as they ought to be, but that their allegiance is a divided allegiance. Mr. President, that criticism has been indulged in in reference to men from the European countries that ordinarily make splendid citizens here, men who are absorbed by and become a part of our citizenship.

The distinguished Senator from Mississippi talks loud and long when it comes to a condition that exists in his own section of the country, but when it comes to another section of the

country, with whose institutions he is not entirely acquainted, and, as the Senator from California says, with the conditions of which he is unacquainted, he takes a very different view. He would require us to receive and absorb peoples of the Orient whether we would or no, admitting, even as he does, that the peoples over there can not be assimilated by the people of this country.

Mr. President, I do not think the Senator is entirely fair. He charges the Senators on the other side of the Chamber with cowardice when it comes to the discussion of the negro question, because he says it might affect their chances in a congressional or some other election. What are we to say in reference to his own course here, Mr. President, when he insists upon a condition in his own section, upon a white man's government, as he calls it, and yet by his argument he would enforce other than a white man's government on the people of the Pacific coast?

Mr. President, we yielded on sentimental grounds to this thing, when this treaty was entered into, against the protest of some men in this Senate Chamber. It was predicted then that if we yielded we would hear more from this very insistence of a very sensitive people, and we are hearing from it. Why can not this Government do as European Governments do, and insist upon conditions that affect our governmental life in our way and at our own time, and in such legislation as we see fit to enact, without being so much influenced by conditions which exist in other countries? I say that without any intention of being disrespectful to the people of Japan. They are an efficient people. There is not any question about that. They are a highly civilized people. In some respects, as the Senator from Mississippi says, they are our superiors; certainly in certain phases of industrial life and in many other walks of life. But, as the Senator says, they are not assimilable. We can not, without injury to our national life, and to theirs as well, permit the intermingling of these two races, Mr. President; and why should we not say so?

I do wish that the time may come when this Congress will not hesitate on any account to express in the form of legislation what will best protect our own people. If we do not do it now, Mr. President, if we yield again, the time is coming when we will have to yield further to the demands, if not of Japan, then to those of some other nation, and it is up to us to assert and maintain our own governmental life and our own civilization in our own way. If war has to come of it, Mr. President, let it come. I have not any fear that we are going to have war. We may not be prepared for it, but it would not take very long to get prepared to defend our own country against all comers. I have not any fear about that. If our unprepared situation and the fear which that situation superinduces is going to prevent us from legislating for our own protection, Mr. President, the sooner we wind up our governmental life and go into the hands of a receiver the better off we will be. But so long as we believe in certain legislation for the protection of our national life, Mr. President, just that long ought we to be willing to assert ourselves in our own way, without questioning the delicacy of the feeling of any other peoples, and I do not believe there is any danger of anybody interfering with us because we do that thing. I am in favor not only of amending this proposed statute, as has been suggested by the Senator from California, but, if necessary, going further and stating the peoples against whom we intend to assert ourselves with reference to immigration.

Mr. VARDAMAN. Mr. President, I wish very much that questions of this character might be discussed without marring the discussion with sectional bias. In recent years gone by writers and statesmen of America have taken the position that the race question of the South, because of the large number of negroes resident there, was a local or sectional issue. That distorted and unsound view has prevented the possibility of anything being done up to date looking to the permanent and proper solution of that problem, which I regard as the gravest problem which confronts the civilization of the century. I believe that its proper solution will determine the question as to whether or not this Republic shall live to fulfill the hope and realize the dream of the great men and women who gave it being. It is not a local question. On the contrary, it is a national question, as national in all its elements as ever emanated from the pregnant womb of time. It should not be treated as a local question, and as a local question it can not be solved. If settled at all, it must be settled by the Nation as a whole, for the Nation made it. And he is a narrow-minded, short-sighted statesman, it occurs to me, who takes any other view of it. The Chinese and Japanese question on the Pacific coast is in the same category with reference to the scope of its effect and its bearing upon the whole Nation.

I am just as much interested in the preservation of the purity of the Caucasian race in California as I am in Mississippi. This country, once dismembered by the horrors of war, has become so completely and perfectly reunited that you can not injuriously affect one State without the deleterious influences being felt in all the other States. As has been so well said, and reiterated upon the floor of the Senate this afternoon, there is no question which engages the attention of the patriotic statesman that is quite so sacred, so vital to the future of this Republic as the preservation of race purity. One of the great men of the South in discussing this question said:

> Now, the idea of race is far more sacred than that of the family. It is, in fact, the most sacred thing on earth, and he who offends against it is an apostate from his kind and mounts the apex of sacrilege.

And he expressed a great truth, a truth which I wish might be engraved in ineffaceable characters upon the minds of every American voter, that he might teach it to his children, until it would become an instinct of the race.

It is unfortunate that when one undertakes to discuss the race question in the South, unless he fails to apotheosize the negro and invest him with qualities that God Almighty has denied him, somebody will say that he is moved or inspired by "race prejudice." My attitude toward the negro of the South does not grow out of race hatred or anything akin to race prejudice; but it grows out of an accurate knowledge of the negro's nature—his limitations and racial history. My objection to giving the negro social and political equality may be attributed to that race pride which has always characterized the Anglo-Saxon race. If one will only stop to think what that race pride has done for the world, he will see at once the vital necessity for keeping it alive. It is the noblest attribute of the Anglo-Saxon soul.

It is that race pride which has preserved the purity of the Anglo-Saxon race; that kept its blood pure and made it the ruling dominant race of the world. It is that race pride to which we are indebted for the literature of the English-speaking people, for the discoveries in science, for the beneficent Government under which we live, for poetry and art; in a word, for the civilization which glorifies the twentieth century. It is that race pride which has made the Anglo-Saxon as Tennyson describes him—

> Heir to all the ages in the foremost files of times.

It ought to be kept alive at any cost. To permit it to be set aside or smothered by diplomatic necessities, the exigencies of business, or for the accumulation of gold will be a wrong to the living and a crime against generations yet unborn. In the South the two races live together, pretty nearly equal in number, with the whites controlling in matters of government. It represents two streams running parallel. One is white, the other black. As long as the barrier between the two is kept intact things will go on fairly well, but let the dividing wall be broken down and the molecules mingle, no power beneath the stars can separate them again. You have mudded the clear stream, lowered the standard of manhood on the part of the superior race without in any way elevating the standard of the inferior race. The future permanency of our institutions, the civilization which glorifies the present day, depend upon the preservation of the purity of the Caucasian race. And the man who would break down that barrier is an enemy to society and an archenemy to posterity. The negro race of the South can live and prosper under the white man's government. The white man in America or anywhere else can not live under negro government, and you know it. The same thing is true of the Japanese and Chinese on the Pacific coast.

Now, I believe it is the duty of this Congress to protect America first. We must be just to our own people before we can be generous to any other nation. I do not want to offend the Japanese. I believe in living in peace with all the nations of the earth. But we can not afford to sacrifice the vital interests of the American people to a mere matter of race vanity on the part of the Japanese. It has been said here this afternoon that in some respects the Japanese and Chinese are superior to the Caucasian race. It is not necessary that I should deny that. I am willing to concede them a very high order of merit. As a matter of fact we all know that the Chinaman has demonstrated his ability for maintaining a stable form of government for a longer period than any other nation in the history of the world. The Chinese Empire was in existence before Greece arose to the mastery of the world. They saw that marvelous country with its orators, statesmen, poets, and sculptors rise to produce a civilization to rival which has been the despair of all subsequent races of men. They saw the civilization of Greece crumble and above its ruins arose the great Roman Empire. And after centuries of world domination they saw the sceptre pass from Rome farther west. While our forefathers were skin-clad savages in the forests of

Germany the Chinese scientists and statesmen were tracing the stars and inventing gunpowder. But all this was accomplished by the preservation of the purity of the Chinese race. I do not think I misstate history when I say that no mongrel race in all the annals of the world has ever been able to maintain a stable government or create a high civilization.

No; I would not offend the Japanese or the Chinese unnecessarily. But I can not understand how it would be offensive to the Japanese or the Chinese for the American Government to say that we would rather that your people would not come here—our civilization is not suited to you, your civilization is not suited to us. The races are so dissimilar that they will not amalgamate—they will not assimilate. Our people will not go to your country to become citizens, not because you are not as good as we think we are, but because it is better for both that we do not go there. If the Japanese and the Chinese should take offense at this position assumed by the American Government, it is their misfortune. We owe a debt to posterity, and I shall hold that debt sacred. I for one will not repudiate the obligation. If it means war, which God forbid, then I would prefer that we have war. I had rather sacrifice the youth of America on the field of battle than to sacrifice our civilization and encumber posterity with a hybrid, mongrelized race of people. I shall vote for any measure that will save the western part of this Republic from Japanese and Chinese inundation. And I shall do so notwithstanding the fact that some of the honorable Senators representing the Western States have not seen fit by their votes to lighten the burden which bears so heavily upon the white men of the South on account of the presence of the enormous negro population. I can not afford to be disloyal to my country because of the errors or mistakes of certain individual men. My obligations to the people of the United States are not limited by sectional lines. I am going to do my duty as I understand it, and trust that time may bring my brethren from the West to understand all the difficulties of our peculiar situation in the South, and when they do understand it I have not the least doubt that they will come to the rescue.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California, which will be stated.

The SECRETARY. On page 7, line 23, after the word "north," it is proposed to insert:

Nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possessions thereof.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, S. C.
Bankhead	Hughes	Norris	Smoot
Brandegee	Husting	Overman	Sterling
Catron	James	Page	Stone
Chamberlain	Johnson, S. Dak.	Phelan	Sutherland
Clapp	Jones	Poindexter	Thomas
Clark	Kenyon	Pomerene	Thompson
Culberson	Kirby	Reed	Townsend
Cummins	La Follette	Saulsbury	Vardaman
Curtis	Lane	Shafroth	Wadsworth
Dillingham	Lee, Md.	Sheppard	Walsh
Fernald	Lippitt	Sherman	Warren
Gallinger	Lodge	Simmons	Watson
Gore	McCumber	Smith, Ga.	Weeks
Gronna	McLean	Smith, Md.	Williams
Harding	Martine, N. J.	Smith, Mich.	Works

The PRESIDING OFFICER. Sixty-four Senators have responded to their names. There is a quorum present.

Mr. LANE. Mr. President, before we proceed to a vote on this amendment I wish to say that I have been wondering at the seriousness with which a great many of the representatives of the people take themselves. They seem to be forgetful. We hear from gentlemen on each side of the Chamber, intelligent men, preening themselves upon the purity of the Caucasian race in this country and the greatness which it has achieved and the duty which we owe to the country and ourselves to keep that race unmixed and true to its traditions and to exclude those other peoples who are of differing races and hence less worthy morally and mentally, I assume, from participating in the governmental affairs of the Nation.

They apply the argument to both the Atlantic and Pacific coasts, forgetting, it seems to me, that the past history of the country does not justify them in their assumption of superiority. In the early days, not so long ago, we carried on a desperate war to fix the status of our right to hold human beings in slavery. We were not so great a race as to be so shining an example to another race of people, created, I presume, by the same Supreme Being, when we were holding them in a condition of absolute slavery and buying and selling them as chattels, after hunting them down and dragging them from their native land under the most barbarous and inhuman conditions, capturing them and chaining them neck to neck, and then crowding them on board of some ship and throwing them overboard after it had been declared unlawful in case a cruiser was in pursuit of that vessel. We were quite willing and anxious, and did in fact, live in the sweat of other men's brows and became proud of doing so. That condition has improved, yet we ought to bear ourselves modestly and with decent courtesy to others.

It was merely an attempt on the part of the governing class of people of this country, from wherever they came—and they came from all the Caucasian races—to secure cheap labor or, preferably, free labor, and to live off of others. Not a very high ideal, to say the least.

We did that thing to a race which we now denounce as inferior, and which in many respects naturally would be inferior on account of the conditions which have preceded their present situation, which is not ideal. They were brought here for economic and selfish reasons only. They were brought here to work for another and to sweat and toil that he might live at ease.

On the Pacific coast the Chinese and Japanese were brought into that country for the same purpose and the same reason and that alone. It was not done out of any kindness to the Japanese, not for the welfare of the general conditions of this Government, but to work at the lowest living wage and to compete and degrade the wage of the Caucasian laboring man.

In the South it created an intermediate class, the so-called "poor white trash," if you please, living in ignorance in the hardest condition of life with neither the respect of the negro slave nor his owner, the planter.

On our coast the Japanese and the Chinese by thousands were imported simply to beat down the price of labor. The "white man" who received $2.50 a day upon which to support his family either had to work for 85 cents a day, if you please, for the same kind of work or hunt for something else to do.

The Japanese were brought into California and Oregon for what purpose? To gather certain crops and do other work at a price cheaper than the white man could afford to do it. They were employed in the hop fields and orchards and vineyards where they are working for themselves to-day. They would not stand for the conditions sought to be imposed upon them. Those who enslaved the African and imported the Asiatics would have imported chimpanzees or orang-utans or baboons or "hairy" Ainus, or all of them, if they could have got them to work for nothing, or next to nothing, and support themselves in their deep solicitude for the welfare of their Caucasian neighbors, I suppose.

There is not anything about this question that we of differing sections need to war with one another or to quarrel with one another or insult one another about or over which to harass one another. We have all been guilty. You on the Atlantic, the Yankees in the North, were engaged in catching them and running them down into the South; the South was buying them and enslaving them; and we of the West were importing the cheapest of all labor. As a people we would import any class of labor, white, black, yellow, or blue, if there was blue—anyone who would work for next to nothing. But the Japanese will not stand for it longer than they have to do so. The Japanese feel that they are equal; in fact, they feel that they are our superiors, and in many respects they are. They are able, fit, thrifty, and shrewd. They have mastered the situation until they now control the crops of many of the products of the Pacific coast, both in Oregon, Washington, and California, until they control absolutely, and they have supreme contempt for your efforts to oust them from their places. They are not allowed to own an acre of land, but they may lease it, and by leasehold they have acquired possessions on that coast that are worth millions of dollars. They are to be reckoned with, and they are to be treated fairly and honestly, and that is our duty to them, to the Caucasian race, and to ourselves.

We owe also our duty to this country to preserve it and to keep its Caucasian laboring men in a condition where they can not be starved out. The country is flooded to-day with protests against the conditions of labor. The laboring man as well as the small farmer is being run out by a process of attrition with increasing competition with those who have lived for thousands of years upon half a loaf.

I say again that I think that some of us take ourselves too seriously. I want to vote for any measure which will keep the Caucasian race in possession of its own country, but I take no great pride in our supreme virtue as the guardians of the Caucasian race when I think over our past history and bear in

mind the prodigious efforts which we have put forth to rot and rob it and grind its unfortunate face in the past, nor do I take too seriously our encomiums upon ourselves. We lack a sense of humor. We take ourselves too seriously.

Mr. PHELAN. Mr. President, I do not desire to delay the Senate more than a moment, but I believe the matter is of sufficient importance to call the attention of the Members who were absent during the debate to the amendment. The amendment which I proposed and which is before the Senate reads:

That nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

That relates not only to the Japanese, who seem to be the principal subjects of discussion here, but also to the Chinese.

I should like to call the attention of the gentlemen on the other side of the Chamber to an editorial utterance by the San Francisco Chronicle of May 18, 1916, referring to this very bill which is before the Senate and the amendment which is proposed by the Senate committee, which it must be conceded is clumsy and inadequate. Whatever may be its purpose, it has failed of that purpose because the lines described in the bill do not exclude, for instance, all of the Chinese Republic. It excludes only a part of Russia or Siberia, and necessarily would have to be reconstructed if the purpose of the committee is to be attained. This editorial, which is very illuminating, says:

Japan and its possessions, including Formosa, are excluded from the operation of the law, as well as about two-fifths of the Chinese Empire. Nothing east of the one hundred and tenth meridian on the Asiatic Continent is covered by the bill, which, if it operates to repeal all previous laws inconsistent therewith—as it will unless expressly provided to the contrary—would open our door to some hundreds of millions of Chinese from the continent as well as all the Chinese from Formosa.

So far as the Chinese are concerned, one may assume that the California delegation, if no others, may be relied on to see that an effective nonrepeal clause is included in the bill. Without that the paragraph as agreed on would let in the entire population of China unless our authorities were prepared to prove that applicants were from east of meridian 110.

So the object of my amendment is so simple and plain that I can not understand why it should be opposed. The Senator from Oregon [Mr. CHAMBERLAIN] has accepted it in lieu of his own, and I think the chairman of the committee in charge of the bill is inclined to accept it. By it the act which we are considering, if enacted, shall not repeal either treaty or law or agreement by which we are protected against the invasion of Asiatic coolies. It is a safeguard. It neither adds to nor detracts from the measure which is proposed, but is simply a safeguard to insure against any omissions unintentionally which have crept into the bill, which would not include all the territories which under existing law are barred from sending immigrants to this country.

Mr. SMITH of South Carolina. Mr. President, I merely desire to correct the impression which I perhaps unfortunately made upon the Senator from California. I am not at all inclined to accept his amendment, because it contains in it the very thing that I have been objecting to.

Mr. NORRIS. Mr. President, I judge from what the Senator from California says that he is under the impression that his amendment is the pending amendment.

Mr. PHELAN. It is.

Mr. NORRIS. It is my impression that we have not yet voted upon the committee amendment.

The PRESIDING OFFICER. This is an amendment to the committee amendment.

Mr. NORRIS. As I understand the Senator's amendment, it is not an amendment to the committee amendment, but is an amendment to the text of the bill further on. Am I correct?

Mr. PHELAN. I proposed it as an amendment to the committee amendment, which was under discussion at the time.

Mr. NORRIS. Where does it come in?

Mr. PHELAN. At the end of the committee amendment.

The PRESIDING OFFICER. Line 13, page 7, after the word "north," which is the end of the committee amendment.

Mr. NORRIS. I was under the impression that the Senator offered it to come in at some point on page 8.

Mr. PHELAN. The Senator is right, but I corrected it since submitting it.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California [Mr. PHELAN] to the amendment made as in Committee of the Whole.

Mr. REED. Mr. President, I am going to vote for this amendment because I think it ought to be passed; but I take this occasion to remark to both the Senators from California that it is a little hard for me to reconcile their position, in which they oppose the Japanese coming to this country, with their votes in favor of admitting the mixed races of the West Indian Islands. I am voting for this amendment because I want to protect the western coast against what it regards as a menace, and I trust that these gentlemen from California will extend their philosophy so that it will protect other parts of the country than the particular section in which they live. There is no man who can claim that from every standpoint the Japanese and Chinese are not superior to the races of the West Indies.

Mr. TOWNSEND. I desire to call the attention of the Senator from California to the bill, at page 66, which I think bears somewhat on the argument he presented. It is there prescribed—

And all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act.

So if there is any force in his amendment, as I think there is some force in what the Senator says, without an express reference to this matter, we may go further than we want to go, even further than any Senator here wishes to go, in reference to this matter.

Mr. SMITH of South Carolina. If the Senator from Michigan will allow me, there is already an act inconsistent with the passport act, namely, a treaty. The word "treaty" will not take in an agreement. It says they can not come in, and they made the latter subsequent to the former, and they agree to that. Any word that you put in there inconsistent with this act will have no reference to the agreement, because that is not an act.

Mr. TOWNSEND. But the Senator from California was not referring expressly to the agreement, as I understood the Senator. If I understood his argument correctly, he was arguing that, possibly, if we were to pass the amendment as proposed by the committee we might repeal the treaty which otherwise we would not wish to repeal. I may have misunderstood him, but I think I did not. I think there is considerable force in what he said upon that subject.

Mr. PHELAN. The Senator is right. I argued that under the treaty of 1894 with Japan the people of that country were given the privilege of free entry to the United States, and under the treaty of 1911, now in effect, and which superseded the treaty of 1894, only those are admitted to the United States who come to pursue trade. I hold on with as much tenacity as possible to the existing treaty which restricts immigration. Therefore, if there is any possibility in the act before this body of superseding in terms as the latest expression of the legislature the treaty of 1911, then it is a matter worthy of very serious attention.

So the Senator from Michigan is right. The principal argument in favor of the adoption of the pending amendment is to safeguard ourselves against the possible repeal of any provision in our interest in the treaty of 1911.

As to the passage to which he has called my attention, it is good as far as it goes, but my amendment goes further, and refers not only to any act but to any act, treaty, or agreement. I will repeat my amendment. It provides:

That nothing in this act shall be construed to repeal any existing law, treaty, or agreement in so far as such law, treaty, or agreement serves to prohibit or restrict immigration into the United States or any possession thereof.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California [Mr. PHELAN] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. PHELAN. If it is in order to submit an amendment bearing upon picture brides at this time, I will be glad to present it.

The PRESIDING OFFICER. Is it an amendment to the committee amendment?

Mr. PHELAN. I can not say that it is an amendment to the committee amendment.

The PRESIDING OFFICER. The Chair does not think it will be in order until the committee amendment has been disposed of.

Mr. REED. I desire to offer an amendment to the committee amendment, to come in at the end of the committee's amendment, and I hope the chairman of the committee can see his way clear to accept this amendment. It includes in the prohibited class the following:

All persons who come to the United States for the purpose of securing temporary employment as laborers and who intend to return to the countries from which they came.

Mr. President, it has grown to be a custom for large numbers of laborers to flock from Europe to this country to take positions whenever the price of labor advances. Formerly they used to bring them over by contract, but that was prohibited. It is no longer necessary to employ the contract. The Atlantic

Ocean for all practical purposes is becoming so narrow, so easily crossed, which is the same thing, and the dissemination of information is so rapid, that many thousands of people come here annually to work through the summer or through the busy season, cutting down the wages of the American who has a job, and then going back to their own country.

The following figures, taken from the immigration report, I want to submit to the Senate:

In 1915 there came to this country as immigrants 326,700 people; there departed 204,074 people.

In 1914 there came 1,218,480; there returned 303,338.

In 1913 there came 1,197,889; there returned 308,190.

In 1912 there came 1,333,172; there returned 333,262.

In 1911 there came 878,587; there returned 295,666.

In 1910 there came 1,041,570; there returned 202,436.

In 1909 there came 751,786; there returned 255,802.

During the period embraced between 1909 and 1915, both inclusive, there were admitted to this country 6,253,187 persons; there departed from the country 1,872,768. It would not be fair to say that all who departed were laborers who came here for temporary purposes, but it is safe to say that a very considerable percentage of them were of that class.

I hope the committee will accept this amendment and let it go to conference, and if it needs any adjustment it can be done in conference.

Mr. LODGE. Mr. President, the class of immigrants to whom the Senator from Missouri refers is a most undesirable class. He is entirely right, and I fully share his views in regard to it. If there is any way of reaching those birds of passage who come out here and work in the summer and go back, taking their money with them, they ought to be reached. They do not come here with any intention of becoming citizens and sharing in the fortunes of the country; they come here simply for a few months.

I have no right to speak for the committee, but I should be very glad to accept the amendment.

However, Mr. President, it is not an amendment to this amendment. It is a new amendment, and I think if the Senator would offer it, as he has a perfect right to do, as a new amendment it would, as he suggests, be taken to conference, to be considered at that time.

Mr. REED. If the Senator will pardon an interruption——

Mr. LODGE. Certainly; I am through.

Mr. REED. I see no reason why it could not be properly added at the end of the present amendment and as an amendment to the amendment. The language of the amendment is language of exclusion.

Mr. LODGE. This whole section is an enumeration of the excluded classes. Now, the Senator is adding a new class. My suggestion does not in the least interfere with the amendment or its adoption, but I think it comes in properly as a new amendment and not as an amendment to this amendment. I think it will be safer if kept separate from it.

Mr. REED. I think it should come in as an amendment to the amendment made as in Committee of the Whole.

Mr. LODGE. I am perfectly willing, so far as I am concerned, to see it go on the bill in any way.

Mr. SMITH of South Carolina. I agree that the amendment shall be accepted as the Senator from Missouri suggests. As a matter of course it can be worked out in proper form in the conference committee, as he suggested.

Mr. REED. Very well.

Mr. NORRIS. Will the Senator from Missouri yield?

Mr. REED. I was ready to yield the floor.

Mr. NORRIS. I want to ask the Senator a question.

Mr. REED. Very well.

Mr. NORRIS. I am in sympathy with the Senator's amendment, but unless some other explanation is made of the committee amendment I am in hopes that it may be defeated. I should like to have the Senator offer his amendment to come in at some other part of the bill, if it can be offered just as well to some other part of it, so that its life would not depend upon this committee amendment. If the committee are willing to accept it, I presume they would be willing to accept it to some other part of the bill as well as to this particular amendment.

Mr. REED. If there is a general concurrence in that opinion, I am perfectly willing to withhold the amendment and offer it as soon as we have voted upon the committee amendment. I am doing that rather with the idea that the amendment will not meet with any opposition and will be accepted.

Mr. NORRIS. It really ought to apply to the whole bill rather than to this amendment any way, I think.

Mr. President, I want to say a word or two about the committee amendment. It is possible that the information I am asking for has been given, because I was absent yesterday on business of the Senate, and I did not hear all the debate, but since I have been here, a part of yesterday and all of to-day, I have not heard any reason given for this committee amendment. It seems to me that it is an extraordinary way to provide for the exclusion of immigrants to draw a line through the great empire of Russia and through China.

Mr. LODGE. That has been corrected.

Mr. NORRIS. I do not know how it has been corrected.

Mr. LODGE. It was corrected by the adoption of an amendment this morning excluding the parts of Russia and Siberia that were in the description of latitude and longitude.

Mr. NORRIS. It is still an exclusion by longitudinal lines?

Mr. LODGE. It is.

Mr. NORRIS. It seems to me no matter what country we are going into if you draw a line down through the country and say all who are on this side of that line can come in under certain conditions, and all those on the other side of the line are excluded absolutely, it is such an arbitrary method that while it may be necessary I have not heard anything said here which convinced me that such a method is necessary or is even advisable.

Mr. NELSON. Will the Senator yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I do.

Mr. NELSON. I should like to ask the Senator from Massachusetts [Mr. LODGE] a question, which is, whether all of Russia and Siberia are excluded from the latitude provision in the bill?

Mr. LODGE. By the amendment adopted to-day that difficulty is remedied.

Mr. NELSON. Is it remedied as to all of Russia and Siberia?

Mr. LODGE. Oh, yes; within those lines.

Mr. NELSON. Then, no part of those countries is excluded?

Mr. NORRIS. No part of Russia.

Mr. LODGE. No part of Russia is excluded; that is, the people are not excluded.

Mr. NELSON. Is no part of Siberia excluded?

Mr. LODGE. No; the amendment accepted by the chairman of the committee to-day relieves that objection.

Mr. NELSON. Does it include Kamschatka and all that region?

Mr. LODGE. Those are not within the line.

Mr. NORRIS. Mr. President, I should like to have the Secretary read the amendment which is now pending, as it has been modified.

The PRESIDING OFFICER. The Secretary will read as requested.

Mr. LODGE. Mr. President, I will state the amendment to the Senator. It comes in on line 24, page 7, where, after the word "to," the language is amended so as to read:

> The provision next foregoing, however, shall not apply to white persons or to persons of the following status or occupations.

That lets in everybody from that part of Russia.

Mr. WORKS. As I understand, making the exception within the line does not change the line.

Mr. LODGE. No; it simply lets in all people who live within the line.

Mr. NELSON. All white people?

Mr. LODGE. All white people.

Mr. NORRIS. Mr. President, let me ask the Senator from Massachusetts why, in drawing these lines excluding certain people, there was an exception made of a sort of a rectangular part of the country, including a part of Persia?

Mr. LODGE. That was owing to the treaty with Persia.

Mr. NORRIS. Then, why did we not include all of Persia?

Mr. LODGE. We did, I think.

Mr. NORRIS. The map which I have here, giving the lines, only includes a part of Persia.

Mr. SMITH of South Carolina. We excluded all of Persia on account of our treaty with that country.

Mr. NORRIS. As the line appears here, it runs through all of Persia.

Mr. LODGE. The whole of Persia was excluded.

Mr. NORRIS. And it ran through Afghanistan.

Mr. LODGE. Those lines can not be accurate, because the whole of Persia was excluded.

Mr. NORRIS. Now, let me ask the Senator another question. This map here, which was given me by a member of the committee, I suppose is correct.

Mr. DILLINGHAM. Let me explain about that. That is a map which I found in a publication, and I do not know whether or not it is correct.

Mr. LODGE. I do not think it is quite correct.

Mr. NORRIS. Evidently it is not correct. The map was exhibited yesterday by the Senator from Missouri [Mr. REED], and the questions that have arisen about making exceptions to

the described territory all indicate to me the illogical method of trying to exclude people by drawing lines on a map. Now, might I ask what was the idea of the committee?

Mr. LODGE. Mr. President, if the Senator will allow me——

Mr. NORRIS. Why could they not make these exclusions in the same way that we have made other exclusions in the bill rather than by drawing these lines?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, the case was this: The committee did not prepare these lines, they were prepared by the State Department. To understand just what has been done, I must ask the Senator from Nebraska to look at the provision of the bill as it came over from the other House, and that is a provision, except for the word "Hindus," that was in the bill as it previously passed.

Mr. NORRIS. That is the bill that was vetoed?

Mr. LODGE. The bill that was vetoed. The only change from that bill which was vetoed was the insertion of the word "Hindus"—"Hindus and persons who can not become eligible under existing law." The purpose of that was to exclude Asiatic immigration, Mongols having been held by the courts to be not eligible to naturalization.

The other House put in the word "Hindus," because they thought there might be some doubt about it. Of course, the great body of the population from which that formidable immigration is coming is in British India. Objection was made to that form of words by the State Department. They told the committee that they were informed that that form of words would be extremely offensive to Japan; that Japan had not the slightest objection to the exclusion intended, but for reasons which seemed good to them they objected to the language. Therefore instead of describing the excluded persons as those not eligible for naturalization or by the word "Hindus," the committee took the same people within geographical lines and excluded them.

Mr. NORRIS. Well, but Japan is not included.

Mr. LODGE. I know that Japan is not included; neither is China included in it, because the Chinese are excluded now by treaty and by law, and the Japanese laborers are excluded under what is known as the gentlemen's agreement or the passport agreement.

Mr. NORRIS. Let me ask the Senator from Massachusetts a question right there. Take the House provision. Is there any contention that that would apply to the Japanese; that that excludes them?

Mr. LODGE. Oh, no; that is a specific exception, unless otherwise provided for by existing agreements.

Mr. NORRIS. Does the Senator mean to say, then, that the State Department claims that Japan objected to the language here that had no application whatever to Japan?

Mr. LODGE. They objected to the language which included them, to the words "not eligible to naturalization under existing law," and they are included in that and excepted from it. They are classified in that way, and then they are excepted from it.

Mr. NORRIS. Either they are included or they are not. If they are not included in the House language, then certainly they would have no objection to the language; but if they are included by the Senate committee amendment, we have excluded them, which we could just as well accomplish by simply striking all of that language out of the bill.

Mr. LODGE. They are not eligible for naturalization because they are not within the law. Now, we say we except them from that application, but it does not change their status at all.

Mr. NORRIS. I understand they object to the manner in which they are excepted.

Mr. LODGE. They object to the manner in which they are excepted; precisely.

Mr. NORRIS. That makes it plain.

Mr. LODGE. If I may go a step further, this provision alters in no respect the existing laws or treaties or agreements with China and Japan. They remain precisely the same if this amendment passes as they would if the law did not pass; if there were no law. The only difference is that under this, I freely admit, clumsy method of excluding what we seek to exclude, we exclude the Asiatic immigration from other places, which has begun to come in in large numbers, which it is desired to exclude. The purpose of the amendment is to exclude the people we started out to exclude, without offending somebody else. If I may repeat an illustration that I used yesterday, their position, as I understand, is substantially this: "We told you that if you left the door open our laborers should not come in; we have kept our word; our laborers have not come in; we have carried out the agreement in good faith. Now, you propose not to keep your word, and you are going to slam the door in our faces in a way which is offensive to our people." That is the whole thing.

Mr. PHELAN. Mr. President, may I ask the Senator from Massachuetts a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from California?

Mr. LODGE. Certainly.

Mr. PHELAN. The Senator has laid great stress upon the gentlemen's agreement as a means by which we exclude Japanese labor.

Mr. LODGE. That is what it is supposed to do.

Mr. PHELAN. I should like to ask the Senator, Are we not protected by the treaty of 1911, which admits Japanese for purposes of trade, wholesale and retail business, and so forth, without any reference to labor? Certainly trade is not labor.

Mr. LODGE. You are not protected by that treaty, in my judgment.

Mr. PHELAN. That is a mere matter of opinion, and it has not yet been determined by the courts.

Mr. LODGE. But it has been the opinion of all the heads of the State Department who have had anything to do with it.

Mr. PHELAN. Then, will the Senator tell me why the treaty of 1911 was modified by limiting the immigration of Japanese to those engaged in trade? By the treaty of 1894 they were given free admission without restriction.

Mr. LODGE. But that has been superseded.

Mr. PHELAN. Yes; that is the superseded treaty, which gave them free admission without restriction. Now comes this treaty superseding the old one and limiting the immigration to those who are engaged in trade, wholesale and retail.

Mr. LODGE. I do not think it does limit it.

Mr. PHELAN. I have the treaty before me.

Mr. LODGE. I have read it several times, and I have read it within the day.

Mr. PHELAN. There is that limitation, that they are admitted for trade purposes.

Mr. LODGE. Yes; but I think that the Senator would find that labor would come in under that if it were not for the agreement.

Mr. PHELAN. Does the Senator mean to say, then, that labor and trade are synonymous?

Mr. LODGE. I should be extremely sorry to see the passport agreement abrogated.

Mr. PHELAN. The Senator from Massachusetts, then, is not positive that the treaty does not protect us?

Mr. LODGE. I do not think it does.

Mr. PHELAN. Certainly, the Senator will admit that trade and labor are not exchangeable terms?

Mr. LODGE. I do not think so; but I do not think the limitation is by any means so strong as that, and I think the Senator will find there general provisions about the rights of immigrants.

Mr. PHELAN. I have the treaty here; if it were worth while to read it—but it is merely academic, so far as this discussion is concerned. The favored-nation clause therein refers to commerce and navigation only, not immigration.

Mr. LODGE. It does not seem to me—and it did not seem to me when the treaty was agreed to, that the treaty alone would protect us from the coming of laborers.

Mr. PHELAN. It strikes me as surprising that language so plain should have any other construction.

Mr. LODGE. It was not so construed by our Government or by the Japanese Government.

Mr. PHELAN. At any rate, we are free to legislate on the admission of laborers without violating the treaty. I should like to ask the Senator, apropos of the discussion, what he means by "white persons"? The amendment which has been put into the committee's amendment now reads:

> The provision next foregoing, however, shall not apply to white persons or to persons of the following status or occupations.

In the region excluded, from which no immigration will be permitted, there are Hindus. The House provision specifically mentions and excludes Hindus, but the Senate amendment necessarily includes them in the excluded region. Now, the Hindus claim, in naturalization proceedings, to be white persons of the Aryan race.

Mr. LODGE. I know they do.

Mr. PHELAN. Therefore it is a mistake to have amended it, because it again weakens the provision and admits the Hindu, if, indeed, they can establish that they are white.

Mr. LODGE. I do not think it does; but that is a question for the courts.

Mr. PHELAN. I should think it would be a question for the Congress.

Mr. LODGE. Well, by the use of the expression "white persons" you have no protection whatever under the naturalization law.

Mr. PHELAN. We certainly have. Only those can be naturalized who are free white persons and those of African descent.

Mr. LODGE. Yes; but how is the expression "white persons" defined in the naturalization law?

Mr. PHELAN. The Japanese claim that they are white persons; the Hindus claim that they are white persons. It is a very dangerous proposition.

Mr. LODGE. Yes; they claim it, but it has not been so held. I think it is a danger involved in the naturalization law, which is the foundation of the whole thing.

Mr. PHELAN. I think a district or local court in the State of Washington held that Hindus or Japanese were white persons.

Mr. LODGE. No; the court distinctly held they were not.

Mr. PHELAN. In the State of Washington?

Mr. LODGE. Nobody has ever claimed that Mongolians were of the white race.

Mr. PHELAN. The Japanese dispute that they are Mongolians.

Mr. LODGE. They may do so, but it has never been held by our courts that they were white.

Mr. PHELAN. I remember a decision coming down from the State of Washington, holding that the Japanese or Hindus were entitled to naturalization. I do not think the case has ever been passed upon by the Supreme Court.

Mr. LODGE. I understand that the courts have held that the Mongol race were not within the definition "white." Of course, the expression "white" in the naturalization law is a very unscientific expression, and it is almost impossible to define its exact boundaries. The courts have held in some very learned opinions that Syrians came within the definition of "white." I do not think they have yet held that of the Hindu. The Hindu claims to be an Aryan. He is an Aryan undoubtedly, but it does not follow that he is "white" within the conception of the law.

Mr. PHELAN. Well, inasmuch as the law has not defined what "white" means, I think it is extremely dangerous to adopt the Senate committee amendment as amended, because we do not know what white persons or Aryans may dwell in excluded districts. Neither the Senator nor I nor anyone else knows that. Hence it would be much better to adopt the language of the House bill and say "Hindus and those ineligible for naturalization" are excluded and take our chances with that.

Mr. LODGE. Mr. President, this amendment, of course, will have to be carefully gone over in conference, and I trust that the conferees will be able to meet the difficulty by changing the line; but the simple question is this: Are you going to pass a bill which, we are informed by those in charge of our foreign relations, gives offense to a friendly nation without in the least benefiting you or the present status? In other words, are you going to given wanton offense? That is the whole thing, and this is an effort to avoid doing that.

I am just as much opposed to the character of immigration the Senator is opposing—Chinese, Japanese, and other kinds—as is the Senator. I have sought to restrict it for 25 years; I have always stood for its restriction, and I sympathize with the west coast; but I want to say plainly that I think it will be a great mistake if Congress gives wanton and needless offense to a friendly nation and at the same time gains absolutely nothing in the way of exclusion. It is perfectly useless; it is mere wanton offense without possible beneficial results. In the attitude they assume I think the State Department are wise. As to the form of the provision, I know it is not well drawn. They have furnished it to us, but it has got to be revised, and I hope it will be brought back in such form, by prescribing boundaries or otherwise, as will relieve us from any question about the Siberians and the Russians. I should be very sorry to see the Senate take action which would prevent this matter from receiving further discussion in the conference between the two Houses.

Mr. NELSON. Mr. President, will the Senator allow me to make a suggestion?

Mr. LODGE. Certainly.

Mr. NELSON. Would it not be more accurate, instead of saying "white persons," to say "persons of the white race"? Would not that be more exact and more comprehensive, and is not the expression "white persons" ambiguous?

Mr. LODGE. I think the expression "white persons" is more explicit, because when that expression is used it becomes a pure question of color, and you lose the ethnic distinction entirely. I am not sure that the employment of the term "white persons" might not get us into some difficulties elsewhere, but "white race" is not a scientific definition at all. The difficulty lies in trying to accomplish what is sought to be accomplished without using names. We are trying to avoid that. That is what the State Department has asked Congress to avoid, and I hope, in the interest of good relations, that it will be avoided, and that the Senate will have enough confidence in the conference committees of the two Houses to allow them to make an effort to put this provision in better shape than it is now and meet the wishes of the Senate in regard to it.

Mr. PHELAN. Mr. President, there is no intention whatever on my part or on the part of any person, so far as I know, in this body to cause any friction or provoke any irritation. The House adopted this bill with the language included on page 7 after mature consideration, and after it was passed I understand certain Japanese busybodies objected because it implied some reflection of inferiority. It looks to me as though those persons alien to our Government wish to make a record for themselves in interfering with the enactment of laws by Congress. Their business is with the State Department, not with the Senate; and yet the information comes before the Senate that, at the instance of diplomatic gentlemen, we are asked to eliminate words which clearly express our will and substitute something which is confessedly ambiguous.

Mr. LODGE. Mr. President, if the Senator will allow me a moment, I desire to say that no foreign representative ever approached the committee or any member of it. The whole representation was made by the present Secretary of State.

Mr. PHELAN. It is immaterial how the information came; it came through the diplomatic representatives, and I think that this Government ought to be conducted from Washington and not from Tokyo.

Mr. LODGE. Mr. President, if the Senator will allow me one moment, this Government is constantly making representations about laws passed in other countries which they think will bear unfairly on our trade. That is being done every day by this Government and by every other Government.

Mr. PHELAN. Does the Government interfere during the process of legislation or after the law is passed?

Mr. LODGE. They make representations at any time. I have in mind two or three instances in connection with the tariff laws of South American States where requests were presented that representations should be made against duties proposed. It is the commonest thing in the world. We have all had experience along that line.

Mr. PHELAN. It is not material, Mr. President, who makes the objection; the important thing is the character of the objection. There certainly can be no offense given or intended in describing the people of Asia, whom, for reasons I will not go into again, we wish to bar from this country, "Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization." No language could be less offensive.

When Secretary of State W. J. Bryan came to California to plead with the California Legislature we received him as an emissary from Washington, although he was interfering in a matter which did not concern him at all and trespassing upon our State's jurisdiction. Yet he did not urge that we desist from passing laws barring aliens from owning our soil, but he simply asked us to so modify the language as not to use the word "Japanese," which was in the original draft of the law. The California Legislature acceded to his reasonable request, and instead of using the word "Japanese" they used this very language: "Persons ineligible to citizenship" may not own the soil of California. Here we have used this very diplomatic language, which Mr. Bryan came all the way from Washington to California to ingraft in the California statute; and yet we are told that it is not satisfactory to certain supersensitive people. I contend that if that language expresses our will, while, to say the least, the language of the committee is dubious, we should adhere to the language of the House.

I am very glad to hear the Senator from Massachusetts say—although it is a matter about which I was already informed—that he is in sympathy with the movement in the Western States to preserve in its purity our American homogeneous population. He does not hesitate, I am sure, when there is a crisis to use language and advocate measures which might well cause irritation; but in this instance the greater duty of protecting our country has appealed most to him. This might be called an act of self-preservation; and he understands, as well as I understand, that unless in some way we restrain these people there is very great danger of the population on the western coast—and that is only the beginning—being superseded by populations from the Asiatic nations. That is the whole question. They

have the ability to come in and take the place of our native population, and they have already done so in a conspicuous case in Vaca Valley, Cal., our most productive valley, where they have excluded by their presence our white population and driven them off the land.

The Senator from Massachusetts introduced a resolution in this body which bears his name—the Lodge resolution—which declared in terms that the United States would regard as an unfriendly act the acquisition of land by Japanese whether in person or in the name of corporations, foreign or otherwise, on the Mexican coast, which is foreign territory; and that resolution was adopted by this body. That might well have excited the hostility of Japan; but unless we respect ourselves, we can not be respected by them. We are self-respecting, and without equivocation we say we do not desire this immigration, just as the Lodge amendment said we will not tolerate the purchase of land by Japanese upon the Mexican coast. Should our Yankee population a hundred years from now, having filled their own territory, seek entrance into Japan for the purpose of finding employment there, the Japanese might well object to the Yankee invasion. With their cleverness and their inventive genius let us assume they would soon destroy the native Japanese population, and the Japanese would be justified by every right, legal and moral, in excluding, and rigorously excluding in terms, the intruding Yankee. I say to the Japanese, many of whom are my friends, "Put yourselves in our place; and if you do so, you will see that our attitude is one not involving either insult or hostility, but simply and only the preservation of our own people."

The VICE PRESIDENT. The question is on concurring in the amendment of the committee made as in Committee of the Whole as amended. The Chair is informed that the yeas and nays have been ordered on the amendment, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Transferring my pair as heretofore stated to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH] from which I am released on all questions arising during the consideration of the pending bill. I therefore vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent from the Chamber, and for that reason I withhold my vote. If privileged to vote, I would vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair with the junior Senator from Idaho [Mr. BRADY] and therefore withhold my vote.

Mr. WATSON (when his name was called). I am paired with the senior Senator from Illinois [Mr. LEWIS]. In his absence I withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLARK. While I have a general pair with the senior Senator from Missouri [Mr. STONE], and, while he is absent, I am assured that our votes would coincide, and I therefore vote "yea."

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. He being absent, and not knowing how he would vote if present, I feel constrained to withhold my vote.

Mr. WADSWORTH (after having voted in the negative). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The VICE PRESIDENT. He has not.

Mr. WADSWORTH. I have a general pair with that Senator. I therefore withdraw my vote.

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator, and I therefore withhold my vote.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and withhold my vote.

Mr. WALSH. I inquire whether the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a general pair with that Senator, which I transfer to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 42, nays 14, as follows:

YEAS—42.

Bankhead	Hardwick	Nelson	Smith, Ga.
Beckham	Hughes	Norris	Smith, S. C.
Brandegee	James	Overman	Smoot
Bryan	Kenyon	Page	Sterling
Clark	Kern	Penrose	Townsend
Cummins	Kirby	Pomerene	Underwood
Dillingham	La Follette	Shafroth	Warren
du Pont	Lane	Sheppard	Weeks
Fernald	Lodge	Sherman	Williams
Gore	McCumber	Shields	
Harding	Martin, Va.	Smith, Ariz.	

NAYS—14.

Borah	Jones	Reed	Walsh
Chamberlain	Martine, N. J.	Smith, Mich.	Works
Curtis	Phelan	Sutherland	
Husting	Poindexter	Thomas	

NOT VOTING—40.

Ashurst	Gallinger	Lippitt	Saulsbury
Brady	Goff	McLean	Simmons
Broussard	Gronna	Myers	Smith, Md.
Catron	Hitchcock	Newlands	Stone
Chilton	Hollis	O'Gorman	Swanson
Clapp	Johnson, Me.	Oliver	Thompson
Colt	Johnson, S. Dak.	Owen	Tillman
Culberson	Lea, Tenn.	Pittman	Vardaman
Fall	Lee, Md.	Ransdell	Wadsworth
Fletcher	Lewis	Robinson	Watson

So the amendment of the committee, as modified, was concurred in.

Mr. LODGE. Mr. President, the Senator from California [Mr. PHELAN] said that the Magdalena Bay resolution which bore my name mentioned the Japanese by name. I knew it did not, but I thought it was just as well to read it into the RECORD:

Resolved, That when any harbor or other place in the American Continent is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government not American as to give that Government practical power of control for national purposes.

No name is mentioned.

Mr. PHELAN. Mr. President, whereas no name has been mentioned, of course the Senator will not deny that he intended to refer to the Japanese.

Mr. LODGE. I have not referred to any Government. Of course, the Japanese Government was the one that had been mentioned in that connection. Other Governments had also been mentioned.

Mr. PHELAN. Mr. President, I ask at this time unanimous consent to print in the RECORD, in order to make the discussion clear, Article I of the Japanese treaty of 1911, which defines those who may freely enter the United States for trade. The Senator from Massachusetts challenged the language in some manner, and perhaps it will simplify things to print it so that it will speak for itself without further debate.

The VICE PRESIDENT. Without objection, it will be so ordered:

The matter referred to is as follows:

ARTICLE I.

The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established. They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.

The citizens or subjects of each of the high contracting parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects on their submitting themselves to the conditions imposed upon the native citizens or subjects.

They shall, however, be exempt in the territories of the other from compulsory military service, either on land or sea, in the regular forces, or in the National Guard, or in the militia; from all contributions imposed in lieu of personal service, and from all forced loans or military exactions or contributions.

Mr. REED. Mr. President, I now desire to offer the amendment which I submitted a short time ago and which the committee stated they would accept, to be added at the end of the committee amendment on page 7, line 23.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, at the end of the amendment just concurred in, it is proposed to insert a semicolon and the following:

And all persons who come to the United States for the purpose of securing temporary employment as laborers, and who intend to return to the countries from which they came.

Mr. SMITH of South Carolina. Mr. President, of course I have no objection to the amendment. As I say, I am in favor of it; but I wish the Senator would find a more appropriate place, because this will possibly cause the language that immediately follows to be misconstrued, in that it says: "The provision next foregoing, however, shall not apply to white persons, nor to," and so forth.

Mr. REED. Let it go in here, and it can be arranged in conference.

Mr. LODGE. The Senator can put it in just before the amendment just adopted.

Mr. REED. Very well; let it be put in just before the amendment.

Mr. SMITH of South Carolina. Yes; just before that amendment, after the word "eligible," in line 4.

The SECRETARY. On page 7, line 4, after the word "eligible," it is proposed to begin with the words "all persons."

Mr. SMITH of South Carolina. That is right.

Mr. GALLINGER. Mr. President, I do not rise to object to the amendment, but I venture to suggest to the Senator that I think it would be a very difficult matter to determine what persons come from foreign countries to get temporary employment.

Mr. REED. It may be of some difficulty. I have another amendment I intend to offer that will help clear it up.

Mr. GALLINGER. It seems to me that it will not only be difficult but impossible to determine, unless some further language is used.

Mr. REED. I think not. It will not be half so difficult as to establish the health of a person.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Missouri if this amendment would not exclude political refugees—Belgians and Poles who, under extraordinary circumstances that might justify their leaving their own country temporarily, come here for employment, with the probable intention of returning when conditions change? If so, is there not a strain of inconsistency, at least, in the American people undertaking to fortify the Belgians against want and distress at home and refusing them asylum under our flag when banishment forces them away and they are not permitted to labor in their own fields?

Scores of Canadians come across the American border and work here during the day, returning at night, extending the same privilege to our people, and while this amendment proposed by the Senator from Missouri has much merit, its exact purport should be fully understood by the Senate.

I just gathered the scope of the Senator's amendment from hearing it read. Perhaps I am mistaken about it, but I should like to ask the Senator from Missouri if that type of people would be affected by this amendment?

Mr. REED. Mr. President, of course I had no such proposition as that in mind when I wrote the amendment. As I explained to the committee when I offered the amendment before, and afterwards withdrew it at the request of the committee in order to offer it at this time, the purpose was simply to reach those people who come across the ocean to take employment for a few months and to go back home with the money in their pockets. They come in large numbers. They watch the wage rate in our country, and when it goes up they come in, take the places of our laborers, work a few months, and go home. They do not intend to remain here. They contribute nothing to our citizenship and nothing to our national wealth except that which they create, and they carry back their wages with them. I called attention to the figures which, roughly stated, show that about 300,000 each year return to Europe. As I said before, it would not be fair to say that all of them were of the class named, because some of them undoubtedly returned for other causes.

The amendment is intended simply to reach that class of people, not the political refugees who will come here, for the most part, to remain. There are no Belgians coming to our country now to my knowledge. There may be a few, but I think the number is very limited. Nearly every able-bodied Belgian is on the battle front. I have no desire to exclude people who might come here under peculiar conditions of hardship incident to this war; but I do desire to break up the practice that has grown up of European laborers coming in and taking the place of American labor, pocketing their money, and going back home. That is the object of my amendment.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. I have a great deal of sympathy with the object that the Senator has in view. I want to suggest to him, however, that if the object is to break up this inundation and its retreat, the language which the Senator has used in drafting his amendment seems to me to be almost useless to accomplish the purpose, because the Senator makes two qualifications, both of which are absolutely in the mind of the person who wants to come into this country. He is only excluded, first, if it is his purpose to obtain only temporary employment; second, if it is his present intention to return to his own country; and I hardly see how an immigration official could come to any decision about the man's intention except by absolutely taking the man's word for it.

Mr. GALLINGER. Or by being a mind reader.

Mr. BRANDEGEE. When one of these laborers, or a person who may or may not be a laborer, appears and asks to land and has a passport, I do not see how the official could do anything except to say to him, "Do you intend to go back to the home that you came from?" and if the man said, "No," he would have to say, "All right," and admit him. I do not see how it would operate to check this kind of immigration, except in the case of those who are willing to say that it was their intention to go back, and that they did not intend to stay here permanently, even if they found employment that suited them.

Mr. REED. Mr. President, that goes to the question of ability to give full force and effect to the proposition rather than to the principle. If the principle is correct, we should adopt it. Then, even if it is many times avoided, we should nevertheless adopt it and enforce it as best we may be able.

I do not think, however, that a reasonable enforcement of it is impossible. Our immigration authorities have the means of collecting a great deal of information, and they do collect a great deal of information regarding these immigrants. Suppose that an immigration official were to find out—as it might easily be discovered in some instances, at least—that a man had given it out that he was coming over here merely to earn some money for his family?

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. REED. Certainly.

Mr. NELSON. I desire briefly to call attention to the evil effects of this amendment upon the farmers of the Northwest. We find great difficulty in those Northwestern States—Minnesota, North Dakota, and Montana—in securing laborers to aid in harvesting and thrashing the crops. We have been for years in the habit of getting men coming over the line from Canada to help our people temporarily while they are harvesting their grain and while they are stacking it and while they are thrashing it. If such an amendment as this is adopted it will utterly prevent our people from obtaining that kind of labor. It is very difficult, and has been in recent years, for farmers in that northern country to get the help that they need. The help from the large cities does not care to go into farm work, and it is difficult to get them from other parts of the country. The Canadians have many farm hands among them, and they have been of great help to our farmers in that country.

I can not see what harm it is under those circumstances to allow those Canadian laborers to come over the border and help our farmers in the Northwest for a month or two in harvesting and thrashing. Therefore, I think it would be very objectionable to adopt the amendment in this form. If it were limited to immigrants from Europe, I should have no objection; but if it applies to people coming over temporarily from Canada to work in this country, I should utterly object to it.

Mr. DILLINGHAM. Mr. President, will the Senator yield to me for a moment?

Mr. REED. Certainly.

Mr. DILLINGHAM. I want to say that I am heartily in favor of the object of this amendment, but as it is drawn I do not think it could be properly enforced. I was going to suggest to the Senator that by taking a little time and consulting possibly with the officers of the Bureau of Immigration an amendment might be drafted which would apply to what we term the new immigrant class, which constitutes the class to which the Senator has referred, and at the same time except from the operation of it those coming from contiguous territory like that of Canada.

The importance of this is shown by the figures which are obtainable at the department. I find, by referring to the tables of immigration during the 11-year period between 1899 and 1909 of the classes known as the new immigration—people from Russia, Austria-Hungary, the Balkan States, and Italy, especialy southern Italy—that of the nearly 6,000,000 who came dur-

ing that time, 73 per cent were males, and that something over 30 per cent of the males who came from those sections left their wives behind them, indicating that they came here for a temporary purpose, and that they intended to return whenever they had earned and laid up a sufficient amount to make them rich in the countries from which they came.

I find during the five years between 1910 and 1914, inclusive, that of the south Italians there were 36 per cent who reported leaving their wives behind them; of the Russians, 45.7 per cent; of the Croatians and Slovenians, 46½ per cent; of the Ruthenians, 44½ per cent; of the Hungarians, 43⅝ per cent; of the Slovaks, 34 per cent; of the Bulgarians, Montenegrins, and Servians, 76 per cent of the married men left their wives in the country from which they came; of the Roumanians there were 73 per cent who came without their wives; of the Armenians, over 50 per cent; of the Turkish, over 80 per cent. And so it runs.

All of the races constituting what we call the new immigration come here substantially for temporary purposes, leaving their families behind them. When they have worked here 5 or 10 years and have accumulated a little competence, they go back to the old countries. It is this class of people who in the year 1909 overcrowded all the seats of the great basic industries of the country, and not only crowded out American labor but competed against themselves to such a degree that in the iron and steel industries they only had work one-half the time.

Mr. McCUMBER. Mr. President, may I ask the Senator right here whether this amendment will not have exactly the opposite effect of what is sought in this bill? You wish to exclude those people from citizenship. One of the purposes of this bill, in the illiteracy clause, is not that you will exclude the worst ones but that you will exclude a greater number.

Mr. DILLINGHAM. Of that particular class that come here in that way, and not otherwise.

Mr. McCUMBER. All right. Now, suppose you exclude those in that way; what will result? The result will be that they will come over and stay, and bring their families with them, and make our citizenship, as long as they can secure better wages. In other words, their home will become the American home and their citizenship will be the American citizenship—the very thing that you are attempting in this bill to avoid.

Mr. DILLINGHAM. The great argument of the Committee on Immigration has been so to regulate the law that those coming here should be those that want to stay here and establish homes and become American citizens, because when they do that they are an unobjectionable class, as a rule. The rank and file of this new immigration is made up of men who are strong physically, in the prime of life. They come from nations where labor has been oppressed and where they have been oppressed. They would be glad of better conditions, undoubtedly. If they would bring their wives and bring their children and settle down among us and become American citizens, we could take care of them. The trouble is that the particular class we want to deal with have not come here with that intention. They have come here for a temporary purpose, and they have left their families behind them.

Mr. McCUMBER. Mr. President——

Mr. DILLINGHAM. Just a moment. We found in 1909 that they had come in such numbers, as I said before, that they were competing against themselves as well as against American labor. They were living in all of the great cities of the United States, where the manufacturing establishments were located, and under such conditions that their situation became deplorable. They had not brought their wives. They had not brought their children. They failed, through having children in our public schools, to come in contact with American citizenship. They failed entirely to get in touch with American thought. They were so many labor units. Why, right in the iron and steel industry at that time we came in contact with 86,000 of this class, and their average earnings were only $320 a year, not because the corporations did not pay proper wages—for had they had employment the whole time they would have gotten $720 a year, upon an average—but they were employed only half the time, because they overcrowded the labor market. They came here for that temporary purpose, and when they had accomplished what they hoped for, many of them intended to go back.

I am heartily in favor of an amendment for the purpose for which this amendment is offered, but I do not think the amendment itself is what we need. I had hoped that the Senator would take a little time and perhaps be able to whip the thing into shape where it would be effective and accomplish that which he desires.

Mr. REED. Mr. President, if the Senator will pardon me—I do not mean to take the Senator off the floor, but addressing myself to him—it is entirely possible that some expert of the department might find a phraseology more happy than this; but if this phraseology goes into the bill it will be very easy for the conferees to have that consultation when they come to the exact phraseology of the bill, and obviate any difficulties.

While I have the floor I want to ask the Senator from Minnesota [Mr. NELSON] if it would be satisfactory to him if there was incorporated in the amendment language to make it read:

All persons who come to the United States but not, however, including the Dominion of Canada, for the purpose of securing temporary employment.

The words to be inserted being "not, however, including the Dominion of Canada."

Mr. NELSON. I suppose that amendment would be satisfactory to me. I agree with the Senator from Vermont [Mr. DILLINGHAM] in one matter, and that is, I think aside from that your amendment ought to be made more exact and effective. I sympathize with the theory of the amendment if it is limited to immigrants from the Old World and Canadians are excepted.

I want to say, however, if the Senator will allow me, that the statement made by the Senator from Vermont in reference to the results of the investigation is somewhat deceptive and misleading. I know from my own acquaintance and from my own experience that there are many poor people in the old countries of Europe, good industrious people, who have large families, and yet they are so poor that they are unable to emigrate at the same time. As a result with those people in that condition the man comes here first. He stays here a year or two and earns enough money to send for his wife and children. Those people I know from experience are the most industrious and most thrifty immigrants that we get in this country. So the mere fact that a man comes over here without bringing his wife and children with him at the time of his emigration is no safe criterion to go by.

Mr. DILLINGHAM. Mr. President, I entirely agree with what my friend from Minnesota has said. I did not mean to be understood as saying that they were of the class we were discussing, because I know in the old immigration, of which I wish we might have more, coming from northern and western Europe, that immigration who came in such large numbers prior to 1882, that immigration who helped us to build up our West and construct our great railway systems in this country and have become a fine element in American civilization, very many of them came in just the way the Senator from Minnesota has suggested. They came intending, however, to make the United States their permanent home and they intended as soon as they had earned the money which would accomplish that purpose to bring their families here, and they did it. There was no objection to that class. On the other hand, we welcomed them, and welcomed them gladly.

This amendment when it is put into shape should, of course, recognize all these conditions and have in it the elements of some test through which the immigration officers would be able to carry out its purpose.

Mr. NELSON. With the leave of the Senator from Missouri, I will add one word more. For the very reason I have stated, that many of those came over in the first instance without having the means to bring their wives and children with them, coming here to earn money enough to send for them and bring them here and make it their permanent home, we ought to be very careful in framing the amendment the Senator from Missouri suggests. I entirely concur in the spirit of his amendment. I am simply anxious to have it in such form that it will not do more harm than good.

I have for years been in favor of a law such as is proposed here. The literacy test contained in this bill or in any of the previous bills, and I voted for two of them already that have passed this body, does not affect any of the immigrants from northern Europe. They can all read and write. They bear that test. There are scarcely any anarchists or class of people who would be hostile to the institutions of this country among them. Most of them are people who come here because they are poor and because the advantages are greater here than in the land in which they were born. Many of them come from countries in which the principles of free government prevail to as great an extent as they do in this country. So it is no difficulty for them when they come here to assimilate themselves with our institutions.

Where they come from countries where the language is other than the English language, most of them, I have noticed, readily acquired the language of this country; and under the operation of our naturalization law recently, which requires that they must be able to speak the English language before they can

become naturalized, it is wonderful to see how readily they adapt themselves to that situation.

So I trust that the Senator from Missouri will not only except the Canadians from the provisions of his amendment, but will also frame it in such a way that, while it will carry out the spirit and purpose he has in view, it will not make a hardship in other directions.

Mr. WILLIAMS. Mr. President, I want to say this: The man who comes here to spend three months or four months in the United States to obtain a certain number of dollars he can obtain by his work when he needs a dollar, and when somebody in the United States needs his work and is willing to give it to him, and goes back to the country from whence he came, it strikes me does something pretty equal for him and us. I would a great deal rather he would go back, unless after he has stayed he was going to become a bona fide American citizen with American ideals and with American principles of devotion to liberty and equality and fraternity and all that.

I regard with very much less distrust the immigrant who comes to the United States to work for a few months and then goes back to wherever he came from than I do the immigrant who comes here and stays afterwards and uses his American vote as a fulcrum to serve the purpose of some European love or hatred. I do not much care whether it be his love or hatred. I can more easily excuse a man who comes here and uses his American vote as a naturalized citizen as a fulcrum to extend the desire or purpose or will of some European power out of love than I can excuse the man who does the same thing because he hates some European power more than he loves the United States.

I do not see how the man who comes to America to work for 30 days or 90 days, and gives us the benefit of his labor while he takes with him the benefit of our dollars has hurt us particularly. I do see how the man who beyond that stays in order to be nominally an American citizen and not really one while he represents some foreign people in affection or in hatred, it makes no difference much which, is absolutely undesirable.

I have not got much against the fellow who comes here a few months to work and then leaves. I have a great deal against the fellow who comes over here and tries to make himself a factor in American life to work out some foreign purpose. It does not make any difference to me what the foreign purpose, whether it is a purpose of hatred or whether it is a purpose of love; a good deal of it is a purpose of hatred. Now and then there comes a Russian Jew who wants me to be particeps—not exactly criminis, but particeps, at any rate—to his Old World hatred. Now and then there comes an Irishman who wants me to do the same thing. Now and then there comes a Slav or a Croatian from Austria who wants me to do the same thing. Now and then there comes a Pole who is in antagonism to the policy of the Austrian, Prussian, or Russian Government, and wants me to do the same thing.

I do not see, as far as I am concerned, why we are particularly interested in hitting the fellow who comes here to earn a few dollars for a few months and goes back home. I do see a great many reasons why I am prepared to hit the fellow who comes over here and makes out of his American citizenship something to hit somebody in Europe or something out of which to reward somebody in Europe.

There are just two classes of people who come here. One comes to work and go back, without any connection with us at all. Provided he is satisfied with the bargain and provided we are, I do not see much difference.

The other fellow comes with an ulterior purpose of hurting me and you, either out of his love for somebody in Europe or out of his hatred for somebody in Europe, and I do not want him at all. I would a great deal rather he would go back and stay where he came from.

So, as it strikes me, I am not prepared to vote against the fellow who comes over to work a while and go back home, and especially I am not prepared to vote against the Canadian and Nova Scotian who crosses the American line now and then and by his labor helps out harvest time or otherwise builds us up. If I voted against him I would be voting also against the American who now and then crosses the Canadian line to do some work that is needed in Canada, where he can gain a few dollars that are needed by him.

I listened with much attention to what the Senator from Minnesota [Mr. NELSON] said. I always listen with much attention to whatever he says, because he is a real, genuine, true-blue American, one of the men who was born abroad and loves America better than he does anything that is abroad; a man who fought for the American flag against my own people, but who fought for it honestly and bravely and truly. Whenever I hear him speak upon any subject I listen to him with a great deal of love and reverence, because I do love and reverence him. I believe that at the bottom of his heart he agrees with me that the fellow who comes over here and works for a while and then goes back does a great deal less harm to America than the fellow who comes here and brings his wife and his family and starts a dissension in America against Americanism. There are a great many of the latter sort, none of them, by the way, Norwegians, none of them Danes, very few of them Swedes, and very few of them, therefore, Scandinavians at all.

I do not see why we are going to fight against a fellow who comes over here to earn a few dollars and then goes back home after he earns his dollar and after we have got his work; his work is worth to us more than his dollar, for if his work was not worth more than his dollar we would not pay the dollar for his work, or else we are asses, economically and internationally speaking.

I am opposed to the amendment.

Mr. SMITH of South Carolina. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 13, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 12, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, profoundly impressed with our limitations, our weaknesses, and our infirmities, out of the deeps we cry unto Thee, that Thou wilt continue to uphold, sustain, and guide us in all our personal undertakings in consonance with Thy plans and purposes, that our work may be well pleasing in Thy sight and redound to the good of mankind. Let Thy counsels prevail in our legislative acts and in all the departments of state, that we may continue our way in good government, for Thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

The message also announced that Mr. MYERS was excused on his own request from further service as a conferee on the bill H. R. 407, entitled "An act to provide for stock-raising homesteads, and for other purposes," and Mr. SMITH of Arizona was appointed in his place.

The message also announced that the Vice President had appointed, in compliance with Senate resolution 27, Mr. OVERMAN, Mr. SMITH of Georgia, and Mr. WARREN as members of the joint committee to make the necessary arrangements for the inauguration of the President elect of the United States on the 5th day of March next.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 91. Joint resolution authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

THE PHILIPPINE ISLANDS.

Mr. GARRETT. Mr. Speaker, I desire to renew a request which I made a few days ago and temporarily withdrew, to have printed as a House document a series of addresses delivered by and to Hon. J. M. Dickinson, former Secretary of War of the United States, while on an inspection trip to the Philippine Islands in 1910. The gentleman from Minnesota [Mr. MILLER] requested also that the report which he made upon his return be printed. I have not been able to see the gentleman from Minnesota, and I have not a copy of that report, and have, therefore, no cost estimate on that part of it, if that should be included. It has been printed, I believe, and I would prefer to put my request separately, and if others desire to reprint the other document that can be done as a separate document.

Mr. MANN. Mr. Speaker, I hope the gentleman will withdraw his request until the gentleman from Minnesota comes in.

Mr. GARRETT. Mr. Speaker, I am perfectly willing to do that. I therefore withdraw the request for the present.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. GARNER in the chair.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Mr. CARTER of Oklahoma. Mr. Chairman, it was represented to the Committee on Indian Affairs that the sum of $30,000 contained in this paragraph would be necessary for the support of this agency, and that the Indians were perfectly willing that this increase from $25,000 carried last year to $30,000 as herein reported should be made. The gentleman from Oklahoma [Mr. FERRIS] told me yesterday that the Indians were raising a great deal of trouble about this increase of $5,000. He expected to be present this morning, but I understand that he is detained in conference upon one of the public-land bills and can not be here. If it is agreeable to the other members of the committee, I ask that this be reduced to the amount which was carried last year, namely, $25,000, and I will offer such an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 33, line 18, by striking out "$30,000" and inserting "$25,000."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to say that the estimates of the department were for $25,000. If it is the desire of the Indians that this amount of $30,000 be decreased, I shall raise no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

For the erection of new dormitories at the Murray State School of Agriculture, at Tishomingo, Okla., to be under the supervision of the Secretary of the Interior, $50,000 is hereby appropriated out of any Chickasaw tribal funds not otherwise appropriated: *Provided*, That a suitable and sufficient site shall be donated to said tribe by the citizens of Tishomingo.

Mr. STAFFORD. Mr. Chairman, on that I reserve a point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I will yield to the gentleman from Oklahoma [Mr. MURRAY] on this subject.

Mr. STAFFORD. Mr Chairman, I wish to inquire of the chairman of the committee before he yields what the policy of the Government has been heretofore toward erecting dormitories in connection with private or public schools?

Mr. STEPHENS of Texas. We have in the last few years, as I stated yesterday, adopted the policy of conforming to the views of the States where we have coeducation between the Indian and the white schools, and this seems to be a coeducational item put in this bill for the benefit of the students of agriculture. This school seems to be a State school, and the Indians are attending it, largely attending it, and are greatly benefited by it.

Mr. STAFFORD. At what other State institution has the Government provided dormitories such as suggested in this provision?

Mr. STEPHENS of Texas. I do not know of any specifically, but I do know that the common schools of the country in various States, especially in Oklahoma, are being run with white and Indian children together, and I do not think any of the Indian schools are now admitting any race except the Indians. There was a very noted example at Hampton for many years, where the negroes and Indians were educated together. That was a coeducational institution until I became chairman of this committee, and I raised an objection to it, and since that time it has been changed.

Mr. STAFFORD. That was a Government-supported institution?

Mr. STEPHENS of Texas. No; it was an institution under the direction, as I understand it, of the State of Virginia. It was first started for the purpose of educating the negroes of that State in higher education. There were some Indians brought here by Gen. Armstrong that were of school age, and the Government appropriated $167 a head, I believe the amount was, for each student that the State of Virginia would educate in this Hampton school, and it had so run for many years. When we established Carlisle, that school was no longer wanted. A great many of the Indians objected to being sent with colored people to this educational institution. The change was made then, and those Indian children in attendance at Hampton were put in the school at Carlisle. That was the only coeducational school we had, so far as I know.

Mr. STAFFORD. Were there any hearings had upon the proposed dormitory at this institution or was there any recommendation from the department concerning its establishment?

Mr. STEPHENS of Texas. Upon that I will yield to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. I will state, Mr. Chairman, that at the last session of the Sixty-third Congress this matter was up, and we had a purely Indian exhibit out here in the hallway at that time and got a report from the Interior Department, but the point of order was made against it, because it was subject to the point of order. This is the only State institution in Oklahoma that is largely attended by Indian pupils. They attend under the authority of the Secretary of the Interior, under rules in reference to their board. More than 85 per cent of that school have always been Indians; in fact, it is the capitol of the old Chickasaw country, and they and some few Choctaw Indians attend. In fact, a great many more would attend if they had the facilities, because the board would more than compensate and that is wherein they are satisfied to have this appropriation out of their funds. They get $12, and when they go to a private residence they pay $2.50 a week more, whereas with these dormitories they could get through with the same amount of money without taking the extra amount out of their pockets. The very poor ones of the tribe are the ones struck by the lack of facilities. I will undertake to say I will stand any objection coming from the Chickasaw Indians.

Mr. STAFFORD. This institution, as I understand the gentleman, is largely patronized by the Indians?

Mr. MURRAY. More than 85 per cent are Indians.

Mr. STAFFORD. Or of Indian extraction?

Mr. MURRAY. Yes, sir.

Mr. STAFFORD. It is a State institution and is in the Indian Territory?

Mr. MURRAY. It is an agricultural and industrial college. It is the capitol of the Chickasaw Nation.

Mr. STAFFORD. What is the gentleman's purpose—to have this dormitory constructed at a maximum cost of $50,000?

Mr. MURRAY. No; it says dormitories, one for boys and one for girls.

Mr. STAFFORD. What is to be the maximum cost proposed by the gentleman?

Mr. MURRAY. Fifty thousand dollars.

Mr. STAFFORD. Would the gentleman have any objection——

Mr. MURRAY. I have an amendment which would——

Mr. STAFFORD (continuing). To place a limitation as to cost upon this expenditure?

Mr. MURRAY. I would be glad to do so.

Mr. STAFFORD. What is the purport of the gentleman's amendment?

Mr. MURRAY. I will send it to the Clerk's desk. This is the way it was reported in the bill of two years ago.

The Clerk read as follows:

Page 36, strike out said line 7 down to and including line 13, and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $50,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chickasaw Tribe of Indians, and to use the same for constructing and equipping dormitories at the Murray State School of Agriculture at Tishomingo, Okla., to cost not exceeding said sum, for the accommodation of Chickasaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: *Provided*, That this appropriation shall become available after the said city of Tishomingo shall have donated and conveyed to said tribe suitable and necessary sites upon which same are to be constructed."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to reserve the point of order for the purpose of having an explanation of the change of this language.

Mr. STAFFORD. This is merely being read for information. It was not offered, because it could not be with the point

of order pending. In the amendment which has been read there is no limit of cost proposed.

Mr. MURRAY. It says "not exceeding."

Mr. STAFFORD. There is no limit of cost of the proposed structure under the provision in the bill, and under the amendment proposed it would be an authorization for a building of maybe $500,000. I am not willing to have that authorization given without a limit of cost.

Mr. MURRAY. I am willing to limit it.

Mr. STAFFORD. I would like to inquire of the chairman of the committee whether he does not believe it advisable to have a limit of cost on the building to be constructed?

Mr. STEPHENS of Texas. If the amendment is of the same purport as the bill we introduced here——

Mr. MURRAY. It is the same language.

Mr. STEPHENS of Texas. And agreed to, I shall not make the point of order against it; but there certainly should be a limitation such as I understand the gentleman from Oklahoma is willing to have.

Mr. MURRAY. I am willing to have it.

Mr. STAFFORD. But the gentleman did not catch my query. I am now seeking to obtain the gentleman's position as to whether he does not believe it advisable to have a limit of cost inserted in this provision. There is none such in the provision reported nor in the proposed amendment.

Mr. STEPHENS of Texas. I understood the gentleman from Oklahoma agreed to change that so as to conform to the bill; and if so, I am willing to do so.

Mr. NORTON. If the gentleman from Wisconsin will yield, there is provided an appropriation of $50,000 for the erection of dormitories. The fact that there is only $50,000 appropriated will without any question govern in the usual way these buildings constructed for Indian use.

Mr. STAFFORD. It may be usual for the Committee on Indian Affairs to authorize the construction of buildings in that way, but it is the customary practice in the authorization of buildings of any kind to always place in the authorization, "at a cost not to exceed," so they could not come to subsequent Congresses and ask for increased appropriations predicated upon there being no limit of appropriation.

Mr. STEPHENS of Texas. Would that language, "not to exceed $50,000," be satisfactory?

Mr. STAFFORD. At a cost not to exceed, which amount is hereby appropriated.

Mr. MURRAY. I will be willing to accept that, to use the sum for constructing dormitories at the Murray State School of Agriculture at Tishomingo, Okla., to cost not to exceed a certain amount.

Mr. STAFFORD. At a cost not to exceed, which amount is hereby appropriated.

Mr. MURRAY. Yes, sir.

Mr. BORLAND. Will the gentleman from Oklahoma yield?

Mr. MURRAY. Yes.

Mr. BORLAND. This provides for withdrawing $50,000 of the Chickasaw Indian funds now in the Treasury? I assume that the Indians have the money on hand.

Mr. MURRAY. Yes; about $1,000,000.

Mr. BORLAND. This is not an advance from the Treasury?

Mr. MURRAY. No, sir.

Mr. BORLAND. That is not the case in this?

Mr. MURRAY. Oh, no.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. STAFFORD] withdraw the point of order?

Mr. STAFFORD. With the understanding that the gentleman is to propose an amendment as suggested.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, strike out said line 7 down to and including line 13 and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $50,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chickasaw Tribe of Indians and to use the same for constructing and equipping dormitories at the Murray State School of Agriculture at Tishomingo, Okla., to cost not to exceed said sum, for the accommodation of Chickasaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: *Provided*, That this appropriation shall become available after the said city of Tishomingo shall have donated and conveyed to said tribe suitable and necessary sites upon which same are to be constructed."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments. That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any moneys belonging to said tribe in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act. There is hereby appropriated a sum not to exceed $2,000 out of the funds of said Seminole Tribe for the payment of salaries and other expenses of said per capita payment or payments.

Mr. HARRISON of Mississippi. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, before we proceed I would like to have an agreement as to the time to be occupied. I would like it agreed that we have 30 minutes.

Mr. HARRISON of Mississippi. I do not believe it is going to take long. I merely want to make a few observations here. I move to strike out the last word, Mr. Chairman. I think five minutes will be sufficient for me.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. HARRISON of Mississippi. Mr. Chairman, this is a provision around which there has been much discussion in prior Congresses. It is one in which my State, as well as the State of Oklahoma, is vitally interested, but I know, Mr. Chairman, when I am whipped, and I know the sense of this Congress has been ascertained, and that a majority of the Members in a former session of this Congress have voted against striking out this provision, although they reversed by that action what they had done in a prior Congress. I do not think this provision ought to be in the bill, because on the 1st of July, when the last bill went into effect, there was a $300 per capita payment made to the Oklahoma Indians. At that time the argument that was made by the Members of the delegation from Oklahoma was to the effect that there was then plenty of money in the tribal funds, and there would be much money remaining in the event a per capita payment was then made. Notwithstanding the argument then made, the hearing now shows that if this $200 per capita payment is made, it will take all the money out of the tribal funds, and there will be nothing left. Of course, I am not unmindful of the fact that there is constantly coming into the funds some money, but in answer to a question propounded by the gentleman from North Dakota [Mr. NORTON], Mr. Meritt, the Assistant Commissioner of Indian Affairs, stated that this would practically drain the fund; in other words, living up to that appeal made in the letter written by my friend from Oklahoma [Mr. CARTER] about three years ago, when he requested his constituents to write to the members of the Indian Affairs Committee to vote for a per capita payment, for "this is the way we can finally wipe out the funds of the tribe, and there will be nothing left for the delegation from Mississippi to fight about."

The delegation is living up to that. Notwithstanding the sentiment in this House to extend aid to the Indians in my State, notwithstanding the fact that this Indian Affairs Committee placed in its appropriation bill last time a provision appropriating $1,000 to investigate the condition of the Indians in Mississippi, and on that investigation a report was made, that report was not printed yesterday, but it is to-day. I have just procured a copy of it. And in that report filed by the Indian Office they set out the present condition of these Indians. They recommend a school be established in Mississippi. They say that there are between 600 and 1,000 Indians in a destitute condition. The report goes fully into that fact. It bears out the statements we have made on the floor of the House time and time again. Mr. Meritt, speaking before the committee, suggested $130,000 be appropriated out of the Treasury of the United States to place this school in that community where these Indian children could attend. And notwithstanding these facts my colleague from Mississippi, Mr. VENABLE, in whose district most of these Indians live, offered an amendment on yesterday to this bill carrying out

the suggestion of the Indian Office, and the point of order was made by the chairman of this committee. Now, that is bringing about what I thought would come and which I told the House some three years ago in a discussion of this question I thought would come, namely, that if you make these per capita payments eventually all the money in the tribal funds will be exhausted and they would then come to the Government for relief.

I do not now believe, and have never believed, that the money should come out of the Treasury of the United States. I have thought that it ought to come out of the funds of the tribe. They were entitled to it. But you are expending all the funds of the tribe, and there will be nothing left for them to do except come to the Government. I do not know how the Committee on Indian Affairs feels about that amendment offered by my colleague, Mr. VENABLE, yesterday, but, throughout this bill, under the heading of practically every State, you will find provisions made appropriating money for the support and civilization and education of the Indians in the various States of the Union. Every one of those provisions is subject to a point of order. It has been held by the chairman in a previous Congress that they are subject to a point of order. We do not care to make the point of order. We did not take the position that merely because you do not give something to the Indians of Mississippi we are going to prevent the Indians of North Dakota, or the Indians of Kansas, or the Indians of some other State, from obtaining relief and aid.

Now, of course, if from the goodness of the heart of my friend, the chairman of the committee, Mr. STEPHENS of Texas—who retires at this session of Congress, and I want to say to the regret of every Member of this Congress, and who goes from us with the best wishes, I am sure, of all his colleagues both on that side of the aisle as well as this side—if he wants, out of the goodness of his heart, to offer an amendment to the same effect as the amendment that my friend offered yesterday, I am sure all the members on the Committee on Indian Affairs will refrain from objecting to it, and it may give something to these Indians of Mississippi. I think it ought to come out of the funds of the tribe, but if it can not be taken from the funds of the tribe, then my friend here wants it to come out of another quarter. I am not going to contest this provision, however. I wanted just to make these remarks so that the committee would know how I feel about it. I withdraw my pro forma amendment. I await the generous action of my friend, the gentleman from Texas.

Mr. STEPHENS of Texas. Mr. Chairman, I thank the gentleman for his kind remarks in reference to myself. I will yield to my colleague on the committee, Mr. CARTER, to reply to the gentleman.

Mr. CARTER of Oklahoma. I do not care, Mr. Chairman, to speak of the matter to-day. I only ask that we take a vote.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $35,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 Stat. L., 67), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed $5,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June 30, 1918, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes, without specific appropriation by Congress, except as follows: Equalization of allotments per capita and other payments authorized by law to individual members of the respective tribes, tribal, and other Indian schools for the current fiscal year under existing law, salaries, and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year; *Provided further*, That the Secretary of the Interior is hereby authorized to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And provided further*, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1918, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

Mr. DAVENPORT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

On page 40, in line 12, strike out the word "said" and insert the following: "Choctaw and Chickasaw" and a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CARTER of Oklahoma. I did not hear the amendment, Mr. Chairman.

Mr. STEPHENS of Texas. I reserve a point of order on the amendment.

Mr. CARTER of Oklahoma. Will the gentleman permit the amendment to be reported again, please?

Mr. DAVENPORT. Yes.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. DAVENPORT. Mr. Chairman, the reason why I offered that amendment is this——

Mr. MANN. Mr. Chairman, the Clerk reported it "Choctaw and Chickasaw, with a comma."

Mr. DAVENPORT. There is no comma there. It is "Choctaw and Chickasaw Tribes."

Now, I want to explain that amendment, so that the House will understand it. For many years there has been carried in the appropriation bill and each of the Five Civilized Tribes has had a national attorney, and as the business of the tribes was wound up those national attorneys were dispensed with. That is to say, when the lands were allotted and all the business was disposed of, those national attorneys were dispensed with. The Cherokees have not had a national attorney for several years.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. QUIN. What is this on page 38—$85,000 for attorneys?

Mr. DAVENPORT. You will have to pardon me. I would have to turn back to page 38.

Mr. THOMPSON. Mr. Chairman, if the gentleman will allow me, that is the probate attorney.

Mr. DAVENPORT. Yes. As I was saying, Mr. Chairman, as the business of the tribes was wound up the national attorneys were dispensed with. Their lands were allotted, and the United States district attorneys looked after the suits that were brought in the courts down there. The Cherokees have none. The Seminoles have none. Their business has reached that stage where the attorneys of the United States district attorney's office look after that business. The Creeks at present have a national attorney, but there is no necessity for continuing him further, because the only business that the Creeks have is business in reference to the equalization of their allotments, and they do not have sufficient money in the Treasury to comply with the treaty along that line, and the only other business they have is business in the courts.

In the year 1915 the national attorney for the Creek Nation expended $12,255.22. I desire to insert that statement in the RECORD as a part of my remarks. For the first six months of the fiscal year 1916 he expended $5,903 of the Creek funds in connection with business that required, a large portion of it at least, the assistance of the United States district attorney, and, in fact, I am advised by the United States district attorney that his office brings the suits necessary to be brought.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. THOMPSON. As a matter of fact, does not the United States district attorney transact all the business over there?

Mr. DAVENPORT. I am coming to that. Outside of what little business he might do in consulting with the district attorney when suits are brought, the district attorney has to look after the suits. I insert the figures to which I referred a moment ago:

Statement of expenditures from Creek tribal funds for the fiscal year 1915.

Attorney R. C. Allen:	
Salary	$5,000.00
Office rent	745.00
Expenses of attorney (paid from "Interest on Creek general fund")	3,786.14
Salaries of clerks and other employees	2,266.64
Traveling expenses, clerks and other employees	457.44
Total	12,255.22

Statement of expenditures from Creek tribal fund, fiscal year 1916.

[July 1, 1915, to Apr. 7, 1916.]

Attorney R. C. Allen:	
Salary	$2,500.00
Office rent	120.00
Expenses of attorney (paid from "Interest on Creek general fund")	1,558.43
United States court costs, Minnie Atkins et al	500.00
Salaries of clerks and other employees	1,171.30
Traveling expenses of clerks and other employees	53.27
Total	5,903.00

There is another question that we have been trying to dispose of along that line, and that is the present national attorney who

is under contract with the Creek Tribe has been reported against by the Government officers, but the Indian Office will not give us the report. But the Indian Rights Association, through their representative, Mr. Brosius, made a report on Mr. R. C. Allen, who is the present attorney under contract, recommending that the present contract be not continued or entered into for another year with him, and I want to incorporate in my remarks the letter of Mr. Brosius, the agent of the Indian Rights Association, on that subject. Here it is:

DENVER, COLO., *July 9, 1915.*

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: Several weeks since we were advised, by letter, of numerous charges which had been filed by certain Creek Indians of Oklahoma, protesting against the reappointment of Mr. R. C. Allen to the position of attorney for the Creek Tribe of Indians.

Within the past fortnight I was in the State of Oklahoma and gathered additional information regarding conditions among the Creek Indians, together with matters which bear upon the fitness of Mr. Allen for the position of attorney for that tribe.

As a result of official investigation of the case, it is no doubt conceded by the Indian Department of the Government that the conduct of Mr. R. C. Allen, prior to his appointment as Creek attorney for the year ending June 30 last, in his transactions in matters directly concerning the interests of the Creek Indians, was such as to render him totally unfit to represent these Indians in any capacity.

As proof of the alleged unfitness of Mr. Allen, brief mention may be made of the charges filed in your department by Messrs. Cowe, Brown, and Hodge, citizens of the Creek Nation, during the month of May last. In part these charges, chiefly in the form of affidavits and certified official records, show that on May 15, 1915, there were 20 cases pending in the United States district court for the eastern district of Oklahoma against the Coweta Realty Co. to cancel deeds and conveyances affecting titles of Creek Indian allotted lands. It is charged that one-third of the Coweta Realty Co.'s stock was at the time of the organization of the company owned by Mr. R. C. Allen, and it is now understood that he is the owner of all of the stock of said company.

It is further officially certified that there were 26 cases pending against said Allen in the United States district court of the said district in Oklahoma on May 15, 1915, all, or nearly all, of such cases affecting title to the allotted lands of these Indians. We submit that the fact that such suits are now pending renders the interests of Mr. Allen antagonistic to those of the Indians and disqualify him for the position of Creek attorney.

Another feature of the case, which has been called to your attention, is that Mr. Allen borrowed large sums of money from various persons and is alleged to be heavily indebted at this time and is further believed to be execution proof. It is shown that shortly prior to his appointment as Creek attorney Mr. Allen was a candidate for district judge in Wagoner County, Okla., and that during the time of the canvass and previous to the election to the judgeship said Allen is charged with borrowing the sum of $10,000 from one John S. Bilby, a large landowner in said district, and who had numerous cases then pending affecting Creek Indian lands located in the district in which Mr. Allen would preside if elected to such judgeship. The court cases referred to then pending were 39 in number, as shown by the inclosed statement of causes pending in the court at Wagoner, Okla., over which Mr. Allen would preside as judge if elected, and over which he did preside as judge in due course. It is further asserted that said Allen mortgaged various tracts of Indian allotted lands, which the Government at that time or afterwards contested his title to, the mortgages running in favor of said John S. Bilby to secure payment of the loan of the $10,000 referred to. I am informed that quite recently Mr. Bilby had brought suit to recover personal judgment against Mr. Allen for the money loaned to him as aforesaid, and that this suit did not comprehend a foreclosure of the mortgage allotments, which is evidence that Mr. Bilby considers that Mr. Allen's title to the mortgaged lands is of little value.

We submit that no comment is necessary in reference to the foregoing transactions to show the unfitness of either of the principals therein to hold any position affecting or relating to the property right of the Creek Indians.

Mention has been made by those in favor of Mr. Allen's appointment as Creek attorney that he has secured a large number of indictments during his term in that capacity against alleged violators of law. It is asserted that in no case has a conviction been secured under these indictments, thus showing that Mr. Allen may be making a spectacular demonstration or that he may not be a keen attorney, such as should be secured for the Indians if an attorney is deemed necessary.

In the celebrated "Tommy Atkins" case, in which Mr. Allen seeks to set aside a fictitious Creek allotment, which is now very valuable by reason of its rich deposits of oil, etc., it is understood that Mr. Allen, if not actually favoring, has acquiesced in the contest being prosecuted by a noncitizen Creek Indian, who seeks to secure this allotment by showing it was improperly allotted to Atkins. If the allotment to Atkins is canceled and a noncitizen is declared entitled to the property the Creek Tribe of Indians will apparently not profit thereby, since the property goes to an outsider. This, we submit, indicates that the energy seemingly displayed by Mr. Allen in the case and the large amount of money belonging to the Creek Indians which has been expended by him in this matter will not benefit the Creek Tribe in the least, these being the Indians whose interests he is employed to protect.

During my recent visit to Oklahoma I called upon Chief Moty Tiger, at Okmulgee, on June 30 last. The chief stated very plainly to me that he was opposed to the reappointment of Mr. Allen as the Creek Tribe attorney. He said that while on account of the persuasions of Mr. Allen he had at first agreed to recommend the latter as attorney for another year, upon reflection and after securing more definite views from the members of the Creek Tribe he was now opposed to Mr. Allen's appointment.

At the time I called upon Chief Tiger he was clear-headed and sober, a fact which to my mind set at rest some of the stories I had heard regarding his condition and habits. I was impressed with his conscientious convictions in the matter of the attorneyship, which was interpreted to me by Samuel Haines, a Creek citizen.

We call attention to the fact that by a section of the Federal Statutes the United States district attorney for the district in which the lands are located shall represent all Indians in matters pertaining to their allotted lands.

The history of Mr. Allen's connection with transactions involving the interests of the Creek Indians probably were not well known at the time he was first appointed as Creek attorney for the term which expired June 30 last. Now that these transactions are of public notice, we submit that it would be a distinct step backward in Indian administration to reappoint him as attorney.

It seems unnecessary to suggest that the same rules should apply for the protection of the interests of the Creek Indians as are promulgated for the government of employees among other Indian tribes. These rules and regulations, which have been in force for perhaps two years or more, subject any employee in the Indian Service to dismissal for dealing in Indian lands.

We believe a consideration of all the conditions of the case render it advisable at this time to place the legal matters affecting the Creeks under the exclusive jurisdiction of United States district attorney for the district where the lands are located, who by law, as heretofore noted, is charged with the protection of the Indians in matters pertaining to their allotted lands.

The statements made herein which are within my own knowledge are true, and those given upon information are believed to be true.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. STEPHENS of Texas. The effect of the gentleman's amendment is this: There are three tribal attorneys now provided for and——

Mr. DAVENPORT. No; there are two provided for. There are three under contract.

Mr. STEPHENS of Texas. You propose to eliminate Mr. Allen?

Mr. DAVENPORT. Yes; Mr. Allen or anyone who might be employed in the future. His contract expires next June, and he may not be reemployed.

Mr. STEPHENS of Texas. Are you not changing the effect of existing law by striking from this office Mr. Allen, who is now provided for?

Mr. DAVENPORT. Oh, no. His contract would expire before this would go into effect. It is not changing existing law, but limiting existing law and prohibiting the expenditure of thousands of dollars annually of the Creek fund, where the United States district attorney's office have to exercise and perform the functions that this national attorney is claiming he is performing.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. STAFFORD. What work do these attorneys perform for the Indians? Do they look after the welfare of the Indians, so far as their contracts for the leasing of oil lands are concerned?

Mr. DAVENPORT. In some instances, where the tribal lands are undisposed of, and where there is property that has not been allotted, and so forth, the tribal attorneys have a great deal of work to do. That is the point I am making. But as they reach the stage which has been reached in the Creek Nation all of the lands have been allotted.

Mr. STAFFORD. How about the Creek Nation as to their oil leases? Does not the attorney safeguard the interests of the Indians so far as those leases are concerned?

Mr. DAVENPORT. No, sir; we have appropriated here $85,000 for the probate attorneys to look after that.

Mr. STAFFORD. A probate attorney does not look after the existing contracts of live Indians.

Mr. DAVENPORT. That is what he does if the Indian is a restricted or dependent Indian.

Mr. STAFFORD. I always understood that probate attorneys looked after the estates of dead people, not live ones.

Mr. QUIN. Will the gentleman yield?

Mr. DAVENPORT. I can not yield. My time is up. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DAVENPORT. I want to answer the gentleman from Wisconsin, and to say that the probate attorneys not only look after guardian estates and administration estates, but they also, by specific instructions, as I understand—at least they are doing so—look after the estates of all restricted and dependent Indians.

Mr. STAFFORD. How many probate attorneys are assigned to the Creek Nation?

Mr. DAVENPORT. I could not tell you.

Mr. STAFFORD. But here this attorney is specially assigned to one character of work, and that is to safeguard the interests of the Indians as a whole.

Mr. DAVENPORT. That is not his contract. His contract is——

Mr. STAFFORD. It may not be his contract, but it is his work.

Mr. DAVENPORT. His contract is to represent the Creek Nation. So it was with the Cherokees and Seminoles; but when their business reached the stage that the business of the Creeks has reached, they were not needed, and their services were dispensed with

Mr. STAFFORD. How valuable are the oil fields of the Creek Nation, whose interests are safeguarded by the attorney that the gentleman is seeking to have eliminated?

Mr. DAVENPORT. They are worth millions of dollars.

Mr. STAFFORD. And the gentleman wants to have that work thrown on some probate attorney who will not look after their interests?

Mr. DAVENPORT. If the gentleman had been listening to me when I started——

Mr. STAFFORD. I have been listening, but the gentleman has been talking to the other side.

Mr. DAVENPORT. I did not intend to do so, and I will address my remarks more especially to this side. The United States district attorney's office has to look after that, and does it, and this man can not file a suit in court without the assistance of the United States district attorney.

Mr. QUIN. Will the gentleman tell us how much salary this Creek Indian attorney gets?

Mr. DAVENPORT. He gets $5,000 a year, and in the last fiscal year of 1915 he spent, in salary and expenses, $12,255.22.

Mr. QUIN. What does he expend it for?

Mr. DAVENPORT. For expenses, and so forth.

Mr. QUIN. Let us cut him out.

Mr. STAFFORD. I suppose these expenditures have to be approved by the Bureau of Indian Affairs before they are allowed.

Mr. DAVENPORT. I suppose he presents sworn vouchers for the expenses.

Mr. STAFFORD. This attorney whom you seek to eliminate, and whose contract expires next June, has to be appointed subject to the approval of the President.

Mr. DAVENPORT. The contract provides that if any contract is entered into it must be approved by the President.

In that connection the further presumption is that such an attorney will not be mixed up in any way with Indian lands or contracts or Indian land suits, while the man with whom they did enter into contracts had 15 or 20 individual suits pending against him in the United States District Court for the Eastern District of Oklahoma, growing out of his unlawful dealing in Creek lands in the Creek Nation at that time. Some of them are pending yet. He was also interested in a corporation that had a number of others. I desire to introduce as a part of my remarks a certified copy of a statement by Mr. Harrison, the clerk of the United States District Court for the Eastern District of Oklahoma, showing the number of suits pending in which he was interested.

The statement is as follows:

UNITED STATES OF AMERICA,
Eastern District of Oklahoma, ss:

I, R. P. Harrison, clerk of the United States District Court for the Eastern District of Oklahoma, do hereby certify that the following is a list of the suits pending to cancel deeds and conveyances in the name of the Coweta Realty Co. only:

Case No. 479 (p. 86): United States *v.* August Land Co. et al., Coweta Realty Co., special defendant; suit to cancel deed from Sam Simon to Coweta Realty Co.

Case No. 479 (p. 88): United States *v.* August Land Co. et al., Coweta Realty Co., special defendant; suit to cancel deed from Wisey Lovett Scott and Sanford Scott to Coweta Realty Co.

Case No. 479 (p. 90): United States *v.* August Land Co. et al., Coweta Realty Co., special defendant; suit to cancel deed from Ida Williams to Coweta Realty Co.

Case No. 496 (p. 182): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Sam Simon to Coweta Realty Co.

Case No. 496 (p. 183): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Peter McKellop and Betsie McKellop to Coweta Realty Co.

Case No. 496 (p. 184): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Ben White to Coweta Realty Co

Case No. 496 (p. 185): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Wisey Scott, née Lovett, and Lucy Lovett to Coweta Realty Co.

Case No. 496 (p. 186): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Lucey Lovett to Coweta Realty Co.

Case No. 496 (p. 188): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Peter McKellop and Betsy McKellop to Coweta Realty Co.

Case No. 496 (p. 189): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Peter McKellop to Coweta Realty Co.

Case No. 496 (p. 190): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Joseph Pike to Coweta Realty Co.

Case No. 496 (p. 191): United States from John Bright et al., Coweta Realty Co. Ben White to Coweta Realty Co.

Case No. 496 (p. 195): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Lucy Lovett to Coweta Realty Co.

Case No. 496 (p. 198): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Ben White to Coweta Realty Co.

Case No. 496 (p. 199): United States *v.* John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Ben White to Coweta Realty Co.

Case No. 500 (p. 50): United States *v.* L. D. Vance et al., Coweta Realty Co., special defendant; suit to cancel deed from John Martin to Coweta Realty Co.

Case No. 902 (p. 258): United States *v.* J. L. Adair et al., Coweta Realty Co., special defendant; suit to cancel deed from Ben White to Coweta Realty Co.

Case No. 911 (p. 40): United States *v.* W. E. Dixon et al., Coweta Realty Co., special defendant; suit to cancel deed from Sophia Thompson and husband to Coweta Realty Co.

Case No. 911 (p. 41): United States *v.* W. E. Dixon et al., Coweta Realty Co., special defendant; suit to cancel deed from Ben White to Coweta Realty Co.

Case No. 945 (p. 21): United States *v.* Bert G. Greer et al., Coweta Realty Co., special defendant; suit to cancel deed from Austin Frank and Lizzie Frank to the Coweta Realty Co.

As the same appears from the records in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office in the city of Muskogee, in said district, this 15th day of May, A. D. 1915.

[SEAL.]

R. P. HARRISON, *Clerk.*
By H. E. BOUDINOT, *Deputy.*

UNITED STATES OF AMERICA,
Eastern District of Oklahoma, ss:

I, R. P. Harrison, Clerk of the United States District Court for the Eastern District of Oklahoma, do hereby certify that the following is a true list of cases pending and undetermined against R. C. Allen:

Case No. 294 (p. 16): United States *v.* H. O. Malot et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 356 (p. 27): United States *v.* Perry McKay et al., R. Clyde Allen, special defendant; suit to cancel mortgage with power of sale from James Bustar and Becca Bustar to R. Clyde Allen.

Case No. 479 (p. 38): United States *v.* August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Annie Childers to R. C. Allen.

Case No. 479 (p. 220): United States *v.* August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Joe Childers to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 479 (p. 221): United States *v.* August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Lucy Lovett to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 479 (p. 222): United States *v.* August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Joe Childers and Googe Childers to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 482 (p. 197): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Googie Childers and Eliza Childers to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 482 (p. 200): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 482 (p. 201): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from James Buslar Chockley and Rebecca Chockley to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 482 (p. 202): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from James Buslar Chockley and Rebecca Chockley to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 482 (p. 205): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 482 (p. 204): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 482 (p. 203): United States *v.* Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Joe Childers and Googie Childers to Ellis Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 487 (p. 156): United States *v.* Jos. F. Atchley et al., R. C. Allen special defendant; suit to cancel deed from Johnson Martin to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 487 (p. 157): United States *v.* Jos. F. Atchley et al., R. C. Allen special defendant; suit to cancel deed from Googie Childers and Eliza Childers to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 487 (p. 158): United States *v.* Jos. F. Atchley et al., R. C. Allen special defendant; suit to cancel deed from Johnson Martin to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 492 (p. 118): United States *v.* Joe Abraham et al., R. C. Allen, special defendant; suit to cancel deed from Johnson Martin to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 494 (p. 377): United States *v.* T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Austin Frank and Lizzie Frank to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 494 (p. 381): United States *v.* T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 494 (p. 382): United States *v.* T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Nancy Simon to Ellis H. Hammett, R. C. Allen and J. C. Pinson.

Case No. 494 (p. 383): United States *v.* T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Joe Pike to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 494 (p. 385): United States *v.* T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Mandy Simon to Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 496 (p. 191): United States *v.* John Bright et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Coweta Realty Co., Ellis H. Hammett, R. C. Allen, and J. C. Pinson.

Case No. 498 (p. 152): United States *v.* C. E. Foley et al., R. C. Allen, special defendant; suit to cancel deed from Mandy Simon to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 902 (p. 316): United States v. J. L. Adair et al., R. C. Allen, special defendant; suit to cancel deed from Ben White to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

Case No. 911 (p. 105): United States v. W. E. Dixon et al., R. C. Allen, special defendant; suit to cancel deed from Austin Frank and Lizzie Frank to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co.

As the same appears from the records in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at my office in Muskogee, in said district, this 15th day of May, A. D. 1915.

[SEAL.] R. P. HARRISON, *Clerk*,
By H. E. BOUDINOT, *Deputy*.

—

UNITED STATES OF AMERICA,
Eastern District of Oklahoma, ss:

I, R. P. Harrison, clerk of the United States District Court for the Eastern District of Oklahoma, do hereby certify that the following is a correct list of cases which were pending in the name of the Coweta Realty Co., but which have been dismissed, either in part or as a whole:

Case No. 479 (p. 87): United States v. August Land Co. et al, Coweta Realty Co., special defendant; suit to cancel deed from Watie Marshall to Coweta Realty Co. Suit dismissed June 1, 1911.

Case No. 496 (p. 187): United States v. John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from James Buslar Chockley and Rebecca Chockley to Coweta Realty Co. Partial dismissal entered September 10, 1913.

Case No. 496 (p. 192): United States v. John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Ida Childers to Coweta Realty Co. Suit dismissed February 1, 1915.

Case No. 496 (p. 193): United States v. John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Ida Childers to Coweta Realty Co. Suit dismissed February 1, 1915.

Case No. 496 (p. 194): United States v. John Bright et al, Coweta Realty Co., special defendant; suit to cancel deed from Ida Childers to Coweta Realty Co. Suit dismissed February 1, 1915.

Case No. 496 (p. 196): United States v. John Bright et al., Coweta Realty Co., special defendant; suit to cancel deed from Marchie Tiger and Josephine Tiger to Coweta Realty Co. Suit dismissed April 30, 1913.

Case No. 500 (p. 49): United States v. L. D. Vance et al., Coweta Realty Co., special defendant; suit to cancel deed from Minnie Walker Island, nee Walker, to Coweta Realty Co. Suit dismissed September 11, 1909.

Case No. 500 (p. 51): United States v. L. D. Vance et al., Coweta Realty Co., special defendant; suit to cancel deed from Nancy Bird Childers to Coweta Realty Co. Suit dismissed May 28, 1909.

Case No. 500 (p. 52): United States v. L. D. Vance et al., Coweta Realty Co., special defendant; suit to cancel deed from Watie Marshall to Coweta Realty Co. Suit dismissed June 1, 1911.

As the same appears from the records in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in the city of Muskogee, in said district, this 15th day of May, A. D. 1915.

[SEAL.] R. P. HARRISON, *Clerk*.
By H. E. BOUDINOT, *Deputy*.

—

UNITED STATES OF AMERICA,
Eastern District of Oklahoma, ss:

I, R. P. Harrison, clerk of the United States District Court for the Eastern District of Oklahoma, do hereby certify that the following is a list of cases which were pending against R. C. Allen, but which have been dismissed either in part or in whole:

Case No. 357 (p. 67): United States v. Scott Yeatman et al., R. C. Allen, special defendant; suit to cancel mortgage with power of sale from Joe Barnwell to James Chockley and R. C. Allen. Dismissed.

Case No. 479 (p. 39): United States v. August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from March Tiger and Josephine Walker Tiger to R. C. Allen and J. C. Pinson. Suit dismissed April 30, 1913.

Case No. 479 (p. 40): United States v. August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Marchie Tiger and Josephine Tiger to R. C. Allen and J. C. Pinson. Suit dismissed April 30, 1913.

Case No. 479 (p. 180): United States v. August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from James Buslar Chockley and Becca Buslar Chockley to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, the Coweta Realty Co. Suit dismissed September 10, 1913.

Case No. 479 (p. 219): United States v. August Land Co. et al., R. C. Allen, special defendant; suit to cancel deed from Marchie Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Suit dismissed April 30, 1913.

Case No. 482 (p. 16): United States v. Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from James Buslar Chockley and Rebecca Chockley to R. C. Allen. Suit dismissed September 10, 1913.

Case No. 482 (p. 190): United States v. Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Cornelius Boudinot and Susanna Boudinot to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co. Suit dismissed April 1, 1914.

Case No. 482 (p. 195): United States v. Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from March Tiger and Josephine Walker Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Suit dismissed April 30, 1915.

Case No. 482 (p. 196): United States v. Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from Marchie Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson, Coweta Realty Co. Suit dismissed April 30, 1913.

Case No. 482 (p. 199): United States v. Levi Ackley et al., R. C. Allen, special defendant; suit to cancel deed from March Tiger and Josephine Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Suit dismissed April 30, 1913.

Case No. 485 (p. 10): United States v. Charles Bagg et al., R. C. Allen, special defendant; suit to cancel deed from Noah Davis to R. C. Allen. Suit dismissed April 1, 1914.

Case No. 487 (p. 17): United States v. Joseph F. Atchley et al., R. C. Allen, special defendant; suit to cancel quitclaim deed from Joe Barnwell to R. C. Allen; partial dismissal September 10, 1913. Decree (partial) March 16, 1915.

Case No. 490 (p. 149): United States v. Albert Anderson et al., R. C. Allen, special defendant; suit to cancel quitclaim deed from Commercial Land Co. to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Suit dismissed April 30, 1913.

Case No. 494 (p. 384): United States v. T. T. Owens et al., R. C. Allen, special defendant; suit to cancel deed from Marchie Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Suit dismissed in part April 30, 1913.

Case No. 902 (p. 12): United States v. J. L. Adair et al., R. C. Allen, special defendant; suit to cancel deed from Lewis Deere and Hattie Deere to R. C. Allen. Suit dismissed December 4, 1913.

Case No. 902 (p. 13): United States v. J. L. Adair et al., R. C. Allen, special defendant; suit to cancel deed from Lewis Deere to R. C. Allen. Suit dismissed December 4, 1913.

Case No. 902 (p. 331): United States v. J. L. Adair et al., R. C. Allen, special defendant; suit to cancel deed from Marchie Tiger to Ellis H. Hammett, R. C. Allen, and J. C. Pinson. Partial dismissal April 30, 1913.

Case No. 917 (p. 13): United States v. Frank L. Mars et al., R. C. Allen, special defendant; suit to cancel mortgage, power of sale from Joe Barnwell and Emma Barnwell to R. C. Allen and W. G. Robertson. Suit dismissed September 10, 1913.

As the same appears from the records in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in the city of Muskogee, in said district, this 15th day of May, A. D. 1915.

[SEAL.] R. P. HARRISON, *Clerk*.
By H. E. BOUDINOT, *Deputy*.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. DAVENPORT. Yes.

Mr. STEPHENS of Texas. I desire to ask whether or not it is more necessary for the Creek Indians, under the present conditions as to oil, gas, and so forth, to have an attorney than any other Indians in that country?

Mr. DAVENPORT. No.

Mr. STEPHENS of Texas. What would become of their interests if you should discharge the man who now has those interests in his hands with the litigation pending?

Mr. DAVENPORT. I am not asking for the man to be discharged now. I am asking for the termination of his services as a national attorney when his contract expires. The Creek Indians have one county that has bigger oil-producing wells in it than the other Indians, but there is just as much oil produced in the Cherokee Nation and in the Osage Nation that have no national attorneys at all, and where the department will not appoint any or let them have any, as there is in the Creek Nation; and in the Chickasaw and Choctaw Nations the Healdton field that is being developed is just as important as the Cushing and Drumwright fields in the Creek Nation, and their property is not all disposed of, either.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. CARTER of Oklahoma. What are the duties of this attorney?

Mr. DAVENPORT. The only duties I have ever seen that he has performed outside of and in conjunction with the United States attorney's office have been in coming to Washington and staying around here and consulting with the Commissioner of Indian Affairs and the other officers in the department. That is the only duty that I know he performs.

Mr. CARTER of Oklahoma. Is he employed in the trial of any cases of minors?

Mr. DAVENPORT. No; the probate attorneys look out for all cases of minors' estates and dependent-Indian estates.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. Does the gentleman from Texas insist upon his point of order?

Mr. STEPHENS of Texas. Yes, Mr. Chairman; I insist upon the point of order.

Mr. DAVENPORT. I did not know that there was any point of order made.

Mr. STEPHENS of Texas. I reserved the point of order, for I do not see any reason why the Indians' attorney should be discharged without any hearing.

Mr. DAVENPORT. I did not understand that any point of order was made, and I wish to be heard on it.

Mr. MANN. The bill makes provision that certain moneys shall not be expended except in certain instances, and that is a limitation.

The CHAIRMAN. The Chair understands that the amendment strikes out the word "said" and puts in the names of two tribes of Indians.

Mr. MANN. As the bill stands, with the word "said" in, it is the same as though they inserted the names of five tribes of Indians. This amendment inserts two tribes of Indians in place of five tribes.

The CHAIRMAN. The Chair does not think it is subject to a point of order. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were 35 ayes and 7 noes.

So the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to use from the tribal funds of the Cherokee Nation not to exceed the sum of $10,000 for building a road to the Cherokee Orphan Training School from Tahlequah, Okla.

Mr. LAZARO. Mr. Chairman, I ask unanimous consent to return to page 26, to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to page 26. Is there objection?

Mr. STEPHENS of Texas. I have no objection.

Mr. LAZARO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 2 on page 26, insert: "To enable the Secretary of the Interior to investigate the condition of the Indians living in Louisiana and report to Congress on the first Monday of next December, $1,000, to be immediately available.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve a point of order on the amendment. I will yield to the gentleman from Louisiana.

Mr. LAZARO. Mr. Chairman, I wish to say just a word. We have about 200 full-blooded Indians in Louisiana.

Mr. STEPHENS of Texas. What is the name of the tribe?

Mr. LAZARO. The Alabamas and the Kiosata. They have lived there for many years and I understand that there is very little work for them to do. They are good white Indians and they are asking relief from the Government. The condition of Indians in other States has been investigated before. We have precedents for this request, and I hope that the members of this committee and this House will accept this amendment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. LAZARO. Yes.

Mr. STEPHENS of Texas. The gentleman speaks of the Alabamas and the Kiosata. Is it not a fact that a part of the Alabamas, the main part of the tribe, settled in southwestern Texas on the Gulf coast?

Mr. LAZARO. I am not sure about that.

Mr. STEPHENS of Texas. Does the gentleman know that these Indians have been investigated under a resolution several years ago which was passed by Congress for the investigation of the Indians in Florida and also in Texas? I will also say, for the benefit of the gentleman, that we established a precedent in the case of Indians in Mississippi last year. That is the report that the gentleman from Mississippi [Mr. HARRISON] desired to call up. Also, I think the Rocky Boy Band of Indians, of Montana, were years ago investigated under a similar resolution. Congress afterwards, in order to stop a row about the Rocky Boys located in Montana and Canada, and which gave the people a great deal of trouble, put those Indians on a reservation under Government control. As I understand, these Indians in Louisiana have never been under Government control, and the part of the Alabama Tribe in Texas is not under Government control. We made an appropriation of a thousand dollars to investigate the Indians in Florida and Texas, but Congress did not adopt any relief for those Indians. I can not conscientiously, under the circumstances, say that Louisiana ought not to be put on a parity with Texas and Mississippi and Florida and North Carolina in these investigations. I shall therefore withdraw the point of order because we have precedents for this thing, and I do not want to discriminate against Louisiana.

Mr. CANNON. Mr. Chairman, for the purpose of asking a question I renew the point of order. I do not know about these Indians in Louisiana, but from what the gentleman has said I understand they are white Indians.

Mr. LAZARO. They are full-blooded Indians.

Mr. CANNON. They never have received anything from the Government?

Mr. LAZARO. No.

Mr. CANNON. And they number about 400?

Mr. LAZARO. About 200 in my district.

Mr. CANNON. They are good citizens?

Mr. LAZARO. Yes; good citizens.

Mr. CANNON. Industrious?

Mr. LAZARO. Yes.

Mr. CANNON. As good as the average population down there?

Mr. LAZARO. Well, they are good citizens, I am told.

Mr. CANNON. Good citizens, intelligent, industrious. Why does the gentleman desire to lay a foundation to pauperize them? God knows, we are pauperizing the Indians all over the country.

Mr. LAZARO. I will say to the gentleman that I am not thoroughly familiar with their mode of living there; I do not know exactly how they are getting along. All I know is what I am told. I think that the matter ought to be investigated.

Mr. CANNON. Why?

Mr. LAZARO. Because similar investigations have been had in other States.

Mr. CANNON. Are those Indians superior to much of the population down there?

Mr. LAZARO. I do not think so.

Mr. CANNON. Take the African population, for instance. Are they superior to the African population?

Mr. LAZARO. The gentleman means the negroes?

Mr. CANNON. Yes.

Mr. LAZARO. Well, the negroes are good hands.

Mr. CANNON. Oh, good hands, yes; but are they superior to the negroes in Louisiana who are citizens? I refer to those in that same locality—laboring men, men who live in the sweat of their faces.

Mr. LAZARO. No; the negroes are not superior to the Indians.

Mr. CANNON. Are they equal?

Mr. LAZARO. I do not think the Indians are equal to the whites, because they have not had the advantages.

Mr. CANNON. The gentleman paid a very high compliment a bit ago to these 200 citizens who live in his district. Have they asked for this investigation?

Mr. LAZARO. Yes. I said they were good, peaceable citizens; that they did not annoy the people of the community; but I did not mean to say that they were the equal of the white citizens round about. They have not had the advantages. Those people are living together. They are living according to the old tribal customs. They have their chief there, and they are asking the Government to make this investigation. This Government has made similar investigations in other States, and all I am asking for them is an investigation the same as has been made in Mississippi, Florida, and other States.

Mr. CANNON. Oh, I shall have to insist upon the point of order. I think it is subject to the point of order.

Mr. STEPHENS of Texas. It is new legislation.

The CHAIRMAN (Mr. SISSON). Does the gentleman insist upon his point of order? The Chair did not understand the gentleman from Illinois.

Mr. CANNON. I said that I would insist upon the point of order, because I do not desire to lay a foundation to pauperize these Indians.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LAZARO. Mr. Chairman, I will say to the gentleman, if he will listen, that I would like to read him a letter which I have here from a gentleman who has lived there for 25 years, and I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LAZARO. That letter is as follows:

WASHINGTON, D. C., *December 7, 1916.*

Hon. L. LAZARO, *Washington, D. C.*

DEAR CONGRESSMAN LAZARO: Having been acquainted with the Indians living in the neighborhood of Bayou Blue, in Allen Parish, La., for upward of 25 years, and at their request I came to Washington with Mr. Jackson Langley, their present tribal chief, to ask for an investigation of their condition and for such relief as they may be entitled to.

As you know, we called on Hon. Edgar B. Meritt, Assistant Commissioner of Indian Affairs, and made to him the statement of the conditions as we knew them, and he expressed himself as favoring an investigation and, further, stated that he would be perfectly willing to appear before the committee of Congress in the matter.

As I stated to Mr. Meritt, there are about 200 full-blooded Indians in the community referred to above who are in hard circumstances and who are really in need of some recognition and assistance by the Government. They have been living in this community practically always and at one time had small homes and considerable stock, but as they had no titles to land, practically, they now find themselves without homes and dependent on daily labor for existence. Being located in an isolated part of the country, where labor is not in demand, they are living under considerable difficulties, and we feel that they are entitled to some recognition and relief.

In the 25 years that I have known these Indians they have always conducted themselves peaceably. Being of a retiring disposition, and having received no outside assistance, a good many of them are now in actual need.

Very truly, yours, J. C. PHILLIPS.

I hope the gentleman will withdraw his point of order.

Mr. CANNON. Mr. Chairman, I do not desire to prevail by a point of order against the consideration of this amendment. I am opposed to the amendment, but will withdraw the point of order and oppose the amendment.

Mr. MANN. I make the point of order.

The CHAIRMAN (Mr. GARNER). The Chair understands that the point of order has already been sustained. The gentleman from Illinois [Mr. MANN] insists upon the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,200; for general repairs and improvements, $25,000; in all, $127,200.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HAWLEY: On page 43, line 10, strike out "$25,000" and insert "$30,000."

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment is to increase the amount available for repairs and improvements around the school. The committee has allowed $25,000 out of $60,000 estimated for by the department.

Mr. STEPHENS of Texas. What was the amount estimated?

Mr. HAWLEY. Sixty thousand dollars.

Mr. STEPHENS of Texas. And the committee allowed $25,000?

Mr. HAWLEY. Twenty-five thousand dollars. In this amount of $60,000 estimated for by the department there were included some new buildings and extensions. The $30,000 I propose in this amendment will not provide for any new buildings, but for necessary repairs and improvements.

Mr. STEPHENS of Texas. In order to get an understanding of the matter, I desire to ask the gentleman if $20,000 was not allowed for new buildings, including dairy barns, printing office, employees' quarters, and addition to the hospital—in all, $40,000—and is not that the amount that was cut out by the committee? I refer to the bottom of page 252 of the hearings.

Mr. NORTON. Only $20,000 was estimated for repairs and improvements, and is not that the fact? Instead of the amount being decreased, it was increased by $5,000. The gentleman will find that in the hearings on page 254.

Mr. HAWLEY. The statement I have includes general repairs and improvements, $20,000, and for new buildings, including dairy barns, printing office, employees' quarters, and addition to the hospital, $40,000.

The Government owns a very valuable property at Chemawa. There are some 442 acres of land, with improvements, and some 60 buildings. Most of the buildings are of wood and were constructed many years ago, some over 30 years ago. Since that time deterioration of the buildings has been going on, and when I visited the school this fall I found a number of the buildings had their foundations badly impaired. The lower sills have been affected by rot, and the buildings are out of shape, spreading and sinking down, and the foundations are in poor condition.

The sinking of the building opens the roof to leaks. I went into the dining room and my weight in moving around shook the building, and the floor was so weak in places that I put my foot through it. I asked why they did not lay a new floor, and they said that the sills or stringers on which the floor was laid were so rotten they would not hold the nails and they would have to remove the entire foundation for the floor and put in new stringers on which to lay the floor. Several of the dormitories were leaky. The roof breaks open with this sinking of the foundation. Then the plaster cracks and requires considerable continuous improvement. The thing to do is to put the foundations in good shape. The roof when once repaired will remain in good condition and the plaster will not be continually cracking, requiring constant repairs. Several of the roofs are in such bad condition they need to be replaced. When the heating plant was put in some man laid it down in this way: He dug a trench and put in half tile, laid the steam pipes poorly provided with insulation in it, then put in the hot-water pipe, and then put another half tile above, and covered it up with dirt. In the rainy season it makes the finest kind of a drain, and these pipes to convey steam and hot water to the building are cooled by this water running through the pipes, in which they are laid so that by the time the hot water reaches some of the buildings it is pretty nearly cold, and steam does not get there at all. In one of the largest buildings in the northeastern corner of the campus, the large girls' dormitory, there was no heat in the building at all except where they had taken out a window pane of that fine brick building, put in a tin pane, and run a stove pipe through that for a stove to heat one room of the building. I asked why the radiators were not hot, and they told me they could not get the heat to that building. There is a certain amount of painting that needs to be done in order to preserve the building. I went over the plant on the 25th of November with considerable care.

As I have already stated, the Government has at Chemawa, near Salem, Oreg., one of the best Indian schools in the United States, with a very valuable property. The school is doing excellent work. However, as many of the buildings were constructed years ago, and are of wood, and several were converted to their present use out of buildings constructed for purposes other than they are now being used for, very important repairs and improvements and some new buildings are necessary. Prior to my coming to Washington I went to this school and made a somewhat detailed investigation of the conditions there to ascertain its needs from personal investigation and present the following statement:

DORMITORY NO. 1.

Brick structure used as dormitory for 90 boys, erected in 1901, in fairly good condition. Requires minor repairs such as valleys retinned, roofs repaired, walls plastered, and floors in lavatories and bathrooms repaired. The woodwork on entire building should be painted.

DORMITORY NO. 2.

A three-story frame building, with entire upper floors made into two big rooms, in which 85 boys sleep. This is an old structure erected in 1884 and is in bad condition. Requires a new roof, new floors, additional foundation, besides should be remodeled and cut up into rooms for not more than three boys each. Wholesale herding of boys in rooms is insanitary and uncivilizing. It is noticed also in this building that the boys have no lockers or places to keep their belongings. Such are piled under beds or hung around the dormitory walls.

DORMITORY NO. 3.

This is a long, rambling, wooden building which houses 200 boys. It was erected in 1883, and is inadequate in every respect for the proper housing of human beings. It is a dark, insanitary affair. Eighty-five boys sleep in one room on the attic floor, with dormer windows and low ceiling. The roofs are about worn out, being patched and repaired until a new roof entire is essential. The walls are out of plumb, porches rotten, foundations poor. In fact, this building should have a complete remodeling throughout and arranged so that it will be well lighted and well ventilated, with ample air space afforded each pupil and divided into rooms, thus giving the Indian youth in a measure what is necessary for health and proper civilization. As the building stands to-day it is unfit for a home and should have immediate attention in way of repairs and remodeling throughout.

HORSE BARN.

This building is in fairly good shape with the exception of minor repairs required.

DAIRY BARN.

Should be remodeled. The stalls are so constructed that the cows can not be comfortable nor clean. New cement floors are required throughout, with new windows and doors. So much remodeling is necessary that a new barn might be economy.

SHOPS.

The blacksmith and wagon-making, carpenter and general woodworking, shoe and harness, and tailor departments occupy two brick buildings in good shape. Lack of sufficient equipment was noted.

POWER HOUSE, STEAM, ELECTRIC, WATER.

Too much can not be said with reference to the need of a general renovation of steam, electric, and water systems. The boilers are old and inadequate, rendering it impossible to supply sufficient power to heat the building, supply steam to the laundry, cooking department, operate the electric engine, its machinery, steam pumps, etc. Indeed, the entire system is in wretched condition and practically worn out. With the appropriation made last year providing $7,200 for new boilers this need will be met, but the extensive piping system, being laid in split agricultural drain tile, simply affords a means by which the surface water drains into such split pipe immersing the steam pipe and in consequence the steam condenses into water and insufficient heat reaches the radiators in in many buildings, and in some buildings none at all. The pupils and employees really suffer. To remedy this a system of concrete tunnels in which the steam mains and hot-water piping may be laid is essential, as is customary at all institutions.

The electric system is very poor. It is noticed that candles and coal-oil lamps are on hand throughout the school. Upon inquiring I was informed that the plant is wired badly from beginning to end, no switches, and in order to light any particular point hundreds of lights are burned in order to get the benefit of a few. That on account of the poor and ancient electric system that there is hardly a night passes without the school plant being in darkness. The operation of all shop machinery, laundry machinery, depends upon electric power. The consequence is that it is impossible to properly operate the shops, etc., under such conditions. A new system should be authorized, and were I to suggest one it would be to rewire the entire plant and purchase electricity from an electric-power company which has main trunk lines running past the school land, which can be secured at very low rates, being more economical and without cessation. Without lights an educational institution is at a serious disadvantage, to say the least.

An additional water tank with a capacity to hold 50,000 gallons is also necessary, for when steam and electricity can not be secured the school is without water. This auxiliary tank would keep a supply on hand and permit the use of water for all purposes when the pumps are out of order or steam and electricity unavailable.

DINING HALL.

This is an old wooden structure erected in 1883. The floors are worn out, roof requires re-covering, foundation relaid, and a renovation given generally.

GIRLS' DORMITORY NO. 4.

This structure is made on the same plan as dormitory No. 3 and is old and unfit in its present shape to house the 200 girls now therein, for it requires a general remodeling throughout to make it sanitary and healthful and with conveniences so necessary for the proper comfort and welfare of the girls. This old ramshackle wooden structure was built in 1883. Repairs are imperative.

EMPLOYEES' QUARTERS.

I found the employees residing, in some instances, in old houses, floors sagging, roof leaking, foundations out of plumb, small, with no conveniences; in fact, inadequate in nearly every way. Other employees, with families, are compelled to rent quarters in the neighborhood on account of lack of quarters. I also found the small houses occupied by six families, and one family in a tent. Every available nook is used by single employees. An employees' building with capacity to hold 20 single employees, as well as four single cottages, should be constructed. In addition, the old shacks should be remodeled and repaired.

GIRLS' DORMITORY NO. 5.

This is a brick building and in good shape, except that minor repairs are necessary, such as the installation of more bathing apparatus, some roof repairs, etc.

HOSPITAL.

This is a brick structure, in fairly good shape. Is too small and requires some repairs.

SCHOOL BUILDING AND ASSEMBLY HALL.

Made of brick and in fairly good condition. Needs some repairs.

GIRLS' INDUSTRIAL BUILDING.

A small, narrow two-story structure, used for teaching girls cooking and housing of six employees on first floor, and sewing rooms and two employees on second floor. This building is old and badly worn. It should be thoroughly remodeled and used as a dormitory for the little girls. The class of girls taking cooking lessons at the time of my inspection was 65. The room used for such purpose is not of sufficient size to properly accommodate more than a dozen girls. The same applies to the upstairs room used for sewing. The girls are crowded into too small a space and insufficient light. A new industrial building is badly needed.

LAUNDRY.

The present laundry is brick and in good shape. An addition should be put thereon. The present laundry is too small. The ironing end of the building is so small that the girls are wedged in too closely for effective work.

In addition to the above buildings, I have inspected the paint shop, root house, prune drier, gymnasium, commissary, and various other buildings, and each one requires more or less repairs.

PRESENT SCHOOL OFFICE.

This is an old wooden residence constructed in the early eighties, and is now practically worn out and unfit for the purpose used. The sills are rotten, roofs worn, walls out of plumb, floors sagging, and sleepers rotten. In fact, this structure is worn out. A new administration and office building should be authorized, with a second floor, where the school printing department can be conducted.

There is great need at this school for much concrete and cement work. In a country where there is much rainfall, as at this school, unless roads and walks are made, it is impossible to get around without wading through mud and water While some walks have been made and a little headway made as regards wagon roads, there is need of a good deal more in order to connect the various buildings and to furnish roads for hauling.

I might add that this school is splendidly located, with 442 acres of excellent land and all conditions conspire to render effective educational work for Indians, provided proper equipment is afforded.

In my opinion the following items should be appropriated for in the pending bill:

1 For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian School, Salem, Oreg., including pay of superintendent	$102,000
2. For general repairs and improvements	20,000
3. For employees' cottages and quarters	10,000
4. For girls' industrial building	10,000
5. For reconstructing electric light and power system, including rewiring 30 buildings, replacing old indirect-current motors with new alternating-current motors, reconstructing entire distribution system, additional wire, new electrically driven pumps for supplying water and pumping fuel oil (to be immediately available)	5,000
6. For addition to laundry	2,500
7. For remodeling boys' and girls' quarters	10,000
8. For cement walks and curbings and foundation work under old buildings (to be immediately available)	5,000
9. For tunnels for steam piping and hot water	10,000
10. For roads	2,000
11. For library building	5,000
12. For administration building and printing office	6,000
In all	187,500

A special committee of the Salem Commercial Club a few days ago also visited the school and made a report of its needs. The signers of the report are men of large business affairs and their judgment is worthy of the serious consideration of the House. This report comments upon present conditions and expresses a careful opinion on what improvements and additions are necessary:

SALEM, OREG., *November 24, 1916.*

The undersigned, appointed as a committee from the Salem Commercial Club to visit the Salem Indian School at Chemawa, Oreg., and make an investigation thereof and ascertain and report the needs of that institution, went in a body to Chemawa on November 23, 1916, and after looking over the school grounds and the various buildings which need remodeling and improvements, we have to report as follows:

We find that the Government has a tract of 442 acres of some of the best land in this valley. It has on it some five modern and semi-modern brick buildings, which are, generally speaking, in good repair.

There are a number of wooden structures which should be remodeled in the interests of the health, comfort, and education of the Indian children. There are also other improvements needed, particularly drainage, roads, cement walks, and improvements in the electric-light and heating system. Considering the great value of this plant, the large number of Indians, about 600, in attendance, and its favorable location, it is our opinion that it is a good investment on the part of the Government, if it intends to pursue its policy of giving its Indian children a good education, teaching them the way of civilized life, to appropriate the necessary money to make some of the old buildings more sanitary, homelike, and healthful; to improve the grounds and surroundings so they will compare favorably with the State institutions in this community; and to erect a few new fireproof buildings, which are needed to make a complete and efficient educational plant.

Among the new buildings we believe the Government would be justified in furnishing is a library, to cost in the neighborhood of $5,000. We believe this would be a good educational investment. At present a small room in one of the buildings is used for the purpose of stacking up several thousand volumes.

Another new building needed is an administration or office building. We were surprised when we entered the dingy suite of rooms in a very old building where the business of the school is transacted. It is an old wooden building; the floors are rough and uneven. The structure was evidently built for some other purpose. There is no fireproof vault in the building. We believe a suitable fireproof building could be constructed for $7,500.

We believe a new building is also needed for vocational and industrial training for girls. The present one is very inadequate, being built of wood, and entirely too small to accommodate the large classes. Apparently it was never designed for its present use. We consider this work in domestic science, which includes sewing and cooking, the most important of the branches taught at the school. In our opinion, an appropriation of $10,000 to $12,000 should be made for this purpose.

The present laundry should be enlarged. The building is not large enough to accommodate the large number of students who have to work in the building at the same time. An appropriation of from $2,000 to $3,000 is needed for this purpose.

There seems to be a great lack of room for employees. Instead of being quartered in cottages, as is usual in most institutions, they are tucked away here and there in various buildings, wherever there is a little unoccupied space. We are informed that some of the employees do not live on the grounds, which rendered them of less service to the school. In our opinion, a sufficient number of cottages and other quarters should be built to house the employees on the ground, which would probably cost from $8,000 to $10,000.

The wooden buildings which are used for living quarters for more than half of the pupils are insanitary, dangerous fire traps. There are several wards containing from 20 to 50 or more beds each, where the pupils sleep. They have no privacy and no suitable place for keeping their personal belongings. Under a few of the cots are seen suit cases or boxes. The two brick dormitories which furnish suitable quarters for less than half the pupils are in a good state of repair, save the need of some renovating, such as calcimining and interior painting. The wooden dormitories above referred to should be exclusively remodeled or else brick dormitories should be built to replace them. We believe that there should be a room for every two or three pupils, if the Indians are to be taught to live as civilized people do. In our opinion, not less than $12,000 will be required to remodel these three dormitories.

One of the greatest needs of the institution is a liberal appropriation for general repairs and improvements. These should include repairs to fences, barns, and various repairs to many other buildings not mentioned above. One of the largest outlays necessary would be improvements to the power plant, which, although large and valuable, is in a very bad state of repair. We believe not less than $15,000 should be appropriated for general repairs and improvements. More than this could easily be spent to advantage.

We found the electric light and power system needed extensive repairs. All the buildings should be rewired, as they were wired years ago under old specifications, which are not considered safe at this time. Several new motors are needed of a different type from the old ones. We found the water system inefficient by reason of unsuitable pumps. Pumps of another design and greater capacity are needed. In our opinion there will be required for this purpose about $5,000.

In our walk about the grounds yesterday we found a great need for cement walks on account of the muddy condition of the grounds. We also noted that some of the buildings needed work done on the foundations. There are so many buildings scattered over a large area that we believe there will be needed for this work about $5,000.

The same conditions that make cement walks necessary make roads necessary about the grounds. The soil is such that during the rainy season the dirt roads become almost impassable. We believe that there should be spent for roads on the premises at least $4,000.

In many of the buildings we found stoves with wood fires, while in the same room with the stove would be steam radiators. Upon examination we learned that while the buildings are plumbed for steam heat the pipes supplying the hot water and steam are not properly laid in tunnels and, in our opinion, a large part of the fuel used at the institution is entirely wasted. In fact, the pipes are heating the ground instead of heating the buildings. We believe the steam and water pipes should be placed in tunnels, and the expenditure required for these tunnels would be saved within the next few years in the cost of fuel. It will probably cost from $10,000 to $12,000 to properly install these pipes.

We were very favorably impressed with the new superintendent, Mr. Hall. We believe he is a man of good business judgment, who has the interest of the Government at heart and who will make a wise use of the appropriations for the school. We believe the school, under his administration, is destined to increase in size and importance and that your committee should give full faith and credence to his representations as to the present condition of the school and its needs.

Following is a summary statement of estimated cost of needed improvements:

Library building	$5,000
Administration building	7,500
Vocation building for girls	12,000
Laundry	3,000
Quarters for employees	10,000
Dormatories for pupils	12,000
General repairs and improvements	15,000
Light, power, and water repairs	5,000
Cement walks	5,000
Roads about grounds	4,000
Heating improvements	12,000
Total	90,500

Respectfully submitted.

JOS. H. ALBERT,
Capital National Bank.
PAUL B. WALLACE,
Vice President Salem Water, Light & Power Co.
W. M. HAMILTON,
Manager P. R. L. & P. Co. of the Willamette Valley.
THOS. B. KAY,
State Treasurer of Oregon; Member of State Board of Control (which has direct charge of all State institutions).

This plant is too valuable to be allowed to deteriorate for lack of proper attention to its upkeep, and a sum of money very small in comparison to the entire value of the plant and the

excellent work the school is doing will enable the service to make the necessary repairs and improvements. Some new buildings are needed, but in view of the policy of the committee at this session I am asking only for money to make the repairs and improvements very much needed at this time.

Mr. NORTON. I think the committee will agree to that increase if the gentleman does not talk so we might be obliged to agree to further increases. [Laughter.]

Mr. STEPHENS of Texas. Twenty-five thousand dollars, I believe, was recommended by this committee. The department only asked for $20,000, but the committee gave $5,000 more than the estimate for general repairs and improvements. We cut out the $40,000 for other buildings. Having cut that much out, I am willing for the gentleman to have that increase of $5,000 if there is no further objection to it.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For maintenance and operation of the Modoc Point irrigation system within the Klamath Indian Reservation, in the State of Oregon, $4,000, reimbursable in accordance with the provisions of the act of March 3, 1911.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The Chair suggests to the gentleman from Texas that the total in line 10——

Mr. STEPHENS of Texas. I will ask that that be changed.

The CHAIRMAN. Without objection, the total will be changed in accordance with the figures in the text. [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I would like to ask the chairman about the significance of these expressions. One is "for the support and civilization" of the Indians, which occurs all through the bill, and the other is "for support and education."

Mr. STEPHENS of Texas. I think that applies to the nonreservation schools. Support and education merely applies to the nonreservation schools. This language has been carried in the bill for many years, and I can not give any reason as to why it first came in the bill, because it antedated my service in the House.

Mr. FESS. Under the item "for support and civilization," is not an educational system carried on, too?

Mr. STEPHENS of Texas. There is, under a lump sum, under certain conditions; yes, in the reservation schools.

Mr. FESS. I have noticed the bill here provides for 24 schools throughout the different States.

Mr. STEPHENS of Texas. Those are nonreservation schools.

Mr. FESS. And in those 24 there are less than 10,000 pupils?

Mr. CARTER of Oklahoma. The words "for support and education" usually indicate a nonreservation school. Under the words "for support and civilization" is usually carried the agency appropriation. That is the distinction.

Mr. FESS. Then, the 8,915 pupils that are named in the bill do not take in all persons who are educated?

Mr. CARTER of Oklahoma. I would not want to say about that.

Mr. FESS. I should think there would be more than 9,000 Indian children.

Mr. CARTER of Oklahoma. A great many are taken care of in what are called the day schools on the reservation and reservation boarding schools and a great many public schools.

Mr. FESS. That is what I supposed.

The Clerk read as follows:

For support and civilization of Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,000.

[Mr. JOHNSON of Washington addressed the committee. His remarks will appear hereafter.]

The Clerk read as follows:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservaton, in Wyoming, including the maintenance and operation of completed canals, $50,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended.

Mr. MONDELL. Mr. Chairman, I move to strike out the figures "$50,000," in line 6, page 54, and insert in lieu thereof the figures "$100,000."

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 6, strike out "$50,000" and insert in lieu thereof "$100,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, this is an increase of the appropriation for the extension of the irrigation system on the Wind River Reservation in Wyoming. The committee granted the estimate, but at that time there was not before the committee a report which the committee called for in the bill of last year relative to the needs of the system and its extension. Since the bill has been reported that report has been received.

I do not wish to take up the time of the committee in going into details as to what that report indicates, except to say that it indicates the need of an increased activity in the development of this project. It is one of the very best going Indian irrigation projects. About 25,000 acres are actually under cultivation, and there is a need not only as indicated from this report but from my own personal knowledge of an increased amount of land under ditches to meet the demand. I should have asked for more of an increase than I have, except that I have thought that the committee might accept an increase of $50,000 and might not be willing to increase the amount more.

Mr. HAYDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAYDEN. I would like to confirm what the gentleman says concerning the report of the area on this reservation and the use of the money heretofore expended there. I have taken the report up, as I have a great many other irrigation propositions, and I find in many places the Indians are not using all the land where water is available for irrigation. For that reason in a great many cases the committee declined to allow increases where they were asked for by members of the committee, on the theory that they should use the facilities already provided before more money is appropriated or expended. Under this project, in all, 20,000 acres are under cultivation, and the Indians are making good use of the system so far constructed. They are progressive Indians, and it is a good indication that if more money is expended they will go on and make good use of this additional appropriation. In my own judgment I am convinced that the increase asked by the gentleman from Wyoming is justified and ought to be granted.

Mr. CAMPBELL. Mr. Chairman, if the committee had had the report to which the gentleman from Wyoming [Mr. MONDELL] referred before it when they were making up this bill, I have no doubt that the amount he has asked for in his amendment would have been agreed to, and I hope the committee will grant the increase that has been asked for. I think it will make the amount of money already expended more profitable to the Indians, and I do not think we are expending money in furthering irrigation projects on any Indian reservation that will bring better returns than that expended on this reservation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. CARTER of Oklahoma. Mr. Chairman, permit me to say just this to the committee: Since the Indian Committee reported this bill the gentleman from Wyoming has presented to me, as he has to other members of the committee, the report of the officials in charge of this work. The gentleman from Wyoming, who is thoroughly familiar with the project, has also presented ample justification for the proposed increase. This data was not before the Indian Committee when the bill was being prepared. Not even an estimate for this amount was presented to the committee at that time.

I do not believe in wanton, careless, or useless expenditure of the public funds, but we must take cognizance of the fact that it is sometimes better and more economical to furnish sufficient funds than to string the work out unnecessarily, thereby consuming the major portion in overhead and running expenses. The chairman of our committee, who has just stepped out but will return in a few moments, thinks this amount not excessive. Most of the other members of the Indian Committee are of similar opinion, and if all this new information had been before us it would doubtless now be included in the bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STEPHENS of Texas. I desire to state, Mr. Chairman, that I have gone over the matter thoroughly with the gentleman from Wyoming, and I agree with the gentleman's statement.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 25. That until the meeting of the Sixty-fifth Congress, those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are members elect to the Sixty-

fifth Congress, are authorized to conduct hearings and investigate the conduct of Indian affairs by the Indian Bureau and other branches of the Indian Service, at Washington, D. C., and elsewhere, and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for expenses incident thereto.

Mr. CAMPBELL. I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. CAMPBELL. I do this, Mr. Chairman, for the purpose of expressing the regret of the minority members of the Committee on Indian Affairs that the distinguished chairman of that committee is to retire at the close of this Congress.

In a long service on that committee I have rarely missed the presence of JOHN H. STEPHENS when there was a meeting of that committee. He has always been attentive to the business that came before that great committee. There has been during my service no more industrious or painstaking member of that committee. He has always been conscientious and sincere in the performance of his duties, and the Indians have had no better friend on that committee, or in the House, than the retiring chairman. I am sure that not only the Members on this side of the House who belong to the Committee on Indian Affairs but others join me in very best wishes to the retiring chairman of the Committee on Indian Affairs as he goes to his home in Texas, where I hope he will enjoy his retirement as fully as we have enjoyed his presence here in the Congress of the United States. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last two words.

Mr. CARTER of Oklahoma. Mr. Chairman, I would feel that I had been derelict in a sacred duty should I let this occasion pass by without contributing some word of mine in acknowledgment of the efficient service of the worthy gentleman from Texas [Mr. STEPHENS], who retires from public life at the close of the present session of Congress. It has been my privilege and honor to serve with the gentleman from Texas both in this House and on the Committee on Indian Affairs almost ever since I came to Congress 10 years ago. He is always found efficient, always energetic, always intelligent in the discharge of his duties, and lends a willing ear to the petition of Indian, white person, or anyone else who might have business with him or his committee. As for the American Indian, he owes a debt of gratitude which can never be paid. For during the past 20 years there is one man above all others who has literally stood at the door of the Committee on Indian Affairs with a club, ready to assassinate any person who attempted to infringe upon the rights of Indians or invade their funds for any improper use or purpose, and that man was the distinguished gentleman from Texas, JOHN H. STEPHENS. [Applause.] The people from Oklahoma feel especially grateful to JOHN H. STEPHENS. There is not a man, there is not a woman, nay, there is not a child, either white or Indian, in the entire State of Oklahoma but that has felt the beneficent effect of his presence in Congress and in the protection of their rights. There is not a citizen of any description in the entire State of Oklahoma who has not at all times felt at perfect liberty to come to JOHN H. STEPHENS with any petition at any time and with the assurance that that petition would receive his most careful and thoughtful consideration.

Nothing more appropriate can be said of any Member retiring from this House than that he is an honest man and has done his duty, and that is the unanimous verdict of this body with reference to JOHN H. STEPHENS. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I thank the gentlemen who have spoken for the kind words that they have seen fit to insert in the RECORD, and I assure them that I am especially gratified at the language used.

It is true that I lived for many years before I came to Congress adjoining Oklahoma. I found there a condition of affairs then existing that was insupportable to my State and the surrounding States. For that reason I insisted and requested, when I came to Congress under Mr. Reed, who was then Speaker in the Fifty-fifth Congress, that I receive an assignment to the Committee on Indian Affairs. I served under that excellent and splendid Republican, James S. Sherman, for 12 years. [Applause.] For two years more I served under that equally splendid Republican, Mr. Burke, of South Dakota. [Applause.]

Since that time I have been chairman of this Committee on Indian Affairs. My work is behind me, and I am glad to retire from this Congress with the good will of so many of its Members. If I have any enemies here, I do not know it.

I move, Mr. Chairman, the committee do now rise and report the bill favorably.

The CHAIRMAN. The gentleman from Texas moves that the committee rise and report the bill favorably to the House.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to return to page 27 in order that I may offer in a modified form the amendment which I submitted yesterday. The form in which I submit it, I think, is satisfactory to the Members of the House.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to page 27 for the purpose of offering an amendment. Is there objection?

Mr. STEPHENS of Texas. I have no objection to the amendment, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, let it be reported.

Mr. MILLER of Minnesota. I move, Mr. Chairman, on page 27, line 12, to strike out the words "to furnish employment to the said Chippewas," and in line 15, after the word "was," strike out the period and insert a semicolon and add the following:

Provided, That in the expenditure of said sum preference in employment shall be given to the said Chippewas, so far as may be practicable.

I think that reaches the object the department has in view in much better form than the language as it appears in the bill.

The CHAIRMAN. Is there objection to the gentleman's request to return to page 27?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MILLER of Minnesota. Strike out from line 12, page 27, the words "to furnish employment for the said Chippewas." At the end of the paragraph strike out the period and insert a colon, and add the words which I have indicated.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 12, strike out the words "to furnish employment to the said Chippewas"; in line 15, after the word "Chippewas," strike out the period, insert a semicolon, and add the following:

"*Provided*, That in the expenditure of said sum preference in employment shall be given said Chippewas, so far as may be practicable."

Mr. MANN. I do not wish to appear hypercritical, but it is not customary to insert a semicolon ahead of a proviso.

Mr. MILLER of Minnesota. A colon.

Mr. STEPHENS of Texas. The language of the amendment is better than the language of the bill, and I have no objection to it.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee do now rise and report the bill to the House with the amendments and with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, H. R. 18542.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

JAMES C. COURTS.

Mr. FITZGERALD. Mr. Chairman, this is the first bill reported at this session of Congress from the Committee on Appropriations. It is the first time in 32 years that a bill has been called up in the House which has been reported from that committee without the presence of the very valuable clerk who so long was associated with its work.

It is a matter of very keen regret to be required to state to the House that on the 26th day of September, shortly after the adjournment of the last session of Congress, Mr. James C. Courts died at his summer home at Arundel-on-the-Bay.

Mr. Chairman, Mr. Courts had a most remarkable career. He was associated with the work of the Committee on Appropriations for a period of 39 years. He was appointed an assistant clerk to the committee in October, 1877, by the then chairman, John De Witt Atkins, of Tennessee. He was appointed clerk of the committee in January, 1884, by the late Samuel J. Randall.

The Committee on Appropriations was created in 1865. Since that time 13 individuals have served as its chairman, and until Mr. Courts's death but two individuals as clerks. Mr. Courts had the unique distinction of being appointed and reappointed to his place as clerk of that committee by eight of the men who presided over it. Commencing with Mr. Atkins in 1877 he served under Mr. Hiscock, later a Senator from the State of New York; under Samuel J. Randall, of Pennsylvania; JOSEPH G. CANNON, of Illinois; William S. Holman, of Indiana; Joseph D. Sayers, of Texas; James A. Hemenway, of Indiana; James A. Tawney, of Minnesota; and myself. His service was not only unique because of its great length, but it was peculiar because of its remarkable value. Everyone recalls the modest, quiet individual who sat at the table beside the Member in charge when bills from the Committee on Appropriations were before the House. He was familiarly known as "Jim Courts," or "Courts," and his manners were so affable and his courtesy was so marked that men loved him, although they perhaps had little opportunity to become intimately acquainted with him.

After his death it was said of him—and although the statement may be somewhat extravagant it at least reflected the belief of many people—"that he never made an error; that his memory never failed; that he had at his fingers' ends the references to the myriads of laws, parts of laws, jokers, and limitations on appropriation bills." He unquestionably was the best-informed man in the United States on the fiscal affairs of the Government. His service was so disinterested and his conduct was so impartial that perhaps it may best illustrate how he conducted himself to say that I had been a member of the Committee on Appropriations for five years before I knew that in politics he was a Democrat.

Mr. Chairman, his loss to the House is very great. He was the undisclosed author of more reforms and beneficial legislation than many Members of distinguished service. His knowledge was not only extensive but he was a skilled parliamentarian.

I recall my first impression of Mr. Courts. An appropriation bill was under consideration in the House, under control of Mr. CANNON, then chairman of the committee. Mr. Richardson, of Tennessee, at that time, in the Fifty-sixth Congress, was the minority leader. He had been interrogating Mr. CANNON regarding some item in the bill. Mr. CANNON stooped over to speak to this quiet, modest, little man who sat beside him. Mr. Richardson asked that he might have Mr. CANNON'S attention, and his reply was that he was refreshing his memory. Mr. Richardson retorted, "Seeing the source from which the refreshment comes, I have no doubt as to the accuracy of the information the gentleman will obtain"; and that was the universal feeling of Members in the House.

To illustrate how devoted he was to the legislative branch of the Government, I recall this incident: Eight or ten years ago the then Secretary of the Treasury was engaged in reorganizing his department. He desired to have one of the divisions so organized that perhaps there might be developed a greater control in the Treasury Department over estimates than then existed or now exists, and he called on the Committee on Appropriations and asked that the compensation of the head of that division be fixed at $6,000. It was a larger sum than was paid to any of the Assistant Secretaries of the department. The Members of whom he made the request smiled somewhat indulgently and expressed the opinion that of course he was not serious. His reply was, "I am serious, and I make this request because I wish to offer the position to Mr. Courts, the clerk of the Committee on Appropriations." There was an informal conference, and the then chairman stated to the Secretary of the Treasury, "I do not believe that Mr. Courts will accept this position, but this committee would do nothing to stand in the way of his advancement. We will make the offer to him in your name, and if he accepts, or is willing to accept, we will recommend that the compensation be fixed at the sum named." When the suggestion was made to Mr. Courts, he acted as if his loyalty to Congress had been doubted, and he made the statement that he would not surrender his position in the legislative department of the Government for the highest position that could be given him in the executive department of the Government. He was so devoted to the work of the House of Representatives, and he was so impressed with the dignity and importance of this body that he preferred to continue in its service at a less compensation than to be transferred into an executive department, not only at a greater compensation than he was receiving, but at a compensation greater than that of any assistant secretary in the department.

I wish, Mr. Chairman, to have recorded not only the deep loss I am sure the Members of this House must feel at the death of Mr. Courts, but also the deep loss that the Committee on Appropriations has suffered, and my own deep personal sorrow at the death of a man whose service to the country was distinguished, whose friendship I cherished, and whose association has been very beneficial.

At a meeting of the Committee on Appropriations held December 11, 1916, the following minute was adopted and spread upon the minutes of the committee:

The committee feels with profound sorrow the loss of its late clerk, Mr. James C. Courts.

His high character, his unimpeachable integrity, his patriotic devotion to duty and unrivaled equipment for the office he so long occupied, justified the esteem in which he was universally held and makes his death a severe loss.

His entire public career was practically identified with the work of this committee. Appointed assistant clerk in October, 1877, he was made clerk in January, 1884.

During the 39 years of his connection with the committee he accumulated a vast fund of information which was of invaluable aid to the Members of the committee; his influence was constantly exerted for the improvement of the public service and for the betterment of those employed therein.

In his death the committee suffered a great loss, the country a distinguished, faithful, and patriotic servant, his family a gentle and devoted head.

Mr. CANNON. Mr. Chairman, I heartily and sincerely indorse all that the gentleman from New York [Mr. FITZGERALD] has stated touching the services to the House of Representatives—yes, broader than that, to the citizenship of the Republic—by James C. Courts. I recollect very well when he was designated as assistant clerk to the Committee on Appropriations. This committee, if I recollect right, was created under the rules of the House in 1865, on the motion of Mr. Thaddeus Stevens. The Ways and Means Committee prior to that time had jurisdiction not only in preparing bills for revenue, but bills appropriating moneys for the public service for the consideration of the House of Representatives.

As the country increased in population the duties of that great committee were so severe that the Committee on Appropriations was created. Its first chairman was Mr. Thaddeus Stevens. He appointed as clerk to the committee, or the committee selected as clerk, a gentleman by the name of Stephens, a son-in-law of E. D. Baker, prominent in Illinois as a lawyer and politician, Senator from Oregon, Member of the Senate when he was killed in the battle of Balls Bluff.

The clerk, Mr. Stephens, was an exceedingly accomplished gentleman of great ability, and, until Mr. Courts was chosen, perhaps the most competent man touching expenditures in the history of the Republic who has acted as clerk of that great committee. The committee at that time had jurisdiction to consider all the appropriation bills, including the river and harbor bill. Afterwards the Committee on Rivers and Harbors was constituted.

The Committee on Appropriations remained in possession of all the bills, if I recollect right, until the commencement of the Speakership of Mr. Speaker Carlisle from Kentucky. Then other committees of the House under the rules that were adopted had jurisdiction, respectively, as they now have. It is not my purpose to speak of the wisdom or the unwisdom of the action taken by the House, and I shall not do so.

The training that Mr. Courts had in the beginning was very good, and he was an apt pupil. He was then a youth of not over 21 or 22 years of age. He speedily developed as great ability as the chief clerk himself. Mr. Stephens remained as clerk of the committee until the Forty-seventh Congress, which was the Congress that was chosen when Mr. Garfield was elected President.

I say again, that all the gentleman from New York [Mr. FITZGERALD] has stated I indorse. I have never known Mr. Courts's equal touching expenditures, the history of the legislation that made the expenditure necessary, and the precedents; he was a good parliamentarian, and he had all of this information at his fingers' end or where he could lay his hands on the complete information when called upon by the committee to do so.

I was chairman of the committee 10 or 12 years. I want to relate a little incident that happened. The Forty-seventh Congress came in, and the late Senator Hiscock was a Member of the House, a man of excellent ability, and was made chairman of the committee. He had a constituent whom he desired to be clerk. It is ordinarily the case that the chairman designates the clerk. Mr. Hiscock designated his constituent. I was taken by surprise. It was Mr. Hiscock's first appearance upon the committee and I suggested that the committee should select its clerk, and upon a roll call Mr. Courts was selected, and continued to be selected under all administrations of the House up to the time of his decease. Subsequently Mr. Hiscock thanked me for my action in the premises.

I recollect a little incident that happened later on when a Representative from Missouri, with that keen mind and sharp tongue of his, disagreed with the then chairman of the committee, myself, about certain items of appropriation. Members can not always get what they desire, and the man who is at the head of the Committee on Appropriations, if he is not informed and is not devoted to his work, if he is not ready with the full knowledge and the full courage—and at times it takes full courage to protect the House and the country by a strict adherence of the rules—is not a proper man to head that committee. I may say that in all my service the House and the country has been fortunate, certainly since I have been a member of that committee, under the lead of the various chairmen that presided over the committee, in having well-informed and vigilant and courageous Members of the House in that position. I think perhaps it is the most laborious and important chairmanship, session in and session out, of any of the committees, not speaking less for other committees but more for the duties of that committee. It was 3 o'clock in the morning, the last night of the short session. The sundry civil bill had not been passed. The conference report had not been agreed to by the House, but agreement by the Senate was messaged to the House. There were not a dozen Members in the House. We had had a strenuous time during the last days and nights of the session. The gentleman from Missouri rose in his place and demanded to be recognized in his own right for an hour. I protested and said that there was not a quorum present and that on the next day at 12 o'clock the session would close. He said, "I am aware there is no quorum, but it will take you much longer than one hour to get a quorum." I said very well, and he talked his hour and then he wanted 15 minutes more. I said, "Now, I shall give you 15 minutes of my time, but of course at the end of those 15 minutes I shall expect a vote without regard to a quorum." He assented, and he devoted those last 15 minutes to myself, and I think I never had such a dressing as he gave me.

Under ordinary conditions I would have tried to reply, not by defending, but by the only proper way to reply, by attacking, for life is not long enough to defend what somebody says about you. If you are guilty, the best way is not to stir the matter, and if you are not guilty you will be vindicated. In his closing remarks he said, "The capable clerk of that great committee has made the reputation of every man who has been its chairman," and then sat down. I took the floor, and there was just one sentence that I uttered. I said, "I agree with what the gentleman from Missouri says about the clerk of that committee, the most competent man touching public expenditures, servant of the House though he is, connected with Congress, the man who knows more of the public service than any man in the United States," and I bowed to the gentleman from Missouri and continued, "And I wish to God that the gentleman from Missouri could have a competent clerk himself." [Laughter.] The report was adopted in a minute, and it reached the President in time to be approved. Without the approval of that great bill it would have been absolutely necessary to call a special session of Congress.

Mr. Chairman, I might talk all afternoon about the loyalty of this man to the service of the House and the country. He was modest, never rushing into print. I think throughout the country it was quite well known that James C. Courts was a competent clerk, and every Member who ever served in the Congress from the time he was appointed up to the time of his death knew it very, very well. By the by, the country does not know frequently of the valuable service to the House and the country—and I might also add to the Senate—of men who are not Members of Congress. Great expenditures are made here, as we all know, over a thousand millions of dollars a year, and they are constantly increasing. We have a hundred—yes, one hundred and ten—millions of people in the United States proper, I have no doubt, and our responsibilities have been greatly added to, especially since the War with Spain, with the Philippines, and under the Monroe doctrine, and in connection with Cuba, where we must keep law and order, and in Porto Rico, Nicaragua, Santo Domingo, Haiti, and through our complications with Mexico and our foreign as well as our domestic complications. Where mistakes are made in the House—and I shall not speak of the Senate, for it is not proper—changing, as we do, in personnel from time to time, they are made more from a want of knowledge in sifting the wheat from the chaff than because of anything else.

This is a representative Government, and it is natural that each one of us should first respond to the demands of his constituency, and when we come here, 435 of us, that is the first thing we have to meet. Then, with the enormous service to the great Republic, with the great expenditures, there come all kinds of demands—most of them worthy, but you have to be ever on the alert to see that as near as possible the chaff disappears and the wheat remains. Mistakes are made, but not many, in my judgment, from the standpoint of dishonesty. Where they are made, or have been made, in the main they are through want of proper knowledge touching the public service. In my 40 years' service in this House we have been exceedingly fortunate in the servants of the House. I had the honor to be its Speaker for 8 years. Mr. ASHER HINDS, the author of Hinds' Precedents, was parliamentary clerk during all of my service. He came here in the Fifty-first Congress, when Reed was first chosen Speaker, and remained in that position, with the exception of four years, from that time up until 1911. I believe it was in 1910 that he became a Member of this body. I think he was the best parliamentarian on earth. I was exceedingly fortunate as presiding officer of this House to have his service. Then I had another very important employee, a trained journalist, Mr. Busbey, who took care of the newspaper gallery. I just unloaded it on him. Then there was another very important man in the service of the House, the Superintendent of the Capitol. We came very near losing him under an administration that is passed—as good an architect as there was in the country, in my judgment, but yet he had not come through the proper training as it was thought. We were about to lose him, when notice was given that he was the servant of the House and the Senate, and that if another man were chosen for his place there would be no appropriation to pay him, and that we would run the House and Senate by a concurrent resolution. He is the present Superintendent of the Capitol. God help the man who presides over this House and who has to do with much that necessarily results from his position, who does not have at his elbow trained men who are loyal and true to the public service. In my judgment, James C. Courts has never had a superior, if an equal, in the position he held.

So much for his public service. A word more. Swedenborg, the mystic—and if you have not read after him, I commend that you do read after him—though I do not know that he knew any more about it than I do, but he was strong and plausible—Swedenborg gave us two bodies, the spiritual and the natural. The spiritual body could not be perceived except by a spiritual body, but when the natural body was laid off the spiritual body by its shape showed what it was to other spiritual bodies, its loves, its prejudices, and every other spiritual body could perceive at once whether it was a body harmonious with that particular other spiritual body—a beautiful theory. He said that it was given to him to be caught up into the spiritual heaven, and that he there saw one, who was accounted a saint upon earth, demand entrance into heaven. The reply came that heaven was denied to no one, but upon entering, that not being his place, he perceived the loves and prejudices of all the other spiritual bodies, and they saw where he belonged; and while he was not denied, he fell down headlong until he found his proper zone. Mr. Chairman, I am not a believer in everlasting punishment, but if that individual spirit could have dwelt in heaven he would not have found anything in common with the others, and he would have been in hell. He fell down headlong and found his place. I came as near loving James C. Courts in life as it was lawful for one man to love another. Complete confidence did I have in him. I knew his ability. He has crossed over. In 50 years from now not many of the people who hear me talk at this time will be living. We will all have crossed over, and if in the great hereafter I shall be so fortunate as to associate with James C. Courts and those like unto him, it is all that I shall ask. [Applause.]

Mr. STAFFORD. Mr. Chairman, there is absent from the Chamber, confined to his home by illness, the ranking minority member of the Committee on Appropriations, the gentleman from Massachusetts [Mr. GILLETT]. It was his earnest desire to add his meed of praise to the work of our departed friend, Mr. Courts. In view of the fact that he has served longer on the Committee on Appropriations, in which Mr. Courts has acted as clerk these many, many years, than any other Representative save the gentleman from Illinois [Mr. CANNON] I ask unanimous consent that at this place in the RECORD in this unusual and fitting proceeding he may be permitted to extend his remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] may be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, my opinion of Mr. Courts and his services to the committee and to Congress have been so well expressed by Mr. FITZGERALD and Mr. CANNON that I have but little to add. With his unfailing memory, vast knowledge, and sound judgment there was united a calm, patient, and kindly disposition which endeared him to all who knew him. His instant opinion was often sought in moments of great excitement and urgency, but he was never so perturbed as to be unable to draw accurately from his great reservoir of information.

It is not often that a man seems to fall into exactly the position for which he is best fitted, but this seemed true of Mr. Courts, and his opinions so impressed the committees with which he worked that he has exercised a very potent influence on the legislation of the past 20 years. He identified himself with his committee and was unselfish and unsparing in his labors. He never tried to cover up or conceal facts, but the exact truth was always his goal.

He told me once that in his early service on the committee, when Mr. Randall was chairman, a member of the minority not on the committee came to him and asked to be furnished with some facts on a subject which the committee was then investigating. Mr. Courts assented, but he thought it wise before complying with the request to put the matter before Mr. Randall and ask him if he should divulge the desired information. Mr. Randall replied, "Certainly; if you are willing to do the work. There are no secrets, Courts, in this committee." And in that spirit Mr. Courts always acted. His work was at the disposal of any Member, and he had no secrets. He dealt with facts and statistics, and what concerned him was that they should be accurate.

During the past few years it has been my annual duty to review the appropriations and not to overlook the errors of the party in power, while the chairman, making the same review, has dwelt more upon the merits of the administration. We were both furnished with our figures by Mr. Courts, and while I assume that, being a Democrat, he sympathized more with the chairman, yet I would never have suspected it from his conduct. I had no secrets from him; I consulted him implicitly, and he could not have been more friendly and helpful to the chairman than he was to me. He recognized no partisanship; he was solicitous only that the truth should not be obscured. And so I think his statement of a fact came to be accepted generally by the House as the most conclusive authority. I think he knew more, not only about appropriation bills, but about the general legislation of Congress, than anyone living; and withal he was a most lovable man. Of very decided opinions and wide sagacity, yet he was so modest, unobtrusive, amiable, and kindly, so glad to do a friendly service, so unexacting and considerate, so delightful and suggestive a companion, that all who knew him will mourn deeply the warm, true-hearted friend.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to extend in the RECORD as part of my remarks the minute adopted by the Committee on Appropriations.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting certain resolutions. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

EXTRAVAGANCE AND DISCRIMINATION IN THE PUBLIC SERVICE.

Mr. BORLAND. Mr. Chairman, we are about to approach the consideration of one of the great supply bills of the country, the legislative, executive, and judicial appropriation bill, making provision for the public service in the great executive departments of the city of Washington. Among the principles of sound philosophy that are attributed to Thomas Jefferson is the statement that public expenditures ought to be honestly and economically made that labor may be lightly burdened. I confess the first time I read that statement of Jefferson's I was entirely at a loss to understand the significance of the latter clause, "that labor should be lightly burdened," for in Jefferson's day it was the apparently accepted theory that property was the mainstay of the Nation and not labor. But a wider experience in public affairs and more thought on the subject convinces us that after all there is no source of national revenue or national strength but the product of useful toil. While we may for a brief period make any Government subsist on taxation or even confiscation of accumulations of property, yet, unless that property is renewed by the exercise of useful toil, there comes a short and a certain end to the resources of the Government.

No government ever has lived or ever can live by simple taxation or confiscation of the accumulations of property. In the last analysis the final resource for the life of every nation is the productive labor of its citizens. There is no justification for a single dollar of expense which is not reflected in an economical administration of the Government or in the promotion of the industrial life of the Nation. There is no money in our Federal Treasury that does not belong to the people. There is no magic means of getting money out of the blue sky, nor is there any way, under the laws of economics, of taxing the foreigner. Every dollar in the Federal Treasury, or that ever will be in the Federal Treasury, comes out of the pockets of the American producer, and we should approach the expenditures of our Government with that fundamental principle in mind. I think it is not inappropriate at this time to bring again to the attention of the House what has always seemed to me an unjustifiable and indefensible extravagance, an unjustifiable and indefensible discrimination in the public service. Most of us are in favor of an honest wage of Government employees measured in the purchasing power of the dollar. All of us would so act in our private affairs. Most of us, if we were clothed with the authority as a private trust in managing a private business for stockholders or others, would regard the two essential features, an honest wage to the employee and an honest day's service to the man who is paying the bill. And none of us, I take it, would justify to our own consciences, if we were in the management of a private business and trusted with the duty and responsibility of private owners of capital, a discrimination in favor of particular employees. And yet we are doing that in the Government service. A year ago I compiled some figures which I think are substantially accurate at the present day, which show there are 476,316 civil-service employees in the United States. Of that number, 34,435 are employed in the city of Washington. Out of the 34,435 employed in the city of Washington about 7,000 are employed in mechanical pursuits, such as the Government Navy Yard, Ordnance Factory, the Government Printing Office, the Bureau of Engraving and Printing, and so on, where the eight-hour day is maintained as a principle of Government service. The remaining 28,000 employees in the District of Columbia, or something less than 7 per cent of the entire civil-service force of the United States, have a seven-hour day. Those outside the District of Columbia, comprising over 400,000 employees, embrace the great postal employees of the United States.

When I first came to Washington those men were working 9, 10, and 11 hours a day, 7 days in the week. One of the first fights in which I engaged in this House was an effort, which finally culminated in success, to provide a standard eight-hour day for the men in the different post offices of the United States, the carriers, the clerks, the railway mail clerks. I regret to say that not even yet has the ideal been achieved, for by the very necessities of public business a leeway must be preserved, a margin of emergency, in which the employee must work overtime at specific times. Under that emergency clause, with the tremendous growth of the postal business, there has never yet been reached the point of an eight-hour day for the Government employees throughout the Nation. But for many years in Washington a four-hour day was the rule in many of the departments. Those were the old days of pure favoritism and political privilege.

Then by a sudden stroke in the Spanish-American War, under the stress of public necessity, it was raised to six hours and six and one-half hours, and later to seven. So it has been a contrary fight here to bring the favored political employee up to the standard while preserving for those outside in the Nation at large, the great 400,000 employees outside of Washington, the standard as a minimum. This bill should contain, and I

hope will contain, because I propose to offer an amendment to it, a provision requiring the maintenance of a standard eight-hour day in the departments in Washington.

Most of us have been engaged in the last few months in defending an eight-hour day on the stump. The President of the United States says it is "embedded in the national consciousness," and I fully agree with him. I am convinced there is such a thing as an honest day's work just as there is an honest day's pay, and I have never seen the honest workingman who did not agree with me. And when I say that, I mean the man who works at the bench. I do not mean the professional workingman, who has long ceased to work at the bench and never expects to return to the bench. I have no doubt that there are quite a number of them who will not agree, but I have never yet seen the man who had the leathern apron on and was working at his trade who defended any such discrimination.

That is not all. The postal employees throughout the Nation get 15 days of annual leave. We have got them down to a six-day week. They sometimes work on Sundays, and they are entitled to all compensatory time off. They do not get all the holidays, because the exigencies of the post office will not permit it. Many of them have to submit to night work, of course. But how is it with the employees, the privileged class, in the executive departments of Washington? The clerks here have a 30-day vacation and 30 days' sick leave—400 per cent greater than the annual leave of those outside of Washington. They work 238½ days out of the year, or an average of less than 20 days in the month. It is equivalent to 208½ days of eight hours, or 17½ days out of the month.

Mr. STAFFORD. Will the gentleman yield?

Mr. BORLAND. Briefly.

Mr. STAFFORD. Will the gentleman advise the committee how he arrives at his designated figure of 208½ days that the average clerk in the department works?

Mr. BORLAND. Oh, yes. It is very simple. You count out the Sundays, the specific holidays, sick leave, and annual leave, and some 10 or 12 special holidays.

Mr. STAFFORD. Will the gentleman yield further?

Mr. BORLAND. Yes.

Mr. STAFFORD. Is the gentleman aware that the testimony before the committee having in charge the bill is that the average leave in the department is only 2 or 3 days in the 30 days?

Mr. BORLAND. No.

Mr. STAFFORD. That is the testimony before the committee.

Mr. BORLAND. I think the testimony must be confined to the recent past. It was not the testimony a year ago and has not been the testimony year by year.

Mr. STAFFORD. It was the testimony a year ago, when we went into the matter in detail before the gentleman from Missouri, who gained the limelight on the question, and it is the testimony to-day.

Mr. BORLAND. I will undertake to say that the sick leave allowed to the men outside of the District of Columbia has probably averaged even less.

When we are talking about what the law gives it is not to a particular case of what was done by a particular individual or a certain department. The law does provide for it one case and does not provide for it in another case. There is no escape from that proposition.

Now, as a matter of fact, the seven-hour day is indefensible from a business standpoint. There is not a man in this House, I am very certain in saying, who, if he were put in a position of trust as manager of a private corporation, would dream of extending such a privilege to part or all of his employees under the circumstances under which they work in Washington. He would feel that he was unjust to the stockholders if he did so. If he extended it to only 7 per cent of his employees, he would know he was unjust to the remaining number. What justification is there for a seven-hour day in the departments of Washington and not for the 400,000 men outside of Washington? And yet if you estimate even casually the amount it would cost the American taxpayer to extend a seven-hour day to all of the Federal employees, it would be appalling. As a matter of fact, the number of people on the Government pay roll is not a sign of prosperity. Every nation of the world has had to combat the constant pressure to put people on the public pay roll. It is a burden on the producer to have men on the public pay roll, and must be so regarded. The place for a taxpaying citizen is producing the wealth of the nation, not eating up the taxes of the nation, and every nation that has gone down in decadence and decay has done so because it was pretended that the nation could support the people instead of the people supporting the nation. No such thing can occur.

Now, where is it a sign of prosperity? Manifestly these men and women who are employed in the departments here in Washington, and who, most of them, are as high-grade people as are to be found anywhere—good, square, honest, industrious people—will obey the law of Congress. They are here for that purpose, and most of them are willing to do so; and the great agitation against Congress really running the Federal Government comes from people outside of both Congress and the executive departments.

I know there are a few cheap agitators in the executive departments. Among any body of men you will even find some blackguards. That is to be expected. But the number is so small and the number of self-respecting, industrious men is so large it does not count in the equation.

The real truth about the matter is that a great majority of clerks would respect Congress for having the courage in the conscientious discharge of its duty to say what was an honest day and let them live up to it.

But you will find that great opposition to any reform will come from the people who are not employees of the Government and who are not Members of Congress. That is the great pressure against which you must contend. You must make up your minds that there is a class in the District of Columbia whose whole financial interest is concentrated in getting the largest possible amount out of the Federal Treasury for the least possible return, and the interest of that class is diametrically opposed to the interest of the taxpayers who pay the bill. When you look at it from that clear standpoint you will see that there is no reason for giving serious attention to the clamor of these special interests.

Now, as a matter of fact, the seven-hour day is indefensible from a business standpoint. I have brought business men here repeatedly, and business men have come here, men who are under heavy expense, who have had important matters pending before the departments. I must leave the House of Representatives earlier than I am now speaking [3 p. m.] in order to get down to the departments to transact any business before the departments close for the afternoon. Then I must say to my constituents, business men, as they may be, and heavy as their expenses may be, "You must go back to your hotel and come back again at 9.30 or 10 o'clock to-morrow morning to finish this matter." No business man submits to that in a commercial city, and yet for years he has had to submit to it here in Washington. Doubtless everybody here who has business constituents understands that without my elaboration of it.

There is no business reason for a seven-hour day. I know that there was a large number of gentlemen who got excited and quite hysterical a year ago for fear that the Government clerks could not work eight hours a day, who claimed that it was an oppressive and an unreasonable demand to expect that they should work eight hours a day. As a matter of fact, I think most of the gentlemen here work eight hours a day and a little more. I think most of their constituents work eight hours a day—the men who pay the taxes which support the Government. I think the farmers of the country work eight hours a day. I think the merchants work eight hours a day. I really think the doctor and the lawyer work eight hours a day. I do not think there is anything inhuman in working an eight-hour day, or the standard day's work would be inhuman and oppressive here in Washington.

I will not speak in detail at this time of the question of the expenditures of the Federal Government. It is very easy for men who go out of these Halls, when they are on the stump, to criticize and attack some vague, undefined responsibility here in Washington for extravagance in the governmental expenditures. It is very easy for a man to ridicule any specific proposal for economy and efficiency. Any proposal that is made can be turned into ridicule if it leads to economy and efficiency. It is very easy to advocate economy and efficiency on the stump in a vague and general way, and yet vote down every concrete proposal for economy that comes before the House. The real responsibility to which our constituents are going to hold us is that of examining every item of public expenditure when we have occasion to vote on it. Each man has the same responsibility as the Committee on Appropriations. I see no reason why the Committee on Appropriations should constitute itself as the monitor or mentor of this House. It does its full duty in not permitting or promoting expenditures which it does not think are warranted. But no vague, irresponsible line of conduct can defend the particular Members of this House if they vote for the continuance of the seven hours. Voting for a discrimination, they are voting for an unjustifiable expenditure of the Federal money. They are voting for an expenditure which they would not authorize if they were representing private stockholders.

I want to say here that the activities of the Federal Government are growing, and, so far as I am concerned, I look upon it with sympathetic interest and enthusiasm. I have no fear of the growing activities of the Federal Government, although I realize that in many ways it is contrary to the old doctrine of State rights, which meant that there were a great many things that ought to be left undone if certain of the States did not choose to do them. I am a great believer in State rights, which I interpret to mean State duties and State responsibilities. I think the American States have larger rights now than they ever had, if they choose to exercise them. Some of our States have exercised them, and some have not.

I am perfectly willing that the Federal Government shall do what it can best do to promote uniformity throughout this great country. If we can give the country good roads as a uniform proposition, we ought to do it. If we can give them vocational education as a uniform proposition, we ought to do it. If we can extend the operation of the white-slave law, the opium and habit-forming drug law, and the pure-food law throughout the Nation as an adjunct to the police power to safeguard the morals and safety of the Nation, we ought to do it, although I have no doubt in my own mind as a lawyer that any State has the power to do these things itself if it would.

But each one of these activities involves a larger and larger clerical force on the part of the Federal Government. Every activity that the Federal Government takes on involves the expenditure of Federal money. That money must be raised by taxation. Now, under our present system it must be raised by direct taxation, by an income tax. It must be raised from the producers and the business men of the Nation. It must be expended for more and more services and employments under the Federal Government. We must adopt a plan for the activities of the Federal Government which will really be helpful and not harmful, and exercise business judgment, efficiency, and economy in the administration of the affairs of the Government. We have no more right to show discrimination, extravagance, or incompetence in the affairs of the Government than we would in private affairs under our control. Only thus can we make the greatly increased activities of the Federal Government really helpful and successful, and I hope and trust that we shall make them helpful and successful. I hope that we shall more and more reach out and take up the great subject of rural sanitation; take up the great subject of education, vocational and otherwise; take up the great subject of transportation by wagon road or steam line; take up the great subject of rural banking, and all those subjects where the activities of the Federal Government can be used in a helpful way, and make them successful as a national object. And yet it is perfectly manifest that we can not do this unless we are willing to exercise the same firm, rigid sense of justice in dealing with the men of all classes who serve the Government in these activities as we would if we were really honestly endeavoring to make a success of business that has been intrusted to us in a private way.

The discrimination of which I speak may easily be corrected before it gets more serious. As I said, it amounts to less than 7 per cent of the total number of employees; and yet I see no reason why it should not spread. I see no reason why it should be confined to 7 per cent of the Government employees. I have never seen any Government employee outside of Washington who understood the situation who did not feel in his own heart that there was some injustice to him. Not long ago a committee of gentlemen called on me and said, "Mr. BORLAND, we are still working more than eight hours a day in the Kansas City post office in spite of all the work that you and we have done to correct that, and we still find that those employees in Washington who seem to have the ear of Congress simply make demands on Congress and have friends powerful enough to get their demands."

I had no answer to that; none whatever. I said to them, "Gentlemen, we must all be loyal, we must be sincere and conscientious in the discharge of our duties. You, I am sure, have the same loyalty to the Government that I have. You must feel that you and I are fellow servants of a great Government and that we are honestly working together to try to make the work of that Government a success. I am interested in seeing that you make the work a success and that you get honest and fair treatment, and you are interested in seeing that I give honest service. We are fellow servants of a great Government. Let us work together with honesty and loyalty toward a common end, but I can not defend, nor will I undertake to defend, to you the discrimination by which you are put at a disadvantage among the civil-service employees of the Nation."

Every civil-service employee who understands that situation will make the same statement to his Congressman. Every Congressman who is really in touch with the great body of workers, whether for the Federal Government or outside of the Federal Government, will find that that strikes the keynote, the true chord in the heart of every man. There is nothing appeals to a square man like justice. He is willing to go through anything if he knows he is getting a square deal. He is willing to submit to overwork in case of emergency, if he knows he is getting a square deal, and to do it in a sense of loyalty to the Government for the service. But he is not willing to do so if he does not feel that he is getting a square deal, and I do not blame him. I make no pretense of explaining or justifying the condition of affairs which exists, either to the men who are in the Federal service outside of Washington or the men who are in private employment outside of Washington. I tell them, "This is gross discrimination, and I am distinctly opposed to it."

Mr. KINCHELOE. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. If I understand the gentleman, all Government employees who labor outside of Washington have only 15 days' leave of absence during the year?

Mr. BORLAND. That applies to the Postal Service. Whether it applies to the Reclamation Service and the other great services I do not know.

Mr. KINCHELOE. And those in Washington have 30 days?

Mr. BORLAND. They have 30 days' annual leave that they are entitled to absolutely.

Mr. KINCHELOE. And 30 days' sick leave?

Mr. BORLAND. Yes.

Mr. KINCHELOE. But they can not take that unless they are sick?

Mr. BORLAND. Unless they present some evidence that they are sick; yes. How great that evidence must be I do not know, but I understand that in many cases the law is taken advantage of.

Mr. KINCHELOE. Do I understand the gentleman to say that the post-office employees at Kansas City are required to work more than eight hours a day?

Mr. BORLAND. Yes; they are required to do so under the clause permitting work during an emergency; and the business at that great postal center has grown so by leaps and bounds that the Postal Service, parcel post and otherwise, has never yet been able to get sufficient force under the appropriations to carry on the current work without emergency work. That is true in the great cities throughout the United States. It is true in Chicago; it is true in Milwaukee; it is true in St. Louis, and in all the great postal centers where the business has been growing. They have never had a sufficient appropriation for a large enough force to carry on the current work without calling on the emergency clause. So a certain number of employees, possibly not all of them, have had to submit constantly to overtime work. I am very glad that in principle we have come to an eight-hour day and a six-day week, as to most of these employees. I am very strongly for it; but, as I say, gentlemen must not make the mistake, because these employees in Washington happen to be near us and their perspective is a little bit larger, of assuming that we are doing anything in the way of charity or justice when we discriminate in favor of the employees here and against civil-service employees throughout the Nation. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, it is not my purpose to take up the time of the committee by discussing this bill in detail. The different items will be legitimate matters of discussion during the five-minute debate, and the time of the committee can be more profitably employed in discussing whatever changes have been made as we go along through the bill.

I do, however, wish to make a very brief general statement with reference to this bill.

The estimates on which the bill is based amount to $42,067,081.45.

The total appropriations made for the current fiscal year, 1917, for the objects provided for in the accompanying bill amount to $39,158,620.25, which sum includes $1,232,930 carried in deficiency and other appropriation acts for 1917 for various branches of the public service that are taken up in the accompanying bill for 1918.

The bill reported herewith appropriates $39,479,685.75 and provides for 16,271 specific salaries.

Compared with the appropriations for the current year, 1917, and with the estimates submitted to Congress for the ensuing fiscal year, 1918, the following differences are shown:

The bill appropriates $321,065.50 more than was appropriated for the same service for the fiscal year 1917.

It appropriates $2,587,395.70 less than was submitted to Congress in the estimates of the executive departments.

It provides for 6 more specific salaries than were appropriated for this year and 512 less than are specifically called for in the estimates.

The principal increases in this bill over the current appropriations include the following items:

Federal Farm Loan Bureau	$100,000
Additional clerks for the Office of the Auditor for the War Department	42,140
For tabulating machines and equipment for the Office of the Auditor for the Post Office Department	26,650
For salaries and expenses of mints and assay offices, a net increase of	52,600
For new elevators for State, War, and Navy Department Building	20,000
For an addition to the repair shop for the Naval Observatory	20,000
For developing an integrating counter for use in statistical work in the Census Office	35,000
For additional employees in the Bureau of Foreign and Domestic Commerce	23,480
For additional assistant inspectors and for clerks and contingent expenses in the Steamboat-Inspection Service	38,000
For additional employees made necessary by new chemical laboratory at the Bureau of Standards	37,180

As I have already stated, Mr. Chairman, I deem it unnecessary at this time to make any further statement as to this bill and its provisions, because as we proceed under the five-minute rule these matters can be fully discussed, and I therefore ask that the bill be read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Chaplain: For Chaplain, $1,200.

Mr. MANN. Mr. Chairman, I offer the following amendment to come in after the figures "$1,200."

The Clerk read as follows:

Amendment by Mr. MANN: Amend, line 15, page 12, by inserting "and $600 additional so long as the position is held by the present incumbent."

Mr. SISSON. Mr. Chairman, I reserve a point of order on the amendment. I will say to the gentleman from Illinois that the committee would like to have the matter go over for the present. I have no disposition to press the point of order, but there is a matter that the committee wishes to investigate.

Mr. MANN. I am quite willing that it should go over, but will the gentleman permit me to make a very brief statement?

Mr. SISSON. Certainly.

Mr. MANN. In the first place, in addition to the usual duties performed by the Chaplain, we now publish and have published several times recently the prayers of the Chaplain. He is practically required to get these into shape. That is a sufficient official reason, it seems to me, for increasing his salary.

There is a personal reason, however, which appeals to me very strongly. The wife of the Chaplain, who has looked after him, who has been coming to the Capitol with him, who has given all her time in his blindness, has recently had a stroke of paralysis which not only renders her incompetent to perform the duties which she has formerly performed in connection with his services in the House, but it requires additional attendance upon her. Mr. Chairman, I ask unanimous consent that the paragraph with the amendment pending may be passed over without prejudice.

The CHAIRMAN. Without objection, the paragraph will be passed with the amendment pending without prejudice.

There was no objection.

The Clerk read as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $660,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 19, line 18, after the word "for," insert "one"; before the word "hire," in line 19, insert "and one who shall be a stenographer"; in line 20, after the word "duties," insert "for one clerk"; and in line 22, after the word "necessary," insert "for the stenographer, $75 per month during sessions of Congress, to pay which so much as may be necessary is hereby appropriated."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BYRNS of Tennessee. I have nothing to say in support of the point of order except that it is legislation on an appropriation bill, and therefore comes within the rule which makes it out of order. It seems to me it is clearly out of order because there is no authorization of law for additional clerks.

Mr. CALDWELL. I will state that the paragraph reads on page 20, commencing at line 6, "and any Member, Delegate, or Resident Commissioner may appoint one or more clerks." This is not a change of existing law, but a designation of what clerks shall be appointed. We have all the authority under the law to have one or more, which means two. If we had two clerks and paid them only $1,500, that would be just what the law says now. Under this we are to have two clerks and only say that one shall be a stenographer and that he shall receive $75 a month during the session. I maintain that it is not new legislation, but is entirely within the law as it stands to-day.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee for the law.

Mr. SISSON. Mr. Chairman, while the gentleman from Tennessee is looking up the law I want to call the attention of the Chairman to this fact. A session or two ago—I am not sure whether it was two or three—there was a law put upon an appropriation bill in order to take care of the salaries which had been fixed for a number of years by appropriation bills, and where the original law passed years ago fixed their salaries at a much less amount. The Congress, in order to prevent points of order being made on all of these salaries, provided that the amount carried in the last preceding appropriation bill, appropriating money for any employee or salaried man of the Government should be the salary, and in this particular case the compensation paid to clerks was fixed at $1,500. It is true that in this particular statute the $1,500 is paid to the Member as clerk hire. He can use that now by having two or three clerks. There is no limitation on the number of clerks that he may have. That amount is for clerical services to be used by the Member himself. This amendment changes that law by creating a position as a stenographer and directing the manner in which the Member may use the $1,500, which is clearly legislation.

Mr. MANN. Mr. Chairman, I do not think the statute cited by the gentleman from Mississippi [Mr. SISSON] has any application. That provided that the salary fixed should be the salary for the current year, so far as points of order were concerned. This is no salary. This item does not provide a salary. It provides an allowance to Members of Congress. It is not a part of their salary, it is not the salary of a clerk, but it is an allowance to the Member. I think the original law provided for compensation at $1,200 a year, though I am not certain.

Mr. BYRNS of Tennessee. That is true.

Mr. MANN. It was increased by acquiescence in Congress to $1,500 a year. While I am not sure that I would be inclined to favor an increase in the allowance to Members of Congress for clerk hire, yet I think there is no doubt about the amendment being subject to a point of order. There is no authorization of law for a Member of Congress to hire a stenographer. That authorization is what this amendment contemplates. An appropriation in the bill or an amendment providing an appropriation for something not authorized by law is not in order under the rules of the House.

Mr. CALDWELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. CALDWELL. Does the gentleman think if instead of using the word "stenographer" we used the word "clerk" it would be in order?

Mr. MANN. I do not. The law now provides for an allowance to Members of Congress for clerk hire. Whether it would be in order to increase the amount of the allowance I do not now discuss; but any provision which is not covered by that existing provision of law is not authorized by law.

Mr. SISSON. I did not have the statute before me when I was quoting it. I find this statute applies only to salaries of officers and of employees, so that it would not apply in this case.

Mr. CALDWELL. Mr. Chairman, it seems to me that this is clearly in order. This authorization is not to pay employees; it is to give the money to the Members who employ the people. This law has been written into the statute each time an appropriation has been made for years, and the general statute itself provides the appropriation and limits it to $1,200, or at least $100 for each month of the session of Congress. All we are doing here is increasing the amount of the appropriation and designating what it shall be.

The CHAIRMAN. The Chair would like to ask the gentleman from New York whether "stenographer" would come within the definition of the term "clerk hire"?

Mr. CALDWELL. The language of the proposed amendment covers that clearly, because it says one clerk at $1,500 and one clerk who shall be a stenographer. That is all. Under the cir-

cumstances it is just as though we did not use the word "stenographer" at all.

The CHAIRMAN. Has the gentleman anything further to say?

Mr. CALDWELL. No.

Mr. BYRNS of Tennessee. Mr. Chairman, the act of 1893 provided for clerk hire for Members of Congress, and that the amount so certified and paid for clerical services rendered to each Member and Delegate should not exceed $100 for any month during the session, and provided further that the provisions of the resolution should not apply to Members who are chairmen of committees entitled under the rules to a clerk. Later, on May 8, 1898, the House passed a resolution providing for the payment of $100 per month for annual clerk hire to each Member and Delegate. The law provides for the pay of $100 a month for clerk hire. Subsequent to the passage of that law by various appropriation acts passed each year that has been increased to $1,500, or $125 per month.

The CHAIRMAN. Suppose an amendment were offered to increase this clerk hire from $1,500 to $1,800 per year, does the gentleman think that that would be subject to the point of order?

Mr. BYRNS of Tennessee. Mr. Chairman, I am not discussing that right now.

The CHAIRMAN. The Chair thinks that that is material to this matter.

Mr. BYRNS of Tennessee. That is not the amendment pending before the committee at this time.

The CHAIRMAN. The Chair understands that it is not. The gentleman has not come to any conclusion in respect to that?

Mr. BYRNS of Tennessee. I am not so sure, Mr. Chairman, in my own mind, whether that would be subject to the point of order. As I say, the law provides for $1,200 a year. Subsequently that has grown up to $1,500, merely by way of appropriation acts from year to year, without objection on the part of any Member, and I think the question of increasing the amount from $1,500 to a certain definite or fixed sum in excess thereof is an entirely different proposition from the one pending before this committee at this time, which undertakes to provide for a stenographer, something that no law heretofore has attempted to authorize. It will not be denied by anyone that an amendment which seeks to change existing law is not in order on an appropriation bill, and that is what this pending amendment, it seems to me, clearly seeks to do. Now, in all frankness, I can see some force in the position that an amendment seeking to change the amount would not be subject to a point of order, although I do not admit it, for the reason that the amount actually carried in the bill is not fixed by law, and therefore it may plausibly be contended that an amendment seeking to raise the amount is in order. But that amendment is not before us.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BARKLEY. This amendment, as I understand it, provides that $75 a month additional shall be allowed during the session of Congress, provided it is paid to a stenographer. Does that provision not change the law on the subject now? It is entirely different from a general blanket increase, because it requires that in order that the Member shall avail himself of this increase he shall have an additional stenographer in his office. Is not that different from a mere increase of the amount allowed to a Member who distributes it according to his own convenience and desires?

Mr. CALDWELL. In practice it is the same.

Mr. BARKLEY. It changes the law.

Mr. BYRNS of Tennessee. It changes the law, in my judgment.

Mr. SISSON. I want to call the Chair's attention to the exact wording of this statute. As a matter of fact, after reading the statute that I thought would save it, section 6 of the appropriation bill of last year, this item which we carry here of $125 a month is subject to the point of order, because the only law on the subject at all——

The CHAIRMAN. The Chair would like to ask the gentleman in that connection, If that proposition is true that the paragraph is subject to the point of order, then that would remove the restriction that this amendment offered to that paragraph is subject to the point of order.

Mr. SISSON. I make the point of order to the whole paragraph.

Mr. CANNON. It is too late.

The CHAIRMAN. The Chair did not understand that a point of order had been made.

Mr. SISSON. I will read the law, which is as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to each Member and Delegate for annual clerk hire an amount not to exceed the sum of $100 a month, to be certified by them on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893: *Provided*, That the provisions of this resolution shall not apply to Members who are chairmen of committees entitled under the rules to annual clerks.

Now, it was fixed in the appropriation bills subsequent to that that each year the compensation to be paid to Members of the House as clerk hire. Now, if you shall, under this section fixing the amount carried as the law, endeavor to increase that, it is clearly subject to the point of order, because you will increase the compensation of the Members' clerks. It is clearly subject to the point of order.

Mr. CANNON. It is not subject to the point of order. There is an amendment to the clause carried by the bill. That waives any point of order upon the text of the bill.

Mr. SISSON. I do not think that it waives it at all.

Mr. CANNON. Why not?

Mr. SISSON. Because by this amendment you are increasing the compensation of the clerks, and the amendment now before the House is clearly subject to the point of order, because that creates a stenographer.

Mr. CANNON. I understood the gentleman to say he made a point of order upon the paragraph as carried by the bill.

Mr. SISSON. I did make the point of order.

Mr. CANNON. No; the gentleman made the point of order upon the amendment offered by the Representative from New York [Mr. CALDWELL].

Mr. SISSON. The gentleman from Tennessee made the point of order.

Mr. CANNON. Precisely; on the amendment to the provision as carried in the bill. That amendment has been offered, and it is too late to make an amendment to the text of the bill. It has been weighed, it has been discussed, and an amendment has been offered to it.

Mr. SISSON. But you will absolutely change the law in reference to clerks, in reference to the entire statute—not the compensation, but the law itself.

Mr. CANNON. But suppose it is subject to the point of order; I am not discussing whether it is or not. Here is an item in the bill. Now, the gentleman from New York offers an amendment to the item as carried in the bill. A point of order is made by the gentleman from Kentucky upon that amendment, and it has been discussed. It is too late now for the gentleman from Mississippi to make his point of order upon the text to which the amendment has been offered.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee who is in charge of the bill if he agrees with his colleague upon the proposition that the original paragraph would be subject to a point of order if it is made.

Mr. BYRNS of Tennessee. I think, Mr. Chairman, that the amount fixed was subject to the point of order, because, as I said a while ago, the law fixes $1,200 as the amount to be carried for clerk hire, and that amount was increased years ago to $1,500, not by regular legislative methods but by way of an appropriation bill. In my judgment, the amount of $1,500 was subject to the point of order if anyone had seen fit to raise it. I do not think the other language was subject to a point of order, because, if I read that correctly, it follows the language of the law.

The CHAIRMAN. The Chair thinks that under the rule, if in the first place an original paragraph in a bill was subject to a point of order and the point of order was not made an amendment then offered to it, which originally would have been subject to a point of order, that it then removes that amendment from that class as being subject to the point of order, and the point of order could not then apply to the amendment. As to the other proposition, the law passed August 23, 1912, Statutes at Large, volume 37, page 368, reads as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $618,975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

You will note the law says "one or more clerks." It does not confine it to one clerk.

The amendment offered by the gentleman from New York [Mr. CALDWELL] reads, "one clerk, and another clerk, who shall be a stenographer." The limitation placed upon the clerk is that the clerk shall do stenographic work. The Chair thinks

the amendment is not under the circumstances subject to a point of order and overrules the point of order. [Applause.]

The question is on the adoption of the amendment.

Mr. BARKLEY. I ask unanimous consent, Mr. Chairman, that the amendment be again read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 19, line 18, after the word "for" insert "one"; before the word "hire," in line 19, insert "and one who shall be a stenographer"; in line 20, after the word "duties," insert "for one clerk"; and in line 22, after the word "necessary," insert "for the stenographer $75 per month during sessions of Congress, to pay which so much as may be necessary is hereby appropriated."

Mr. BARKLEY. Mr. Chairman, I suggest the language does not read correctly. The word "hire" does not come in properly there after the words that are put in. It seems to me it ought to be stricken out in order to make good grammar.

Mr. BYRNS of Tennessee. I consent to it being stricken out.

The CHAIRMAN. Without objection, the word "hire" will be stricken out. [After a pause.] The Chair hears no objection. The question is on the amendment offered by the gentleman from New York [Mr. CALDWELL].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BYRNS of Tennessee and Mr. MANN asked for a division.

The committee divided; and there were—ayes 90, noes 16.

So the amendment was agreed to.

Mr. WHEELER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 19, line 20, strike out the figures "$1,500" and insert in lieu thereof "$2,000."

Strike out the figures "$660,000," in line 21, page 19, and insert in lieu thereof "$880,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I will not make a point of order in view of the recent ruling of the Chair on the amendment that has just been adopted, but I want to call the attention of the committee to the fact that we have already, over my protest, increased the clerk hire for Members of Congress to an amount that is impossible now to determine, but certainly to an amount involving several hundred thousands of dollars for the term. The pay of $75 a month to an additional clerk for each Member of Congress for the actual session will amount to at least 10, possibly 12, months, and in case of special sessions to a greater number of months in the entire term of two years.

Mr. MANN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. MANN. Is the amount adopted for stenographers limited to the session?

Mr. BYRNS of Tennessee. That is my understanding of the amendment.

Now, I wish to submit to the gentlemen of the committee that if they undertake, in addition, to increase now the amount allowed for clerical help for Members of Congress, it will increase the appropriation nearly double what it is at the present time. I made the point of order a while ago against my own personal interests, because ever since I have been a Member of Congress I have had a stenographer in my employ in my office, paid out of my own salary, continuously for the past eight years. I can see some justice in allowing a special clerk for the sessions of Congress, but I can see no reason why we as Members should, in addition, undertake to increase the pay for clerical help from $1,500 to $2,000 a year.

Now, the committee has recommended to Congress an increase of 5 per cent for clerks drawing $1,500 in the various departments here at Washington. I do not know whether the Members of the House will approve of that recommendation or not; but this proposition proposes to increase the amount allowed for our own clerical help 33⅓ per cent, and certainly we as Members of the House can not justify our action in increasing the amount heretofore allowed, if you please, upon the cry of the increased cost of living, 33⅓ per cent, and then deny to clerks in the departments and in the field service of this Government a similar increase of 33⅓ per cent. It will be absolutely indefensible if we increase our clerical allowance 33⅓ per cent and then deny a similar increase to clerks drawing a similar amount in the various departments of this Government. And if you undertake, gentlemen, to increase all clerks drawing $1,500 and all other employees of the Government by 33⅓ per cent it will take probably $50,000,000 to pay the bill for this increased salary. Therefore, I appeal to the gentlemen of this committee, having already adopted a provision giving a stenographic clerk, not to go further and increase your clerical allowance from $1,500 to $2,000, especially at this time, when economy is so necessary and when this Government is confronted with expending hundreds of millions of dollars by way of increased expenses due to the increase of your Army and the increase of your Navy.

The time has come when Congress should be very slow to increase the present great expenditures of the Government, and we can best show our good faith by beginning at home. We are faced with a probable deficit and the necessity of issuing bonds. The party in power will be held responsible for this increase, and I appeal to you to vote this amendment down.

Mr. WHEELER. Mr. Chairman, I understand the clerks for the Senators have been paid $2,000 for a number of years past. All Members upon this floor must admit that $1,500 for a clerk is not sufficient. A number of them, perhaps a majority of them, are married and come here with their families, and when they pay mileage and board here and return to their homes they have not anything left out of their salaries; and it does seem to me that because some departmental clerks are not receiving sufficient compensation that is no just ground for our not increasing the pay of our clerks.

Their work, compared with what it was 12 or 15 years ago, is doubled, and when Congress is not in session those clerks are still busy, at least my clerk is, all the time, and I know that he works from 8 to 9 or 10 hours a day, and the increase in the cost of living in the last two or three years has been more than 50 per cent. It does seem to me that it is but fair and just that we should at least increase the salary 33⅓ per cent.

Mr. CALDWELL. Mr. Chairman, I am in favor of this amendment, and I am in favor of it because I feel that the conditions that have grown up in the service of a Congressman of this Nation are such as to demand something more than mere clerical help to the Congressman. There has not been a day since this Congress opened that I have not been in at least three of the departments of this Government, running around here and there and somewhere else, doing confidential work for the people whom I represent. And when I go there I find not one but dozens of other Members of this House doing the same thing, taking from the time that is rightfully the people's that we should be devoting to the study of national questions. A large share of this work is in connection with the matter of departmental work that has come upon our shoulders by reason of a custom that has grown up here with us.

You can not hire a man at $1,500 a year who will leave his home and bring his family here who is able to do that kind of work and do it right. At this day and time we must have people who are able to deliver the goods. A clerk must represent a Congressman as he ought to be represented. To get the right kind of man you must pay him. The laborer is worthy of his hire.

They say if we increase this salary 33⅓ per cent, how are we going to justify our action in increasing only 15 per cent a departmental clerk? They are not similar. These clerks who are getting the 15 per cent increase are working but seven hours a day, and the clerk of nearly every Member in this House, who is doing his duty, is working from 12 to 14 hours a day. [Applause.] If you do not believe it, go into the House Office Building any night at 10 or 11 o'clock, and you will find men there drawing $1,500 a year working at that late hour.

It is not fair; it is not just; it is not American; and I for one am prepared to go back to the people who sent me here and say, "Yes; I propose to pay the man who works for you and for me a living wage." I am in favor of the amendment.

Mr. NICHOLLS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. NICHOLLS of South Carolina. Does the gentleman know what the Senate clerks get?

Mr. CALDWELL. Yes; they get $2,000.

Mr. NICHOLLS of South Carolina. Do not our clerks work as hard as the Senate clerks do?

Mr. CALDWELL. They do, and in many cases harder, and do better work.

Mr. SISSON. Mr. Chairman, the amendment adopted just a few moments ago gives to each Member of Congress a stenographer at $75 a month. If this amendment is adopted, he will get, then, nearly $125. In other words, you are going to increase the compensation in your office, for your own personal convenience, about 100 per cent.

Of course, I do not know what the feeling of every Member of Congress is, but there is a universal demand in every department of this Government for radical increases in salary. Each Member here, of course, votes his own conscience and votes his own judgment. But I trust that he will endeavor to dissociate

the intimate friendship, the intimate regard, the personal relationship, if any exists between himself and his secretary and his clerical force, and vote just as if he were a stranger and bring to bear the same amount of business judgment on this vote that he would in his own business, as if paying out his own money.

A man has the right to do what he pleases with his own. Every dollar in the Treasury of the United States is a trust fund. I doubt whether there is a Member of Congress here who would not, if he were to discharge the clerk he now has, receive dozens of applications from men—more than that—who would be glad to get the $1,500 place. Go through the law offices of this country, consider the opportunities that many young men have in the various congressional offices, taking law or medical courses at night, taking advantage of the opportunity to get a profession, taking advantage of the opportunity to spend a while in Washington, and you will find that it is an attractive place to thousands of people back home. And if you shall set this pace of increase, will you be able to say to the department clerks, will you be able to say to the chief clerks who come before the various committees, that we are willing to do this for ourselves and not willing to do it for the other departments of the Government, showing that when the thing comes close to you, you are willing to do more for yourselves and your own offices than you are for the other offices of the Government?

It seems to me it places Congress in an unfair light and will subject Members of Congress to an honest and a just criticism, because I do not believe there is a single man's secretary here who is not thoroughly satisfied with the job he holds; there is not a single Member here who would not find that he would lose the friendship almost of his clerk if he would discharge him.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MURRAY. If the gentleman can find anybody whose secretary wants to leave, I can furnish him with one after the 4th of March. [Laughter.]

Mr. SISSON. I have no doubt that in the case of the clerk of every Congressman who has been defeated, he would be glad to work for his successor at $125 a month.

Now, I want to touch on another feature. It is urged that some Members of Congress do not pay out the $125 a month to their clerks. I hope that it is not true. I hope that there is not a single Member of Congress that does not pay out every penny of his clerk hire to some bona fide employee in his office. But, notwithstanding that fact, the charge is made that some Members of Congress do not pay even the $1,500 to their clerks.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I ask unanimous consent, Mr. Chairman, to proceed for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BYRNS of Tennessee. Under the amendment recently adopted, providing for $75 for session clerks, figuring the short session at three months and the long session at nine months, the House has just voted an expense of $396,000 for a term of Congress; and under this amendment, if adopted, there will be $440,000 additional for a term of Congress, making over $800,000 a year.

Mr. MANN. Oh, no. An increase of 33⅓ per cent in a total appropriation of $660,000 does not add $440,000.

Mr. BYRNS of Tennessee. I said $440,000 for the term of Congress—for two years.

Mr. SISSON. For the term of Congress, or $220,000 for each session of Congress.

Mr. DALLINGER. Will the gentleman yield?

Mr. SISSON. I do, for a question.

Mr. DALLINGER. I should like to ask the gentleman why he did not object, in the interest of the people, to the item which is contained in lines 22, 23, 24, and 25 on page 9 of this bill, for clerks to Senators, as follows:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-four clerks, at $2,000 each; 24 assistant clerks, at $1,200 each; 24 messengers, at $1,200 each; in all, $105,600.

Mr. SISSON. I want to say to the gentleman that if he endeavors to lay violent hands upon that appropriation, Senators at the other end of the Capitol will say, "We will run our own affairs. We are the judges of our own business. You stay over at your end of the Capitol and run your business." I do not want to get off on that subject, but on several occasions I have called attention to the riotous extravagance at the other end of the Capitol in the way of clerk hire; but that does not justify a Member of Congress in practicing the same extravagance; and if the gentleman wants a reason why Senators' clerks should receive more money than clerks to Members of the House, their argument, whether a just one or not, is that a Senator represents an entire State, whereas a Congressman represents only one district. It is true that some States have only one Congressman, but the rule is quite the other way generally. Now, gentlemen, the expenses of the Government, including the Army, the Navy, and every branch of the service, are leaping upward by great and mighty bounds, and the chances are that the appropriations this year will mount up to something like a billion and a half of dollars or more. Unquestionably that means a bond issue.

Jerusalem was said to be the cleanest city in the world, because every man was called upon to sweep in front of his own door; and if every Member of Congress would practice the right sort of economy in his own office, then he could demand economy in the other offices. I am afraid of the man who is careful about spending his own money and careless about spending the public money. I would rather trust a man who is careless with his own funds and careful with trust funds and public funds, who does not squander the funds of others that are sacredly intrusted to him by his constituents. Why, gentlemen, the salaries that are paid now to your clerks are greater than those which are paid to men doing like work in other places, or to State and municipal employees, unless they occupy great partisan positions. Where will you find any getting such salaries as these? The $1,500 paid to a Congressman's clerk is greater than the average paid to men doing like work in other places. One Member said that he himself had to go to the departments. I will tell you why he went to the departments. He went just as I go, because by going himself he gets better satisfaction and better results than when he sends his clerk. The gentleman who makes the statement that the clerk will do that work knows that he is not going to send his clerk down for the purpose of securing an appointment or for the purpose of securing some matter that is out of the ordinary; and for any ordinary matter of business that you transact with a department you can write a letter, and if it is something that is a matter of course, the letter is all sufficient, and you do not have to do anything else.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. SISSON. Yes.

Mr. MILLER of Minnesota. Does not the gentleman know that Senators are able to secure such excellent secretaries for the salaries paid them that they nearly always send their secretaries?

Mr. SISSON. The gentleman in the departments to whom the Senators send their secretaries know that when they send in names for appointments those appointments have got to be confirmed by the Senate. Not only that, but Senators demand certain rights, which the Members of the House have willingly surrendered, and when a Senator walks into a department the doors fly open wide. His senatorial majesty is coming; but when a Member of the House of Representatives, like my friend or myself, goes down we cool our heels for hours at a time in the waiting rooms of the departments before we can send in our names. That being so, how do you expect your clerk to get in? Oh, no!

You wait because you are only a Congressman. You attend to these matters yourself, and as to those Members who do not want to attend to those duties, there are a great many men back home in their districts who would be glad to take their places, and who will attend to these congressional duties.

Mr. GALLIVAN. Mr. Chairman, I very much dislike to disagree with the members of my own committee at any time, but because I believe this amendment is a meritorious one, and because I voted for it when it was offered in my committee, I want to take this opportunity of saying to the House that at a time when we are spending a billion and a half of the people's money in a year, as the gentleman from Mississippi claims, it is about time we did something for the little fellows. [Applause.] Now, it is all right for my friend from Mississippi [Mr. SISSON] to say that if any Member's secretary is dissatisfied with the salary which he receives, the gentleman from Mississippi can supply the Member with at least 50 applicants for the position almost at a moment's notice. Of course he can, Mr. Chairman. The world is so constituted that there are always a great many applicants for almost any position whatever, and their willingness to apply is often in inverse ratio to their ability to do the work; and if the gentleman from Mississippi or any other Member of Congress is dissatisfied with the emoluments which come to him in the way of salary, I dare say that there are hundreds of his constituents who will be glad to come to Congress and

work for less than he is receiving as a Member of this body. But that is no argument whatsoever. It is all right to draw comparisons, as the distinguished chairman of the subcommittee [Mr. BYRNS of Tennessee] has drawn them, between the $1,500 clerks in the departments and our secretaries, but I for one believe the work which our secretaries do is in no way comparable with the average daily work of a department clerk. [Applause.] Far be it from me to even attempt to minimize the worth of the intelligent department clerk, but his work is of a vastly different character. No one will deny this statement. While it may not apply to the gentlemen who oppose this amendment, I stand here firm in the belief that there are many Members of this House who would never come back here for a second term were it not for the work of the secretaries in their employ. [Applause and laughter.]

Now, Mr. Chairman, I believe that this amendment is going to prevail, and I agree with the gentleman from New York [Mr. CALDWELL] when he says that the people back home want us to vote for a living wage for intelligent men and women here. [Applause.]

I know that my secretary earns twice the amount of money he receives from Congress; my people think so and they appreciate his worth; without his earnest cooperation and untiring effort the work they ask of their Representative would be only half done. And speaking in his behalf and in behalf of the many other capable, earnest, honest, young men in the employ of Members of Congress, I hope that without division of party we will all stand up and be counted for the private secretaries. [Applause.]

Mr. STAFFORD. Mr. Chairman, the committee in adopting the amendment for a stenographer at $75 a month for the session has, under the practice in vogue among Members, increased the clerk hire allowed to each Member $450 a year. That is predicated on the idea that 9 months constitute the long session and 3 months a short session; in all, 12 months, or $450. Every Member of this House knows that by the adoption of that amendment $450 additional is available to the Members of the House to be paid to the clerk, making $1,950 for utilization of services of one man, or, to divide it up, as he sees fit, in the employment of one, two, or three clerks. The public are not going to be deceived by this plan for the increase in clerk hire. The public are fully aware of conditions and we can not deceive them. We have voted an addition of $450 for clerk hire. It is now proposed to increase that still more to the extent of $500 a year, or, in all, $950. How can you reconcile a vote in favor of the present amendment when the committee has just adopted a $450 increase?

And further, gentlemen, it is true that we can get all kinds of clerks to perform our services. We can get a clerk for $2,000 or $3,000, but the question before the House is whether we can get the right kind of a clerk at $1,500 per year. Most of us have found out that we can.

And furthermore, the argument that there are instances where clerks are married and not able to support themselves on $1,500 is not applicable generally. There may be some exceptional instances where clerks are married, but I take it that 90 per cent of the clerks of Members are not married.

Further, we are appropriating for clerk hire from June 30, 1917, until June 30, 1918. We know that these clerks, whom we have on the permanent roll, will be at home with expenses less than they have down here, with work not near as cumbersome as it is here, and so I call upon members of the committee to ask themselves whether they favor an increase of clerk hire from $1,500 to $2,500, for that is what it means. Can you justify such an extravagant increase of clerk hire? You have already voted yourselves an additional $450, and now you want to pile up another additional $500 that may be available for clerk hire.

Mr. NEELY. Mr. Chairman, I am in favor of the amendment on the ground of public policy. The gentleman from Wisconsin [Mr. STAFFORD] just said that about 90 per cent of the clerks to Congressmen are unmarried. That 90 per cent will continue to be unmarried as long as the salary of a clerk is $125 a month and the cost of living remains what it is to-day. [Laughter and applause.] It is impossible for anyone to maintain a family in Washington on such an income. Let us make it financially possible for these overworked and underpaid employees to marry, "multiply and replenish the earth."

It has been urged by the opposition that we should not adopt this amendment because we have already provided $75 per month for an additional stenographer for each Member during the time that Congress is in session. It is obvious that this provision is of no economic value to the clerk. It may result in lightening his work. It can not help him in his struggle to keep soul and body together on $125 per month.

We are falling into the habit of straining at a gnat and swallowing a camel when appropriation bills are under consideration. We are about to appropriate three-fourths of a billion dollars for warlike purposes, and those who are declaiming most vehemently against this amendment to provide a small increase in the salaries of clerks will vote for the larger appropriation with the utmost complacency. The present rate of compensation for clerks was established many years ago, when the purchasing power of a dollar was twice as great as it is at the present. These are abnormal times. Food, clothing, and all other necessaries of life cost abnormal prices. To meet the new conditions of the hour almost every private employer of labor in the land has voluntarily increased the wages and salaries of his employees. Almost every corporation in the country is paying its labor higher wages than ever before. Let the Government be equally generous, let it be equally just, let it increase the salaries of these clerks, who toil from 12 to 14 hours per day, from $1,500 to $2,000 per year, thus enabling them to live in keeping with the standard of twentieth century civilization. I hope that the amendment will prevail. [Applause.]

Mr. FITZGERALD. Mr. Chairman, a number of reasons have been assigned by gentlemen who propose to support this amendment to serve as alibi in the next campaign, even if they do not help to appease their consciences at this time. The statement that a Member of Congress can not get a competent secretary for $1,500 a year is absolute rot, and any man who has served in this House for more than two months knows it. I know it. I have been here for 17 years. I do just as much work, with perhaps the exception of the gentleman from Illinois [Mr. MANN], the minority leader, as any man in this House, and I find time not only to go to the departments to look after the interests of my constituents, which I am elected to do, but to perform all of the onerous duties that fall upon me, and in addition to take a reasonable amount of time for recreation. I do not know anyone within range of my vision, outside of the gentleman from Illinois [Mr. MANN], who is engaged more continuously actually in doing what he has been elected to do than I am.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Not even my good friend from Idaho who desires now to interrupt me.

Mr. SMITH of Idaho. I was just wondering how much time the distinguished gentleman had taken to ascertain how much work other Members of Congress accomplish, and also how much time the distinguished gentleman from New York spends in the field in recreation not very far from the city of Washington on pleasant afternoons.

Mr. FITZGERALD. Oh, I take considerable time in playing golf. I play every time I get a chance, and I am not ashamed to do it, and I am not afraid to do it, but I do not make the hypocritical pretense that I am so overburdened with work that I have not the time to do it.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I have not the time.

Mr. CALDWELL. Oh, be fair.

Mr. FITZGERALD. Well, I yield.

Mr. CALDWELL. The gentleman is the chairman of a committee, and his committee has clerks to do his work. Is not that so?

Mr. FITZGERALD. Mr. Chairman, my committee has clerks, and the clerks of my committee devote themselves to the work of that committee. That committee has six of the regular appropriation bills, and it has one clerk more than some committees that have only one appropriation bill. The clerks of that committee do not attend to my personal representative work, and every member of the Committee on Appropriations knows it. [Applause.]

This proposition is not something to help the clerk. Do not try to fool us by such assertions. You may fool the people, but do not try to fool a man who has been here as long as I have been. This proposition is to protect ourselves—to protect ourselves. This is a preparedness measure. [Laughter.] It is preparedness against the wrath of the people, and some of us will need it.

We have passed a bill limiting the amount that can be expended to enable a man to be elected to Congress, limiting it to a modest sum, and now that we have arranged that our opponents can not expend beyond a certain modest sum to conduct their campaigns, we are proposing to equip ourselves at the expense of the public so that our campaigns will not be neglected. [Laughter.] It depends upon whether a man is thinking of what he is required to do as a Member of Congress, or what he is compelled to do in order to keep in office, as to how much clerical

help he needs. A great deal of the work we do is not because of the duties of our office, but because of our love for the job, and we do a great deal of this work to prevent somebody else taking the place away from us. We have just furnished Members with an additional clerk at $75 a month during the sessions, and now we propose to increase the allowance to each Member, to be disbursed by him to one, two, or three clerks, from $1,500 to $2,000 a year. Some gentlemen have suggested that what is really needed is an "assistant" Congressman in each district; that the Congressmen are so busy studying the great problems of the day in their offices [laughter], that they are so wrapped up in the interest of the common people, delving into ancient records, that they can not find time to attend to the little wants of their constituents! And so they propose that they shall be furnished with an "assistant" Congressman. What has been said—it is true—that many of us would not be here if it was not for the very effective work done by our secretaries; not, however, in the really, truly official work of a Member of Congress, but in the equally important work of keeping a gentleman in Congress.

The amendment we have already adopted adds $218,000 to the cost of conducting the House of Representatives. This amendment will add a couple of hundred thousand dollars more. For the current fiscal year there will be a deficiency of $30,000,000 and that will reduce the surplus in the Treasury to about $113,000,000. In the next fiscal year, not contemplating some of the things Congress will do on its own motion, the estimated deficit is the trifling sum of $284,000,000. The estimates for the Army and Navy alone are about $25,000,000 more than all the money raised in the year 1915 by taxation, and in a time like this, when not only will it be necessary to issue a large number of bonds and greatly increase the public debt but to seek out novel and new methods of taxation in order to obtain money to pay the ordinary running expenses of the Government, we propose to increase the cost of conducting this body, this body that is doing so much for the welfare of the people, by half a million dollars, and upon the plea either that we are not sufficiently competent ourselves to perform the obligations of a Member of Congress or the equally fictitious plea that the cost of living requires us to increase the pay of our assistants by 33 per cent, something not proposed in any other place in the United States or elsewhere.

Mr. NEELY. Will the gentleman yield?

Mr. FITZGERALD. We ought to have the courage to make some sacrifices ourselves. The country will be compelled to do so and we ought to set the example. We ought to do a little more work, work a little longer, speed up a bit. There is not a Member here who will get any better secretary by this increase. He will either pay the same man the additional money or he will get somebody who will think he is too important and dignified to do a lot of things that a Congressman's secretary now does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. The Member will either be adding to his own burden——

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from New York may be permitted to proceed for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. NEELY. Will the gentleman yield for a question?

Mr. FITZGERALD (continuing). Or will add to the troubles of this temporary clerk. I yield to the gentleman.

Mr. NEELY. The gentleman says that no similar increase is proposed anywhere in the country. I ask the gentleman if he is aware of the fact that numerous great corporations have within the past 15 months increased the salaries of their employees voluntarily more than 30 per cent?

Mr. FITZGERALD. No; I have not heard of any.

Mr. NEELY. The gentleman has not?

Mr. FITZGERALD. Ten per cent is the common increase reported in the press. I do not think there is anybody conducting a profitable enterprise sufficiently insane to increase the compensation of his employees 30 per cent. Men of that caliber can not be found outside of the red brick house conducted by Dr. White, commonly known as St. Elizabeth's. Mr. Chairman, this is not a pleasant task. The most pleasant thing to do is to help those who are close to us, those who are intimately associated with us, those who because of our relationship we are glad to help and assist.

I live in a community where not only the scale of living is most expensive, but where the price or cost of public service is on a higher plane than any place else in the United States. It is one of the curses from which the city of New York is suffering to-day of men being paid out of proportion in many instances to the services they render. If we do not exercise care, that is what will happen here. We are not going to make Members of Congress any more effective. They are just like every other human being. They do just as much work as they think is essential, and they do not do any more. They may do a little less if you get a higher type of man.

Mr. MILLER of Minnesota. Is that the gentleman's opinion of the membership of this House?

Mr. FITZGERALD. I do not think an interpreter is needed to explain to anyone who understands the English language my opinions as I express them.

Mr. MILLER of Minnesota. I am surprised that the gentleman should make such a statement to go in the RECORD.

Mr. FITZGERALD. I make the statement, and perhaps it is the conduct of gentlemen like the gentleman from Minnesota that justifies such a statement.

Mr. MILLER of Minnesota. And, again, it is not.

The CHAIRMAN. The Chair must admonish gentlemen they must not interrupt the gentleman who has the floor without his consent.

Mr. FITZGERALD. I shall not either be frightened or coerced from saying what I know to be truthful about this situation.

Those who propose to vote for this amendment will do so with the light which I can cast upon it. I have no doubt the representation from some districts might be improved by a competent assistant Member of Congress, but I would not have suggested that myself.

Mr. SMITH of Idaho. Are we to infer from what the gentleman says that he does as little work as he possibly can?

Mr. FITZGERALD. I do just as little as I can, but that is a heap lot more than a number of other gentlemen are willing to do—a heap lot more. [Laughter.] I do not boast of what I do. I would be glad to be relieved of a great deal of the labor I am compelled to perform and to shift to somebody else some of the responsibilities that fall upon me because of my position, but I do not shirk them and I do not intend to do so. And yet I am not going to try to be hypocritical about it or pretend I am breaking down or losing my health because of the burdens of public service. I was not ready to quit just at present, and so when a proposal was made during the last summer that I should involuntarily retire, I did what most others do under those circumstances—everything possible to stay here, and I am here.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. MANN. Is not the gentleman from New York, like Members on this side of the House, relieved from one very onerous set of duties to be performed by the Democrats in the House with reference to patronage? [Laughter.]

Mr. FITZGERALD. Perhaps. Yet I would be willing to continue the sacrifice in order to relieve the country from the misfortune of having the control of the Government pass to that side of the House. And I do know this, Mr. Chairman, that the probabilities of the Democratic Party continuing in control of the Government will absolutely be eliminated, unless somebody, not only here but in other places in the Government, gives some attention not alone to the high cost of living, but as well to the burning question of the high cost of government. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. WHEELER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WHEELER. Division, Mr. Chairman.

The committee divided; and there were—ayes 84, noes 72.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for tellers.

Tellers were ordered, and Mr. BYRNS of Tennessee and Mr. WHEELER took their places as tellers.

The committee again divided; and the tellers reported—ayes 90, noes 72.

So the amendment was agreed to.

The Clerk read as follows:

For stationery for Representatives, Delegates, and Resident Commissioners, including $5,000 for stationery for the use of the committees and officers of the House, $60,000.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 4, strike out "$60,000" and insert in lieu therefor "$95,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FITZGERALD. The law fixes the stationery allowance at $125 a session.

Mr. CALDWELL. Mr. Chairman, I withdraw the amendment. I understand it is out of order.

The CHAIRMAN. Without objection, the gentleman from New York withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

For assistants, and skilled laborers and laborers at not exceeding $2 per diem, under the direction of the Joint Committee on the Library, $21,640.

Mr. MANN. Mr. Chairman, I move to amend on page 28, line 8, by inserting after the word "laborers" where it first occurs, a comma.

Mr. SISSON. Let the amendment be read.

Mr. MANN. It reads, "for assistants, and skilled laborers and laborers at not exceeding $2 per diem." The limitation would apply to skilled laborers, and I am sure you can not procure them at $2 a day. And so I move to insert the comma where the word "laborers" first occurs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; services, including skilled laborers and laborers at not exceeding $2 per diem, materials, and miscellaneous supplies, traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200, street car tickets not exceeding $25, and contingent expenses in connection with repairs and improvements to Botanic Garden, care and maintenance of motor-propelled delivery vehicle, under direction of the Joint Library Committee of Congress, $12,000.

Mr. MANN. Mr. Chairman, I move to amend, in line 13, by inserting after the word "laborers," where it first occurs, a comma. That is the same thing as in the other case.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, in line 13, page 28, by inserting, after the word "laborers," where it first occurs, a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. LLOYD, as Speaker pro tempore, having assumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 13, 1916, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLER of Minnesota: A bill (H. R. 18717) authorizing the Secretary of War to lease surplus water power at the Government reservoir dam at the headwaters of the Mississippi; to the Committee on Rivers and Harbors.

By Mr. WATKINS: A bill (H. R. 18718) to appropriate $30,000 to remove logs from Sabine River and condemn and expropriate them; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18719) to appropriate $100,000 for the improvement of navigation on Red River in Louisiana and Arkansas; to the Committee on Rivers and Harbors.

By Mr. LINDBERGH: A bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 18721) to provide a commission to secure plans and designs for a monument or memorial to the memory of the negro soldiers and sailors who fought in the wars of our country; to the Committee on the Library.

By Mr. HOWARD: A bill (H. R. 18722) to forbid the use of the mails for letters, postal cards, circulars, or pamphlets offering for sale, soliciting the purchase of, or advertising intoxicating liquors; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: A bill (H. R. 18723) authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; and to establish the efficiency and economy with which such service may be postally conducted; to the Committee on the District of Columbia.

By Mr. GRIFFIN: A bill (H. R. 18724) authorizing a survey of Bay Ridge Channel, New York Harbor; to the Committee on Rivers and Harbors.

By Mr. STEENERSON: A bill (H. R. 18725) granting the consent of Congress to the board of supervisors of Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILL: A bill (H. R. 18726) to provide an extension to the post office at Jersey City, N. J.; to the Committee on the Post Office and Post Roads.

By Mr. FARR: A resolution (H. Res. 398) calling upon the Secretary of Agriculture to furnish to the House information regarding the supply of wheat, wheat flour, and wheat products, exports thereof, the amounts contracted for export, and domestic consumption; to the Committee on Agriculture.

By Mr. DENT: A resolution (H. Res. 399) authorizing an index of the hearings of the Army appropriation bill; to the Committee on Accounts.

By Mr. CLARK of Florida: A resolution (H. Res. 400) for the consideration of H. R. 17052; to the Committee on Rules.

By Mr. SABATH: A resolution (H. Res. 401) directing the Secretary of Commerce to report to the House certain information relative to sugar; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 18727) granting an increase of pension to George W. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18728) granting an increase of pension to Wesley B. Calder; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 18729) granting an increase of pension to Arthur D. Smith; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 18730) granting an increase of pension to John H. Simisen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18731) granting an increase of pension to Charles G. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18732) granting an increase of pension to Myrenus Loomis; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 18733) granting an increase of pension to James Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18734) granting a pension to George Wininger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18735) granting an increase of pension to George H. Joyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18736) granting an increase of pension to Thomas J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18737) granting an increase of pension to Calvin Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18738) granting an increase of pension to Matthias T. Hepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18739) granting an increase of pension to John W. Clifton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18740) granting an increase of pension to John G. Bockus; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 18741) granting an increase of pension to Edward W. Hoban; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 18742) granting a pension to William A. Evans; to the Committee on Pensions.

By Mr. BROWNING: A bill (H. R. 18743) for the relief of Pamelia A. Haines; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 18744) granting an increase of pension to John A. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18745) granting an increase of pension to Payton S. Lynn; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 18746) for the relief of M. F. Snider; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 18747) to appoint Roy K. Carson a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. CULLOP: A bill (H. R. 18748) granting an increase of pensio to Thomas C. Whisanand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18749) granting an increase of pension to Thomas W. Faith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18750) granting an increase of pension to David Stidd; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 18751) granting an increase of pension to Elizabeth Roland; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 18752) granting an increase of pension to Levi Covey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18753) granting a pension to Nancy J. Fuller; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 18754) granting an increase of pension to William Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18755) granting an increase of pension to Henry B. Tonnemacker; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 18756) granting an increase of pension to Mary Olmstead; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 18757) granting an increase of pension to Edward T. Doan; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 18758) granting an increase of pension to George Proudfit; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 18759) granting a pension to Thomas E. Eagau; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 18760) granting a pension to Mary E. Gilbreath; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 18761) granting an increase of pension to Charles M. Dority; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18762) granting a pension to Albert O. Dunning; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 18763) granting an increase of pension to Lorenzo D. Wentworth; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 18764) granting an increase of pension to Edward M. Walters; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 18765) granting an increase of pension to Henry C. Conner; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 18766) granting a pension to Henry Lang; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 18767) granting an increase of pension to Emma M. Greenlee; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 18768) to waive the age limit in the appointment of Dr. Oscar A. Hansen; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 18769) granting an increase of pension to Charles A. Thomas; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 18770) granting an increase of pension to George A. Rubush; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 18771) granting an increase of pension to Alexander H. Reed; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 18772) granting an increase of pension to Samuel H. Rodeheaver; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 18773) for the relief of William C. Hascall; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 18774) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 18775) granting an increase of pension to James Buchanan; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 18776) granting an increase of pension to Roy R. Hart; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 18777) granting an increase of pension to Edward O. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18778) granting an increase of pension to George H. Skym; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18779) granting an increase of pension to James L. Johnston; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 18780) granting an increase of pension to Mary Frances Gibson; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 18781) granting an increase of pension to Frank Sayre; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 18782) granting an increase of pension to Henry Daniels; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 18783) granting a pension to Eugene D. Linderman; to the Committee on Pensions.

By Mr. REILLY: A bill (H. R. 18784) granting a pension to Dudley G. Allen; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 18785) granting an increase of pension to Joseph H. Rust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18786) granting an increase of pension to James T. Hewitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18787) granting an increase of pension to George W. Boatman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18788) granting an increase of pension to Henrietta C. Stanton; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18789) granting an increase of pension to Christopher D. Veal; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 18790) granting an increase of pension to William W. Barney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18791) granting an increase of pension to John M. Prouty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18792) granting an increase of pension to Richard A. Chamness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18793) granting an increase of pension to Samuel Talbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18794) granting an increase of pension to Abijah E. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18795) granting an increase of pension to George F. Minturn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18796) granting an increase of pension to Anderson Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18797) granting an increase of pension to William Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18798) granting an increase of pension to Cyrus C. Marston; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 18799) granting an increase of pension to Thomas D. Tweedy; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 18800) granting an increase of pension to Mrs. Emma E. Normoyle; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 18801) granting an increase of pension to Sarah E. Freed; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 18802) granting an increase of pension to William J. Shwimmer; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 18803) granting an increase of pension to Levi Coon; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 18804) granting an increase of pension to Daniel J. Wiggin; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 18805) granting an increase of pension to Joshua C. Ogden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18806) granting an increase of pension to Benjamin F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18807) granting an increase of pension to Daniel R. Cokeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18808) granting a pension to Henry Washington; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 18809) for the relief of Jose Ramon Cordova; to the Committee on Claims.

By Mr. WASON: A bill (H. R. 18810) for the relief of Charles A. Black, alias Angus Black; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: A bill (H. R. 18811) granting an increase of pension to George W. Livezey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 17507, for relief of Lycurgus W. Severns; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Memorial of the Crockery Board of Trade of New York, the Harlem Board of Trade, and Fifth Avenue Association of New York, relative to curtailing pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of William Prigge, of New York, favoring passage of the Nolan bill (H. R. 11876); to the Committee on Labor.

Also, petition of August Riedel, of New York, favoring passage of the Tague bill, relative to salaries of post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition of sundry citizens of New York, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: Petitions of postal employees at Live Oak, Fla., and postal employees at Gainesville, Fla., for increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Petition of post-office employees of Nowata, Pawnee, and Cleveland, Okla., for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS: Petitions of Minneapolis Joint Improvement Association, Minneapolis; the Saturday Lunch Club, of Minneapolis; and the Cottage Grove Boosters' Club, Cottage Grove, all in the State of Minnesota, protesting against the passage of the Shields water-power bill; to the Committee on the Public Lands.

By Mr. DALE of New York: Petition of William T. Hornaday, favoring passage of Chamberlain-Hayden game-sanctuary bill; to the Committee on Agriculture.

By Mr. DANFORTH: Petition of employees of post office at Albion, N. Y., relative to increased compensation; to the Committee on the Post Office and and Post Roads.

By Mr. ESCH: Papers in support of House bill 18470, granting an increase of pension to William B. Hazeltine; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Memorial of Chamber of Commerce of State of New York, favoring international alliance and American trade cooperation with tariff commission for study; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of the State of New York, favoring cooperation of export trade; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chamber of Commerce of the State of New York, favoring congressional inquiry into interstate transportation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of American National Live Stock Association, favoring State regulation of railroad rates; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Delicatessen Dealers' Association of New York City, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of pastors of the churches of Sycamore, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of post-office employees of La Salle, Ill., for increased pay; to the Committee on the Post Office and Post Roads.

Also, petition of National Live Stock Shippers' Protective League, relative to control of intrastate rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Bakers of New York and vicinity, favoring an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis Beidler, of Chicago, Ill., against abandonment of the pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, petition of John H. Roth & Co., of Peoria, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. T. J. McCormack, of Illinois, favoring vocational education bill; to the Committee on Education.

Also, petition of William T. Honaday, favoring game-sanctuary law; to the Committee on Agriculture.

Also, petition of T. B. O'Brien, of Jacksonville, Ill., favoring Volunteer officers' retirement law; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Lynn Chamber of Commerce, relative to Federal investigation of high cost of leather; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER: Petitions signed by the clerks and carriers attached to the Salem and Manchester (Mass.) post offices, praying for an increase in salary on account of the high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. GREENE of Vermont: Petitions of George H. Ross and others, of first congressional district of Vermont, urging more pay for post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of W. H. Read and 21 other railway employees, of Salem, Ohio, asking increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of sundry post-office employees of the United States asking for more pay; to the Committee on the Post Office and Post Roads.

By Mr. LAZARO: Petitions of postal employees of Lake Charles, La., and postal employees of the Crowley post office, La., for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of employees of American railways in State of Maine, for eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGEE: Petition of post-office employees of Baldwinsville, Onondaga County, N. Y., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Evidence supporting House bill 18493, granting a pension to Elizabeth Carter; to the Committee on Invalid Pensions.

By Mr. OAKEY: Memorial of Capitol City Branch 86, National Association of Letter Carriers, of Hartford, Conn., and 45 others, asking for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE of Massachusetts: Petition of 23 citizens of the third Massachusetts congressional district, favoring eight-hour law for railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of 24 members of the United National Association of Post Office Clerks, living at Hornell, N. Y., favoring a substantial increase in pay for railway-mail clerks, post-office clerks, letter carriers, and rural-delivery carriers of the United States; to the Committee on the Post Office and Post Roads.

Also, petition of George M. Bartlett, H. J. Middagh, G. W. Robertson, and 21 other employees of the post office at Corning, N. Y., favoring a substantial increase in their salaries; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of Arthur A. Jacobs and 31 others, of Jacksonville (Ill.) post office, favoring increased pay; to the Committee on the Post Office and Post Roads.

Also, petition of W. L. Heberling and other citizens, of Havana, Ill., against the Shields bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Ohio: Papers to accompany House bill 18344, for the relief of Alfred J. Farber; to the Committee on Pensions.

Also, papers to accompany House bill 18023, for the relief of Tobias H. Foltz; to the Committee on Invalid Pensions.

Also, petition of civil-service employees, of Piqua, Ohio, for increased pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 18345, for the relief of Uriah J. Favorite; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of employees of the Postal Service, at Potsdam, N. Y., urging that the salaries of postal employees be increased during the present session of Congress; to the Committee on Appropriations.

Also, petition of employees of the customs service, at Malone, N. Y., urging that the salaries of customs employees be increased during the present session of Congress; to the Committee on Appropriations.

Also, petition of employees of the Postal Service, at Malone, N. Y., urging that the salaries of postal employees be increased during the present session of Congress; to the Committee on Appropriations.

By Mr. SULLOWAY: Petition of employees of the Exeter (N. H.) post office, favoring increased pay; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Petition of Colorado State Legislative Board of Brotherhood of Railroad Trainmen of Colorado, against compulsory-arbitration legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODYARD: Petition of post office employees of Parkersburg, W. Va., favoring increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. WARD: Petition of R. Jay Stewart, Leigh G. Crook, Leland C. Morton, Andrew J. Sorrano, Hubert Kimball, Fred S. Gorton, Fred G. Fisher, and Roy G. Steenrod, post-office employees at Liberty, N. Y., for increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. WATSON of Pennsylvania: Petitions of post-office clerks at Pottstown, Pa., and National Association of Letter Carriers' Branch No. 564, of Pottstown, Pa., praying for an increase of their wages; to the Committee on the Post Office and Post Roads.

Also, memorial of Camp No. 789, Patriotic Order Sons of America, Bristol, Pa., urging Congress to take measures to conserve the food supply of the American people; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *December 13, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the God of all the nations of the earth, we come before Thee for a large measure of wisdom, that we may be enabled to discharge the duties that are upon us. We pray that we may have wisdom in proportion to the ever-increasing responsibility that we have, and that with farseeing vision the statesmen of this country may discern the guidance of God in all the incidents of our national history. With devotion to justice, with love for peace, with a high resolve, with honor unsoiled, we pray that we may pursue our way with an influence upon the nations of the earth; and above all, holding forth Thy truth and Thy name as the supreme end and object of all living. Hear us, and guide us this day in the discharge of our duties. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co., permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co., and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented a petition of Union veterans of the Civil War of Oneida County, N. Y., praying for an investigation of the alleged deportation of citizens of Belgium, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Kings County, N. Y., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of Local Branches No. 1263 and No. 1473, National Association of Letter Carriers, of East Pittsburgh, Pa., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Ministerial Association of Woodlawn, and of sundry citizens of Swissvale, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 2248, United Mine Workers of America, of Martindale, Pa., and a petition of Washington Camp No. 789, Patriotic Order of America, of Bristol, Pa., praying for an investigation into the high cost of living, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the North Presbyterian Church, of Pittsburgh, Pa., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. COLT presented petitions of sundry citizens of Providence and Woonsocket, in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented petitions of sundry citizens of Spartanburg and Pickens, in the State of South Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Wells River, Boltonville, Woodsville, Groton, Burlington, Lanesboro, Marshfield, East Montpelier, Montpelier, Barre, Websterville, South Ryegate, Graniteville, Plainfield, Cabot, Northfield, North Montpelier, East Calais, and Pelkey, all in the State of Vermont, praying that the maintenance of way employees of railroads be included within the provisions of the Adamson eight-hour law, which was referred to the Committee on Interstate Commerce.

Mr. WEEKS presented a petition of sundry citizens of Leicester, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

FUNERAL EXPENSES OF THE LATE SENATOR JAMES P. CLARKE.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 287, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent funds of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator James P. Clarke, from the State of Arkansas, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota (by request):

A bill (S. 7318) to increase the efficiency of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 7319) granting an increase of pension to Carrie C. Carter; to the Committee on Pensions.

By Mr. CLARK:

A bill (S. 7320) adding certain lands in Wyoming to the Ashley and Wasatch National Forests; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 7321) to authorize the issuance of a warrant for the arrest and removal of persons under indictment for offenses against the United States; and

A bill (S. 7322) relating to the jurisdiction of the courts of the United States over controversies to which corporations, copartnerships, or associations are parties; to the Committee on the Judiciary.

By Mr. WORKS:

A bill (S. 7323) to correct the military record of Joseph P. Widney (with accompanying papers); to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 7324) granting an increase of pension to Joseph Cook (with accompanying papers); and

A bill (S. 7325) granting an increase of pension to James W. Divelbiss (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 7326) to amend section 8 of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes"; to the Committee on Agriculture and Forestry.

A bill (S. 7327) authorizing the appointment of Brig. Gen. John H. Patterson, United States Army, retired, as a major general on the retired list; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 7328) granting an increase of pension to Emily S. Robinson; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7329) granting a pension to Nancy Ellen Guthrie (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7330) to amend section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Naval Affairs.

By Mr. THOMPSON:

A bill (S. 7331) granting an increase of pension to Thomas V. Malone (with accompanying papers); and

A bill (S. 7332) granting an increase of pension to Jonathan A. Deaver (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to reimburse Benjamin S. Hanchett, of Grand Rapids, Mich., for necessary expenses while attending the meeting of the Assay Commission in March, 1905, held at Philadelphia, Pa., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ASHURST submitted an amendment authorizing the Secretary of the Interior to expend not exceeding $10,000 from the proceeds derived from the sale of town lots on the Colorado River Indian Reservation arising under the act of April 30, 1908, for the investigation and survey and the preparation of maps, plans, specifications, and an estimate of cost of the necessary irrigation works for the utilization of the reserved rights to water from the Colorado River, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $500,000 for beginning the construction of a new dry dock at the Portsmouth Navy Yard, N. H., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD submitted sundry amendments intended to be proposed by him to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, which were ordered to lie on the table and be printed.

SETTLEMENT OF LABOR DISPUTES.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (S. 7066) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS L. JENNISON.

On motion of Mr. LIPPITT, it was

Ordered, That the papers accompanying the bill (S. 947, 63d Cong.) granting an increase of pension to Thomas L. Jennison be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILL REFERRED.

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, was read twice by its title and referred to the Committee on Indian Affairs.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 10384.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. PHELAN. I ask unanimous consent to present correspondence of the Secretary of Labor on the subject of the bill now before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMOOT. I did not hear what the request was.

The VICE PRESIDENT. It is to introduce in the RECORD correspondence of the Secretary of Labor touching the pending immigration bill. Without objection, it is so ordered.

The matter referred to is as follows:

MAY 17, 1916.

Hon. WILLIAM B. WILSON,
Secretary of Labor.

MY DEAR MR. SECRETARY: I notice in a morning paper that the Committee on Immigration in the Senate has agreed upon an amendment which "removes the Japanese entirely from the immigration bill, but accomplishes Asiatic exclusion otherwise by specification of latitude and longitude. That portion of China along most of its seacoast is not included in the excluded territory, but the Chinese-exclusion law of this country, it is explained, will be applicable to the Chinese." (See Washington Post of May 17, p. 5.) The committee has not yet made its report to the Senate.

I would like to learn from your department whether it is possible under this bill, if enacted into law, for Japanese laborers, whose immigration is regulated by the "gentlemen's agreement" to enter our territory, or whether, under your regualtions, you would admit them without a passport. I have in mind the possibilities of objectionable oriental laborers sailing from other than oriental ports, as ports of Mexico, British Columbia, or by way of the border, being admitted to the continental territory of the United States, where they have been regularly admitted to those countries by passports issued by their own Government. The Japanese Government is morally obligated not to issue passports to Japanese laborers who intend to enter the United States, but what about those to whom passports are issued for Mexico, for instance, and who come to the United States by a circuitous route?

Senator SMITH, chairman of the Committee on Immigration, as a reason for not including the "gentlemen's agreement" in the immigration bill, calls my attention to the act of February 20, 1907 (34 Stats., 898), as amended by the acts of March 26, 1910 (36 Stats., 263), and March 4, 1913, which provides, among other things, "that whenever the President shall be satisfied that passporst issued by any foreign Government to its citizens to come to any country other than the United States, or to any insular possession of the United States, or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country, or from such insular possessions, or from the Canal Zone."

Believing that the Department of Labor is determined so far as the law permits to discourage the immigration of oriental laborers as a protection for our own people, and through them our institutions, I would like to have your judgment on this matter. A casual reading leads me to believe that if the "gentlemen's agreement," so called, with Japan is directly or indirectly violated, in letter or spirit, the President has the power to refuse admission to this country to those whose exclusion is desired. This is the reason advanced by Senator SMITH why it is not necessary to enact in terms the "gentlemen's agreement."

The executive branch of the Government in this view controls the situation, provided it is disposed to act, and the exclusion of objectionable orientals rests, therefore, upon the Japanese Government in the first instance and, secondly, in case of violation or of bad faith upon the judgment and determination of the President of the United States.

Please to advise me on this subject at your earliest convenience because the amended immigration bill may be presented to the Senate at any time. I desire in every possible way, without giving needless offense to our neighbors, to protect the Pacific coast and the country against the blight of oriental immigration, which is nonassimilable and which, if not restrained, will crowd out the white population of my State. I am,

Yours, very truly,

JAMES D. PHELAN.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 22, 1916.

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 17th instant, in which you discuss at some length the amendments recently agreed upon in the Senate Committee on Immigration and which it is understood will soon be reported to the Senate by said committee through a reprint of the pending immigration act (H. R. 10384). As it has been the privilege of this department to cooperate with the Department of State and the Immigration Committee of the Senate in perfecting these amendments, I take pleasure in advising you fully with respect to the department's view of the questions which you raise.

In the first place, it must be borne in mind that no one who participated in the preparation of the Burnett immigration bill or in its perfection before the Immigration Committees of the House and Senate has ever had the least intention, as I understand the matter, to have the measure apply in any respect or any degree to the control of the immigration of Japanese. The amendments have been prepared and finally adopted by the Senate committee with no intention of changing in any particular the intent of the act. The only purpose is so to change the form, without modifying the effect, as to eliminate even the least possibility of having the language employed in the measure giving any offense to Japan or to any other foreign nation. Incidentally, in perfecting these amendments, I believe that a general improvement has been brought about. The principal amendment is made in that provision of section 3 of the act having the object of excluding from this country orientals (with certain excepted nonlaboring classes) other than Chinese and Japanese. The Chinese are already cared for by the treaty of 1880 and the exclusion laws of later date, all of which were "reenacted, extended, and continued without modification, limitation, or condition" by the act of April 27, 1904 (33 Stat., 394–428). Inasmuch as the understanding with Japan, commonly called the "gentlemen's agreement," remains in operation in connection with the proviso to section 1 of the act of February 20, 1907, which it is proposed to reenact in the pending measure, nothing further is needed on that phase of the subject.

The joint operation of the proviso above mentioned, the proclamation upon which rule 11 is predicated (quoted therein), and the rule in question is this: The Japanese Government does not issue passports to its subjects who are laborers, skilled or unskilled, permitting them to come to the mainland of the United States or to Hawaii, with certain exceptions in favor of the immediate members of families already residing here and in favor of Japanese who have established a domicile here and returned to their native land temporarily. Any Japanese of the

laboring class who arrives at a port of this country and does not hold a passport containing the permission of his own Government to come to the United States or who holds a passport limited to any country foreign to the United States is rejected by the immigration officials and deported to the country whence he came. If it is found in any case (and I am glad to say that this department's experience has been that such cases are extremely rare) that a passport to the United States has been issued by Japanese passport officials inadvisedly or erroneously, the matter is promptly brought to the attention of the Japanese Government through diplomatic channels, with request that proper steps be taken to prevent any recurrence of the mistake. Requests of this nature have always received prompt and careful attention.

The provision which has been amended reads in the print of H. R. 10384 of March 30, 1916, as follows (p. 7, lines 4 to 10): "Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into."

The provision which it is proposed to substitute for the above reads as follows: "Unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, Province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north."

You will observe that by using the proposed substitute all reference to race or nationality is avoided, and yet it is made perfectly clear that the purpose of the law is to extend the principle under which certain kinds of Oriental laborers have heretofore been excluded from the country to the cases of other Orientals, the migration of whom has recently commenced, or in whose cases migration might be expected to commence in the future. The geographical lines have been selected with care and include within the excluding provision every part of Asia and every island adjacent thereto, the natives of which would have been excluded by the language for which it is a substitute, while the people themselves are not named by either race or nationality.

Respectfully, yours,

W. B. WILSON, *Secretary.*

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment of the Senator from Missouri [Mr. REED], where, on page 7, line 4——

Mr. SMITH of South Carolina. The pending amendment is now in process of modification, and it will be ready in just a minute. I ask that this amendment be temporarily passed over pending the preparation of an amended amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole save the one which has just been temporarily passed over.

The amendments were concurred in.

Mr. SMITH of South Carolina. Mr. President, I am ready now to proceed with the consideration of the amendment temporarily passed over.

Mr. REED. Referring to the amendment which was passed over, after some conference with the committee, we have agreed upon an amendment in lieu of the amendment I offered. That amendment will now be presented by the chairman of the committee.

Mr. SMITH of South Carolina. In lieu of the amendment offered, as per agreement, on page 7, line 4, after the word "eligible," insert the following, which I will ask the Secretary to read.

The SECRETARY. On age 7, line 4, after the words "otherwise eligible," insert "unless otherwise qualified for admission and voluntarily coming from contiguous foreign territory to seek employment in harvesting farm crops, persons whose intention it is to return to the country whence they come, after temporarily engaging in laboring pursuits in the United States; persons who, after having been admitted to the United States, return to the country whence they came to there reside or for the purpose of taking part in any war in which such country is involved."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of South Carolina. On page 35, line 8, after the words "United States," I move to insert the following.

The SECRETARY. On page 35, line 8, after the words "United States," insert:

All aliens coming to the United States shall be required to state, under oath, the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, that they have not come for the purpose of securing temporary employment as laborers and with the intention of returning to the country whence they came, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I am this morning in the receipt of a letter from Hon. Louis Marshall, of New York City, which relates to the Senate amendments to the pending bill, but it probably comes too late for any action upon those amendments, as they have all been agreed to in the Senate unless a reconsideration can be had. I desire, however, to have the letter read to the Senate in order that it may appear in the RECORD and the Senate may have the views of this distinguished lawyer, and that in this way the matter may be given consideration in conference if the bill reaches that stage. I think the letter is well worthy the attention of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

THE AMERICAN JEWISH COMMITTEE,
356 Second Avenue, New York, December 11, 1916.

DEAR SENATOR: Although I am very much opposed to the passage of the pending immigration bill with the literacy test, because I believe it to be wrong in principle, I wish especially to call your attention to three provisions contained in the bill as reported to the Senate which should be amended:

I. The proviso contained in section 2 of the present immigration bill, intended to admit into the United States persons who had actually been convicted of an offense purely political, not involving moral turpitude. Under this law the courts have held that Gen. Castro, the former President of Venezuela, though charged with murder committed in the course of one of the numerous revolutions in which he was a participant, and Milus, who had been convicted of publishing a libel on the King of England, were entitled to admission. The present bill, as it passed the House, not only provides that the provisions of section 2 do not apply to persons convicted, but also to those who admit the commission, or who teach or advocate the commission, of an offense purely political (p. 10, lines 3-6). The Senate committee has added the words "unless such offense is a felony" (p. 10, line 7).

Under the provision as it has now been amended, no revolutionist could be admitted into this country. By becoming a participant in a revolution against the constituted government of his country, he would, according to its laws, be guilty of treason. That is not only a felony, but, as was said by Lord Reading in his charge to the grand jury in the case of Sir Roger Casement, it is regarded as the most serious of felonies. Sir Roger Casement himself, and those who were recently participants in the attempt to establish an Irish republic, some of whom were executed by a drumhead court-martial, would have admitted, had they fled to the United States, the commision and advocacy of the commission of an offense which, though purely political, was a felony. Under the law as it is now sought to be amended, they would all have been deported and placed in jeopardy of their lives by the legislation enacted by a Government which has heretofore prided itself upon opening its hospitable doors to political refugees.

In like manner, Kossuth and Garibaldi would, under a similar statute, have been deported to the respective countries where they were sought to be prosecuted for political offenses. The fathers of our Republic were guilty of felony under the English law which prevailed at the time of the Revolution, and which still prevails. Washington was regarded as an archtraitor, as he doubtless was under the law to which he owed allegiance at the time when he joined the Revolutionary cause.

So every Russian who has striven for the breaking of the yoke of despotism under which his country languished, who has become a member of a political organization which has advocated revolution, would be a felon. It is only a few years since the entire country was stirred by the cases of Jan Pouren and Rudowitz, whom Russia asked to be extradited because of alleged crimes that they had committed. It was shown that these alleged crimes were the incidents of an outbreak among the Letts near Riga, and although they bore all the outward semblance of robbery, burglary, and murder, extradition was refused, because these offenses, though felonies, were political.

If this proviso, as it is now proposed to amend it, were to become a law, then it would be unnecessary for a foreign government seeking the punishment of a political offender to resort to extradition. That remedy, which would be futile in the case of a political offender, as has been indicated in the two cases to which I have just referred, would be superseded by a more simple and expeditious remedy. All that Russia, for instance, would have to do to reach its political refugees would be to show to an immigration inspector that the person in question was a participant in a movement which resulted in loss of life or the destruction of property, and that, though political, the offense involved the commission of a felony. At once, automatically, the unfortunate victim of despotism would be deported and enter the ranks of martyrdom. The Congress of the United States would thus become an appanage of tyranny, and enable the despots of other lands to reach across the sea to add to the terrors of their power; only in such case it would be Congress and not the despotic government which would be the instrument of rendering the latter redoubtable.

The Sichinski case has been referred to as justifying a departure from our historic policy. But that is a mistake. His offense was clearly political. It was so adjudged. It is claimed that the amendment proposed by the House would not be applicable to such a case. Yet, as the bill has been amended by the Senate committee, not only would his case be included, but that of many others whose sole offense has been that of participating in an unsuccessful popular uprising. The very fact that they were unsuccessful stamped their offense as a felony. You will remember the famous lines:

"Treason doth never prosper.
What's the reason?
For if it prosper none dare call it treason."

Our history is full of great names of those who sought asylum here from the consequences of political offenses. The men of 1848 who came from Germany included some of our noblest citizens. Carl Schurz, Col. Hecker, and hundreds of others might be instanced. Are we now, at this period in the world's history, when more than at any other time it is important to afford a refuge to those who may be regarded in their own lands as traitors but who in reality are merely

the prophets of a better day, to close our doors to them and leave them to their untoward fate by inserting in our immigration laws an amendment like that which is now proposed?

The provision as reported by the Senate committee is a distinct reversal of the American policy hitherto entertained toward political refugees and a destruction of the right of asylum which has long been recognized as a fundamental tenet of the political faith of all of our national parties. In fact, the platforms adopted by the Republican Party in 1912 and 1916 contained an unqualified pledge that the right of asylum shall be maintained.

2. The second amendment called for relates to the separation of wives from their husbands and parents from their children which will be brought about by the definition given to the term "aliens" in section 1 of the pending bill. It reads:

"That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States, becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized. Hence, if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported. If this is not a separation of the kind characterized, but which could not have been contemplated, although literally provided for, language loses its significance.

Moreover, a native-born woman who marries an alien loses her citizenship by the fact of such marriage. Should she, therefore, take a trip abroad, on returning to this country she is subject to deportation because of her alienage should she have contracted a disease or have become the victim of a misfortune which brings her within one of the classes of deportable immigrants. That this is not mere fancy is indicated by the recent decision of the United States Supreme Court in Mackenzie *v.* Hare (239 U. S., 299). Under the existing law a woman who might lawfully be naturalized who married a citizen of the United States is to be deemed a citizen. (Kelly *v.* Owen, 7 Wall., 496; Low Wah Suey *v.* Backus, 225 U. S., 473.) This excludes Chinese persons but includes those of the white race. Yet a foreign-born woman not naturalized, though she becomes a citizen by the naturalization of her husband, as do their children under the age of 18, will still remain an alien within the meaning of the immigration law if this proposed definition of an "alien" is enacted, and becomes subject to all the conditions and prohibitions which the act contains which are applicable to aliens.

In order to avoid these untoward consequences, the least that can be done is to amend this definition by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

3. A proviso is added to the literacy test (p. 9, lines 10–18), as follows:

"That the following classes of persons shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

This makes no provision for those who seek admission to the United States to avoid political persecution. In view of the fact that much of the persecution not only of the Jews but also of other subject peoples in Russia and Roumania, such as the Finns, the Letts, and the Esthonians, is on political as well as on religious grounds, and for political effect, it is desirable, in order that there may be no question as to the protection of these unfortunates and so that there may be no difficulty in ascertaining just where religious persecution ends and political persecution begins, that the clause quoted be amended as follows: That in line 14, page 9, after the word "religious," there be added the words "or political," and, on page 9, line 18, after the word "faith," there be added the words "or the political views that he entertains."

I trust that you may be able to bring about the adoption of these several amendments.

Very cordially, yours, LOUIS MARSHALL.

Hon. JAMES A. REED,
United States Senate, Washington, D. C.

Mr. SMITH of South Carolina. Mr. President, there are two amendments which are necessary for the completion of the bill. One is a mere matter of keeping the statistical record straight. On page 26, line 19, after the word "cause," I move to insert the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 26, line 19, after the words "from what cause," it is proposed to insert "whether coming with the intent to return to the country whence such alien comes, after temporarily engaging in laboring pursuits in the United States, and such other items of information as will aid in determining whether any such alien belongs to any of the excluded classes enumerated in section 3 hereof."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of South Carolina. Now, Mr. President, on account of the passage of the so-called Philippine government bill, the amendment which I send to the desk becomes necessary in order to take care of that situation.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 2 it is proposed to strike out lines 13, 14, and 15 and to insert:

That this act shall be enforced in the Philippine Islands by officers of the general government thereof unless and until it is superseded by an act passed by the Philippine Legislature and approved by the President of the United States to regulate immigration in the Philippine Islands, as authorized in the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote by which the amendment appearing on page 10, which reads "unless such offense is a felony," was adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri. [Putting the question.] The noes seem to have it.

Mr. GALLINGER. Mr. President, will the Senator from Missouri state precisely just what is the provision, the adoption of which he asks to have reconsidered?

Mr. REED. The provision of the House text, as the bill came from the House to the Senate, is:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

The Senate committee amendment, which has been adopted, added the words "unless such offense is a felony." I wish to reconsider the vote by which that amendment was adopted in order to submit a motion to strike out the words "unless such offense is a felony."

Mr. SMITH of South Carolina. Mr. President, the committee added those words to the House text after consideration, for the reason that, while they heartily agreed with the provision in the House bill, they took the view that we should be hardly justified in allowing assassins, men who had committed murder, who did not merely revolt against the condition in their country and oppose the form of government under which they were living, but who went to the extreme of committing personal crime. Certain cases were cited in the letter which has been read to-day, which, as a self-respecting nation, we could hardly justify; as, for instance, where a man went to the extent, in his antagonism to his Government, of committing murder, though the incentive or cause was purely political, such an act being the personal commission of a crime, we could scarcely justify it. We maintained that, while this country is an asylum to which the politically persecuted may come, we should hardly want to invite to this country men who, by reason of their violent opposition to whatever form of government they lived under in other countries, take the matter into their own hands, commit murder, and then seek this country as an asylum to escape from their crimes. We are willing to extend the privilege of admission to all who are politically persecuted and who revolt against the tyranny of their government, but who, in the light of modern civilization, restrain their passions to the point of refraining from committing personal violence.

Mr. REED. Mr. President, the trouble is that the phrase as used in this bill has no such limitation as the distinguished Senator implies in his address. The phrase in the bill is "unless such offense is a felony." Everyone knows—I am sure there can be no division of opinion upon this matter if the Senate will really pause to consider it—that under the laws of European countries nearly every act which has a tendency to overthrow the governments, even in many instances including ordinary freedom of speech, is a felony under the laws of such countries; and this phrase, as now written in the bill, would exclude every man who has done anything in an effort to change the form of a European or Asiatic government, provided the laws of that country punish the act with imprisonment, raising it to the rank of a felony.

Now, let us see just where that brings us. I do not intend to take much of the time of the Senate, but I want to present this matter. As stated in the letter of Mr. Marshall, Louis Kossuth would undoubtedly have been stopped at the shores of this country and returned to execution if this law had been in effect. Undoubtedly he committed a felony under the laws of the country from which he came when he started a revolution. Undoubtedly all of the Polish patriots who rose in rebellion against the tyrants who enthralled them were guilty of a felony under the laws dictated by those tyrants. Probably any man in Ireland who may to-morrow start an agitation to declare Ireland a free and independent nation will be liable as a felon under the laws of England.

Of course the term "felony" has no very well defined technical meaning, but I employ the term in its broad general sense.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. The Senator is so much better versed in the law than I am that I hesitate to ask him this question, but is it not intended in this bill that it shall be a felony according to our laws rather than the laws of Europe?

Mr. REED. It is very hard for me to say what is intended in the bill, except as I gather it from the language. The language here employed is, to state it in its positive form, that no man shall be admitted to this country if he shall have committed a felony, even though that felony be of a political nature. I think it would have to be determined whether he had committed a felony or not by the law of the place where the act constituting the alleged felony was committed.

Mr. GALLINGER. I will say frankly to the Senator that if that is the correct interpretation I am in full sympathy with his contention; but if we are to determine according to our own system of jurisprudence whether a given act is a felony, I think the provision might well remain in the bill.

Mr. REED. I will say to the Senator that I always hesitate to answer a legal question offhand; it is a difficult thing to do and be certain that you are right. A man gets more uncertain, the more law he knows, about that kind of an opinion; but my present judgment is that the words must be taken in connection with the entire phrase. The entire phrase applies to political offenders. Of course that does not mean a political offense against our Government; it is a political offense against the Government where the man lives. Then the exception follows, "unless such offense is a felony." Manifestly, reading those words in connection with the phrase "a political offense," it would seem to mean a felony under the laws of the country where the man lives.

Mr. GALLINGER. Mr. President, I will ask the Senator if it might not clarify the matter if the words "according to the laws of the United States" were added?

Mr. LODGE. Mr. President, if the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. Certainly; I understood that it was the opinion of the committee that the offense should be a felony under the laws of the United States. I think those words were omitted by the committee because the Supreme Court has held in the case of United States against John Bitte that the word "felony" used in the immigration law meant a felony according to the laws of this country and not according to the laws of any other country; but there could be no harm in adding the words "according to the laws of the United States."

Mr. REED. Then we should, if we reconsider the vote by which the amendment was adopted and the language will thus become subject to amendment. So I ask that the vote be reconsidered, and I think we can agree on the form of an amendment.

Mr. SMITH of Michigan. Mr. President, if the Senator from Missouri will permit me, if I gathered correctly what the Senator from South Carolina said, he wanted to prevent a felon from coming here from another country under our immigration laws, and the Senator from Missouri, if I understand him correctly, wants to leave that felon to the laws of the country in which he committed the crime.

Mr. REED. No; the Senator does not understand me correctly.

Mr. SMITH of Michigan. Then the extradition treaty would reach that kind of a criminal if he undertook to flee to this country. There is not a treaty that we have with any country in the world that would not reach him if he is a felon and has committed a high crime. So that striking this language out of the amendment as proposed by the Senator from Missouri would not, in my opinion, leave the gates down so that a man accused of crime could come here to live under the immigration law.

Mr. REED. The point the Senator makes, if I understand him, is that if these words were entirely omitted and did not appear in the bill at all, if a man came here who was just simply a murderer he could not come in any way, because of other provisions of the law.

Mr. SMITH of Michigan. Under our extradition treaties they could reach right over here and get him and take him back.

Mr. REED. If he was simply a murderer.

Mr. SMITH of Michigan. Yes; or if he had committed any other high crime.

Mr. REED. Or a man who had committed some other heinous crime which was not a political crime.

Mr. SMITH of Michigan. Exactly.

Mr. REED. The first thing to do, of course, is to reconsider this amendment. Then we can take up the matter and discuss it. I ask for a vote on the motion to reconsider.

The VICE PRESIDENT. The question is on the motion to reconsider the vote whereby the amendment made as in Committee of the Whole was concurred in by the Senate.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now the question recurs on concurring in the amendment made as in Committee of the Whole.

Mr. SMITH of South Carolina. Now, Mr. President, as the matter is reconsidered, I propose to amend this language by inserting, after the word "felony," the words "under the laws of the United States."

Mr. REED. Mr. President, let me ask the Senator, before he commits himself finally to that language, whether the Senator from Michigan [Mr. SMITH] is not right in saying that if the crime be a crime pure and simple, not a political crime, the man could now be taken by requisition from this country? In that connection I make this suggestion, which has been suggested to me: Is it not a felony to take up arms against the Government of the United States? The answer must be, yes. Now, suppose that we adopt the language that is proposed to be inserted by the Senator from South Carolina, which is, in substance, "unless the act would be a felony against the United States." Of course that means unless the act, if committed in the United States, would be a felony against the laws of the United States. Now, it would be a felony under the laws of the United States for a man to take up arms against the United States. Accordingly, if the language which is suggested were employed, if any man took up arms against a European country he would do an act which, if he did it in the United States, against the United States Government, would be a felony; and, accordingly, every man who rises in revolt against a European country would immediately be barred from admission to this country.

To illustrate, let us take the case of the former Kingdom of Bohemia, which has been held in subjection now for hundreds of years, but which has never ceased to contend for its liberty, and which, I think, in 1868—although I may be in error—arose in revolt against the Austrian Government. Suppose that during the course of this war the Bohemians as a nation should revolt. Suppose they should carry on a war for a year or more, but finally be overcome, and thereupon the defeated Bohemians should flee to this country; and suppose we had a law here that provided that men committing a political offense which, if committed in this country would constitute a felony, should be barred from admission. Every one of those patriots, or revolutionists—by whatever name we want to refer to them—would be barred at the gates of this country. I repeat, Louis Kossuth was guilty of numerous acts which not only constituted felonies under the law of the country where he then lived, and against which he rebelled, but which would have constituted felonies in this country if they had been committed here, although his act was merely the act of a revolutionist.

The same thing may be said now of all European revolutionists. I think the wise thing to do, and the only thing to do, is to leave out this language, because if a man is merely a criminal over in Europe and comes here, and his act has been a private act, he can be taken back under the extradition laws that now exist. But if you add the language that is now in the bill and say that he can not be taken back for a political offense unless that offense constitutes a felony, then you have said that you can not take back a man who has been guilty of merely minor offenses against the Governments of Europe and other places; but you can take him back the minute he has done a thing which would be effective, namely, to head a revolution or to join a revolution.

This language is plainly a reversal of our policies. Now, I have read this very able letter from Mr. Marshall, of the New York bar, and it states the matter better than I can state it. Let me earnestly ask the Senate to allow me to read again a part of Mr. Marshall's language:

> I wish especially to call your attention to three provisions contained in the bill as reported to the Senate, which should be amended:
>
> 1. The proviso contained in section 2 of the present immigration bill, intended to admit into the United States persons who had actually been convicted of an offense purely political, not involving moral turpitude. Under this law the courts have held that Gen. Castro, the former President of Venezuela, though charged with murder committed in the course of one of the numerous revolutions in which he was a participant, and Millus, who had been convicted of publishing a libel on the King of England, were entitled to admission. The present bill as it passed the House not only provides that the provisions of section 2 do not apply to persons convicted but also to those who admit the commission or who teach or advocate the commission of an offense purely political. (P. 10, lines 3 to 6.) The Senate committee had added the words "unless such offense is a felony." (P. 10, line 7.)
>
> Under the provision as it has now been amended no revolutionist could be admitted into this country. By becoming a participant in a

revolution against the constituted government of his country he would, according to its laws, be guilty of treason.

And let me add, by becoming a revolutionist against this Government any man is guilty of treason. So that if we were to construe the offense according to our own law, as was suggested, it would, nevertheless, be a felony.

Reading on:

That is not only a felony but, as was said by Lord Reading in his charge to the grand jury in the case of Sir Roger Casement, it is regarded as the most serious of felonies. Sir Roger Casement himself, and those who were recently participants in the attempt to establish an Irish republic, some of whom were executed by a drumhead court-martial, would have admitted, had they fled to the United States, the commission and advocacy of the commission of an offense which, though purely political, was a felony. Under the law as it is now sought to be amended, they would all have been deported and placed in jeopardy of their lives by the legislation enacted by a Government which has heretofore prided itself upon opening its hospitable doors to political refugees.

In like manner Kossuth and Garibaldi would under a similar statute have been deported to the respective countries where they were sought to be prosecuted for political offenses.

The fathers of our Republic were guilty of felony under the English law which prevailed at the time of the Revolution, and which still prevails. Washington was regarded as an arch traitor, as he doubtless was under the law to which he owed allegiance at the time when he joined the Revolutionary cause.

So every Russian who has striven for the breaking of the yoke of despotism under which his country languished, who has become a member of a political organization which has advocated revolution, would be a felon. It is only a few years since the entire country was stirred by the cases of Jan Pouren and Rudowitz, whom Russia asked to be extradited because of alleged crimes that they had committed. It was shown that these alleged crimes were the incidents of an outbreak among the Letts near Riga, and although they bore all the outward semblance of robbery, burglary, and murder, extradition was refused because these offenses, though felonies, were political.

If this proviso, as it is now proposed to amend it, were to become a law, then it would be unnecessary for a foreign Government seeking the punishment of a political offender to resort to extradition. That remedy, which would be futile in the case of a political offender, as has been indicated in the two cases to which I have just referred, would be superseded by a more simple and expeditious remedy. All that Russia, for instance, would have to do to reach its political refugees would be to show to an immigration inspector that the person in question was a participant in a movement which resulted in loss of life or the destruction of property and that, though political, the offense involved the commission of a felony.

But I go further than this learned gentleman, and say that the act of raising the revolt is itself a felony; that if this language of the committee is allowed to stand in the bill then there is not a single man who has ever raised his hand in revolt who can hereafter come to the United States, because the act of revolt is an act of felony; not only under the laws of every country where the act may be committed but also under the laws of the United States, to which the man may come, such an act is a felony.

Mr. President, I do not want to take the time of the Senate. We are all impatient to dispose of this bill; but I do think the language to which I have referred ought to come out of the bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Carolina.

Mr. LA FOLLETTE. Mr. President, if I understand the parliamentary situation, it is proposed by the Senator from South Carolina, the chairman of the committee in charge of this bill, to add to the amendment proposed by the Senate committee certain words which I will ask the Secretary to read.

The SECRETARY. On page 10, after the committee amendment which reads "unless such offense is a felony," it is proposed to add the words "under the laws of the United States," so that it will read:

Of an offense purely political, unless such offense is a felony under the laws of the United States.

Mr. LA FOLLETTE. Now, Mr. President, if it be in order, I move as a substitute the striking out of the words sought to be amended by the committee amendment; that is, simply rejecting, instead of adopting, the motion offered by the Senator from South Carolina and also the words "unless such offense is a felony."

The VICE PRESIDENT. That is accomplished by disagreeing to the amendment of the Senator from South Carolina, or agreeing to it and subsequently disagreeing to the amendment as amended. It does not take a motion.

Mr. LA FOLLETTE. Then, Mr. President, I will say just a word on the pending amendment.

I trust that the amendment will not be adopted and that the Senate will immediately thereafter reject the committee amendment, to wit, vote out of this bill the words "unless such offense is a felony," permitting the law to stand as it now is.

I am very much surprised, Mr. President, that the committee has reported to the Senate this bill containing the amendment in the italicized words on line 7, page 10, which I have just quoted. If the Senate Committee on Immigration were seeking to make it impossible for the President to approve this bill, I can not conceive of any way in which they could have adopted language which would tend more to force that result. I can not add to the strength of the argument made by the Senator from Missouri that those words should have no place in any law passed by an American Congress; but I speak first, Mr. President, of the folly of incorporating in this bill the phraseology on line 7, page 10, which would completely destroy the entire policy of asylum which we have preserved from the very beginning of this Government and would raise at once again probably the strongest reason advanced by the President in his veto message against this bill. I want to remind the Senators of the language of that message. The President said:

This bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men, and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

That last clause is directed, of course, against the literacy test, but the other is leveled at the provisions in the bill which the President vetoed which, as he said, all but closed the door of asylum, changing radically the policy of this Government. The amendment which the committee has reported here is more radical in that respect than anything contained in the bill which the President vetoed.

I read further from the President's message of veto:

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

Mr. President, Garibaldi, Kossuth, Gen. Franz Sigel, and Carl Schurz would never have been admitted into this country with that provision in the law; and if this provision be incorporated in our immigration laws you will deny admission into this country of any man who from purely political and patriotic motives raises his hand against tyranny and oppression in any government.

Mr. GALLINGER obtained the floor.

Mr. SMITH of South Carolina. After consulting with other members of the committee, in order not to burden the bill with what seems to be a matter of grave concern on the part of some, and with the statement also that it is fairly well met by our existing laws against crimes other than political ones, such as murder, to which I called attention a moment ago, I personally withdraw my amendment, and the committee consents to the amendment offered by the Senator from Missouri. I withdraw the committee amendment.

Mr. GALLINGER. Mr. President, before that is done, I do not rise to strenuously oppose the matter or to oppose it at all, but I think I understand the purpose the committee had in view in using the language that is now in the bill and which it is proposed to eliminate. The law as it now stands is—

That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

That language will not be changed if the amendment or amendments proposed shall be agreed to, but there was one case decided by the Immigration Commissioner which I think perhaps may have influenced the committee. I do not know whether it did or not. I want to read that case:

Miroslav Sichinsky, a Ruthenian, who in 1908 assassinated Count Andris Potocki, governor of the Austrian Province of Galicia, will be permitted to remain in the United States. The Bureau of Immigration has decided Sichinsky's offense was political.

Sichinsky shot the governor during a private audience. He was sentenced to 20 years' imprisonment, but escaped and came to America, and was admitted because his record was not known. Recently Sichinsky went to Ellis Island, gave himself up, said he wanted to become an American citizen, and asked the immigration authorities to pass on his case.

And the immigration authorities decided that his offense was purely political and he was allowed to remain in the United States. That case looks to me very much like deliberate murder. I do not believe the man ought to have been allowed to remain in the United States, but it was decided that it was a political offense. I suppose he is living somewhere in our country.

I apprehend that the committee may have had in view cases of that kind, but possibly——

Mr. SMITH of South Carolina. The committee had just such cases in view. But if the Senator will allow me, in the existing law there is exactly the same wording you will find in the House text here, and there are also the words "not involving moral turpitude," but the House committee concluded that that was a question purely to be decided by the courts and meant nothing in the bill, that it added nothing to it nor subtracted nothing from it. After concurring with members of the committee we are of the opinion that the courts can take care of that.

Mr. GALLINGER. Of course, I submit to the judgment of the Senator from South Carolina, the chairman of the committee, and his associates on this as I would on almost any other question connected with this very important bill, yet I am troubled in my mind about cases such as I have cited.

Mr. SMITH of South Carolina. I should like to state to the Senator from New Hampshire that just such cases as he cites, and particularly that case, largely influenced the committee. As I said in my remarks this morning, it looked like a question of pure personal malice or murder; yet we recognize the fact that we can not legislate here for exceptions, that we must legislate for a general rule, and though these exceptions come in and are to be deplored, yet for the greater good the committee makes this concession.

Mr. GALLINGER. I did not make the observation I have or cite that case with a view of combating the better judgment of the committee, and of course I shall not oppose the amendments that have been suggested.

Mr. REED. Do I understand that the Senator from South Carolina withdraws the amendment?

The VICE PRESIDENT. He can not do it. He has no power to do that. The question is on concurring in the amendment made as in Committee of the Whole. The Senator from South Carolina has withdrawn his amendment to the amendment, but the question now is, Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was nonconcurred in.

The VICE PRESIDENT. The bill is still in the Senate and open to amendment.

Mr. REED. Mr. President, I desire now to call the attention of the committee to another matter which is referred to in Mr. Marshall's letter and which I think I can better state by reading his letter than by offering an amendment. I believe this will meet with the approval of the committee, if they will give it close attention:

> 11. The second amendment called for relates to the separation of wives from their husbands and parents from their children, which will be brought about by the definition given to the term "aliens" in section 1 of the pending bill. It reads:
>
> "That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

I hope the Senator from Massachusetts [Mr. LODGE] will be so kind as to notice this matter that I am reading, because I think it will appeal to him. The language of the bill Mr. Marshall calls attention to is:

> "That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."
>
> Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States, becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized. Hence, if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported. If this is not a separation of the kind characterized, but which could not have been contemplated, although literally provided for, language loses its significance.
>
> Moreover, a native-born woman who marries an alien loses her citizenship by the fact of such marriage. Should she, therefore, take a trip abroad, on returning to this country she is subject to deportation because of her alienage, should she have contracted a disease, or have become the victim of a misfortune which brings her within one of the classes of deportable immigrants. That this is not mere fancy is indicated by the recent decision of the United States Supreme Court in Mackenzie *v.* Hare (239 U. S., 299).
>
> Under the existing law a woman who might lawfully be naturalized who married a citizen of the United States is to be deemed a citizen. (Kelly *v.* Owen, 7 Wall., 496; Low Wah Suey *v.* Backus, 225 U. S., 473.) This excludes Chinese persons, but includes those of the white race. Yet a foreign-born woman not naturalized, though she becomes a citizen by the naturalization of her husband, as do their children under the age of 18, will still remain an alien within the meaning of the immigration law, if this proposed definition of an "alien" is enacted, and becomes subject to all the conditions and prohibitions which the act contains which are applicable to aliens.
>
> In order to avoid these untoward consequences, the least that can be done is to amend this definition by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

It seems to me that that is unanswerable and that the committee did not intend to exclude the particular class of individuals referred to in Mr. Marshall's letter.

Mr. SMITH of South Carolina. Section 22 provides—

> That whenever an alien shall have been naturalized or shall have resided in the United States for seven consecutive years, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained.

Section 22 gives relief on the very point to which the Senator has directed attention. They are detained until it is found whether they would jeopardize the welfare of citizens of the United States. The minor children, I believe those under 18 years of age, and the wife of any naturalized citizen are allowed to come into this country with the exception I have just cited, but if they have contracted some contagious disease or are in a physical condition to endanger the health of citizens of the United States they are detained until it is found whether the disease is curable. If it is incurable, then they must be deported.

Mr. REED. The Senator is correct as far as that goes, but that does not cover, as I understand it, the case referred to by Mr. Marshall. Take the case of a native-born woman who marries an alien. She visits Europe and seeks to again come into this country, but she has contracted or had when she went away some one of the ailments which would make her ineligible as an immigrant.

Mr. SMITH of South Carolina. She is native born?

Mr. REED. Yes; she is native born, but when she marries an alien she becomes an alien. Such a person would be excluded.

Mr. SMITH of South Carolina. Notwithstanding her birth?

Mr. REED. Notwithstanding her birth.

Mr. LODGE. A native-born woman does not change her legal citizenship.

Mr. REED. The bill says "native born."

Mr. LODGE. She does not change the place of her birth because she marries an alien.

Mr. REED. Undoubtedly she does not change the place of her birth, but she loses her status as native born when she marries an alien, because she thereby becomes in law an alien and comes within the term "alien" as used in the bill and can be excluded as an alien although born in this country.

Mr. SMITH of South Carolina. "Native born or naturalized."

Mr. REED. It will not do to undertake to smile away the carefully prepared criticism by Mr. Marshall. He has been a student of this class of legislation for many years, and is a great lawyer.

I will say frankly to the Senate since receiving this letter—for it was handed to me on the floor of the Senate this morning by my clerk after he opened the mail—I have not had the opportunity to read and compare every part of the bill. I know the committee does not want to produce the result which Mr. Marshall thinks is produced by the bill.

Now, I will call attention to two or three things Mr. Marshall says.

First let me say the language of the bill says "that the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

Mr. Marshall makes this observation—I call attention to it again even if I may be a little wearisome:

> Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized.

Mr. LODGE. If the woman is not native born the alien can not be marrying a native born. Let me say to the Senator that this matter was presented by Mr. Marshall to the House committee. Mr. Marshall is a very able lawyer; I have the pleasure of knowing him. He has fought this legislation with the utmost ability always from the beginning. He would like to defeat it all. I think some of his points are good, but I thought in the past this point had not any merit. That is my honest opinion. I refer to the point Mr. Marshall presents, and which he has previously presented, if I am not greatly mistaken.

Mr. REED. Well, let me conclude the statement. Mr. Marshall says:

> Hence if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported.

What is the language of the bill that escapes from that?

Mr. HUGHES. Mr. President, I should like to say that I think the Senator's criticism is not met by the statement made by the chairman of the committee.

Mr. LODGE. What the Senator is speaking of now is the present law?

Mr. HUGHES. This bill provides that an alien may send for his wife. I think Mr. Marshall is directing his attention, and the attention of Senators, to a case where a woman seeks to return to this country, and her children seek to return. This bill makes no provision for such a case. It simply provides that when an alien has resided a certain number of years in this country and has become naturalized, he can send for his wife and children; and, unless there is some disqualification, they may come in; but the language fails to deal with the case of a woman who was in this country, who was married to a naturalized citizen of this country, and then departed and desired of her own motion to return to this country. Suppose the husband does not send for the woman; suppose she returns of her own motion? That is a conceivable case.

Mr. SMITH of South Carolina. The law simply contemplates the putting of the naturalized citizen into exactly the same category with the native-born citizen. If a native-born citizen were to go abroad and marry, and afterwards wanted to bring his wife and children into this country, the status of the naturalized and the native-born citizen under this bill would be exactly the same. I suppose this was not called to the attention of the committee; but if it had been, I do not suppose it would have received very serious consideration. The case cited by the Senator from New Jersey [Mr. HUGHES], as I understand, is one where a naturalized citizen marries in this country a woman who is foreign born, and then she goes abroad and decides on her own motion to return. Such a woman would hardly return unless she returned as Mrs. So-and-so. The law contemplates that when a naturalized citizen of this country marries a woman the woman takes on the status of the man, whether she is native born or foreign born.

Mr. REED. Exactly. Now, if she then goes to a foreign country and is at the time afflicted with or while abroad contracts a disease which brings her within the proscribed classes, she could not return under the terms of this bill.

Mr. SMITH of South Carolina. After she has been a resident of this country, she, of course, has the status of my wife or of your wife.

Mr. REED. That is just where I think the Senator is mistaken.

Mr. SMITH of South Carolina. It is as plain as can be. How could the courts decide otherwise? Here is a naturalized citizen——

Mr. REED. I have sent for a Supreme Court decision which I think will settle that matter, if I can get the decision here.

Mr. SMITH of South Carolina. It seems to me that the very common sense of the case would appeal to every man here—that a naturalized citizen, having now assumed the status of a native-born citizen, if his wife leaves this country she would be a naturalized American. She is an American citizen; she has established her citizenship, and she goes abroad and comes back with the same status that she had when she left. This bill contemplates that after a man has become a citizen, if his wife and children should go abroad and he afterwards desires to send for them, he can send and bring them here, but with the restriction that they shall be examined.

Mr. BRADY. Before they have been naturalized?

Mr. SMITH of South Carolina. Yes.

Mr. REED. But the Senator from South Carolina overlooks the point that Mr. Marshall makes; and I have sent for the Supreme Court decision, which I have not had the opportunity to examine, but which Mr. Marshall cites, where the court has held, according to Mr. Marshall, that a woman who marries a resident here who is an alien she no longer has the status of a native-born nor of a naturalized citizen. She does not come within either class, although she was born in this country. If that is the state of the law, the bill ought to be amended. I now have the decision, let me call attention to what the court has said.

The point I am making now is this: Mr. Marshall makes the statement that the only exceptions in the bill are that the term "alien" does not include a native-born or naturalized citizen. Then the bill is built around that definition of the term "alien."

Mr. SMITH of South Carolina. But it does include native born and naturalized.

Mr. REED. But Mr. Marshall makes the point, under the decision of the Supreme Court in MacKenzie against Hare and others, that the court has held that if the native-born woman marries an alien she loses her citizenship by that fact and that she is no longer classed as a native born, because she has married herself to one who is an alien. Neither is she a naturalized person, because she did not after becoming an alien by marriage become naturalized. Such being the case, the language of the bill is broad enough to exclude that particular woman.

Mr. SMITH of South Carolina. The point, then, the Senator from Missouri is making is that if a native-born woman marries an alien and goes abroad, when she seeks to return she then has the status of an alien?

Mr. REED. Yes; and she can not under the bill come in if she is suffering from a disease or has incurred any other of the disabilities named in the bill which exclude an alien. I will merely read the syllabus of this opinion. It is as follows:

In construing a statute whatever was said or given prominence in debate gives way to its actual language as passed. All reasons that induced its enactment and all of its purposes must be supposed to be satisfied and expressed by its words as finally enacted.

Under the Constitution every person born in the United States is a citizen thereof.

The provisions in section 3 of the citizenship act of March 2, 1907, that any American woman who marries a foreigner takes the nationality of her husband is not limited as to place or effect prior to the termination of the marital relation.

Where an act of Congress is explicit and circumstantial, as in section 3 of the citizenship act of 1907, it would transcend judicial power to insert limitations or conditions upon disputable considerations.

Whatever may have been the law of England and the original law of this country as to perpetual allegiance of persons to the land of their birth Congress by the act of 1868, now Revised Statutes, 1999, explicitly declared the right of expatriation to have been the law.

Now, notice:

The identity of husband and wife is an ancient principle of our jurisdiction—

It should have been "jurisprudence"—

and is still retained, notwithstanding much relaxation thereof; and while it has purpose, if not necessity, in domestic policy it has greater purpose, and possibly greater necessity, in international policy.

As a Government the United States is invested with all the attributes of sovereignty, and has the character and powers of nationality, especially those concerning relations and intercourse with foreign powers.

Citizenship is of tangible worth, but the possessor thereof may voluntarily renounce it, even though Congress may not be able to arbitrarily impose such renunciation.

Marriage of an American woman with a foreigner may involve national complications of like kind as physical expatriation may involve, and is therefore within the control of Congress.

Marriage of an American woman with a foreigner is tantamount to voluntary expatriation, and Congress may without exceeding its powers make it so, as it has, in fact, done by the act of March 2, 1907. (165 California, 776, affirmed.)

So that, if I can make this plain, as I see it this is the situation: We define an "alien" to be any person whomsoever who has not been naturalized or who is not native born. The committee undoubtedly thought that covered everybody, but here is presented the case of a woman who was native born, but who has expatriated herself by marrying an alien. Hence she loses her status as a native born and becomes under the law a subject of the foreign power to which her husband owes allegiance, and is to be treated as a subject of that foreign power as much as though she were born there. Hence she is an alien within the law.

Mr. LANE. Mr. President, if the Senator will allow me——

Mr. REED. In one moment. That woman, who has become an alien by expatriation, goes to Europe, and while in Europe contracts some disease or incurs some other disability which would bar her if she were coming to this country as an original citizen of that country, as one born in that country. When she comes here and pleads "I am a native-born citizen and therefore entitled to return," the answer to her is "Under the decision in Mackenzie against Hare you have lost your status as a native born and can not come in as a native born. Neither can you come back as a naturalized person, and you must be barred from this country the same as though you were born in another country, because you have become a citizen of that country by your act of expatriation, to wit, the act of marrying a man who is not a naturalized or a native-born citizen of this country." So that it seems to me now, with the law so plainly before us, that the committee ought to adopt the language that is suggested by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

Mr. LANE. Now, will the Senator allow me to interrupt him?

Mr. REED. Yes. I merely desired to finish the statement I had in mind.

Mr. LANE. I desire to call the attention of the Senator from Missouri to an example, which came to my notice during the last presidential campaign, of a woman in my State who had married a foreigner who had not been naturalized in this country. She lost her citizenship, and as she had not had time to take out her second papers she was excluded from voting at the last election. Now, it seems to me that is absolute confirmation, is it not, of the position of the Senator from Missouri?

Mr. REED. Yes.

Mr. LANE. That incident astonished me. I was not familiar with the law, but the woman assured me she had lost her vote, although she was native born. I knew her parents and knew

she was born in this country, but after her marriage to the foreigner she failed to take out naturalization papers and was not entitled to vote in this country.

Mr. SMITH of South Carolina. Mr. President, I have just a word or two to say. This is another case where, in order to take care of an exception, it is proposed to jeopardize the entire rule. The moment the suggested amendment is placed on the bill you open a Pandora's box.

In defense of the committee's position, I want to state now that when an American woman deliberately marries a foreigner, knowing the consequences as to her native country, she must take the consequences. If she elects to cease to be an American citizen, let her take her luck with those with whom she has cast her lot. I do not believe that we should here advocate having a dual citizenship and allow one who was born here to retain her American citizenship when she deliberately establishes her citizenship in a foreign country. It might lead to complications under certain conditions in this country that we would not be very willing to face. Here is the wife of a foreigner, an influential one, who wants to come to this country. We have certain immigration laws that might protect us under certain conditions, but she pleads this very amendment in her behalf. To all intents and purposes she is a foreigner; her heart and life are cast abroad, and yet she pleads her nativity as an excuse for enjoying all the privileges of a native American citizen.

It seems to me that there are enough American men attractive enough for the American women to find their husbands here, but, if there are not, then I am not going to vote for a law to foster this thing of American capital hunting some effete European title. I should like to make the provision more restrictive, if possible. If they want to swap American dollars for some kind of European titles, let them take the consequences of their act, but let us not upset our entire immigration law to suit the fancy of some woman who thinks that her money has procured all that she can get in America, but who also desires to buy some kind of a title that will give her the right to play the fool.

Mr. REED. Oh, Mr. President, the kind of woman that the Senator is talking about—and it seems to me that his argument ought hardly to be heard on the floor of the Senate; it would sound all right on the hustings, where one was trying to arouse a little enthusiasm or get a little applause, an offense that we are all guilty of at times—the kind of woman who swaps American dollars for a foreign title, goes to a foreign country to live. She follows the title she bought. However, there are plenty of good women in this country who may fall in love with some man born under some other flag, but who lives here and makes this his home, and who may marry that man and may afterwards see fit to make a trip beyond our borders. Let us take a very easy illustration.

A Canadian—not a man with a title, but a man with a trade—comes across the border into Minnesota or one of our border States, falls in love with an American girl, marries her, and settles there, and she marries him for the same reason that good women have married good men at every stage of the world's history; but the husband does not see fit to renounce his allegiance to the flag of England. The woman discovers that by marrying she has lost her status as an American citizen. She makes a trip to Canada and before going has contracted or while there she contracts tuberculosis or some other disease that would bar her if she had been born in Canada and were emigrating to this country. When she undertakes to come back to her husband she is met by an immigrant inspector who tells her she can not come in. She says, "I was born in the United States. My parents were born in the United States." But the inspector says to her, "You must stay out of the United States because you are neither native born nor naturalized; you lost your status as a native-born person when you married a subject of England."

Now, we ought not to allow a thing of that kind. It is not necessary to mar or break up the harmony of this bill by admitting an amendment that will do away with a possible wrong of that sort.

Mr. President, I move to insert in the bill, after the words "United States," on page 1, line 5, this language:

Not, however, including the wife of an alien, provided such wife was born in the United States, or the children of such marriage under 18 years of age.

Mr. HUGHES. Mr. President, I think the Senator is mistaken in his construction of this bill. The decision which he referred to a while ago was dealing with the right of a woman to vote under a State law. I presume that a State may provide that a woman who marries a foreigner expatriates herself to the extent of preventing her from exercising the right to vote where she otherwise might have that right; but nothing that the Supreme Court can write in the way of an opinion and nothing that any State legislature can enact in the way of a statute is going to alter the effect of this language, which is not dealing with naturalization except as it uses the term "naturalized" in order to classify certain people who are attempting to obtain admission to this country.

The first section of this bill provides that native-born citizens shall not be classed as aliens. Now, a woman may marry a foreigner and may thus lose her right to exercise the franchise in this country; but by no possible construction of this language can any such decision as that in any way affect her rights when she presents herself, in the capacity of a native-born American woman, and demands that she be admitted into the ports of the United States.

It seems to me that any attempt to amend the bill with a view to remedying a defect of that kind will perhaps open the bill and make it amenable to other criticisms, because it will be hard to follow the precise effect of the language which the Senator has just proposed. As far as I am concerned, if I thought the bill had the effect that the Senator thinks it has, I would not have any hesitancy in voting for his amendment or some other amendment calculated to remedy the difficulty; but in my opinion every native-born woman or native-born man or native-born child, regardless of what State courts may enact with reference to their right to vote, will be admitted under the language of this bill; and I propose to vote against the amendment.

Mr. REED. Mr. President, I simply want to say, in conclusion, that the Senator is entirely in error. While this was an election case, the principle laid down is that marriage by an American-born woman to one who is neither native born nor naturalized immediately annuls her citizenship and makes her an alien, just as though she had been born in another country.

Mr. HUGHES. This act makes her not an alien. It says precisely that native-born persons are not aliens; and no decision of the Supreme Court and no statute of any legislature can make an alien out of a native-born woman.

Mr. REED. That is exactly what was contended in the Mackenzie case.

Mr. HUGHES. They simply contended that she lost her right to vote. A State has a right to put practically any qualification on the right to vote.

Mr. REED. But the language in the act was language similar to this. The Senator overlooks the fact that when in writing a law you employ a term you employ it in the light of the definitions that have been in the past attached to that term; so that, as is laid down in the Mackenzie case, the definitions have always held that one ceases to be regarded as a native-born citizen the moment he expatriates himself from the country, and that that act of expatriation may be the simple marriage of a woman to a foreigner.

Mr. HUGHES. Mr. President, would the Senator contend that this rich New Yorker who has gone and taken up his abode in England, and is now a member of the Britsh House of Lords, if he presented himself at the ports of the United States for admission, would be held not to be a native-born American?

Mr. REED. Why, certainly I would say that.

Mr. HUGHES. Then the Senator is wrong about it, because that particular individual has returned to this country a great number of times, and has always been treated, as he has a right to be treated, as a native-born American citizen. He is a native-born American citizen, and this statute is not dealing with citizenship. It is not dealing with any of his rights except the naked right to come into this country.

Mr. REED. The argument which the Senator makes gets him nowhere.

Mr. HUGHES. It does not get me anywhere with the Senator.

Mr. REED. No; and it does not get the Senator anywhere with anybody who understands the logic or the law of the Mackenzie case, because it is in the teeth of the case. The court says:

An earnest argument is presented to demonstrate its invalidity——

Mr. BORAH. Mr. President, I will ask the Senator from what case he is reading?

Mr. REED. Mackenzie against Hare, Two hundred and thirty-ninth United States, page 299. [Reading:]

Its basis is that the citizenship of plaintiff was an incident to her birth in the United States, and, under the Constitution and laws of the United States, it became a right, privilege, and immunity, which could not be taken away from her except as a punishment for crime or by her voluntary expatriation.

The argument to support the contention and the argument to oppose it take a wide range through the principles of the common law and international law and their development and change. Both plaintiff and defendants agree that under the common law originally allegiance was immutable. They do not agree as to when the rigidity of the principle was relaxed. Plaintiff in error contests the proposition

which she attributes to defendants in error "that the doctrine of perpetual allegiance maintained by England was accepted by the United States," but contends "that the prevalent doctrine of this country always has been that a citizen had a right to expatriate himself," and cites cases to show that expatriation is a natural and inherent right.

Whether this was originally the law of this country or became such by inevitable evolution, it is not important to inquire. The first view has certainly high authority for its support. In Shanks against Dupont (3 Pet., 242, 246) Mr. Justice Story, deliverying the judgment of the court, said: "The general doctrine is that no persons can by any act of their own, without the consent of the Government, put off their allegiance and become aliens." And Kent, in his commentaries, after a historical review of the principle and discussion in the Federal courts, declares that "the better opinion would seem to be that a citizen can not renounce his allegiance to the United States without the permission of Government declared by law, and that, as there is no existing legislative regulation on the case, the rule of the English common law remains unaltered." (2 Kent, 14th ed., 49.) The deduction would seem to have been repelled by the naturalization laws, and it was certainly opposed to executive opinion and, we may say, popular sentiment, so determined that it sought its vindication by war. Further discussion would lead us far afield, and, besides, would only have historical interest.

The condition which Kent suggested has occurred; there is a legislative declaration. In 1868 (ch. 249, 15 Stat., 223) Congress explicitly declared the right of expatriation to have been and to be the law. And the declaration was in effect said to be the dictate of necessity. The act recites that emigrants have been received and invested with citizenship in recognition of the principle of the right of expatriation and that there should be a prompt and final disavowal of the claim "that such American citizens, with their descendants, are subjects of foreign States." (Rev. Stat., par. 1999.)

But plaintiff says, "Expatriation is evidenced only by emigration, coupled with other acts indicating an intention to transfer one's allegiance." And all the acts must be voluntary, "the result of a fixed determination to change the domicile and permanently reside elsewhere, as well as to throw off the former allegiance, and become a citizen or subject of a foreign power."

The right and the condition of its exercise being thus defined, it is said that the authority of Congress is limited to giving its consent. This is variously declared and emphasized. "No act of the legislature," plaintiff says, "can denationalize a citizen without his concurrence," citing Burkett *v.* McCarty, 73 Kentucky (10 Bush), 758. "And the sovereign can not discharge a subject from his allegiance against his consent except by disfranchisement as a punishment for crime," citing Ainslie *v.* Martin, 9 Massachusetts, 454. "The Constitution does not authorize Congress to enlarge or abridge the rights of citizens," citing Osborn *v.* Bank of United States, 9 Wheat., 737. "The power of naturalization vested in Congress by the Constitution is a power to confer citizenship, not a power to take it away * * *. The fourteenth amendment, while it leaves the power where it was before, in Congress, to regulate naturalization, has conferred no authority upon Congress to restrict the effect of birth declared by the Constitution to constitute a complete right of citizenship"—

Now, that is the contention that the plaintiff made.

It will thus be seen that plaintiff's contention is in exact antagonism to the statute. Only voluntary expatriation, as she defines it, can divest a woman of her citizenship, she declares; the statute provides that by marriage with a foreigner she takes his nationality.

It would make this opinion very voluminous to consider in detail the argument and the cases urged in support of or in attack upon the opposing conditions. Their foundation principles, we may assume, are known. The identity of husband and wife is an ancient principle of our jurisprudence.

That is the point, if I can have the attention of the Senator from New Jersey:

The identity of husband and wife is an ancient principle of our jurisprudence.

And if there is an identity under the law, then the status as native born gives way to that status the law fixes where it declares that the identity of the woman is merged in that of her husband, so that if he be a foreigner, she by marriage becomes also a foreigner.

It was neither accidental nor arbitrary, and worked in many instances for her protection. There has been, it is true, much relaxation—

And so forth; and so the court proceeds. I will not take the time to further read the opinion; but upon that doctrine, that the identity of the wife and husband are fixed by the marriage relationship, and that the wife takes the identity and citizenship of the husband, you make of this woman a foreigner. Being a foreigner, she can no longer be treated as native born. She has lost her status and her rights as a native-born American because of that act of expatriation. Now, unless the language of the bill is changed, women of that character will be excluded.

Mr. HUGHES. Mr. President, if the Senator's reasoning is correct, then, of course, this section of the bill, section 22, is absolutely useless and may be discarded as mere verbiage. The Senator contends that the identity of the wife becomes merged in the identity of the husband. This bill that provides that when an alien becomes naturalized he under certain restrictions may send for his wife. Why, if the identity of the wife became merged in the identity of the naturalized citizen, his wife could come in without any restriction at all. But we are not dealing with the right of various people to vote. The right to vote is entirely different from the right to obtain admission to this country. There may be a very good reason for saying that the wife of a man who owes allegiance to a foreign power shall not exercise any influence in the government of this country, while there would be no reason at all for denying the same individual admission to the country.

Mr. REED. Well, let us vote. I am ready to vote on it. I have stated the case.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The question is on the amendment of the Senator from Missouri, which will be stated.

The SECRETARY. On page 1, line 5, after the words "United States" and before the semicolon, it is proposed to insert:

Not, however, including the wife of an alien, provided such wife was born in the United States, or the children of such marriage under 18 years of age.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. [Putting the question.] By the sound the ayes appear to have it.

Mr. SMITH of South Carolina. I ask for a division, Mr. President.

The PRESIDING OFFICER. All those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is lost.

Mr. REED. Does the Chair hold that the amendment was lost? Did the Chair cast the deciding vote?

The PRESIDING OFFICER. No; the Chair voted in favor of the amendment. The vote was 5 to 6.

Mr. REED. Very well. That vote indicates—and I hope it will be recorded—the attention that the Senate is giving to this bill.

Mr. POINDEXTER obtained the floor.

Mr. REED. There is one other amendment that I desire to offer, if the Senator will permit me, and then I will be through with my amendments.

Mr. POINDEXTER. I offer the amendment which I send to the desk. I hope the chairman of the committee will not object to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 15, after the colon following the words "United States," it is proposed to insert:

Persons who can not become eligible under existing law as citizens of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER].

Mr. SMITH of South Carolina. That amendment raises the same question we have been debating here for several days. It seeks to accomplish the same thing which has been voted down several times.

Mr. POINDEXTER. I was present during a considerable part of the debate the Senator from South Carolina refers to and paid very close attention to it. My understanding of the issue that was involved there and the objection that was made by the Senator from South Carolina was that the proposed amendment interfered with some treaty obligation of the United States.

Mr. SMITH of South Carolina. No; it was interfering with no treaty obligations; it was rendering ineffective certain treaty obligations by statute. If the Senator from Washington will allow me right here to make a statement, the committee that have charge of the bill have tried to guard this country right along the line the Senator from Washington desires to do, and we have accepted amendments from time to time that have drawn as clearly as can be done the color line without giving offense or without violating our pledged word in a written form of convention, treaty, or statute. For that reason I think that everything the Senator desires in reference to his section of the country will be accomplished by the bill so far as legislation of this kind can accomplish it. The thing that is sought by Senators from that part of the country can only be accomplished by a modification of the existing treaty.

I earnestly implore the Senator to consider that the amendment which he proposes can only give offense, and in the administration and execution of this law could bring no possible good. The redress the Senator seeks can only be given by a treaty or by a statute in this country prohibiting in words or rescinding and abrogating the agreement that is now kept with this country.

Mr. POINDEXTER. Mr. President, the statement of the Senator from South Carolina corroborates the assertion I made a moment ago, that the amendment which was debated here the other day hinged upon the contention that it was in violation of a treaty obligation, or, in order to make the statement comprehensive enough, either a treaty obligation or some passport agreement or gentleman's agreement outside of the formal provisions of the treaty.

The Senator from South Carolina is entirely mistaken if he assumes that the amendment which I have just proposed will interfere with any agreement between this country and any foreign country, either in the form of a treaty or otherwise. I

would be very much obliged to the Senator in a moment, when I have taken my seat, if he will point out to the Senate in what way this amendment in any way conflicts with the treaty obligations of the United States or with any private agreement.

The contention which has been made against amendments upon this subject has been that they violated the favored-nation clause of certain treaties which the United States has with foreign countries. That can not be said of this amendment, because it is applicable alike to every nation in the world.

The Senator raises the issue here that we are seeking to reach some special problem that exists on the Pacific coast in relation to a country that he is apparently afraid to call the name of. I know what he is talking about; he is talking about Japan. This amendment has no relation to Japan any more than it has to England and Germany and France. How can Japan, if the Senator from South Carolina desires to put the argument upon that basis, claim that this is a violation of the favored-nation clause of our treaty with Japan if it is applicable to every other nation in the world? The most favored nation in the world would be subject to this amendment, if it is adopted, as well as the least favored nation. It is absolutely universal. It comprehends the entire world. It applies to every nation. The Senator from South Carolina can not successfully dispute that proposition. The language is too plain to admit of any dispute.

So I should like to know what objection the Senator can find to the amendment if he is in favor of the object which is sought to be accomplished, as he has said that he is.

Mr. SMITH of South Carolina. Mr. President, the language that was stricken out by the committee, and which was ratified by the Senate yesterday overwhelmingly, is as follows:

> Hindus and persons who can not become eligible, under the existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into.

There was very strenuous objection to calling attention to the existing law which makes certain nationalities ineligible, but who by virtue of an agreement acknowledge that fact in spite of a treaty existing which recognizes the most favored-nation clause. For that reason, in order to avoid making this discrimination, which we have agreed not to make, the committee substituted certain geographical lines to exclude those they desired to exclude for the reasons which have been discussed here, and in those lines not to include those that we had agreements with but which agreements did exclude them in spite of the favored-nation clause.

I think, Mr. President, this is about the thirtieth time I have repeated this statement. The Senate ratified the action of the committee yesterday. It is the identical language sought to be reincorporated here that the Senate yesterday voted out because these people are not eligible, but under the most favored-nation clause in our treaty they would become eligible. Therefore, by private agreement, they living up to it and we living up to it, those we wish to exclude are excluded. We made no invidious distinction, but lumped it all together, and it met the approval of the Senate and reaches the very object the Senator from Washington desires to accomplish.

Mr. PHELAN. Mr. President——

Mr. POINDEXTER. I will yield to the Senator from California in just a moment, if he will pardon me.

Mr. PHELAN. I merely desire to ask the Senator from South Carolina in charge of the bill what warrant he has to say that there is any provision in any treaty with Japan giving them the privileges of the most favored nation?

Mr. SMITH of South Carolina. Because it is in the treaty.

Mr. PHELAN. Will you name the treaty?

Mr. SMITH of South Carolina. The treaty of 1911.

Mr. PHELAN. I have examined the treaty and can not find it.

Mr. SMITH of South Carolina. I presume the reading of the text and the construction of the State Department would be authority. The State Department informed the committee that it was advisable to have this very matter incorporated which we incorporated. That is the department which has to deal with the administration and execution of treaties and conventions, and they advised us that this was a solution agreeable to them and agreeable to foreign powers. It was their construction of the law that the present treaty is to all intents and purposes a favored-nation treaty.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. POINDEXTER. When we were confronted here a short time ago with legislation controlling the use we should make of the Panama Canal, after we had expended an enormous sum of money in its construction, supposedly for the benefit of the people who paid the money, we were told that we could not use it for the special benefit of the people of the United States because there was a treaty with a foreign country which prohibited us from doing it. Likewise, a short while ago, when Congress by formal action attempted to favor its own citizens against aliens by making a discriminating provision in the tariff duties in favor of goods that were imported in American ships, authorities outside of Congress held the law to be entirely nugatory, because they said that we could not favor our own citizens in that way on account of a treaty with a foreign country.

So it is now, when we are attempting here for the third or fourth or fifth time to put on the statute books a law that has long been needed, to bring up to date, to suit the new conditions of population and of competition of labor, a law regulating the immigration of aliens in the United States, we are told in the same tones, in a familiar way, that we can not accomplish what we seek to accomplish, because our hands are tied by some provision in a treaty with a foreign country.

These are only a few examples, Mr. President, of the encroachment upon the freedom and sovereignty of the United States, which is supposed to be a sovereign Nation, in dealing with its own affairs by constructions that are forced constructions, which are put upon treaties that are passed here frequently without being read.

Mr. President, the same sovereign authority which made these treaties may modify or repeal them. I for one am getting weary of the limitations which we find ourselves hedged around with in attempting to legislate upon purely domestic matters—and this, in its essence, is purely a domestic matter. No foreign country should properly have any right to discuss it with us. By a surrender which we have made in treaties with foreign countries we are said to be ousted of our sovereign rights.

I think myself that a great many of our treaties need revision, and that as long as so many commissions are being appointed it might be very timely to appoint a commission to codify and revise treaties of the United States with foreign countries and propose the same for ratification, with amendments to make them fit the needs of the time.

But all that is aside from the question which is before the Senate now. The most favored nation clause of the treaty with Japan, or the treaty with any other country, does not provide, if such a clause exists, that they shall have certain rights in their relations with the United States. It provides, if it exists at all, that they shall have the same right in their relations to the United States that that nation has which is the most favored by the United States.

If this amendment is adopted, can Japan point out any nation in the world which is more favored than she would be under its terms? Certainly not, because it is applicable to them all alike. So how can it be said that it is in contravention of the favored-nation clause of any treaty?

The discussion here the other day was in regard to other portions of the House provision which the Senator from South Carolina invoked, which I have left out entirely in the amendment which I have offered. I refer to the House text which was stricken out by the Senate amendment containing this language:

> Unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into.

It was the effect of that language which was discussed. That language is eliminated from the amendment which I have offered.

At the same time it may be said that the House of Representatives, by the provision which included this amendment, has shown that it favored the principle which it contains. So we have the encouragement at least of adopting, out of the many things which were referred to in the House provision, this one, which is free from the objections which were made to other portions of the provision, that it interferes with some foreign agreement or gentlemen's agreement or agreement in regard to passports or treaty with a foreign country. It contains no reference to any such thing, and yet it accomplishes the purpose which those of us who are interested in this question desire to accomplish, and it accomplishes it in a perfectly legal way. I do not think that any respectable court would entertain a discussion of the proposition that there is a discrimination by this provision which I have offered, that is universal in its application by its obvious terms.

Now, there is a question that is involved here. I had not intended to discuss it, because it is not necessary to discuss it. Why should it be raised here like a ghost as a taboo upon dealing with the question of immigration upon the Pacific

coast when it is not necessarily involved in the amendment which I have offered?

This amendment applies to the Atlantic coast, to the Pacific coast, to the Bahama Islands, to certain races in Africa, not to others. It extends the rule which limits naturalization to citizenship in the United States to immigration into the United States, and the effect of it is a wholesome provision that our industrial life should not be crowded, that our people engaged in the ever intensifying struggle for existence should not be put to sharp competition by a horde of aliens who have not the essential elements which will enable them ultimately to become merged into the currents of American citizenship.

If we can not make them citizens, has not the time come to prohibit their immigration and permanent residence in the United States? I am of the opinion that it has. I think we ought to be sufficiently free to deal with our social and economic problems to be able to say, and we ought to say, that all those who come to our shores to reside permanently and to make their homes here, to enter into our industrial life, should be such as ultimately may be accepted into full citizenship in our great national Republic. The House of Representatives have adopted that principle, as I said before, and it is a wholesome principle.

So far as the merits of the question are concerned which lie underneath this discussion as to oriental immigration, I am not going to pass strictures upon the peculiar, and I might say fantastic, amendment that has been evolved perhaps by some clerk up in the State Department, drawing an arbitrary line on the map across Asia and saying that those who are born on one side shall be admitted and those born on the other side shall not be admitted, regardless of their race, or blood, or character, or religion. There never was anything more farcical attempted in legislation, and there never could be anything that would be more offensive to intelligent people in the foreign countries affected than that sort of arbitrary, unreasonable, inconsistent arrangement, to exclude one and to admit the other when there is no difference whatever between them. It may be that in the case of members of the same family, born of the same parents, one would be excluded and the other admitted. They would be excluded because they happen to be on the wrong side of a red line that is drawn on the map, a line that includes a part of China and excludes a part of China, that includes great countries containing white people, and it was only after considerable insistence that they were accepted by a belated amendment. Yet the countries in which they live are included by this arbitrary classification.

This, Mr. President, is a real problem. It is not a mere academic discussion. It is no moot case and it is not a trivial matter. It is not like the problem that was referred to here yesterday by the Senator from Mississippi [Mr. WILLIAMS] with attempted sarcasm, the race problem of the South. The race problem of the South is historical. It had its origin 300 years ago. It has done all the damage that it is capable of doing to the people of this Republic. As he said, there are 14,000,000 of those people there. I dislike to see that discussion constantly brought up in the Senate of the United States every time we attempt to deal with some modern question. It is an old question. It is in process of settlement; it is something that can not be undone. This question that we are concerned with on the Pacific coast has its development in the womb of the future. We still have it in our power, with all the immense effect it may have upon our national destiny, to direct the course which it may take. That is not true of the conditions which exist in the Southern States, because they have been fixed by time, which we can not undo or recall. But if we have any pretense whatever to the qualifications which should fit a man for a seat in this body we can look somewhat into the future and deal with the beginning of another great racial question which begins to loom in large lines on the horizon, and a greater question than any that have troubled other sections of the country in the past.

It is not a question of how many orientals a month come into the United States but it is a question of having 168,000,000 orientals who are ready to come in or to send emigrants in to begin their competition in the industrial life of America, if steps are not taken to insure their exclusion.

The Senator from South Carolina says that this amendment will not make any difference in the existing conditions. If it does not make any difference in the existing conditions, it does not affront any nation; it does not name any nation; why does he object to it? It does make a difference in existing conditions because it puts upon the statute books of the United States what is now merely a patched-up informal understanding, illy enforced, through which there are constantly coming into the United States that stock which the Senator from California has described, which is to breed upon our shores those who do not have to comply with the naturalization laws of the United States, because they are born citizens. That is the difference which it makes. It makes it without the violation of a treaty, without infringing in the slightest particular any passport or gentlemen's agreement. The Senator from South Carolina has wholly failed to say how it interferes or conflicts with any treaty.

I should like very much for the Senator to accept the amendment. I do not like to continue the discussion of the question here or to press the matter, with the inevitable result that we should be put to the test to see whether or not we can get a quorum, for it is doubtful whether or not we can—but let the matter go to conference. Then, in a quiet discussion, where the members of the conference committee can sit down and read the amendment and read the treaty, if it is then found that the assertion of the Senator from South Carolina, that it conflicts with the treaty, is true, let it be rejected. I should be perfectly willing to submit it to that test, and I hope that the Senator will not oppose it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington. Those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no."

Mr. SMITH of South Carolina. Mr. President, before the decision of the Chair is made, I shall ask for a vote by yeas and nays, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

Mr. POINDEXTER. Let me make a parliamentary inquiry, Mr. President. I understand the announcement of the Chair was made before the point of no quorum was raised.

The PRESIDING OFFICER. No; the Chair had not made his announcement of the result. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Hughes	Martine, N. J.	Sherman
Bryan	Husting	Nelson	Shields
Catron	James	Norris	Simmons
Clapp	Johnson, S. Dak.	Oliver	Smith, Ga.
Clark	Jones	Overman	Smith, Mich.
Colt	Kenyon	Page	Smith, S. C.
Culberson	Kern	Penrose	Smoot
Cummins	Kirby	Phelan	Townsend
Curtis	La Follette	Pittman	Underwood
Fernald	Lane	Poindexter	Wadsworth
Gallinger	Lee, Md.	Pomerene	Walsh
Gore	Lippitt	Reed	Warren
Gronna	Lodge	Saulsbury	Watson
Harding	McCumber	Shafroth	Weeks
Hardwick	McLean	Sheppard	

Mr. WALSH. Mr. President, I rise to announce that my colleague [Mr. MYERS] is absent on account of illness.

Mr. PITTMAN. I wish to announce that the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Chamber by sickness, and that the junior Senator from Louisiana [Mr. BROUSSARD] is also absent by reason of sickness.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] by reason of illness.

Mr. LANE. I wish to announce the absence of the Senator from Mississippi [Mr. VARDAMAN] and of my colleague [Mr. CHAMBERLAIN] on official business.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, there is a quorum present. The question is on the amendment proposed by the Senator from Washington [Mr. POINDEXTER]. The Secretary will read the amendment.

The SECRETARY. On page 4, line 15, after the name "United States," it is proposed to insert the words "persons who can not become eligible under existing law as citizens of the United States."

Mr. GALLINGER. Will the Secretary please state how the text will then read?

The SECRETARY. So that it will read:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: Persons who can not become eligible under existing law as citizens of the United States, all idiots, imbeciles—

And so forth.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

Mr. SMITH of South Carolina. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, before the roll is called I merely wish to make a statement to the effect that this amendment is practically the same amendment relating to

the Japanese question which we voted down on yesterday. I hope that the Senate will not agree to the amendment.

Mr. POINDEXTER. Mr. President, in view of the statement made by the Senator from South Carolina, I want to make a counterstatement, that this is not the same amendment which was voted down on yesterday. It is true that it is a part of the House provision, but that part is entirely distinct from all of this controversy about treaties and passport agreements. It has no reference to any treaty or passport agreement. It does not violate any favored-nation clause; it does not, as the Senator from South Carolina would lead us to think by his statement, apply especially to Japan. On the contrary, it applies to every country in the world. It necessarily does so, because it is universal in the terms by which it is expressed.

The purpose of the amendment is simply this: If immigrants are coming to the United States—this is somewhat a repetition of what I have just said—to reside here, we admit them for the purpose of becoming residents in the United States and engaging in our industrial life; that they shall be such people as ultimately may become eligible for citizenship. That is all that the amendment effects. It embodies a principle which has been favored by the House of Representatives, it being true, as already stated, that it was contained in the House provision, for which the Senate substituted its amendment.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Washington what his view is as to whether or not his amendment does contravene the provision of the treaty which has been the subject of so much consideration here?

Mr. POINDEXTER. Mr. President, I understand the Senator from Montana inquires as to whether the amendment conflicts with any treaty or agreement?

Mr. WALSH. Not with "any" treaty. I inquire what is the opinion of the Senator from Washington as to whether or not his amendment does contravene the provisions of that treaty?

Mr. POINDEXTER. My opinion is that it does not. I do not think that that question is open to controversy. The Senator from Montana can determine it in a moment for himself. The language of the amendment is that there shall be excluded, along with various other classes which are mentioned, all those who can not become eligible for citizenship. The Senator can readily see that that does not conflict with any favored-nation clause, because it applies to the most favored nation as well as to the least favored nation.

Mr. WALSH. But would it not, as a matter of fact, exclude all from the Asiatic countries who can not become citizens of the United States?

Mr. POINDEXTER. No; it would not.

Mr. WALSH. Let me inquire, then, can citizens of China and Japan, by immigrating to this country and residing here for a period of five years, become citizens of the United States?

Mr. POINDEXTER. They can not.

Mr. WALSH. Then, they would perforce be excluded by this amendment, would they not?

Mr. POINDEXTER. They would, so far as all those who are not free whites are concerned. There are a number of people in Asia who are white people.

Mr. WALSH. Oh, but I am speaking of the great generality of people in China and Japan.

Mr. POINDEXTER. Well, it would exclude those; but it would also exclude similar peoples in every other country in the world, whether they are brown, yellow, or of whatever race or blood they may be, along the same lines that they are now excluded from becoming citizens of the United States. Can the Senator point out how such a provision relating to immigration conflicts with the favored-nation clause of the treaty any more than the same provision relating to naturalization does?

Mr. WALSH. Mr. President, in answer to the Senator from Washington, I desire to say that the Senator from Montana is not to be understood by the Senator from Washington as taking any position about the matter. I arose to ascertain the view of the Senator from Washington concerning the effect of his amendment. Of course, I appreciate that it would exclude all peoples who can not become citizens of the United States by the process of naturalization, and that no individual country is singled out by its provisions; but that was not the question that I asked the Senator. I asked him whether it would not exclude all citizens of China and Japan who could not become citizens of the United States.

Mr. POINDEXTER. That could be answered in the affirmative and it also could be answered in this way: It would not any more exclude the citizens of Japan and of China than it would exclude the same kind of people from any other country in the world.

The question which I asked the Senator from Montana was not intended so much to elicit an answer from him as it was to state an argument. I did not intend to call on the Senator to announce any opinion that he might have, but rather to make the argument, which seems to me to be a perfectly sound one, that we have just as much right to lay down conditions in the immigration laws as we have to lay down conditions in the naturalization laws, so far as foreign treaties are concerned.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, the language of the Senator's amendment, of course, is in very general terms. Under the pending bill there are certain specific classes of men and women who are not permitted to enter the United States. Those are defined in various ways, and it is not necessary for me to refer to that language; but what special classes has the Senator in mind when he offers this amendment, which are not already included in the category of those who are forbidden to enter under the terms of this bill?

Mr. POINDEXTER. I only have in mind—and I have in mind no others—those that are not eligible to become citizens of the United States under the naturalization laws.

Mr. POMERENE. Well, under the present bill there are certain classes of people who are permitted to come here, as, for instance, merchants, professional men, and others that I might name. Does the Senator expect his amendment will have the effect to exclude them?

Mr. POINDEXTER. It does not; it does not exclude them because of the proviso excepting them, which is contained in the bill which is now before us. It would make no change whatever in regard to them because they are covered by a special proviso.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. POINDEXTER]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I do not see him in the Chamber, and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. McLEAN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MYERS]. In his absence I will withhold my vote. I will let this announcement stand for the day.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. In his absence I withhold my vote, not knowing how he would vote if present.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). My colleague [Mr. THOMAS] is absent on official business.

The roll call was concluded.

Mr. REED. I wish to announce that my colleague [Mr. STONE] has been called from the city upon important matters.

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. PENROSE (after having voted in the negative). I notice that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. I therefore withdraw my vote, being paired with that Senator.

Mr. McCUMBER (after having voted in the negative). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. I observe that he has not voted, and therefore I withdraw my vote.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. GALLINGER (after having voted in the negative). I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is not present. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

The result was announced—yeas 24, nays 41, as follows:

YEAS—24.

Borah	Hollis	Phelan	Sutherland
Brady	James	Pittman	Townsend
Chilton	Jones	Poindexter	Vardaman
Clapp	La Follette	Reed	Wadsworth
Curtis	Lane	Sherman	Watson
Hardwick	Lee, Md.	Smith, Mich.	Works

NAYS—41.

Bankhead	Gore	Martine, N. J.	Smith, S. C.
Beckham	Harding	Norris	Smoot
Brandegee	Hitchcock	Overman	Sterling
Bryan	Hughes	Page	Swanson
Colt	Husting	Pomerene	Tillman
Culberson	Kenyon	Saulsbury	Underwood
Cummins	Kern	Shafroth	Walsh
Dillingham	Kirby	Sheppard	Weeks
du Pont	Lippitt	Shields	
Fernald	Lodge	Simmons	
Gallinger	Martin, Va.	Smith, Ga.	

NOT VOTING—31.

Ashurst	Gronna	Nelson	Smith, Ariz.
Broussard	Johnson, Me.	Newlands	Smith, Md.
Catron	Johnson, S. Dak.	O'Gorman	Stone
Chamberlain	Lea, Tenn.	Oliver	Thomas
Clark	Lewis	Owen	Thompson
Fall	McCumber	Penrose	Warren
Fletcher	McLean	Ransdell	Williams
Goff	Myers	Robinson	

So Mr. POINDEXTER's amendment was rejected.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk, and ask the Secretary to read it. I do not think the chairman of the committee will object to this amendment. It merely relates to the administration of the law.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 55, section 24, line 16, it is proposed to insert the following:

The Assistant Commissioner General of Immigration, chiefs of division, and assistant chiefs of division, and all supervising officers of every description in the Bureau of Immigration shall be appointed by the Secretary of Labor from field officers of the Immigration Service for a period of four years' duty, at the expiration of which they shall return to the field service, unless reappointed as hereafter indicated. Such officers may be reappointed for an additional period of four years' bureau duty, but no such officer shall serve more than eight years' bureau duty until he shall have actually served four years in the field following said period of bureau service. Upon the taking effect of this act all supervising officers of the Bureau of Immigration who have served more than eight years in such position, except the Commissioner General of Immigration, shall be assigned to field stations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

Mr. POINDEXTER. Mr. President, this amendment applies to the Immigration Service a rule which for a long time has been in force in the War Department, which limits the time that an officer of the service shall remain in the bureau here in Washington City. It fixes a period of four years, with permission to reappoint him for another term of four years, and then requires that he shall go into the field, where he will have an opportunity to become acquainted with the practical things relating to the exclusion of immigrants from this country.

On the 29th of July last I submitted to the Senate considerable data in regard to the inefficiency of the Immigration Service along the northwest borders of the United States, particularly in relation to the illicit entry into this country of Chinese. Those who were familiar with the situation there attributed the failure to enforce the immigration laws against the unauthorized entry of Chinamen to the overburdening of the service with expensive officials in the bureau at Washington City and the inadequacy of the number of employees, or of the ability of the employees in the field whose duty it was to enforce the laws along the border. I can see no objection to a rule which would provide for a rotation in the positions of the service without in any way infringing upon the principles of the civil-service regulations.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. It is possible that the amendment is in proper form, but I will ask the Senator if it would not be better to provide that these men shall be detailed rather than appointed by a Cabinet officer?

Mr. POINDEXTER. I think that is a good suggestion of the Senator from New Hampshire, and I will ask permission to change the word "appointed" to the word "detailed."

Mr. GALLINGER. The Senator may have to change it again, possibly, in the amendment.

Mr. PENROSE. There are a number of places where the word appears.

The PRESIDING OFFICER. If there be no objection, the amendment will be modified accordingly.

Mr. POINDEXTER. The amendment is not offered without consultation with a number of people who are in a position to know from practical experience the need of a provision of this kind, and I offer it in the hope that the Senator from South Carolina will not oppose it.

Mr. SMITH of South Carolina. Mr. President, all that I have to say in reference to this amendment is that it is practically the same amendment that was brought before the House Committee on Immigration, and was carefully gone into over there. It affects the administrative features of the bill. After discussion in the House, it was overwhelmingly voted down. So far as our committee is concerned, the administrative features were very carefully guarded, and the machinery is working so splendidly now that we are loath to have any change in it at this stage.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington.

The amendment was rejected.

Mr. McCUMBER. Mr. President, preparatory to making a motion to strike out a portion of this bill, I desire to ask the Senator in charge of the bill a question relating to its merits.

Is it the purpose of this bill to defend the citizenship of this country against a class of citizenship which would deteriorate our own?

Mr. SMITH of South Carolina. Mr. President, I am rather surprised that the Senator should ask any Senator here such a question, because the purpose of this bill, of course, is to protect, as far as may be, the citizenship of this country. I can not conceive what we would have an immigration bill for if that were not its object.

Mr. McCUMBER. Is there any other purpose than that in the bill?

Mr. SMITH of South Carolina. Yes.

Mr. McCUMBER. What is the other purpose?

Mr. SMITH of South Carolina. It is to promote the welfare of the citizens of this country; to improve it, if possible.

Mr. McCUMBER. Is there any purpose in the bill to assist any people from a foreign country to enter this country who would otherwise, according to the provisions of the bill, be ineligible because of deficiency either in learning or in mentality?

Mr. SMITH of South Carolina. That is going into details to bear out the general statement. I have made my general statement. In working out the details we have tried to work them out in accordance with the general statement, so I guess the Senator already has from the bill the information that he seeks.

Mr. McCUMBER. Very well. Then let me ask the Senator this question: If an illiterate German Jew should be kept out of this country because of his influence upon our citizens, why should an illiterate Russian Jew be allowed to come in?

Mr. SMITH of South Carolina. Mr. President, as I have said heretofore, I presume that is one of those conditions that no legislative body can remedy. In taking care of a general rule there are some exceptions that suffer. We have tried to apply a general rule. There are exceptions around which we would be very glad to make little circles, but that we can not do. We are limited, and therefore we tried to apply the general rule of "the greatest good to the greatest number."

Mr. McCUMBER. I should like to know the reason of the exception that is found in the provision on page 9, from line 10 down to line 18, inclusive:

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

Mr. President, we have been receiving from Russia an immense number of immigrants of Jewish faith. They have come over to this country in hundreds of thousands in the last few years. We all understand that there is either a law or a regulation in Russia which requires those of that faith to live within restricted territory. Therefore they are discriminated against. There are a vast number of those who are illiterate; and yet you invite them over here, not because the illiterate Russian Jew will not be just as detrimental as the illiterate German Jew, but for some other ulterior purpose, and I should like to have the purpose definitely stated.

For instance, the illiterate Christian in Russia can not come over to the United States. Therefore you penalize him because he is a Christian and not a Jew. The illiterate German

Jew can not come over to the United States; but if he will remove to Russia and remain there a few months, then he can come over from the Empire of Russia.

This may appeal to a certain class of our citizenship; but I have listened to the argument of the Senator from Vermont [Mr. DILLINGHAM], which has been given here by the hour—and a very strong argument, indeed, it has been—to the effect that the purpose of the illiteracy clause was not so much to keep out the illiterate because they are illiterate as it was to keep out a greater number of citizens from sections of the country in which we thought their citizenship would be detrimental to the interests of our own. I was somewhat surprised and disappointed when the Senator from Vermont yesterday admitted that he wanted that class of people in here, and that he was not seeking so much to keep out any great number as he was to bring people in and make them remain here.

Therefore we put into this law yesterday, as an amendment, a provision whereby hundreds of thousands of people who have been coming to this country for the purpose of earning our higher wages for a few months and then returning, and not becoming citizens, will now come and remain here. In other words, there are about 300,000 men coming over every year from certain sections, and about 150,000 to 200,000 return later on in the year. Under the amendment which was put into the bill this morning, offered by the Senator from Missouri [Mr. REED], they are penalized for returning to their own country. They will naturally come to the country that will give them the greatest remuneration for a given amount of labor. They will come here, and while heretofore they did not care about becoming citizens, now they will come; and you compel them to become citizens and a part of our body politic and invite them to remain instead of attempting to get rid of that class, as was indicated by the address made by the Senator from Vermont many times upon this floor.

Now, we are making class legislation. We are saying to a certain class, "If you come from the Empire of Russia, you can be admitted whether you are illiterate or not." I have nothing but the most severe condemnation of the ancient practice of all of the Christian countries of persecuting the Jews; but while I think the pendulum should swing to the center, I am opposed to its swinging to the reverse side and now persecuting people because they are Christians, and saying, "If you come from a country where the laws discriminate against the Jew, he can come in; but you, a Christian gentleman, can not come to the United States because you are illiterate."

If this provision is put in the bill as a bait to our American Jewish population, I must confess that I have enough regard for that population to believe that they are not asking for it. I think most of them are probably opposed to this bill as it is, but I do not think any number of them are asking for class legislation which will give a special benefit to them because of their religion, and that is exactly what this does. If the Senate wants to put that provision in, and if we wish to say that we will penalize the Russian Christian because he is illiterate, but we will not penalize the Russian Jew, no matter how illiterate he may be, of course we can vote this provision into the bill. I think, in all fairness, the illiteracy test ought to apply to all people.

Mr. President, we have nothing whatever to do with the laws of foreign countries. If the purpose of this law is to defend the standard of American citizenship, then certainly it ought not to be varied to meet a particular law of some other country where we have no control over that law. There ought to be no exception whatever. There ought to be no penalizing of any nationality or any people on account of their religion, nor ought they to be given special rights because of their religion, because of the act of some foreign country.

Believing that the provision to which I have referred ought to be out, Mr. President, I move to strike out lines 10 to 18, inclusive, on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, it is proposed to strike out all of lines 10, 11, 12, 13, 14, 15, 16, 17, and 18, in the following words:

> That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota.

Mr. LA FOLLETTE. Mr. President, perhaps Senators would expect some member of the committee to make this statement; but I believe there is a reason for the discrimination against which the Senator from North Dakota has animadverted. I will know in a moment. I have sent for some data upon the subject; but I believe that in Russia there is by law a discrimination against the Jews respecting educational privileges that prevails in no other country, and it would be quite appropriate if they were admitted to this country under more favorable conditions than others who are ignorant, not because of compulsion but from choice.

I simply make that statement.

Mr. McCUMBER. Does the Senator claim that there is any law which prevents or prohibits Jews in Russia from learning to read and write? Certainly, a great many of them, and, in fact, most of them do read and write; so I know of no law that will prohibit them from obtaining that education.

Mr. LA FOLLETTE. I do not know definitely just what the discrimination is nor to what extent it goes, but I am very certain that there is a discrimination which renders it very difficult for them to get even a rudimentary education.

Mr. DILLINGHAM. Mr. President, in view of what has been said by the Senator from North Dakota it may be well to give a history of this provision of the bill.

Under the existing law we recognize the right of asylum in America of all persons, from whatever country they may have come, who have suffered from religious or political persecution. In the existing law the clause reads "solely for the purpose of escaping from religious persecution." That evidently was not satisfactory to the other branch of the United States Congress, and so when this bill came to us it came with this alteration, leaving out the clause "solely for the purpose of escaping from religious persecution" and containing the clause which has been read by the Senator from North Dakota. I suppose it is a matter familiar to all persons in this body, and that they are aware of the circumstances under which that clause was adopted in the other branch of the Legislature.

Mr. McCUMBER. Will the Senator give us the circumstances under which it was adopted?

Mr. DILLINGHAM. It perhaps would not be proper for me to do so at this time, but I think it was for political purposes. I will leave it there.

Mr. McCUMBER. I think we should understand the reason clearly.

Mr. DILLINGHAM. It was put in the bill in another branch of the Legislature and has come here in this form and was passed by the committee of this body without any recommendations.

With this explanation, Mr. President, I desire to correct an impression conveyed by my friend the Senator from North Dakota as to my attitude in respect to this particular class of immigration which comes from Russia, Austria-Hungary, the Balkan States, and Italy, and which the Immigration Commission termed the new immigration, as contrasted with the immigration which came in such large bodies prior to 1880 and to 1882. The position taken by the commission was that the latter immigration had come in such numbers that the common labor market of the United States was overcrowded. They found that adopting the literacy test or reading test as a restrictive measure would naturally decrease this particular flow of immigration perhaps 30 or 35 per cent, and in that way they would relieve the overproduction of common labor at the seats of the great basic industries in the United States, where that labor was not only competing against American labor but where it existed in such abundance that it was competing against itself and reducing wages to a point where the laborers were compelled to live under conditions which were certainly un-American. If we could reduce that, the conditions would be satisfactory.

America needs labor. There is no question but that the industries of America have grown to a point where they need foreign labor; and if we had a proper amount of it, so that wages could be fairly maintained—I am speaking now of the conditions before the European war, of course, as we found them in 1909—there would have been no effort to restrict immigration. I was not in favor of it when I came to the Senate. I only became in favor of it when I discovered these conditions. As has already been demonstrated, a considerable portion of this immigration consists either of unmarried men or of men who have left their wives at home, indicating that they are here only for a temporary purpose. It was to stop that class from coming, as far as possible, that the amendment was proposed by the Senator from Missouri [Mr. REED] yesterday. I could not favor the amendment as it was then offered, because of its form; but I thought the object of it was good.

I simply wished to make this explanation so that my position on this subject might be understood.

Mr. McCUMBER. Mr. President, there seems to be something of a difference between members of the committee as to the real purpose of this legislation. The Senator from South Carolina [Mr. SMITH] claims that his purpose is to uphold the standard of citizenship of the United States. The position taken by the Senator from Vermont [Mr. DILLINGHAM] is that it is to regulate the quantity of labor that shall come to this country from the old countries. The position of the Senator from South Carolina, if I understand him correctly, is that as a rule the illiteracy test will keep out of this country at least a certain degree of undesirable citizens, and therefore will prevent the deterioration of the American standard of citizenship.

I hope that is the purpose of the bill—one of the purposes, at least—but if that be the purpose, I think I am justified again in asking the question of the Senator or of the Senate: How will it threaten or menace our standard of citizenship any more to allow an unlettered German to enter this country than to allow an unlettered Russian to enter this country?

The Senator from Vermont says that we have recognized in this bill the principle of making this country an asylum for the oppressed. Suppose the Japanese or the Chinese should be oppressed—and there is no question as to the latter in their own country—I am doubtful if the Senator would carry his asylum ideas to the extent of allowing them to enter this country.

So we get right down to the proposition that the real purpose of this bill is to defend the American standard of citizenship; and when you say that a German Jew or a German Christian, an Austrian Jew or an Austrian Christian, if unlettered, can not enter into the United States, but a Russian Jew can, you are making a discrimination in the one instance against the Russian citizen because he is a Christian and in the other instance as against the German or the British or the French citizen simply because he is not a Russian citizen. Now, I do not think any provision of that kind ought to be in this bill, and I do not think there is any excuse for a provision of that kind. There might be very much in what has been suggested by the Senator from Wisconsin, that if the Russian Government so oppresses its people that it will not allow people of a certain religious faith to learn to read and write, we might then possibly make an exception in their favor, because otherwise we might be discriminating against them.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield for just a moment, since I called the Senator's attention to the matter I have confirmed the view which I expressed, that there are such discriminations, and that there are legal provisions that deny to Jews in Russia in certain territory the privileges of any school opportunities whatever.

Mr. McCUMBER. Even by their own people?

Mr. LA FOLLETTE. I am not certain as to whether they are permitted to maintain schools themselves or not; but I am positive that in certain territory only a small percentage—5 per cent—of the people of school age are permitted to attend upon the schools. I find it impossible right now to quote the statutes, but can do so within a few days. However, I am certain that the discrimination which is practiced in Russia against the Jews, which is not found elsewhere, and is because of their religious faith, furnishes a reason for this language which the Senator proposes to strike out.

Mr. McCUMBER. Mr. President, I doubt very much whether there is anything in the Russian law or practice that will prevent those of a certain religion from teaching their own children to read and write. If there is discrimination against them as to where they may reside, undoubtedly the prejudice might be so great that there would be a discrimination against them in other respects; but the mere statement that only a certain per cent can attend school in certain localities would not be sufficient at least to satisfy my mind that there was a provision which prevented them from obtaining the simple primary education of learning to read and write their own language. We know, as a matter of fact, that we provide in this bill the Yiddish as a language, and require that those who speak that language only must also be able to read and write it, which of itself, it seems to me, admits that there is education along that line.

But I can not believe that the conditions are such that we ought to discriminate against any religion or against the people of any other country in coming to the United States, and if we are to apply a test in one case we ought to apply the test in all other cases.

Mr. SMITH of South Carolina. If the Senator will allow me, the law is to be general. If the Armenian Christians were to come to this country persecuted this clause would apply, as the Senator from Wisconsin points out. There may be a religious persecution in any of those nations now at war, and when the war shall cease they will be admitted.

I want to call the Senator's attention to his reference to the position that I took in regard to the Jews. This much can be said, that wherever a people are so tenacious of a moral standard canonized in the form of a religion, that they will suffer persecution for the principle's sake it is good evidence that they would make pretty good citizens when they have the principles involved in the principles of our Government. I think the Jews of this country have exemplified the fact that that principle can be applied to our citizenship.

There is another point I want to make in reference to these people. We are not discriminating in favor of or against them, but we are legislating for all those persecuted for religion's sake. The clause is broad enough for that. As I had occasion two years ago when the bill was under discussion to read into the RECORD, even in Russia where it is alleged, and I presume it is true, that the Jewish people are forbidden the privileges of the common school, they are higher in their per cent of education than the average of the Russian people themselves. I took occasion then to have the department work out that percentage, and in every nation on earth where the Jews are found their per cent of education is higher than that of the country in which they reside, showing that they now have this characteristic of adhering to a religious faith, believing in the God that they worship, but also believing in education. I have not those tables before me now, but they could be easily reproduced.

Now, one other word as to the point the Senator from Vermont makes, that one of the characteristics of the Jews is that they are not birds of passage. They are a family people. Their history for all time substantiates that. When a Jew comes he comes for the purpose of becoming a citizen. He makes a good citizen. He does not go back to Russia, as is suggested to me by the Senator from Oklahoma [Mr. GORE]. From every standpoint this is not a discrimination for or against anyone, but it seems to me to be a splendid provision of the bill to open the door for this purpose.

Mr. McCUMBER. It seems to me, Mr. President, that the last statement made by the Senator rather annihilates the proposition that the Jew does not have the opportunity of other people in Russia to obtain an education. The statement of the Senator is that the standard of education is considerably higher than that of the average Russian citizen.

Mr. SMITH of South Carolina. Mr. President——

Mr. McCUMBER. Do I not quote the Senator correctly?

Mr. SMITH of South Carolina. Let me frame the phraseology so that I can bring out the idea. The Jew has every difficulty thrown in his way, but despite the persecution he surmounts the difficulty. The Senator knows as well as I do, if he is at all acquainted with the conditions set forth in the stories from that country, authentic and otherwise, that the Jew surmounts those difficulties. He is persecuted, and the Senator knows it. He is denied the privileges of a Russian citizen, and the Senator knows it. He is held down, but despite that he shows his superiority by rising above it. For that reason, as suggested a moment ago, this should be called an enabling clause rather than a discriminating one.

Mr. McCUMBER. Then, Mr. President, we abandon the high principle which was enunciated by the Senator some time ago, that the purpose of the illiteracy clause was to uphold the standard of American citizenship. I rather like that sentiment. I was in hopes that the Senator would stand entirely upon that sentiment.

I do not want the Senator to think for a single moment that I would make it more difficult for the Jew to come into this country than for a Christian, but I would make it just as easy for a Christian with the same standard of intelligence and learning as a Jew to come into this country. That is all I contend for in asking that this portion of the exception be stricken from the bill.

The Senator from Vermont intimated that that provision was put in by the House for political purposes, and that may be true. Then, if it was put in for political purposes, we ought to put it out for the purpose of the protection of our American citizenship or else we ought to dispose entirely of this illiteracy test.

I am perfectly free to say that I do not think any material good will come from this illiteracy test. I am certain that there are greater dangers to this country through educated people from Europe than there are through the uneducated people coming here. I believe that all of our dissensions and all of our troubles that have come to us through foreign citizenship have not come through the illiterate classes, but, rather, through those who could readily gain admission under the provisions of this bill.

I am not, therefore, in favor of the illiteracy test as a mere standard of mentality of the proposed citizen, but I do think it not only an insult but an injustice to the citizenship of other

countries, to the Christian people of other countries as well as the Christian people of Russia, to say if you belong to a church in that country and that church is persecuted, you may have free access to the United States, while those other people who have nothing to do with the persecution shall be kept out. That is really what it means.

Mr. CLAPP. Mr. President, it seems to me the Senator from North Dakota [Mr. McCUMBER] is hardly fair in his comparison and in his analysis. This does not penalize a Christian in any land where the Christian does not have the fullest opportunity to avail himself of the public schools. Some years ago we went into this subject very thoroughly and we found a condition in Russia—not so much in the public laws of Russia as in the rules and regulations that are imposed—which is unquestionably designed to restrict the opportunities of Jews in many sections of that country as to the opportunity of education.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. CLAPP. Yes, sir.

Mr. McCUMBER. Are there not Provinces in Russia in which there are no public schools whatever, either for Christians or Jews?

Mr. CLAPP. If there are, then clearly the Jew in Russia is not responsible. He is not the governing class of Russia.

Mr. McCUMBER. Is the Christian?

Mr. CLAPP. The Christian is the governing class of Russia, and if the governing class of Russia itself does not want educational opportunities, that is its fault and not ours.

Mr. GORE. Mr. President——

Mr. McCUMBER. Does the Senator claim that the Christian subject in Russia has very much to do with the Government?

Mr. CLAPP. I claim that the Christian subjects to-day, through the modernizing of the Russian Government, are overwhelmingly in favor of schools and would undoubtedly have schools under that Government.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. CLAPP. With pleasure.

Mr. GORE. I would like to state in this connection that 4 per cent of the people of Russia are Jews, but only about 1½ per cent of the school children in Russia are Jews. I think those statistics indicate the discrimination against the Jews in their way of acquiring education.

Mr. CLAPP. There is not any question but that the investigation we made shows that especially the rules prescribed with reference to the number of pupils who may be assembled in one room not only discriminated but they were designed to discriminate against the Jews.

The fact that the Jews surmount those obstacles has no bearing upon this question, because if the Jew surmounts the obstacle, then he is protected one way or the other. But those people in the main are people of small means, and it does seem to me that when a citizen is barred from the full and free privilege of the public schools there is such a discrimination against him that if he is enabled then, through his own efforts and those of his own race and religion, to get an education at his expense or their expense it is a discrimination which we ought to recognize, and we should exempt him from the operation of this bill.

I repeat, there is no question but that the investigation shows in the figures themselves, in the rules limiting the number of pupils to a single schoolroom and the rules limiting the number of schoolrooms, that it was only as a bar to the more complete and fair opportunity of Jews, and was designed as a discrimination and to prevent him from having the opportunity of a public-school education.

Mr. GORE. I will say to the Senator that only 10 per cent of the children are, I understand, pupils in any school.

Mr. McCUMBER. Mr. President, there are millions of Russian Christian children who can not get an education, just the same as there are a proportion of Jewish people in Russia who can not obtain an education, because of the lack of public schools in certain sections of that country. The people are very poor, and their parents not being educated they can not give those children the benefit of an education. Now, you keep those children out because they are Christians.

Mr. CLAPP. No.

Mr. McCUMBER. The effect of this law keeps them out if they are illiterate and because they are Christians, while it allows the others to come in who are illiterate because they are Jews. If we are defining the standard of our citizenship, we ought to place it upon some broader ground than the persecution or the prejudices of some foreign people.

Mr. CLAPP. Mr. President, we do not penalize the Christian. If there is a man on this earth who by reason of governmental policy is barred from the right of education because he is a Christian, no matter where he comes from, he is entitled to enter under this exemption, as was well said by the Senator from South Carolina.

Mr. McCUMBER. What is the difference in the cause provided the child is not responsible for the cause? What difference does it make to us, who are looking out for our own citizenship, whether the Russian child be Christian or Jew, as long as neither of them has the opportunity to obtain an education? Neither of them is responsible for the governing power. I do not say that you penalize the one; I say you discredit the one through the operations of the law because he happens to be a Christian. You make one rule that will apply to him because we will say that he is discriminated against, and I am not speaking alone of education, because the Jew in Russia is compelled to live in certain Provinces and in certain quarters irrespective of education, and that is a discrimination. That discrmination, irrespective of the educational qualifications, qualifies him for admission to the United States, but the Christian Russian, against whom no such discrimination is placed, is excluded by the provisions of the bill.

Mr. CLAPP. Mr. President, first those are excluded who can not pass this test. Then, recognizing the asylum principle, under which we owe something to the oppressed, we do not discriminate against the Christian or against any other sect, but we do say that where illiteracy comes as a result of the laws of a country, owing to the fact that the child is not responsible for his religion in either case at his birth, if he belongs to a religion which is discriminated against he shall be exempted from this test. The Senator's argument puts the exemption first. The exclusion comes first. Then we recognize where they come to this country because of religious persecution, whether Christian, Jew, or of any other faith, that they may be exempt.

Mr. SMITH of Michigan. Mr. President, I was very much interested in what the Senator from North Dakota [Mr. McCUMBER] has said, and I simply rise to make this observation. It may not do any good; probably it will not. For years here I have voted in favor of restricting immigration. I never voted for a bill restricting immigration because of the literacy test in my life that I did not feel that I was doing wrong.

I do not feel that that is the appropriate test at all for citizenship. Honest persons may have had no opportunity in youth for education, and the literacy test is, in my opinion, unfair. Why should not character be the test of immigration? If the immigrant has made a good citizen in the country from which he comes, why not welcome him here? I have always felt that some method of that kind could be worked out, although I have never undertaken it in detail and have never been a member of the committee charged with this responsibility. Yet I assert without any hesitation whatever that the poorest test that can be applied is the literacy test. Why not have our proposed immigration surrounded by such safeguards as the Consular Service could extend? When a person proposes to come to the United States to live, why should he not go to the nearest American consul and apprise him of his intention, furnish him proof that he has made a good citizen in the town where he has lived or in the country where he has resided? Why is not that the appropriate test for citizenship here?

We refine our laws to suit territorial, and I was almost going to say climatic, conditions, and we draw a line arbitrarily through a great Empire and say that a child who was unfortunately born on one side of the line shall not be permitted to enter this Republic, where opportunities are so fair and so many, but the child born on the other side of the line may come. A quarter of the Empire of Russia is under ban and its citizens forbidden to come; vast stretches of territory where Polanders live rest under the same territorial inhibition. We owe a debt of gratitude to the Polander. Yet there are areas restricted in this bill, and defined so closely that millions of Poles are prohibited from ever aspiring to American citizenship. Aliens have helped to win our battles. Foreigners unfamiliar with our language have made it possible for this Republic to survive its severest trials.

In the Hall of the House of Representatives the only portrait upon the wall is the portrait of the immortal Lafayette, who came here from France to uphold the banner of our liberty. In Statuary Hall are the statues of Kosciusko and Pulaski, Polanders, who fought on a hundred battle fields that we might enjoy our liberty. One of the great parks of this Capital fronting the White House has upon its four corners the statues of foreigners who have rendered our country distinguished service in time of greatest need, and we sit here and speculate and contrive and plan to keep people out of our country who would be an honor to it.

I do not like it and never have liked it. I have voted for it in the past reluctantly.

Mr. NORRIS. Will the Senator permit me to make a suggestion if I may? I may be wrong, but I think the bill has been amended so that it does not exclude large portions of Russia.

Mr. SMITH of Michigan. It did exclude them yesterday, and it may exclude them to-morrow.

Mr. NORRIS. My understanding is——

Mr. SMITH of Michigan. It may go to the House of Representatives, if the Senator will pardon me.

Mr. NORRIS. It is my understanding that such an amendment has been adopted. I agree with the Senator entirely that it would not be fair if that still is the case, if that amendment has been agreed to. Certainly the Senator was not here yesterday. Probably it was adopted when the Senator was not in the Chamber.

Mr. SMITH of Michigan. I have been here steadily ever since this bill has been under discussion, and I am addressing myself to the spirit which has seemed to prevail generally upon both sides of the Chamber, asking that an amendment be put on and sent to conference, and by and by the bill will come back here in some form, no one knows exactly the form, and we will be expected to ratify what the conferees do, because that is all that can be accomplished.

But I simply rose to emphasize what has been in my heart here for a long time, that every bill we have passed has been passed upon the false theory that because a child was fortunate enough to be educated in his youth he would therefore make a better citizen than the unfortunate one whose responsibilities perhaps kept him from the privileges of education, and I rose to emphasize our debt of gratitude to aliens. It is not for us to close our doors against good people, no matter where they come from. If they are bad people they ought not to be admitted even if they can pass the literacy test, and if they are good people they ought to be admitted even though they can not pass the literacy test. I think the test proposed is not the best test, that character is the best test, and that we have the machinery of government present in every part of the world, where we may inquire first-hand into the life and the character and the antecedents, if you please, of those who apply for admission into the United States.

I have been very much interested in what the Senator from North Dakota said, and he always says what is sensible, and he says it fearlessly and fairly. I do not think that this bill meets the situation we are aiming at. I believe that we have let in a great many people who should have been kept out. I believe our laws of naturalization have been too weak. It is not fair to take classes of people who have not made good citizens at all before they have been here five years and give them a place alongside the Senator from Minnesota [Mr. NELSON], who fought as a soldier for four years that our Republic might last, while his son and my son, educated in American public schools, reared amidst our institutions, rocked by patriotic mothers, are obliged to wait 21 years before they have the right to exercise the sovereign right of citizenship. Yet within five years we take in strangers who do not furnish credentials of good citizenship abroad, who are mere birds of passage, who linger here because they find this soil and this Government congenial to their exploitation, and we hastily permit them to exercise all the rights of citizenship in this Republic.

I believe that these privileges are conferred often inappropriately. But I repeat what I said when I rose that the debt of this Republic to aliens who were never citizens of our country can never be repaid. Our armies were made up of men who did not speak our language. My honored friend from Minnesota told me a few moments ago that in the Mexican War thousands of Germans and Irishmen enlisted for service when Americans held back. But we dot our capital city here and there with statues of illustrious citizens, foreigners who came to render great service here, and then we meet in consultation and undertake to restrict, and, indeed, to forbid the children of those patriotic soldiers from coming here at all. I am entirely out of sympathy with it. I would keep every criminal out of this country; I would not allow the anarchist to come here under any condition. He ought to be deported. Thousands of them are here because of the laxity of our laws. Thousands of them come in under one test or another. They are intelligent, although misguided. But let us be sure that we do not erect barriers so high that the deserving and the honest and the patriotic and the country loving may be unfairly discriminated against. Our country should be an asylum for every good man and good woman who wants to come.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. The Senator from South Dakota.

Mr. STERLING. I offer the amendment which I send to the desk.

Mr. LANE. I should like to ask the Senator from Michigan a question.

Mr. STERLING. I withhold the amendment for that purpose.

Mr. LANE. Mr. President, some of the best people in the world—real home-loving and honest people—live in Asia. There are about 600,000,000 of them in all. I should like to ask the Senator from Michigan if he would encourage their immigration here and open the Pacific coast to them? There are the Chinese and the Hindus, both of whom are a good people. There are no better; the Chinese are absolutely honest; as a class they are equally as honest as the average citizen of the United States. They are a good people and a kind people, but there are large numbers of them. They work for from 3 cents to 10 cents a day at home, which would be rather a hardship upon our people should we adopt them as citizens.

Mr. SMITH of Michigan. Oh, well, Mr. President, that is not my proposition. In our relations with Asia we must not overlook the fact that the Asiatics are entitled to be treated fairly.

There is much in Asia that is desirable; there is much in Asia from which we could draw a very valuable lesson. I have heard the special agreement between our own Government and that of Japan referred to. I know about that agreement. As a member of the Committee on Foreign Relations, I was asked concerning it; and I said, when I was asked, that we should be very careful not to give one Asiatic people favors that we would not give to another; that, if we were ready to favor Japan, we ought also to be ready to favor China, which has just as high ideals of honor as has Japan.

No, Mr. President, I would not favor Asia especially, but I would not pass my favors out to portions of Asia and discriminate against other portions of Asia. I would have the courage to say that we do not believe that they would appropriately amalgamate with our people; that assimilation is impossible. I would have the courage to say that our racial differences were such as to be irreconcilable; but I would not pass favors to one country in Asia when I was withholding favors from another.

No one can tell how rapidly the Chinese Republic is to progress. Japan has progressed rapidly during the last quarter of a century, and China has gone from an Empire to a Republic. Perhaps the Chinese have not fully comprehended the purposes of republican institutions, but they are progressing.

Russia is making greater progress at the present moment than almost any other country in the world. Since the Russo-Japanese War the economic policy of Russia has been practically changed. Instead of forbidding her people to make her laws, as soon as Mukden fell the Russian was given the right to choose his legislators. There was no land which was owned by the peasantry of Russia up to the time of the Russo-Japanese War, and there are millions and millions of acres of land to-day owned by the peasantry of Russia. The Russian peasant who goes out on his farm to work now knows for whom he is working; but the Russian peasant of 10 years ago went first to one plat of ground and then to another as he was ordered. To-day they own their own soil from the place where their feet rest to the center of the earth, and they cultivate it for the benefit of their children and of their children's children.

We should not take to ourselves credit for all the progress made in the world. The whole of the world is progressing. We lighted the lamp, and they sit in the glory of our achievements. We were the first Republic. Now there are 20 Republics, which girdle the earth. We have no monopoly of virtue or of character or of intelligence; and I would have the test of citizenship here, especially among the races of people who naturally amalgamate with us, one of character, and not the mere question as to whether or not a man can parse a sentence correctly.

Mr. STERLING. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Is the amendment which the Senator from South Dakota proposes to offer an amendment to the text of the bill?

Mr. STERLING. It is.

The VICE PRESIDENT. Very well. The amendment will be stated.

The SECRETARY. On page 9, line 15, after the word "residence," it is proposed to insert "and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to

comply with the literacy test hereinbefore provided," so that it will read:

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to comply with the literacy test hereinbefore provided.

Mr. STERLING. Mr. President, I do not desire to take up time in the discussion of this amendment. I fully appreciate the point made by the Senator from North Dakota [Mr. McCUMBER]. Under the terms of the bill as it reads it will bar the illiterate Christian, but it will admit the illiterate Jew, if he can claim, of course, that he is a victim of religious persecution. This amendment recognizes the literacy test by providing that if the religious persecution involves a denial or a restriction of the means and opportunities of education, so that the immigrant is not enabled because of the laws or regulations of the foreign country against his sect or class to acquire the education sufficient to enable him to comply with the literacy test provided in the bill, he will nevertheless be admitted.

I think I can corroborate what was said by the Senator from Wisconsin [Mr. LA FOLLETTE] a while ago, that in certain Provinces or districts of Russia there are those restrictions and those denials to the Jewish population of the means and opportunities of obtaining an education. I offer the amendment.

Mr. McCUMBER. I should like to ask to have the amendment again read to see whether or not it contains the provisions that are denied as to certain peoples and not denied to others. We ought to treat them all alike. The right of education may be denied also to another class, and they ought to be treated alike.

Mr. STERLING. It seems to me that the amendment will treat them all alike. That is the object of the amendment.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 9, line 15, after the word "residence," it is proposed to insert the words "and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to comply with the literacy test hereinbefore provided."

Mr. McCUMBER. Mr. President, my motion being one to strike out, I can hardly see how this amendment can be moved to that amendment, but it seems to be in the nature of an original amendment and would be satisfactory to me. If the matter can be facilitated by withdrawing my amendment at the present time and allowing the Senator from South Dakota to offer an amendment to the original text, I shall be glad to do that.

The VICE PRESIDENT. The Chair understood the parliamentary situation to be that the Senator from North Dakota [Mr. McCUMBER] had moved to strike out. Now, pending the motion to strike out, the Senator from South Dakota [Mr. STERLING] moves to amend the text sought to be stricken out. The Chair thinks the Senator from South Dakota has a right to do that.

Mr. McCUMBER. I agree to that, and would be glad to see the language so amended; and I would say that if it is so amended I would not press my motion to strike out the whole provision.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING]. [Putting the question.] The ayes seem to have it.

Mr. SMITH of South Carolina. I ask for a division.

The VICE PRESIDENT. All those in favor of the amendment of the Senator from South Dakota will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is agreed to.

Mr. PHELAN. Mr. President, I desire to submit an amendment to the pending bill. Yesterday afternoon I referred to a proposed amendment on the subject of the prohibition of "picture brides," a new situation which has grown up in the West. I now submit the amendment as drafted.

The VICE PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 50, after line 7, it is proposed to insert a new paragraph, as follows:

No woman not legitimately married according to our laws and not otherwise excluded by this act shall be permitted to enter the territory of the United States or any possessions thereof when the men of the same race and class are excluded either by law, treaty, or agreement. No proxy, picture, or other marriages not regularly solemnized between the two contracting parties in person before the date of the departure of either or both of the parties from their own country shall be held to be legitimate for the purposes of this act by the departments and courts of the United States.

Mr. PHELAN. Mr. President, I have in my hand an article by Dr. W. C. Billings, surgeon, United States Health Service, chief medical officer of the Immigration Service at Angel Island, San Francisco. In this article Dr. Billings goes on to say:

The immigration received at our Atlantic ports, while certainly racially heterogeneous enough to satisfy the most extreme longing for variety, still admits, and as time goes on will admit, more and more, of an opportunity to study from an eugenic standpoint the ultimate product of the "melting pot."

The "melting pot," as we all know, is that crucible into which the people of the earth are put to the test of amalgamation. Sometimes they amalgamate and sometimes they do not. It is established that the brown and black races do not amalgamate with the white, but remain identically the same as when they are put into this melting pot or smelting pot. They do not amalgamate; they do not "smelt"; and therefore they are undesirable elements in the composition of our population. Of course, ultimately we all look to a homogeneous American population. Disraeli, I remember, once remarked that he regretted that the Republic of the Puritans had not blended with the tribes of the wilderness, for then we would have had a real American nationality. That was a poet's fancy, but what nationality we have is certainly a composite nationality; and here we find a process going on on the Pacific coast which defeats the purpose of our American Commonwealth.

The Rev. B. C. Howorth, who lived 19 years in Japan as a missionary, and for the past eight years in the Immigration Service of the United States, says that there is no fear whatever of any attempt being made to amalgamate the Japanese and the Americans, as we understand them, because it seems to be repugnant to both parties. Not more than 20 cases have come to his knowledge. And Dr. Billings adds:

Occidental races will intermarry to almost any extent, but under such conditions as have so far existed in the United States the occidental exhibits no tendency to intermarry with the oriental, and that lack of inclination seems to be entirely mutual.

The large number of orientals coming into the western coast finding that intermarriage is impossible for centuries-old racial reasons—the product of such union, whenever it takes place, being degenerate, the faults of both parents being accentuated in the child and the virtues diminished—decided to import their own brides; and that practice has been going on, I claim, in violation of law. Now, it has come to be our duty to see that this loophole of the law is closed, if the law is ineffective, and the practice stopped.

I have in my hand a table by Dr. Billings showing that in the 10 years 1905–1914 the whole number of females and "photo" or "picture" brides, as they are called, coming into the port of San Francisco, one port of this country, aggregates 6,003. From 1905 the increase has been constant, until in the year 1914, according to Dr. Billings's table, a total of 1,595 such persons arrived in the port of San Francisco. On account of his great familiarity with the subject, I will continue to quote briefly from the doctor. Referring to his table, he says:

The column headed "Photograph brides" represents one of the most interesting classes of Japanese immigration, although the term is, strictly speaking, a misnomer, inasmuch as a photograph, although very naturally often exchanged, is in no way a necessary or indispensable part of the arrangement. The term "proxy brides," which is frequently applied to the same class, is, in so far as it implies the presence of a third party, also a misnomer, as, properly speaking, there are no proxy marriages in Japan.

The agreement referred to between the American and Japanese Governments to stop the emigration of laborers was made in 1908, and at that time a very considerable number of Japanese laborers were domiciled in this country, particularly upon the Pacific coast. Section 37 of the law, already quoted, allows domiciled aliens to bring their wives to join them, and these men very naturally take advantage of the privilege.

I question the interpretation the doctor gives to section 37, which I will presently read. He goes on:

Marriage in Japan is arranged by the parents of the contracting parties, and consists of removing from the register of her own family the name of the bride and adding it, in the official register of the administrative district in which he lives, to the names of the family of the groom. There is no civil or religious ceremony, unless the contracting parties happen to be Christians. The ceremony of removing the name is followed by a social gathering of friends, and assumes a congratulatory character.

So that it is a mere announcement of a wedding when a wedding occurs. But here we have a Japanese living in San Francisco marrying a woman 6,000 miles away by an agreement based upon a photograph, which serves for her identification, and then she comes to San Francisco, where, I believe, another ceremony is performed. The commissioner of immigration at the port of San Francisco is Edward White, a brother of the late United States Senator Stephen M. White, and he again in a letter addressed to me in answer to one of mine reiterates erroneously, I believe, that under section 37 of the immigration act these marriages seem to be authorized and this immigration permitted. He says that—

On the production of the marriage licenses and certificates of marriage, these women are granted their discharge.

That is, from the immigrant ship after the ship has arrived at the immigration station.

After they have left our control it is not possible to keep very close track of them, as they are scattered over a very large area, and our force is not sufficient to keep in touch with them, investigating social conditions—

And so forth.

Therefore, he says, he is not responsible for the conduct of these persons. He adds:

From personal observation and from reports received at this station we are satisfied that with very few exceptions these women do not come here for immoral purposes. As a rule they become mothers of large families—

That is the very point that I wish to accentuate—

and at the same time do a man's work on the farms wherever located.

There are at present over 15,000 native Japanese children in California, and the number is increasing to the most alarming extent. At the present rate of increase it will be but a short time when the native Japanese population of this coast will be numbered by the thousands. In many of the farming districts in California the Japanese farmer has practically obtained control; in fact, the fruit, potato, and beet industries are dominated by Japanese. As an instance in this connection I will cite that of George Shima, called the "Potato King," who came to this country a few years ago without means and who now has title to 5,000 acres of the best land in San Joaquin County, and leases 15,000 acres more, all of which he farms to potatoes, barley, and beans, and controls as a result the potato market of California.

That is one example to show the very great cleverness of these nonassimilable people. They are so industrious, so thrifty, so, if you please, superior in industry and thrift to our own people that they beat them at their own game.

Now, I wish to point out that while I do not in any way detract from the thrift and industry of these men, still I submit where they are not assimilable it becomes a question of abandoning our western coast to them unless they are excluded, unless their means of propagating their species is denied. That is the question; the question of abandoning the western territory to them if their immigration and increase are not restricted, and that is why we are all in favor of the restriction of the immigration in order that the American people there may, pursuing their higher standards, live in comfort. They do not work 16 to 20 hours a day, as do their Japanese competitors. That is a test of industry and also of endurance. Our people work from 8 to 10 hours a day, and have time for rest and recreation and play; time, if you please, to participate in political activities and civic life, for supporting churches and schools and theaters, enjoying all the gratifications of an enlightened people under the ægis of this Government. If that is denied them, they will be driven by sheer necessity to get down to the level of the others, who come without any of those burdens to bear of civilization, of church, of school, who do not take holidays, but work unremittingly all the time. So we must not therefore say that because our own people are less industrious, refusing to work for a longer period, that they are not the instruments of Providence for the uplifting of civilization and humanity. They may be unconscious of it, but their demands for better conditions mean the advancement of the world.

Mr. HITCHCOCK. Mr. President, will the Senator make plain—I did not understand the figures which he gave—how many so-called "picture brides" come into California or come in at the port of San Francisco every year?

Mr. PHELAN. According to this table, the last which Dr. Billings quotes, in 1914 the number of males who entered the port of San Francisco was 2,018, the number of females 1,856, the number of photo brides—he seems to segregate them—1,595.

Mr. HITCHCOCK. It is not a large number. The evil is not a very great one, according to those figures.

Mr. PHELAN. No; but when each photograph bride can, on account of the great productivity of the race, bear 5 or 10 children, they multiply themselves at an alarming rate; and it is a fact that the productivity of the Japanese is exceptional. Hence in five years a picture bride will have multiplied herself five times; or, if they come in at the rate of 1,500 a year, it means possibly the addition of 1,500 more every year; and that goes on by geometrical progression.

Mr. HITCHCOCK. Do the figures that the Senator has available indicate how many Japanese leave this country every year?

Mr. PHELAN. I have not those figures here now; but they are insignificant, since they value their residence in the United States so highly that they hesitate to depart until they have made a stake. I am told that in the Hawaiian Islands when they make a thousand dollars they go back home and live in luxury, where men of that class only receive a few cents a day in wages—not more than 10 or 15 cents.

I should like to continue the letter of Commissioner White. It is practically closed. He says:

The social and economic conditions under which the Japanese live are such that our American farmer can not compete with him, and if something is not done in the immediate future to stop this class of immigration the time is not far distant when the entire farming industry of this coast will pass into the hands of the Japanese. Already the Japanese are reaching out for the commerce of the Pacific Ocean, and with the land of California and our commerce in their hands we will be more an adjunct of Japan than part of the American Union.

That is the opinion of a man engaged in handling these immigrants, who is and whose fathers before him for two generations have been farmers in California, and whose brother, Stephen M. White, as I remind Senators, was some years ago one of their colleagues.

One moment, Mr. President, to give another example of this great change that is happening in our country through the West, and with which apparently the East is not familiar, misinformed and moved largely by the skill of diplomacy, moved by the opinions of the press, and the creation of a certain sentimentality of brotherhood by well-meaning men—

The steady patriots of the world alone,
The friends of every country but their own.

I have here a population chart of the Territory of Hawaii printed in the last report of Gov. Pinkham, and it shows this:

Japanese, 97,000.
Hawaiians, 23,000.
Americans, British, Germans, and Russians combined, 16,000.

The increase of the Japanese is out of all proportion to the increase among the other nationalities. In fact, there has been practically no American increase at all, and the Hawaiians have actually gone back. But what bears upon this discussion is the comparative table of births in the Territory of Hawaii, an American Territory:

July 1, 1908, to June 30, 1916: American births, 1,343; Chinese, 4,031; Japanese, 22,387.

The Americans are in possession of that country, and their birth rate during that period is 1,343, as against 22,387.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator what is the resident population of Japs and the American population in Hawaii. There is a wide difference, I think.

Mr. PHELAN. I believe I have just stated that the Japanese numbered 97,000.

Mr. MARTINE of New Jersey. And the Americans?

Mr. PHELAN. They group here the Americans, British, Germans, and Russians at 16,000.

Mr. MARTINE of New Jersey. There is a very wide difference in the population.

Mr. PHELAN. I think the Americans alone are about 10,000 in number.

Mr. MARTINE of New Jersey. Naturally the Japanese birth rate would be larger then. That is a legitimate result.

Mr. PHELAN. I think that is perfectly obvious. I will say that on account of the productivity of the Japanese, as opposed to the lack of productivity in the more refined and less, therefore, prolific peoples—civilization and productivity do not go together—the Japanese are populating the land out of all proportion to their numbers.

Mr. MARTINE of New Jersey. Does not the same condition prevail throughout the world, not alone with reference to the Japanese race? Does it not apply to the highly cultivated races, if you choose, of England and of France? The great problem in France to-day is the lack of births, the decrease of the birth rate; so as that condition has been cultivated, seemingly, the propagation or increase of their kind lessens.

Mr. PHELAN. Yes; I suppose the ruder the people are the greater the productivity.

Mr. MARTINE of New Jersey. That is doubtless true.

Mr. PHELAN. And hence there becomes manifest the necessity of peopling this land, where our own people do not produce their kind to the extent desired, by desirable immigrants from the white nations of the earth. Otherwise, the great principles for which our Government stands will be lost to the world, unless new lovers of liberty, like the original immigration, are now permitted to come in here freely to support them. We only are busy in the Senate to-day, as I understand, to keep out undesirables. The orientals are such.

But there is the story of the "picture brides." I do not believe we should tolerate such a condition. Both Mr. White and Dr. Billings refer to section 37 of the immigration act, under which they have apparently, as officials of the San Francisco station, doubtless at the direction of the Department of Labor, admitted these picture brides. Section 37 says:

That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him—

If they are without disease—

they shall, if otherwise admissible, thereupon be admitted.

First, you will observe that this right inheres in one who has taken up his permanent residence in this country. These people,

I venture to observe, have not taken up a permanent residence. They come, make a stake, and return, and by some legerdemain another takes their place. It is hard to identify them, and that is the way the population of the oriental is maintained. Even when he goes away he leaves his counterpart behind, so there is no gain for us—gain in the sense of losing him.

But secondly, he must also have filed his declaration of intention to become a citizen. Now, inasmuch as under our naturalization laws the Japanese are ineligible to become citizens, it is a perfect mockery to say that if one so ineligible should declare his intention to become a citizen he could qualify himself under this act for the purpose of importing a wife. This section seems to have been written for the very purpose of keeping out oriental brides, and yet these officials refer to section 37 of the immigration act and the inherited practice thereunder to justify the admission of these brides. Is that another example of the *subserviency* under which we labor to the oriental Empire? There seems to be such an overweening desire to strain the law, aye, even to violate it, in order to help out these unfortunate people. "If you do not favor us, even to the extent of violating your own laws in our behalf, woe unto you, ye men of the West! We are aroused. We shall resent any attempt on your part to interfere with our nationals, even though they live in violation of your municipal laws."

But whereas the present law practically denies them the right to import their women, because they are incapable of making a declaration of naturalization, what was my surprise to find that in the bill which is submitted to the Senate, the Senate committee has amended it and the House language in the interest of the picture brides—the very evil of which we complain! As it came from the House, section 22, on page 49, reads:

> That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him—

His wife and children may join him. The Senate committee had stricken out the words "taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen," and has substituted "shall have resided in the United States for seven consecutive years." It does not require permanent residence in this country beyond a period of seven years, which is a convenience for somebody who does not intend to remain, and it does not require him to have filed a declaration of intention to become a citizen. Why abandon the advantage we have? Why defeat the purpose of the House?

I do not think that the language proposed by the Senate committee should have been approved by this body, but I will not move now a reconsideration, because the hour is late. I do ask, however, that the amendment I have submitted may be adopted. By that means, going into conference, there can be devised some scheme by which this purpose may be reconciled with the language of the amendment, to the end that this evil, which is aggravating the Japanese peril, and which is bound to result in further irritation and possibly in serious trouble, may be abated by act of Congress.

Mr. LANE. Mr. President, I should like to ask the Senator from California [Mr. PHELAN] a question which has suggested itself to me. If these Japanese men send for native women of their own country and marry them, does the Senator claim that their children become citizens?

Mr. PHELAN. Children born upon American soil, whether in the Territory of Hawaii or in California or in Oregon or Washington, as the Senator well knows, do become citizens and voters.

Mr. LANE. That being the case, would they not then be under the absolute control of the laws of this country and the will of our Government, and therefore removed from the influence of Japan; and would not that remove the objection that they would remain loyal to the country of their parents, and follow or obey its behests?

Mr. PHELAN. It has been my observation of a lifetime that the Japanese always adhere to their own allegiance; they always feel that they are subjects of the Emperor; they have a superstitious regard for the Emperor, and feel that they owe loyalty only to their native land; and that is one of the elements, apart from physical considerations, of their nonassimilability.

Mr. LANE. Then, would not their becoming citizens remove them from that influence and perhaps make them of less danger to the country than they would be if you denied them the right of citizenship? Do not the Japanese, or the people of any other nation where there are large numbers of males only, in an American community debauch our own women? Do they not prey upon us in that way, and is not that an evil? Is it wise to refuse them the right to bring their own wives? Is it a proposition that in the long run is wise?

If a man will marry a woman on a picture of her, he ought to be allowed to have her. We ought to punish him by making him marry her and live with her. At any rate, laying that view of it aside, would it not in the long run be for the betterment of the general condition of the country that they have their own women to marry and to raise children by rather than to let them loose upon this country to prey upon our women?

Mr. PHELAN. I am looking at it as a broad national question. I am not concerned about the individual.

Mr. LANE. Not about our people—the women of our race? The Senator is not concerned about their welfare?

Mr. PHELAN. If it can be said that the women are exposed to danger because of the presence of men without wives, I suppose our laws are well able to take care of them. That is what laws are for; and it will be an additional reason for them to return to their native shores and renew their companionship with their wives, if they have any, or otherwise to make matrimonial arrangements. It will be an additional incentive operating in our favor for them to go back home. For racial reasons Japanese so born do not become American citizens, even if intellectually they are our equals and even if they possess an intellectual appreciation of our institutions. When they come in such large numbers, being unable physically to assimilate with us—or, to put it the other way, as in the South, it being undesirable to encourage assimilation—they should be discouraged from coming here. They can not, in the nature of things, make desirable American citizens; and the problem is insistent and aggravated on account of the large number on the other side of the ocean who desire to come.

The Senator from Missouri [Mr. REED] was surprised that we were not interested in immigration from the West Indies and from the Azores. That is no problem. Those people are not trying to get into this country in any appreciable numbers; but we on the Pacific coast have been holding back, in the matter of the Chinese and the Japanese, a real, silent, but overwhelming invasion. They are accomplishing by silence and diplomatic means what they dare not attempt by open and forceful means.

The Senator will remember, from his reading of history, that the civilization of Europe, of which we are so proud and of which we are the product, was saved from these Asiatic hordes by the little band of Greeks at Marathon, which gave us two centuries of Athenian life, by the Gauls, who drove back Attila and his Asiatic hordes, and by Sobieski at the gates of Vienna, who repelled the Turkish Mongolian incursion. They were always fighting a horde of migratory Asiatics to protect and save our civilization; and we are making that same fight upon the Pacific coast to-day, and we are not understood nor appreciated. We are saving this country from Asiatic contamination. The orientals now have all the commerce of the Pacific. Out of every six ships from the Orient that come in five are Japanese, giving a preference to the Japanese in matters of freight and passengers; and we are indulging the "pipe dream" that these are a harmless and inoffensive people, who have no designs whatever on our commerce nor to possess our land. Yet I say they are insidiously possessing themselves of our land to-day, and in violation of the law smuggling themselves over the border and importing "wives." This is a land which attracts them. Climatically better than any land on earth are Hawaii and California to the Japanese. They do not invade the colder climates. In some instances they can not be controlled by their own Government, which I believe would turn them to Korea and Manchuria, where they have vast undeveloped areas. They have a great destiny in their own country, where, I believe, they should stay, and keep us out of it, except as they come here for commerce and trade. We ask nothing which we should not be ready to grant to others.

Mr. LANE. I appreciate the statement that if more came they would be inimical to the country; but I was wondering whether or not if they had family ties, they being an independent and proud people, it would be a step toward the settlement of the matter if the children of those already here became citizens.

The Senator knows, because he has lived there all his life, and I know, because I have lived there all my life, that they were brought into Hawaii because they furnished cheap labor. They were imported there. We sought them. They did not come until we did seek them. We had hard work to get them. We sent agent after agent to Japan to get them in in order that some of us might grind the face of Caucasian labor and beat down the price of it. We put them on our railroads for the same purpose; we did it also with the Chinese, and the Japanese are there yet in the section gangs. You in California put them out in your orchards, your vineyards, and your hop fields so that you might get the cheapest of labor,

cheaper than the white man could afford to render, and you have them there now, and we have them in Oregon, and we are both responsible for it. They like our country. We put them into Hawaii for the same reason, and they like that, and there they are, and they will not stand brushing aside. You can not go up to a Jap and boss him around or tell him to get out of your way. He will personally insult or offer violence to you, and you will have to take it or fight. They do not stand for any such talk. You have to treat them fairly.

I realize that if the hordes of that country and the immense hordes of China are allowed to come in freely they will push our people out. But we are responsible for it to a certain extent; and in the case of those that we have brought in here we ought, in making a basis for future action, at least give them a fair, square deal and adopt those means which will be least harmful in our efforts to stop further immigration.

I was just wondering whether it would not be better for this country, in the larger aspect of the case, in view of the situation that exists, to let them bring their women here, and marry them, and be their legitimate husbands? That might make their children loyal to this country—and their loyalty to the country they love is unsurpassed by the loyalty of any other people in the world. Would not that be better than to leave them loose upon our women, if you please? Is not that our duty as the people who imported them?

The Caucasian hunted down and made a slave of the African, and lived on his labor, in order to get labor at a cheaper price than the white man would work for. The white man brought the Japanese to the Pacific coast because he would work cheaper than the white man. I have seen it done all my life, and I have not much patience with the theories or methods which overlook the rights of the white men of the country. They are getting possession of the land now. They are becoming the leaseholders of the land. They are digging into "big business" now, and for that reason they have become obnoxious. Just as long as they worked here for less wages than the white man, and lay low, and kept dark, and would stand for the orders that were given to them, whether they were just or unjust, there was no question regarding them raised in this Senate. We of the poorer class of the Pacific coast resented it when they came in on our backs, and when certain other gentlemen put them there and said they were superior to the white man for the reason that they would work for less money and get along on a smaller amount of food. Now they are digging into the ribs of the gentlemen who brought them here, and they are very much interested in it now—and I am, too, looking at it broadly, to protect the white women—and I am not sure you will accomplish your object by excluding the Japanese women. There is no better mother in the world than the little Japanese woman. There is no woman kinder to her baby, no better wife than the little Japanese girl makes to her husband. We have them there, the Senator says, to the extent of 97,000 in Hawaii and 45,000 in California, and in Oregon we have our share, necessarily preying upon our white girls. Give an eye and a thought to them, if you please.

That was what attracted my attention. I am not saying this to the Senator from California personally. It is what we all have done, and what the people on this side of the country did with the race of people that they forced to come here.

Mr. GALLINGER. Mr. President, I do not want to delay the vote on the amendment of the Senator from California, although I was not privileged to hear it read, having been absent; but I do want to express the hope that this discussion of the relations of our Government with Japan may end before long. We went behind closed doors the other day to discuss that question, and it has been discussed at least half a dozen times since then along substantially the same lines that it was discussed behind closed doors.

I do not know what effect this prolonged discussion may have upon the interests of our people in the future, but I really think we ought to terminate it in the near future. Japan has control of the Pacific Ocean to-day. It is our fault that she has. Our commerce on the Pacific Ocean has been wiped out because of our own fault in matters of legislation. Japan is a great nation, and not only a great naval power but a great military power. We are on terms of friendship with her to-day. I hope that we will always continue to be on terms of friendship, but I suggest that if we are to have interminable debates on questions relating to Japan in this body or in the other body, we may possibly regret it at some time in the future.

Mr. President, that is all I care to say on this matter. My only purpose is to express the hope that we will soon get through discussing the relations—commercial, industrial, economic, or political—between ourselves and a nation that has given us no occasion for entertaining anything but friendly thoughts toward her and having friendly relations with her.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The question is on the amendment of the Senator from California.

Mr. VARDAMAN. Mr. President, before the vote is taken I ask that the amendment may be stated.

The SECRETARY. On page 50, after line 17, it is proposed to insert the following words:

No woman not legitimately married according to the laws of the United States, and not otherwise excluded by this act, shall be permitted to enter the territory of the United States, or any possession thereof, when the men of the same race and class are excluded either by law, treaty, or agreement.

No proxy, "picture," or other marriages not regularly solemnized between the two contracting parties in person before the date of the departure of either or both parties from their own country shall be held to be legitimate for the purposes of this act by the departments and courts of the United States.

The PRESIDING OFFICER. The question is on the adoption of the amendment. [Putting the question.] The noes seem to have it. The noes have it, and the amendment is rejected.

Mr. VARDAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is too late. The bill is in the Senate and still open to amendment.

Mr. LA FOLLETTE obtained the floor.

Mr. PHELAN. Mr. President, I am new in this body. I should like to know why it is too late to call for the yeas and nays. Ordinarily the Chair pauses to see if it is the intention of either side to call for the yeas and nays. There was no such pause. I therefore ask the Chair to submit the question on ordering the yeas and nays.

The PRESIDING OFFICER. The Chair can not do that.

Mr. GALLINGER. I suggest that the yeas and nays were called for and, I think, only two hands were raised. The call was denied under our rule.

The PRESIDING OFFICER. It was not the intention of the Chair to act in any way adverse to the interests of the Senator from California, and the Chair was not conscious that he did it.

Mr. LA FOLLETTE. Mr. President, there is a provision in the bill which would have made those who engaged in the Boston tea party inadmissible to citizenship in this country if the destruction of the tea had occurred in a foreign country. I apprehend that those who framed the bill in the language which is before me on page 5, a portion of which I purpose to move to strike out, had in mind a purpose with which few would disagree, but I think the language is very inapt. I move to strike out, on page 5, lines 10 and 11, the words:

or who advocate or teach the unlawful destruction of property.

And also the same words in lines 19 and 20 on the same page. As the words are identical, I think I can make the motion in that way.

The clause on page 5, lines 10 and 11, would exclude from this country anyone who advocates or teaches the unlawful destruction of property. No revolutionary movement could possibly be conducted without resulting in the destruction of property, and those who were organizing for that purpose would have to agree among themselves that they would perhaps blow up a fort or take forcible possession of an arsenal.

I called the attention of the chairman of the committee and of the Senator from Massachusetts [Mr. LODGE] to the phraseology, and both of them agreed that it ought to go out of the bill.

Mr. SMITH of South Carolina. If the Senator from Wisconsin will allow me, this is in keeping with the clause that has already gone out of the bill, and as chairman of the committee I accept the proposed amendment.

Mr. LA FOLLETTE. Then there should also be another clause stricken out in connection with that; but I suppose the vote should be taken first on this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

Mr. GALLINGER. Mr. President, I presume that language was placed in the bill by the other House to meet a condition that does exist in this country to some extent. In the hearings before the late Industrial Commission in the city of New York a Mr. St. John, representing a great organization in this country, openly declared that he and his men with whom he was associated believed in sabotage; that they believed it was right; that the means justified the end—to destroy the machines upon which they were working and to compel obedience to their demands by methods of that kind.

Now, I apprehend this language was put in there for that purpose. It may be unfortunate language, but I want to say before it goes out that that is one of the problems which we shall have to deal with in the future, as long as we tolerate at least one organization in this country, composed of possibly

hundreds of thousands of men, who openly say that any means whatever, lawful or unlawful, fair or foul, which are employed in the name of labor are legitimate. I take exception to that view, and I think our Government in some way, not in the far distant future but in the near future, will have to face that problem as well as other serious problems that are not far away from us at the present time.

Mr. LA FOLLETTE. Only a word, Mr. President. It will be dealt with, I trust, whenever it is taken up in language that will not destroy the privilege of asylum in this country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. LA FOLLETTE. On page 57, I move to strike out the paragraph beginning with line 23 and ending with line 3, on the next page. I will read the language proposed to be stricken out:

> Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Of course, with the other language stricken out, there is nothing for that to relate to in the bill, and it should go out. I move to strike it out.

Mr. GALLINGER. Mr. President, I am not quite sure about that. Here is a proposition that we think we ought not to legislate against a man who knowingly aids or abets or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States. Mr. President, I think we ought to take pause before we place ourselves on record in opposition to that declaration.

We are going pretty rapidly in mutilating this bill, and I am not quite sure it will not become my duty or the duty of some other Senator to move that we yield to the demands of every alien, whatever his demands may be, whether they are fair or foul, lawful or unlawful, who comes into this country.

The unlawful destruction of property is a very serious matter, because, as a rule, it means the destruction of human life at the same time; and if we are to admit men to our country and uphold them by our laws and by public sentiment, who openly declare that property and life may be destroyed simply because the condition of society is not what they would have it, I think we are entering upon a very serious condition of things.

I want now, Mr. President, simply to say to the Committee on Immigration, with whom I have cooperated in this legislation, and I want to address myself to the chairman of the committee—I say to the chairman of the Committee on Immigration and the other members of that committee with whom I have cooperated cordially and sincerely with reference to this kind of legislation, not only this year but in former years—that if every proposed amendment, no matter how absurd it may be, is to be agreed to by the committee offhand and allowed to go on this bill, it is barely possible the bill will not get through any faster than it would if the committee acted on their judgment and gave us the benefit of their views.

Mr. SMITH of South Carolina. Mr. President, I hope the Senator from New Hampshire will remember that the paragraph in the bill which the Senate committee had written in in reference to this matter, as was called to the attention of the Senate, would preclude those who were under persecution abroad or under what would be considered intolerable conditions of their government who might revolt and be guilty of what is known as a political crime. The Senate took action on that question after extended debate here.

Now, this is of less consequence. The Senator from Massachusetts [Mr. LODGE], who has had more experience than I have had in these matters, as this will refer under the administration of our immigration department to those political offenses which have been taken care of heretofore, suggested that the committee allow these clauses to go out after the first one had already gone out.

The committee deemed that on this last proposition to amend by striking out, having the other two provisions eliminated, the clause has nothing to which it would refer. We do not debar those who teach the unlawful destruction of property when they are resisting the government they are subject to when they come here. That is the reason why the suggestion was made to the chairman by perhaps the oldest member of the committee, that it would be very well for us to allow this clause to go out on account of the political aspect, this country heretofore having been able to take care of it.

Mr. GALLINGER. Mr. President, this country has not taken very good care in cases that I might cite if I cared to occupy the attention of the Senate. In my own State property has been destroyed, and yet these men have been upheld and very few of them punished. I think that we may well consider this as a very serious matter. If we have eliminated from the bill other provisions of more consequence looking to the safety of our people and the property of our citizens, I think it is about time we allowed at least a mild proposition such as is contained in these words to remain in the bill.

But I think I understand the situation pretty well. I have seen it done here before a great many times. I have never been a party to it. It is to allow anything to go into a bill for a day or two and to take care of it in conference.

I should like the committee to stand by the report they have made to this body if they believe in it. If they do not believe in it, that is another proposition.

I repeat, if the bill is to be hastened through by accepting pretty much any proposition that is made by way of amendment, it is barely possible that it may be halted by some of us who do not believe in that kind of legislation.

Mr. WORKS. Mr. President, I am a little afraid that we made a mistake in striking out the other portions of this bill. I am quite sure that this provision ought not to be stricken out. I do not think we ought to put ourselves in the position of encouraging or acknowledging the lawfulness of just such a thing as is forbidden by this clause in the bill. We ought not to be encouraging anarchy or the willful and unlawful destruction of property.

Whatever may be done with this provision when it goes into conference the Senate is putting itself in the attitude of waiving that sort of thing by striking out this provision in the bill. For that reason I do not like the effect of it myself.

Mr. LA FOLLETTE. Mr. President, it seems to me that the Senator from New Hampshire and the Senator from California entirely misapprehend the scope of the language which it is proposed to strike out of the bill. I think one can fairly assume that both those Senators will readily agree that the destruction of property by any revolutionary movement before that movement has arrived at such a stage as to have recognition as belligerents would be an unlawful destruction of property, and that those who had engaged in seeking to overthrow an empire, to establish, we will say, a democracy, who have advocated and have participated in the destruction of property in carrying on their revolutionary movement, in the event of its failure before they reach that stage where they were recognized as belligerents and where the destruction of property would not be unlawful, would be forever barred from admission to this country.

Mr. President, I apprehend no one would have moved to strike out this language or to strike out any provision in the bill, which was directed to reach the destruction of property through those who were opposed to organized government.

Mr. WORKS. The trouble about that is that we are striking out a clause in the bill which does cover just that condition of things.

Mr. LA FOLLETTE. Then it could be framed so as to cover that and nothing else.

Mr. WORKS. The Senator is perfectly right; but this language goes to the anarchistic destruction of property, if I may use that term, and that portion ought not to be stricken out. If it could be limited to that, of course that would be all well enough.

Mr. LA FOLLETTE. The language as framed now would deny to this country any man who ever participated in a revolution in Europe.

Mr. WORKS. Yes; but it would exclude a great many other people who ought to be excluded.

Mr. LA FOLLETTE. But it is so framed as to deny the privilege of asylum to good, patriotic men, such as we have always welcomed in this country since we have been a government. It is because it is so framed and not that I desire to give harbor to the undesirables referred to by the Senator that I moved to strike it out.

Mr. TOWNSEND. Mr. President, I voted against the amendment proposed by the Senator from Wisconsin, which struck out the previous provision referring to undesirable aliens. Although there was no record vote, I was one of two who voted against it. I shall vote against this amendment, first, because I do not think that anybody here properly understands the situation, and, second, because it is wrong.

The suggestion made by the Senator from Wisconsin should be framed in such a way as to cover what he has in mind, but this provision excluding criminals should remain. The amendment we are now considering is a part of section 28. That section deals principally with anarchists. Shall we strike that paragraph out and thus invite that class of people into this country? With that out of the bill it will contain no provision

to punish those who encourage and induce the landing of anarchists known as such because of their profession of destroying property.

If we are going to confine this to the class of men suggested by the Senator from Wisconsin, to whom few would take exception, it should be so expressed. I for one want it understood that I did vote to strike out the other provisions, for I think they excluded most undesirable immigrants.

You are going too far. This bill is being relegated to a conference committee to frame. Provision after provision has been criticized by its proponents as being such as were not properly understood; they ask to have it shaped some way in conference. Is that the way for the Senate to legislate in matters of this grave importance?

Mr. President, I shall be obliged to vote against this bill if these provisions are to be stricken from it. I want to support the measure. I have supported similar bills in the past, because I have believed in restricting immigration; and I have known no better provision, at least no better provision has been presented, than the literacy test. If some better one could be presented, I would gladly support it; but this, it seems to me, does exclude a large class of unworthy people from our country. Therefore I have expected to vote for it. I shall not be a party to any unwise attempt to extend a doubtful benefit to a few revolutionists who may be patriotic which, however, clearly does admit a class of undesirables, of which we already have too many. If we do not want to exclude the better class, let us mention them, and so confine the bill in terms to what we really desire. I object, Mr. President, to this matter being stricken out in this way.

Mr. PHELAN. Mr. President, I was not paying attention to the proceedings when that action was taken, and I suppose I am therefore counted among those who voted for it.

The PRESIDING OFFICER. The Senator from California has a right to move to reconsider.

Mr. PHELAN. That was my purpose in rising.

I simply desire to say that I did not agree with the Senator from Wisconsin in making it appear that the clause relates to revolutionists. I believe in "the divine right of revolution." I believe this refers to what is known as sabotage, where property is destroyed as a means for obtaining some industrial end; and I do not think it should be encouraged. The destruction of property is not the way to settle difficulties or even to get a hearing. I therefore move to reconsider the vote by which the language was stricken out.

The PRESIDING OFFICER. The question first comes upon the motion of the Senator from Wisconsin to strike out the language at the bottom of page 57 of the bill.

Mr. LA FOLLETTE. First, Mr. President, there is a motion pending to strike out. Perhaps that is what the Chair stated.

The PRESIDING OFFICER. That is what the Chair stated.

Mr. LA FOLLETTE. I did not catch the statement. I have a motion pending to strike out the last paragraph of section 28, on page 57. The Senator from Michigan states that if that last paragraph is stricken out there will be no provision of the bill under which the offense of aiding in the bringing in of anarchists can be punished. All the first part of section 28, down to line 23, takes care of that, and provides a penalty of $5,000. I think the Senator must have overlooked that or he would not have made the statement. The language is:

SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both.

The provision on page 5, which remains in the bill after the two clauses which have been stricken out upon my motion and which relates to anarchists, will read as follows:

Anarchists—

That is, those persons who are debarred from admission altogether—

anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials—

I am now reading it with those words out—

persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character.

So the change which would be made if the pending amendment be adopted would still leave in the bill the provision against the admission of anarchists and the punishment of those who aid such persons to enter this country.

It leaves the bill infinitely stronger than is the existing law, which excludes anarchists or persons believing in or advocating the overthrow by force or violence of the Government of the United States. I assume that it was the purpose of those who drafted this measure in this clause to shut out people who would be inclined to engage in or who advocated or taught the unlawful destruction of property. However desirable that end, these clauses were so drafted that no man who participated in any attempt to overthrow a tyrannical government, if these clauses had been the law, could possibly have gained admission to this country. These clauses were stricken from the bill, and the pending amendment merely seeks to strike from the bill a clause under which any citizen of this country could be punished if he aided a revolutionist like Carl Schurz to enter this country.

Mr. TOWNSEND. Mr. President——

Mr. LA FOLLETTE. In moving to strike it out, I took the easiest means of producing a situation which would leave the committee that framed the bill in the other House and the committee of the Senate, from whom will be drawn the conferees, to find apt and proper language in the deliberations of the conference committee, where they would be able, as I believe and as has been suggested by the Senator from Massachusetts [Mr. LODGE] and the Senator from South Carolina [Mr. SMITH], to frame a provision that would properly be a part of such a paragraph.

I do not think that under a total misapprehension here we ought to permit to remain in this bill in a way in which it can not be amended in conference a provision which brings it entirely within the criticism made by the President when he vetoed this measure, that we were incorporating in it any phraseology or any provision which would deny, or could be construed to deny, the right of asylum in this country.

Mr. TOWNSEND. Mr. President, I desire again to state that if we strike out, in addition to the two provisions which have been stricken out, the one now under discussion, I can find no provision in this bill that would attempt to punish anybody who sought to bring into the United States an anarchist, whose business is the destruction of property. I do not believe that the Senate wants to pass a bill upon which that construction can be placed. I think we had better adjourn to-night and let the bill go over until to-morrow, and it will be an easy matter to provide just exactly what we want to exempt and what we all agree upon should be exempted, rather than have the Senate make a serious mistake.

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the Senator to the point that was made in reference to the President's veto of the last immigration bill, which has had great weight with the committee. The House framed the bill and sent it over to us containing the two provisions which have been stricken out and the one which it is now proposed to strike out. If we can, we should so frame this language as to meet his objection and yet save us from any unfortunate conditions that may confront us, because all of us know that certain acts will follow whenever an oppressed people rise up to resist oppression. If we strike out the provisions drafted by the House, it will afford an opportunity in conference between the two Houses to adjust the matter satisfactorily. Let us, with a clear understanding of what they want and what we want and what opposition we are to meet, put the bill in such shape that it may be perfected. The action taken is not due to any attempt on our part to encourage anarchy or to encourage the unlawful destruction of property. We are not proposing to do anything of the kind. Nor can it be considered as catering to passions that may sometimes be present in our labor troubles. It is due to a disposition on our part to get a bill, if possible, that may meet the objections of the Chief Executive in the exercise of his veto power and yet preserve to us the very things that we want in this bill. A reading of the President's veto will disclose the fact that this provision is one of the grounds upon which he based his action.

Now, as to the provision concerning anarchy and the destruction of organized government, we have not touched that, and, as has been pointed out, the provision in regard to anarchists is separate and distinct from that paragraph which provides a penalty for aiding and assisting those advocating anarchistic principles who desire to come in. I am sure that the conference committee can find language that will meet the cases to which the Senator from New Hampshire and others have called attention, and not to run the risk of denying asylum to those patriots who in resisting oppression have incidentally done violence to property.

Mr. GALLINGER. Mr. President, if the Senator will permit me, does not the Senator think that if we take an adjournment the committee could do that as well as the conference committee? The Senator knows how helpless we are when a conference report comes in here. We have to vote it up or down without the power to amend it.

Again, Mr. President, I want to suggest that we are now trenching on a new field of legislation, that we are to legislate to please the Chief Executive, that we are to legislate so that he will approve of the bill we pass.

Mr. SMITH of South Carolina. No, Mr. President.

Mr. GALLINGER. And I will venture to ask the Senator from South Carolina, if he has any information that he would feel like divulging as to whether or not the President of the United States has changed his mind regarding the literacy test because of which he vetoed the last immigration bill?

Mr. SMITH of South Carolina. I have no information that I would not give to the Senate if I were in possession of it.

Mr. GALLINGER. I know the facility with which the President can change his mind as to other matters, and possibly he has changed his mind in reference to the literacy test, but, whether he has or not, I think we ought to legislate along a line that we approve of and take our chances with the Chief Executive.

Mr. SMITH of South Carolina. The Senator from New Hampshire, of all men in the Senate, would not impute to me a desire to be untrue to a principle in order to avoid what others may do in reference to that principle. That is not the point. Some men are masters of expression, and we desire to so express ourselves in reference to this matter as to keep what we are striving for and match expression against expression when it comes to the question of a reason for vetoing it. I would be delighted to be able to present a bill that keeps the principles that we all want, and yet deny asylum in this country to no one who desires it.

Mr. HARDWICK. Mr. President, if the Senator from South Carolina will pardon me, let me state it in a little different way. We are not trying so much to draw this bill so as to meet the Executive approval as to draw this bill so as to meet an objection already urged that may to our minds be good in part. That is perfectly proper, whether the objection comes from the Executive or anybody else. An objection has been made along this line. There is some merit in it to some extent, so that we ought when we are passing the bill again to try, so far as we can, to meet that objection. It is not a question of subserviency to the Executive at all.

Mr. GALLINGER. There is force in the suggestion made by the Senator from Georgia [Mr. HARDWICK], and yet this is not the first time during this debate that we have been told that we ought to be careful and not put anything in this bill that would cause the President to have substantial grounds for vetoing it. I do not like that expression in the debate on a bill of this kind. But, however that may be, I will again ask the Senator from South Carolina—and after making the inquiry will take my seat—whether he does not think if we adjourn to-night that the committee, composed of wise men, with the aid, if you please, of the Senator from Wisconsin, who takes much interest in this matter, can frame a provision that we may agree to, without having it go to conference, where whatever is agreed to we will have to adopt, whether we like it or not? I ask that question of the Senator in all sincerity and good faith.

Mr. SMITH of South Carolina. Mr. President, the Senator from New Hampshire has served so long a time in this body that I am sure he sympathizes with me and appreciates fully the position that I occupy. I ask the Senator to let us have a vote on this measure to-night, because we never know what a day may bring forth. We have a good bill, I think an excellent bill, and I am sure that no violence will be done to the principles of anyone by allowing the bill to be acted upon to-night. I ask the Senator not to insist on having the bill go over until to-morrow. So far as I am informed, this is the last amendment, and then will come a vote on the bill itself. I will be delighted to take a vote to-night, and I do not think, as I have said, that any violence will be done to any principles that are dear to us on account of the views of the Executive or otherwise. I ask the Senator, if possible, to let us reach a vote this evening—it is not yet 6 o'clock—and this matter will then be out of the way without any chance of being jeopardized. I appreciate just how the Senator from New Hampshire feels, and I am sure he appreciates how I feel.

Mr. GALLINGER. Can the Senator from South Carolina give us any assurance that this is the last amendment?

Mr. SMITH of South Carolina. So far as I know.

Mr. GALLINGER. That is always a rash assumption in this body.

Mr. SMITH of South Carolina. I will state that of course I can not tell any further than just the mere symptoms that I have seen; but I have not seen any very pronounced symptoms otherwise, and I think we have all worked to a common end and have honestly tried to perfect the bill as best we can.

Mr. CHILTON. Mr. President, the Senator has forgotten that I have submitted to him an amendment which I expect to offer after this one has been considered.

Mr. SMITH of South Carolina. I had proposed to accept that amendment, since it is merely administrative.

Mr. GALLINGER. The Senator can not accept it. It is for the Senate to do that.

Mr. SMITH of South Carolina. I know I can not; but I mean as chairman, as confidence has been expressed in me, though I am a little shaky just now as to what I do accept.

Mr. GALLINGER. Mr. President, I want to meet the Senator on the common ground of good feeling. It has been my fortune or misfortune to have pretty important bills in charge during my somewhat prolonged service in this body, and I was anxious to get them through and made appeals such as the Senator has made. I certainly will not obstruct a vote on the bill this evening if the Senator feels that we ought to have it, because I really have faith to believe that the Senate, when the amendment that is now pending is put before it, will reject it. I do not believe the Senate will put itself on record as agreeing to the amendment that is pending; and I believe that when the Senator from California moves to reconsider one or two other unfortunate amendments that we have agreed to the Senate will stand by him in that effort of his.

With that statement I certainly shall not obstruct the progress of the bill.

Mr. TOWNSEND. Mr. President, may I also make an appeal to the Senator from South Carolina on the ground that I believe there are a number of Senators, like myself, who would like to vote for this bill, who have been very anxious to assist the Senator from South Carolina in shaping the bill and have supported him from the beginning, who would like very much to have this particular amendment put in such form that we can vote for it here and can express our views upon it. It will take only a little while. I am sure that it will be long after 6 o'clock before the bill is passed if we go on with it to-night, whereas if to-morrow this matter were brought in here in such form as the committee and the Senate desire it could be passed without any prolonged debate.

I am sure that the Senator ought to consider the feelings of some of the rest of us who have also been greatly interested in the bill when we say we do not want to have this matter disposed of by the Senate without any provision being made for the very case suggested by the Senator from Wisconsin, because those things are necessary. Even in the minds of the Senate, now, I believe those things ought to be done; and why ought not we to do it, rather than vacate our position and turn it over to a conference committee?

Mr. CLAPP. Mr. President, in case the Senate should reject this amendment, and reverse itself on the other votes, would it not deprive the conference committee of any power in the premises?

Mr. SMITH of South Carolina. It would deprive them entirely of all power to deal with the matter.

Mr. CLAPP. I think the Senator from South Carolina and all Senators feel that there should be some provision that will exclude the anarchist and not exclude the man who has simply participated in an unsuccessful revolution.

Mr. SMITH of South Carolina. Every Senator here understands that the chairman feels the force of the argument, and I think perhaps there has been a little undue importance attached to it because of the expression in the paragraph. We say, "those who teach the unlawful destruction of property." The paragraph preceding the part stricken out takes care of all the features of anarchy. The paragraph preceding the penalty clause on page 55 also takes care of that. But, as some have pointed out with force, there might be a class which we could reach by having the language properly adjusted.

Mr. CLAPP. Exactly.

Mr. SMITH of South Carolina. We would like to go before the House. If the amendment is rejected and this does not go out, then we will have nothing to work on when we go into conference.

Mr. CLAPP. That is just why I wanted to suggest to the Senator that offhand to-night there is not much question in my mind but that the proposed amendment will be rejected and the vote reversed upon the other two propositions, which would then leave the Senator in charge of the matter in conference powerless to make any modification, and to make that distinction, which I have no doubt to-morrow at 12 o'clock the Senator himself could report in a form that would meet the general approval of the Senate. His idea that something must be passed to-night that has been twice vetoed, and has been pending for years, I must say does not appeal to me, nor does the principle, that has been so unusually manifested in this bill, of leaving everything to conference. The trouble is that the Senator now faces a situation where, in my judgment—I may be mistaken as to that—the chances are that his hands will be tied in conference, whereas by taking time some form could be adopted which would embody the distinction which is in the Senator's mind and, I think, in the minds of all the Senators; and then there would be something in conference that in turn might require some modification to meet the views of the conferees of the House. It does seem to me that the proper thing to do is to put this matter over until morning.

RECESS.

Mr. SMITH of South Carolina. Mr. President, in view of the expressions of friends of the bill in reference to this matter—of course, if we go on it will be thrashed out here—I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Thursday, December 14, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 13, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy tender mercies be over us, O God our Heavenly Father, and incline our hearts to yield our obedience to the insistent influences which are ever going out from Thee; that we may abhor evil, and cleave to that which is good; that our lives and acts may be in harmony with all that makes for righteousness in pure and holy living; to the end that Thy kingdom may come, and Thy will be done on earth as it is in heaven, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CENTRAL NEWS ASSOCIATION OF AMERICA.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to amend a paragraph of the rules by adding certain words to which I think there will be no objection.

In paragraph 2 of Rule XXXV, after the words "National News Association," I ask to add the words "Central News Association of America," which will allow a seat on the floor for one of the representatives of that association. It appears to be a reputable news association, and I ask unanimous consent that the rules be amended to that effect.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Chairman, has this request been considered by the Committee on Rules?

Mr. HENRY. It was considered at the last session, and was investigated thoroughly by the committee.

Mr. GARRETT. Have the advisory committee of the press gallery indicated their approval?

Mr. HENRY. Yes; it has been thoroughly considered from every quarter.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.

TRANSPORTATION OF IMMATURE CALVES.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that there be printed 10,000 copies of the report made on H. R. 549 as to the interstate transportation of immature calves. This report was made by the gentleman from Michigan [Mr. HAMILTON]. I ask this at the request of the pure food commissioner of the State of Illinois, who is looking after the dairy business, and who believes that this report is of great value in protecting the calves of the country, so that they may grow into beef instead of being slaughtered for veal.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that 10,000 copies of Mr. HAMILTON'S report on the calf bill be printed. Is there objection?

Mr. GARNER. Mr. Speaker, I would like to ask the gentleman from Illinois whether he has an estimate of the cost of this, and whether it has been submitted to the chairman of the Printing Committee.

Mr. FOSTER. It has, and the cost will be about $40.

Mr. GARNER. Of course, this is a mere propaganda in favor of certain kinds of legislation that some people are not particularly enamored of. However, I do not care to object to the views of the gentleman from Illinois being propagated before the people.

Mr. FOSTER. I will state for the benefit of the gentleman from Texas that in Illinois we are endeavoring to increase the beef supply, and there has been established at one place in Illinois what is called a calf farm, where they have now 500 calves. Certain bankers of the State have taken some pains, and have invested some money in distributing cattle throughout the State, with the idea of increasing the beef supply of the State and of the country.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from Illinois yield for a question?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does this request to reprint this report come from an official of the State of Illinois?

Mr. FOSTER. The request has come to me from the pure food commissioner, asking for some of these reports, and I am unable to get them.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the pure food commissioner of Illinois has a contingent fund out of which he might purchase these documents?

Mr. FOSTER. I could not say whether he has or not.

Mr. MOORE of Pennsylvania. They are to be circulated exclusively in the State of Illinois, are they not?

Mr. FOSTER. In the State of Illinois.

Mr. MOORE of Pennsylvania. I think the State of Illinois ought to have them. I do not want to object.

The SPEAKER. Is there objection?

There was no objection.

HEADWATERS OF THE MISSISSIPPI—CHANGE OF REFERENCE.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent for a change of reference. On yesterday I introduced the bill (H. R. 18717) authorizing the Secretary of War to lease surplus water power at the Government reservoir dam at the headwaters of the Mississippi, and this bill was referred to the Committee on Interstate and Foreign Commerce. It should have gone to the Committee on Rivers and Harbors, and I ask unanimous consent for that change of reference.

The SPEAKER. Why should it go to the Committee on Rivers and Harbors?

Mr. MILLER of Minnesota. I find that the Committee on Rivers and Harbors has always acted upon that class of legislation.

The SPEAKER. Is there objection to the change of reference?

Mr. ADAMSON. Reserving the right to object, I think the gentleman is entirely mistaken. The bill is where it belongs.

The SPEAKER. Does the gentleman from Georgia object?

Mr. ADAMSON. Yes.

FISHERIES OF ALASKA.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from California [Mr. RAKER] will take the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. ALEXANDER. Mr. Chairman, I understand that under the rule the proponents of the bill will control one half of the

time and those opposed to the bill will control the other half, and the general debate is limited to two hours.

The CHAIRMAN. That is the understanding of the Chair.

Mr. WICKERSHAM. Mr. Chairman, I would like to have a little more time than is provided for under the rule if the House will consent to it. I do not think that is time enough to present the matter fully in general debate.

Mr. MANN. It is too late to raise that question in the committee; the gentleman may get an extension of time under the five-minute rule.

Mr. ALEXANDER. Mr. Chairman, this bill, or rather the bill for which this bill is a substitute, was prepared in the Department of Commerce. Bills covering the subject matter of this bill have been introduced in previous Congresses and have been referred to different committees. One bill, which I understand was the counterpart of the bill I introduced at the suggestion of the department in this Congress, was introduced in the last Congress and referred to the Committee on Ways and Means; another to the Committee on the Territories. I introduced the bill for which this is a substitute in this Congress, and it was referred, and I think properly so, to the Committee on the Merchant Marine and Fisheries. In April and May I gave out statements to the effect that all those interested in this legislation, either for or against it, would be given ample opportunity to be heard, and that the hearings would begin, if possible, in May, at a time to suit their convenience.

The hearings on the bill began on the 25th of May and were concluded, I think, on the 15th day of June. The Secretary of Commerce; the Commissioner of Fisheries; Dr. BOWERS, of the Bureau of Fisheries; Judge WICKERSHAM, the Delegate from Alaska; and the representatives of the fisheries on the Alaskan coast were heard by the committee. After the hearings were concluded the bill was referred to a subcommittee, of which I was chairman, and the gentleman from Texas, Mr. HARDY; the gentleman from Wisconsin, Mr. BURKE; the gentleman from Virginia, Mr. SAUNDERS; the gentleman from Pennsylvania, Mr. EDMONDS; the gentleman from California, Mr. CURRY; and the gentleman from Washington, Mr. HADLEY, were members. The subcommittee considered the bill at length, covering two months, and then reported it to the full committee, and it was considered by the full committee, and it was reported to the House on the 29th of August.

Those who have read my report on the bill will get a very fair notion of its provisions. It is not my purpose at this time to discuss the bill at length, as I hope to secure its consideration and passage to-day; but when we consider it under the five-minute rule, we can consider it more intelligently than under a brief general comprehensive statement. Now, Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, and to print in the RECORD my report as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The report is as follows:

A bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes.

Be it enacted, etc., That it shall be unlawful for any person to engage in the business of canning, curing, preserving, packing, or otherwise dealing at wholesale in food fish, shellfish, or the products thereof, or manufacturing fishery products in the Territory of Alaska, or in any of the waters of Alaska without first obtaining a license for each establishment or works used in such business.

It shall be unlawful for any person engaged in the business of taking, catching, or fishing for food fish or shellfish in any of the waters of Alaska to use for such purposes any fishing appliance specified in section 2 without first obtaining a license for such appliance.

This section shall not require a license for the taking of food fish or shellfish for personal, domestic, or family use, and not for sale or barter, when not otherwise unlawful to take the same, or for conducting retail trade in fish or fishery products.

SEC. 2. License fees and taxes: That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:

For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish oil works, and for each other fishery establishment, except retail markets, not herein specified, $5; for each pound net, $50; for each fish wheel, $25 (except small wheels in the Yukon and Copper Rivers of the type heretofore used, $2); for each purse seine, $25; for each beam trawl or other trawl net, $10; for each gill-net boat and equipment, $2; for each stake net, $2; for each set net, $1; for each drag, haul, or beach seine 500 feet or less in length, $3, and for each additional 500 feet in length or fraction thereof, $5; for any other kind of fishing appliance used in taking food fish or shellfish, each, $1.

Every persons engaged in the business of canning salmon or other food fish or shellfish shall, by December 31 of each year, also pay a tax on the output for such year as follows, according to species: King, chinook, or spring salmon, and red, sockeye, or blueback salmon, 6 cents per case; coho, silver, or medium red salmon, and steelhead salmon or steelhead trout, 5 cents per case; chum or keta salmon, and humpback or pink salmon, 4 cents per case; all other food fish or shellfish, 4 cents per case.

Every person engaged in the business of curing or preserving fish, or manufacturing fishery products, except by canning, shall, by December 31 of each year, also pay a tax on the output for such year, as follows: Mild-cured salmon, $1 per tierce; pickled salmon, 20 cents per barrel; salt salmon in bulk, 5 cents per hundred pounds; salmon and trout frozen, iced, or otherwise preserved and not hereinbefore specified, $1 per ton, round weight; whale or fish oil, 10 cents per barrel; fertilizer or meal made from whales, fish, or aquatic products, other than kelp, 50 cents per ton; salt cod, 50 cents per ton; pickled herring, 10 cents per barrel; salt herring in bulk or otherwise, 25 cents per ton; all other prepared products not hereinbefore specified, 25 cents per ton.

PROTECTION, ETC., OF THE FISHERIES OF ALASKA.

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

SEC. 3. Licenses fees and taxes, how collected: That all license fees and taxes under this act shall be payable to and collected by the Secretary of Commerce or his authorized agents, and all taxes if not paid when due shall thereupon become delinquent, and shall draw interest thereafter at the rate of 1 per cent per month until paid. All such delinquent taxes and the interest thereon shall be a lien in favor of the United States upon all property and rights to property belonging to the person liable for such tax and situated within the Territory of Alaska, and shall be collected by the Secretary of Commerce or his authorized agents by distraint or otherwise in the same manner as other taxes are authorized to be collected by the Commissioner of Internal Revenue or any collector or deputy collector of internal revenue.

SEC. 4. Disposition of license fees and taxes: That all the license fees and taxes collected in money under this act shall be covered into the Treasury of the United States. Two-thirds of the receipts therefrom in each year shall be annually appropriated for distribution in the following manner: An amount equivalent to the license fees and taxes collected under this act on any business carried on within the limits of any incorporated town shall be paid to the treasurer of such town, to be used for school and municipal purposes within the town, and the remainder of such two-thirds shall be expended in the manner provided by the act creating the Alaska fund and acts amendatory thereof.

The remaining one-third of the receipts from such license fees and taxes shall be placed in a fund to be known as the Alaska fisheries fund, which fund is hereby created, and the moneys in such fund shall be held subject to appropriation from time to time by Congress for the construction, purchase, maintenance, and operation of fish hatcheries in Alaska and for the investigation, development, preservation, conservation, and administration of the fisheries of Alaska.

SEC. 5. Licenses, form, renewal, and transfer: That all licenses and renewals thereof shall be designated by consecutive numbers and shall indicate the kind of the particular appliance or the nature of the business for which the license is issued and the name of the person owning the same. The licensee of each fixed fishing appliance shall keep conspicuously affixed thereto a tag, brand, or notice showing, in black figures at least 6 inches in height upon a white ground, the license number for such appliance. The licensee of each movable fishing appliance or set net shall keep conspicuously affixed thereto, in the manner prescribed by the Secretary of Commerce, the license number for such net or appliance, and shall also keep conspicuously affixed upon both sides of the bow of each boat or vessel used in operating such appliance or net a tag, brand, or notice showing, in figures at least 6 inches in height, either dark upon a light ground or light upon a dark ground, the license numbers for such appliances or nets. All licenses shall expire on the 31st day of December of the calendar year for which issued.

Any license may be transferred or assigned to any person entitled to hold a license under the provisions of this act, and notice shall be given of such transfer or assignment within 90 days from the date thereof to the Secretary of Commerce, who shall cause the date of such notice to be noted on the department records and cause the fact to be indorsed on the license. If such notice is not given, the transfer or assignment shall be void.

SEC. 6. Fixed net locations: That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska, shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises. Such maps shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held, or the fact that application has been made therefor. Such maps, with the certificates thereon, shall be filed in the office of the commissioner of records in the district wherein the location is situated, which commissioner shall indorse thereon the hour and date of filing, and shall forward one of these maps to the Secretary of Commerce and another to the Pacific coast office of the Bureau of Fisheries. From and after the date of filing in the office of the commissioner of records such map shall constitute full and complete notice that the locator has complied with all the provisions of this act in regard to such location, and that such location is owned, held, occupied, and claimed by the person designated thereon as the claimant.

Locations for stake nets in the waters of Alaska may be made by erecting a permanent monument near or driving a pile on the location claimed, upon which shall be posted the number of the license under which such net is operated.

Locations for set nets in the waters of Alaska may be made by erecting a permanent monument near or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such net is operated.

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license, as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

If any person (a) lawfully occupies and actually operates a pound-net location during the active fishing season next preceding the time when this act takes effect and also files, before January 1 of the year next after the time when this act takes effect and in the manner here-

tofore provided, a map or plat of the location, or (b) has, prior to the time when this act takes effect, filed a map or plat of any pound-net location with the Secretary of Commerce and a commissioner of records in the district in which such location is situated, such person shall have a right to such location valid under this act and prior to any right otherwise obtainable under this act, but a right acquired under clause (a) shall be superior to a right acquired under clause (b).

Any location acquired under the provisions of clause (a) or (b) may be continued in accordance with the law as to passageways in force at the time this act takes effect, or may be changed to conform to the requirements of this act in respect thereto, but if such change is made a new map shall be filed, and no change shall be made which interferes with another then existing location.

Each commissioner of records and the Secretary of Commerce shall keep an index of all maps or plats filed with him, showing the hour and date of filing, the names of claimants, and the serial number of the maps or plats in the order filed, all of which shall be indorsed on them when filed.

The failure to renew the license or to have made lawful application therefor for any pound net, fish wheel, or other fixed appliance on any location valid under this act in any of the waters of Alaska on or before the 1st day of January of any year, or the failure of a licensee to construct and operate any such appliance in a bona fide manner for two consecutive years, shall constitute abandonment of the location. The failure of a licensee to construct and operate any set net on any location valid under this act in a bona fide manner for any year shall constitute abandonment of the location.

SEC. 7. Nets, how constructed: That no lead of any pound net in the waters of Alaska shall exceed 3,000 feet in length, and there shall be an end passageway of at least 600 feet and a lateral passageway of at least 2,400 feet between pound nets and an end passageway of at least 600 feet and a lateral passageway of at least 1,000 feet between a pound net and a stake net or set net. The lead of any pound net may be extended to high-water mark on the tidelands owned by the United States or on other tidelands with the consent of the owners thereof.

No supplementary wing or jigger of a pound net shall be of greater length than 300 feet, measured over all, nor shall the outer end thereof approach within 100 feet of the lead of such pound net. Not more than one wing or jigger shall be attached to each side of the heart of any pound net.

No stake net shall be constructed in any other manner than by stakes driven in substantially a straight line, nor shall it be in the form of a pound net or with hearts or pots connected therewith, nor shall it exceed 1,000 feet in length. There shall be an end passageway of at least 300 feet and a lateral passageway of at least 1,000 feet between stake nets and between a stake net and a set net: *Provided*, That the restrictions as to distance intervals between stake nets shall not be construed to apply to the use by the native Indians of stake nets not over 50 yards in length to take salmon for domestic consumption and not for sale.

There shall be an end passageway of at least 100 feet and a lateral passageway of at least 300 feet between set nets. A set net is not a fixed appliance within the meaning of this act.

For the purpose of determining passageways, base lines shall be drawn at right angles to the general course of locations and shall pass through the ends of the locations; the end passageways shall be measured at right angles to such base lines, and the lateral passageways shall be measured parallel with such base lines.

It shall be unlawful to lay or cast any movable fishing appliance within 300 yards of any other movable fishing appliance or within any area in which under this section a set net may not be constructed or maintained: *Provided*, That the restrictions of this section shall not apply to drift gill nets, which by force of the elements may unavoidably and temporarily come within such limits.

It shall be unlawful to erect or maintain any pound net, stake net, or set net within any of the lateral or end passageways as prescribed in this act.

No purse seine shall exceed 1,800 feet in length, and no lead or supplementary piece of net shall be used in connection therewith.

No gill net shall exceed 2,500 feet in length, and no beach seine shall exceed 3,000 feet in length.

SEC. 8. Pound nets, how closed: That throughout the weekly close season prescribed by law each pound net shall be closed by an apron placed across the outer entrance to the heart thereof, which apron shall extend from above the surface of the water to the bottom, and shall be securely connected to the piles on either side of the heart of such pound net, fastened by rings not more than 2 feet apart on taut wires stretched from the top to the bottom of the piles. In addition, throughout said weekly close season, there shall be a V-shaped opening in the lead of such pound nets outside the entrance to the heart adjacent to the apron of at least 10 feet in width at the top and extending below the surface at least 4 feet below low water.

SEC. 9. Where unlawful to fish: That it shall be unlawful to take salmon by any means whatsoever, except by hook and line or by spear or gaff for domestic consumption, and except for the purposes of fish culture or scientific investigation under the direction or with the approval of the Secretary of Commerce, in any waters the width of which is less than 300 feet, or with any fixed appliance in any waters the width of which is less than 500 feet, or by any means except by hook and line or spear or gaff, as aforesaid, within 500 yards outside the mouth of any river less than 500 feet in width at its mouth: *Provided*, That the use of stake nets shall be allowed in the deltas of the Yukon, Copper, Alseck, Setuck, and Ahrnklin Rivers and on the flats and in the divides between the Setuck and Ahrnklin, and that movable appliances shall be allowed to within 100 yards outside of the mouths of the before-mentioned rivers and the Karluk Rivers. For the purposes of this section, the width of any waters shall be determined by measurements at mean high water at right angles to the trend of such waters, and all measurements of water referred to herein shall be made at mean high water, and the Secretary of Commerce is hereby authorized to determine and indicate by suitable markers, monuments, or notices the mouth of any river or other waters referred to in this act. It shall be unlawful to efface, destroy, or remove, or in any manner interfere with any tag, brand, marker, monument, or notice provided for in this act.

No fishing appliance shall be operated in any waters for a greater distance than one-third the width of such waters: *Provided*, That this shall not apply to any drift gill net which by force of the elements may unavoidably and temporarily exceed such distance.

SEC. 10. Weekly close period: That it shall be unlawful to take, fish for, or kill any salmon, except by hook and line, for sport, or by hook and line or by spear or gaff for domestic consumption, in any of the waters of Alaska, from 6 o'clock p. m. of Friday of each week until 6 o'clock a. m. of the Sunday following, except in the Arctic Ocean and Bering Sea and the waters tributary thereto, Cook Inlet, and the Copper River Delta.

SEC. 11. Closing of waters, how provided: That the Secretary of Commerce may in his discretion set aside any lake or part thereof, or any river or part thereof, or any of the waters outside the mouth of such river for a distance not greater than 500 yards from such mouth, in which fishing may be limited or entirely prohibited, but such power shall be exercised only after a hearing, of which due notice must be given by publication not less than 60 days prior thereto in a newspaper in the district affected; and when the interested parties are known to the Secretary of Commerce they shall be personally notified by notice mailed not less than 60 days previous to such hearing. No order made under this section shall be effective until one calendar year after the same is made.

Any order so made may be rescinded by the Secretary of Commerce, after a hearing as prescribed in this section.

Existing orders of the Secretary of Commerce limiting or prohibiting fishing in certain waters in Alaska, under the provisions of the act of June 26, 1906, shall remain in force until rescinded by the Secretary of Commerce.

SEC. 12. Planting fish unlawful without consent: That it shall be unlawful to liberate, release, implant, or place any fish of any kind or description in any of the waters of Alaska without first obtaining the written consent of the Secretary of Commerce.

SEC. 13. Unlawful to waste food fish or shellfish: That it shall be unlawful for any person to waste any food fish or shellfish taken or caught in any of the waters of Alaska: *Provided*, That waste shall not be deemed a violation of this section when resulting from unavoidable causes.

After three years from the time this act takes effect it shall constitute waste to utilize any food fish, shellfish, or any part thereof, other than the offal or waste thereof, in the manufacture of fertilizer, fish meal, fish oil, or other products not used for human food.

SEC. 14. Use of spears and gaffs unlawful for commercial fishing: It shall be unlawful to take any salmon or other food fish or shellfish by means of a spear or gaff, except for domestic consumption, and it shall be unlawful to purchase for commercial use any salmon or other food fish or shellfish taken by means of a spear or gaff.

SEC. 15. Pollution of water: That it shall be unlawful to place or cause to be placed in any of the waters of Alaska any explosive, poisonous, or deleterious substance whatsoever for the purpose of catching, taking, killing, or injuring fish, or to place or deposit in, or discharge or pass into, or cause to be placed where it may pass into any waters of Alaska, any lime or other caustics, tar, petroleum, asphalt, bitumen, or other carbonaceous materials, oils, acids, or sulphates, or compounds thereof, sawdust, shavings, slabs, edgings, mill or factory refuse, slag, sluicings, tailings, or any other substance injurious to fish, fish fry, or the food of fish, or to the spawn or spawning beds of fishes; and in the case of the substances above expressly enumerated it shall not be necessary to prove that the pollution of the waters by these substances in the particular case in question has actually caused injury to or the death or destruction of any fish, fish fry, spawn, spawning bed, or fish food: *Provided*, That nothing in this section shall be construed to prohibit the proper use of explosives in connection with the construction of buildings or improvements: *Provided further*, That the placing of fish offal or fish waste in the waters shall not be deemed a violation of this section.

SEC. 16. Dams to be provided with fishways: That every dam or other obstruction hereafter erected or placed in any stream shall be provided with a durable and efficient fishway, unless the Secretary of Commerce finds that the maintenance of such fishway is not essential to the conservation of the fisheries of Alaska. The Secretary of Commerce may also require that any dam or other obstruction now existing in any stream shall be provided with such a fishway if he finds it essential to the conservation of such fisheries, in which event such fishway shall be constructed within 60 days after written notice thereof has been served on the owner, his agent, or the person in charge.

Every fishway required by this act shall be maintained in a practical and effective condition according to plans and specifications to be furnished by the Secretary of Commerce upon application, and shall be kept open, unobstructed, and supplied with a sufficient quantity of water to freely admit the passage of fish through the same.

If any person shall fail to construct and maintain any such fishway or to remove such dam or obstruction in a manner satisfactory to the Secretary of Commerce, then within 60 days after written notice thereof shall have been served on the owner, his agent, or the person in charge, such dam or obstruction shall become a public nuisance and the Secretary of Commerce may take possession of it in the name of the United States and destroy it, and no liability shall attach for such destruction; or the Secretary of Commerce may construct a suitable fishway, the actual cost of construction of which shall constitute a lien upon the dam or obstruction, and the owner thereof shall be liable in a civil action to the United States for such cost. No dam or obstruction shall be erected or placed in any stream to a height that in the judgment of the Secretary of Commerce shall make a fishway thereover impracticable, except as hereinafter provided.

In the event that any person desires to construct a dam or obstruction in any stream to a height that will make a fishway thereover impracticable, in the opinion of the Secretary of Commerce, and a fishway would be required by this act, such person shall make application to the Secretary of Commerce for relief from the requirement of such fishway; and the Secretary of Commerce is hereby authorized to grant such relief in his discretion, upon the condition that the person so applying shall convey to the United States a site of the size and dimensions satisfactory to the Secretary of Commerce, at such place as may be selected by the Secretary of Commerce, and the applicant shall erect thereon at his expense a hatchery and hatchery residence, according to plans and specifications to be furnished by the Secretary of Commerce, and shall enter into an agreement with the Secretary of Commerce, secured by a good and sufficient bond, to furnish all water and lights without expense to operate the proposed hatchery; and no such relief shall be granted by the Secretary of Commerce until the person applying for such relief shall have actually conveyed such land to the United States and erected the hatchery and hatchery residence in accordance with such plans and specifications. The provisions of this section shall not apply to cases where dams or obstructions have been heretofore constructed or placed in streams to a height where the construction of a fishery is impracticable.

SEC. 17. Barricades and other obstructions: That it shall be unlawful to erect or maintain any barricade, fence, or other fixed or sationary obstruction, or any fishing appliance other than those lawful under the provisions of this act, except for purposes of fish culture, in any of the waters of Alaska having the purpose or effect of preventing or im-

peding the ascent of fish to their spawning grounds, and the Secretary of Commerce is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed.

SEC. 18. Hatcheries: That the Secretary of Commerce is hereby authorized to purchase, or to acquire by condemnation in the manner in which lands are condemned or appropriated for public use, any and all of the private salmon hatcheries in Alaska which have been heretofore approved under the act entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, the same to be paid for by certificates in such denominations as may be desired by the owners, and such certificates may be used at any time by the owners, their executors, administrators, or assigns for the payment pro tanto of any license fees or taxes under this act.

The exemption from license fees and taxes in favor of the owners of private salmon hatcheries in Alaska, as provided by section 2 of such act approved June 26, 1906, for the release of red and king salmon fry, shall apply to existing hatcheries until the date of their acquisition by the Secretary of Commerce.

SEC. 19. All food fish and shellfish included: That the catching, killing, or utilization of any food fish or shellfish of any kind whatsoever not otherwise specifically provided for in this act shall be subject to the provisions of this act, and the Secretary of Commerce shall have power to authorize the catching, killing, or utilization of any such fish or shellfish, under such regulations as he may prescribe.

SEC. 20. Reports, inspections, and regulations: That every person licensed under this act shall make detailed annual reports to the Secretary of Commerce, on blanks furnished by him, covering all such facts as may be required with respect to the business for which license is issued for the information and use of the Department of Commerce and Congress. Such reports shall be made and sworn to by the licensee or his authorized agent, or, in the case of a corporation, by the president, secretary, or authorized agent thereof, a separate blank being used for each establishment owned or operated by such licensee, and such report shall be forwarded to the Department of Commerce not later than December 31 of each year.

The Secretary of Commerce and his duly authorized agents shall have power to inspect all premises, fishing appliances, and all property used in catching, packing, curing, preparing, or storing food fish or shellfish, or in the fertilizer or whaling industry, and may enter upon any such property at any time for any such purpose.

The Secretary of Commerce is hereby authorized and directed to make and establish such rules and regulations not inconsistent with law as may be necessary for the enforcement of this act and for the proper investigation, inspection, and regulation of the fisheries of Alaska, and to detail from the Department of Commerce a force adequate for the performance of the duties required.

SEC. 21. Compensation for injuries: That the provisions of the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall apply to the employees of the Department of Commerce engaged in the protection and conservation of the fisheries in Alaska: *Provided*, That this section shall not apply to any case arising prior to the time this act takes effect.

SEC. 22. Territorial legislation prohibited: That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory, and any such existing statutes heretofore enacted by the Territory of Alaska are hereby expressly disapproved: *Provided*, That the passage of this act shall not affect the validity of any license fees or taxes levied upon such business, or the output thereof, or upon the property, real or personal, used in such business under any law in force prior to the passage of this act, or the right of the Territory of Alaska to sue for and recover the same.

SEC. 23. Violations; how prosecuted: That any violation of this act may be prosecuted in any district court of Alaska or in any district court of the United States in the States of California, Oregon, or Washington.

SEC. 24. Fines and penalties: That any person violating any provision of this act, or any regulation established in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court. Any vessel or other apparatus or equipment used or employed in violation of any provision of this act, or of any regulation made thereunder, may be seized by order of the court or by order of the Secretary of Commerce and turned over to the United States marshal, and by him held subject to the payment of such fine or fines as may be imposed. A further penalty of not more than $250 per diem may, at the discretion of the court, be imposed for each day any obstruction unlawful under section 16 is maintained after written notice to remove same has been served by the Secretary of Commerce upon the owner thereof, his agent, or the person in charge.

SEC. 25. Definitions: That for the purposes of this act the following definitions are adopted to apply to the words in question wherever the same are used:

"Person": Any person, firm, partnership, corporation, association, or society;

"Pound net": Any fixed or floating fish trap or similar device constructed of webbing, wire, brush, or other material, and held in place by piles, anchors, or moorings, but excluding small native nets or traps which may be transported in toto by one man;

"Stake net": A gill net attached or affixed to piles or stakes;

"Set net": An anchor gill net;

"Seine": All forms of nets known as seines, stow nets, drag nets, drag bag nets, bag nets, draw nets, reef nets, and dredge nets;

"Salmon": Wherever the word "salmon" occurs in this act it shall be construed to apply to the red, sockeye, or blueback; king, chinook, or spring; coho, silver, or medium red; chum or keta; humpback or pink; and steelhead salmon, or steelhead trout.

"Case": Forty-eight one-pound cans or containers, or their equivalent in weight of other sizes.

"Barrel": Two hundred pounds of fish or 50 gallons of oil.

"Tierce": Eight hundred pounds of fish.

"Ton": Two thousand pounds.

"Waters": All the territorial waters of Alaska, together with all other waters contiguous to Alaska over which the United States has jurisdiction.

"River": Any stream or creek.

"Mean high water": The mean of the lowest and highest high tides.

SEC. 26. Repealing clause: That after this act takes effect the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, and all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act be, and the same are hereby, repealed, except as otherwise provided in this act.

SEC. 27. Exceptions in favor of natives: That the provisions of section 1, that part of section 2 relating to license fees for fishing appliances, section 10, and section 14 of this act shall not apply to Indians, Aleuts, and Eskimos, except those engaged in catching fish for any canning, mild curing, salting, smoking, fish freezing, or other fish dealing establishment.

SEC. 28. Jurisdiction of War Department over navigable waters not affected: That in so far as this act applies to navigable waters it shall not be construed as modifying or repealing any existing Federal law giving to the Secretary of War authority or jurisdiction over such waters.

SEC. 29. When act takes effect: That this act shall take effect, except as otherwise provided, from and after January 1 of the year next after its passage.

—

This bill is the consummation of protracted hearings and inquiries, and represents the accumulated experience of 10 years in the administration of the Alaska fisheries under the present law.

The bill is in line with the most advanced State fishery legislation, and in every respect is an improvement over existing law.

New legislation is demanded by changed industrial conditions, by the inadequacy of the present law to afford the necessary protection to the food fishes, and by certain defects in existing law which militate against the efficient regulation of the fisheries.

The purposes sought to be achieved by the bill are threefold:

(1) The conservation and perpetuation of the fisheries of Alaska, so that in the fullness of time they may be transferred to the custody of a great Alaskan Commonwealth. This, in our opinion, is the most important duty devolving on Congress in this connection, and this, we believe, has been accomplished. Without unnecessarily handicapping the fishermen in the prosecution of their calling, the bill throws around the industry numerous safeguards that will have the effect of preventing overfishing and insuring the survival of a reasonable proportion of the annual runs of fish, so that natural production may be maintained.

(2) The orderly regulation and administration of the fisheries, so that the business may be conducted in the most efficient manner. Legitimate fishing is encouraged and protected; unwise or improper methods are prohibited and penalized; and to this end, and to facilitate the enforcement of the law and the administration of the industry, there is provided for the first time a license system, such as has been found desirable or necessary in most of the States and in various foreign countries having important fisheries.

(3) A comparatively large revenue is collected. Part of this is made available for the use of the Territory of Alaska and part is set aside, to be appropriated by Congress for the benefit of the fishing industry of the Territory.

LICENSE REQUIRED FOR APPLIANCES USED IN FISHING.

One of the important new features of the bill is the requirement (sec. 1) that all branches of the industry shall come under a license system. This system is primarily for regulatory purposes; the fact that it yields a revenue is only incidental. The ample experience of various States in the enforcement of fishery legislation clearly indicates the advantages of a license system. The license tax on the major forms of fishing apparatus (such as pound nets and purse seines) is fixed at such a rate as to yield a considerable revenue.

LICENSE FEES AND TAXES, HOW LEVIED.

The chief revenue-producing feature of the bill, however, is that which imposes a tax on the prepared or manufactured products of the fisheries (sec. 2). Under existing law the only articles on which a tax is laid are canned and salted salmon and fish oil and fertilizer; but under this bill every product contributes a share of the revenue; and the tax on canned salmon, the principal item in the fisheries, is increased materially.

The revenue that may be expected from this bill, if enacted into law, on the basis of the operations during the calendar year 1915, when the pack of salmon was 4,500,293 cases, is as follows:

Estimated amount of revenue which would be raised under the provisions of H. R. 17499 upon the basis of Alaska fishery operations in 1915.

License fees on plants: 85 canneries; 15 mild-curing plants; 17 salteries; 6 cold-storage plants; 2 whaling plants, oil, fertilizer; 2 herring plants, oil, fertilizer, fish; 2 by-product plants, oil, fertilizer, fish meal; 19 shore codfish stations; total, 148, at $5	$740
License fees on fishing apparatus:	
284 pound nets, driven and floating, at $50	14,200
281 purse seines, at $25	7,025
2,392 gill nets, at $2	4,784
62 haul seines (average 1,097 feet each), at $8	496
4,420 troll lines for salmon, at $1	4,420
3,613 hand lines for cod, at $1	3,613
1,920 trawl lines for halibut, at $1	1,920
12,972 Total	36,458
NOTE.—It is estimated that about 200 small wheels are used in the Yukon River for catching salmon for local consumption and for dog feed. These have not been included in above.	
Tax on canned product:	
88,251 cases king or spring salmon, at 6 cents per case	$5,295
1,932,312 cases red or sockeye salmon, at 6 cents per case	115,939
124,268 cases coho or silver salmon, at 5 cents per case	6,213
479,946 cases chum or keta salmon, at 4 cents per case	19,198
1,875,516 cases humpback or pink salmon, at 4 cents per case	75,021
Total	221,666

Tax on products prepared otherwise than by canning:	
2,781 tierces mild-cured salmon, at $1 per tierce	$2,781
13,293 barrels pickled salmon, at 20 cents per barrel	2,659
360 tons frozen salmon, at $1 per ton	360
29,645 barrels whale oil, at 10 cents per barrel	2,965
1,495 tons whale fertilizer, at 50 cents per ton	748
8,956 barrels pickled herring, at 10 cents per barrel	896
3,934 barrels herring oil, at 10 cents per barrel	393
619 tons herring fertilizer, at 50 cents per ton	309
1,453 barrels by-products oil, at 10 cents per barrel	145
781 tons fertilizer and fish meal, at 50 cents per ton	390
7,097 tons salted cod, cod tongues, and stock fish, at 50 cents per ton	3,548
5 tons frozen trout, at $1 per ton	5
193 cases canned trout, at 4 cents per case	8
194 barrels pickled black cod, at 10 cents per barrel	19
23 tons frozen black cod, at 25 cents per ton	6
4,873 tons fresh halibut, at 25 cents per ton	1,218
2,794 tons frozen halibut, at 25 cents per ton	698
40 tons fletched halibut, at 25 cents per ton	10
Total	17,158

RECAPITULATION.

License fees on plants	740
License fees on fishing apparatus	36,458
Tax on canned products	221,666
Tax on products prepared otherwise than by canning	17,158
Total	276,022

The taxes on canned products, based on three years' average (1913, 1914, and 1915), are shown by the following table:

56,887 cases king or spring salmon, at 6 cents per case	$3,413
2,033,062 cases red or sockeye salmon, at 6 cents per case	121,983
119,037 cases coho or silver salmon, at 5 cents per case	5,951
478,261 cases chum or keta salmon, at 4 cents per case	19,130
1,411,482 cases humpback or pink salmon, at 4 cents per case	56,459
Total	206,936

On this basis the tax on canned products would be $206,936 instead of $221,666, on the basis of the statistics for the calendar year 1915 shown above, hence the total revenue would be $14,730 less.

It is also well to keep in mind the hatchery rebates which are to continue until the Government takes over the privately owned hatcheries. Those rebates have amounted to about $25,000 annually.

Deducting the two items, $14,730 and $25,000, from the total estimated revenue of $276,022 leaves the total revenue under the bill $236,292.

It is safe to say that the output will increase each year, with a corresponding increase of revenue, and with the taking over of the private hatcheries by the Government the item of $25,000 on account of hatchery rebates would be eliminated.

DISPOSITION OF LICENSE FEES AND TAXES.

Section 4 provides that all the license fees and taxes collected in money under the act shall be covered into the Treasury of the United States, two-thirds thereof to be distributed as follows:

(*a*) An amount equivalent to the license fees and taxes collected on any business carried on within the corporate limits of any incorporated town shall be paid to the treasurer of such town to be used for school and municipal purposes;

(*b*) The remainder of such two-thirds shall be expended in the manner provided by the act creating the Alaska fund and acts amendatory thereof; and

(*c*) The remaining one-third shall be placed in a fund to be known as the Alaska fisheries fund, subject to appropriation by Congress from time to time for the construction, purchase, maintenance, and operation of fish hatcheries in Alaska, and for the investigation, development, preservation, conservation, and administration of the fisheries of Alaska.

Distributed on this basis, there would have been available in 1915 under items (*a*) and (*b*) the sum of $157,528; and under item (*c*) the sum of $78,764.

The average annual expenditures of the bureau on account of Alaska fisheries during this three-year period have been:

For fish-cultural work	$32,000
For protection of the fisheries	28,000
For scientific and statistical work	500
Total	60,000

Considering the admitted inadequacy of the bureau's present fish-cultural and regulatory activities, the projected purchase of the hatcheries now privately operated and the increased expense that will necessarily be occasioned by the administration of the more elaborate law contained in this bill, the amount available to the bureau thereunder may not suffice unless augmented by additional appropriations out of the National Treasury. Under existing law the entire cost of the regulation and conservation of the fisheries of Alaska is a charge on the National Treasury.

LOCATION AND CONSTRUCTION OF FIXED APPLIANCES.

The committee has given very careful attention to the matter of the location and construction of fixed fishing appliances and has covered this important subject in a comprehensive manner (secs. 6, 7, and 8). It is necessary, for the purpose of orderly regulation of the fisheries, to recognize the right of fishermen using pound nets, stake nets, and other stationary apparatus to control the sites where such apparatus is set. We have been guided in the drafting of this part of the bill by the experience of the States of Washington and Oregon, whose laws have been closely followed, and by the knowledge of the conditions on the Alaskan coast, and we feel that the provisions of the bill are essential for the proper conduct of the business and will not have the effect, as some persons have suggested or feared, of creating a monopoly. To make it clear that the danger of monopoly is remote, it is pertinent to take into consideration that the fixed apparatus which is the most prominent in this connection is the pound net (the monopolistic control of the sites for which is most feared), which is extensively used in many States, particularly on the Pacific coast, in the Great Lakes, and on the Atlantic coast of South Carolina; that the total number employed in Alaska in 1915 was 284, equivalent to about one net to each 90 miles of coast line; that pound nets require peculiar conditions for their successful operation, and the available sites are limited, so that, even if every such site was occupied by a net, the number would not be such as to make this type predominant or monopolistic. Compared with other parts of the country, the use of pound nets in Alaska is rather unimportant, and with the development of the Alaska fisheries pound nets are playing a less conspicuous rôle every year. The relative catch of salmon with pound nets and other appliances in the three districts of Alaska in 1915 was as follows:

District.	Pound nets.	All other apparatus.	Total.
Southeast Alaska	57	43	100
Central Alaska	52	48	100
Western Alaska	7	93	100

The important subject of stream pollution is covered in a broad way (sec. 15) in an effort to prevent the great destruction of fish life and the wholesale depletion of waters which have occurred in some of the States. All dams and other obstructions to the passage of fish to their spawning grounds are required (sec. 16) to be provided with efficient fishways.

Section 18 abolishes the present system under which the operators of private salmon hatcheries are exempted from taxes in proportion to the number of red or king salmon fry released and provides for the acquisition of the existing private hatcheries by the Government. The hatchery rebate feature of existing law has been much criticized, and the law permits or condones hatchery practices that can not be regarded as efficient in the light of the present knowledge of salmon culture. The committee is of the opinion that while private individuals and corporations may find it advantageous to operate their own hatcheries this practice should no longer be entitled to the preferential treatment accorded under existing law. The great work of aiding nature and of replenishing depleted waters by artificial propagation should devolve on and be conducted by the Government.

REPORTS, INSPECTIONS, AND REGULATIONS.

Persons licensed under the act are required to make detailed annual reports to the Secretary of Commerce covering all facts required with respect to the business for which a license is issued for the information and use of the Department of Commerce and Congress.

The Secretary of Commerce and his duly authorized agents are given power to inspect the premises, fishing appliances, and all property used in catching, packing, curing, preparing, or storing food fish or shellfish, or in the fertilizer or whaling industry, and may enter upon the premises of those engaged in the industry at any time for such purposes. The Secretary of Commerce is authorized to make such rules and regulations not inconsistent with the law as may be necessary for the enforcement of the act and may detail from the Department of Commerce a force adequate for the performance of the duties required.

Employees of the Department of Commerce engaged in the protection and conservation of the fisheries of Alaska may receive compensation for injuries sustained in the course of their employment under the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment."

TERRITORIAL LEGISLATION PROHIBITED.

The bill further provides that from and after the passage of the act the Territory of Alaska shall not pass any law repealing, altering, or amending the act, nor impose any license fees or taxes upon the fishery business covered by the act, or upon the output thereof, or upon any property, real or personal, used in such business in the Territory of Alaska, and any such existing statutes heretofore enacted by the Territory of Alaska are disapproved.

The bill provides, however, that the passage of the act shall not affect the validity of any license fees or taxes levied upon such business or the output thereof, or upon the property, real or personal, used in such business, under any law in force prior to the passage of the act, or right of the Territory of Alaska to sue for and recover the same. It was disclosed at the hearings that the Territorial Legislature of Alaska had passed a law imposing certain license fees and taxes upon the fisheries of Alaska, the validity of which is now being contested in the courts, and the bill expressly reserves to the Territory of Alaska the right to collect such taxes if the validity of the statute under which they are levied is upheld by the courts.

Proper fines and penalties are provided for any violations of the provisions of the act or any of the regulations established in pursuance thereof.

Section 26 provides that after the act takes effect the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska" approved June 25, 1906, and all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act shall be repealed, except as otherwise provided for in the act.

The provisions of section 1, that part of section 2 relating to license fees for fishing appliances, section 10, which provides for weekly close period, and section 14, which makes the use of spears and gaffs unlawful for commercial fishing, shall not apply to Indians, Aleuts, and Eskimos, excepting those engaged in catching fish for any canning, mild curing, salting, smoking, fish freezing, or other fish dealing establishments.

To avoid any possible repeal of existing law relating to navigable waters by implication, or conflict of jurisdiction between the Department of Commerce and the War Department, section 28 of the bill provides "that in so far as this act applies to navigable waters it shall not be construed as modifying or repealing any existing Federal law giving to the Secretary of War authority or jurisdiction over such waters."

The committee held extended hearings on the bill (H. R. 9528) for which this bill is a substitute, and are of opinion that if this bill is enacted into law it will prove of very great benefit to the fisheries of Alaska; that it will not only conserve a food supply of inestimable value, and will provide the revenue for the protection, regulation, and conservation of the fisheries of Alaska, but largely increase the Alaska fund, and that, too, without trouble or expense to the people of Alaska.

Mr. ALEXANDER. This bill provides that it shall be unlawful to fish in waters of Alaska without obtaining a license. That is a new provision of law as applied to the fisheries in Alaska,

but the license feature applied to those engaged in fishing for commercial purposes is a part of the laws of most of the States in the Union which undertake to regulate the fishing industry. It is simply to better regulate the industry, and the fees are not onerous; in fact, the fees are nominal.

The bill also provides for certain taxes on the output of the industry in Alaska. We have had in mind the necessity of conserving this great food supply and at the same time to make this industry pay in license fees and taxes something for the privileges enjoyed and at the same time provide revenue to help defray the expenses of the municipalities in which the industries are located, and also of the Territory of Alaska.

The revenue features of the bill will provide larger revenue for the municipalities in which the industries are located and for the Territory of Alaska than they have heretofore enjoyed. These revenues will increase each year as the output of the industries increases. The output of the industry in round numbers amounts to about $21,000,000 a year. Of course most of the output is consumed in the United States, although part of it goes to foreign countries.

The following statistics of the fisheries in 1915 is worthy of the careful consideration of the committee. It is taken from Appendix III to the Report of the United States Commissioner of Fisheries for 1915:

GENERAL STATISTICS OF THE FISHERIES IN 1915.

In 1915 the total investment in the Alaska fisheries amounted to $37,316,560, an increase of $277,928 over 1914. Approximately 86 per cent of this investment was in the salmon industry. The number of persons engaged in 1915 was 22,462, or an increase of 1,262 over 1914. The total value of the products in 1915 was $20,999,343, or a decrease of $243,632 from 1914. Although the actual quantity of fishery products produced in 1915 was greater than in the previous year, the total value of the 1915 output was less, chiefly by reason of the lower price obtained for several of the grades of salmon packed and further by reason of the decreased pack of the more valuable red salmon. The total value of the products this year is second only to that of 1914, which was the largest in the history of Alaska.

Summary of investments in the fisheries of Alaska in 1915.

Industries.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Salmon canning	$11,768,284	$5,774,379	$13,739,662	$31,282,325
Salmon pickling	.....	89,925	246,687	336,612
Salmon mild curing	477,259	4,000	6,100	487,359
Herring fishery	211,640	.....	.....	211,640
Halibut fishery	2,842,800	.....	.....	2,842,800
Cod fishery	.....	570,990	.....	570,990
Whale fishery	889,450	.....	564,400	1,453,850
Atka mackerel	.....	.....	3,105	3,105
By-products	127,879	.....	.....	127,879
Total	16,317,312	6,439,294	14,559,954	37,316,560

Summary of persons engaged in the fisheries of Alaska in 1915.

Races.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Whites	5,011	2,133	4,145	11,289
Natives	3,525	728	747	5,000
Japanese	807	334	490	1,631
Chinese	953	396	841	2,190
Miscellaneous	467	281	1,604	2,352
Total	10,763	3,872	7,827	22,462

Summary of products of the Alaska fisheries in 1915.

Products.		Quantity.	Value.
Salmon:			
Canned	cases	4,500,293	$18,653,015
Mild cured	pounds	2,224,800	191,523
Pickled	barrels	13,293	148,640
Fresh (including local)	pounds	2,416,603	192,268
Frozen	do	720,791	27,276
Dry salt, dried, and smoked backs	do	45,625	1,423
Halibut:			
Fresh (including local)	do	10,047,634	554,898
Frozen	do	5,589,864	244,423
Fletched	do	80,291	2,690
Cod	do	14,195,775	390,199
Herring	do	7,194,610	114,099
Herring oil	gallons	130,028	26,005
Herring fertilizer	pounds	1,238,000	15,475
Whale oil	gallons	876,500	295,000
Sperm oil	do	101,800	38,000
Whale fertilizer	pounds	2,990,000	48,750
Trout	do	41,975	3,420
Black cod	do	142,550	3,971
Attu mackerel	barrels	30	300
Crabs	pounds	14,395	713
Miscellaneous fresh fish, local	do	100,000	7,000
By-products oil	gallons	47,976	14,227
By-products fertilizer and meal	pounds	1,562,000	26,028
Total		.....	20,999,343

THE SALMON INDUSTRY.

The outstanding feature of the Alaska salmon industry in 1915 was the enormous increase in the pack of humpbacks in southeast Alaska, where 1,875,516 cases of this species were produced as against the previous record for humpbacks in this section of 1,289,737 cases packed in 1913. There was also a good increase in the pack of pinks both in central and western Alaska. Another feature of this season's operations was the lighter run of red salmon in western Alaska. For the three previous years the catch of reds in the Bristol Bay district was unusually good, the approximate catch in 1912 being 19,900,000, in 1913 it was 21,500,000, and in 1914 it was 20,900,000, but in 1915 it declined to about 16,800,000. This, however, is larger than the catch of reds in those waters in 1910, when the take numbered only 11,600,000 red salmon. It is worthy of mention that there is an increasing use of purse seines in the Bristol Bay region. In 1915 more than a million red salmon were taken by this form of apparatus whereas three years ago the catch was confined exclusively to traps and gill nets, chiefly the latter. It is regarded as quite likely that within a few years the Bristol Bay district will be the scene of an extensive purse-seine fishery. Although western and southeast Alaska showed a decrease in the pack of reds in 1915, central Alaska yielded a gratifying increase in this valuable species.

The pack of chums in Alaska was lighter this year than in 1914, but it was apparently due more to the fact that some of the canneries filled all available cans during the extraordinarily heavy run of pinks rather than to any pronounced shortage of chums. A number of plants thus ceased packing without waiting to take advantage of the later run of chums in southeast Alaska. This rather early closing showed its effect also in a somewhat smaller pack of cohos than was put up in 1914. The pack of kings in all three districts of Alaska was better than in the previous year. This is explained in part by the fact that the lessened demand for mild-cured salmon on account of the European war resulted in the canning of larger numbers of king salmon which otherwise would probably have been mild cured. The production of pickled salmon was only about half that of 1914, the reason being due chiefly to the lessened run of reds in western Alaska. The fresh and frozen salmon industries, which are prosecuted in southeast Alaska, showed good increases in 1915.

SALMON CANNING—CHANGES IN CANNERIES.

The plant of the Canoe Pass Packing Co., at Canoe Pass, in southeast Alaska, was dismantled and the machinery moved to a new location at Cordova. The plant at Canoe Pass was built and operated in 1912, but has not been used since. The small cannery of the Revilla Fish Products Co., at Ketchikan, has not been operated since 1912, and unless work is resumed it will no longer be listed. The Hoonah Packing Co. acquired the cannery of the Admiralty Trading Co., operated at Gambier Bay, in 1912 and 1913, but closed in 1914 and 1915. The canneries operated in 1914 by Gorman & Co. at Shakan and Kasaan were operated in 1915 by the Anacortes Fisheries Co. The plant formerly operated by the Pacific Coast & Norway Packing Co. at Petersburg was taken over by the Petersburg Packing Co. The Straits Packing Co. acquired the cannery last operated in 1913 by the Skowl Arm Packing Co. at Skowl Arm. It is reported that this new company was formed chiefly by those formerly interested in the cannery of the Kuiu Island Packing Co., which plant was destroyed by fire in the fall of 1914. The cannery at Hawk Inlet, operated for several years by the Hawk Fish Co., was operated in 1915 under the firm name of P. E. Harris & Co. Another change in firm name this year is that of the Karheen Packing Co., which was formerly known as the Irving Packing Co. The North Alaska Salmon Co. closed its Hallerville cannery and operated for the first time its new plant on the eastern side of Kvichak Bay, above Pedersens Point. Libby, McNeill & Libby acquired from Gorman & Co. the cannery at Dry Bay, formerly operated by the St. Elias Packing Co. It is probable that it will be used in conjunction with the cannery of the Yakutat & Southern Railway Co., which is also owned by Libby, McNeill & Libby.

NEW CANNERIES.

Six new canneries were operated in Alaska in 1915 by the following companies: Doyhof Fish Products Co., at Scow Bay, near Petersburg, in southeast Alaska; Canoe Pass Packing Co., at Cordova; Copper River Packing Co., at Abercrombie, near Mile 55 on the Copper River; the Deep Sea Salmon Co., at Goose Bay, on Knik Arm, in central Alaska; the Nelson Lagoon Packing Co., at Nelson Lagoon; and the North Alaska Salmon Co., on the eastern side of the Kvichak River above Pedersens Point, in western Alaska.

The foregoing, together with the cannery of the newly organized Straits Packing Co., not operated in 1914, makes an apparent gain of seven canneries for 1915, but deduction must be made for the 1914 total of the two canneries destroyed by fire, namely, those of the Kuiu Island Packing Co. at Beauclaire and of the Alaska Fishermen's Packing Co. on Kvichak Bay; also there must be deducted the cannery of the north Alaska Salmon Co. at Tallerville, not operated in 1915, thus making a net increase of four canneries in poeration in 1915 over 1914.

Of the preparatory arrangements for the operation of additional canneries in 1916, there may be mentioned the following: The Alaska Salmon Co. erected buildings at Graveyard Point, Koggiung, which possibly may be used for a cannery next year. The plant was operated as a saltery in 1915. The Bristol Bay Packing Co. erected new buildings for a large cannery in close proximity to their present plant on Kvichak Bay. The Naknek Packing Co. erected buildings for a new plant about 2 miles above their present plant on Naknek River and expect to operate there next season. The Red Salmon Canning Co. also erected buildings on the Naknek River to be used as a cannery in 1916.

CANNERIES OPERATED IN 1915.

During the year 1915 there were 45 canneries in operation in southeast Alaska, 17 in central Alaska, and 23 in western Alaska, a total of 85 canneries for the Territory.

Companies canning salmon in Alaska, number and location of canneries operated, and number of traps owned by each.

Names.	Canneries.	Location.	Traps.
Southeast Alaska:			
Alaska Fish Co.	1	Waterfall	1
Alaska Pacific Fisheries	3	Chilkoot	[1]7
		Chomly	[2]7
		Yes Bay	[3]7

[1] 3 floating. [2] 5 floating. [3] All floating.

Companies canning salmon in Alaska, etc.—Continued.

Names.	Canneries.	Location.	Traps.
Southeast Alaska—Contd.			
Alaska Packers Association.	2	Loring	[1] 7
		Wrangell	[2] 5
Alaska Sanitary Packing Co.	1	Wrangell	
Anacortes Fisheries Co	2	Kasaan	4
		Shakan	2
Astoria & Puget Sound Canning Co.	1	Excursion Inlet	5
Barnes, F. C., Co	1	Lake Bay	[3] 5
Deep Sea Salmon Co	1	Ford Arm	[2] 5
Doyhof Fish Products Co.	1	Scow Bay	
Fidalgo Island Packing Co.	1	Ketchikan	5
George Inlet Packing Co	1	George Inlet	1
Harris, P. E., & Co	1	Hawk Inlet	7
Hidden Inlet Canning Co.	1	Hidden Inlet	
Hoonah Packing Co.	1	Hoonah	12
Hume, G. W., Co	1	Nakat Harbor	
Karheen Packing Co	1	Karheen	2
Lindenberger Packing Co.	2	Craig	1
		Roe Point	[4] 6
Myers, Geo. T., & Co	1	Chatham	6
North Pacific Trading & Packing Co.	1	Klawak	
Northwestern Fisheries Co.	4	Dundas Bay	5
		Hunter Bay	
		Quadra	1
		Santa Ana	[5] 1
Pacific American Fisheries.	1	Excursion Inlet	18
Petersburg Packing Co	1	Petersburg	3
Pillar Bay Packing Co	1	Pillar Bay	2
Point Ward Packing Co.	1	Point Ward	[3] 4
Pure Food Fish Co	1	Ketchikan	1
Sanborn-Crane Co	1	Burnett Inlet	[5] 5
Sanborn-Cutting Co	1	Kake	[6] 3
Starr-Collinson Packing Co.	1	Moira Sound	[6] 3
Straits Packing Co	1	Skowl Arm	
Sunny Point Packing Co.	1	Sunny Point	1
Swift-Arthur-Crosby Co	1	Heceta Island	
Taku Canning & Cold Storage Co.	1	Taku Harbor	[4] 10
Tee Harbor Packing Co	1	Tee Harbor	6
Thlinket Packing Co	1	Funter Bay	17
Ward Cove Packing Co	1	Ward Cove	
Wiese Packing Co	1	Rose Inlet	2
Yakutat & Southern Railway Co.	1	Yakutat	
Central Alaska:			
Alaska Packers Association.	4	Alitak	2
		Chignik	3
		Larsen Bay	
		Kasilof	14
Canoe Pass Packing Co	1	Cordova	
Columbia River Packers Association.	1	Chignik	3
Copper River Packing Co.	1	Abercrombie	
Deep Sea Salmon Co	1	Knik Arm	2
Fidalgo Island Packing Co.	1	Port Graham	5
Kadiak Fisheries Co	1	Kodiak	
Libby, McNeill & Libby	1	Kenai	15
Northwestern Fisheries Co.	4	Chignik	3
		Kenai	12
		Orca	
		Uyak	
Pacific American Fisheries	1	King Cove	8
Seldovia Salmon Co	1	Seldovia	7
Western Alaska:			
Alaska Fishermen's Packing Co.	1	Nushagak	
Alaska Packers Association.	8	Kvichak River (2)	
		Naknek River (3)	
		Nushagak Bay (2)	5
		Ugaguk River	
Alaska-Portland Packers Association.	1	Nushagak Bay	3
Alaska Salmon Co	1	Wood River	
Bristol Bay Packing Co	1	Kvichak Bay	
Columbia River Packers Association.	1	Nushagak Bay	
Midnight Sun Packing Co.	1	Kotzebue Sound	1
Naknek Packing Co	1	Naknek River	
Nelson Lagoon Packing Co.	1	Nelson Lagoon	4
North Alaska Salmon Co.	4	Kvichak River (2)	
		Nushagak Bay	
		Ugaguk River	
Northwestern Fisheries Co.	1	Nushagak	
Pacific American Fisheries	1	Port Moller	2
Red Salmon Canning Co.	1	Ugashik River	

[1] 5 floating. [2] 4 floating. [3] 1 floating. [4] 2 floating. [5] 3 floating. [6] All floating.

CANNERIES NOT OPERATED IN 1915.

Three canneries in southeast Alaska were not operated in 1915, as follows:

Hoonah Packing Co.—Gambier Bay
Metlakatla Industrial Co.—Metlakatla
St. Elias Packing Co.—Dry Bay

SALMON CATCH AND FORMS OF GEAR.

There were in operation in southeast Alaska in the salmon-canning industry 137 driven and 48 floating traps, or a total of 185 traps; while in central Alaska there were 84 driven traps and in western Alaska 15 driven traps; this makes a total of 236 driven and 48 floating traps, or a grand total of 284 traps operated in the commercial fishery of Alaska in 1915. In 1914 the total number of traps in operation was 252, of which 211 were driven and 41 floating; thus 1915 shows a gain of 25 driven and 7 floating traps, or a total increase of 32 traps over 1914. By geographical sections the gains in 1915 were 7 floating traps in southeast Alaska, 24 driven traps in central Alaska, and 2 driven traps in western Alaska, while there was a decrease of 1 driven trap in southeast Alaska.

In 1915 the total number of purse and haul seines operated in the salmon industry of Alaska was 361 as against 336 the previous year. This gain of 25 seines for 1915 occurred almost wholly in southeast Alaska.

Of the total catch of salmon in Alaska in 1915, the proportion taken in traps was 42 per cent, by seines 29 per cent, by gill nets 27 per cent, and less than 1 per cent by lines and dip nets. By way of comparison it may be noted that in the previous year the trap catch was 31 per cent, the seine catch was 27 per cent, the gill-net catch was 41 per cent, and the proportion by lines and dip nets practically the same as in 1915. The most notable feature of this is a decrease in 1915 of 14 per cent in the proportionate gill-net catch, which must be accounted for by reason of the lessened run of salmon in western Alaska where the catch is chiefly by gill nets. This proportionate decrease was offset by a proportionate increase of over 11 per cent caught by traps and more than 2 per cent in seines. The following table shows the proportionate catches by districts by the three principal forms of apparatus:

Percentage of salmon caught in each district by principal forms of gear.

Apparatus.	Southeast Alaska.		Central Alaska.		Western Alaska.	
	1914	1915	1914	1915	1914	1915
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
Seines	47	39	36	32	4	6
Traps	48	57	56	52	4	7
Gill nets	3	3	8	15	92	86

The total catch of salmon of all species in the commercial fishery of Alaska in 1915 numbered 63,537,244 as against 54,615,915 in 1914, a gain of 8,921,329. In southeast Alaska there was an increase of about 15,000,000 salmon, but this was offset by decreases of more than 1,000,000 in central and about 5,000,000 in western Alaska as compared with 1914. In 1915 there were gains of approximately 14,200,000 humpback, 110,000 king, and 13,000 coho salmon, while the number of reds decreased 3,950,000 and chums fell off 1,450,000.

Salmon taken in 1915, by species and apparatus, for each geographic section of Alaska.

Apparatus and species.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Seines:	*Number.*	*Number.*	*Number.*	*Number.*
Coho, or silver	342,038	58,249		292,287
Chum, or keta	2,159,904	191,777	186	2,351,867
Humpback, or pink	11,542,551	719,943		12,262,494
King, or spring	11,436	239	5,343	17,718
Red, or sockeye	930,434	1,551,093	1,225,832	3,707,359
Total	14,878,363	2,522,001	1,231,361	18,631,725
Gill nets:				
Coho, or silver	214,310	71,719	99,225	385,254
Chum, or keta	48,618	102	539,591	588,311
Humpback, or pink	97,800	1,134	37,000	135,934
King, or spring	77,631	37,827	140,974	256,432
Red, or sockeye	483,682	1,077,705	14,561,820	16,123,207
Total	922,041	1,188,487	15,378,610	17,489,138
Traps:				
Coho, or silver	392,632	159,362	24,050	576,044
Chum, or keta	1,416,989	256,451	205,890	1,879,330
Humpback, or pink	18,308,532	189,434		18,497,966
King, or spring	22,903	57,027	27,960	107,890
Red, or sockeye	1,419,807	3,443,112	994,016	5,856,935
Total	21,560,863	4,105,386	1,251,916	26,918,165
Lines:				
Coho, or silver	77,999			77,999
King, or spring	226,853			226,853
Total	304,852			304,852
Dip nets:				
King, or spring		2,054		2,054
Red, or sockeye		191,310		191,310
Total		193,364		193,364
Total:				
Coho, or silver	918,979	289,330	123,275	1,331,584
Chum, or keta	3,625,511	448,330	745,667	4,819,508
Humpback, or pink	29,948,883	910,511	37,000	30,896,394
King, or spring	338,823	97,847	174,277	610,947
Red, or sockeye	2,833,923	6,263,220	16,781,668	25,878,811
Grand total	37,666,119	8,009,238	17,861,887	63,537,244

STATISTICS.

The number of canneries in operation in Alaska in 1915 was 85, as compared with 81 in 1914. The total investment increased from $30,830,435 in 1914 to $31,282,325 in 1915. This increase was chiefly in central and western Alaska.

The number of persons employed in canning operations in 1914 was 16,307, and in 1915 the number was 17,741, an increase of 1,434 persons. Gains were shown in all three districts. The most notable feature was the increase of 598 Indians over 1914. The total number of Indians

employed in 1915 in the salmon canning industry was 4,325. There were smaller gains in 1915 in the number of whites, Chinese, and Japanese engaged in this industry.

In 1914 the pack of canned salmon was 4,056,653 cases, valued at $18,920,589, while in 1915 it was 4,500,293, valued at $18,653,015, an increase of 443,640 cases, but a decrease of $267,574 in value. This seeming anomaly is accounted for by reason of the much larger pack of lower-priced fish in 1915. By sections the case-pack comparison is as follows: Southeast Alaska advanced from 1,776,075 to 2,549,212 cases, an increase of 773,137 cases; central Alaska declined from 658,791 to 632,848 cases, a decrease of 25,943 cases; while in western Alaska there was a decline from 1,621,787 to 1,318,233 cases, a decrease of 303,554 cases from the 1914 pack in that region. Comparisons by species show the following: The pack of cohos declined from 157,063 to 124,268 cases, a decrease of 32,795 cases; chums declined from 663,859 to 479,946 cases, a decrease of 183,913 cases; and reds declined from 2,201,643 to 1,932,312 cases, a decrease of 269,331 cases in 1915. Humpbacks went up from 986,049 to 1,875,516 cases, an advance of 889,467 cases; and kings increased from 48,039 to 88,251, a gain of 40,212 cases in 1915. The net increase for all species in 1915 was 443,640 cases.

The pack of salmon in 1915 is the largest in the history of Alaska, exceeding the previous record of 1914 by 443,640 cases, but, as above mentioned, the 1915 pack was $267,574 less in value because of the smaller production of the higher priced red salmon and the greatly increased pack of the less valuable humpbacks.

Investment in salmon-canning industry in 1915.

Items.	Southeast Alaska.		Central Alaska.		Western Alaska.		Total.	
	No.	*Value.*	*No.*	*Value.*	*No.*	*Value.*	*No.*	*Value.*
Canneries operated	45	$3,699,069	17	$1,612,984	23	$3,158,048	85	$8,470,101
Working capital		4,221,500		1,953,046		5,981,997		12,156,543
Wages paid		2,095,221		927,368		2,321,412		5,354,001
Vessels:								
Power vessels over 5 tons	122	651,210	38	410,711	52	688,604	212	1,750,525
Net tonnage	2,456		1,315		4,110		7,881	
Launches under 5 tons	41	42,636	25	31,396	28	85,553	94	159,585
Sailing	7	174,700	11	401,272	36	816,035	54	1,392,007
Net tonnage	9,081		19,242		49,164		77,487	
Boats, sail and row	772	53,832	478	44,646	1,077	250,010	2,327	348,488
Lighters, scows, house boats	271	127,270	171	103,713	158	168,348	600	399,331
Pile drivers	38	113,126	31	84,298	20	41,300	89	238,724
Apparatus:								
Haul seins	18	2,118	37	12,655	7	16,226	62	30,999
Fathoms	1,413		8,181		1,750		11,344	
Purse seines	270	100,333	11	5,500			281	105,833
Fathoms	54,948		3,666				58,614	
Gill nets	123	13,406	444	16,535	1,825	179,868	2,392	209,809
Fathoms	16,750		19,111		252,875		288,736	
Traps driven	137	377,318	84	170,255	15	22,261	236	569,834
Traps floating	48	96,545					48	96,545
Total		11,768,284		5,774,379		13,739,662		31,282,325

Persons engaged in the salmon-canning industry in 1915.

Occupations and races.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Fishermen:				
Whites	777	798	2,388	3,963
Indians	1,310	292	166	1,768
Chinese				
Japanese	1			1
Miscellaneous [1]	15			15
Total	2,103	1,090	2,554	5,747
Shoresmen:				
Whites	1,063	465	1,257	2,785
Indians	1,657	356	529	2,542
Chinese	953	396	841	2,190
Japanese	765	332	456	1,553
Miscellaneous [1]	452	281	1,604	2,337
Total	4,890	1,830	4,687	11,407

[1] Filipinos, Mexicans, Negroes, Porto Ricans, etc.

Persons engaged in the salmon-canning industry in 1915—Continued.

Occupations and races.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Transporters:				
Whites	271	108	192	571
Indians	6	9		15
Chinese				
Japanese		1		1
Miscellaneous [1]				
Total	277	118	192	587
Grand total:				
Whites	2,111	1,371	3,837	7,319
Indians	2,973	657	695	4,325
Chinese	953	396	841	2,190
Japanese	766	333	456	1,555
Miscellaneous [1]	467	281	1,604	2,352
Total	7,270	3,038	7,433	17,741

[1] Filipinos, Mexicans, Negroes, Porto Ricans, etc.

Output of canned salmon in 1915.[1]

Product.	Southeast Alaska.		Central Alaska.		Western Alaska.		Total.	
	Cases.	*Value.*	*Cases.*	*Value.*	*Cases.*	*Value.*	*Cases.*	*Value.*
Coho, or silver:								
½-pound flat	2,050	$11,639					2,050	$11,639
1-pound flat	613	3,188	1,725	$7,795			2,338	10,983
1-pound tall	87,636	371,539	21,839	96,252	10,405	$45,711	119,880	513,502
Total	90,299	386,366	23,564	104,047	10,405	45,711	124,268	536,124
Chum, or keta:								
1-pound flat	229	733	88	264			317	997
1-pound tall	373,100	966,581	39,318	102,086	67,211	173,657	479,629	1,242,324
Total	373,329	967,314	39,406	102,350	67,211	173,657	479,946	1,243,321
Humpback, or pink:								
½-pound flat	4,325	19,451					4,325	19,451
1-pound flat	3,508	11,927					3,508	11,927
1-pound tall	1,812,358	5,043,238	46,479	119,649	8,846	22,938	1,867,683	5,185,825
Total	1,820,191	5,074,616	46,479	119,649	8,846	22,938	1,875,516	5,217,203
King, or spring:								
½-pound flat	100	600			2,304	12,902	2,404	13,502
1-pound flat	40	208	986	4,902	2,729	16,854	3,755	21,964
1-pound tall	27,303	123,217	22,179	97,177	32,610	152,406	82,092	372,800
Total	27,443	124,025	23,165	102,079	37,643	182,162	88,251	408,266
Red, or sockeye:								
½-pound flat	25,302	222,457	11,183	96,849	15,548	122,976	52,033	442,282
1-pound flat	38,054	248,017	35,946	247,560	38,847	265,012	112,847	760,589
1-pound tall	174,594	971,042	453,105	2,614,800	1,137,440	6,452,950	1,765,139	10,038,792
1½-pound nominals					2,293	6,438	2,293	6,438
Total	237,950	1,441,516	500,234	2,959,209	1,194,128	6,847,376	1,932,312	11,248,101
Grand total	2,549,212	7,993,837	632,848	3,387,334	1,318,233	7,271,844	4,500,293	18,653,015

[1] Cases containing ½-pound cans have been reducted one-half in number and those containing 1½-pound cans have been increased one-half in number. Thus, for the purpose of affording fair comparison, all are put upon he basis of forty-eight 1-pound cans per case.

Output of canned salmon, 1909 to 1915.[1]

Products.	1909	1910	1911	1912	1913	1914	1915	Total.
Coho, or silver:	*Cases.*	*Cases.*	*Cases.*	*Cases.*	*Cases.*	*Cases.*	*Cases.*	*Cases.*
½-pound flat	.....	163	1,574	2,719	3,587	4,579	2,050	14,672
1-pound flat	1,206	2,249	1,075	17	266	285	2,338	7,436
1-pound tall	55,350	111,614	131,259	163,462	71,926	152,199	119,880	805,690
Total	56,556	114,026	133,908	166,198	75,779	157,063	124,268	827,798
Chum, or keta:								
½-pound flat	.....	.....	.....	2,795	985	373	.....	4,153
1-pound flat	.....	.....	7,245	.....	2,619	5,538	317	15,749
1-pound tall	120,712	254,218	316,550	661,838	287,314	657,918	479,629	2,778,179
Total	120,712	254,218	323,795	664,633	290,918	663,859	479,946	2,798,081
Humpback, or pink:								
½-pound flat	.....	3,188	4,836	13,712	20,822	2,103	4,325	48,986
1-pound flat	.....	7,900	9,437	.....	3,258	9,286	3,508	33,389
1-pound tall	464,873	543,233	991,005	1,266,426	1,348,801	974,660	1,867,683	7,456,681
Total	464,873	554,321	1,005,278	1,280,138	1,372,881	986,049	1,875,516	7,539,056
King, or spring:								
½-pound flat	.....	54	67	5,151	1,585	3,143	2,404	12,404
1-pound flat	.....	.....	.....	.....	.....	4,804	3,755	8,559
1-pound tall	48,034	40,167	45,451	38,166	32,785	40,092	82,092	326,787
Total	48,034	40,221	45,518	43,317	34,370	48,039	88,251	347,750
Red, or sockeye:								
½-pound flat	8,193	22,320	13,601	28,024	29,041	53,825	52,033	207,037
1-pound flat	85,193	39,941	4,967	16,242	11,735	64,671	112,847	335,596
1-pound tall	1,611,916	1,388,006	1,296,750	1,856,089	1,924,461	2,083,147	1,765,139	11,925,508
1½-pound nominals	.....	.....	.....	.....	.....	.....	2,293	2,293
Total	1,705,302	1,450,267	1,315,318	1,900,355	1,965,237	2,201,643	1,932,312	12,470,434
Grand total	2,395,477	2,413,053	2,823,817	4,054,641	3,739,185	4,056,653	4,500,293	23,983,119

[1] The number of cases shown has been put upon the common basis of forty-eight 1-pound cans to the case.

Average annual price per case of forty-eight 1-pound cans of salmon, 1905 to 1915.

Products.	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915
Coho, or silver	$3.20	$3.63	$3.91	$3.98	$4.07	$4.89	$5.67	$4.44	$3.45	$4.39	$4.31
Chum, or keta	2.69	2.87	2.97	2.53	2.28	3.04	3.72	2.37	2.21	3.37	2.59
Humpback, or pink	2.95	3.00	3.16	2.69	2.40	3.15	3.94	2.55	2.58	3.50	2.78
King, or spring	3.28	3.78	4.18	4.20	4.32	5.34	6.48	5.37	4.04	5.01	4.63
Red, or sockeye	3.38	3.77	4.59	4.52	4.53	5.30	6.33	5.45	4.54	5.58	5.82

The Legislature of the Territory of Alaska, under the provisions of the enabling act of August 24, 1912, passed a law taxing this industry in addition to the taxes already provided for and levied under the act of June 26, 1906. The power of the Legislature of the Territory of Alaska to do so was challenged by the fishing interests of Alaska, but the power has been upheld by the district court of Alaska; also by the United States circuit court of appeals. This bill, however, undertakes to take over and vest in the Federal Government the exclusive power to tax this industry and avoid this dual taxation. At the same time this bill provides ampler revenue than that which would be provided under the present law, Federal and Territorial. The committee did not think it good policy to give the Federal Government the right to tax in part and the Territory the power to license and tax in part. Either the whole power should be vested in the Territory of Alaska or in the General Government. Either the General Government should continue its control over the industry in Alaska or it should be given over to the Territory. It has been the policy of Congress thus far to retain control over this great industry, because the output of the fisheries of Alaska is a national asset. It is a large and essential part of the food supply of the Nation, and the output is largely absorbed in the States.

The bill does not require a license for the taking of food fish or shellfish for personal, domestic, or family use, or for conducting retail trade in fish or fishery products in Alaska.

There has never been any disposition on the part of Congress to do anything unfriendly to the local interests in Alaska. Alaska has a population of about 50,000 people, scattered over a vast territory, and that part of the population located immediately upon the coast of Alaska is directly interested in this industry. Under existing law the Territory of Alaska has the right to levy a tax not exceeding 1 cent on real and personal property in the Territory of Alaska; but it has never been found practicable to exercise that right, for the reason that the property, real and personal, that would be subject to taxation is so scattered that to enact revenue laws and undertake to put them into effect, to assess and collect the revenue, would cost from 60 to 75 per cent of the revenue which would be realized. Therefore, that power has never been exercised by the Territory of Alaska.

We provide for the disposition of the license fees and taxes. We provide that one-third shall go into the National Treasury, to be used for the inspection and conservation of the fisheries in Alaska, including the maintenance of fish hatcheries in Alaska. We provide that two-thirds shall go to the Territory of Alaska. Such part as originates in the towns where the canneries are located shall go to the towns for school and municipal purposes. The balance we provide shall go into the Alaska fund for the construction of good roads and for other Territorial purposes. We also provide in the bill for fixed net locations, pound nets, stake nets, and other fixed appliances, and for their regulation. Also, where it shall be unlawful to fish. We provide for weekly close periods, having in view the purpose of giving the largest opportunity for the fish to go to the spawning grounds. Hence we provide that in waters the width of which is less than 300 feet it shall be unlawful to take salmon by any means whatever, except by hook and line or by spear or gaff for domestic consumption, or for fish culture or scientific investigation, and in streams less than 500 feet in width with any fixed appliance, and in streams more than 500 feet in width they shall not occupy more than one-third of the width of any such stream; nor shall they be within 500 yards of the mouth of any such stream, the purpose being to give the amplest opportunity for the fish to go to the spawning grounds.

We also prohibit the planting of fish without consent, so that no undesirable varieties of fish may be planted in the waters of Alaska and also prohibit the unlawful waste of food or shellfish.

We provide that the use of spears and gaffs shall be unlawful for commercial fishing, but give perfect freedom in the use of these appliances for catching fish for domestic or local purposes, and then we remove all of the limitations upon the natives of Alaska, so far as fishing for domestic purposes is concerned, or for any other purpose except for the canneries.

We provide for fishways in the streams, and prohibit barricades and obstructions, and also that the Government shall take over the private hatcheries either by purchase or condemnation and operate them.

Of course we provide for reports, inspections, and regulations, and we provide—and that is a question that will be discussed more fully when we come to the consideration of the bill under the five-minute rule—that Territorial legislation in conflict with this legislation shall be prohibited. In other words, the bill is drawn upon the theory that so long as this industry remains under the supervision of Congress, Congress shall retain exclusive control.

When the Territory is given statehood, I assume that the industry will be given over to the State; but for the present at least the Government shall retain control. We provide for punishment for violations of the law by suitable fines and penalties, and define the various terms used in the bill, and have a provision expressly providing that the War Department shall retain authority over the navigable streams of the Territory.

Mr. Chairman, I reserve the remainder of my time.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Alaska [Mr. WICKERSHAM], in opposition to the bill.

Mr. KEATING. Mr. Chairman, I wish to get information concerning the division of the time. Is it understood that the opponents of the bill are to have control of the hour in opposition to it?

The CHAIRMAN. Under the rule it is provided that those in favor of the bill are entitled to an hour and those opposed to an hour.

Mr. MANN. The gentleman from Alaska [Mr. WICKERSHAM] has been recognized in opposition.

Mr. KEATING. Do I understand that the gentleman from Alaska controls the time in opposition? If the gentleman from Alaska controls the time, it is satisfactory to me.

Mr. MANN. The gentleman from Massachusetts [Mr. GREENE] did not take the floor, but asked that the gentleman from Alaska be recognized in opposition to the bill.

Mr. KEATING. I misunderstood the situation.

The CHAIRMAN. That was satisfactory to the gentleman from Massachusetts?

Mr. MANN. That was his request.

Mr. GREENE of Massachusetts. To allow the gentleman from Alaska to be recognized in opposition to the bill.

The CHAIRMAN. The gentleman from Alaska is recognized for an hour.

Mr. WICKERSHAM. Mr. Chairman, the fisheries of Alaska constitute the greatest natural food supply which now belongs to the people of the United States, in its natural state. As early as 1888 the canneries were established in the Territory of Alaska, and the salmon of that Territory was canned; and from that day to this the amount of canned salmon put up there has increased from year to year. More than $325,000,000 in value in food supplies has been taken out of the waters of Alaska up to this time. The output of the fisheries in Alaska for the last year amounted to more than $20,000,000. It is, I repeat, one of the great natural food supplies belonging to the people of the United States; but, Mr. Chairman, that food supply is now in great danger of utter extermination. This Congress has given too little attention to protecting and preserving it. The canneries have increased, and they have extended into new waters. The trap sites have become so numerous, the methods of catching the fish with all sorts of appliances have become so widespread that now that great food supply is being depleted and about to be destroyed. It is entirely under the jurisdiction of Congress. When the act creating the Legislature of Alaska was passed objection was made to giving the Territorial legislature any jurisdiction over those fisheries, and a limitation was placed in the bill withdrawing all jurisdiction over the fisheries of Alaska from the Territorial legislature or the people of Alaska, except that one jurisdictional grant was made that the legislature might levy an additional license tax upon the output thereof.

So that at this time neither the people of Alaska nor their legislature has any jurisdiction over the fisheries of Alaska except the power of levying an additional tax upon the output thereof. Whether our legislature ever had that power has been a question heretofore, and has been carried through the courts, but was upheld by the final judgment of the United States circuit court of appeals; but in the bill now before the House it is proposed to take away from the people of Alaska that right. So if this bill passes as it is now drawn and reported favorably to this House, it will take away from the people of Alaska and from the legislature every shred of jurisdiction over these fisheries. We will have nothing to say about them. We will not be able to protect them. We will not be able to prevent them from being utterly destroyed. I want to make this perfectly plain to the House, and I want to impress upon the House that it is within your jurisdiction, and your jurisdiction only, to protect the fisheries in Alaska from monopoly and destruction. Now, they have been canning these fish since 1888. They have canneries at many points along the coast from Ketchikan to Bristol Bay. Wherever there is a great salmon stream there you will find a cannery. There are 146 canneries and similar plants scattered along the coasts of Alaska engaged in putting up fish, and many have been so engaged for many years. Not only is that true, but the number of these canneries has been increased from year to year. The fishing has been extended into new waters. The waters are now being overfished, and great corporations are looking to a movement to eliminate the small fishermen and canners and to secure for three great corporations a control and monopoly of these fisheries. I do not make any question of the good faith of the chairman and members of the Committee on the Merchant Marine and Fisheries. If they knew as much about the situation up there, however, as some of us who have seen these fisheries destroyed, they would have put something in this bill to secure the protection of the fisheries. There is nothing in the bill now before the House which is good which is not already the law.

In 1906 Congress passed a law for the conservation and protection of the fisheries of Alaska. It will be found in the thirty-fourth Statutes at Large, at page 478. It is entitled, "An act for the protection and regulation of the fisheries of Alaska," and it covers in a substantial manner everything which is good that is in the bill now before the House. If Members of the House will read this bill they will say that this or that provision in it is good and ought to be in the bill, but if you will turn to the act of 1906 you will find it there. You will find substantially everything which is for the protection of the salmon in the bill now before the House in the act of 1906. Everything in this bill which is new and which is not in the act of 1906, in my judgment ought not to be the law of Alaska.

Permit me now to call your attention to the value of the investment in the fisheries of Alaska as set out on page 18 of the report of the governor of Alaska for 1916. In reference to the amount invested, he says:

> The investment in the fisheries of Alaska in 1915 amounted to $37,316,360, an increase of $277,928 over 1914. More than $31,000,000 of the investment in 1915 was credited to the salmon industry. Of the total investment more than $16,000,000 was in southeastern Alaska, upward of $6,000,000 in central Alaska, and in excess of $14,000,000 in western Alaska.

I want to call your attention now to the enormous investment in these fisheries and the years of time they have been working them to show you this is not a new matter for congressional enactment, but is an old substantial business in Alaska, now arrived at that stage where the fisheries are being depleted, and there is an effort on the part of three great corporations to get a monopoly and control of them. They have had their lobbyists here for the last six years to secure the passage of this bill. They are anxious to secure its passage so that they may push the small canneries out of business and secure for themselves a monopoly. If this bill passes in its present form they will be able to do that.

I want to call attention to the bill itself. I am going to take up two features of this bill only, because they go directly to the question of the attempt of the Chicago Meat Trust and the Booth Fisheries Co. to secure for themselves a monopoly of Alaska fisheries. The first point is the attempt to secure a rebate of all their taxes. Section 2 of this bill provides:

> That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:
>
> For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish oil works, and for each other fishery establishment, except retail markets, not herein specified, $5.

Now, to be brief about it, this is the sum total of all the payments which is required of one of these great canning or cold-storage establishments on its real property in the Territory of Alaska. It is not required to pay any real-property tax under this bill, and I call attention now to the top of page 4, the last paragraph in section 2:

> The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Whether that excludes the income tax or the corporation tax I do not know, but it certainly excludes the laying of all Territorial and municipal taxes in the Territory of Alaska. But for fear that it did not——

Mr. ALEXANDER. Will the gentleman yield at this point?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. Did the gentleman say the license provided for in this bill is the only tax on the industry in which these so-called trusts are interested?

Mr. WICKERSHAM. I did not.

Mr. ALEXANDER. I understood the gentleman to say it.

Mr. WICKERSHAM. No; the gentleman will not find that in my language. I was very particular to say that that $5 was all the real-property tax that these corporations would have to pay upon any one of their plants in the Territory of Alaska.

Mr. ALEXANDER. It is not real estate tax at all?

Mr. WICKERSHAM. I know it is not, but that is all they have to pay. They have more than $10,000,000 worth of real property in the Territory of Alaska, according to the report of the Bureau of Fisheries.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. I want to get the purport of what the gentleman said there. Do I understand him to mean that $5 is the only tax that these corporations of which he speaks will pay under this bill?

Mr. WICKERSHAM. No; the gentleman does not understand me to say that at all.

Mr. HUMPHREY of Washington. I did understand you to say that.

Mr. WICKERSHAM. Then the gentleman's understanding is at fault and not my language. What I mean is that that $5 is all the real property tax the New England Fish Co., for example, will pay on its plant at Ketchikan in one year, and is the only amount in the form of real property tax which any other such plant will have to pay in Alaska under this bill.

Mr. HUMPHREY of Washington. Do they pay any other tax for the privilege of fishing there?

Mr. WICKERSHAM. Surely.

Mr. HUMPHREY of Washington. Will you tell us what that is?

Mr. WICKERSHAM. I will when I get to it.

Mr. HUMPHREY of Washington. The gentleman does not mean that $5 is all these corporations will pay?

Mr. WICKERSHAM. Not at all. I hope the gentleman will not get excited.

Mr. HUMPHREY of Washington. I am not excited; I am trying to find out what the gentleman is trying to say.

Mr. WICKERSHAM. If you will give me an opportunity, I will tell you.

Mr. HUMPHREY of Washington. I will. I will not take it away from you. I think you need it.

Mr. WICKERSHAM. Section 22 of this bill is perfectly clear on this proposition also. It says:

That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory, and any such existing statutes heretofore enacted by the Territory of Alaska are hereby expressly disapproved.

So that I repeat, in order that the gentleman from Washington may not misunderstand me, that that means that $5 is all the real-property tax which any of these great corporations will pay upon $10,000,000 worth of real property in the Territory of Alaska if this bill passes. Ten million dollars worth of real property at 1 per cent would be $100,000 per year. The statement added to the report here shows that these great cannery owners will pay $740 only, instead of $100,000. In other words, if this bill passes, it is more than $99,000 in the pockets of these big corporations upon the single proposition of real-property tax in the Territory of Alaska per annum. Talk about giving the people of Alaska an addition of taxes for their use. You actually take away $99,000 on that item alone.

Mr. ALEXANDER. Will the gentleman yield at that point——

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER (continuing). And tell the House how much real estate tax they pay now, and if under the provisions of this bill they will not pay more in the Territory of Alaska than they do under the existing law?

Mr. WICKERSHAM. I will answer your last question first and say, no.

Mr. ALEXANDER. I say they do.

Mr. WICKERSHAM. I say they do not. I say that you have no right to take away from the people of Alaska their right to levy 1 per cent tax upon this property to the amount of $100,000 and impose that burden upon the people of the Territory of Alaska.

Mr. ALEXANDER. Will the gentleman yield again at this point?

Mr. WICKERSHAM. No. I hope the gentleman will excuse me. Now, I know what the gentleman wants to ask. He wants to know if we have levied that real-property tax, and I will say, No, we have not.

Mr. ALEXANDER. That is the question I wanted to ask.

Mr. WICKERSHAM. Yes, sir; I was sure of that. The Territory of Alaska is a new Territory. It has only had a legislature now for two sessions. We have not been able to make up a taxing system which will enable us to reach these great interests and tax them, but we intend to do so, and they know it, and they now appeal to this House to protect them and prevent us from securing the proper proportion of real estate tax which they ought to pay under the law which now exists. This bill is worth $99,000 a year to these big cannery interests if they can only drive it through this House and get it enacted into law. Now, if there is anybody in this House who wants to give the Booth Fishery Co., the Chicago Meat Trust, and the Alaska Packers' Association and their allies $99,000 per annum, and make the people of Alaska pay that sum in addition to their present tax for maintaining government there, or pay it out of the Government funds, then vote for this bill. If you are in favor of giving the people of Alaska a square deal on the matter of taxation, then do not vote for the bill.

Mr. BENNET. Will the gentleman yield?

Mr. WICKERSHAM. I will.

Mr. BENNET. I am entirely neutral. There is one point of the gentleman's argument I do not follow. He says that this bill is worth $99,000 to the companies now. Will the gentleman take a couple of minutes to elucidate that?

Mr. WICKERSHAM. Yes. They have $10,000,000 worth of shore or real property in the Territory of Alaska. It consists of cannery sites and canneries, of cold-storage sites and cold-storage plants, of whale-fishery establishments, and real estate and improvements thereon. It consists of real property, or lands and buildings on the lands. I find that stated, substantially, and I assume correctly, in the report of the Bureau of Fisheries, which is in favor of this bill.

Mr. KENT. Does the gentleman take into consideration the personal property element of boats and equipment?

Mr. WICKERSHAM. No. I was considering only real property. The 1916 report of the Governor of Alaska says there are $37,316,560 invested in fisheries in Alaska; $10,000,000 of this is in shore property—substantially that sum.

Mr. BENNET. The State from which I come has a system of real estate tax. Is this land now assessed and valued by any governmental agency?

Mr. WICKERSHAM. It is not. It is not assessed now, but under the law——

Mr. BENNET. I am not so distressed about the assessment, but what I want to get at is this: Is there any governmental agency in the Territory of Alaska that values property as, for instance, the department of taxation in New York City values real estate in that city?

Mr. WICKERSHAM. No.

Mr. BENNET. This estimate is the estimate, as the gentleman states, which is placed upon this real estate by the present Bureau of Fisheries?

Mr. WICKERSHAM. Yes; and it has been given to them, as I understand, by those who own the real estate itself. But it is contained in the statement of the Bureau of Fisheries, and I took it from there.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. LINTHICUM. I want to understand the gentleman's idea. Your idea is that the work of legislation should be left to the Territory of Alaska rather than to the United States Government?

Mr. WICKERSHAM. I have not said anything about that. The gentleman is anticipating.

Mr. LINTHICUM. I understood the gentleman to say this bill took away from the Legislature of the Territory of Alaska everything in the way of legislation for fishing purposes.

Mr. WICKERSHAM. In the organic act creating the Legislature of Alaska it was given but the single power to levy additional license tax on fisheries, and this act will take away that power.

Mr. LINTHICUM. Does the gentleman contend that we should merely legislate as to general legislation or that we should allow general legislation to be passed by the Territory of Alaska? And should it be local or national legislation?

Mr. WICKERSHAM. I have not been discussing that at all.

Mr. LINTHICUM. I would like to hear from you on that point.

Mr. WICKERSHAM. I will talk about that when I reach it.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SCOTT of Michigan. Who owned this property that the gentleman refers to prior to the time it was acquired by the fishery interests?

Mr. WICKERSHAM. The United States owned the lands.

Mr. SCOTT of Michigan. Have they bought any property owned by private individuals, to the gentleman's knowledge?

Mr. WICKERSHAM. Possibly, but I am not sure about that. I have not looked up the matter of titles.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. FESS. As I understand it, the contention of the gentleman now holding the floor is that if this paragraph at the top of page 24 passes into law the Federal Government would not have authority to add the 1 per cent taxation on real estate, and that not only you would lose the power in the Territory but the Federal Government by this law would forfeit the right?

Mr. WICKERSHAM. Oh, no. Congress would not forfeit the right to change the law.

Mr. FESS. As long as the law stands——

Mr. WICKERSHAM. As long as the law stands, of course, there could be no levy of taxes upon that property.

Mr. FESS. Could the mere fact that the Territory has not made the 1 per cent tax be considered as an argument that it will not do it in the future?

Mr. WICKERSHAM. No. It will do it in the future. The purpose is to do it in the future.

Now, Mr. Chairman, I want to take up another feature of this matter, because the question of taxation is in my judgment the smallest evil in this bill. I now want to talk to you about that feature of the bill which gives a monopoly of the control and ownership of these Alaskan fisheries to three great corporations.

Mr. HARDY. Mr. Chairman, will the gentleman yield, in order that I may get clearly in my mind the proposition?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Always; yes.

Mr. HARDY. As I understand, the gentleman's objection is that this bill provides for a license tax and provides for a business tax and an output tax in behalf of the Federal Government, but does not provide for an ad valorem tax upon personal and real property involved in these enterprises?

Mr. WICKERSHAM. No. I was objecting to the latter clause only; that it did not provide for any ad valorem tax upon the real property or the personal property of these cannery corporations in Alaska.

Mr. HARDY. As I understand you, taking the whole section of the present bill and the law, there is no tax upon the personal property or the real property of these corporations?

Mr. WICKERSHAM. There has been no tax levied yet upon their real property.

Mr. HARDY. Has there been any levied on their personal property?

Mr. WICKERSHAM. Yes. By an act of the legislature that will be repealed by this bill.

Mr. HARDY. Let me suggest to you that the saving clause there saves the taxes already imposed.

Mr. WICKERSHAM. I know it does; but that was not in the bill before I went before the committee and made objection and secured the attention of the committee to the matter and you put in the amendment.

Now, I want to call the attention of the House to the other feature of this bill which, it seems to me, ought to condemn it before a Congress interested in finding the remedy for the high cost of living. The President of the United States and Congress and the people of this country are now giving time to the discussion of the question of the high cost of living, and yet here by this bill, if I read it aright and if I construe it aright, is a plan to turn over to three big corporations in Alaska one of the greatest natural food supplies belonging to the people of the United States. I want to call your attention to it, so that you will see if I am correct about it. Beginning with section 6 of this bill, it is provided that—

> Any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska—

I will stop there long enough to explain to you what a pound net is. It consists of a long row of piles or posts running from the shore out into the water, and at the end of those piles is an arrangement upon which they hang nets, and there is a jigger, or arm, all netted over, in addition, so that when the fish come along toward the spawning grounds they strike the netting on the long row of piles and are diverted away from their course trying to get around it until they work their way into the trap. When they get into the trap there is no escape for them and the fisherman comes along and brails them out. I will read that again:

> That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises. Such maps shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held, or the fact that application has been made therefor. Such maps, with the certificates thereon, shall be filed in the office of the commissioner of records.

I will not read the rest of it. It relates to the matter of filing for record in the office. Now, turn to the same matter on page 8, at the beginning of line 6. I read:

> From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Now, in brief, when a locator locates one of these trap sites by making a survey, he files his certificate of location for record with the local recorder and one copy of the map made with it is sent to the Secretary of Commerce and another copy is sent to the Bureau of Fisheries in the city of Seattle, and thereupon that site becomes his exclusive property. In other words, he has the exclusive right to fish on it as long as he shall comply with the law by paying $50 a year, and once every two years doing some fishing on it. That is all he has to do, and I call your attention to the fact that there is no limit to the number of claims or locations which any one man or corporation may make of these trap sites. The Booth Fisheries Co. now has about 100 of them, either located or surveyed. That company and others have been surveying all summer along the shores of Cook Inlet and along the shores of Alaska. Hundreds of these locations have been made. All have been made that are of any value. I notice a statement in this report which, if it were not so pitiful, would be amusing. It says, in effect, that suppose there are 250 such claims; they only cover a certain few miles, call it 250 miles, along the coast—I do not remember the exact number stated in the report—but of what importance is that when there are 26,000 miles of shore line in the Territory of Alaska? What have 250 miles of fisheries in Alaska got to do with the case when there are 26,000 miles? That is the purport of the statement made in the committee's report. It is amazing that the committee would put such a statement in their report. If they had the slightest information upon the subject of those fisheries, they would know that there are very few spots along these shores that are fit for trap sites. These fishery companies send out men to scour the coasts to find where trap sites may be located to advantage, and trap sites are located there and nowhere else. Possibly in a hundred miles along the coast there may not be a single trap-site location.

Mr. KENT. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. I will ask the gentleman if it is not analogous to some one claiming the right to catch all the automobiles that run along the road, provided other people are allowed to catch all those who run through the fields or on the grass in the park? Do not the fish follow certain routes?

Mr. WICKERSHAM. Yes; they do. And the only trap site of any value is along that route. A trap site away from that route would be useless and would be abandoned. These sites are much sought after, and are now already surveyed by the big fishing companies.

Mr. SCOTT of Michigan. I would be very glad to hear the gentleman as to whether he considers that this proposed legislation will supersede the riparian rights.

Mr. WICKERSHAM. There are no riparian rights in individuals in Alaska. Such rights belong to the Government of the United States. Alaska is not yet a State; it is a Territory.

Mr. SCOTT of Michigan. Of course, I understand that.

Mr. WICKERSHAM. And all of the tide lands are held by the United States in trust for the people of the future State. So Congress has the right probably to grant trap sites on tide lands and make a gift of them to these big corporations if it desires to do so.

Mr. BUTLER and Mr. SISSON rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. WICKERSHAM. I yield to the gentleman in front of me [Mr. BUTLER].

Mr. BUTLER. The gentleman refers to trap-net fishing. Is this a special method by which these fish are caught? Will they catch more fish in a trap net than in any other way?

Mr. WICKERSHAM. Yes.

Mr. BUTLER. I infer from the gentleman's remarks, then, that it is possible for one concern to establish 500 of these places?

Mr. WICKERSHAM. Undoubtedly. That is what I am trying to make this House understand, that under this bill the Chicago Meat Trust, represented by Libby, McNeill & Libby, which now has probably 100 of these trap sites, can secure all of them, and they are doing it just as fast as they can buy up other companies in Alaska and secure their trap sites.

Mr. SISSON. Right in line with what the gentleman is saying I see that section 6 refers to fixed net locations.

Mr. WICKERSHAM. Yes.

Mr. SISSON. Is there any place in the bill where the number of such locations that may be set apart or surveyed is limited?

Mr. WICKERSHAM. No, sir.

Mr. ALEXANDER. Will the gentleman yield?

Mr. WICKERSHAM. I do not yield, Mr. Chairman.

Mr. ALEXANDER. I will show the gentleman when my time comes.

Mr. SISSON. What is a trap site, and how large is it?

Mr. WICKERSHAM. I will give the gentleman that information.

Mr. ALEXANDER. The provisions of the bill in regard to that are ample and definite.

Mr. WICKERSHAM. There are about 320 acres in each trap site. Is not that correct?

Mr. ALEXANDER. No; it is not.

Mr. WICKERSHAM. How much does it give them?

Mr. ALEXANDER. It says they shall not be located within certain distances. The purpose is to give the fish a chance to move, to go about, and not to trap all the fish.

Mr. WICKERSHAM. I am including those prohibited areas as a part of the trap site, because the holder of the trap site gets the advantage of that prohibited area around the trap site, although he does not own it. Nobody else can go there and fish. It belongs to the holder of the trap site just as exclusively as if he had obtained a patent from the United States Government for it, and all other fishermen are excluded from fishing thereon. That effectually enlarges his trap site so that it includes, with his trap site and the surrounding area, about 320 acres, upon which no one may fish but the locator of the trap site.

Mr. SISSON. With the gentleman's permission, I do not think the gentleman from Missouri [Mr. ALEXANDER] answered my question. I want to know how large is one of these areas that is set apart and over which the man holding the trap site has the exclusive control? Is it 2 or 3 miles square?

Mr. WICKERSHAM. It is all described in section 7 of this bill. Section 7 says:

> That no lead of any pound net in the waters of Alaska shall exceed 3,000 feet in length, and there shall be an end passageway of at least 600 feet and a lateral passageway of at least 2,400 feet between pound nets and an end passageway of at least 600 feet and a lateral passageway of at least 1,000 feet between a pound net and a stake net or set net.

I have made the best calculation that I am able to make from the description given in this section of the bill, and I say to this House that after that most careful calculation it gives substantially 320 acres to each one of these trap sites, or one-half section of land, an area of land 1 mile long and half a mile wide, and there is no limit upon the number of these trap sites which one company may take, and there is no limit to the number of trap sites which may be assigned to one corporation or one man.

Mr. SNYDER. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SNYDER. I should like to ask the gentleman if he thinks that the people of the great United States would be better served if the 350 sites that he speaks of were divided up between 350 men, or whether they should all belong to these three monopolies or concerns that he speaks of? Which would we get the most benefit from as a people in the distribution of the fish?

Mr. WICKERSHAM. That is an amazing question to be asked. I had always supposed that everybody understood that it was better for the people of this country to have the wealth of the country widely distributed rather than to be put in the hands of one man or one corporation. I think certainly that that is true when it comes to monopolizing the food supply of the people, because that is what this amounts to.

Mr. FESS. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. FESS. My first impression was that the 26,000 miles of expanse would make the fishery industry inexhaustible up there. I want to ask the gentleman if we have sufficient definite knowledge of the habits of the fish so that we can locate where the fish are and another place where they are not?

Mr. WICKERSHAM. Yes; with reasonable certainty.

Mr. FESS. Then there is a possibility of exhausting the supply, even though the seacoast is apparently unlimited?

Mr. WICKERSHAM. Yes.

Mr. FESS. There is no doubt about it?

Mr. WICKERSHAM. There is no doubt about it.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. HAMILTON of Michigan. May I ask the gentleman to state something in relation to the habits of the salmon, because no one is better able than the gentleman to speak with authority on that subject?

Mr. WICKERSHAM. There are five varieties of salmon in Alaskan waters.

Mr. HAMILTON of Michigan. Do they return to the same waters each year?

Mr. WICKERSHAM. They return to some one of the salmon streams.

Mr. HAMILTON of Michigan. This is bearing upon the ability to locate where the fish go each season.

Mr. WICKERSHAM. Many of the streams in Alaska are not salmon streams. Generally there is some lake connected with the stream, and there must be some gravel bar, either in the lake or in the stream, where the fish can spawn. It is to that sort of a stream they resort when they come from the sea.

Mr. HICKS. Will the gentleman yield?

Mr. WICKERSHAM. I will.

Mr. HICKS. Are not most of these sites in the hands of the big corporations, or are they in the hands of the small fishing interests?

Mr. WICKERSHAM. They are now largely in the hands of three corporations—the Alaskan Packers' Association, Libby, McNeill & Libby, representing the Swifts, and the Booth Fisheries Co. They have had men out all summer surveying and preparing maps to file the minute this bill is passed, so that they can get absolute control and title of these fisheries.

Mr. REILLY. What is the present law regarding these fisheries?

Mr. WICKERSHAM. Under the present law the fisheries are free.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WICKERSHAM. With pleasure.

Mr. COOPER of Wisconsin. I want to see if I get the gentleman's point about filing maps. Section 6, page 6, says—

> That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska, shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises.

Now, the gentleman says that these surveys have already been made, anticipating the passage of the bill.

Mr. WICKERSHAM. Yes; which provides for the filing of these maps.

Mr. COOPER of Wisconsin. The bill further says:

> From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Mr. WICKERSHAM. Yes; he gets an exclusive title.

Mr. COOPER of Wisconsin. For how long?

Mr. WICKERSHAM. Until Congress repeals the law.

Mr. HAMILTON of Michigan. Would not they acquire vested rights under this?

Mr. WICKERSHAM. I think so.

Mr. ALEXANDER. He has the right so long as he renews his license and pays the license fee and operates the net.

Mr. COOPER of Wisconsin. Does not the language here, "his heirs, administrators, executors, successors, or assigns shall have the exclusive right to hold, occupy," and so forth, renew his license? Can anybody else get in?

Mr. WICKERSHAM. It gives them the same title that we have in placer and quartz claims under the mining laws of the United States on the public lands.

Mr. COOPER of Wisconsin. To put a short interpretation upon it, the claim that these fisheries are open to anybody to have a site and secure it is pure sham?

Mr. WICKERSHAM. Yes; and it is much purer sham when you know that these big canneries have the maps already to file, and all they are waiting for is the passage of this bill to enter into the ownership of the fisheries in Alaska.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MOORE of Pennsylvania. Would this language read by the gentleman from Wisconsin [Mr. COOPER] preclude a citizen of Canada from obtaining these rights?

Mr. WICKERSHAM. I have no doubt that it would not.

Mr. MOORE of Pennsylvania. There is no restriction as to citizenship?

Mr. WICKERSHAM. None at all in the bill.

Mr. MOORE of Pennsylvania. Is it not true that we are already in conflict with Canada in regard to fishery rights in this vicinity?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield? The gentleman from Pennsylvania is asking for information, and I would like to ask the gentleman from Alaska if there is not another law under which these rights can only be acquired by citizens of the United States?

Mr. WICKERSHAM. I know of no such law.

Mr. MOORE of Pennsylvania. Would not this act, if passed now, supersede existing law?

Mr. WICKERSHAM. Yes; so far as they conflict.

Mr. MOORE of Pennsylvania. I asked the question because the very question of the right of the interference of Canadian fishermen has been raised before another committee, and American fishermen are complaining.

Mr. WICKERSHAM. Yes; and I want to say that these big corporations about which I am talking and to which I intend to draw the attention of the House have now established their plants at Prince Rupert at the end of the Grand Trunk Railroad, 90 miles from Alaska, where they intend to manage this business if they get the title to these fisheries.

Mr. SISSON rose.

Mr. MOORE of Pennsylvania. Does the gentleman know that American fishermen——

The CHAIRMAN. To whom does the gentleman yield?

Mr. WICKERSHAM. I think I shall not yield to anyone.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. WICKERSHAM. Yes.

Mr. MANN. I just wanted to make this suggestion to the gentleman and to the members of the committee. The gentleman had an hour. I do not remember how much of that hour has been used, but under the rules of the House he has only one hour. Unless his time should be extended by unanimous consent after we get into the consideration of the bill under the five-minute rule, and, of course, then we have that power, if the gentleman is interrupted so that he is not able to finish his statement, he will not be able to conclude what he has to say, and I express the hope now that members of the committee will not object to his getting such an extension of time when he takes the floor under the five-minute rule.

Mr. SISSON. We might settle that question now.

Mr. MANN. We can not do it.

Mr. SISSON. We might do it by unanimous consent.

Mr. MANN. The committee can not extend the time for general debate. That is fixed by a rule of the House.

Mr. SISSON. One can do almost anything by unanimous consent.

Mr. MANN. The House can do it, but we are in committee, and the committee can not do it.

Mr. SISSON. I had overlooked the fact that we are in committee.

Mr. WICKERSHAM. That provision with respect to citizenship is a common provision in bills of this kind, and it is so common that you find it in the Oregon and Washington laws relating to this same subject. I call the attention of the committee to section 58 of the annotated laws relating to food and shell fish in the State of Washington of 1915, wherein it is provided:

It shall be unlawful for any person to fish or take for sale or profit any food or shell fish in any of the rivers or waters of this State, or over which it has concurrent jurisdiction in civil or criminal cases, unless such person be a citizen of the United States or have declared his intention to become such, and is and has been for 12 months immediately prior to the time he engages in such business an actual resident of this State or an adjoining State, but this section shall not apply to Indians.

Under that law a citizen of Alaska could not go into the State of Washington or the State of Oregon and catch fish, and it is now proposed in this bill to turn the entire fisheries of the Territory of Alaska over to these three big corporations, who have their headquarters in Seattle and San Francisco, but which they are now transferring to Prince Rupert, at the end of the Grand Trunk Railroad. I want to warn this House that if this bill passes the trap is all set, the maps are all ready to file by which these three big corporations will secure the title to the fisheries in Alaska.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. I would like to ask the gentleman what the effect on the population of Alaska would be as between more independent and competitive fishing and this trust fishing?

Mr. WICKERSHAM. There would be no other fishing except this trust and trap fishing if this bill should be passed.

Mr. KENT. And the fishermen are mostly Japanese?

Mr. WICKERSHAM. There are a great many Japanese and Chinese brought up in the cannery crews, but the fishermen themselves are not Japanese and Chinese. They are generally white men brought up from San Francisco and Seattle.

Mr. KENT. But they are migratory labor, are they not?

Mr. WICKERSHAM. I have here petitions and protests from thousands of fishermen of Alaska against the passage of this bill. Here is one which I shall read. It is dated Ketchikan, Alaska, October 10, 1916, and is addressed to the United States Senate and House of Representatives, Washington, D. C.:

We, the undersigned residents of southeastern Alaska, being fishermen and otherwise interested in the fisheries of Alaska, do most respectfully protest against the passage of the bill H. R. 17499, introduced August 18, 1916, by Mr. ALEXANDER, of Missouri, and entitled "A bill for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes." The said bill will result in a monopoly of the fisheries of Alaska by the great corporations and will result in great harm and loss to the people of the Nation.

Petitions of that kind are signed by thousands of fishermen in Alaska and are in my hands, and I exhibit them to this House.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. RAGSDALE. What is the attitude of the inhabitants of Alaska in so far as the gentleman has been able to learn it in the little towns along the coast there as you go up the inland passageway?

Mr. WICKERSHAM. I have just read you their protest.

Mr. RAGSDALE. I mean other than the fishermen?

Mr. WICKERSHAM. Every one along there who is interested either in business with the fishermen or engaged in fishing signed these protests. It is the unanimous protest of the people of that country.

Mr. RAGSDALE. I am anxious to know, because I had the pleasure of going up there this summer a year ago, and I think there are wonderful possibilities in that country, and, as far as I am concerned, I should like to do everything I can to assist the gentleman in building it up.

Mr. WICKERSHAM. I thank the gentleman. There ought to be something done by this Congress which will enable us to build up a population of fishermen along that coast. We ought to have thousands of people inhabiting homes in little cities and towns along that coast, building up a population of good American fishermen there, instead of turning all of these great fisheries over to three great corporations, who will catch all of the fish with traps, with the result that no one in Alaska will get a cent out of it. There will not be a schoolhouse built in Alaska out of this money nor a home constructed. It will all be taken out of the Territory by the great corporations and used to add to the wealth of stockholders in New York and other eastern cities.

Mr. Chairman, I want to now talk for a moment about these corporations. I want to refer to Libby, McNeill & Libby, in whose name 40 or 50 of these trap sites are now held.

I have here Poor's Manual of Industrials for 1916, and I refer to page 729 first. I am going to be very brief about this, but it is a very important matter, to show who is going to get the ownership of these trap sites if this bill passes.

LIBBY, M'NEILL & LIBBY (ME.).

Incorporated August 6, 1903, in Maine, and conducts a packing business. Plants located at Chicago, Ill.

Capital stock: Authorized and outstanding, $8,000,000. Shares, $100. Dividends paid at the rate of 8 per cent per annum.

Directors: L. F. Swift, E. F. Swift, L. A. Carton, W. F. Burrows, H. Veeder, Harold H. Swift, G. C. Swift, jr., C. H. Swift, E. G. McDougall.

Officers: W. F. Burrows, president; Edward F. Swift, vice president; Edward G. McDougall, vice president; Henry W. Hardy, treasurer; Charles E. Hill, assistant treasurer; Harry Williams, secretary. Office, Union Stock Yards, Chicago, Ill.

In other words, those are the men who are the heads of the Swift Meat Trust. They own Libby, McNeill & Libby, and they simply use the trade name of Libby, McNeill & Libby for the purpose of grabbing our fisheries in the Territory of Alaska. They, too, have been surveying trap sites along the coasts of Alaska this summer. They have the maps ready and in their hands down here at the department waiting for Congress to pass this bill so they may go and take the fisheries of Alaska away from the people of the United States. Now, I want to call attention to the Booth Fisheries Co., on page 1557 of Poor's Manual of Industrials for 1916. I am going to read a little more of this because it is much more important and interesting:

BOOTH FISHERIES CO.

Incorporated May 10, 1909, under laws of Delaware; became purchasers at receiver's sale of all assets of A. Booth & Co., Chicago, Ill., formally taking possession thereof on May 24, 1909. The company is engaged in buying and selling, at wholesale and retail, fish, oysters, and all sea foods, and has a large fleet of fishing boats on the Great Lakes and Pacific Ocean. The company operates in over 70 cities of the United States, including New York, Philadelphia, Baltimore, Boston, Pittsburgh, Cincinnati, Chicago, Detroit, Cleveland, St. Louis, St. Paul, Minneapolis, Denver, and Duluth. Own four public cold-storage plants and also cold-storage plants for the freezing and carrying on of its own fish at nearly all its branches. Owns real estate and buildings in several cities, upon which its branches and cold-storage plants are located; 117 steamships, tugs, etc., and 571 sailing boats, barges, etc.

I call special attention to what follows:

On April 1, 1911, purchased the entire capital stock and assets of the Northwestern Fisheries Co., a Washington corporation, owning a fleet of boats and 12 fishing plants on the Alaskan coast—

That was the Morgan, Guggenheim, Northwestern Fisheries Co., which was turned into the Booth Fisheries Co., I am told, for participation—

To finance this purchase, provide additional cash working capital, and redeem $1,425,000 of its debenture bonds then outstanding the stockholders authorized a $5,000,000 sinking fund 6 per cent debenture bond issue, due April 1, 1926, and sold $4,000,000 thereof. In 1912 the entire capital stock of the International Fisheries Co. (Tacoma, Wash.) was acquired.

In 1915 acquired the canneries, etc., of Gorman & Co. and transferred the properties to the Anacortes Fisheries Co., incorporated April 15, 1915, in Washington, with $1,000,000 capital stock, all of which is owned by the Booth Fisheries Co. The Anacortes Co. will operate two salmon canneries in Alaska and three salmon canneries in Puget Sound.

The Booth Fisheries and the other companies have put up in the year surviving many of these trap sites in the Territory of Alaska, and are ready to file them with the Secretary of Commerce as soon as this bill passes. They are buying canneries and taking over trap sites and forming a monopoly out of them. Oh, some gentlemen may say that that is my ipse dixit. I was told it was my ipse dixit before the committee. But here is an indictment against the Booth Co. They are under indictment in the city of Seattle for doing what I am talking about in the Territorial waters of Alaska. This copy of this indictment was given to me upon request by Mr. Clay Allen, United States district attorney at Seattle.

I shall first read the title of the document:

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.

United States of America, plaintiff, *v.* Booth Fisheries Co., a corporation organized under the laws of the State of Delaware; Booth Fisheries Co., organized under the laws of the State of Washington; the Chlopeck Fish Co. (Inc.), a corporation organized under the laws of the State of Washington; San Juan Fishing & Packing Co., a corporation organized under the laws of the State of Washington; Occidental Fish Co., a corporation organized under the laws of the State of Washington; A. B. Carpenter, W. T. Chutter, William Calvert, jr., H. O. Roberts, and W. J. Maddock, the Christian names of each of said persons being to the grand jurors unknown, defendants. May term, 1914. No. 2791. Indictment.

Now, those are the parties, and each of these minor or subsidiary corporations mentioned therein are the corporations that have been bought up and are being controlled by the Booth Co. at the time this indictment was brought, and since that time the Booth Co. has also bought the Gorman Co. and others.

Mr. HARDY. Is that an indictment under the antitrust law?

Mr. WICKERSHAM. Yes; it is.

I now call your attention to the charging clause of the indictment. I think it is on page 14 of this indictment. It says:

That the purposes to be effected by said unlawful conspiracy were:

(a) To control and limit the supply and to control and depress the price of halibut shipped in boxes from Alaska to the markets of Seattle and Tacoma, Wash.

(b) To control and limit the supply and depress and otherwise control the price of halibut produced by the defendants and independent fishermen and offered in the halibut markets of Seattle and Tacoma, Wash.

(c) To control the price paid by independent halibut brokers by making exorbitant and unreasonable bids against the independent brokers from time to time;

(d) To control the price paid for halibut by the refusal to bid against the other defendants herein and by the offer of collusive and fraudulent bids among themselves;

(e) To control the distribution of halibut in the markets of the cities of the several States by concealment of stock ownership and control among themselves and by the maintenance of pretended competition;

(f) To control the prices paid by offering for sale from time to time in the several States halibut purchased and obtained by collusive bids and offered in competition with halibut purchased under normal conditions of trade;

(g) To control the prices paid and refraining from good faith competition in the markets severally allotted by agreement among themselves; and

(h) To control the halibut markets in the cities of the several States by intimidation and coercion of independent brokers to maintain and support prices fixed by themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WICKERSHAM. Mr. Chairman, I ask unanimous consent to continue for five minutes.

Mr. MANN. I do not think that can be done.

Mr. ALEXANDER. I have no objection to the gentleman continuing for 30 minutes if the same time is extended to the other side.

Mr. MANN. I do not think that can be done until we commence to read the bill.

The CHAIRMAN. The Chair would not entertain that motion.

Mr. MANN. How much time has the gentleman consumed?

The CHAIRMAN. The gentleman has consumed 45 minutes.

Mr. MANN. Suppose we commence to read the bill, and then have unanimous consent that the gentleman from Missouri shall have 1 hour and 15 minutes more, and that would include the 45 minutes due him, and 30 minutes additional, and the gentleman from Alaska to have 30 minutes.

Mr. ALEXANDER. I am willing to agree to any proposition that will not violate the rule.

Mr. MANN. I do not think we ought to consider in the committee that we can violate the rule.

The CHAIRMAN. If nobody desires to be heard further under the two-hour limit, the Clerk will read.

Mr. ALEXANDER. Of course, we have this understanding.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person to engage in the business of canning, curing, preserving, packing, or otherwise dealing at wholesale in food fish, shellfish, or the products thereof, or manufacturing fishery products in the Territory of Alaska or in any of the waters of Alaska without first obtaining a license for each establishment or works used in such business.

It shall be unlawful for any person engaged in the business of taking, catching, or fishing for food fish or shellfish in any of the waters of Alaska to use for such purposes any fishing appliance specified in section 2 without first obtaining a license for such appliance.

This section shall not require a license for the taking of food fish or shellfish for personal, domestic, or family use, and not for sale or barter, when not otherwise unlawful to take the same, or for conducting retail trade in fish or fishery products.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alaska may be entitled to proceed for 30 minutes, and that the gentleman from Missouri [Mr. ALEXANDER] shall be entitled to control 1 hour and 15 minutes. That is adding 30 minutes to what would be the time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alaska [Mr. WICKERSHAM] be allowed 30 minutes and the gentleman from Missouri [Mr. ALEXANDER] be allowed an hour and 15 minutes. The only question in the mind of the Chair is as to whether the Chair should entertain that motion. There is no motion to strike out on this section.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WICKERSHAM. Mr. Chairman, the concluding part of the Booth Fisheries Co. indictment is:

And the grand jurors aforesaid, upon their oaths, do further present: That each and all of the several acts of the several defendants herein set forth was with the common purpose, design, intent, and effect of unlawfully and unreasonably restraining the commerce of the United States, and between the several States, the Dominion of Canada, and the Territory of Alaska, within the meaning of the act of Congress of the United States of July 2, 1890, the same being chapter 647, Twenty-sixth Statutes at Large, page 209, and being entitled "An act to protect commerce against unlawful restraints and monopolies," first herein more particularly mentioned; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

CLAY ALLEN,
United States District Attorney.

This indictment was filed in the May term, 1914, and I have been asked to state what has been done with it. That is another phase of the strength, the cunning, and the skill of the people who run the Booth Fisheries Co. and those who represent them. It has not yet been tried, and it has not been tried because the United States district attorney in Seattle says that he is so overcome and surrounded by the powerful influences of these people in the city of Seattle that he can not

get a fair trial. I am going to read you that part of his letter. In the body of his letter to me he says:

If I could convince myself that the hazard of a criminal trial in this community with its possible or even probable results would have the effect of doing a great good which you profess to see in that result, I would probably reach the conclusion which you have, that the criminal case should be tried, without further consideration of the plan which I have outlined to you.

As suggested in my former letter, I know this community in the same close and intimate way that you are acquainted with Alaska. I have already been through one of the navy-yard cases lasting 20 days, the Munday case, which lasted 28 days, and the Tape case, which dragged its weary length over 20 days, and I know just the extremes to which certain powerful interests in this community can and will go to prevent a fair and impartial trial of a case of the importance which the Booth case would be to them.

That is why the case is not tried.

Mr. GARNER. Mr. Chairman, will the gentleman yield there for an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. GARNER. Why does not the Department of Justice try to get a change of venue in this case to some place where they can get justice?

Mr. WICKERSHAM. I have not inquired of the department as to that. Mr. Allen is a good Democrat and loyal to the Wilson administration, and a good lawyer.

Mr. GARNER. Does the gentleman know whether he has asked for help?

Mr. WICKERSHAM. I do not.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. I would like to ask for the date. You said it was May, 1914.

Mr. WICKERSHAM. Yes; May term, 1914. The number of the indictment is 2791.

Now, that is the situation in which we find this bill at this moment, and those are the powerful influences which support this bill and who have their maps now made. They have their maps under their arms down at the department ready to file them and take possession of the fisheries of Alaska, if this bill passes.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. REILLY. You stated a few moments ago that there are no laws at the present time covering the subject matter of this bill regarding these locations for fishing.

Mr. WICKERSHAM. Yes, sir.

Mr. REILLY. What necessity, if any, is there for new legislation along that line?

Mr. WICKERSHAM. I think there is necessity for it, and I proposed it to the committee. The committee wanted to know what I would do, and I proposed a leasing system of these trap sites, under such protection as ought to be imposed, so that in five years we could go out and recapture them if we desired, and control them in the meantime, and thus prevent them from passing into the hands of one great fishing trust. [Applause.] That can be done, and that ought to be done.

Now, the gentleman was asking what sort of legislation there is extant now. In the act of 1906 it is provided:

That every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the Territory known as Alaska, ceded to the United States by Russia by the treaty of March 30, 1867, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, 4 cents per case; pickled salmon, 10 cents per barrel; salt salmon in bulk, 5 cents per 100 pounds; fish oil, 10 cents per barrel; fertilizer, 20 cents per ton. The payment and collection of such license taxes shall be under and in accordance with the provisions of the act of March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto.

I heard the chairman of this committee say—and if I make any mistake in repeating it I beg his pardon—that there is no present system of licenses in Alaska. I do not know whether I understood the gentleman correctly or not.

Mr. ALEXANDER. I said except that act passed by the territorial legislature, which simply taxes the interest. There is no system of licensing that I know of.

Mr. WICKERSHAM. Well, that simply shows how little attention the very amiable and very admirable chairman of the Committee on the Merchant Marine and Fisheries has given to this bill, because a very complete system of licenses in the fisheries of Alaska exists, and has existed since the passage of the act of 1906, approved on June 26 of that year. There is not a single new feature in this bill but those features which give a monopoly to these fishing corporations. They are all covered by the present laws; and, judging from the appearance of the document itself, the only purpose of passing the bill now before the House is to enable locators to locate these trap sites and to acquire a title thereto.

Now, I call the especial attention of the House to this act of 1906, in view of the statement I have made.

Mr. ALEXANDER. Mr. Chairman, will the gentleman read what license fees are provided for under that act of 1906?

Mr. WICKERSHAM. Yes, sir.

Mr. ALEXANDER. There is a tax on canneries.

Mr. WICKERSHAM. I read:

Shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, 4 cents per case; pickled salmon, 10 cents per barrel—

And so on.

Mr. ALEXANDER. That does not cover a license on pound nets and fishing nets?

Mr. WICKERSHAM. That is true. The bill before the House does attempt in some minor degree to remove the burden from the big canneries and put it on the little ones, and on the Alaska fishermen.

Mr. ALEXANDER. We have taxed them more largely than ever before.

Mr. WICKERSHAM. You have added only a few items; but otherwise the bill is substantially the same as the law now is. The only new features are those which attempt to give these big cannery corporations the right to take over the Alaska fisheries.

Mr. HARDY. Mr. Chairman, will the gentleman answer right there, Is there anything now to prevent those big fisheries from taking over the little ones?

Mr. WICKERSHAM. Yes, very much; but there ought to be more. There is no method now by which the big interests or any other interests can secure title to the fisheries of Alaska. They are now free. But when this bill passes and these trust corporations can get to the department with their maps, which are already prepared——

Mr. HARDY. The condition is simply this, that the waters being open, one pound net may be placed right on top of another, and all sorts of conflict and confusion may result. Is not that it?

Mr. WICKERSHAM. No; that is not correct.

Mr. HARDY. When one locates a pound net some one else can locate right on top of it, can he not?

Mr. WICKERSHAM. Oh, no.

Mr. HARDY. Why not?

Mr. WICKERSHAM. Because of the law of possession. There now is no conflict among these people. Indeed, there is so little conflict among them that that sort of litigation would not keep one lawyer alive.

Mr. HARDY. I wanted to get a clear understanding of the matter. I have tried to get that all through this discussion on the bill.

As I understand it, when the public domain is open to the use of all the public, squatters go there. They conflict with one another and nobody has title. Possibly the law might protect the fenced possessions of a squatter, but it would not protect anything outside of his fence. Now, if a man has one of these pound nets set, the stakes driven, and the net out, nobody else could occupy the same place except as a trespasser; but anybody else can go right up to that net and close up the passageway to the fish, can he not?

Mr. WICKERSHAM. Theoretically, yes; but as a matter of practical law, no. We settled all those questions in the West long ago. Our mining claims, town sites, and even our land claims on unsurveyed lands are of a similar type, and all such questions are now well understood and settled. The right of possession is as well respected there as any law on the statute books.

Mr. HARDY. Out on the ocean?

Mr. WICKERSHAM. Out on the ocean or anywhere else. This is not on the ocean. This is on the tidelands, and when men go there and locate their traps and trap sites their rights are respected and secured by the action of the courts. So there is no question of that kind.

Mr. HARDY. Then this statute only puts into the form of law a custom already prevalent?

Mr. WICKERSHAM. Very largely, that is true, and it gives them congressional approval and title to the property, which they can mortgage, pass from one to another, and keep for an unlimited number of years in monopoly of the people's food supply.

Mr. HARDY. Can they not do that anyhow?

Mr. WICKERSHAM. They could, unless Congress passed a law for the conservation and control of these fisheries.

Mr. HARDY. They can do it without any law?

Mr. WICKERSHAM. There is not anything in this bill which attempts to secure or does secure any conservation or protection of the fisheries of Alaska that is not already the law.

Mr. HARDY. Is there any law now which provides that these fish nets shall be located so far apart so as to leave open spaces?

Mr. WICKERSHAM. Yes.

Mr. HARDY. Where is that law?

Mr. WICKERSHAM. The law that gives the Secretary of Commerce the right to make rules and regulations having the force of law, and he can make rules and regulations at any time covering that. There are also statutory rules of that kind.

Mr. HARDY. You would rather leave it discretionary than to fix it by statute.

Mr. WICKERSHAM. I will tell you what I prefer——

Mr. HARDY. This does fix it, and it is the only law that fixes it, is it not?

Mr. WICKERSHAM. It is not the only law that fixes it.

Mr. HARDY. The Secretary of Commerce has not fixed it.

Mr. WICKERSHAM. I think he has. He has made rules and regulations covering many of these matters, and the statute covers more of them.

Mr. HARDY. Are they any different from this law?

Mr. WICKERSHAM. They are probably somewhat different.

Mr. HARDY. Are they any better?

Mr. WICKERSHAM. Yes; because they do not give a fixed and permanent title which can be monopolized. Now, the point I want to make again with respect to this bill is that there is not a single thing in it which looks to the protection of the fisheries of Alaska. There is not anything in it which stops the depletion of the fish in Alaska. There is not a single thing in it which prevents the great corporations from taking over these fisheries and boosting the price of the fish clear out of sight. By this bill you not only create a monopoly, but you give it the force of law and legalize a monopoly of the fisheries of Alaska, and in doing it you do not secure the people of this country and their food supply by preserving any control over the price which these monopolizing companies may charge. You make a contract with them which gives them the control of the price of the fish, and they are boosting that price from day to day to such an extent that the price of canned fish has gone up 25 per cent in the last year.

Mr. HARDY. Will the gentleman yield right there? Was not section 7 intended to protect the fish by providing that there should be an end passageway of a certain width, and a lateral passageway of a certain width, and was not that intended to provide an escape for the fish, so that they could not all be destroyed?

Mr. WICKERSHAM. I have no idea what argument was made in favor of it, but it does not do that. These fish come every year to the parent stream, great hordes of them, fish weighing from 6 to 25 pounds, and some of them 75 pounds. They come to the mouths of these parent streams. They come out of the salt water, and they do not go into the fresh water on the same day. They get near the mouth of the stream, and they mill backward and forward near the mouth of that stream, maybe for a mile or more. Here are the traps on both sides, within the limits fixed by the rules of the Secretary of Commerce or by the law, and the fish mill backward and forward until they are substantially all caught in the traps. A passageway more or less will not prevent the arrangement of the traps, so the fish will be caught as they now are. There is now authority in the Secretary to make passageways by rules and regulations. Why does he not do it?

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. WICKERSHAM. Yes.

Mr. HOUSTON. I should like to have the gentleman state, is it a fact that the fish industry is being depleted and ruined in a sense by the methods that have been in vogue there for the last several years?

Mr. WICKERSHAM. I said "yes" to that question, and I have here the report of Gov. Strong for the year 1916 in support of my answer.

Mr. HOUSTON. You say "yes" to that proposition?

Mr. WICKERSHAM. Yes.

Mr. HOUSTON. I want to ask if there is anything in the bill now under consideration that will stop or prevent these methods that have been depleting or destroying this industry?

Mr. WICKERSHAM. Not at all. The bill legalizes every destructive practice that now exists in reference to the destruction of the fish of Alaska.

Mr. ALEXANDER. Will the gentleman be kind enough to inform the committee what are the regulations or provisions of existing law which destroy the fisheries of Alaska?

Mr. WICKERSHAM. Yes; I will.

Mr. ALEXANDER. That is what we would like to know.

Mr. WICKERSHAM. You give over to these great corporations the right to fish as they want to.

Mr. ALEXANDER. We are talking about the past.

Mr. WICKERSHAM. Yes; I know you are.

Mr. ALEXANDER. You assented very readily to what Judge HOUSTON stated, and I want to know what those provisions are.

Mr. WICKERSHAM. I say that there is no difference in this bill and in the old law, with respect to protecting the fish; this bill only legalizes the effort to create a monopoly, and does not protect the fisheries.

Mr. HOUSTON. My question was as to the method being practiced by the fishermen.

Mr. HARDY. Without prohibition by law, and therefore there ought to be a law to stop it.

Mr. WICKERSHAM. There is a law. Every provision in the bill now before the House for the protection of the fish is now covered by law, either by specific words of the statute itself or the rules and regulations by the Secretary of Commerce, or the authority to make new rules to cover it. So there is not a thing in the bill from top to bottom that looks to the protection of the fish of Alaska which is not already covered by law. It simply gives title and legalizes the monopoly to three great corporations if you pass this bill. In view of the high cost of living, gentlemen of the House ought to be careful in what they are doing with this bill.

I have here the report of the Department of Labor and the Bureau of Labor Statistics for 1914. On page 137 it gives the increased cost of the canned fish of Alaska. In 1890 the average price per dozen cans was $1.64. In 1900 it had increased to $1.77. In 1908 it had increased to $1.92. In 1914 it had increased to $2.32. It has increased 58 cents per dozen cans from 1890 to 1914. There are four dozen cans in a case, and four times 58 cents is $2.32 that the price of fish has increased per case in that time. It is still going up, and there is nothing in the bill before the House to prevent the monopoly which intends to take over these fisheries as soon as the bill is passed and to increase the price another 100 per cent.

If the House is in favor of giving a monopoly of the great food supply which belongs to the people of the United States to the corporations engaged in monopolizing the fisheries of Alaska—if you are willing to give it to them without any string upon the price they may charge your constituents, go to it and pass this bill. If you want to protect the fisheries of Alaska, if you want to save them from depletion and destruction, then give this matter some consideration. Get away from the sinister influence of the lobby that has surrounded this committee and every other committee having this bill in charge for the last eight years. I know them, because I have seen them here for eight years, and I have pointed them out to this committee, and if there is any doubt about it there is plenty of proof of it. I hope this House will refuse to pass this bill and will refer it back to the committee and let some fair bill for the conservation of the fisheries of Alaska be passed.

Mr. COOPER of Wisconsin. The gentleman started a little while ago to read from the report of the governor of Alaska, but omitted to do so.

Mr. WICKERSHAM. I did. I will do it now. On page 14 of the governor's report he takes up the subject of the fisheries of Alaska. He quotes the statement from the Bureau of Fisheries, in which it is stated:

> It is not uncommon to hear it stated by some persons that the fishing resources of Alaska are suffering so severely as a result of ruthless commercial exploitation that the day is close at hand when this valuable natural resource will almost cease to exist. Such opinion very often emanates from the tourist who passes through Alaska and may stop for a few hours at two or three salmon canneries in different regions, and, upon seeing the enormous numbers of fish that are being canned, at once forms the opinion that the waters are being fished to death. He fails to appreciate the tremendous numbers of salmon and other food fish which the waters are capable of yielding without suffering depletion.

The governor in his report then says:

> The sincerity of the bureau's attitude can not be questioned, neither can its scientific knowledge of fisheries, but the depletion of fish is a matter that is not strictly confined to scientific determination or incomplete observation. Certainly the question has a practical side and also an economic one. The statements of fishermen and some cannery operators, whose actual observations of fishery conditions in Alaska extend over a period of many years, as to the depletion of salmon challenge the bureau's point of view, and this view is also strengthened by the results of observation and experience of at least one of the fishery inspectors who has been stationed in Alaska for a number of years, and who has had first-hand opportunity for such observation. The opposite view to that of the Bureau of Fisheries may be summed up, as follows:
>
> Salmon fisheries in Alaska, especially those of the southeastern section, are being rapidly depleted, and probably a great deal more

rapidly than the Bureau of Fisheries realizes. The few statistics available to the bureau can not show this growing scarcity of the salmon, and, in fact, may even be misleading to the extent of giving the impression of an increase. It is true that the statistics of the packs for a number of years past show, as a rule, an increase in the annual production of canned salmon, but as against this condition it must be borne in mind that there has been a substantial increase in the number of canneries, together with longer seasons of constant operation and an increased amount of fishing gear operating. There has also been an enormous increase in the number of traps, both in actual numbers and in varieties of positions, coupled with increased efficiency in traps as developed by years of experience in the observation of the courses of the fish and corresponding correction in positions and shapes of traps. An increased number of seines of large size and efficiency, both of design and skill in handling, is to be noted, as well as an increase in the number of gill nets, a greater variety of places in which they are used, longer hours of use of these nets daily, often 24 hours, with longer seasons in which to use them. There has also been an increase in miscellaneous kinds of gear and methods of obtaining salmon, such as hooking, dipping, fish wheels, etc.

He goes on at length to say there is great depletion of the fish in Alaska, and that unless immediate attention is given to it they will be destroyed beyond any effort of recovery.

Mr. COOPER of Wisconsin. That is the last report of the governor?

Mr. WICKERSHAM. Yes; for 1916. The gentleman can get it by applying to the Secretary of the Interior. I want to say to the House that Secretary Lane in his report has substantially quoted verbatim the words of the governor of Alaska upon this particular matter, and gives warning to Congress, as the governor does, that unless something substantial is done for the protection of the fisheries rather than the aggrandizement of the corporations the fisheries will soon be destroyed.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. EMERSON. The gentleman made a statement that the passage of this bill would assist three large fishing companies of Alaska.

Mr. WICKERSHAM. Yes.

Mr. EMERSON. Will the gentleman be kind enough to explain briefly how that will be done?

Mr. WICKERSHAM. Yes. I did explain that under this bill any person or corporation may locate trap sites; they may locate as many as they wish. The trap site is assignable or salable, and the monopolizing corporation may purchase from anyone who locates any number of them, and they are actually doing it; and that they now have hundreds of these trap sites already surveyed, the surveys made, many of them filed, and the rest of them ready to file just the minute this bill passes.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a legal question that may be involved here. There is no time limit set for these leases?

Mr. WICKERSHAM. No.

Mr. COOPER of Wisconsin. And there is no repealing clause, no right to amend, alter, or repeal the provisions in the bill?

Mr. WICKERSHAM. No; but I intend to offer one.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SAUNDERS. That will be entirely provided for.

Mr. WICKERSHAM. But it is not provided for in the bill.

Mr. SAUNDERS. But it is in the committee amendment.

Mr. COOPER of Wisconsin. But the committee has reported a bill which would give these people such a right that if afterwards the Government of the United States should undertake to get control of those leases or that property, it could not do so without compensation in full for them.

Mr. WICKERSHAM. I suppose if they mortgaged this property for 50 years, on a bond issue, you could not get rid of that mortgage within the 50 years without condemnation proceedings.

Mr. COOPER of Wisconsin. Under the Constitution of the United States you could not touch it, because it would be subject to the provision that you can not take property without just compensation.

Mr. WICKERSHAM. That is true.

Mr. COOPER of Wisconsin. I notice that this bill, I suppose after long hearings, was introduced August 18, shortly before we adjourned, and reported August 20, two days later.

Mr. WICKERSHAM. Yes; but it had been before the committee substantially before that time.

Mr. COOPER of Wisconsin. I know it had been before the committee for a long time, but it was introduced so late we could not study it.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. This bill had been under consideration for months, and I was authorized to introduce the substitute bill and report it back to the committee, and instructed to report it to the House.

Mr. WICKERSHAM. This bill has been under consideration for eight years.

Mr. COOPER of Wisconsin. The fact that a bill has been under consideration in a committee room, and is later amended to suit the mind of the committee having it in charge, does not tend to enlighten the entire membership of the House, nor could it until after it is reported.

Mr. ALEXANDER. It was reported on the 20th of August, and the gentleman has had from the 20th of August until now to inform himself.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MONTAGUE. The gentleman has alluded to a monopoly and to its ownership of traps. Are the same people who own the fish traps likewise interested in the canneries?

Mr. WICKERSHAM. Generally that is true.

Mr. MONTAGUE. Is there anything in the present law or the law now under consideration that prohibits people who catch fish from being at the same time the owners of canneries?

Mr. WICKERSHAM. No; not at all.

Mr. MONTAGUE. The gentleman says there is about a mile at the mouth of the river in which these fish are mainly caught.

Mr. WICKERSHAM. Oh, I do not limit it. They mill up and down in front of the river or the stream until they get used to the fresh water, and then they go up the river and spawn.

Mr. MONTAGUE. What is the distance between the pound nets?

Mr. WICKERSHAM. There are rules and regulations providing that no barricades shall be put up in the streams; that a trap shall not be within 400 yards of the mouth of the stream; and provisions of that kind.

Mr. MONTAGUE. Those provisions, I understand the gentleman to say, are not effective in preventing the destruction of the fish?

Mr. WICKERSHAM. No; the fish are being destroyed because they are being overfished. There is no question but that the fisheries are being rapidly depleted.

Mr. MONTAGUE. I should say as a nonexpert that to put pound nets within 400 yards of each other will not preserve the fish you have in that country.

Mr. WICKERSHAM. I think we have some of them closer than that.

Mr. HARDY. Will the gentleman yield for a suggestion in respect to the perpetuity of these rights?

Mr. WICKERSHAM. Yes.

Mr. HARDY. The committee has agreed on an amendment which, I think, corrects that objection:

All rights granted by this act shall be subject to alteration, amendment, or revocation by Congress.

Mr. WICKERSHAM. Yes. Now, what does that mean?

Mr. HARDY. Can the gentleman suggest anything that will mean anything more there along that line. If so, the committee will be obliged to the gentleman.

Mr. WICKERSHAM. I do not think anything more can be done along that line; but this bill is a proposition to give the fisheries over to certain great interests, and as long as they can prevent a change of the law they can retain hold of the property. They have prevented any change of the present fishery law for eight years to my certain knowledge, because I have been trying to get a change in the law to protect the fisheries for that length of time, but in vain, owing to their skill in preventing such legislation.

Mr. DILLON. If the gentleman will permit, the gentleman a while ago referred to a lobby being interested in this bill. I would like to ask him if he appeared before the committee and presented his objections?

Mr. WICKERSHAM. I did, and named the men.

Mr. DILLON. And the gentleman presented his objections to the bill?

Mr. WICKERSHAM. I did.

Mr. HARDY rose.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HARDY. I will ask permission that the gentleman will be allowed——

Mr. WICKERSHAM. No; I do not care to take further time.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized for an hour and fifteen minutes. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. HARDY], a member of the committee.

Mr. HARDY. Mr. Chairman, perhaps I will not take that much time. I want to say in the study and discussion of this bill that I have felt very kindly toward the Delegate from Alaska. I believe, and still believe, that he is thoroughly conscientious in his efforts to present his ideas in opposition to this bill. Personally, as to lobbyists, I and this committee membership, so far as I know, have seen nothing of any lobby except interested persons coming before the committee, as they have a right to do, and stating their views and interests, for all parties have been granted a very full hearing. That they are interested is naturally to be expected of those who take a big interest in appearing before a committee. As I understand the present status there is probably no law—there may be rules of the department—under which there are any of the saving provisions of this law, as, for instance, the requirement that nets should not be placed closer than 600 feet apart at the ends of the net and 2,000 feet laterally. It seems to me that this bill has a great many good provisions, one of them being that nobody shall engage in food fishing without first obtaining a license. That enables the Government to know who it is that is engaged in that business up there. Now, as to the monopoly that may be procured under this law: There is nothing now to prevent any of these big companies from buying out any of the little enterprises. It is a condition and not a theory that confronts us. The waters are open to everybody, but the independent man with a little capital finds himself in difficult waters when he is trying to compete with one of the big canneries and one of the big corporations, and there is nothing now, by law at least, to prevent monopolies from being created just as the Delegate fears. Now, as to taxation: The first objection the gentleman from Alaska made, we have put in a provision that nothing in the act shall affect the status or any vested rights of the Territory under any action at law that they have already filed and any pending suits. Then the committee has agreed, furthermore, to an amendment to this bill that has been——

Mr. WICKERSHAM. May I interrupt the gentleman? These suits, I will say to the gentleman from Texas, have been decided by the circuit court of appeals at San Francisco in favor of the Territory and the money is collected.

Mr. HARDY. I am glad to hear that. I believed that would be the case, and the committee was careful not to let this bill interfere with the rights of the Territory in pending litigation. We have tried to be equally careful with reference to the creation of a perpetuity by a committee amendment that is intended to be offered to the effect that nothing in this bill shall prevent the right of Congress at any future time to either repeal, alter, or amend or take away any right.

Mr. MONTAGUE. Will the gentleman permit a question?

Mr. HARDY. Certainly.

Mr. MONTAGUE. Is there any limitation in this bill upon how many pound nets one man can own?

Mr. HARDY. No; there is not; and, to be perfectly frank about it, I do not know just what limitation we would fix if we were trying to fix one. If we said one owner should only own 20 pound nets, I do not know whether it would prevent two owners from cooperating with each other and working together for the same cannery. I do not know how that would prevent, if there were 20 owners, each owning 20 pound nets, from agreeing to carry their output to one cannery and being practically dominated by one cannery. The future will develop the practices in this industry as it may be organized under this law; but this amendment that the committee agrees to incorporate is intended to clothe Congress with the future power to correct any evil practices or forbid or prohibit them. The trouble is it is a condition up there. Nothing now seems to be in the way of preventing an existing corporation from absolutely destroying the total fish supply.

Mr. EMERSON. If the gentleman will yield, how does this bill prevent that? That is what I would like to know.

Mr. HARDY. This bill contains a provision in section 7 intended to permit the escape of a great part of the fish, so that the supply should not be destroyed. It fixes spaces between the pound nets. There is now no law, so far as I know or from what the gentleman from Alaska says, that makes any such provision.

Mr. EMERSON. What I wanted to find out was, how does this bill prevent the Fishing Trust, if such there be in Alaska, from monopolizing things now just as they have in the past?

Mr. HARDY. It does not. It prevents them, however, from destroying the total fish supply by requiring their nets to be stationed far enough apart to leave an opportunity for fish to escape between them and go out to sea or up into the rivers. It also provides for a closed season. The truth was simply this—how to get at the question of big capital being stronger than little capital, and it is a question that we have not solved in any part of our legislative efforts yet. We leave the gate open for future legislation by Congress when it is needed, and so far as the gentleman saying it took eight years to pass this law, the bill the gentleman introduced was referred to another committee. Either committee had the right to report any measure, and the gentleman has not gotten his bill out of committee.

Whenever you get on one of these difficult measures you will find a thousand different viewpoints suggested, and it is difficult to get any measure of national importance brought to a focus and passed by Congress, and it may take time to do it. But if evils arise under this act, and they can be shown to result in the depletion of the fish supply or in monopolizing the market, holding up the prices to the consumer or cutting down the prices to the independent fishermen, I take it that the Congress will have the same opportunity to legislate in the future as it has in the past. And if it be at fault in moving too slowly, that is our fault, and not the fault of this law. We can not afford to say that anybody interested shall be heard. I would not want to say it if I could, because I believe it is the duty of every committee of this Congress and every Congress itself to hear every interested party on any legislation.

Now, there is a very material difference between some of the testimony taken before us and the opinion of the Delegate from Alaska. A great many, from my recollection, stated to us that the waters of Alaska are of immense extent, in which hundreds of spaces may be found not yet touched by any of the great corporations interested in the fisheries there. But this condition would arise, I think, naturally that a cannery being located and not being forbidden itself to be interested in fisheries or pound nets or other nets, that cannery would naturally locate all the pound nets and other nets around this location, and the independent fishermen might have to go farther away in order to establish profitable nets; and they might be inconvenienced as to the distance. They would have to carry their output to the cannery. I do not know any way of obviating it, but I do know that this is the first restrictive legislation, as far as I am aware, that helps to protect and preserve the fishing industry in Alaska. And while it may not be sufficient——

Mr. SLAYDEN. Will the gentleman yield to a question right there?

Mr. HARDY. Yes.

Mr. SLAYDEN. Who determines the location of these nets of these particular owners? Who gives the right to select sites nearest to the canneries?

Mr. HARDY. Wherever there is a convenient location that would not yet be occupied anybody would have the right to go there.

Mr. SLAYDEN. On the shore line?

Mr. HARDY. On these fisheries, wherever they may be.

Mr. SLAYDEN. They are contiguous to the land, are they not?

Mr. HARDY. I understand so. Now, the point that is made where there is a difference is that some say there are a thousand miles of that kind of territory along the shore line.

Mr. SLAYDEN. My colleague recognizes the fact that some of those sites are nearer to the cannery and more conveniently located with reference to it than others?

Mr. HARDY. Yes.

Mr. SLAYDEN. Has a great corporation the right to those locations?

Mr. HARDY. They have not the right until they file, and the first man that files has the superior right. There is no allotment, no law except in this bill authorizing the party doing certain things to hold the location.

Mr. SLAYDEN. The remarks of my colleague intimate that there might be a considerable advantage in the location, because he said the small men might have to go farther away from the canning establishment, farther up stream, where it is more difficult to transport.

Mr. HARDY. I apprehend the big fishermen have already located the sites that are close to their canneries. That is the suggestion that occurs to me. I may be wrong about it, but I do not think I am. Now, if the territory suitable for these fisheries is as restricted as the gentleman from Alaska seems to think it is, then monopoly may follow. In fact, it may not follow only, but it already exists; and for that reason, if we find that monopoly is being abused, this law authorizes the Congress later to amend, alter, or repeal it.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. BUTLER. Suppose we pass this law, will it not give to these people vested rights there, and can we take those rights

away from them hereafter, and would it not be better for the Government of the United States to maintain in its own hands the leasing of these fishing rights, so that it can control the right whenever it sees fit?

Mr. HARDY. The gentleman propounds a question which arose in my own mind. If we give a lease, it would have to be for a period of years. It would probably be with a provision for renewal. It could not be defeated until the end of a period of years. This does not give a period of years but gives a right revocable at will, and the difference between this bill and a leasing bill is the difference between a tenant at will and a tenant for a term.

Mr. LONGWORTH. Where is the provision that this is revocable at will?

Mr. HARDY. I have stated it two or three times when the gentleman was not present that the committee has agreed upon an amendment, which I read.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HADLEY].

Mr. HADLEY. Mr. Chairman, I have listened with a good deal of interest to the discussion, and particularly to that portion of the debate on the part of the gentleman from Alaska [Mr. WICKERSHAM]. As a member of the committee, I know that the committee in its entirety, and speaking for myself particularly, have in mind the same common result which the gentleman from Alaska has. The sole purpose of this bill is to effect in some systematic way an efficient regulation of the fisheries of Alaska in such a manner as to protect the industry and at the same time preserve it, and protect it not only for the present but for the future.

That is the sole purpose of the bill. That is the sole purpose of the committee. The bill has been criticized in many of its particulars. I realize that a concrete analysis of the bill can be better followed in discussion under the five-minute rule, and I shall not attempt to consider many of its details at this time for that reason, but some of its general features perhaps ought to be discussed now more fully than they have been as yet.

The bill came to the committee, which considered and reported it, as has been stated, I believe, with the indorsement and the recommendation of the Bureau of Fisheries and of the Department of Commerce, of which that bureau is a part. It has been stated that for some eight years past this subject has been under consideration in Congress from session to session, and I may say that during that period the Bureau of Fisheries and the Department of Commerce have been not only administering the fisheries in Alaska, but have been studying the fishing industry, and seeking to determine what would be proper to enact into law for the development of the industry and its preservation.

So they have come to the committee and to Congress with a bill in the light of their observation and study and experience during all these years, and in the light of their study of other bills which have been before other committees, because it is in evidence before our committee that a very exhaustive hearing on this subject was had a number of years ago, I think in 1912, before another committee in another body, and other committees have had these matters under consideration.

In the light of all this investigation, not only in committee but in the field, in the waters of Alaska, the Bureau of Fisheries and the Department of Commerce have indorsed this bill as a bill which would effect the purpose specified in its title. Agents and representatives of the bureau have been in Alaska from time to time for the purpose of inquiring into these matters specifically and accurately, and their representatives have been before the committee and have testified in a specific way in respect to all matters against which criticisms have been lodged. The committee also has had the benefit of the views of all other persons who sought to be heard before it, and it has welcomed the expressions of all who are interested in the matter.

Now, in order to understand what ought to be done for the benefit of the industry, it is perhaps best to touch upon the primary basis upon which the industry rests. I heard a question propounded to the gentleman from Texas [Mr. HARDY] by his colleague from Texas [Mr. SLAYDEN], but I did not get the colloquy which ensued. The impression that I got from the interrogatory seemed to indicate that it was in the mind of the party asking the question that the fishing was done in the streams. I presume that was explained in the reply, although, as I stated, I did not get it. Now, what is the situation?

Mr. HARDY. Mr. Chairman, will the gentleman pardon me? I would like him to go into the reply to that question a little more at length. He is better informed on the subject than I.

Mr. HADLEY. The fish called Alaska salmon have peculiar habits. So far as I know all varieties, with one exception, are of the four-year class. They go to sea, remain there for four years, and return again to spawn and die. Where they go no one is able to ascertain. I understand we have no recorded knowledge on the subject, and why they return we do not know, except that, by some provision of nature, they come back to their native habitat to spawn and die and to deposit the eggs and secure the perpetuity of their own species. They seek the specific stream from which they went. Some go to one stream and some go to another. Some return to one part of Alaska and some to another.

There are three great divisions of Alaska as to fishing—southeastern, central, and western Alaska. There is a variety known as the "humpback fish," which returns every two years and spawns. The others return every four years. When they return from the open sea to Alaska——

Mr. DILLON. Mr. Chairman, I would like to ask the gentleman how he knows that the same fish returns?

Mr. HADLEY. I will say to the gentleman that that question has now gone beyond debate. After a thorough investigation by scientists some years ago they have been able to trace the fish by the concentric rings upon the individual scales in such a way, I believe, as to put it beyond dispute.

Mr. DILLON. But would not that same specification apply to all fish of that class?

Mr. HADLEY. The statement is true as to all fish of various classes. I will say to the gentleman I do not think that there is any controversy here about that.

Mr. DILLON. I do not see how you can make the statement that it is the same fish unless you mark that fish.

Mr. HADLEY. Mr. Chairman, I shall not follow that discussion, because it is only incidental; it is an academic discussion, and one which would take too long to go into further than as I have stated.

Now, these fish, when they return from the open sea, skirt the shores of Alaska. They not only skirt the shores of Alaska, but they fill the waters for miles in front. I know how it is with respect to the habits of salmon on Puget Sound. The entire body of Puget Sound, during the time the schools of fish are running, is alive with fish—millions and millions of them. They are not merely in front of the river, to which they return, or the stream. They are caught wherever it is permissible by law to plant an appliance, and wherever it is practicable to place an appliance, so that it can be driven to catch them. You can take the fish wherever you can find them, and the waters are full of them during the period of time in which they are running. And so, while the most of these fish are taken immediately along near the shores of Alaska, so far as trap fishing is concerned, nevertheless there are other varieties of appliances which have not been referred to here which have a great deal to do with the merits of this bill.

Mr. HAMILTON of Michigan. Taking into consideration the habits of the saloon, it is possible, therefore, to deplete wholly the fish supply of a river, so far as salmon are concerned.

Mr. HADLEY. It is possible, and it is possible to maintain that supply beyond the possibility of depletion, in my opinion.

Mr. HAMILTON of Michigan. The observation of the gentleman is that below Puget Sound, down the coast, the salmon have practically disappeared, or at least below the Columbia River.

Mr. HADLEY. I am not so familiar with that as with the fishing on Puget Sound, but I know they have had difficulty in maintaining the supply.

Mr. HAMILTON of Michigan. So that by establishing these nets at the mouths of well-known streams—that is, streams where the salmon come—it would be possible eventually, of course, to catch the whole fish supply, and that has happened along the Pacific coast.

Mr. HADLEY. If the mouth of the stream were so obstructed, and the want of regulation were such that the salmon had no opportunity to ascend the stream, necessarily it would follow that in due course that particular stream would be absolutely depleted. But that is not the case here, and that is what this bill seeks to avoid.

But I was saying, before coming to that, that there are several forms of appliances that have not been referred to, other than the pound net or fish trap. The fish trap or pound net takes only about 50 per cent of the fish taken in southeastern and central Alaska. The figures are set out in the committee report. In western Alaska the pound net takes only about 7 per cent of the fish which are taken. The balance in the several fishing sections are taken by purse seines, by gill nets, by stake nets, and set nets. There are three varieties or kinds of appliance to which no reference has been made which are taken care of in

this bill along with the pound net. The stake net is a gill net placed upon stakes in the water. The set net is a gill net attached to a buoy or anchor, while the purse seine is operated by boats, and those who operate purse seines may take fish without limit wherever they may find them.

Mr. WICKERSHAM. Is it not true that this bill provides that upon a trap site the trap-site owner shall have the exclusive right of fishing, and that under the penalty of the law none of these other appliances may come upon those grounds?

Mr. HADLEY. Exactly. The trap-site owner has the exclusive right, so long as his right is maintained. That is subject to certain conditions of maintaining and operating that location. But it is also true that other appliances operated by boat may follow and pursue the schools of fish wherever the operators find them, into the vicinity of the trap location, so that the schools of fish are often broken up and scattered throughout the waters, and driven hither and thither, with the result that the trap is unable to take the fish in any successful quantity. That does not always follow, of course, or the traps would go out of business; but under the development or application of motor power in the last few years the movable appliances for fishing have practically revolutionized the fishing business on Puget Sound and they will do it in Alaska, because whereas nearly all of our fish in Puget Sound were formerly caught under a similar act by fish traps, now the industry has been modified so far by the operation of fishing boats and the taking of fish by other appliances as greatly to reduce the catch of the fixed appliances.

The fixed appliance has the exclusive right in the spot where it is set, but it can only take such fish as come to it. The movable appliances may go wherever they will and secure the fish wherever they may be found; and, so far as purse seines and gill nets are concerned, operated by power, the result is that on Puget Sound it has become a serious question whether trap or pound net fishing, which was formerly so much in favor, will continue to remain in favor in the future. It is a serious question whether under these conditions the method of catching fish by pound nets will not be entirely abrogated in course of time or become so far impracticable as to be superseded entirely by the movable appliance. The experience on Puget Sound, however, has demonstrated that it is very desirable to maintain all forms of fishing appliances which we have, to diversify the forms so that if one fails we will have the benefit of another. Trap fishing is a matter of a good deal of uncertainty. It costs a good deal of money to set a pound net. It costs perhaps from $5,000 to $10,000 in Alaska fishing, according to the condition of the bottom and the state of the tide. There are many times when, after the trap is set and it is just ready with the web for taking fish, the trap is swept out and lost entirely for the season by the action of storms, because the piles must come from Puget Sound or somewhere down in the States, and must be driven. The trap is constructed annually. If the stakes or piles are not drawn at the close of the season, the tide and the action of the water take them out.

While speaking of this method of taking fish I want to allude to the subject of monopoly. I think the conclusion practically follows from what I have said that there is a physical and practical situation, based upon the condition of the waters and the habits of the fish, that effectually, without any legislation, so long as these forms of fishing are pursued, prevents any real monopoly of the fish in the waters; because, as I have said, these other forms of fishing, paralleling the catch of the fish trap, are now catching in western Alaska 93 per cent of the fish in Bristol Bay and the Bering Sea region and some 48 to 52 or 53 per cent of the fish caught in central Alaska and southeastern Alaska.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HUMPHREY of Washington. I would like to have my colleague, if he will, point out in the bill any provision that tends to a monopoly of this fishing industry in Alaska, as claimed by the Delegate from Alaska. I would like to ask him if there is anything in this bill that repeals any part of the antitrust law?

Mr. HADLEY. There is nothing whatever touching the antitrust laws. They remain absolutely intact, as they are. This only deals generally with the fisheries subject, and there is nothing in the bill which amplifies or creates a possible monopoly beyond what exists to-day, and I do not believe that such a monopoly exists now.

Mr. WICKERSHAM. There is nothing in the bill to prevent one company or corporation from owning all the trap sites, is there?

Mr. HADLEY. Under the present law there is no limitation on what they may do and none under the new law.

Mr. WICKERSHAM. But we have the antitrust law now, and this would legalize the trust, would it not?

Mr. HADLEY. There is no trust, so far as I know, in Alaska. There are many independent concerns, irrespective of those that the gentleman from Alaska has named. Many of them were mentioned in the hearings, and there are many of which I have personal knowledge.

Now, let me say in respect to the limitation of the traps. In Washington, after an experience of many years, limitations which we had heretofore on the number of traps were removed. We abrogated them because the development of the classes of fishing was so prejudicial to the pound-net fishing that the reason for establishing the limitations did not longer exist.

Mr. MONTAGUE. Will the gentleman yield?

Mr. HADLEY. Certainly.

Mr. MONTAGUE. Is there any limitation in the bill or under existing law on the number of pound nets that can be set, not by the individual owner, but upon the whole number?

Mr. HADLEY. None at all, except in an indirect way, which I will state. There is a provision that there must be a lateral passageway of 2,400 feet and an end passageway of 600 feet between all the pound nets or traps. There is also a specific provision for the passageway between stake nets and pound nets.

Mr. MONTAGUE. But there is no limitation other than the physical arrangement?

Mr. HADLEY. No.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ALEXANDER. I will yield to the gentleman from Washington 15 minutes more.

Mr. MONTAGUE. Will the gentleman yield further?

Mr. HADLEY. Certainly.

Mr. MONTAGUE. I wish to ask if it would not be wise to lodge the power in some official agency to pass upon the number of pound nets that should be put out?

Mr. HADLEY. The only difficulty about that is that you would be passing upon something in the dark. We are advised at this time that the provisions of the bill will take care of the situation. We propose to limit the law by an amendment suggested by the gentleman. We were of the opinion that it was sufficiently limited before, but to set it absolutely at rest we propose to provide for the repeal of all existing rights.

Mr. MONTAGUE. The gentleman will appreciate that when you get the repeal of the law you will then have reached the destruction of the fish, at least I fear that.

Mr. HADLEY. Not necessarily. Now, Mr. Chairman, I want to discuss one other phase of the matter.

Mr. EMERSON. Before the gentleman leaves this point I would like to have him yield for a question.

Mr. HADLEY. I will yield to the gentleman.

Mr. EMERSON. I presume the representatives of these fishing interests in the waters of Alaska were before the committee.

Mr. HADLEY. There were some gentlemen representing those interests who appeared before the committee.

Mr. EMERSON. What did they have to say about it?

Mr. HADLEY. They were favorable to the provisions in the bill, although upon the subject of taxation there was a sharp difference as to what ought to be done. Some gentlemen representing the fishing interests in Alaska were not favorable to the scheme that we have adopted, but I have not time to go into the question of taxation.

Mr. EMERSON. What the gentleman from Alaska [Mr. WICKERSHAM] says about the fishing interests in Alaska being for this bill is true, is it not?

Mr. HADLEY. I have no knowledge of any opposition from any source other than that stated by the gentleman from Alaska.

Mr. KENT. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. KENT. I understand the gentleman to say that in putting restriction upon the nets the committee would be acting in the dark.

Mr. HADLEY. I said upon the question of fixing a specific number in the waters the committee would be acting in the dark.

Mr. KENT. Under the terms of the bill you specifically give vested rights in certain locations, and then the bill provides at the end that the rights may be terminated by the general repeal clause. That is the only thing that sheds any light upon that matter.

Mr. HADLEY. There are several provisions in the bill under which trap sites would be lost; the failure to fish for more than two years constitutes an abandonment, and they are lost. The reason for the limitation of two years is that the humpbacks do

not run annually, so it is not required that they shall fish every year.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HADLEY. I will yield to the gentleman, and then I decline to be interrupted further.

Mr. MOORE of Pennsylvania. The gentleman has such a comprehensive view of the situation that I would like to ask him why in section 6, where the right to locate these nets is given to any person, who might be a Canadian—in view of the fact that we are in controversy now with Canada over the Alaskan fisheries, why should it not be limited to citizens of the United States?

Mr. HADLEY. My understanding is that it is restricted by another statute. If there is any doubt about it, it can be clarified before the bill is amended and passed. So far as I am concerned I am in accord with the gentleman's idea upon that matter.

Mr. MOORE of Pennsylvania. The gentleman understands that if the permit were given to the Canadians, and that right passed to their heirs and successors, it would make a serious question in the course of time.

Mr. HADLEY. Quite true; and now, if gentlemen will refrain from interrupting me for the few moments I have left, I shall be glad to answer questions if I have time after I get through.

One word more about the trap sites. These passageways, which the committee in the framing of the law has provided for, are specifically intended to be in the interest of the conservation of the industry and of the perpetuity of the source of supply. With 2,400 feet laterally on either side of the pound-net location the fish have some opportunity for escape, and they do escape if they are not moved about too much by the movable appliances, and, if they are, that is not the fault of the pound net, to which criticism has been directed. Similar lateral and end ways have been provided as to all forms of appliances. I think if the committee will look into the matter under the five-minute rule in an analysis of the language of the bill they will find every substantial provision made for conservation and permitting the fish to get to the rivers. After the fish have passed all of these appliances, and it may be hundreds and hundreds of miles, they reach finally that place where they school around the mouth of rivers, to which reference was made a while ago. Just outside the mouth of the river they are there found in great quantities, and it was the opinion of the bureau and of the committee after consideration of its recommendations that there were not sufficient restrictions and limitations upon fishing in the rivers of Alaska or at the mouths of the rivers. Those limitations have been modified and other new ones have been made. The result is that the statement of the gentleman from Alaska [Mr. WICKERSHAM] that outside of this method of giving a fixed pound net exclusive right for a limited time there is no arrangement looking to the conservation of the industry is an erroneous statement. Not only that, but there is provision in this bill for taking over the private hatcheries of Alaska. There have been five of these operated until recently, and I believe now only four. An arrangement is made for the taking over by the Government upon an appraisement, or, if they can not be purchased, then by condemnation under a system which may be better understood by reading the bill.

The Government itself has two hatcheries at the present time in Alaska. They are not adequate, and the Bureau of Fisheries feels that the administration of all these hatcheries should be under one authority, and that the administration would have better effect and better results would be obtained if these hatcheries were taken over. Under the present system they are maintained by private industry, and 40 cents is allowed for every thousand fry liberated each year, upon proof and certificate issued. When you come to analyze this bill and compare it with the old law in Alaska, you will find many provisions in the new bill looking to the preservation of the industry and to preventing its depletion which were not in the old law, and that is the only reason the bill is here. That is why the department has recommended it, and it has recommended it in the light of its own observation and experience, and it believes this adequately takes care of the situation. If we have not taken care of it, then it is the desire of the committee that the bill should be made such that it will take care of it; but we are of unanimous opinion that, until further developments under the bill, it will establish a system which will preserve the industry as it is and will permit of its growth and evolution and will also preserve and perpetuate it. In the State of Washington I can remember when there were not over 100,000 cases of fish packed on all of Puget Sound. In 1913 in the State of Washington we had an output of $15,000,000 in the fishing industry. We have maintained it unimpaired. I do not want it understood that that is the output for every year. There our chief fish is the sockeye, which runs mainly every four years, and in the intervening years our source of supply embraces smaller runs of sockeyes, and also those of a cheaper grade of fish. But we have maintained unimpaired the run of the fish and the scope of the industry, and we have maintained this identical system which is provided for in this bill for many years; that is, it is identical except so far as the bill has been reapplied or adapted to conditions in Alaska. It is substantially this same kind of a measure, so that we have not only the recommendation of the department here, but we have a bill based upon a successful administration in the State of Washington, and in many particulars in the State of Oregon, for many years.

Up until about 1905, I think it was, in the State of Washington we had what they now have in Alaska. We had an indifferent sort of an arrangement, so that no one felt that he had any security in his rights for any time, limited or unlimited, and there was confusion, there was litigation, and after the passage of various bills we finally evolved a code which provided substantially this method for the location of traps and other nets, and substantially this method of operation; and under that code, for 11 years, I think it is—at least, for a good many years—this industry has been preserved without any impairment whatever, as far as the people have been able to ascertain, because in the recurring years each year the source of supply is up to the standard of the corresponding previous year, whatever the year may be. Under the present situation in Alaska it seems to me that the proper thing for Congress to do is to adopt a measure that has the warrant of experience and the recommendation of scientific men and those familiar with the industry, and then test it upon that basis, and if it is not right make it right in the light of subsequent experience.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. REILLY. Under the present system the fishing industry has developed in Alaska to such an extent as to make the depletion of the supply a serious question.

Mr. HADLEY. Yes; it is thought that legislation is necessary to prevent depletion.

Mr. REILLY. What more is necessary than to incorporate the provision you have in this bill, as to the location of pound nets?

Mr. HADLEY. The question of taking over the hatcheries, the question of the obstruction of streams, the question of fishways in the streams, which is also new, and no reference was made to that by the gentleman from Alaska [Mr. WICKERSHAM], and the question of keeping fishing away from the mouths of the streams for 1,500 feet—all these are matters of importance. Formerly the latter provision applied only to the redfish of Alaska, and to no other, and those redfish were mostly all caught in Bristol Bay and Bering Sea.

This bill is full of provisions for the conservation of fish that do not exist under existing law.

Mr. REILLY. If that is true, what occasion is there for giving the people who locate these pound nets the rights you give them under this bill——

Mr. HADLEY. Will the gentleman kindly restate that?

Mr. REILLY. What occasion is there for giving the men who locate these pound nets the rights you give them in this bill, inasmuch as they have located up to date more nets than they should locate in the best interests of the industry—that is, in the perpetuating of the industry?

Mr. HADLEY. In the first place, it is necessary to deal with the question of passageways. Under existing laws we have passageways of only 1,800 feet——

Mr. REILLY. That is true, but——

Mr. HADLEY. I am coming to the question. The man who locates any form of appliance—I do not care whether it is pound, stake, or set net, or any form of appliance—has no assurance for the future. Now, you could locate your pound net to-day. It is a question of possession under the common law—a possessory right. Under this law you are given a method whereby you can reestablish a location another year, or in the midst of a season, if the property shall have gone out under tide or storm, a surveyor may go and relocate it at the proper place. Litigation has been going on for years in Washington until we adopted this system. The courts were full of cases in every county where the fishing industry obtained until we adopted a method such as we have in this bill. In regard to the question of the right being transferable, why should not all property rights, whether unlimited or limited, whether for an unlimited or limited time, be alienable? Why should they not be transferable? We have nothing of that kind provided under the existing law,

but why not put the industry simply upon the ordinary basis of ordinary business?

Mr. REILLY. Without that provision, is it not possible to put in all that is necessary, and more than necessary, to protect and perpetuate the industry? That is the principal objection the Delegate from Alaska has to this bill.

Mr. HADLEY. But the difficulty has been that there has not been heretofore sufficient provision made for conserving the sources of supply. Why, on the coast of Alaska—I suppose it must be 1,500 miles from Juneau, out in western Alaska; I do not know the exact distance——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. BOWERS]. [Applause.]

Mr. BOWERS. Mr. Chairman, this bill is a step in the right direction, for the purpose of the protection, regulation, and conservation of the Alaskan fisheries. For 15 years past the Bureau of Fisheries has endeavored to secure proper legislation for Alaska. Invariably opposition has come from unexpected sources. The charge has been made that when the effort has been made by the Bureau of Fisheries that sinister motives were behind the conclusions of the bureau. I am here, Mr. Chairman, to refute that charge. I believe the men of the Bureau of Fisheries, the governmental officials, are better qualified to pass upon this subject than any other class of people in this country. The question of taxation arises. This is a small tax levied upon the cannery men for that purpose. Two-thirds of this money is expended in Alaska for Alaskan purposes. The other one-third is expended for the benefit of the hatcheries of Alaska. I am one of those who believe that the hatcheries in Alaska have been most beneficial; that they have been the means of conserving the great food supply in Alaska. When we take into consideration that $18,000,000 a year worth of food fishes of Alaska are the property of the United States, not of Alaska, I am not one of those who believe that Alaska should have control of those fisheries. These salmon come from the sea to spawn, and when they spawn they die—the male as well as the female. After a brief period—five or six months—the small salmon go back to sea. After a period of four years they come from the sea to the fresh waters of Alaska. Nature has provided that they should go to the Alaskan waters. The reason why belongs to Nature herself to answer. It is proper that these fish should have proper conservation and proper protection. This bill is right; this bill is not fostered nor brought in in the interest of any monopoly. There are 85 canneries in Alaska. Any man or corporation who sees fit to enter into the canning business in Alaska is given the privilege under this bill. The men who are members of these great corporations are not, as some people would have us believe, taking advantage of every condition. The immense sums of money invested in the fisheries of Alaska have only in recent years given much of a dividend as an output from the investment. The Alaska Packers' Association, which seems to have been the center of controversy here, is composed—I know some of the stockholders—of very good people. They are interested in Alaska; they are interested in the conservation of the fisheries. I do know of my own personal knowledge, in the neighborhood of Loring, a hatchery was built and this packers' association expended $120,000 long before this tax was in effect. Why was that done? To conserve and preserve the supply of salmon. If this bill passes, it places under governmental supervision the control of the fisheries of Alaska where they properly should be. I know of no reason why they should be elsewhere. I see no reason whatever advanced on the floor of this House why this should not be done. I favor this bill. I believe it is right, and I hope, gentlemen, it may be the pleasure of this body, irrespective of party, to pass the measure. [Applause.] I yield back the balance of my time.

Mr. ALEXANDER. I yield back to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, there are one or two matters in connection with this bill to which I wish briefly to call the attention of the members of the committee. First, I will answer the question that was asked by the gentleman from Pennsylvania [Mr. MOORE]. He wished to know why we did not limit the authority to fish in the waters off Alaska to American citizens. I will say to the gentleman that we did not put that provision in the present bill for the simple reason that that is already provided for by existing law.

Mr. WICKERSHAM. Will the gentleman answer the question, then, by saying where it can be found?

Mr. SAUNDERS. I will give the gentleman the act. It is the act of June 14, 1906, and it reads as follows:

That it shall be unlawful for any person not a citizen of the United States—

And so forth—

to catch or kill—

And so forth—

in the waters of Alaska.

Mr. KENT. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. KENT. I want to ask a question in regard to that. This bill provides that the heirs, lessees, and assigns, and all others who may come into these rights, may exercise them. How about a foreign mortgagor for closing under this provision? Would not he be an innocent third party and have a right?

Mr. SAUNDERS. Will the gentleman restate that?

Mr. KENT. The bill provides that all the rights here obtained either may be assigned, leased, or foreclosed by mortgage. Would not the third party come in there in the event of a foreigner having a mortgage?

Mr. SAUNDERS. Do you mean that he would get some rights by reason of having a mortgage?

Mr. KENT. Yes.

Mr. SAUNDERS. That is a question of law that I will take up later.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. The gentleman states that there is an existing law?

Mr. SAUNDERS. Yes. It is the statute of June 14, 1906.

Mr. MOORE of Pennsylvania. That law having been passed, then I would ask the gentleman whether this act, if enacted into law, would not supersede that act?

Mr. SAUNDERS. Not at all.

Mr. MOORE of Pennsylvania. Then that law would stand?

Mr. SAUNDERS. They are not in conflict. This law would supersede any law with which it was in conflict, but no one would construe the pending measure to give any right to a foreign citizen that was not given him under the act of 1906.

Mr. MOORE of Pennsylvania. What objection would there be to amending section 6 so that it would read, "That any person being a citizen of the United States"?

Mr. SAUNDERS. So far as I am concerned, I do not know that there would be any objection to that. It would be a superfluity. There is no necessity for the amendment.

Mr. MOORE of Pennsylvania. There happens to be a conflict now between West Rupert and Seattle. It is contended the Canadian fishermen are having undue advantage over American in some respects in regard to ports and the proximity of the fishing grounds. It may be in consequence of that controversy, unless we had existing permanent law, that this paragraph 6 would permit a Canadian, or a person not a citizen of the United States, to obtain the right to locate these nets.

Mr. SAUNDERS. Of course I am not familiar with the controversies to which the gentleman refers, but the act of 1906 is as follows:

Be it enacted, etc., That it shall be unlawful for any person not a citizen of the United States, or who has declared the intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association—

And so forth.

Mr. MOORE of Pennsylvania. And it is the opinion of the gentleman that that law would hold, notwithstanding the passage of this act?

Mr. SAUNDERS. I would think so. As I said a moment ago in respect to accepting the amendment, I do not know that there would be any objection to including it in this law. But it strikes me that it will be a superfluous addition.

In respect to the revenue raised by this measure, I desire to say to the committee that the direct needs of the Territory of Alaska are liberally provided for out of the same. This revenue is divided into two parts, of two-thirds and one-third each. Out of the two-thirds every dollar that will be raised under this law in a municipality, will be turned over to the municipality, for city purposes. The balance of the two-thirds will be turned over to the government of the Territory of Alaska. It is provided that the one-third shall be handled and disposed of by the Government for the purpose of maintaining the hatcheries in Alaska, and conserving the fishes in the waters adjacent to the Territory. So that all of this money will be expended for the direct and immediate interests and development of the Territory of Alaska, and upon the waters that are local to that particular Territory. I think no objection can be raised to the manner in which the funds that this bill proposes to raise will be expended and distributed. In respect to the suggestion that has been made that this bill will allow the development of some great corporation able to strangle and destroy the fishing business in Alaska, I wish to say that the gentlemen who raise this

objection lose entire sight of the fact that no one can operate canneries in Alaska, or use their outfit for fishing in the waters of Alaska, without first obtaining therefor a license from the Secretary of Commerce. Those licenses expire on the 31st of December of every year.

Now, is it thinkable that any concern that is using its plant to destroy the fishing industry of Alaska, or in any manner prejudicial to the interests of Alaska, will have its license renewed, or if it is a member of an unlawful trust, or combination, will be able to secure an original license? This measure leaves the authority to issue a license in the hands of the Federal Government, and unless you believe that the Government, or that arm of it which will deal with this subject matter, is likely to abuse its discretion, there need be no occasion for apprehension.

Mr. WICKERSHAM. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. WICKERSHAM. Do you find any authority in this bill which would give the Secretary of Commerce the right to refuse a license to any person or corporation who has obtained one of these trap-site locations?

Mr. SAUNDERS. Why, certainly.

Mr. WICKERSHAM. Upon what authority?

Mr. SAUNDERS. I will give you the reference. It is page 4. In the first place, as I said, the leases are annual. They expire on December 31 every year.

Mr. WICKERSHAM. It is also provided that he may renew that, too.

Mr. SAUNDERS. He may renew them. I admit that the Federal Government, through collusion, could build up a great monopoly that would be destructive of the very interests that we are seeking to conserve. I admit that. But you will find on page 2 that the leases shall not be issued by the Secretary of Commerce to any person not qualified by law.

Now I renew my inquiry, Is it thinkable that an applicant who is a member of some great trust under the ban of the law would be granted a license by the Secretary of Commerce? Or that anyone who has obtained a license, and in his operations under that license has abused the privileges that have been extended to him, and operated to the prejudice of the larger interests of Alaska by his oppressive and injurious methods, would be able to secure a renewal of that license?

Mr. WICKERSHAM. That is not the question. The question is, Has he any authority to refuse the license?

Mr. SAUNDERS. Of course he has.

Mr. WICKERSHAM. Where is the authority?

Mr. SAUNDERS. It is found in that language that I read. It says that "any person not disqualified by law." Do you imagine that a person who is a member of a trust forbidden by the laws of the United States would not be held by the Secretary of Commerce to be disqualified by law from receiving a license at the hands of that department?

Mr. BENNET. Mr. Chairman, will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. BENNET. Is it the gentleman's construction of section 2 that these licenses have to be granted annually?

Mr. SAUNDERS. Certainly.

Mr. BENNET. Is not the correct construction of such an act—I am asking a purely legal question—that the license when granted can be thereafter retained indefinitely by the payment of the annual fee?

Mr. SAUNDERS. There must be a formal renewal of the license. I will answer the gentleman's question by asking one. Is it his idea that the renewal of a license would stand on a different footing from the application for the original license? If you think this, and if in the consideration of the act it is ascertained that such might be the case, the situation can be readily corrected by an amendment.

Mr. BENNET. That is what I was going to ask the gentleman. Would it not be safer to carry out the gentleman's idea—and he may be correct—to put in, after the word "issue," upon line 9, page 2, the word "annually," so that it will read, "shall be issued annually"?

Mr. SAUNDERS. If the amendment is necessary then, so far as I am concerned, I am agreeable to it. On page 6 the bill says, "All licenses shall expire on the 31st day of December of the calendar year for which issued," and I imagine that the license would be issued in such form as to conform to that requirement.

Mr. BENNET. I think the intent is clear, but I take it that the amendment I have suggested would make it definite and certain.

Mr. SAUNDERS. I do think that the meaning of the bill is clear, definite, and certain.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield?

Mr. KENT. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. KENT. If these licenses are annual and granted from year to year, would there be a right constituted that would be worthy of mortgage and transfer to heirs and assigns. If it is only an annual license, what is to become of the posts and piles?

Mr. SAUNDERS. The bill requires an annual license. On considering this measure, the committee should have in mind an amendment already referred to, and unanimously reported. I imagine from the temper of this House that the Members will unanimously agree that this amendment shall be added to the bill. This amendment is as follows:

All rights granted by this act shall be subject to amendment, or alteration by Congress.

This amendment may be considered as practically already in the bill, as it will undoubtedly be agreed to, when offered.

Mr. KENT. Is it not the same kind of a provision that appears in our laws as to bridges over navigable streams, to the effect that the privilege of constructing and maintaining a bridge can at any time be altered or withdrawn or annulled? What advantage is there to the grantee under a license that would merely give him one year's right, when he has gone to the expense of driving piles and investing in all the expensive machinery necessary to get his fish? If that is but one year, why should he do it?

Mr. SAUNDERS. The gentleman from California seems to occupy a different attitude from that of some of the other critics of this bill. Would the gentleman advocate an amendment that would make it impossible for the Government to limit or abrogate these rights?

Mr. KENT. I am trying to stand for a measure that will permit the reasonable use of this property with due protection to the property, and I do not believe that you can get that reasonable use by an annual license for the conduct of an operation which involves expensive machinery for getting the fish. I take it that this is a perpetual right, barring that provision at the end, which is merely perfunctory, and is so generally considered.

Mr. SAUNDERS. I will say to the gentleman that we often use this language in the State that I come from, in granting charters. It is anything but perfunctory. It gives to the legislature the absolute right to cancel or annul a charter without creating any claim for compensation.

Mr. KENT. Then, your idea is that every year the Congress or the department can come in and make new terms for a new lease?

Mr. SAUNDERS. Certainly as to Congress. So far as that moral obligation of which you speak, is concerned, nothing that we can do, no language that we can use, can prevent a claim from being urged on that ground. But if the Government of the United States chooses to abrogate a lease under this act at any time, no legal claim can be urged for compensation.

Mr. KENT. If the lease expires, it must be renewed every year?

Mr. SAUNDERS. It will be necessary to renew the license. A firm, or individual, can not operate his fishing apparatus without a license. That license must be renewed every year.

Mr. KENT. It must be a new license every year?

Mr. SAUNDERS. It must be.

Mr. KENT. I would not like to see that in the bill if I am expected to vote for it.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield now?

Mr. SAUNDERS. Yes.

Mr. WICKERSHAM. On page 8 of the bill, beginning in line 6, there is a provision which reads as follows:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Is that an exclusive right, to renew the license therefor every year?

Mr. SAUNDERS. For that particular grant?

Mr. WICKERSHAM. Yes.

Mr. SAUNDERS. I should say so.

Mr. WICKERSHAM. Then how can the Secretary of Commerce take it away from him?

Mr. SAUNDERS. That means he shall have the exclusive right to make application.

Mr. WICKERSHAM. Oh, that is not what it says.

Mr. SAUNDERS. I think that is what it means.

Mr. WICKERSHAM. It says "renew."

Mr. SAUNDERS. He has the exclusive right to make a renewal. In other words, one of these locators could not come in and ask to have somebody else's location given to him, if the other party is seeking a renewal. The department can not entertain your application to the exclusion of my prior right to ask for a renewal.

Mr. KENT. Now, we find the gentleman is of the opinion that nobody else but the original locator can make application.

Mr. SAUNDERS. That is precisely what I did say. When a man makes a location, he must go back year after year, to get a new license therefor, if he wishes to continue business at that particular place.

If he secures a renewal, why, he will continue to operate. An outsider can not come in, and make a successful application over his head, if the first locator is conforming to law. So far as these locations are concerned, the analogy is that of the mining laws. A man goes out, and locates——

Mr. KENT. But if a man leases a store for a year, and nobody else can lease that store, and he can renew the lease once a year, he has an indefinite license.

Mr. SAUNDERS. Not a bit of it, because at the end of that year that same party must return and make application for a renewal. He can renew it so long as he conforms to law. But the Government can abrogate his rights by act at any time, if it deems that the public interests are suffering.

Mr. KENT. What happens next?

Mr. SAUNDERS. He can not get his renewal, that is all. He is wound up. That will be the end of him, and his attempt to establish a monopoly, or do some other thing harmful to the public interests.

Mr. FORDNEY. I want to say, for the benefit of the gentleman from California, that Canada issues such licenses in timber and other matters controlled by the Government, all of which expire each year, the 1st of May. But the applicant has the sole right to have a renewal for another 12 months by complying with the law and by paying the annual tax——

Mr. SAUNDERS. That is this law.

Mr. FORDNEY. And by complying with other conditions. No other person has a right to make application so long as the first applicant fully complies with the law. That would be exactly the case here.

Mr. KENT. That constitutes practically a perpetual lease, on carrying out the conditions of the license.

Mr. FORDNEY. So long as you comply with the law, and make a lawful application.

Mr. KENT. Then there is never any opportunity for new terms.

Mr. FORDNEY. Not so long as the original applicant complies with the law.

Mr. KENT. Then that is a perpetual lease?

Mr. FORDNEY. No; it is not a perpetual lease, because it expires every year, but there is a moral obligation——

Mr. SAUNDERS. How can a thing be perpetual, which is required to be renewed every year, and which may be abrogated by the Government at any time?

Mr. FORDNEY. There is a moral obligation to renew it, and nothing else.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment which I desire to offer.

Mr. SAUNDERS. Mr. Chairman, if any portion of the bill has been read, I will make a motion to strike out the last word, or the last two words, or the last three words, so that I may continue my remarks.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last three words, and is recognized for five minutes.

Mr. SAUNDERS. Responding further to the statement made by the gentleman from California, I will again ask how a thing can be said to have the quality of perpetuity, when by the very law under which a man secures his original license, he must return annually to secure permission for further operations?

Mr. KENT. Exactly the same as the 999-year leases in England, that were dependent on the presentation to the sovereign of two hams annually. The tenant had to go and present those hams to the sovereign at the end of the year, and by doing so he had a perpetual lease, exactly the same as here.

Mr. SAUNDERS. But in this case, in order to secure a permit for further operations, the applicant must conform to law, and that law may be changed at any time. Once the 999-year contract of lease was made, the lessor could not change it.

Mr. KENT. I should like to ask the gentleman one more question, and then I will let him go. Supposing the time should come when the Government believed that these lessees, concessionaires or whatever you call them, were catching too many fish. What is there in the bill that provides that the Government may cut down their catch of fish in the interest of preserving the fish?

Mr. SAUNDERS. There are two answers to that. In the first place the Government could refuse to grant a license and thereby prevent any fishing for the period of a year, thus giving the fish a chance. In the second place, even if it is conceded that the department could not refuse a license, that condition could not endure for more than a year, or the representations of the Department of Commerce could afford the appropriate legislation.

Mr. KENT. Would it not be a great deal better to leave some flexibility of tenure to start with?

Mr. SAUNDERS. Why, no. It will be much better to allow Congress to deal with these conditions as they may arise. It is utterly impossible to forecast all the possible circumstances and conditions that may confront us hereafter. It will be much better to give the power to Congress to deal with the situation when the emergency arises than to undertake to anticipate conditions which the wit of man can not possibly forecast. This bill makes ample provision for the preservation of the public rights and interests.

The CHAIRMAN. The formal amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 2. License fees and taxes: That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:

For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish-oil works, and for each other fishery establishment, except retail markets, not herein specified, $5.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment.

Mr. ALEXANDER. We are considering the bill by sections, and I suggest that the Clerk read the remainder of the section.

The CHAIRMAN. The Clerk will conclude the reading of the section.

The Clerk read as follows:

For each pound net, $50; for each fish wheel, $25 (except small wheels in the Yukon and Copper Rivers of the type heretofore used, $2); for each purse seine, $25; for each beam trawl or other trawl net, $10; for each gill net boat and equipment, $2; for each stake net, $2; for each set net, $1; for each drag, haul, or beach seine 500 feet or less in length, $3, and for each additional 500 feet in length or fraction thereof, $5; for any other kind of fishing appliance used in taking food fish or shellfish, each, $1.

Every person engaged in the business of canning salmon or other food fish or shellfish shall, by December 31 of each year, also pay a tax on the output for such year as follows, according to species: King, chinook, or spring salmon, and red, sockeye, or blueback salmon, 6 cents per case; coho, silver, or medium red salmon, and steelhead salmon or steelhead trout, 5 cents per case; chum or keta salmon, and humpback or pink salmon, 4 cents per case; all other food fish or shellfish, 4 cents per case.

Every person engaged in the business of curing or preserving fish, or manufacturing fishery products, except by canning, shall, by December 31 of each year, also pay a tax on the output for such year, as follows: Mild-cured salmon, $1 per tierce; pickled salmon, 20 cents per barrel; salt salmon in bulk, 5 cents per hundred pounds; salmon and trout frozen, iced, or otherwise preserved and not hereinbefore specified, $1 per ton, round weight; whale or fish oil, 10 cents per barrel; fertilizer or meal made from whales, fish, or aquatic products, other than kelp, 50 cents per ton; salt cod, 50 cents per ton; pickled herring, 10 cents per barrel; salt herring in bulk or otherwise, 25 cents per ton; all other prepared products not hereinbefore specified, 25 cents per ton.

The license fees and taxes imposed by this tax on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WICKERSHAM: On page 2, in line 15, strike out "$5" and insert "1 per cent upon the valuation of real and personal property, the assessment and levy to be made by the Territory of Alaska in the same manner as other property is taxed."

Mr. WICKERSHAM. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. ALEXANDER. I desire to reserve a point of order on the amendment.

Mr. WICKERSHAM. Under the provisions of this bill the sum of $5 is all of the real-property tax which is levied against a cold-storage plant or a cannery or whale-fishery plant in the

Territory of Alaska. The last provision of this section, on page 4, is that—

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Section 22 of the bill provides that the Territory of Alaska shall not impose any license fees or taxes upon any property, real or personal, used in said business of fishing in the Territory of Alaska. That is in line 20 of that page. So if this bill should pass, leaving only $5 tax against each of these great fishing plants or cold-storage plants in Alaska, our Territory will lose the difference between 1 per cent of the assessed value of the property and the sum of $5. I call attention of the House to the fact that there are $10,000,000 worth of shore property in the Territory of Alaska. The report of the committee shows that there are 148 plants in Alaska, and at $5 a plant they would only pay $740 upon $10,000,000 worth of shore real property. The people of the Territory have to pay 1 per cent, and I do not know of any rule in equity or justice which would justify this House in rebating the taxes of these big fishing plants. It is for the purpose of striking out $5 and having the real estate belonging to the big canneries in Alaska taxed exactly as other residents are taxed on real and personal property that I offer this amendment. The fair thing to do is to tax all alike.

Mr. BUTLER. Does the gentleman's amendment include real estate?

Mr. WICKERSHAM. It includes all the property. There are $37,000,000 worth of fisheries property, and a 1 per cent tax would make $370,000 a year.

Mr. JAMES. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. JAMES. Section 2 of the bill reads as follows:

That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees.

I would like to ask the gentleman who, in his opinion, is disqualified by law for a license?

Mr. WICKERSHAM. Nobody but aliens. If the gentleman from Virginia is correct in saying that the alien law passed in 1906 applies, that would disqualify the alien, but nobody else is disqualified.

Mr. KENT. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. Is there anything in the bill which puts it in the power of the Government to say to a concessionaire or a licensee that he shall not catch so many fish?

Mr. WICKERSHAM. There is not.

Mr. STAFFORD. As I understand, the gentleman's amendment proposes to levy a tax not only upon real estate, but the personal property. Do the residents of Alaska pay a tax upon real estate?

Mr. WICKERSHAM. Outside of the incorporated towns they pay 1 per cent and within the municipality they may pay 3 per cent—2 per cent to the town and 1 per cent to the Territory.

Mr. ALEXANDER. Mr. Chairman, I wish to make it clear that no real estate or personal tax is levied in Alaska now. The law authorizes such a tax to be levied, but the attorney general of Alaska discusses that matter in a letter to Judge HOUSTON, chairman of the Committee on the Territories, which you will find printed in the hearings, and has this to say:

One of the most serious problems confronting the Alaska Legislature was to devise a system of revenue. The organic act empowered both the laying of license taxes and a general property tax, the latter not to exceed 1 per cent upon the valuation. Owing to the vast area of Alaska, its scattered population, and the difficulty and expense of travel, it was decided by the legislature that a general property tax was for the present impracticable, it being estimated that the collection of such a tax would cost 60 per cent of the whole tax levied. We were familiar, however, with the system of license taxes in force under the acts of Congress for the past 17 years. The collection of such a tax, it was estimated, would not exceed 5 per cent of the taxes levied.

Hence, as I have stated, there is no real estate or personal property tax levied now in the Territory of Alaska for the reason stated by the attorney general of Alaska. The committee took that matter into consideration in framing the revenue features of this bill. We increased the tax on the fishery products and provided for a license tax on the appliances used in fishing, which does not exist under the present law. The license tax is small, but in addition we increased the tax on the output on the fish that are canned, so that we have largely increased the revenue of the Territory of Alaska under the revenue features of this bill. We had in mind that under existing conditions it is impracticable to levy a real estate or personal tax in the Territory of Alaska; and to avoid a dual system of taxation and a dual exercise of authority over this great industry in the Territory we retain in the Government the exclusive control over the fisheries of Alaska and to provide for ample revenue for the Territory of Alaska under the revenue features of this bill.

Here is the estimated amount of revenue which will be raised under the provisions of this bill:

License fees on plants: 85 canneries; 15 mild-curing plants; 17 salteries; 6 cold-storage plants; 2 whaling plants, oil, fertilizer; 2 herring plants, oil, fertilizer, fish; 2 by-product plants, oil, fertilizer, fish meal; 19 shore codfish stations; total, 148, at $5		$740
License fees on fishing apparatus:		
284	pound nets, driven and floating, at $50	$14,200
281	purse seines, at $25	7,025
2,392	gill nets, at $2	4,784
62	haul seines (average 1,097 feet each), at $8	496
4,420	troll lines for salmon, at $1	4,420
3,613	hand lines for cod, at $1	3,613
1,920	trawl lines for halibut, at $1	1,920
12,972	Total	36,458

NOTE.—It is estimated that about 200 small wheels are used in the Yukon River for catching salmon for local consumption and for dog feed. These have not been included in above.

Tax on canned product:		
88,251	cases king or spring salmon, at 6 cents per case	$5,295
1,932,312	cases red or sockeye salmon, at 6 cents per case	115,939
124,268	cases coho or silver salmon, at 5 cents per case	6,213
479,946	cases chum or keta salmon, at 4 cents per case	19,198
1,875,516	cases humpback or pink salmon, at 4 cents per case	75,021
	Total	221,666
Tax on products prepared otherwise than by canning:		
2,781	tierces mild-cured salmon, at $1 per tierce	2,781
13,293	barrels pickled salmon, at 20 cents per barrel	2,659
360	tons frozen salmon, at $1 per ton	360
29,645	barrels whale oil, at 10 cents per barrel	2,965
1,495	tons whale fertilizer, at 50 cents per ton	748
8,956	barrels pickled herring, at 10 cents per barrel	896
3,934	barrels herring oil, at 10 cents per barrel	393
619	tons herring fertilizer, at 50 cents per ton	309
1,453	barrels by-products oil, at 10 cents per barrel	145
781	tons fertilizer and fish meal, at 50 cents per ton	390
7,097	tons salted cod, cod tongues, and stock fish, at 50 cents per ton	3,548
5	tons frozen trout, at $1 per ton	5
193	cases canned trout, at 4 cents per case	8
194	barrels pickled black cod, at 10 cents per barrel	19
23	tons frozen black cod, at 25 cents per ton	6
4,873	tons fresh halibut, at 25 cents per ton	1,218
2,794	tons frozen halibut, at 25 cents per ton	698
40	tons fletched halibut, at 25 cents per ton	10
	Total	17,158

RECAPITULATION.

License fees on plants	740
License fees on fishing apparatus	36,458
Tax on canned product	221,666
Tax on products prepared otherwise than by canning	17,158
Total	276,022

The taxes on canned products based on three years' average (1913, 1914, and 1915) are shown by the following table:

56,887	cases king or spring salmon, at 6 cents per case	$3,413
2,033,062	cases red or sockeye salmon, at 6 cents per case	121,983
119,037	cases coho or silver salmon, at 5 cents per case	5,951
478,261	cases chun or keta salmon, at 4 cents per case	19,130
1,411,482	cases humpback or pink salmon, at 4 cents per case	56,459
	Total	206,936

On this basis the tax on canned products would be $206,936 instead of $221,666, on the basis of the statistics for the calendar year 1915 shown above, hence the total revenue would be $14,730 less.

It is also well to keep in mind the hatchery rebates which are to continue until the Government takes over the privately owned hatcheries. Those rebates have amounted to about $25,000 annually.

Deducting the two items, $14,730 and $25,000, from the total estimated revenue of $276,022 leaves the total revenue under the bill $236,292.

The largest sum received under existing law, as I recall, by the Territory of Alaska was about $129,000. You will note that we divide this total fund into three parts, one-third to go to the Government to conserve the industry and administer the law, two-thirds to the Territory of Alaska, and so much of the two-thirds as originates within the incorporated limits of the towns to go to the towns for school and municipal purposes, the balance to go into the Alaska fund for the general purposes of the Territory of Alaska. For the reasons stated, and having in mind that the Territory does not levy any real estate or personal tax, we undertake in this bill to provide ample revenue from the industry which will be collected and turned over to the Territory of Alaska without cost to the Territory, without any cost to the Territory whatever for the administration of the law. I now yield to the gentleman from New York.

Mr. HUSTED. Mr. Chairman, as I understand it, under existing law taxes on real and personal property may be levied in Alaska for certain purposes?

Mr. ALEXANDER. Yes.

Mr. HUSTED. Although they are not levied now?

Mr. ALEXANDER. That is true.

Mr. HUSTED. Is it not true that under the provisions of this bill, in the event such taxes were levied, the real estate and personal property of these canning companies would be exempt from such taxation?

Mr. ALEXANDER. If this bill becomes a law in its present form, a real or personal tax can not be levied against this industry, but the gentleman must not lose sight of the fact that they are being taxed under the provisions of this bill. They are not escaping taxation. This bill provides a larger tax on the industry than has ever been levied before, a larger tax than is levied under existing law, and because of the difficulty of levying and collecting the real estate and personal tax we took that into consideration and undertook to provide a reasonable tax on this industry.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. BAILEY. As I understand it, these taxes are in effect a consumption tax and will be passed along to the consumer, and would not fall on this industry at all in any proper sense?

Mr. ALEXANDER. I suppose any form of taxation does that.

Mr. BAILEY. Oh, no; there are forms of taxation that are not passed along to the consumer, and we of the Democratic Party have been boasting here somewhat at having made a strike at taxes upon consumption, and it seems to me a rather strange procedure that we should now be proposing a consumption tax in the very face of the position we assumed in passing the Underwood tariff law.

Mr. ALEXANDER. Is the gentleman in favor of relieving this industry from any form of taxation?

Mr. BAILEY. No; I am not.

Mr. ALEXANDER. Does the gentleman want to levy a real estate and personal tax?

Mr. BAILEY. I would not levy a personal tax.

Mr. ALEXANDER. Suppose you levied a real-estate tax, when the attorney general of Alaska says it is such a vast territory and the communities are so sparsely settled that it will take 60 per cent to collect it, would that be practicable or wise?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BAILEY. I think that these industries must occupy territory that has some value, and I would levy a tax upon that value. I certainly would not propose to tax the American people for this food product. We are facing to-day this high cost of living, and I figure it out that the consumer will pay something more than double the amount of the tax that you propose to levy against this industry.

Mr. ALEXANDER. Then it is the gentleman's opinion that if we should levy a real-estate and personal tax on the industry, the canneries of Alaska, in determining the price of their product, would not pass that tax on to the consumer?

Mr. BAILEY. A personal tax would be passed along to the consumer beyond doubt.

Mr. ALEXANDER. Would not the real-estate tax also?

Mr. BAILEY. No; the real-estate tax would not be.

Mr. ALEXANDER. Would they not count that a part of the cost?

Mr. BAILEY. Oh, they could not. If it was a building, yes.

Mr. ALEXANDER. I suppose when they estimate what their product should be sold for to the consumer they take all the costs entering into the cost of production into consideration, whether real-estate taxes, personal taxes, or licenses.

Mr. BAILEY. Suppose it was an income tax?

Mr. ALEXANDER. Mr. Chairman, I think the amendment offered by the gentleman from Alaska is not germane to the paragraph of the bill to which it is offered, and beyond that, that it should not be adopted for the reason that it changes the whole theory of the legislation and provides for a form of taxation which the Territorial officers say is not practicable under existing conditions. We reach it in another way. We tax the industry through a form of license and through a tax on the output of the several canneries and other fishery industries in Alaska.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. ALEXANDER. Yes; I will withdraw the point of order, and let the committee decide.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the last word. There seems to be an idea here that under the law there should be some real estate taxes levied there in connection with these canneries. Unless I am badly mistaken there are no land titles held in Alaska by any of these cannery companies, and there would be no land tax under any consideration, if I am not mistaken.

Mr. WICKERSHAM. The gentleman is very greatly mistaken about that.

The CHAIRMAN. Does the gentleman yield?

Mr. LA FOLLETTE. I yield. What per cent of property is in the hands of the canneries?

Mr. WICKERSHAM. Wherever a cannery in Alaska or one of these cold-storage plants is located they have obtained title under the soldiers' additional homestead scrip.

Mr. LA FOLLETTE. Even on land that has never been surveyed?

Mr. WICKERSHAM. Yes; upon unsurveyed land. It is a very small proportion of the whole, of course, but it amounts to a good deal, 160 acres around each cannery and cold-storage plant, and that they have obtained under that law.

Mr. LA FOLLETTE. So there would be some real estate tax under this?

Mr. WICKERSHAM. Undoubtedly.

Mr. LA FOLLETTE. A very small per cent.

Mr. WICKERSHAM. A very small per cent, however, in proportion to the general area of Alaska, but very large in value.

Mr. FORDNEY. Will the gentleman yield?

Mr. LA FOLLETTE. Yes.

Mr. FORDNEY. I would like to ask the gentleman from Alaska what soldiers' additional homestead scrip will take up unsurveyed land?

Mr. WICKERSHAM. Any of them.

Mr. FORDNEY. It will not; I beg to differ with the gentleman on that. I have handled all kinds of it for many years, and it will not, my friend. It will not take unsurveyed land. Porterfield scrip and some land scrip will, but not soldiers' additional homestead scrip.

Mr. WICKERSHAM. The gentleman has heard of the man who was in jail, I suppose?

Mr. FORDNEY. The Government administers the law, and the jail is in the hands of the Government and has been ever since the scrip was issued.

Mr. WICKERSHAM. I know it is; but they make title to soldiers' additional homestead scrip in Alaska and get title.

Mr. FORDNEY. I beg to differ with the gentleman. It will take surveyed land not subject to entry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The question was taken; and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ALEXANDER) there were—ayes 35, noes 27.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ALEXANDER and Mr. WICKERSHAM) reported that there were—ayes 47, noes 41.

So the amendment was rejected.

Mr. WICKERSHAM. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, lines 6 to 11, strike out all after the word "year," in line 6, to the end of the sentence in line 11 and in place thereof add "of 10 cents per case for each case of fish so canned."

Mr. WICKERSHAM. Mr. Chairman, under the bill it is provided that Chinook and certain salmon shall pay 6 cents per case; that Silver and other varieties shall pay 5 cents per case; Keta and other varieties, 4 cents per case; and other food fish or shellfish, 4 cents per case. Now, Mr. Chairman, the license charged upon canned salmon by the present law is 4 cents per case. It is proposed now to increase one of those varieties to 6 cents by this bill. The other varieties remain, one at 5 cents and the other two at 4 cents. The fact is that the variety which is increased is one of the varieties which has a lesser output and those which are decreased are those varieties which have the largest output, so that under the present bill, if it is passed as it is now drawn, there will be a lessening of the amount of taxes and not an increase. Now, with respect to this increase to 10 cents per case——

Mr. MANN. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MANN. I understood the gentleman to say the present tax was 4 cents per case?

Mr. WICKERSHAM. That is right, and the statement I made that it would be decreased is incorrect. It would be left just the same with respect to the large output, but in respect to

the small output there would be an increase. Now, I propose to increase all of it flatly to 10 cents a case by this amendment. In 1890 the price of canned salmon, the average price per dozen cans, was $1.64. In 1900 it increased to $1.77. In 1908 it was increased to $1.92. In 1914 it was increased to $2.22. In other words, an increase of 58 cents per dozen cans. Now, in a case of salmon there are four dozen, or 48, cans, and since 1900 the price of canned salmon has increased $2.32 per four dozen cans. Now, I propose to increase the tax upon it to 10 cents instead of 4. A case of canned salmon at $2.20 per dozen cans would be $8.80, and 10 cents upon each case would be a little more than 1 per cent——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. Does the gentleman think there ought to be a flat rate rather than a graded rate according to the character of the fish? As I understand, the salmon that is taxed 6 cents is more valuable than that taxed at 5, and that taxed at 5 is more valuable than that taxed at 4?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. It strikes me it ought to be a graded tax according to the value of the fish.

Mr. WICKERSHAM. There is no substantial difference in the value of the fish. There is in the market price of the fish, and I want to place a higher rate upon all of it, because none of these fish now pay more than one-half of 1 per cent on the actual value.

If it paid 8 cents it would be 1 per cent upon $8, or 8 per cent a salmon case. I believe it ought to be at least 1 per cent, and I therefore move to make it 10 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman from Alaska a question?

Mr. WICKERSHAM. Certainly.

Mr. MANN. These fish belong, so far as they belong to anybody, to the Government of the United States, do they not? The opportunity of acquiring them belongs to the Government?

Mr. WICKERSHAM. Well, I suppose they belong to the Government; yes. It is true the fisheries of every State of the Union belong to the State, but in the Territories they are held by the Government in trust for the future States, and that, of course, is the condition of the fisheries in Alaska.

Mr. MANN. In view of the statement of the gentleman that there has been such a decided increase in the selling price of these fish, does the gentleman think it would be proper for somebody to have some control over that matter?

Mr. WICKERSHAM. Yes; I do.

Mr. MANN. And in some way to limit the price at which these fish can be sold when canned?

Mr. WICKERSHAM. Yes; I think there ought to be such control.

Mr. MANN. Where we practically give the man the fish, and all he furnishes is the labor and the money, and a monopoly puts up the price of fish, ought we not to have some control over the question as to how much we poor devils will have to pay for them?

Mr. WICKERSHAM. In answer to that I want to say that the price is going up continually. It has gone up almost 25 per cent this year, and the little increase I have proposed in the tax rates still leaves the canners paying a very much less tax in proportion than anybody else in the Territory of Alaska upon the same identical kind of property. If the canned salmon is put in a store in the town of Fairbanks, where I live, and the assessor comes around, it is taxed 2 per cent on its true value, or four times as much as the canners now pay.

Mr. MANN. But the gentleman realizes that, after all, an increase in the tax of the fish is paid by the people who consume the fish in the end, and that is us, not the people in Alaska. They do not live on the fish.

Mr. WICKERSHAM. The people of Alaska do not pay taxes on the fish, except the canners pay the license tax to the Government.

Mr. MANN. The people of Alaska do not pay much of taxes, anyway. We pay the expenses of the taxes largely out of the Treasury. Now, you increase the tax and give it to the people of Alaska, and we have to pay the tax. What we want to do is to be able to buy our own fish, when they are packed, at a reasonable price.

Mr. WICKERSHAM. Well, if the gentleman will suggest any means of securing that result I shall be very glad to give him assistance if I can.

Mr. HAMILTON of Michigan. One way, I suppose, would be to prevent them being caught by a combination.

Mr. WICKERSHAM. That is one way, of course, but it is not accomplished by this bill.

Mr. ALEXANDER. Do you think you would reduce the price to the consumer by increasing the tax?

Mr. WICKERSHAM. No, sir; I do not.

Mr. ALEXANDER. Is not that the effect of your amendment to increase the tax on the canned salmon?

Mr. WICKERSHAM. Yes; but the Cannery Trust is increasing the price to-day, without any increase in the tax at all.

Mr. BORLAND. Why are they increasing the tax daily?

Mr. WICKERSHAM. If I could answer that, Mr. Wilson would ask me to come down to the White House immediately, because the high cost of living is just now engaging his attention.

Mr. BORLAND. Does the gentleman believe there is a monopoly of those fisheries in Alaska that fixes the price?

Mr. WICKERSHAM. Yes. I read you the indictment against them.

Mr. FESS. Will the gentleman yield?

Mr. WICKERSHAM. Yes, sir.

Mr. FESS. What objection is there to an ad valorem rate instead of a specific one? Then, as the price goes up the tax would be larger.

Mr. WICKERSHAM. I would not object to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, under the original bill which is printed at the beginning of the hearings we provided a tax of 4 cents a case on one class of salmon, 3 cents on another, and 3 cents on another class of salmon. Under the bill that is pending we have increased these taxes for the reason that I have stated.

Now, under the act passed by the Territorial legislature it is provided:

> In lieu of all other license fees and taxes therefor and thereupon, every person and corporation carrying on the business of canning * * * shall pay a license on the said business and output as follows:
>
> Canned salmon, 4 cents a case; pickled salmon, 10 cents a barrel; salt salmon, in bulk, 5 cents per 100 pounds—

And so forth. Now, we have increased the tax from 4 cents to 6 cents on the choicest variety, and we have undertaken to regulate the tax according to the quality of the salmon. They are classified and graded just like other commodities, and we placed a higher tax on the more desirable class of salmon, a class of salmon that brings the highest price on the market; and on the whole, I say, have very largely increased the revenue to the Territory of Alaska from this source.

Mr. SAUNDERS. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. HADLEY rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HADLEY. To move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HADLEY. Mr. Chairman, I do this merely for the purpose of making this observation, which I think has not been made in relation to the amendment: The estimate was made and submitted to the committee as to what would be required in order to give back to the Territory of Alaska at least as much money as Alaska was receiving heretofore, and some more, and what was required by the department for the purpose of administration and the handling of the hatcheries and the conduct of the business. Those estimates were submitted to the committee, and on the basis of the estimates, after analyzing the amounts and apportioning them according to the framework of the bill, it was found that the rates provided here, namely, 6 cents, 4 cents, and 5 cents, were adequate for the purpose, and would give Alaska more money than we have heretofore been yielding to her, and still would retain and reserve to the Government a fund equal to one-third of the whole, which heretofore, as I understand, has been appropriated out of the general funds in the United States Treasury.

Under this arrangement the schedule as contained in the bill will pay back to Alaska more money than she has been receiving from the industry, and will make the industry self-sustaining as to itself, the Government heretofore having sustained it; and yet a change is proposed, without argument or reason, so far as I

have heard, as to why the rate should be increased above 4, 5, and 6 cents, as provided by the bill. No tangible reason has been given why an additional tax of 4 cents a case should be imposed.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HADLEY. Yes; I will yield.

Mr. BORLAND. Is it not always a sound principle to tax cheaper commodities at a lower rate than commodities that sell for a higher value?

Mr. HADLEY. Yes. That arrangement has been made in the bill.

Mr. BORLAND. As I understand, the amendment of the gentleman from Alaska would tax them all at a flat rate of 10 cents a case.

Mr. HADLEY. I so understand.

Mr. BORLAND. And under the general rule, at that rate it would discourage the production of the cheaper grade of foodstuffs and confine it largely to the higher grade that could better afford to pay the higher tax. Is it not the gentleman's idea that the lower rate should be imposed instead of the higher rate for that reason?

Mr. HADLEY. I think it would handicap them less; at least, to that extent.

Mr. KREIDER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. KREIDER. Mr. Chairman, I am rather surprised at the argument presented here in regard to the cost, and the question has been asked, "Why have they advanced the price of fish?" That is the easiest question to answer I have heard in years.

It is simply because they could get the price, owing to the high cost of food products which are sold in competition with fish. Increasing your tax to 10 cents instead of 6 cents per case will not add one iota to the price charged to the consumer. Those engaged in catching, canning, and marketing fish are going to get all they can for their products no matter what your tax is. They are going to sell their production, and competition in the market regulates the price. The only difference is if the tax is 10 cents it will be 5 cents less profit than if it is only 5 cents.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. KENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KENT: Page 3, line 25, after the word "ton," insert the following:

"*Provided*, That the Secretary of Commerce or Congress may alter the terms of such licenses at the beginning of any annual period."

Mr. KENT. Mr. Chairman, that is where I am taking the gentleman from Virginia [Mr. SAUNDERS] at his word. I would like to have that put in there in plain language, so that we shall know this is not a perpetual lease, and that the Secretary of Commerce or the Congress may amend or change the terms of annual leases without treading on the toes of any vested interest.

There may be necessity for our legislating as to the control of the price of the fish, or there may be necessity for legislation as to the cutting down of the number of fish caught in these traps. Such changes or restrictions are not provided for in this bill. Under this amendment those necessary requirements can have immediate attention, whereas I fear without such an amendment if Congress should try to pass proper restrictive legislation it would find itself blocked by the argument that it was treading on the toes of vested interests. In any event that power could not be applied by the Secretary of Commerce at a time when it might be urgently needed.

Mr. SAUNDERS. Mr. Chairman, I will merely say, in response to the remarks submitted by the gentleman from California [Mr. KENT], that the main provision of the gentleman's amendment has been provided for. So much of the gentleman's amendment as gives Congress the right to change the terms of a lease, is already covered by the committee amendment heretofore cited.

But the rest of the gentleman's amendment, which proposes to give to the Secretary of Commerce the power indicated, is not, I suggest, good legislation. Does the committee think that it is wise for us, as a legislative body, to give to a single department of Government such a power with respect to these licenses, as the amendment of the gentleman from California proposes to afford, particularly when the Government, the source of authority, has reserved a power of repeal which it can exercise at any time? The attention of the gentleman is called to the fact that Congress sits every year, so that within every 12 months the opportunity will be afforded to rectify any possible mischief, or evil condition that may arise under the operation of this law in the Territory of Alaska.

Mr. KENT. Will the gentleman accept the amendment if the "Secretary of Commerce" is stricken from it?

Mr. SAUNDERS. No, for when the Secretary of Commerce is stricken from the amendment, what is left will be in substance a mere repetition of another section of the bill.

Mr. KENT. I want to get recognition of the fact that at the beginning of every annual period this right shall exist.

Mr. SAUNDERS. Here it is——

Mr. KENT. You have got it at the end of the bill.

Mr. SAUNDERS. Our proposed amendment provides as follows:

SEC. 28. Rights subject to revocation: All rights granted by this act shall be subject to alteration, amendment, or revocation by Congress.

Mr. KENT. I know, but if these privileges run along, and a lot of money is spent under this law, the licensees will come back and say, "You can not revoke our rights"; but if you put definite limitation in the body of the bill so that changes may be made at the beginning of the annual license period you will have something in the bill that will provide necessary power to regulate.

Mr. SAUNDERS. Should we embody in this bill the language that I have just read, and I imagine there will hardly be any contention on this point, it is perfectly clear that at no time hereafter will the licensees under this measure enjoy any legal right of recovery against the Government in the event that their licenses are abrogated in the exercise of the manifest authority afforded by this language.

Mr. KENT. Does the gentleman believe that the bridge licenses which we grant, with the repealing clause in them, will ever by abrogated?

Mr. SAUNDERS. I do not know anything about the bridge licenses, but I am perfectly familiar with the interpretation that has been given to the language of this amendment, in my own State and elsewhere.

Mr. KENT. We reserve the right of amendment and repeal in the bridge bills, but that right is never exercised.

Mr. SAUNDERS. A licensee will not enjoy any right to recover for the abrogation of a license under this law, for the manifest reason that whatever rights he may take under his license will be subject to alteration, amendment, or revocation at the pleasure of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. ELSTON. I ask unanimous consent that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. KENT: Page 3, line 25, after the word "ton," insert the following:

"*Provided*, That the Secretary of Commerce or Congress may alter the terms of such licenses at the beginning of any annual period."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. WICKERSHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WICKERSHAM: Page 4, strike out lines 1 to 4, inclusive.

Mr. WICKERSHAM. Mr. Chairman, my motion is to strike out the following words:

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

I move to strike out those words, because I am in favor of the Territory of Alaska levying a tax upon this property, and the power which she now has is a power which she gets through the act creating her legislature.

I also move to strike this out because it does not seem to be necessary, as it is already covered by section 22. I also move to strike it out because I do not think that any gentleman on the committee can tell exactly what it means, what its limits are, and what it undertakes to cover. I think it is a very dangerous piece of legislation and ought to be stricken out on general principles, because it is not necessary in the bill and adds to its confusion.

Mr. MANN. I do not think I can quite agree with the gentleman from Alaska, but I would like to make an inquiry. It says:

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or territorial license fees and taxes therefor and thereon.

That is, covering the business. Would that cover the corporation tax? Is it the intention to exclude by special legislation the corporation tax? I do not think it is very important, possibly, except as a precedent. It seems to me it is not advisable to commence legislation to exclude certain corporations from the provisions of the corporation tax; and unless that was expressly intended by the committee, it seems to me, we ought to have language which would exclude the corporation tax.

Mr. ALEXANDER. It was not the intention of the committee to exclude any corporation tax or income tax. The purpose was that the licenses and taxes provided for in this bill should be in lieu of other taxes levied under existing law.

Mr. MANN. Ordinary taxes.

Mr. ALEXANDER. Yes.

Mr. MANN. That is what I suppose; but as it is worded I think it would be in lieu of the corporation tax. We passed a provision which we called a corporation tax on all corporations; and if we impose now certain personal taxes or excise taxes upon the property and business of these corporations in lieu of the ordinary taxes, it seems to me, we ought to exclude from the exclusion the corporation tax and to maintain the same practice as to other corporations.

Mr. ALEXANDER. In the light of what the gentleman from Illinois [Mr. MANN] has said, and in view of the fact that section 22 provides—

That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory—

It is well enough to accept the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. MOORE of Pennsylvania. If it is now in order, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized on his motion to strike out the last word.

Mr. COOPER of Wisconsin. Would not this also be in lieu of an income tax?

Mr. ALEXANDER. We have stricken it out.

Mr. MANN. There is no income tax on corporations.

Mr. COOPER of Wisconsin. But does the gentleman assume that nobody except these three corporations will get a license up there?

Mr. MANN. I think the gentleman is right as to individuals.

Mr. COOPER of Wisconsin. The bill on the first page says—

That it shall be unlawful for "any person" to engage in the business—

And so forth.

Apparently the assumption of the gentleman from Illinois is that only corporations will engage in this business, and that would seem to bear out the suggestion of the gentleman from Alaska [Mr. WICKERSHAM] that only these three corporations are going to have a chance. If so, we ought to strike out of the language which I have read the words "any person" and insert the words "any corporation."

Mr. ALEXANDER. The gentleman from Wisconsin will understand that we accepted the amendment.

Mr. COOPER of Wisconsin. I should think the gentleman from Missouri would accept it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 2, line 10, after the word "to," strike out the words "any person" and insert the words "citizens of the United States only."

Mr. MOORE of Pennsylvania. Mr. Chairman, I realize that one or two members of the committee have indicated that existing law governs this point, but this bill is a comprehensive measure which undertakes to reorganize the entire Alaska fishery business, and it seems to me it could do no harm at this time to limit the issuance of licenses to citizens of the United States.

One of the difficulties confronting those who try to understand the Alaska fishery problem is the matter of the Canadian fisheries and other rights in contrast to those of the United States, Alaska being nearer to Canada than it is to the United States. There are certain preferences in the matter of ports. Prince Rupert has been mentioned once or twice as being the point in Canada at which a great many fish are received for shipment to the United States.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. FESS. Has the gentleman made an investigation as to whether his amendment would interfere with the treaty rights between us and other countries?

Mr. MOORE of Pennsylvania. No; but I assume that we have the right to legislate for citizens of the United States, and that no treaty would interfere with that right in this respect.

Mr. MANN. If the gentleman will pardon me, I think the law referred to by the gentleman from Virginia [Mr. SAUNDERS] a while ago, the law of 1906, has a saving clause in it in reference to the rights under treaties.

Mr. MOORE of Pennsylvania. I am frank to say that I have not looked up that law.

Mr. MANN. The law forbids anybody but a citizen of the United States fishing in Alaskan waters, but I think it has a saving clause which says that the act shall not interfere with any treaty rights.

Mr. MOORE of Pennsylvania. That is no reason why this amendment should not be passed. There is a controversy between the Canadian and American fishermen with respect to Alaskan waters, and the port of Prince Rupert enters into it very strongly to the prejudice of American ports south of the Canadian line. My point is that we ought not to throw this business into the hands of Canadians and that we ought to remove from the Secretary of Commerce the temptation to grant a privilege or a license to Canadians as he might do under the terms of this bill, which refers only to "any person" or to any corporation, perhaps, made up of a majority of Canadian stockholders. I am aware that the bill defines a person as "any person, firm, partnership, corporation, association, or society," and that we are covered to that extent in referring to "any person," but I still contend that having left open the question of citizenship, it ought to be covered by the passage of some such amendment as I have offered.

Mr. SAUNDERS. The gentleman's amendment proposes to strike out the words in line 10——

Mr. MOORE of Pennsylvania. It proposes to strike out the words "any person" and insert "citizens of the United States only," not disqualified by law, and so forth.

Mr. SAUNDERS. When this matter was up in an informal way a few minutes ago, I said that I did not think that it was necessary to amend the measure in the manner indicated by the gentleman from Pennsylvania. I am confirmed in that opinion after further study of the bill, and I will give the gentleman the reason why I hold this view. The gentleman will observe by looking to the bill that it does not undertake to say who shall be qualified to make application for licenses. It simply provides that a license shall be required before business is done.

Mr. MOORE of Pennsylvania. Is it not the purpose of the committee to give authority to the Secretary of Commerce to issue licenses to nobody but citizens of the United States?

Mr. SAUNDERS. Of course. I was pointing out that this act does not undertake to say in its own terms who shall be in a position to apply for a license. It merely says that a license shall be necessary. Then looking to section 2 it will be seen that it provides that licenses shall be issued by the Secretary of Commerce to any person not disqualified by law. Looking to the act which I have cited, we find the people who may be admitted to pursue these fisheries. If anyone is not in the class covered by the act of 1906, it is perfectly clear that he would not be qualified by law to make application for a license.

Mr. MOORE of Pennsylvania. But there might be other disqualifications not comprehended by that act.

Mr. BENNET. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 2, line 10, after the word "person," insert the words "a citizen of the United States."

Mr. BENNET. Mr. Chairman, the gentleman from the western part of Virginia may be, and probably is, entirely correct in his construction of the act of 1906 in connection with this act. As I understood him earlier in the afternoon, it was his statement and contention that, taking the two acts together, a person not a citizen of the United States could not get a license. But there is, on page 25 of this bill, a repealing clause, one of those necessary but dangerous repealing clauses, which repeals all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act. Nobody can tell here this afternoon but that five or six years

from now this matter may be of vital importance and may even raise an international question.

Mr. LONGWORTH. Will the gentleman pardon me?

Mr. BENNET. Certainly.

Mr. LONGWORTH. I call the gentleman's attention to section 27, which provides that certain provisions of this act shall not apply to Indians, Aleuts, and Eskimos. Possibly there may be some Eskimos who are citizens of the United States, but I doubt it.

Mr. BENNET. They might be British subjects.

Mr. LONGWORTH. This specifically provides that Eskimos may be given licenses, so that the gentleman's amendment is necessary.

Mr. BENNET. That is an additional reason, it seems to me, and I thank the gentleman from Ohio for the suggestion. Let me call this fact to the attention of the chairman and the gentleman from Virginia [Mr. SAUNDERS]. Those gentlemen, both able lawyers, take the position which I think the entire House takes, that these very valuable licenses ought not to be given to anyone except citizens of the United States. Why rest upon a construction as to which there may be even a doubt? One of the slogans of the day is "safety first." It does not do a particle of harm to put in the language I have suggested in line 10. No one contends that anything else ought to be done. Why not, as careful legislators, do what we would do if we were lawyers practicing in our offices—as many of us will be after the 4th of March? Why not make this thing certain, so far as anything can be made definitely and humanly certain, and restrict these valuable rights to citizens of the United States? I prefer the form I have offered it in to the form offered by my friend from Pennsylvania [Mr. MOORE], as it seems to me to read better, but it is a mere matter of taste. I hope the gentleman's amendment or my amendment will be adopted.

Mr. MANN. Mr. Chairman, in discussing the amendments in reference to citizenship I want to get a little information about the salmon business in Alaska, if I may. I would like to know from some one how many nets or other appliances there are for catching fish or salmon up there now. Does any one know?

Mr. ALEXANDER. I do not quite get the gentleman's inquiry.

Mr. MANN. How many different traps or nets or seines with which you catch the fish are up there now being operated?

Mr. ALEXANDER. They are in my report upon the bill. There are 284 pound nets, 281 purse seines, 2,392 gill nets, 62 haul seines, 4,420 trawl lines for salmon, 3,613 hand lines for cod, and 1,920 trawl lines for halibut.

Mr. MANN. How many of these are owned by corporations?

Mr. ALEXANDER. I can give the gentleman that information in a minute.

Mr. MANN. Or by individuals. Of course, I do not want to take up too much time of the House, but while my friend is looking that up I would like to know something about the habits of these salmon, from some one who knows. It is said that they all return to the stream from which they came as small fry. I believe that is the accepted view of the scientists. Whether that be so or not I do not know and do not care. Then, when you have fish hatcheries up there, what do you do—distribute the fry in the different streams and have the little ones look around at the other minnows in these different streams to get their bearings and then afterwards come back to that stream, not where they were born but from which they enter the sea? Is that correct?

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HADLEY. I was waiting to defer to the gentleman from West Virginia [Mr. BOWERS], who has been a United States Fish Commissioner.

Mr. MANN. Oh, a United States Fish Commissioner has a thousand things to do besides knowing about the habits of salmon. I think he is the only man in the House who knows anything about this, though I hope not, but I do not think that the rest of us are yet qualified to legislate upon this subject.

Mr. HADLEY. There are two Government fish hatcheries there at present, one in eastern Alaska and one in central Alaska, and there are four private hatcheries, and they are placed according to custom in the streams.

Mr. MANN. What is done with the fry after it is hatched?

Mr. HADLEY. They impound the fry and hold them and bring them up until they reach a point when they are thought to be ready to go to sea and take care of themselves.

Mr. MANN. From where do they go to sea?

Mr. HADLEY. From the streams in which they are hatched—their natural habitat.

Mr. MANN. They have up there only five or six hatcheries, and how many streams are there to which salmon come back?

Mr. HADLEY. There are a great many more streams. I am not able to say how many there are which are susceptible of salmon breeding.

Mr. MANN. Of what value is it under the gentleman's statement for the Government to maintain a fish hatchery on a stream and produce salmon which go out of that stream and which come back to that stream, when you know one person or one corporation controls all of the fish that get back to the stream?

Mr. ALEXANDER. Mr. Chairman, if the gentleman will permit an interruption at this point, I can give him the information that he asked for a moment ago.

Mr. MANN. Very well.

Mr. ALEXANDER. Mr. Warren was the witness before the committee and in his statement he said:

> In connection with the monopoly question, I would like to call your attention to the fact that there were in operation in 1915, according to the statistics of the Pacific Fisherman, from which the judge quoted, 86 canneries, of which the Alaska Packers' Association operated 14; the Northwestern Fisheries Co., 11; the Pacific-American Fisheries, 3; the Alaska-Pacific Fisheries Co., 3; North Alaska Salmon Co., 4; Columbia River Packers' Association, 2; Libby, McNeil & Libby, 3; and Deep Sea Salmon Co., 2. All the balance of them are operated by independent concerns. In other words, less than half of the canneries existing in Alaska are operated by concerns owning more than one cannery, and of those owning more than one, the ones which the judge classified as monopolies, the Alaska Packers' Association owns 14; the Northwestern Fisheries Co., 11; and Libby, McNeil & Libby, 3, a total of 28 out of 86 owned by what he terms a monopoly.

Mr. MANN. I suppose all of the canneries are operated by corporations, and that would be natural. What I ask is how many of these different appliances used for catching fish are owned by the corporations? I take it that the man who goes out and catches fish on his own hook—I will not say that, though I started to say line, but I understand they do not catch them on hook or line——

Mr. HUMPHREY of Washington. Oh, yes; they do.

Mr. MANN. I take it that he does not can the salmon that he catches, but turns his catch over to a canning company—must necessarily do so. I really want to know something about this thing, for it may come up in the future while I am here. Why should we maintain the fish hatcheries if that is the case, when all of the fish that are hatched in a stream at a fish hatchery go out of that stream and come back to that stream eventually where there is a monopoly of the stream?

Mr. HUMPHREY of Washington. If the gentleman will yield, I will give him my observation.

Mr. MANN. I want information, not observation.

Mr. HUMPHREY of Washington. Sometimes they are the same.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I yield the floor to the gentleman to do just as he likes.

Mr. BENNET. Mr. Chairman, I ask that the amendment be again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to save time and facilitate business I will accept the substitute offered by the gentleman from New York.

Mr. SAUNDERS. Let the substitute be reported.

The CHAIRMAN. The substitute will again be reported, without objection.

There was no objection.

The substitute was again reported.

Mr. SAUNDERS. Mr. Chairman, I desire to take up briefly the suggestion of the gentleman from Ohio, [Mr. LONGWORTH] that section 27 of the bill, makes it necessary, or at least affords some reason why this amendment should be adopted. The attention of the committee is called to the fact that this section applies only to natives of Alaska, and provides certain exceptions in favor of those natives. There is no possibility that the interpretation suggested by the gentlemen from Ohio could be given to this section. With respect to the amendment offered by the gentleman from New York [Mr. BENNET] I understand that he wishes to insert the words "citizens of the United States."

Mr. BENNET. Yes, sir.

Mr. SAUNDERS. Permit me to again call attention to the fact that the act of June, 1906, expressly says that it shall be unlawful for any person not a citizen of the United States. This is the language that the gentleman desires to insert in our bill.

Mr. BENNET. Because——

Mr. SAUNDERS. But the language that you offered in your substitute is precisely the language of the act of 1906.

Mr. BENNET. Because of the danger involved in the repealing clause.

Mr. MANN. That law, however, provides a saving clause, I think, in reference to treaties. Now if we should say nobody but a citizen of the United States should have the right, and we have a treaty giving rights to other people, it would be a violation of the treaty.

Mr. SAUNDERS. That suggestion affords another and a sufficient reason for the rejection of this amendment.

Mr. BENNET. Of course we have a perfect right to pass a statute——

Mr. SAUNDERS. Of course we have the authority to do so, but the question is whether there is any necessity for a change in the language of the section under consideration.

Mr. BENNET. It seems to me this House ought to limit it to citizens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ALEXANDER) there were—ayes 33, noes 36.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ALEXANDER and Mr. BENNET) reported there were—ayes 34, noes 44.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to amend by inserting, page 2, line 9, after the word "issued," the word "annually."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, after the word "issued," insert the word "annually."

Mr. ALEXANDER. We will accept that.

Mr. BENNET. Mr. Chairman, I understand the committee has no objection to this amendment.

Mr. ALEXANDER. There is no objection to the amendment.

Mr. MANN. Why do you not add the word "annually" again? Why not put it in twice? Why not make it twice in two years? Why not make it once in two periods of six months? Here is a bill which provides that nobody can fish without a license. Every license expires December 31 of the calendar year, and yet gentlemen insist that we put in the word "annually," and say "an annual" license is required. I do not think you can settle it by having it in once, you ought to put it in three times.

Mr. SLOAN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SLOAN. Why not put it semibiennially?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Missouri in charge of the bill what provision there is in here about the renewal of licenses except on page 8?

The CHAIRMAN. The Clerk will read.

Mr. COOPER of Wisconsin. One moment, Mr. Chairman. I have asked for information. I move to strike out the last word, then. On page 8 I find, beginning with line 6:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

So when the annual term of the first license has expired the only person that can step up to the captain's desk and ask for another license is the corporation itself, its successors or assigns. The only renewal that can be made is by that corporation, its successors or assigns, which strikes me as rather clever on the face of it. I would like to have that interpreted. I want the correct interpretation. Then what becomes of the argument that we have heard here that every year this license expires and there will be a renewal by that person or corporation? Congress can not in a short session, the way business is done here, hope to amend these laws, and can not do it in a long session.

Mr. HAMILTON of Michigan. I will say to the gentleman that this relates to a personal piscatorial privilege.

Mr. SWIFT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 3, strike out lines 3 to 6, inclusive.

Mr. SWIFT. Mr. Chairman, the effect of this proposed amendment, of course, is to eliminate the license fees which are mentioned in the proposed lines, and I believe that this tax on canned goods should be eliminated, as it will result in a cheapening of these fish products.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWIFT. Certainly.

Mr. STAFFORD. Is not the provision the gentleman seeks to have eliminated virtually a provision for a consumption tax?

Mr. SWIFT. Yes.

Mr. STAFFORD. And that will be levied directly upon the consumers by adding that much to the retail price of the commodities?

Mr. SWIFT. That is what I am endeavoring to eliminate.

Mr. ALEXANDER. I am not sure that I caught the amendment, but as I understand it it is to strike out all of line 3 down to and including line 25. The effect of the amendment would be, of course, to relieve these industries from all taxes whatever, except the license fees, which amount to about $1,140 a year. In other words, it would deprive the Government of any part of the revenue, and it would deprive the Government of the administration of the law and deprive the Territory of any revenue whatever. While it may be desirable to cheapen the price of food products, it is equally desirable, I think, to provide revenue for revenue purposes in the Territory of Alaska and to conserve the industry.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word. I am in favor of the amendment presented by the gentleman from New York [Mr. SWIFT]. As I understand it, Alaska is practically supported out of the National Treasury. Now, these taxes that are specified from line 3 to 25 are taxes upon the product itself, which eventually are paid by the consumer. Now, the prices for the necessities of life are certainly high enough, but the people that produce these necessary foodstuffs take advantage of every opportunity to increase the price and pass it on to the consumer. I feel that any tax that is levied upon the output of these canneries is finally paid by the people of the United States who consume the products of them. Nothing is gained by it. The people of this country support Alaska, provide for all the funds that are raised up there, and we are simply taxing ourselves by placing it upon the food necessities that we consume every day. I feel that if we intend to hold down the high cost of living, as I think we should, here is an opportunity to strike out any tax that is levied against these food products.

Mr. BORLAND. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. BORLAND. Does the gentleman realize that the highest tax in this bill is 6 cents a case and that there are 48 cans of salmon in a case?

Mr. EMERSON. I know; but what difference does that make? Every cent added in form of taxes is paid by the consumer finally.

Mr. BORLAND. That is all that is added to the price to the consumer.

Mr. EMERSON. We will pay it just the same. It may be small, but it is the principle that is involved that I am concerned about. That is what I object to in the bill.

Mr. BORLAND. Let me ask the gentleman another question.

Mr. EMERSON. Very well.

Mr. BORLAND. Does not the grocery man in the gentleman's town pay a personal tax on his stock of goods and a license to do business in the town, and necessarily he adds that to the prices of the goods he sells?

Mr. EMERSON. That is true; but that is no argument against my proposition. The mere fact that an injustice is done in one instance does not justfy it in every instance.

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alaska moves to strike out the last two words.

Mr. WICKERSHAM. Mr. Chairman, the bill levying a tax upon salmon at 4 cents a case was passed by Congress in 1899. There has been no increase in that tax from 1899 to this time, a period of almost 18 years. In 1899 the price of salmon per dozen cans was $1.52. It is now $2.22, according to the Government report, so that the price has increased 70 cents per dozen cans, or $2.80 per case since 1900, although there has been no increase in the tax. So that it demonstrates, to my satisfaction at least, that there is no connection between the small amount of tax that we want to put upon this industry

and upon their output and the selling price of the product. They will make you pay just as much, whether you make them pay what the other property owners pay in tax or not.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. WICKERSHAM. Yes.

Mr. COOPER of Wisconsin. Is there a uniform price up there for the same grade or kind of salmon, regardless of by whom caught?

Mr. WICKERSHAM. There is a general uniform price, and it is made by J. K. Armsby Co., of New York, in accordance with the recommendations of the Alaska Packers' Association, according to the testimony that has been had before the Committee on Fisheries in the Senate.

Mr. COOPER of Wisconsin. So that there is a combination up there to fix the price of the commodity?

Mr. WICKERSHAM. Yes; and there always has been, and always will be, unless something is put into this bill to control them.

Mr. ALEXANDER. Mr. Chairman, I have a letter in my hand from Mr. J. C. Strong, who lives in Ketchikan, Alaska, and who, I understand, is a very reputable citizen.

Mr. WICKERSHAM. Is he not one of the cannery men?

Mr. ALEXANDER. Well, is he a villain for that reason? Is he not a good man? Is he not a good citizen?

Mr. WICKERSHAM. I would not like to commit myself on that question.

Mr. ALEXANDER. The gentleman from Alaska made a speech in Ketchikan, in which he made this bill an issue in his contest for Congress. He said a vote for him would be a vote against this bill, and a vote against him would be a vote in favor of the bill. The gentleman was defeated, so that apparently this bill was thoroughly thrashed out in Alaska.

Mr. WICKERSHAM. I would like to ask the gentleman a question.

Mr. ALEXANDER. I yield to the gentleman.

Mr. WICKERSHAM. Does the gentleman not know that I carried the town of Ketchikan by a very large majority?

Mr. ALEXANDER. I am not informed as to that.

Mr. WICKERSHAM. I did.

Mr. ALEXANDER. Here is what he says in another place. I do not know who Mr. Strong is.

Mr. HUMPHREY of Washington. As to the statement that the gentleman from Alaska made, I do not know whether it is going to go into the RECORD or not, but I wish to say that I know Mr. Strong. He is a reputable gentleman and does not have such interests as the gentleman from Alaska intimated.

Mr. ALEXANDER. In this letter he simply stated that—

From the reports of the United States Bureau of Fisheries and Pacific fisherman I find that in 1911 1-pound tall cans of Alaska reds sold at $6.33 per case, while pink salmon of the same pack sold at $3.94 per case. At no time since 1911 has any variety of Alaska salmon reached the market price of that year.

I have not investigated it thoroughly, but that is the statement made by Mr. Strong.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the motion made by the gentleman from New York [Mr. SWIFT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SWIFT. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 9, noes 34.

So the motion was rejected.

Mr. ALEXANDER. Mr. Chairman, it is now about 5 o'clock. It is evident that the consideration of this bill can not be finished to-day, and, of course, if it can not be finished to-day, the chances are that it can not pass the House during this session of Congress. Under the circumstances I have no disposition to prolong the session, although I regard this legislation as of the utmost importance, and its merits have been totally misrepresented on the floor.

I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co. and to the Anheuser-Busch Brewing Association and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

UNIFORM SALES.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to address the House. I am about to introduce a uniform sales act, and I ask unanimous consent to incorporate in what I have to say the act prepared by the American Bar Association.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, December 14, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and plan and estimate of cost of improvement of Grays Harbor Bar, Wash. (H. Doc. No. 1729); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Chickasaway River, Miss., from its mouth to Shubuta (H. Doc. No. 1730); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Arroyo Colorado, Tex., up to Harlingen (H. Doc. No. 1731); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Austwell, Tex., to a connection with the inland waterway in San Antonio Bay (H. Doc. No. 1732); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

5. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lake River, Wash. (H. Doc. No. 1733); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Delaware River from mouth of Cooper River to Fishers Point Dike, on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 1734); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

7. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of deep-water harbor at Port O'Connor, Tex. (H. Doc. No. 1735); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

8. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Sammamish River, Wash., from Lake Washington to Bothwell, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 1736); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Sabine-Neches Canal, Tex., with a view to revetting the north bank of the canal between Port Arthur, Tex., and Sabine Lake, such revetment work to be confined to the section of the bank within the city limits of Port Arthur, Tex. (H. Doc. No. 1737); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting for inclusion in the urgent deficiency bill an item for legislative authority for the use of $12,500 of the current appropriation of $700,000 for surveying public lands (H. Doc. No. 1738); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for the fiscal year 1918, in the sum of $25,000, increasing the item for inspection and quarantine work, etc., under the appropriation "General expenses, Bureau of Animal Industry" (H. Doc. No. 1739); to the Committee on Agriculture and ordered to be printed.

12. A letter from the Secretary of the Treasury, submitting an item of legislation for incorporation in the bill providing for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918 (H. Doc. No. 1740); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16583) granting an increase of pension to George D. Adamson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13334) granting a pension to Milo M. Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14830) granting an increase of pension to Louis H. Blake; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12968) granting an increase of pension to Stewart H. Herbeson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8577) granting a pension to Joseph Kasiah; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3922) granting an increase of pension to Peter R. Matthew; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18418) granting an increase of pension to John E. Packard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Arkansas: A bill (H. R. 18812) declaring Bayou Meta to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. CHIPERFIELD: A bill (H. R. 18813) for the erection of a public building at Lewistown, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HULBERT: A bill (H. R. 18814) granting indefinite leaves of absence to superannuated employees of the Treasury Department; to the Committee on Reform in the Civil Service.

By Mr. CARAWAY: A bill (H. R. 18815) to authorize the construction and maintenance of a road across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: A bill (H. R. 18816) to amend an act entitled "An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries"; to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 18817) authorizing the Secretary of War to donate to the city of Cookeville, in the county of Putnam and State of Tennessee, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 18818) to provide for the erection of a public building at Cicero, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18819) to purchase a permanent site for the erection of a post-office building in La Grange, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18820) to purchase a permanent site for the erection of a post-office building in Berwyn, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18821) making an appropriation for the improvement of the Schuylkill River, Pa.; to the Committee on Rivers and Harbors.

By Mr. McANDREWS: A bill (H. R. 18822) to purchase a permanent site for the erection of a post-office building at Maywood, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 18823) making an appropriation for the improvement of the Pawtucket River, R. I.; to the Committee on Rivers and Harbors.

By Mr. PORTER: A bill (H. R. 18824) to authorize the coinage of 2-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. TIMBERLAKE: A bill (H. R. 18825) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes"; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 18826) to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service; to the Committee on the Public Lands.

By Mr. HULL of Iowa: A bill (H. R. 18827) to appropriate $75,000 for a shelter for vehicles and for a welfare station at the Rock Island Arsenal; to the Committee on Appropriations.

By Mr. LLOYD: A resolution (H. Res. 402) authorizing the Committee on the Library to procure portraits of Speaker CHAMP CLARK and former Speaker JOSEPH G. CANNON; to the Committee on Accounts.

By Mr. STEPHENS of Mississippi (by request): A resolution (H. Res. 403) requiring the Commissioners of the District of Columbia to submit certain information in their possession to the House of Representatives, to be used in connection with House bill 17794, 64th Cong., 1st sess.; to the Committee on the District of oClumbia.

By Mr. EMERSON: A resolution (H. Res. 404) to have Postmaster General report on advisability of abolishing zone system on parcel post, reduce charge, and increase weight of packages on parcels containing necessary food products; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: A joint resolution (H. J. Res. 317) authorizing the acceptance and free use of a free-energy generator by the United States Government and for the special protection of its discoverer; to the Committee on Military Affairs.

By Mr. KEATING: A joint resolution (H. J. Res. 318) authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the third national convention of the Young Men's Business Associations of America; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18828) granting a pension to Margaret L. Cassady; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 18829) granting an increase of pension to Richard Williams; to the Committee on Pensions.

Also, a bill (H. R. 18830) granting an increase of pension to Mrs. Emma E. Normoyle; to the Committee on Pensions.

Also, a bill (H. R. 18831) granting a pension to Martha J. Gallivan; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 18832) granting an increase of pension to Peter Heis; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 18833) granting an increase of pension to Randall De Witt Bordeaux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18834) granting an increase of pension to Myrtle Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18835) granting an increase of pension to Luman W. Storer; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18836) granting a pension to Rufus S. Tucker; to the Committee on Pensions.

By Mr. BEALES: A bill (H. R. 18837) granting an increase of pension to B. Frank Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18838) granting an increase of pension to Emanuel R. Fry; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 18839) granting an increase of pension to Lucy Collin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18840) granting a pension to Sophia Moldenhauer; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 18841) granting an increase of pension to Arbery Estes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18842) granting an increase of pension to Elias T. Newman; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 18843) granting an increase of pension to Joseph Adams; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 18844) granting an increase of pension to William Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18845) granting an increase of pension to Calvin Sharpnack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18846) granting a pension to Lee F. Pixley; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 18847) granting an increase of pension to William Felts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18848) granting an increase of pension to Silas Crisler; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18849) to waive the age limit and the disqualifications of being married, in the appointment of John J. Maher as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 18850) granting a pension to Elbert R. Roberson; to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 18851) granting an increase of pension to George W. McAninch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18852) granting a pension to Porter Frost; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 18853) for the relief of George A. Cummings; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 18854) granting an increase of pension to John Bardill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18855) granting a pension to Susan A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18856) granting a pension to Andrew J. Smith; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 18857) granting an increase of pension to Arthur Plank; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 18858) granting an increase of pension to Henry C. Orvis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18859) granting an increase of pension to John R. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18860) granting a pension to Charles H. Jackson; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 18861) granting an increase of pension to Andrew J. Britton; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 18862) for the relief of Wilson B. George; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 18863) for the relief of Frank H. Walker and Frank E. Smith, a part of whose real property was taken and is now occupied by the United States for the foundation of the west wall of the Government Printing Office, in the city of Washington, and the remainder not taken damaged by reason of the construction and operation of said printing office; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 18864) granting an increase of pension to William Vincent; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18865) granting a pension to Fannie R. Gardner; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 18866) granting an increase of pension to Effie Haywood Woodruff; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 18867) granting a pension to Sate L. Brundage; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 18868) granting an increase of pension to Andrew J. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18869) granting an increase of pension to Andrew J. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18870) granting an increase of pension to James W. Lathrop; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 18871) granting an increase of pension to John Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18872) granting an increase of pension to James Noland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18873) granting an increase of pension to John Chalk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18874) granting an increase of pension to William J. Rennaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18875) granting an increase of pension to Francis M. Werst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18876) granting an increase of pension to James M. Drook; to the Committee on Pensions.

Also, a bill (H. R. 18877) granting an increase of pension to Charles M. Baughman; to the Committee on Pensions.

Also, a bill (H. R. 18878) granting a pension to Edward F. Baker; to the Committee on Pensions.

Also, a bill (H. R. 18879) granting a pension to Benjamin F. Long; to the Committee on Pensions.

Also, a bill (H. R. 18880) to correct the military record of Stephen Murphy; to the Committee on Military Affairs.

Also, a bill (H. R. 18881) to correct the military record of Reuben Pulley; to the Committee on Military Affairs.

Also, a bill (H. R. 18882) to correct the military record of Henry Endsley; to the Committee on Military Affairs.

By Mr. ROWLAND: A bill (H. R. 18883) granting an increase of pension to George Ulrich; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 18884) for the relief of Albert H. Radla; to the Committee on Claims.

By Mr. SMITH of Minnesota: A bill (H. R. 18885) granting a pension to Elizabeth Shufelt, 3844 Nicolett Avenue, Minneapolis, Minn.; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 18886) granting a pension to Johanna Edmonds; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18887) granting an increase of pension to Eli Mathews; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 18888) for the relief of the widow of O. J. Levander, deceased; to the Committee on Claims.

By Mr. WOODS of Iowa: A bill (H. R. 18889) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18890) granting a pension to William Bass; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 17524, for relief of John Ervin; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorials of Local Union No. 2248, United Mine Workers of America, of Martindale, representing 400 members, and Local Union No. 2008, United Mine Workers of America, of St. Benedict, Pa., representing 400 members, favoring investigation into the high cost of living; to the Committee on Rules.

By Mr. BEAKES: Petitions of post-office employees of Adrian and Ann Arbor, Mich., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of postal employees at Fort Plain, Johnstown, and Schenectady, N. Y., for increase of compensation; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Memorial of Sacramento Branch of the Railway Mail Association, of Sacramento, Cal., in favor of retirement for civil-service employees and minimum wage for substitute civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. DENISON: Petitions of postal employees of Carbondale and Duquoin, Ill., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. DUNN: Petition of employees of Rochester (N. Y.) post office, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petitions of postal employees of Rochester, N. Y., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Annie L. Bernard and others, of Berkeley, Cal., favoring Government control of all food-

distributing agencies; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of Watertown-Portage Branch, of the tenth division, Railway Mail Association, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petitions of 8 members of the Reformed Church, 90 members of the Baptist Sunday school, and 150 members of the Lutheran Church of St. Paris, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorials of International Association of Machinists, Memphis Lodge, No. 14, Memphis, Tenn., favoring the conserving of the food supply of the United States; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Citizens' Northwest Suburban Association, favoring the erection of the Gallinger Hospital in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of the Women's Home Missionary Society of the Methodist Episcopal Church of Sycamore, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the National Association of Andersonville Survivors, for additional pensions; to the Committee on Invalid Pensions.

Also, petition of post-office employees of De Kalb, Ill., for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of James P. Turner, of Osseo, Mich., concerning proofs of widowhood in claims for pensions; to the Committee on Invalid Pensions.

Also, petition of Lyon & Healy, of Chicago, Ill., favoring an appropriation of $1,000,000 for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, petition of Charles H. Wacker, Chicago, Ill., favoring an appropriation for a west side post office in Chicago; to the Committee on the Post Office and Post Roads.

Also, petition of Payson Manufacturing Co., of Chicago, Ill., against abandonment of pneumatic mail tube service; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Massachusetts State Council, Friends of Irish Freedom, against any further loans, secured or unsecured, to belligerent foreign nations; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of Philadelphia, against discontinuance of the pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, petition of William T. Hornaday, favoring game-sanctuary law; to the Committee on Agriculture.

Also, petition of United Bakers of Greater New York and vicinity, favoring inquiry into crop conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of G. C. Allen and 30 other railway employees of the State of Maine, for eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Sunday school people of Chapman and Mapleton, Me., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of William H. McKenzie and 64 other railway employees of the State of Maine, urging eight-hour-a-day law; to the Committee on Interstate and Foreign Commerce.

By Mr. HERNANDEZ: Petition of sundry postal employees, praying for an increase in salaries in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Memorial of Missionary Society of the Congregational Church of Danbury, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of James T. Brady and 30 other post-office and rural-carrier employees at Steubenville, Ohio, asking wage increase on account of high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Local No. 238, United Garment Workers of America, filed by Miss Ella Hawks, of St. Louis, Mo., requesting investigation into the high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KEISTER: Petitions of employees of post offices of Butler and Greensburg, Pa., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Iowa: Petitions of postal employees at Washington, Fairfield, and Burlington, Iowa, asking for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of postal employees of Appleton, Wis., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Memorial of Maryland State Grange, against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petitions of railway mail clerks, post-office clerks, letter carriers, and rural delivery carriers, by P. S. O. Niland and Irving S. Biser and others, asking for an increase in pay because of the cost of living; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of postal employees of Camden, Me., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. McKENZIE: Petitions of postal employees at Savanna and Rochelle, Ill., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petitions of Branch 29, U. N. A., of New Britain, and Harry R. Wallace and other employees of the post office at Southington, Conn., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. OLNEY: Petition of postal employees of North Abington, Mass., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. PAGE of North Carolina: Petition of employees of Seaboard Air Line Railway in North Carolina, asking that employees in department of maintenance of way be included in the provisions of the eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Petition of H. E. Lanagan and 10 others, employees of Spencer, Mass., post office, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. PARKER of New York: Petition of sundry citizens of New York, asking for increased wages in the postal service; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petitions of George W. Wallen and 67 others, H. L. Curtis and 160 others, W. H. Foss and 41 others, railway employees of the State of Maine, asking eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of Max A. Woethlig, John C. Grant, and 42 other employees of the post office at Ithaca, N. Y., favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

Also, petition of G. H. Brown, R. B. Wilkes, and 12 other employees of the Bath (N. Y.) post office; favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of James Lynch and 106 others, of Slano, Cal., for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petition of postal employees of Rome, N. Y., asking for increased pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Union veterans of the Civil War of Oneida County, N. Y., asking for investigation of the present German policy in Belgium; to the Committee on Foreign Affairs.

By Mr. SPARKMAN: Three petitions of railway-mail clerks, post-office clerks, letter carriers, and rural carriers favoring increase in salaries paid postal employees; to the Committee on the Post Office and Post Roads.

By Mr STAFFORD: Petition of members of Zion Evangelical Lutheran Church against export of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: Petition of sundry citizens of Pittsview, Russell County, Ala., asking that the employees of the maintenance-of-way department of American railways be included in the workings of the eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Hartsboro, Russell County, Ala., favoring passage of an eight-hour law for all railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Memorial of 800 people of Laconia, 150 people of Franklin, and 500 people of Concord, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petitions of Robert Peterson and Fritz Peterson, of Park Island, Ill., for an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: Petition of sundry citizens of Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of employees of the post office at Norristown, Pa., praying for an increase of their wages; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *December 14, 1916.*

(Legislative day of Wednesday, December 13, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

REGULATION OF IMMIGRATION.

The Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McLean	Shields
Beckham	Harding	Martin, Va.	Smith, Ariz.
Brady	Hardwick	Martine, N. J.	Smith, Mich.
Bryan	Hollis	Nelson	Smith, S. C.
Catron	Husting	Norris	Smoot
Chamberlain	Johnson, Me.	Oliver	Sterling
Chilton	Johnson, S. Dak.	Overman	Thomas
Clapp	Jones	Page	Thompson
Clark	Kenyon	Penrose	Tillman
Colt	Kern	Phelan	Underwood
Culberson	Kirby	Pittman	Vardaman
Cummins	La Follette	Poindexter	Wadsworth
Curtis	Lane	Robinson	Walsh
Dillingham	Lee, Md.	Saulsbury	Watson
Fernald	Lodge	Sheppard	Weeks
Gore	McCumber	Sherman	Works

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Illinois [Mr. LEWIS] on account of illness.

Mr. CHILTON. The Senator from Mississippi [Mr. WILLIAMS] is absent on account of illness.

Mr. MARTINE of New Jersey. I rise to announce that the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. BROUSSARD] are detained at their homes on account of illness.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

Mr. LA FOLLETTE. Mr. President, I think that the objection which I raised to a portion of section 3 and a portion of section 28 can be met by the adoption of a simple amendment to the last paragraph of section 28, which will be offered by the junior Senator from Georgia [Mr. HARDWICK], and which he has submitted to the chairman of the committee, to the Senator from Massachusetts [Mr. LODGE], and to myself.

Therefore I ask leave to withdraw the amendment which I offered to section 28, on page 57, and which I understand is still pending. I will follow that by a motion to reconsider the two amendments which were adopted to section 3, and then the Senator from Georgia will submit the amendment which he has prepared.

Mr. HARDWICK. As I understand it, the Senator from Wisconsin has withdrawn his motion to strike out the paragraph beginning at line 23, page 57, and ending at line 3, page 58. A motion now to amend the text is, I believe, in order, and in behalf of the committee I offer a proposition to insert after the word "property," in line 25, the words "except in war or revolution."

The VICE PRESIDENT. Just a moment. The Senator from Georgia will bear with the Chair. It is not in order until we have reconsidered the vote whereby it was adopted.

Mr. HARDWICK. It has not been adopted.

Mr. LA FOLLETTE. That was not adopted.

Mr. HARDWICK. The Senator from Wisconsin had moved it. He simply withdraws his motion.

Mr. LA FOLLETTE. That amendment was not adopted.

Mr. HARDWICK. A motion to perfect the text is first in order, anyway, as a matter of parliamentary law.

The VICE PRESIDENT. Have these amendments been agreed to?

Mr. LA FOLLETTE. Those are not affected by the amendment offered by the Senator from Georgia, but if the amendment offered by the Senator from Georgia is adopted, I will move to reconsider the amendments which were agreed to in section 3, because that is taken care of by another part of the bill.

Mr. SMITH of Michigan. Is the Senator from Georgia going to explain his amendment?

Mr. HARDWICK. Yes, sir; in just a moment. I have offered an amendment to come in after the word "property," in line 25, page 57, inserting the words "except in war or revolution," so that the paragraph as amended will read:

Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property, except in war or revolution, to enter the United States shall be deemed guilty of a misdemeanor—

And so forth.

Mr. SMITH of South Carolina. We accept that amendment.

Mr. HARDWICK. It is almost self-explanatory. I will say this much in behalf of the committee and of the amendment which we think solves this question, that the committee, on mature reflection, were not willing to be put even in the temporary attitude of assenting to any proposition that might look as if we agreed to the importation into this country of people who advocated the doctrine of the general unlawful destruction of property. On the other hand, we quite understood the objection urged by the Senator from Wisconsin and his motive in urging it. We did not want the language so drawn that the people, for instance, to use the illustration that he aptly gave, who threw the tea into Boston Harbor might be barred out of this country under the language.

So we have offered to insert the words "except in war or revolution," where the destruction of property is not a propaganda but a mere instrument of a fight that is being made in a good cause. I think that meets the situation properly, and I hope the amendment will be agreed to.

Mr. LA FOLLETTE. I suggest to the Senator to also insert the word "insurrection."

Mr. HARDWICK. I think that does not change what I have in mind, and I am perfectly willing to accept the suggestion of the Senator from Wisconsin.

Mr. LA FOLLETTE. Revolution may not be a comprehensive term. I make that suggestion.

Mr. HARDWICK. As the Senator suggests, I will insert the word "insurrection" before the word "revolution." It is the same basic idea. It will then read "except in war, insurrection, or revolution." In other words, political affairs where the destruction of property is a mere instrument which men must apply to secure what they consider to be their rights and their liberty. That is what the Senator has in mind.

Mr. LA FOLLETTE. The suggestion comes really from the Senator from Wyoming [Mr. CLARK].

Mr. HARDWICK. I hope the amendment will be adopted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia.

Mr. CUMMINS. I would like to hear it read.

The SECRETARY. On page 57, reprint of December 7, line 25, after the word "property," insert a comma and the words "except in war, insurrection, or revolution," so that it will read:

Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property, except in war, insurrection, or revolution, to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished—

And so forth.

Mr. SMITH of Michigan. Mr. President, of course the purpose of the Senator from Georgia is to solve this difficulty in some way, I suppose, so that the bill may progress. I am not one of those men who believe that revolution or insurrection is necessarily a virtue. I do not believe, either, that it would be wise for such men as Villa, for instance, to prey upon American life and American property three or four years and have the privilege extended to him by virtue of the character of his occupation to come in under legislation that the United States Senate is perfecting with so much care.

Mr. HARDWICK. I should like to get him over here.

Mr. SMITH of Michigan. We could not do anything except to hold him on the border under a tent guarded by American soldiers.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK].

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I move to reconsider the vote by which, on my motion, the following words were stricken out of the bill, on page 5, lines 10 and 11:

Or who advocate or teach the unlawful destruction of property.

And in lines 19 and 20:

Or who advocate or teach the unlawful destruction of property.

I move to reconsider the vote by which those words were stricken out of section 3, on page 5.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. LA FOLLETTE. I think the objections raised to those words are taken care of by the provision upon page 10, lines 6 and 7.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. REED. Out of order I desire to present a petition favorable to the immigration bill signed by Jesse Branch and several hundred other citizens. I ask that the petition, which is very short, may be printed in the RECORD without the names of the persons signing it.

The VICE PRESIDENT. Without objection, it is so ordered.

The petition is as follows:

HON. JAMES A. REED,
Senator for Missouri, Washington, D. C.

HONORED SIR: As citizens of the United States, as well as of Missouri, we most earnestly appeal to you to support the immigration bill containing the "illiteracy test" and assist in having an early vote on same by the Senate. We are confident you have read the report and final recommendations of the Immigration Commission, especially that part in which they say, "We are receiving too many undesirables," and "that the 'illiteracy test' is the most feasible single method of stopping them." Surely you realize the need of this legislation.

Mr. PHELAN. Mr. President, I move to reconsider the vote whereby the Senate agreed to the committee amendment on page 49, line 16, with a view of afterwards moving to restore the language of the House bill. Permit me to state that the language in section 22 as passed by the other House is as follows:

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him—

They shall be permitted to land, provided that they are not afflicted with contagious sickness. The Senate committee has recommended that the words "taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen" be stricken out, and that there be substituted instead the words "resided in the United States for seven consecutive years."

Section 37 of the present immigration act, now existing, gives the right to an alien resident of this country who shall have taken up his permanent residence here and shall have filed his declaration of intention to become a citizen. The language of the present law and the language adopted by the House has been stricken out by the Senate on the recommendation of the committee, and it now allows any alien resident of the United States for seven years to send for his wife and children. As the law now stands, and as the House recommended in this bill, I contend aliens from the Orient may not bring their wives to the mainland of the United States, and, as I yesterday pointed out, there has been a great abuse. Alien residents of the western coast have been importing women known as "picture brides," and though there is suspicion that in some cases these women are brought for immoral purposes, the department, however, states that they are mostly brought for the purpose of contracting marriage. The marriage that is contracted on the other side—the parties are separated by an ocean and merely exchange photographs—is no marriage at all. The marriage after they arrive here looks very much as though it were a subterfuge to avoid the law which now protects this country against oriental immigration and the increase here of oriental peoples.

We who are familiar with this subject believe that it is none the less an evil affecting the character of our population to bring these people here as to provide for or facilitate the birth of these people here. Indeed, when they are born upon the soil they do not lose their identity as orientals, and on maturity, whether they be men or women, in California and in Oregon and Washington they have the right to vote. So a very grave question affecting the interest not only of our race but of our institutions and of our democratic form of government is involved in the settlement of this question. Therefore I move the reconsideration of the vote whereby the amendment was agreed to, in order that the language of the bill as it came from the House may be restored, which is substantially the language of the present law.

Mr. SMITH of South Carolina. Mr. President, the point to which the Senator from California directs the attention of the Senate was carefully gone into by the committee. The language which he cites provides:

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen—

We have struck out those words for the reason that we did not care to encourage these birds of passage immediately upon landing to declare their intention to become citizens, when they were at perfect liberty immediately to go backward and forward as they saw fit; but we incorporated the words "resided in the United States for seven consecutive years." When one has resided here for that length of time, it is nearly conclusive proof that he intends to remain. The Senate committee, after due consideration, knowing that the House text absolutely meant nothing and did not aid us in the object that we sought to attain, but was rather a bar to it, recommended the amendment, and therefore reported to strike out the words "permanent residence," and to insert in lieu therefor the words "resided in the United States for seven consecutive years".

There is a large class that come and go. We were attempting to include those who really intended to stay in this country, and we wanted to put a reasonable limit upon residence here which would justify us in the belief that they intended to remain. Hence we fixed the term of residence at seven years.

I sincerely hope that the Senate will not reconsider the vote by which this amendment was agreed to, and open up and make easy the abuse of the privilege of aliens declaring their intention to become citizens of the United States, and immediately, on the making of that declaration, grant them all the privileges of this paragraph.

Mr. GRONNA. Mr. President, has the Senator from South Carolina or has the committee any record that will show that the men to whom the Senator refers do apply for citizenship? From my observation I will state that I do not think the language as it has been written by the Senate committee will affect those people at all. I do not believe that the committee has any record to show that these so-called birds of passage do apply for citizenship while they are in this country or during the short time they stay here; and I agree perfectly with the Senator from California [Mr. PHELAN] that the language reported by the Senate committee should be stricken out and that the language of the House bill should be restored.

Mr. SMITH of South Carolina. If the Senator will permit me, the following is the text of the bill as it came from the House:

And thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be infected with any contagious disorder—

And so forth.

If the language of the bill as it came from the House is restored, then any man coming here and declaring his intention to become a citizen, whether he does so actually intend or not, can bring his family here, whereas, under the terms of the bill as now framed, he must give some evidence of his intention to become a citizen before he shall be granted that privilege.

Mr. GRONNA. If the Senator will allow me again, the trouble with the argument of the Senator from South Carolina is that he bases it on a false foundation. The Senate committee is not in a position to show that among the so-called known birds of passage a single person, such as the Senator from South Carolina refers to, has ever applied for citizenship.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from South Carolina if a man of family comes here from abroad and, after a brief residence here, does qualify to remain, that naturalizes his family whether they are here or abroad?

Mr. SMITH of South Carolina. Yes; if he becomes a citizen.

Mr. SMITH of Michigan. But his wife becomes an American citizen ipso facto after he becomes one?

Mr. LODGE. This only covers the declaration of intention to become a citizen.

Mr. SMITH of Michigan. I think the Senator from Massachusetts is correct, of course. After five years the alien becomes a citizen of the United States, but his wife ipso facto becomes a citizen also.

Mr. SMITH of South Carolina. Suppose, however, he does not become naturalized but has stayed here seven years, then this privilege is proposed to be extended to him.

Mr. SMITH of Michigan. If he is in suspense, then, of course, we should extend him this privilege.

Mr. SMITH of South Carolina. Exactly; and that is the object of the amendment.

Mr. PHELAN. Mr. President, of course this is a general bill. What I said related more to the orientals, but it is of far greater importance to people who are not orientals and who are desirable citizens. The language inserted in the Senate bill by the committee requires residence in the United States for seven consecutive years before a desirable white immigrant can send for his wife and child. I can not conceive of a greater hardship imposed upon a man who legitimately comes here to reside. I am not speaking of "birds of passage," to use the language of the Senator from South Carolina. There is nothing that indicates we are dealing with birds of passage. The language of the House bill reads:

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country—

His permanent residence in this country—

and shall have filed his declaration of intention to become a citizen—

Then he may send for his wife and minor children. That is the language of the House bill which we desire to restore—

taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen.

The Senate committee seeks to strike that out and to say that he must reside in the United States for seven years. Imagine the hardship on a man coming in good faith, a desirable immigrant—and we must welcome desirable immigrants—denied the privilege of sending for his wife and children for seven years. To what end and for what purpose? I will tell you. If this provision were written by an oriental attorney it could not have been written more dexterously to meet the oriental conditions, because it enables the oriental to send for his alleged wife—his "picture bride"—and it keeps out the family of the desirable immigrant for seven years. That is the only purpose of it. Under the House provision the oriental can not send for his "picture bride," because he is incapable of filing his declaration of intention to become a citizen, being barred by our naturalization laws—as to which there is no question or any disposition to change them.

So, if we restore the language of the House bill, we give to the legitimate immigrant coming in good faith to take up his permanent residence in this country the right to send for his wife after making a declaration of intention to become a citizen, but at the same time we bar the "picture brides."

Mr. GALLINGER. Mr. President, not especially addressing myself to the amendment now before the Senate, I want to express my gratification over the changes that have been made in the bill concerning matters which were in controversy last evening and in which I took a somewhat prominent part. I am glad that the committee has since then given very careful attention to the question of admitting into this country men who advocate lawlessness, including the destruction of property, and who have little regard for the laws of the United States. To my mind, if there is one peril that confronts this country greater than any other at the present time it is the lawlessness that abounds in certain sections, the disregard of our laws, the claimed right to destroy property if certain men see fit to do so, and to establish in our land a condition of anarchy that strikes at the very foundation of our institutions.

The chairman of the committee very kindly submitted to me a memorandum this morning which, upon examination, I think covers the contention that I made last evening and which makes the bill as it now stands adequate to protect the people of this country and the Government from those lawless men, some of them members of powerful organizations, who have little regard for the rights, the property, and the lives of our citizens if it suits their purpose to destroy either property or lives. We can not be too careful in our legislation on that point, as constitutional government and anarchy are utterly incompatible.

The VICE PRESIDENT. The question is on the motion of the Senator from California to reconsider the vote whereby the amendment on page 49 was adopted.

Mr. PHELAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. He is not in the Chamber, and for that reason I withhold my vote, not knowing how he would vote if he were present.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence, and not knowing how he would vote if present, I will withhold my vote. I will let this announcement stand for the day.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

Mr. THOMAS (when Mr. SHAFROTH's name was called). I wish to announce that my colleague [Mr. SHAFROTH] is detained by illness, and is therefore unable to appear in the Senate. If present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Florida [Mr. FLETCHER] and vote "nay."

The roll call was concluded.

Mr. ASHURST. I desire to announce the absence of the senior Senator from Montana [Mr. MYERS] by reason of illness, and to state that he is paired with the junior Senator from Connecticut [Mr. McLEAN].

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Louisiana [Mr. BROUSSARD] and will let my vote stand.

Mr. CHILTON. I transfer my pair just announced to the senior Senator from Illinois [Mr. LEWIS] and vote "nay." While I am upon my feet I wish to announce that the senior Senator from Illinois [Mr. LEWIS] and the senior Senator from Mississippi [Mr. WILLIAMS] are absent on account of illness.

Mr. LODGE (after having voted in the negative). Has the senior Senator from Georgia [Mr. SMITH] voted?

The VICE PRESIDENT. He has not.

Mr. LODGE. I have a general pair with that Senator; but as he would vote the same way that I do, I will allow my vote to stand.

Mr. PENROSE (after having voted in the negative). I will ask whether the senior Senator from Mississippi [Mr. WILLIAMS] has voted?

The VICE PRESIDENT. He has not.

Mr. PENROSE. I withdraw my vote.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. As he seems to be absent, and I do not know how he would vote if present, I withhold my vote. If I were at liberty to vote, I would vote "yea."

The result was announced—yeas 26, nays 39, as follows:

YEAS—26.

Borah	Gore	Norris	Sterling
Brady	Gronna	Oliver	Townsend
Brandegee	Jones	Phelan	Wadsworth
Bryan	Kenyon	Pittman	Watson
Chamberlain	La Follette	Poindexter	Works
Cummins	Lee, Md.	Reed	
Curtis	Newlands	Smith, Mich.	

NAYS—39.

Ashurst	Hollis	Martin, Va.	Smoot
Bankhead	Husting	Martine, N. J.	Sutherland
Beckham	James	Nelson	Swanson
Chilton	Johnson, Me.	Page	Thomas
Culberson	Johnson, S. Dak.	Pomerene	Thompson
Dillingham	Kern	Sheppard	Tillman
Fernald	Kirby	Sherman	Underwood
Harding	Lane	Shields	Vardaman
Hardwick	Lodge	Smith, Ariz.	Weeks
Hitchcock	McCumber	Smith, S. C.	

NOT VOTING—31.

Broussard	Gallinger	O'Gorman	Simmons
Catron	Goff	Overman	Smith, Ga.
Clapp	Hughes	Owen	Smith, Md.
Clark	Lea, Tenn.	Penrose	Stone
Colt	Lewis	Ransdell	Walsh
du Pont	Lippitt	Robinson	Warren
Fall	McLean	Saulsbury	Williams
Fletcher	Myers	Shafroth	

So Mr. PHELAN's motion to reconsider was rejected.

Mr. SMITH of South Carolina. Mr. President, on page 65, line 17, I offer an amendment which is only designed to effect the purpose of the section by correcting a date.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, line 17, it is proposed to strike out "July 1, 1916," and insert "May 1, 1917."

The amendment was agreed to.

Mr. PHELAN. Mr. President, on page 49, line 17, after the word "wife," I move that the following words be inserted:

Provided the marriage with said wife was contracted before departure from the country from which said person emigrated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, line 17, after the word "wife," it is proposed to insert:

Provided the marriage with said wife was contracted before departure from the country from which said person emigrated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The bill is still in the Senate and open to amendment. If there be no further amendment to be proposed, the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed and read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LODGE and Mr. SMITH of South Carolina called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer as on the former ballot, I vote "yea."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If he were present and I at liberty to vote, I should vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], but I am released from its obligations respecting this question. I therefore vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. He is absent from the Chamber. If the Senator from New York were present, he would vote "nay" and I would vote "yea." I regret that I can not get a transfer of my pair.

Mr. CHILTON (when Mr. LEWIS's name was called). The senior Senator from Illinois [Mr. LEWIS] is absent on account of illness.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH], but as I am informed that he would vote the same way that I intend to vote I will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS]. I am informed that if he were present he would vote in favor of the measure, and I will therefore vote. I vote "yea."

Mr. THOMAS (when Mr. SHAFROTH's name was called). I desire to announce the absence of my colleague [Mr. SHAFROTH] on account of illness. If he were present, he would vote "yea."

Mr. HARDWICK (when the name of Mr. SMITH of Georgia was called). I wish to announce the absence from the city on business of my colleague, the senior Senator from Georgia [Mr. SMITH]. If present, he would vote "yea." He is paired with the senior Senator from Massachusetts [Mr. LODGE], but has requested that Senator to vote on this question.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. He being absent, and not knowing how he would vote if present, I withhold my vote.

Mr. POINDEXTER (after having voted in the affirmative). I am paired with the junior Senator from Colorado [Mr. SHAFROTH], but I am informed that if present he would vote "yea." I have already voted "yea." Consequently, I will allow my vote to stand.

Mr. CHILTON. I desire to announce the absence of the senior Senator from Mississippi [Mr. WILLIAMS] on account of illness, and also the absence of the senior Senator from Montana [Mr. MYERS] on account of illness. If the Senator from Montana were present, he would vote "yea."

Mr. COLT (after having voted in the negative). I have a pair with the junior Senator from Delaware [Mr. SAULSBURY]. I understood from him this morning that if he were present he would vote "nay." I will therefore allow my vote to stand.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

Mr. ROBINSON. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on official business. If he were present, he would vote "nay."

The result was announced—yeas 64, nays 7, as follows:

YEAS—64.

Ashurst	Harding	Martin, Va.	Smith, Mich.
Bankhead	Hardwick	Nelson	Smith, S. C.
Beckham	Hitchcock	Newlands	Smoot
Borah	Hollis	Norris	Sterling
Brady	James	Oliver	Sutherland
Bryan	Johnson, Me.	Overman	Swanson
Chamberlain	Johnson, S. Dak.	Page	Thomas
Chilton	Jones	Penrose	Thompson
Clapp	Kenyon	Pittman	Tillman
Culberson	Kern	Poindexter	Townsend
Cummins	Kirby	Pomerene	Underwood
Curtis	La Follette	Sheppard	Vardaman
Dillingham	Lane	Sherman	Wadsworth
Fernald	Lee, Md.	Shields	Watson
Gore	Lodge	Simmons	Weeks
Gronna	McCumber	Smith, Ariz.	Works

NAYS—7.

Brandegee	du Pont	Martine, N. J.	Reed
Colt	Husting	Phelan	

NOT VOTING—25.

Broussard	Hughes	Owen	Stone
Catron	Lea, Tenn.	Ransdell	Walsh
Clark	Lewis	Robinson	Warren
Fall	Lippitt	Saulsbury	Williams
Fletcher	McLean	Shafroth	
Gallinger	Myers	Smith, Ga.	
Goff	O'Gorman	Smith, Md.	

So the bill was passed.

Mr. PHELAN. Mr. President, I desire to explain my vote. I consider the bill so defective in its present form that I could not consistently vote for it, but I expect to vote for it when it comes out of the conference.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMITH of South Carolina, Mr. HARDWICK, and Mr. LODGE conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co., permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co., and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented a petition of Local Union No. 64, International Weavers' Union of America, of Kapowsin, Wash., praying for the placing of an embargo on food products and also for the enactment of legislation to protect the farmer by making it a felony to deal in futures in food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Presbytery, of Bellingham, Wash., praying for the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Seattle, Wash., praying for an investigation into the labor troubles at Everett, Wash., which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a petition of Capital City Branch, No. 86, National Association of Letter Carriers, of Hartford, Conn., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7333) granting an increase of pension to William R. Stephens; and

A bill (S. 7334) granting an increase of pension to August Dippel (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7335) granting an increase of pension to Melisa Hogan (with accompanying papers); and

A bill (S. 7336) granting an increase of pension to John Stone (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7337) granting an increase of pension to William Brant (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7338) to provide for the adjudication of claims of trust companies and other claimants for refund of taxes illegally collected; to the Committee on Claims.

A bill (S. 7339) granting a pension to Emory C. Powers (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7340) authorizing the Secretary of the Interior to enroll Zerelda Belle Cook and Charles H. Richter as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. SHERMAN:

A bill (S. 7341) granting an increase of pension to Michael H. Carr; and

A bill (S. 7342) granting a pension to Henry A. Rowley; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7343) appropriating the sum of $5,000 to be expended by the Secretary of Agriculture in cooperative work in forage-crop investigations in the State of Washington; to the Committee on Appropriations.

A bill (S. 7344) granting an increase of pension to James Olds (with accompanying papers); and

A bill (S. 7345) granting a pension to Amme A. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 7346) granting a pension to Robert L. Crook, jr.; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7347) granting a pension to Louisa Brown; and

A bill (S. 7348) granting an increase of pension to William R. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7349) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BRADY:

A bill (S. 7350) to grant certain lands to the city of Pocatello, State of Idaho, for a municipal park and for the protection of its water supply; to the Committee on Public Lands.

By Mr. JOHNSON of South Dakota:

A joint resolution (S. J. Res. 183) proposing an amendment to section 7, Article I of the Constitution of the United States, relative to the Executive veto of bills passed by Congress; to the Committee on the Judiciary.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to increase the appropriation for continuing the construction and enlargement of the irrigation and drainage system to make possible the utilization of the water supply for 40 acres of each Indian allotment on the Yakima Indian Reservation, Wash., from $200,000 to $400,000, intended to be proposed by him to the Indian appropriation bill (H. R. 18543), which was referred to the Committee on Indian Affairs and ordered to be printed.

SALE OF PUBLIC LANDS.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, which was referred to the Committee on Public Lands and ordered to be printed.

COMMITTEE SERVICE.

On motion of Mr. KERN, it was

Ordered, That to fill existing vacancies on the committees hereinafter named:

Senator HARDWICK, of Georgia, be appointed a member of the Committee on the Census;

Senator CHILTON, of West Virginia, be appointed a member of the Committee on Territories, and also a member of the Committee on Expenditures in the Department of Commerce; and

Senator KIRBY, of Arkansas, be appointed a member of the Committee on Pacific Railroads, and also a member of the Committee on Corporations Organized in the District of Columbia.

THOMAS M. JONES.

Mr. OLIVER. I ask unanimous consent for the present consideration of House bill 1788, the last bill on the calendar. It is a private bill which proposes to give justice to an old soldier, and I hope the Senate will allow it to be considered at this time.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws and laws governing entrance to soldiers' homes Thomas M. Jones shall be held and considered to have been mustered into the United States service as a drummer in Independent Company C, Pennsylvania Volunteer Infantry, on September 8, 1862, and to have been honorably discharged on April 23, 1863, and that no bounty, pay, or other allowance shall become due or payable by reason of the passage of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SHEPPARD. I offer the following amendments.

The VICE PRESIDENT. The amendments will be stated in their order.

The SECRETARY. On page 1, line 7, of the reprint strike out the word "shall" after the word "Columbia."

The amendment was agreed to.

The SECRETARY. Also add the word "shall" before the words "in the District of Columbia," line 7, on the same page, so as to read:

Officers, clerks, or servants, directly or indirectly shall in the District of Columbia manufacture, sell, offer for sale, keep for sale—

And so forth.

The amendment was agreed to.

The SECRETARY. In line 7, page 1 of the reprint, after the word "manufacture," insert the following words:

For sale or gift, import for sale, import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided.

Mr. PENROSE. Mr. President, this is quite an important measure, and it is very evident a number of Senators interested in both sides of the discussion are not present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Norris	Smith, S. C.
Beckham	Hitchcock	Oliver	Smoot
Borah	Hollis	Overman	Sterling
Brady	Husting	Owen	Sutherland
Brandegee	James	Page	Thomas
Bryan	Johnson, Me.	Penrose	Thompson
Chamberlain	Johnson, S. Dak.	Phelan	Tillman
Clapp	Jones	Pittman	Townsend
Colt	Kenyon	Poindexter	Underwood
Culberson	Kern	Pomerene	Vardaman
Curtis	La Follette	Saulsbury	Wadsworth
Dillingham	Lee, Md.	Sheppard	Walsh
du Pont	Lodge	Sherman	Watson
Fernald	McCumber	Shields	Weeks
Gallinger	McLean	Simmons	Works
Gore	Martine, N. J.	Smith, Ariz.	
Gronna	Nelson	Smith, Mich.	

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. KERN. Mr. President, I ask unanimous consent that the Senate proceed to the election of a President pro tempore.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KERN. I nominate for the position of President pro tempore of the Senate the Hon. WILLARD SAULSBURY, a Senator from Delaware.

Mr. LODGE. Mr. President, I move to substitute the name of Hon. JACOB H. GALLINGER, a Senator from the State of New Hampshire.

Mr. LA FOLLETTE. I ask for a roll call upon this vote.

The yeas and nays were ordered.

The VICE PRESIDENT. The Chair supposes the question is who shall be the President pro tempore of the Senate, Senator SAULSBURY or Senator GALLINGER. The Chair assumes that the Senate has a right to order a roll call and that Senators will vote their preference. The Secretary will call the roll.

Mr. BRYAN. I understood that the motion of the Senator from Massachusetts was in the nature of a substitute.

Mr. LODGE. It was to substitute the name of Senator GALLINGER for that of Senator SAULSBURY.

Mr. BRYAN. The question comes first on the substitute, it occurs to me.

The VICE PRESIDENT. That is right. The question will then be on substituting the name of Senator GALLINGER for that of Senator SAULSBURY. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ASHURST responded in the negative.

Mr. LA FOLLETTE. Mr. President, I nominate for the office of President pro tempore of the Senate the junior Senator from Minnesota, Senator MOSES E. CLAPP.

The Secretary resumed the calling of the roll.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The roll call has started and there has been a response.

Mr. PENROSE. On what motion are we voting?

The VICE PRESIDENT. We are voting on the substitution of Senator GALLINGER for Senator SAULSBURY.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The roll call has begun and it will proceed. Some one will be elected after a while.

The Secretary resumed the calling of the roll.

Mr. DILLINGHAM (when his name was called). Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote. Otherwise I would vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. For that reason I withhold my vote, but if not paired, I would withhold my vote, as I am supposed to have an interest in the vote.

Mr. LA FOLLETTE (when his name was called). For MOSES E. CLAPP.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. In his absence I am unable to vote. If he were present, I should vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I will transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], who is absent, and I withhold my vote. Were I permitted to vote, I would vote "yea."

Mr. SAULSBURY (when his name was called). I ask to be excused from voting.

Mr. THOMAS (when Mr. SHAFROTH's name was called). If my colleague [Mr. SHAFROTH] were able to be present, he would vote "nay."

Mr. SIMMONS (when his name was called). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Florida [Mr. FLETCHER] and vote "nay."

The roll call was concluded.

Mr. CHILTON. I make the same announcement of the transfer of my pair that I did on the former ballot and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The result was announced—yeas, 26, nays 39, as follows:

YEAS—26.

Borah	Fernald	Oliver	Sutherland
Brady	Gronna	Page	Townsend
Brandegee	Harding	Poindexter	Wadsworth
Colt	Jones	Sherman	Watson
Cummins	Lippitt	Smith, Mich.	Weeks
Curtis	McCumber	Smoot	
du Pont	Nelson	Sterling	

NAYS—39.

Ashurst	Hollis	Newlands	Smith, Ariz.
Bankhead	Husting	Overman	Smith, S. C.
Beckham	James	Owen	Swanson
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Chilton	Kern	Pomerene	Tillman
Culberson	Lane	Reed	Underwood
Gore	Lee, Md.	Sheppard	Vardaman
Hardwick	Martin, Va.	Shields	Walsh
Hitchcock	Martine, N. J.	Simmons	

NOT VOTING—31.

Broussard	Goff	McLean	Shafroth
Catron	Hughes	Myers	Smith, Ga.
Clapp	Kenyon	Norris	Smith, Md.
Clark	Kirby	O'Gorman	Stone
Dillingham	La Follette	Penrose	Warren
Fall	Lea, Tenn.	Ransdell	Williams
Fletcher	Lewis	Robinson	Works
Gallinger	Lodge	Saulsbury	

The VICE PRESIDENT. The substitute is lost.

Mr. LA FOLLETTE. Mr. President, I move to amend by striking out the name of the Senator from Delaware, Hon. WILLARD SAULSBURY, and inserting the name of the junior Senator from Minnesota, Hon. MOSES E. CLAPP, and upon that amendment I ask for the yeas and nays.

Mr. WALSH. Mr. President, I raise the point of order that when more than two nominations are made, a motion to elect any one is not in order, but that the Senate must proceed in some orderly way by voting upon the candidates proposed.

The VICE PRESIDENT. The point of order would have been sustained had it been made at the proper time, but this is the condition of the record exactly: A motion was made to elect Senator SAULSBURY as President pro tempore. Thereupon a motion was made to substitute the name of Senator GALLINGER. The yeas and nays were ordered. Then a nomination was made of Senator CLAPP after the yeas and nays had been ordered. So the Chair was of the opinion that the vote must proceed after it had once started. Now, there are only two names pending before the Senate.

Mr. WALSH. Mr. President, I do not so understand it. The name of Senator SAULSBURY has certainly been proposed by the Senator from Indiana [Mr. KERN]. Although it took the form of a motion, I understood that the Senator from Massachusetts [Mr. LODGE] had proposed to the Senate the name of Senator GALLINGER as a candidate.

The VICE PRESIDENT. To substitute his name for that of the Senator from Delaware.

Mr. WALSH. I appreciate that it took that form.

The VICE PRESIDENT. Well, he is one man that is beaten now, if the Chair knows anything about it.

Mr. WALSH. Well, Mr. President, I do not take that view of it at all. The motion of the Senator from Massachusetts was to amend the motion made by the Senator from Indiana by substituting the name of the Senator from New Hampshire. That has been defeated; but it does not seem to me that that disposes of the matter by any means, because upon a ballot, if we are permitted to ballot upon the candidate, it is of course conceivable that some one may change his mind concerning the Senator from New Hampshire.

I have always felt that a motion to proceed to the election of any man for an office when there were more than two candidates proposed for the place was not a proper parliamentary procedure. I might add, Mr. President, that while I recognize that a point of order ordinarily must be made in season, or it is deemed to be waived, it occurs to me that this is so fundamental in character as that the right of any Senator to demand a ballot under circumstances such as these can not be waived. So, Mr. President, although the roll is being called, I sought to get recognition of the Chair to make that suggestion to the Chair.

The VICE PRESIDENT. The Chair is in entire accord with the Senator from Montana upon the question of the right of balloting for a President pro tempore, but one ballot has taken place. The Chair believes that that eliminates the Senator from New Hampshire. Now, there is another motion to substitute.

Mr. BRYAN. Mr. President, I rise to the point of order which I am going to state. In order that we may proceed in a regular and constitutional way, I will state the Senate has no authority at this time to elect a President pro tempore of the Senate either under the Constitution or under the rules of the Senate. The Constitution reads:

> The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President.

Senate Rule I provides:

> In the absence of the Vice President, the Senate shall choose a President pro tempore.

I think, Mr. President, that we ought to elect a President pro tempore, but I think we ought to do it in the constitutional way. I raise the point of order that the motion of the Senator from Indiana is not in order.

Mr. PENROSE. Mr. President, it seems to me obvious, from what the Chair has stated and from what we are now going through, that the Senate has proceeded irregularly in this matter; and to give every Senator an opportunity to be recorded I would suggest to the majority leader to move, if he chooses to do so—or I will make the motion, anyway—that the Senate proceed to the election of a President pro tempore of the Senate; that nominations shall be in order; that the roll shall then be called; and that Senators shall vote for the nominee of their choice.

Mr. BRYAN. I raise the same point of order on that motion as that which I have already stated.

Mr. PENROSE. I did not catch the Senator's point of order.

Mr. BRYAN. It is that there is no occasion to elect a President pro tempore.

The VICE PRESIDENT. May the Chair inquire of the Senator from Florida what he considers "absence of the Vice President"? How far must the Vice President go before he shall be considered absent?

Mr. BRYAN. I certainly do not consider the presence of the Vice President as his absence. The way it has usually been done, I think, Mr. President, is for the Vice President to temporarily step out of the Chamber.

The VICE PRESIDENT. The Chair requests the Senator from Florida to take the chair.

Mr. BRYAN thereupon took the chair as Presiding Officer.

Mr. PENROSE. Mr. President, may I make a motion?

The PRESIDING OFFICER (Mr. BRYAN in the chair). The Senator from Pennsylvania.

Mr. PENROSE. I ask unanimous consent that the vote which has just been taken be rescinded. If there is no objection to that, then I shall renew the motion which I have already made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. JAMES. I object to the request of the Senator from Pennsylvania, Mr. President. I think we had better vote on the nomination which has been made of the Senator from Minnesota [Mr. CLAPP].

The PRESIDING OFFICER. The Chair is of opinion that there is no motion now before the Senate.

Mr. PENROSE. I merely desire to harmonize the situation. I do not care anything about it.

The PRESIDING OFFICER. The Chair is of the opinion that there is no question now before the Senate and that there can not be until a President pro tempore of the Senate is elected. That is the only question that can now be presented in the absence of the Vice President.

Mr. PITTMAN. Mr. President, I move that the Senate proceed to the election of a President pro tempore of the Senate, and that nominations be in order.

The PRESIDING OFFICER. The Senator from Nevada moves that the Senate proceed to the election of a President pro tempore, and that nominations be in order.

Mr. HARDWICK. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. HARDWICK. The records of the Senate will show that the Senator from Indiana [Mr. KERN] made a motion which is pending and undisposed of before the Senate. What has become of that motion?

The PRESIDING OFFICER. The Chair is of opinion that the Vice President ruled that motion out of order.

Mr. HARDWICK. If that is the ruling of the Chair, then that clears the situation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. PITTMAN].

Mr. BRANDEGEE. I desire to make a parliamentary inquiry. Was there any announcement of the result of the roll call?

Mr. LA FOLLETTE. Yes; there was.

Mr. BRANDEGEE. How many times are we required to elect a President pro tempore on a certain day?

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada. [Putting the question.] The ayes have it, and the motion is agreed to. Nominations for the office of President pro tempore are now in order.

Mr. KERN. Mr. President, I nominate for the office of President pro tempore of the Senate Hon. WILLARD SAULSBURY, of Delaware.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Indiana.

Mr. PENROSE. Mr. President, in the absence of the Senator from Massachusetts [Mr. LODGE], who has been unexpectedly called from the Chamber, and in his behalf, I nominate for the office of President pro tempore of the Senate the Senator from New Hampshire, Hon. JACOB H. GALLINGER.

Mr. LA FOLLETTE. Mr. President, I nominate for President pro tempore of the Senate the junior Senator from Minnesota, Hon. MOSES E. CLAPP.

The PRESIDING OFFICER. Without objection, the question will be put in this way: Those Senators favoring the election of the Senator from Delaware will vote by name "Saulsbury"; those favoring the Senator from New Hampshire will vote "Gallinger"; and those favoring the Senator from Minnesota will vote "Clapp." The Secretary will call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as I did on the last ballot and vote for Senator SAULSBURY.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As he is absent from the Chamber, I will withhold my vote. Were I at liberty to vote, I should vote for Senator GALLINGER.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN] on all questions, and I withhold my vote for that reason.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. Therefore I suppose I am not at liberty to vote. If I were at liberty to vote, I should vote for Senator GALLINGER.

Mr. OVERMAN (when his name was called). Announcing again my general pair and its transfer, I vote for Mr. SAULSBURY.

Mr. OWEN (when his name was called). I transfer my pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote for Senator SAULSBURY.

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. While I question whether the obligation of a pair applies to an election, yet, nevertheless, out of courtesy to that Senator, who is absent, I will refrain from voting. If I were permitted to vote, I should vote for Senator GALLINGER.

Mr. POINDEXTER (when his name was called). I am paired with the junior Senator from Colorado [Mr. SHAFROTH] and therefore withhold my vote. If at liberty to vote, I should vote for Senator GALLINGER.

Mr. SAULSBURY (when his name was called). I ask to be excused from voting.

Mr. HARDWICK (when the name of Mr. SMITH of Georgia was called). My colleague [Mr. SMITH of Geoorgia] is absent from the city, and therefore, of course, unable to vote. If he were present, he would vote for the Senator from Delaware [Mr. SAULSBURY]. This announcement as to the absence of my colleague may stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Florida [Mr. FLETCHER] and vote for Mr. SAULSBURY.

The roll call was concluded.

Mr. CLARK. I have a general pair with the senior Senator from Missouri [Mr. STONE], who is absent from the Chamber and from the city. I therefore withhold my vote. If I were at liberty to vote, I should vote for Senator GALLINGER.

Mr. BECKHAM. I inquire if the senior Senator from Delaware [Mr. DU PONT] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator announced his pair and refrained from voting.

Mr. BECKHAM. Then I will withhold my vote. If at liberty to vote, I should vote for Mr. SAULSBURY.

Mr. OWEN. I wish to change the transfer of my pair from the Senator from Louisiana [Mr. RANSDELL] to the Senator from Tennessee [Mr. LEA] and let my vote stand.

The result of the ballot was as follows:

MR. SAULSBURY—41.

Ashurst	Husting	Overman	Smith, S. C.
Bankhead	James	Owen	Swanson
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Chilton	Kern	Pomerene	Tillman
Culberson	Kirby	Reed	Underwood
Gore	Lane	Robinson	Vardaman
Hardwick	Lee, Md.	Sheppard	Walsh
Hitchcock	Martin, Va.	Shields	
Hollis	Martine, N. J.	Simmons	
Hughes	Newlands	Smith, Ariz.	

MR. GALLINGER—23.

Brady	Harding	Page	Townsend
Brandegee	Jones	Sherman	Wadsworth
Colt	Lippitt	Smith, Mich.	Watson
Curtis	McCumber	Smoot	Weeks
Fernald	Nelson	Sterling	Works
Gronna	Oliver	Sutherland	

MR. CLAPP—5.

Borah	Kenyon	La Follette	Norris
Cummins			

The PRESIDING OFFICER. On the ballot just taken the Senator from Delaware [Mr. SAULSBURY] has received 41 votes; the Senator from New Hampshire [Mr. GALLINGER] has received 22 votes; and the Senator from Minnesota [Mr. CLAPP] has received 5 votes. The Senate having elected the Hon. WILLARD SAULSBURY President pro tempore of the Senate, that Senator will present himself at the Vice President's desk, and the Chair will administer the oath of office to him.

Mr. SAULSBURY was escorted to the Vice President's desk by Mr. KERN, and, the oath of office having been administered to him by the Presiding Officer, he took the chair as President pro tempore.

The PRESIDENT pro tempore. Senators, no one could appreciate more than I the distinction you have conferred upon me

by electing me to this high office. The intimate associations one has in this body, even during the short service which I have had, make one soon understand the kindliness and the good will of his associates. I attribute my election to the kindness and partiality of my friends rather than to any inherent merit I possess; and I earnestly ask of all of you friendly and kindly consideration as to the best of my ability I try to assist in conducting the proceedings of this body in accordance with the high traditions and ideals of the Senate of the United States.

Mr. GALLINGER. Mr. President, I have been a member of this body for more than a quarter of a century. During that time I have never asked any Senator to vote for me for any position whatever, and if I should remain here another quarter of a century I never should make a request of that kind. While warmly thanking the Senators who voted for me, I beg to say that it is a gratification to me that in the election of the Senator who now graces the chair as President pro tempore of this body a man has been chosen by the Democratic Senators who is a man deservedly having the esteem, so far as I know, of every Senator on this side of the Chamber. I extend to that Senator my kindly wishes for his future happiness and welfare, and assure him that, so far as I am concerned, every aid that I can give him in the discharge of his duties will be freely granted.

Mr. KERN submitted the following resolution (S. Res. 288), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected WILLARD SAULSBURY, a Senator from the State of Delaware, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from time to time during the pleasure of the Senate in accordance with the terms of its resolution passed March 12, 1890.

Mr. KERN submitted the following resolution (S. Res. 289), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected WILLARD SAULSBURY, a Senator from the State of Delaware, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from time to time during the pleasure of the Senate in accordance with the terms of its resolution passed March 12, 1890.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. The Senator from Texas [Mr. SHEPPARD] offers the following amendment: In line 7, on page 1, of the reprint, after the word "manufacture," add the following:

For sale or gift, import for sale, import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Texas some questions concerning the amendments which he now proposes.

On Friday, when he was interrogated by the Senator from Alabama [Mr. UNDERWOOD], the Senator from Texas indicated that it was not the purpose of this bill to prohibit the importation of liquor into the District by individuals for their own use. I see now, under the amendments which the Senator brings in to-day, that he does propose to limit and sharply restrict the importation into this District by individuals of liquor for their own use; that he proposes to limit the amount of liquor that any person can have in his house at any time; that he proposes to limit the frequency with which an individual can purchase and import liquor for use in his own house. In other words, he is converting this bill from an antisaloon measure into a piece of sumptuary legislation in which he proposes to dictate to the people of the District and to those resident in the District what they shall use and how much they shall use in their own households.

Have I correctly interpreted the purpose of these amendments which the Senator proposes?

Mr. SHEPPARD. I shall not accept the construction the Senator puts on my intention. The Senator states the facts correctly; but I have simply embodied here the provisions that are usual in most of the States that have prohibition laws.

Mr. HITCHCOCK. Let me call the Senator's attention to what he stated here on Friday. The Senator from Alabama [Mr. UNDERWOOD] inquired:

Is the importation of liquor into the District of Columbia prohibited?

Senator SHEPPARD. The importation of liquor into the District of Columbia for the purposes prohibited in this bill is prohibited; that is, for purposes of sale for beverage purposes.

Mr. UNDERWOOD. But it is not prohibited for consumption purposes?

Mr. SHEPPARD. Not for personal consumption?

Now, after giving that assurance to the Senate, the Senator from Texas brings in these amendments which do propose to dictate to every resident and citizen in this community how much he shall import, when he shall import it, how much he shall have in his house, and how many members of his family shall have liquor. Is not that a correct statement of the situation?

Mr. SHEPPARD. Not exactly. The Senator wanders from his first point. He said that I stated on Friday that this bill did not prohibit the importation of liquor for personal use. It does not prohibit the importation of liquor for personal use. I have simply restricted importation in this amendment. This is done in order to throw safeguards around the law, to prevent its indiscriminate violation. We do not attempt to prohibit the importation into the District for personal use. It has been found advisable, however, by those who have studied the question and who have had long experience in such matters to establish restrictions of this kind in order to make the law effective.

Mr. HITCHCOCK. Mr. President, I think the Senator practically admits my statement. He first brings in here a bill which on its face is an antisaloon bill. It is a bill to prohibit the manufacture of liquor in the District, and a bill to prohibit the sale of liquor in the District, and a bill to prohibit the importation or sale in the District; and he assures Senators upon the floor of the Senate that that is the purpose of the bill. Now he brings in these amendments, which are to a large extent in direct contravention of the assurance which he has given. He changes the bill from a police regulation to a sumptuary regulation to control individuals in their private households. I can place no other interpretation upon the present attitude of the Senator with relation to these amendments.

Mr. SHEPPARD. If the Senator is satisfied with his own construction, I have no complaint. Let him characterize the amendment in his own manner, if it pleases him. It is in truth, however, an administrative amendment which goes more to the proper enforcement of the law than it does to the merits of the question—the question of admitting liquors for personal use or gift.

I shall say to the Senator that I proposed this amendment after consultation with Senators on both sides and with experts in prohibition legislation who thought it would be advisable to insert such a restriction. It appears in the prohibition laws of many States. When the Senator uses the term "sumptuary legislation," and attempts to use language that might be prejudicial to the bill, he is simply repeating the time-worn arguments of those who are opposed to the principle of prohibition.

Mr. HITCHCOCK. I do not know how it may be in all States. I know that the amendment just adopted in Nebraska, and the amendments which have been adopted in most States, prohibit the importation for sale, prohibit the sale, and prohibit the manufacture, but do not undertake to prohibit the private consumption, do not undertake sumptuary regulation, do not undertake to dictate to the individual what he shall drink nor when he shall drink, provided he does it in his own household and imports liquor for his own use. On the other hand, I find upon page 4 of this proposed amendment of the Senator the following:

No person shall, nor shall more than one member of a family occupying the same house, have in his possession, receive, or accept delivery oftener than once a month from any railroad, steamboat, express company, or transportation company of any kind, or from any person whomsoever, any intoxicating liquors in excess of 1 quart of distilled liquor in a single container, or 1 gallon of beer, or 1 gallon of wine, except as herein otherwise provided. Every container in which such distilled liquor, wine, or beer is carried or transported, shall have on it a card not less than 12 inches long by 6 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents.

That is an attempt by legislation to provide the amount of liquor which families shall consume. It is an attempt by the Senator from Texas to dictate to everyone else in this District how much he shall drink.

Mr. SHEPPARD. That is the old argument.

Mr. HITCHCOCK. It is a sumptuary regulation, and it is not the regulation commonly proposed in the prohibition laws of the various States. It evidently was not the intention of the Senator when he introduced his bill, when he asked the Senate to take it up, when he practically got the unanimous consent of the Senate to take it up. That certainly was not the purpose of the bill at that time.

Mr. SHEPPARD. Mr. President, I still insist that it is a matter of administration. This amendment is intended to secure the law against violations. If the Senator thinks that we have not permitted a sufficient amount of liquor, perhaps the amount might be increased. The argument of "dictation" and

"sumptuary legislation" is one that we have heard often. In many of the prohibition States amendments of this kind have been found necessary by experience. They have been passed on by the courts, and have been held to be permissible administrative regulations, and not interferences with any principle of personal use, or right to import for personal use.

Mr. WADSWORTH. Mr. President, may I ask the Senator from Texas a question?

Mr. SHEPPARD. Certainly.

Mr. WADSWORTH. I have not had an opportunity to read the bill with the greatest care or to compare the amendments which are now suggested by the Senator from Texas with the original text; but do I understand that this sumptuary regulation and limitation of the amount of wine which a person may have in his possession in the District of Columbia will apply to the ambassadors from foreign countries?

Mr. SHEPPARD. It does not apply to them.

Mr. WADSWORTH. Is there a provision in the bill specifically eliminating them?

Mr. SHEPPARD. There is a provision eliminating them from this particular restriction. However, the amount which they are permitted to have is a little larger—5 gallons.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask whether the Senator considers their capacity greater than the American capacity?

Mr. SHEPPARD. Possibly so. [Laughter.]

Mr. MARTINE of New Jersey. Well, I dispute the fact.

Mr. PENROSE. I can not hear fully the character of the colloquy on the other side of the Chamber. I wish the Senators would speak up, so that the Senate can hear what is being said.

I have been profoundly impressed, Mr. President, with this difference in the capacity for absorption of alcoholic stimulants between the foreign born coming here in an official capacity and the native or naturalized element, and I should like to address an inquiry to the Senator from Texas as to the reason for this discrimination. Why does he think that an alien, even in an official capacity, requires a larger amount of alcohol than a native or a naturalized citizen?

Mr. SHEPPARD. It is well known, Mr. President, that in many foreign countries the people are more accustomed to the use of liquor on their tables and in their homes than are we.

Mr. PENROSE. Does the Senator consider foreign nations more intemperate than the United States of America?

Mr. SHEPPARD. Some of them, I certainly do. Some of the most intemperate nations in the world are foreign nations. But that is aside from the point.

Mr. MARTINE of New Jersey. As I undertand, the object of this bill is to save the Nation—to save humanity. I want to ask the Senator, in all reason, why should he leave out the legations? They are humanity. They are God's kind and your kindred and your brothers. Why not extend your guardianship and influence and authority over all—Germans, French, Italians, Dutch, and the like?

Mr. SHEPPARD. Our jurisdiction has not been extended that far yet, Mr. President.

Mr. MARTINE of New Jersey. I trust it never will be extended as far as the Senator desires with the American race.

Mr. SHEPPARD. We will leave that to the Senate and the American people.

Mr. PENROSE. Then, Mr. President, as I understand the Senator from Texas bases this discrimination largely on the ground that the foreigner is accustomed to the daily use of stimulants. Has he not a fellow feeling for the native American who may be accustomed to a similar habit, in New Jersey or elsewhere?

Mr. SHEPPARD. We have complete jurisdiction over our own citizens.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. SHEPPARD. Certainly.

Mr. WEEKS. It seems to me that this is a delicate question which might give rise to serious complications. If it is going to be discussed at length, I think the Senate should go into executive session. [Laughter.]

The PRESIDENT pro tempore. The Chair believes the motion is not seconded, if it is intended as a motion.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. SHEPPARD. I yield.

Mr. PENROSE. I should like to ask the Senator whether or not I am correctly informed that it is one of the doctrines of the Mohammedan faith that total abstinence is the rule?

Mr. SHEPPARD. I shall state to the Senator that I am not familiar with the Mohammedan faith.

Mr. PENROSE. I believe that is the case; and it is a question in my mind whether there should not be an exemption in the case of citizens of Turkey, who are not supposed at home to absorb this very liberal allowance of stimulants.

Mr. SHEPPARD. The Senator does great honor to the Turkish people.

Mr. PENROSE. I can not hear the Senator, but I have no doubt it is a very lucid statement.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. SHEPPARD. I yield to the Senator.

Mr. GRONNA. Mr. President, with the permission of the Senator from Texas, I want to say to the Senator from Pennsylvania that it is hardly necessary to go as far as to a Mohammedan country to find whether or not prohibition has done any good or whether it has been sustained in the countries where it is in effect. I wish to say to the Senator from Pennsylvania that I come from a State that has had prohibition for more than 25 years. The State of North Dakota, which I in part represent, has never had within its border since it became a State a licensed saloon. I do not think that the Senator from Pennsylvania, with his great ability—which we all recognize—with his splendid genius, should try to minimize legislation of this kind.

Mr. PENROSE. Will the Senator permit me?

Mr. GRONNA. Certainly.

Mr. PENROSE. I did not intend to minimize this legislation. I was, however, somewhat struck with what seemed to me to be an incongruity. I am glad the Senator from North Dakota has explained the condition in the Scandinavian countries, or, rather, in the State from which he comes. I think it applies to the country from which he originally came, that it is a very temperate country and the people are temperate. I do not intend to pursue the discussion any further. I want to assure the Senator that I realize fully the important character of the legislation.

Mr. GRONNA. While I do not have the floor and do not care to go into a lengthy discussion of this question, I wish to say to the Senate that I understand the Senator from Pennsylvania is in a state of confusion. I have not yet referred to the Scandinavian countries, although I am proud to say my people came from one of those countries some years ago. I am also proud to say, since the Senator has referred to it, that in that country they have practical prohibition now. In the State which I in part represent we have people who have come from the State of Pennsylvania, and I am only sorry we do not have more of them; we have people from every State in the Union; we have people from nearly every country of Europe; but they saw fit nearly 30 years ago to place in the constitution of our State the twentieth article, which provides that there shall not be manufactured or sold any intoxicating liquors. I want to say, not only to the Senator from Pennsylvania but to the Senate, that it has been one of the most beneficial laws upon our statute books; that it has done more to make North Dakota what it is to-day, one of the most prosperous States of the Union, than any other law on our statute books.

I hope that this important measure will be treated in the same manner, and that the Senators who have this important legislation in charge will be treated with the same courtesy that is due any other Senator who may have some other legislation in charge.

Mr. WADSWORTH. Mr. President, will the Senator from North Dakota yield for a question?

Mr. GRONNA. Yes; with the permission of the Senator from Texas.

Mr. SHEPPARD. Certainly.

The PRESIDENT pro tempore. May the Chair inquire if the Senator from Texas still has the floor. Having taken the chair during the discussion, the Chair is unable to determine.

Mr. GRONNA. The Senator from Texas has the floor.

Mr. SHEPPARD. I yield.

The PRESIDENT pro tempore. The Senator from Texas yields.

Mr. WADSWORTH. I simply desire to ask the Senator from North Dakota whether or not the State which he represents has a provision in its statute or in its constitution similar to the amendment which is now offered by the Senator from Texas?

Mr. GRONNA. No; Mr. President.

Mr. WADSWORTH. Will the Senator say that the people of North Dakota desire any such limitation upon the possession of liquor in their homes or if a limitation of this sort is necessary

for the proper enforcement of the prohibition law of North Dakota?

Mr. GRONNA. With the permission of the Senator from Texas——

Mr. SHEPPARD. Certainly.

Mr. GRONNA. I want to answer the Senator from New York that the prohibition clause in our constitution is very brief, and with his permission I shall read it.

Mr. SHEPPARD. I shall be glad to have the Senator read it.

Mr. GRONNA. I wish to say to the Senator from New York that no lawyer has been able during the 30 years this law has been in force to take from or to add a single thing to the law, and it has stood the test in all the courts of our State. Our constitution provides that—

No person, association, or corporation shall within the State manufacture for sale or gift any intoxicating liquors, and no person, association, or corporation shall import or ship into the State any intoxicating liquors for sale or gift, or keep or sell or offer the same for sale or gift, barter, or trade as a beverage.

That, Mr. President, does not permit any citizen of our State, or if he is a citizen of some other State, either to manufacture, sell, or give away any intoxicating liquor. I admit that it has been held by the courts and by the supreme court of our State that a person has the right to import liquors for his own use, but not for disposition in any other way.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the amendment submitted by the Senator from Texas [Mr. SHEPPARD].

Mr. UNDERWOOD. Mr. President, I do not desire to interfere with the efforts of the Senator from Texas to perfect amendments to this much-amended bill, but I do desire to get information with reference to the amendment. The Senator from Texas informed me several days ago that in the bill introduced by him there was nothing to prevent the importation of liquor into the District of Columbia for consumption. Now, he has offered an amendment limiting the importation of liquor into the District for consumption. On line 7, page 1, of the bill, he adds the following:

For sale or gift, import for sale, import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided.

The hereinafter provided is this:

No person shall, nor shall more than one member of a family occupying the same house, have in his possession——

Mr. SHEPPARD. If the Senator will permit me, some words were omitted that should be inserted there when the amendment was printed—the words "for personal use or gift" after the word "possession."

Mr. UNDERWOOD. If the Senator will allow me, for personal use or gift——

Mr. DILLINGHAM. I wish the Senator from Texas would repeat his remark. We were unable to catch it.

Mr. SHEPPARD. We have not yet reached the amendment which the Senator from Alabama is reading now, and I had intended to call attention to the omission when we reached it in due order. After the word "possession," in line 6, page 4, of the amendment which I presented yesterday, and which is on the desk of each Senator to-day, the words "for personal use or gift," in line 6, page 4, after the word "possession," should be inserted.

Mr. UNDERWOOD. With the amendment the Senator proposes to supplement the one that is now pending, the paragraph will read:

No person shall, nor shall more than one member of a family occupying the same house, have in his possession, for personal use or gift, receive, or accept delivery oftener than once a month from any railroad, steamboat, express company, or transportation company of any kind, or from any person whomsoever, any intoxicating liquors in excess of 1 quart of distilled liquor in a single container, or 1 gallon of beer, or 1 gallon of wine, except as herein otherwise provided. Every container in which such distilled liquor, wine, or beer is carried or transported, shall have on it a card not less than 12 inches long by 6 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents; but a container in which a quart or less is carried may have on it a card 6 inches long by 4 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents, and the consignee shall, before receiving the distilled liquor, wine, or beer, sign a record as herein provided, and shall make an affidavit that the said distilled liquor, wine, or beer will not be used in violation of the provision of this act.

Now, Mr. President, take that provision of the Senator's bill in connection with the provision in section 1 of the bill which fixes the penalties for a violation of this provision. On page 2, line 14 of the bill, we find the following penalty clause:

That any person, or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall directly or indirectly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000, and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than 1 year for each offense.

Mr. President, I have heard it said many times on the floor of the House of Representatives and in the Senate of the United States that the gentlemen who propose these prohibition measures did not propose to deprive the individual of his opportunity to take a drink of liquor, but that they were fighting the saloon; that they were fighting the manufacture of the beverage. Now, I think we should be honest. I think we should be truthful to the country. I do not think legislation ought to be passed through this body without the people of the United States understanding what it means. So far as I am concerned, I would far rather have a provision put in this bill prohibiting absolutely the importation of all liquor into this District than the trick and subterfuge that is now being inserted in the bill.

If you are opposed to men drinking liquor and you think it wrong, have the courage to stand up here and say they can not drink it. Have the honesty of purpose not to deceive a public into voting for a measure that will trick them into the penitentiary of the United States. If you are fighting the saloon, if you are fighting the manufacture of liquor, and you propose to allow the individual to have his drink if he wants it, then occupy your position, take it, and say that there you stand; but if you say, as some men do, it is morally wrong to take a drink of liquor it certainly is just as morally wrong to take one drink as it is to take two, just as morally wrong to have one quart of liquor in the house as it is a gallon. Why do you stop? Why do you not either be fish, flesh, or fowl? Why do you draw the line?

Now, here is what you are going to do. If you pass this bill and it becomes a law you are going to endanger the happiness and the liberties of citizens of the United States by the way the bill is constructed. You are going to endanger the happiness of the homes of this District, because just as sure as you pass this bill and put it on the statute books, inviting the citizens of the District of Columbia to import liquor from outside the District into this District for the purpose of consumption and then limit its use in the way that you have limited it in this bill, and then say that there is no discretion in the court, you leave no discretion in the honest judgment of those who preside over the District of Columbia to determine whether a man is attempting to run a blind tiger with malice aforethought to violate the law or whether it is accidentally violated. Under this bill a man may violate the law, without any intention to do what is wrong, it may be without realizing it, although I recognize that every citizen must know the law, and when he stands before the court he stands committed to a knowledge of the law, whether he knows it or not. But you know and I know many of the people of this District will not know this law.

Now, what is the trap you invite them into? The trap in the bill is this: You say that any one citizen of the District of Columbia can import for the purpose of drinking it a quart of liquor in his own house in a month, and no more. If two members of that household import a quart of liquor each into that house under the terms of the bill then they are guilty under the bill, and it is not discretionary with the court to say how far they are guilty. The only discretion in the court is to determine whether you will lock them up in jail for a month or a year. If a resident of this District under your law imports into his house a quart of liquor for personal consumption and does not tell his son about it, and then the son in the same house imports a quart of liquor into that house and does not tell the father about it, under the terms of this law as you propose to put it on the statute books both of them are guilty of a crime and both of them are subject to be sent to jail for not less than a month and possibly for a year.

I say to the Senator from Texas, if you propose to set a trap of that kind for the people of the District, you had far better face the proposition that you really believe in. This is merely thrown to the winds to catch votes.

I know what the Senator from Texas believes in; I believe I do. He can correct me if I misstate him. He does not believe there should be a drop of liquor drank in the District of Columbia. Now, that is what he believes. I say, be honest with the people of the District of Columbia and do not set a trap for them. Put it in the bill and let us vote on it, if that is what you mean. If, on the other hand, you mean that what you pretend in this bill you are doing, that you are going to allow people to import liquor for beverage purposes, then do not set a trap that may send a whole family to jail.

I am not here to interfere, as I said the other day, with the management by the Senator from Texas of this bill. The position that I stand for is that the people of the District of Columbia should pass on this legislation before it is put into effect. But I do not propose to let this time pass without putting into the RECORD exactly what you are doing in reference to this measure. You can strike it all out, if you want to, and say

that no liquor shall come in here. Then let the Senate, if they determine—let the Congress, if they determine—say whether it will walk up and pass a law of that kind. That is what you mean and that is what you want. That is what you are driving at. If that is so, have the courage to stand up for your convictions; have the courage to fight for what you really mean. If you do not, do not try to put a substitute in here that is going to fool these people and possibly punish innocent men hereafter and destroy happy homes.

Mr. SHEPPARD. Mr. President, the liquor traffic never had an abler or truer defender in the Senate than the Senator from Alabama [Mr. UNDERWOOD]. He is exercised about this amendment of mine because it robs him of one of the chief arguments that could have been leveled against the bill. He talks about interfering with the liberty of the citizen. If we had brought a provision in here preventing a citizen from importing any liquor whatever, the argument would have been made that he would be deprived of one of his constitutional rights, and the bill itself might have been declared unconstitutional.

Of course, the Senator wants to have this amendment stricken from the bill. This amendment was inserted by me after consultation with men who have put a lifetime into the development of laws of this kind, and who advised me that a law like this was essential to the vitality and the integrity of a prohibitive measure. So I have no apologies to offer.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. UNDERWOOD. I understood the Senator to take his seat.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. UNDERWOOD. Mr. President, because I stand for liberty of conscience and freedom of action it has not been an unusual thing for some people to apply the remarks that the Senator from Texas has just stated, that there was no truer defender of the liquor interests. I heard that ring through a whole campaign, and I heard the people of a great State repudiate it at the polls.

Mr. SHEPPARD. They did not repudiate it, if I understand the matter correctly.

Mr. UNDERWOOD. Yes; they did.

Mr. SHEPPARD. They elected the Senator on account of his great record and great services along other lines, did they not?

The PRESIDING OFFICER. The Senator from Texas will address the Chair and get permission to interrupt the Senator from Alabama.

Mr. UNDERWOOD. They repudiated what they knew was false, just as the Senator knows it is false.

Mr. SHEPPARD. I shall state that I do not know that is false.

Mr. UNDERWOOD. I challenge the Senator to put in the RECORD or make a statement that can sustain the statement he has just made.

Mr. SHEPPARD. Your attitude and arguments here sustain my statement. I do not need to put any additional proof in the RECORD.

The PRESIDING OFFICER. The Senator from Texas will address the Chair.

Mr. SHEPPARD. I beg pardon.

Mr. UNDERWOOD. I am perfectly willing to have the Chair preserve proper order, but I have no objection to the Senator interrupting me, because it comes right down to the fact. He speaks of the argument I have made. What is the argument I have made? I have challenged the Senator from Texas to stand on one side of this question or the other. I have challenged him to say there shall be no liquor drunk in this District, or if you are going to allow people to drink liquor to make a reasonable bill that has not got a trap in it. That is all the argument I have made.

Mr. SHEPPARD. May I ask the Senator if he believes a provision prohibiting the importation of any liquor into the District of Columbia for personal use or prohibiting a citizen of this District from ordering it for personal use would be constitutional?

Mr. UNDERWOOD. I do not see why.

Mr. SHEPPARD. I ask you, do you believe so?

Mr. UNDERWOOD. I believe myself in allowing each local community to decide this question for itself, but I know of no reason outside of what is now pending before the Supreme Court of the United States why it would not be constitutional.

The Senator says I am a defender of the liquor interests. It was only a few years ago the very people whom you represent were appealing to me when I occupied a position of some influence at the other end of the Capitol to give them an opportunity to pass what is known as the Webb-Kenyon bill. I did it and I voted for it myself, because it was consistent with my principles. I said if a local community or a State desire absolutely to prohibit the importation of liquor into their State or community they ought to have a right to do it, and I believe it now. If the Webb-Kenyon bill is constitutional, then it would be constitutional to put a provision in here absolutely prohibiting the importation of liquor.

Mr. SHEPPARD. May I make a suggestion here?

Mr. UNDERWOOD. I yield to the Senator.

Mr. SHEPPARD. Is the Senator opposed to allowing the States to say under the method prescribed by the States themselves in the constitution whether the liquor traffic shall be prohibited throughout the Union?

Mr. UNDERWOOD. That statement is not worthy of the able intellect of the Senator from Texas. The Senator from Texas knows that there is a very great distinction between the question of submitting a bill involving the sale of liquor to a local community and the proposition of amending the fundamental principle, the Constitution of the United States. It is not a question of whether the people shall vote on it, and the Senator from Texas knows that. I have served for many years in the Congress of the United States with the Senator; I know he has an acute and able intellect, and, although he may make a statement of that kind to catch popular acclaim, the Senator knows as well as I do that the question involves a principle of representative government, the principle of not forcing on people sumptuary laws that do not meet with their approval; secondly, the proposition of not putting laws in force in a community that will not be carried out by the local government.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. UNDERWOOD. I do.

Mr. SHEPPARD. The Senator from Alabama has heretofore announced himself as being opposed to the principle of the initiative and referendum?

Mr. UNDERWOOD. Certainly; and I am surprised that the Senator from Texas should put that statement as in opposition to the position I now take. The Senator from Texas undoubtedly understands the distinction between the proposition of an initiative and referendum and a referendum. The distinction is fundamental.

Mr. SHEPPARD. Mr. President——

Mr. UNDERWOOD. If the Senator will allow me to explain the distinction, it is fundamental; it is governmental. The referendum, as in this case, is the exercise of the legislative function of government by a representative body, leaving it to the happening of a condition as to whether or not it shall go into effect, and every local-option law is passed on that basis. The people do not legislate; this is not a pure democracy; but it is a representative democracy. That is the fundamental principle.

Mr. SHEPPARD. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. UNDERWOOD. I have not finished, but I will yield as soon as I make my explanation.

The legislative body, representing the people, create the legislation, and then they submit it to local communities to determine whether or not they desire to have it put into effect. It is not the creation of legislation by a local community; it is the mere happening of an event. For instance, if you were to declare that the President of the United States could order out the Army of the United States to take charge of all the railroads of this country if there were war declared, that would not justify him in ordering out the troops and taking charge of them until war was declared. That is the happening of an event to put your legislation into effect.

This referendum will ripen the legislation you are writing. To submit it to a referendum after you have perfected your legislation is merely the bringing about of the happening of an event as to whether the legislation shall go into effect, to wit, whether a majority of the people in the District of Columbia are in favor of it; but, on the other hand, when you come to the initiative and referendum, that does not contemplate the sifting through a legislative body; it does not contemplate making laws by the representatives of the people, by the men who are supposed to have the wisdom for enacting law; not at all.

The initiative contemplates that a certain number of people shall petition for a law, and that then it shall be submitted to the entire electorate to vote whether or not it shall be a law. What is the difference? When you have the initiative you have a small coterie sitting in a back office, probably a private room, locked in their own consciousness, to write the proposal of the

law without joint debate, without discussion, without opportunity of amendment, without the wisdom of many gathered, without the representative voices coming from distant parts of the community to be reflected in that legislation; but a small coterie preparing a proposal, then the carrying about of a petition to start the machinery to work, and then its ratification at the polls.

One is the reflected sentiment of the chosen men of the people, merely allowing the happening of an event to put it into effect; the other is the creation of legislation, possibly in a back room, by a band of tricksters sometimes, with no opportunity to amend, merely submitting an undigested question by petition to the masses of the people.

When you come down to petitions, what you do by petition always reminds me of something that happened to me 20 years ago, which shows the value of petition. When I came to Congress Mr. Cleveland was President of the United States, and I, belonging to his party, was the referee named to suggest the postmasters in my district. I did not look very much like a Representative; I suppose I had more the appearance of a beardless boy. I rode into a community one day where I happened to know a few friends. Whilst waiting for a train there a gentleman came to the crowd in which I was standing. He said he did not like to interrupt us, but he was in a hurry, and he would like for us to look at a petition he had. He said the postmaster at the town just above had died the day before; that there were two applicants for the position; that one was a man who was able to take care of himself and the other was a young lady who had to take care of her mother. He wanted to get a petition for the young lady signed; he passed it around the crowd and asked them to sign it. Some of them said they would sign it, and others said they would sign the other petition. Finally he got around to me. He had been introduced to me, but he evidently had not placed who I was. He asked me if I would not sign the petition. I said, "My friend, let me see it." He handed the petition to me. It was addressed to "The Hon. OSCAR W. UNDERWOOD, Member of Congress from the ninth Alabama district," and it stated: "We, the undersigned petitioners, patrons of the post office"—at the town he came from—"respectfully request you to use your efforts to have"—the young lady named—"appointed postmistress." "Well," I said, "my friend, I can not sign this petition. I live in Birmingham; I am not a patron of your post office, and so I can not sign it." "Oh," he said, "that does not make any difference. Sign it. I am getting everybody to sign this petition, niggers and all. That blamed Congressman will not know who signed it when he gets it." [Laughter.]

That is in keeping with the Senator's proposal about an initiative. There may be some petitions signed with intelligence and an intelligent understanding of what they contain; but the vast number of petitions, you know and I know, are signed to get rid of the man who presents them. I am not in favor of making laws along that line; but I do say that it is perfectly legitimate for a legislative body to use the power of the referendum. That power is contemplated in the Constitution itself. There is a referendum under every amendment that the Congress of the United States offers to the Constitution of the United States. There are many other instances in the National Government and in the State governments where a proper referendum can be exercised. That is what I stand for, and not for an indiscriminate initiative.

So my position in not favoring an initiative and referendum is in nowise in conflict with my desire that the people of the District of Columbia may have an opportunity to pass on a bill which the Senator from Texas himself has amended in vital ways every time that it has come before the Senate for consideration, and his mind does not seem to be yet fixed on what he ought to do for the people of the District of Columbia on this subject.

I did not rise to make this long speech on this subject; but I am perfectly willing for the Senator from Texas to reflect on me, if he wants to, when I stand for what I believe is the principle of liberty, of free government, and to say that I am doing it for an ulterior purpose and in the interest of persons with whom I have never had any connection, either directly or indirectly, in my life.

More than that, so far as I am personally concerned, I do not care whether you pour every drop of liquor you have got in this District into the gutter; it is no concern of mine; but if the Senator from Texas thinks he makes headway whenever anybody opposes his propaganda, or the propaganda of those he follows, by attempting to reflect on their private character or their personal motives I give him free liberty to exercise that right, so far as I am concerned, during the balance of this debate.

Mr. SHEPPARD. Mr. President, I intend no personal reflection on the Senator from Alabama. I say that the effect of his course and attitude here is to make him one of the most powerful champions of the liquor traffic in the United States. I say that is the logical effect of the attitude he assumes here and has assumed elsewhere.

Mr. UNDERWOOD. But I ask the Senator from Texas to make his bill clear, and either say that these people shall drink or that they shall not drink, so that it shall not set a trap for them. Is that in the interest of the liquor traffic?

Mr. SHEPPARD. It is the Senator from Alabama who is attempting to set the trap.

Mr. UNDERWOOD. Where is the trap? Is it not clear that you are advocating a bill here under which thousands of people may be entrapped and punished?

Mr. SHEPPARD. No. The trap of the Senator from Alabama is, if possible, to have a law passed here that may be declared unconstitutional.

Mr. UNDERWOOD. There is not anything of appeal in that. The Senator from Texas is captious in that statement. The real issue as to whether or not a bill of that kind would be constitutional is before the Supreme Court of the United States to-day.

I voted for the Webb-Kenyon bill to prevent the shipment of liquor into "dry" territory. Of course, at that time I was not "making the ablest arguments for the liquor interests," but, according to the Senator from Texas, I was merely exercising my individual right.

Mr. THOMAS. Mr. President——

Mr. UNDERWOOD. Just one word, if the Senator please. But if that bill should be declared constitutional—the whole question is involved there—then you could say that not one drop of liquor shall cross the State line.

Mr. SHEPPARD. There will be time enough to amend the bill then.

Mr. UNDERWOOD. But if it is declared unconstitutional, then the legislation which the Senator is proposing to-day is of no avail, and liquor can flow across in rivers full. The Senator knows that as well as I do.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. UNDERWOOD. I do.

Mr. THOMAS. Mr. President, I am very much interested in the Senator's argument and am in entire sympathy with his proposition to submit this important question to the people of the District, if it can be done. From the attitude which the Senator occupies he believes that it is within our power to do so; but that is a question which is and has been troubling me very seriously since I listened to the Senator from Washington [Mr. JONES] last March, who then delivered an address upon the subject and sustained his assertion that Congress was without power to submit a referendum of this kind to the people of the District of Columbia by a system of reasoning and authorities which to my mind was convincing. If I can learn of, or if my attention can be brought to, any decisions or to any line of reasoning which will upset the force and effect upon my mind, and consequently upon my judgment, of that argument, I should be more than glad to have it. I have no doubt that the Senator from Alabama has given much thought to the subject, because he is the author of the proposed amendment to this bill by which a referendum is sought to be secured.

My understanding of the law upon this subject, as a general proposition, is that the power to legislate can not be delegated either for purposes of initiation or reference as to general legislation in the absence of some constitutional provision permitting it or some provision which reserves that right to the people. I am aware also of the fact that legislation can be made dependent upon the happening of some future event, some contingency; but the authorities with which the Senator from Washington fortified his argument comprise a large number of decisions from the courts of last resort, which declare, I think without exception, that the contingency can not be one—of course, in the absence of constitutional provision—created by the legislature itself; and, of course, the submission of a law to the vote of the people would be a contingency created by the act of the legislature.

One of the leading cases upon the subject—and I am reading from page 4387 of the RECORD of the last session of Congress—as quoted in the argument of the Senator from Washington, is from the State of Iowa, from which I read this extract:

> We will first consider the question relating to the submission of an act to a vote of the people; and on this subject we entertain no doubts. The general assembly can not legally submit to the people the proposition whether an act should become a law or not, and the people have no power, in their primary or individual capacity, to make laws. They

do this by representatives. There is no doubt of the authority of the legislature to pass an act to take effect upon a contingency. But what is a contingency in this sense and connection? It is some event independent of the will of the law-making power, as exercised in making the law, or some event over which the legislature has not control.

For instance, the embargo laws and their cessation were made to depend upon the action of foreign powers in relation to certain decrees. The will of the lawmaker is not a contingency in relation to himself. It may be such in relation to another and external power, but to call it so in relation to himself is an abuse of language. Now, if the people are to say whether or not an act shall become a law, they become, or are put in the place of, the lawmaker. And here is the constitutional objection. Their will is not a contingency upon which certain things are or are not to be done under the law, but it becomes the determining power whether such shall be the law or not.

Since listening to the Senator's argument I had occasion to examine the question myself, my object being to discover exceptions to the broad principle laid down by the Supreme Court of Iowa and sustained by a number of decisions of the courts elsewhere. I have been unable to find them, and am therefore constrained to believe that they do not exist, always bearing in mind the fundamental distinction between legislation local in character and legislation of a general nature.

If to that be added the reflection that the Constitution of the United States confers upon Congress the exclusive legislative power—and I think perhaps that imposes the broadest authority and jurisdiction over legislative matters which can be found in any of our constitutions—I am unable to accept the view that Congress has power to submit this question or any other legislative question to a vote of the people of the District of Columbia for their determination.

I regret that the Senator from Alabama has retired from the Chamber, because my purpose in rising was not to address the Senate upon the bill, but to ask the Senator whether he could furnish any authority or supply any line of reasoning to overcome what seems to me the general trend of American constitutional law upon this very important subject. If he can, I should be very greatly pleased to receive it and will gladly act in accordance with its conclusions.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I am practically through, Mr. President.

Mr. UNDERWOOD. If the Senator will allow me just to say a word, I was called out of the Chamber for a moment during the Senator's argument and did not hear all he had to say.

Mr. THOMAS. It was not an argument, but merely a statement that I wished to call to the Senator's attention in the hope that he might give me some further enlightenment.

Mr. UNDERWOOD. I will say to the Senator that I think I can. I have some authorities on the question which I expect to present to the Senate when I offer my substitute, but I have not them in hand right now, and do not care to go into a part of the argument without going into it all.

Mr. THOMAS. Of course, any time before the final vote is taken will be ample for my purposes. I very gladly yield the floor to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I desire to ask the Senator a question. The Senator has been discussing a phase of this matter that has given me a great deal of trouble.

Mr. THOMAS. I have not discussed it; I have merely called the attention of the Senator from Alabama to it and to my opinion concerning the power of Congress to submit the question.

Mr. SUTHERLAND. The Senator has indicated the difficulty with the matter that is in my own mind, namely, as to whether or not this constitutes a delegation of the lawmaking power, and, second, whether or not in this particular instance it is within the competency of Congress to do that.

The question I wanted to ask the Senator was this: Whether or not he thinks that Congress in governing the District of Columbia is exercising its legislative power or whether it is proceeding under a general power to govern the District, which power is without limitation, substantially as in the case of the Territories. For example, when Colorado was a Territory and when my own State was a Territory, the Senator knows that local legislative bodies were created with the full power to pass laws. If that constituted a delegation of the lawmaking power and Congress was forbidden to do it, I can not see upon what theory that action could be upheld at that time. The language of the Constitution with reference to the District of Columbia is:

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

That seems to confer very broadly on Congress the power to govern the District. We know that in doing so it is not bound in many particulars by the general provisions of the Constitution. For example, with reference to the judiciary, Congress can provide, undoubtedly, for the District of Columbia that judges shall be appointed to hold office for a limited period of time—for four years, for instance—as was done in the case of the Territories; and yet the general provision of the Constitution is that judges must hold their offices during good behavior. In the case of the Territories, however, that did not apply, and it does not apply, I take it, in the case of the District of Columbia. I do not know whether I make the point very clear to the Senator——

Mr. THOMAS. I think I understand the Senator.

Mr. SUTHERLAND. But I should like to hear the Senator's view about that distinction.

Mr. THOMAS. The question is a very interesting one. To answer it offhand is perhaps a little hazardous; but I can perceive a distinction between that power which the Constitution confers upon Congress with regard to the District of Columbia and that power which it exercises over the national territory or domain when it creates temporary governments which we call Territories, and clothes them with certain legislative, executive, and judicial authority. The District of Columbia is in one sense a Territory, but in one sense only; that is to say that it is not a part of any State. It has a government to itself, and its citizens are not citizens of the United States in the sense that they can sue or be sued in the courts of the United States or exercise the elective franchise in a general election. I think that the provision of the Constitution which confers upon Congress exclusive legislative authority over the District includes the power to govern that District, and until I am further enlightened I shall be constrained to the view that the exclusive legislation to which the Constitution refers is the source of the authority under which we are now acting. Our general power to govern the District to which the Senator refers does not, in my judgment, authorize the exercise of any authority over the District which must be expressed in legislation.

Mr. WORKS. Mr. President, the debate has wandered off from the real question that is before the Senate, namely, the amendment offered by the Senator from Texas. The amendment offered by the Senator, and others of a like kind, are attempts to modify the terms of this bill in a way which, to my sense, is a compromise with evil. I am one who believes in absolute prohibition. I believe that if it is wrong for a man to sell intoxicating liquors to another upon which he may get drunk, it is equally wrong for the man to get drunk on that liquor. I think it is entirely out of place to undertake to punish the man who sells the liquor and to allow the man who uses it to go unpunished; and I think the Senator from Alabama is perfectly right when he says we ought to be honest and sincere, not only with the people of the District of Columbia but with the people of this country, when we come to deal with this question.

It is for that reason that I have been disappointed in the terms of the bill that is now before the Senate. There seems to be a disposition on the part of some Senators to preserve the right on the part of a citizen to give away liquors in his own home—not only to use them himself but to give them to others. But it has been my misfortune to be present at a good many banquets, public and private, where I have seen a good many men get drunk on liquors given to them by their hosts. Why should a man be preserved and protected in that right any more than the man who sells the liquor over the counter in a saloon?

I should have been glad to see a bill presented here forbidding absolutely the sale, giving away, manufacture, or use of intoxicating liquors, without exception. That would have been in accordance with my convictions on the subject. Of course, I would vote for a bill going part way, because I believe it is in the right direction; but I should regret that it does not go further.

Why do we forbid the manufacture of intoxicating liquor? Is it only to prevent somebody from selling or giving it away, or is it to prevent somebody from using it? The only evil of the manufacture of intoxicating liquors is not that they are sold or given away by somebody, but that somebody else uses them and becomes addicted to the habit of drink, which destroys the lives of thousands of the people of this country. To my mind it is perfectly inconsistent that we should legislate here simply for the purpose of preventing the selling or giving away of intoxicating liquor and not extend that legislation in such way as to prevent the use of it.

Mr. President, the question of submitting this matter to a vote of the people has been discussed here. It is not now directly before the Senate. I presume it will be, and I am not going to say very much about it at this time, although I may say more about it later on; but I want to suggest this one thing: Independently of the question as to whether Congress has any right under the Constitution to refer this matter of

legislation to the people of the District of Columbia, I insist that the people of the District of Columbia have no right to settle that question for the United States. This Capital does not belong to the people living in the District of Columbia. The people in my State have an interest in their Capital. They are just as much interested in seeing it clean and decent and moral as are the people who live here in the District of Columbia, except that the people here are brought into closer contact with the evil; and if there should be a reference of this matter it should not be alone to the people of the District of Columbia, but to the whole people of the United States, as this is the National Capital.

Mr. LEE of Maryland. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. WORKS. I do.

Mr. LEE of Maryland. I should like to inquire of the Senator whether Congress in governing the District has not already, as a general principle, recognized residence in the District in numerous instances, and particularly in reference to the executive body which actually carries on the affairs of the District, namely, the District Commissioners, and required that they should be bona fide residents of the District for a certain fixed period?

Mr. WORKS. The people of the District of Columbia are recognized principally for the purpose of collecting taxes from them to carry on the affairs of the District of Columbia. They have no right to vote. They have no control over affairs in the District. They are not recognized in any sense as being a part of the government of the District. The provision that the commissioners shall be selected from persons living within the District is simply a regulation provided by Congress. It does not affect the question, so far as I can see.

Mr. President, I am not going to take up further time in discussing the question which is now before the Senate. I only desired to express my own views about it, which may be regarded by a good many people as being radical; but they are my earnest convictions, radical or not.

Mr. LEE of Maryland. Mr. President, the pending amendment is one of a series of amendments which are proposed to be offered by the Senator from Texas in perfecting the bill which is now before the Senate.

In the State of Maryland for many years—I might say for a generation or so—we have had under discussion the question of local votes on legislation limiting the use of alcoholic liquors, and we have developed a settled policy or habit in that State of permitting a local vote on that subject whenever demanded by the representatives of a locality in the legislature. This is a liberal policy, and whenever it has been departed from it has caused friction, to say the least. There has been discussion as to what the size of the unit should be in which this vote should take place in our State, but the final adjustment of that question seems to be that it should be a unit which might be called a police unit, in which there is a police power which would regulate or enforce the provisions of the bill if it goes into operation.

Mr. President, in respect to this law, with all due respect to the Senator from Colorado [Mr. THOMAS], I think the legislation, the writing of the law, is going on right here. That is the meaning of the word "legislate"—to write the law. This body has a perfect right, as I see the constitutional situation, to postpone the operation of the law it writes until some definite time or event in the future, the event being, say, the determination whether public sentiment in the community to be affected favors or is opposed to the execution of such a statute, it being well understood as a matter of common sense and sound democratic doctrine that, generally speaking, there is no wisdom in imposing upon any community the execution of a statute where a majority of the people of that community are opposed to the statute. So the ascertaining of the state of mind of the community to be affected is an essential feature of the operative character of the statute under consideration.

This law is being written here to-day; and I differ with the Senator from Alabama [Mr. UNDERWOOD] in respect to his attitude toward the amendments of the Senator from Texas, because in writing such a law under the usage in the State of Maryland we would accord to the proponents the largest degree of latitude in perfecting the measure that they propose to submit to a community for an expression of public approval or disapproval.

Mr. President, I expect, following the habit of my State and until some better way is suggested, to vote for a referendum on this measure to ascertain the state of public sentiment in the community that it is to affect, the District of Columbia, and to postpone its operation until the state of mind of that community is ascertained to be favorable to the law. I concede that it is a part of that doctrine or principle as far as possible to leave to the proponents of the law the details of perfecting the law, reserving, of course, the right to object to anything unconstitutional, inconsistent, or manifestly wrong. But, generally speaking, the proponents of such a statute as this, where it is proposed at the same time to require a favorable vote in the future before the law can go into operation, should be allowed the broadest latitude in perfecting the details of the bill.

Mr. VARDAMAN. Mr. President, the question of prohibition is an old issue with me. It has been an issue in the State of Mississippi for a number of years. The first ballot I ever cast was in favor of prohibition. In those days to be a prohibitionist meant a fight for every inch of ground the prohibitionist stood upon. We undertook first to solve this problem by local option. The liquor traffic had a great hold upon the people. The foolish argument that it was sumptuary legislation and the beginning of a régime which would ultimately lead to unbearable proscriptions had a powerful influence upon the thoughtless, democratic mind. We made headway slowly, but by persistent efforts—appealing to the good judgment and common sense of the most—we finally succeeded in driving whisky out of every county in the State except about seven. In those days I believed myself that the matter ought to be determined by the voters of the counties where the liquor was sold. I held the erroneous view that if a man wanted to go to perdition and carry his family with him he should not be molested or restrained in his folly. Yes; I believed in local option; but the sentiment grew, and my mind and soul expanded with it, and when I became convinced of the far-reaching deleterious effects, morally, physically, and politically, which emanated from the open saloon, I changed my conduct. Those seven counties that persisted in the nefarious business of selling liquor became festering set-fasts upon the body politic. They were veritable running sores. Their poisonous influences were felt beyond the county lines, like "the foul breath of the upas tree"—everything that came within the purview of its pernicious influence was injured. So in order to rid the State of the plague the legislature passed a State-wide prohibition law, and the saloons in those unfortunate counties were closed, I hope, forever. That was about eight years ago. Mr. President, I do not exaggerate when I say that in those counties that had prohibition forced upon them not 15 per cent of the white voters, if the question were again submitted, would vote for the return of the saloon. As long as the whisky interests control the community there will be advocates of the saloon in that community. The presence of the saloon seems to be able to stifle the nobler qualities of the mind and paralyze the better aspirations of the soul.

Much as I dislike to differ from the distinguished Senator from Alabama [Mr. UNDERWOOD], I can not agree that the people of the District of Columbia have any right to vote on this question at all, or any other question touching the government of the District of Columbia. As has been so well said by the able Senator from California [Mr. WORKS], this District belongs to the American people, and the Congress should enact law for its government. Suppose, for instance, the people of Washington should desire to make it a gay place, a kind of Monte Carlo, open up gambling hells and dens of vice and iniquity in order to attract the meretricious multitude that infest such places. Does the able Senator believe that the American people would tolerate such a condition of things at the Capital of this Nation? Or would he be willing to submit the question of permitting them to do that to voters of the District? No; he would not. The citizens of this city came here with the understanding that this territory was under the control of the Federal Government, set apart for the National Capital, and it is the duty of the Congress to govern the city of Washington as the Capital of the Nation. I think Washington ought to be made the model city of America. I want it clean morally as well as physically. I want it to be a city set upon the hill, leading all of America by the excellency of its splendid example. I am willing for it to grow commercially, but as to that feature I am not much interested. I desire its parks and its statuary, its architecture, beautiful drives, and clear lakes to be the finest in all the world. I should like to have it the most beautiful city in all the hemisphere. I would have everything here calculated to develop the ethical nature and satisfy the tastes of our people. I want its moral and intellectual atmosphere so clean and pure that none can come from the country around about without feeling its stimulating effect. In a word, Mr. President, I want to see it a city suited in all respects for the Capital of the greatest Nation and the most enlightened Government beneath the stars to-day. But it can never reach that eminence—it can not accomplish that which I

would have it accomplish as long as these places of infamy are kept open and recognized as legitimate. Washington ought to reflect everything that is good in this Republic. It should body forth in its art the aspirations of our people. Its government should exemplify the moral progress of our people in governmental matters, and its intellectual and moral atmosphere should be the essence of the ethical and intellectual attributes of the entire people. The greater part of the area of this country is saloonless to-day. A majority of our population live in dry territory. The consensus of opinion of the civilized world is that whisky is a curse—the most insidious enemy to the human race of which we have any knowledge. I repeat, Mr. President, that it is not becoming the Capital of this Nation for the open saloon to exist here, for this acknowledged enemy to society to exist with the consent of the Congress, notwithstanding the fact that a large majority of the people residing here favor it.

A great many people come to Washington to live for the purpose of having a good time and to spend money made by somebody else's toil. And, unfortunately, a great many of them can not have a good time unless they have something to drink. The social lies that warp us from the living truth is doubtless responsible for this vitiated taste and distorted view of life. There is no place in this city for the saloon. A decent regard for the national sentiment demands that the saloon be closed. The amount of liquor for the consumer ought to be limited, not to hurt the business of the seller but to save the body and soul of the buyer. In my State when we first adopted State-wide prohibition the amount of liquor the consumer might buy was not limited. A man could send off and get as many gallons of whisky for his own consumption as he desired. But, as I stated before, when the people are rid of the pernicious influence of the drink habit, sentiment in favor of more prohibition grows. The soberer the community is the more drastic the prohibition laws. The last Legislature of Mississippi passed a bill limiting the amount of whisky that could be shipped to one person in one month to 2 quarts. It may interest Senators, and I will read the Mississippi statute. I read:

QUANTITY OF LIQUORS THAT MAY BE POSSESSED AT ONE TIME.

SEC. 9. (a) That it shall be unlawful for any person to receive, accept delivery of, possess, or have in his possession at one time, or within any period of 15 consecutive days, whether in one or more places, or whether in original packages or otherwise, (1) more than one-half gallon of vinous liquors, or (2) more than 3 gallons (24 pints) of malted liquors or fermented liquors, such as beer, lager beer, ale, porter, or other similar fermented liquors, either in bottles or other receptacles, or (3) more than 1 quart of spirituous or other intoxicating liquors beyond those named in subdivisions 1 and 2 above, or (4) more than one kind of the three kinds of liquors, as hereinbefore classified, either at one time or within said period of 15 days, and whether in original packages or otherwise.

Mr. President, I shall have more to say on this question when the amendment offered by the distinguished Senator from Alabama [Mr. UNDERWOOD] is up for discussion. I will say, in conclusion, however, that I think it eminently unfortunate that this grave question affecting so vitally the good name of the Nation's Capital, the moral, mental, and physical well-being of the people of Washington, and I might say all the entire Nation, should be submitted to the people of Washington for settlement among a hundred thousand negroes, whose well-known leaning to the saloons and the purchasable quality of the voter, are to cast the deciding vote.

Mr. SHEPPARD. Mr. President, will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. VARDAMAN. I do.

Mr. SHEPPARD. I was very much gratified to have the Senator quote the law of the State of Mississippi limiting the amount of liquor which may be imported by individuals at different times. I wish that all the Senators could have heard the Mississippi law read, and I am glad the Senator read it.

Mr. VARDAMAN. The supreme court of my State, I think, has recently held this law constitutional and valid.

Mr. SHEPPARD. I shall ask the Senator if similar laws have not been enacted in various other States?

Mr. VARDAMAN. I think so. My understanding is a law similar in character has been enacted in Alabama, the home of the distinguished author of the proposed referendum amendment. I know such a law was proposed there and, I think, enacted. It is a very fine law, and in Mississippi has worked like a charm in destroying the blind tiger. The whisky advocates outside the State of Mississippi undertook to destroy this law by kiting it onto an unpopular measure and referring it to the people at the November election under a provision of our constitution recently inserted. I was called from the national campaign to Mississippi to discuss this question before the people of my State. I traveled over a great deal of the State, and I do not hesitate to say that I have never known the white people so aroused, so indignant at the impudence and effrontery of the men who were trying to defeat this righteous law. The matter never came to a vote, I am sorry to say, because the supreme court in a decision held that the act was not reviewable by a referendum clause in the constitution because it was enacted by the State legislature before the referendum was inserted in the constitution. But I believe, Mr. President, if the question had gone to a vote, that the law would have been approved and upheld by a majority of more than 16 to 1.

Mr. JONES. Mr. President, I simply want to call attention to the provisions of the prohibitory law of the State of Washington as bearing upon the amendment proposed by the Senator from Texas [Mr. SHEPPARD].

The Senator from California [Mr. WORKS] expressed my personal views with reference to this matter, and I am not going to repeat them. I should like to see all intoxicants prohibited from the District; but I recognize that these great reforms come a step at a time, and that we have to make concessions in order to secure progress.

The provisions of the bill before the amendment proposed by the Senator allowed the bringing into the District of unlimited quantities of liquor by individuals for their personal use. The amendment that is proposed by the Senator from Texas simply limits the amount that may be brought in for that purpose. It does not prevent a person from bringing in liquor for his personal use, but simply limits the amount that can be brought in, and imposes certain restrictions, as I understand it.

Mr. UNDERWOOD. Mr. President, will the Senator yield for a question?

Mr. JONES. Yes.

Mr. UNDERWOOD. A great many States have adopted amendments limiting the amount of liquor that can be shipped into the State to one individual, but I do not know of any proposal which has ever been made before by any law on the statute books to limit the amount that can be shipped into one house. I am not trying to interfere with the gentlemen who are preparing this bill. What I propose to do is to try and submit it to the people; but it seems to me the absolute injustice and danger of the Senator's amendment as it stands is that you do not say to the individual, "You are limited to the use of 1 quart of liquor a month," but you say, "That is the only quart of liquor that can come into your household," and if the master of the household brings in a quart without informing the servant and the servant without informing the master brings a quart into that household you make it a crime, and you leave no discretion to the court in a case of that kind. You make it a crime, and both of them must go to jail for 30 days.

It seems to me that is a very dangerous law to put on the statute books and a very unjust law. It would be protecting the people of this District far better, if you think they should not drink liquor, to say that no man shall drink, than to set what I call a trap—and I say that without intending to reflect on the men that propose this. It will work as a trap when you say that only 1 quart of liquor shall go into one house, and you do not even say that they shall not be guilty if they do not have knowledge of the other quart going in there. You make a man commit a crime when he does not know that he is committing a crime, and when you have invited him to commit a crime.

I say that that is a very dangerous amendment, even for men who think as the Senator from Washington thinks, to foist on any community.

Mr. JONES. Mr. President, I recognize the force of the suggestion of the Senator from Alabama. I have not had an opportunity to examine carefully the terms of the amendment proposed by the Senator from Texas, and I was not intending to direct my remarks to the particular terms of the amendment. It may be that it ought to be changed. It may be that it ought to be modified. What I intended to call attention to was the fact that in many of the prohibition States they have imposed a limitation upon the amount that can be brought in. As to the terms of that limitation, the method by which it is brought about, of course, it ought to be just as plain as possible, and it ought to be framed in such a way as not to make likely the conditions or circumstances that the Senator from Alabama has pointed out.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. Yes.

Mr. VARDAMAN. I was just going to suggest, to meet the objection of the Senator from Alabama, that we do not want any trap; we want this open and above board; we want it so that when a man violates the law he knows it. I am going to ask the Senator from Texas [Mr. SHEPPARD] to amend his bill

and have the limit on the amount brought in apply to the individual rather than to the house, and then probably the Senator from Alabama will support the bill. It would be fine if we could have the great weight of his moral influence for the measure.

Mr. UNDERWOOD. I will say to the Senator from Mississippi that I have not occupied the position of resisting the efforts of the Senator to perfect his amendment or to write the bill in the way he thinks is proper. The only thing I am contending for here is that the people of the District of Columbia should have a voice in the matter. I merely thought, and believe now, that the language which the Senator from Texas is proposing is a very dangerous proposition for innocent people—I mean, people to whom it is held out that they can buy a quart of liquor—and then, because it is limited to the household, if two of them buy it they might be prosecuted and sent to jail.

Mr. VARDAMAN. I think, if the Senator from Washington will permit me, that the Senator from Alabama is playing in a very exalted rôle just now. His conduct in this matter reminds me of the wise man who said:

It is a kindness to lead the sober; a duty to lead the drunk.

I think the Senator from Alabama is engaged in a pretty good business in protecting the man who wants liquor from getting in a trap, and therefore I am going to insist that the Senator from Texas amend the bill so as to remove that trap.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield?

Mr. JONES. I yield.

Mr. SHEPPARD. In view of the remarkable solicitude of the Senator from Alabama for a proper bill I shall be glad to withdraw that clause or to move that it be stricken out when we reach the amendment. I am endeavoring to secure a workable amendment and to meet every legitimate objection if possible.

Mr. JONES. Mr. President, I think I appreciate the position of the Senator from Alabama. I know the principal issue to his mind is the question of referring the matter to the people of the District. I think it is well enough that dangers or ambiguities connected with any amendment that is offered shall be pointed out and I am very glad to have him point them out so far as I am concerned.

The Washington law, section 6262–4 of the Remington 1915 Codes and Statutes, reads as follows:

Manufacture, sale, or gift prohibited. It shall be unlawful for any person to manufacture, sell, barter, exchange, give away, furnish, or otherwise dispose of any intoxicating liquor, or to keep any intoxicating liquor, with intent to sell, barter, exchange, give away, furnish, or otherwise dispose of the same, except as in this act provided: *Provided, however*, That it shall not be unlawful for a person to give away intoxicating liquor, to be drunk on the premises, to a guest in his private dwelling or apartment, which is not a place of public resort.

That is the general prohibition section. Section 6262–15 reads as follows:

Permits for shipment of liquors.

This section covers the proposition, as I understand it, that is intended to be covered by the amendment now proposed by the Senator from Texas. I simply read it so that Senators may be advised as to the provisions of the law in our State:

SEC. 6262–15. Permits for shipment of liquors. The county auditor of each county within this State shall procure and keep, as a part of the records of his office, a well-bound book of blank applications for permits to ship or transport intoxicating liquor. Any person desiring to ship or transport any intoxicating liquor shall personally appear before the county auditor and shall furnish him the necessary information to fill in a blank application, which application shall contain the name of the applicant, the statement that he is over 21 years of age, the person, firm, or corporation from whom said shipment is to be made, the place from which said shipment is to be made, and to what point the same is to be made, a statement that the applicant is not the holder of any internal-revenue special-tax stamp or receipt from the United States Government, authorizing him to sell or to deal in intoxicating liquor, and a statement that he has not theretofore been convicted of any violation of the laws of the State relating to intoxicating liquor. Such facts shall be incorporated by the county auditor in one of said blank applications, and said application shall be signed by the applicant and sworn to by him before the county auditor or his deputy. Upon the applicant signing said application and taking the necessary oath thereto, the auditor shall issue a permit for the shipment or transportation of intoxicating liquor. Such permit shall be printed upon some shade of red paper, and shall be substantially in the following form.

I ask to have that printed without reading.

The PRESIDENT pro tempore. Without objection it will be so ordered.

Mr. JONES. I think I will read it because it sets out the amount that can be brought in:

STATE OF WASHINGTON, *County of* ———, *ss:*

———, residing at ———, is hereby permitted to ship or transport from ———, in the State of ———, to ———, in the county of ———, State of Washington, intoxicating liquor to wit: ——— (insert kind and quantity, not exceeding in quantity one-half gallon of intoxicating liquor other than beer, or 12 quarts of beer or 24 pints of beer). This permit can only be used for one shipment and will be void after 30 days from the date of issue.

Dated this ——— day of ——— 19—.

——— ———,
County Auditor.

I heard some one suggest that the requirement of this amendment in reference to having printed upon the shipment that comes in here certain things, in letters of a certain size, was hardly proper, and yet here is what our law requires in regard to the bringing in of liquor from outside:

This permit—

Which has just been described, that must be printed on some form of red paper—

This permit shall be attached to and plainly affixed in a conspicuous place to any package or parcel containing intoxicating liquor, transported or shipped within the State of Washington, and when so affixed shall authorize any railroad company, express company, transportation company, common carrier, or any person, firm, or corporation operating any boat, launch, or vehicle for the transportation of goods, wares, and merchandise within the State of Washington, to transport, ship, or carry not to exceed one-half gallon of intoxicating liquor other than beer or 12 quarts or 24 pints of beer. Any person so transporting such intoxicating liquor shall, before the delivery of such package or parcel of intoxicating liquor, cancel said permit and so deface the same that it can not be used again. It shall be unlawful for any person to ship, carry, or transport any intoxicating liquor within the State without having attached thereto or to the package or parcel containing the same such permit, or to transport or ship under said permit an amount in excess of the amount or quantity hereinbefore limited. Any applicant desiring to have a permit issued to him under the terms hereof shall pay to the county auditor issuing the same the sum of 25 cents, which sum shall be accounted for by such auditor as other fees of his office. This section shall not apply to registered druggists or pharmacists actually engaged in business within the State.

SEC. 6262–16. One permit in 20 days: It shall be unlawful for any person to take out or have issued to him more than one permit, as provided for in the preceding section, in any 20-day period. This section shall not apply to registered druggists or pharmacists actually in business within the State.

Mr. President, it seems to me if we are going to have a regulation with reference to the amount which may be brought in for personal use, the provision in our State is a very good provision. Possibly it might be well, in view of suggestions made, that there should be some modification along the line suggested by the Senator from Mississippi in the amendment proposed, although I have not had time to examine the amendment carefully enough to see whether even that modification ought to be made. I simply read it to show what the proceeding is in our State, where we have passed a prohibitory measure, to allow liquor to be brought into the State for personal consumption.

Mr. BORAH. Mr. President, when the statement of the Senator from Alabama was first made I was impressed with the force of his argument. I had not at that time carefully read the amendment. Since reading the amendment I do not think that the charge of a trap is a just charge as against this amendment. I do not believe that there is any reasonable ground for assuming that an innocent person would be punished under the amendment. If this kind of a limitation is to be had at all, I would have some difficulty myself in knowing how to draw an amendment which would more accurately express what the mover undoubtedly intends or which would more thoroughly protect anyone who desires to act in good faith under the law.

Let us see, Mr. President, for a moment, because I am not going to discuss it at length.

No person shall, nor shall more than one member of a family—

I presume that means a member of the family and not a servant or employee—

No person shall, nor shall more than one member of a family occupying the same house, have in his possession, receive, or accept delivery oftener than once a month from any railroad, steamboat, express company, or transportation company of any kind, or from any person whomsoever, any intoxicating liquors in excess of one quart of distilled liquor in a single container.

Then it goes on to describe the amount of liquor which he may have and the designation which must be placed upon the vessel or bottle containing it. Then it says:

And the consignee shall, before receiving the distilled liquor, wine, or beer sign a record as herein provided, and shall make an affidavit that the said distilled liquor, wine, or beer will not be used in violation of the provision of this act. A certified copy of such record shall be filed with the District Commissioners not later than the fifth day of each month for the calendar month preceding. Such commissioner shall keep a public record of such data as herein provided.

Mr. President, in view of the fact that a public record must be made by the member of the family who gets it, and in view of the fact that it is continually of public record and kept for consultation, and is limited to receiving it but once a month, and is open to inspection by anybody who wishes to know they are trespassing upon the law, I do not understand how you can more thoroughly meet a situation than that, if you are going to limit it at all.

Mr. UNDERWOOD. I say to the Senator that to understand the amendment thoroughly you have to read it in connection with the first section of the bill as now amended, which provides against the importation of it or even the giving of it away, except as provided in this proposed amendment. I am not sure the Senator is right in saying that a servant would not be held by the court to be a member of the family because under the common law he was recognized as a member of the family. I do not know how it would be in the District of Columbia. I am not prepared to pass an offhand judgment upon it. I think the probabilities are that servants would be treated by the court as members of the family if living under the same roof.

But there might be brothers living in the same family and house. Of course it might put the burden on a boy who wanted to buy a quart of liquor to find a certain public record to see whether the father had bought any that month; yet the probability is that neither of them would do it; that they would understand under the law that they had been invited by this law to provide a quart of liquor once a month if they wanted to do so. Then, when they had each bought it and brought it under the same rooftree and the court found them guilty of a violation of the terms of this law, the court would have no discretion to say: "Well, this was not done with malice; we will fine you a dollar"; the court must send each one to jail for not less than 30 days.

That is a very drastic proposition to put on the backs of any people. I do not know what the Senator wants to do in the District of Columbia, but if he was making a law for the people of Idaho I doubt very much whether he would make it so drastic.

Mr. BORAH. Mr. President, we have in our State a law which in my judgment is quite as drastic as the one which is now proposed for the District of Columbia. I should not knowingly undertake to put upon the people of the District of Columbia a law I would not be willing to vote upon the people of my own State. But we are dealing with a subject here which is of tremendous moment in the estimation of some people, and it obligates the citizen to take some care and caution with reference to the enforcement of the law as well as the public official.

It is not quite right to assume that the citizens are not going to use ordinary diligence and ordinary caution to ascertain whether they are violating the particular provisions of this law. One thing is absolutely certain, it seems to me, and the Senator will concede it, that if a man really desired to know whether he was trespassing upon the terms of the law there would be no difficulty about the place where he could find the fact, and there would be no question about the fact conveying to him the correct information when he got it.

Mr. UNDERWOOD. I recognize that this law does not require the officials to keep an alphabetical list; it does not require them to put the record where the public would come in contact with it. The record may go into the back file of a back office, not to be called on unless there is personal service.

Of course I realize thoroughly the purpose of the proponents of this measure. They want to make it as difficult as possible for a man to get a bottle of liquor; in other words, they are limiting his supply. Now, I say if they are going to do that, if the Webb-Kenyon bill is constitutional, and that is to be passed upon soon, then it is constitutional to say that no liquor shall be brought into this District; and if the Webb-Kenyon law is not constitutional, then the provisions will not stand the test in court.

From that standpoint I say it is very much fairer to the public to give them notice that they can not bring it in at all. Do not give a boy in this District a chance to fall into the penitentiary by something that may be the law, but is not brought to his face, where he can see it. If you are going to let these people have a quart of liquor, put the responsibility on the individual. That is the only fair way to do it.

Mr. BORAH. The responsibility is on the individual.

Mr. UNDERWOOD. And do not put it on other people.

Mr. BORAH. The responsibility is here, in my judgment, upon the individual.

Mr. UNDERWOOD. That is a responsibility he possibly can not obtain and will not obtain.

Mr. BORAH. That is the point exactly. When the Senator says he will not obtain it, that is precisely what we are trying to prevent. We are trying to prevent any man from bringing it in who will not obtain the information.

Mr. UNDERWOOD. I will say to the Senator this: I do not know of any man I serve with who has more legislative courage than the Senator I am addressing now, but I say if he stands for a provision of this kind, to keep a man from drinking liquor, he has the courage to say he must not drink it. Do not leave the bill with this trap in it, where some boy of good character and high standing may think he is invited by the bill to go and buy his quart of liquor and then trip him into the penitentiary.

Mr. BORAH. If the proposition were being submitted by the Senator from Idaho, he might submit it differently. The law which we have upon the statute books of our State, which I advocated, prohibits the possession of liquor upon the part of the individual.

But the only thing I rose to say was that it seems to me if there is going to be any limitation at all—and those who have charge of the measure think that that is essential to the first step in the progress of this legislation—I do not believe that the Senator, upon reflection, will conclude that there is very much danger of a man, who really wants to know the law, violating it, because there is the public record, and besides he does not have to look over a very large list.

Take a family of four or five, or five or six people, any member of the family who wants to know whether another member of the family has purchased it may find it in two minutes. He may call up over the telephone and get the information from the gentleman who holds the register. I greatly doubt, Mr. President, if very much liquor would ever come into the family at all without the knowledge of the other members of the family under this law.

Mr. UNDERWOOD. I am not sure about that proposition, but I am sure a great many of the younger members of the community and a great many others do not understand it; they do not read the law and know what is in the law; they do not know the terms of the law. Although the law itself charges them with the knowledge of it and finds them guilty if they do not know it, they do not investigate it. I may say that your son and my son might not take care to investigate what the law is. A great many people do not have the opportunity, they do not have the knowledge, to understand the law. You invite them; you tell them they are entitled to buy a quart of liquor, and it will leave a trap open there; somebody else in the family may have done the same thing; and if he has done it you send him to the penitentiary. That is not fair. It is not a fair proposition to put in the bill.

Mr. BORAH. I do not think there is a very fulsome invitation in this bill to buy liquor on the part of anybody.

No person shall, nor shall more than one member of a family occupying the same house, have in his possession, receive, or accept delivery oftener than once a month.

It then throws around it certain precautions and restrictions which are rather an invitation to let it alone than to buy it. I can not believe that anyone would be seriously misled who desired really to know the fact upon which he was proceeding.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Texas regarding section 6, which refers specifically to ambassadors and ministers of foreign countries living here. I should like to ask the Senator where that proposition came from? Such a provision has never been inserted in our laws before. Have we been memorialized by any nation? Are they expected to surrender the right they have always exercised under international law and the custom of nations? Will they be amenable to this law? If not, we had better not attempt to deal with a situation which we may not be able to control.

Mr. SHEPPARD. An exception is made as to ambassadors and ministers, and also as to ministers of the gospel.

Mr. SMITH of Michigan. The exception is made, and you require the ambassador or minister to go to the Commissioners of the District of Columbia and get affirmative authority before he can take liquor into his embassy or legation. Is the Senator sure we can enforce this regulation?

Mr. BORAH. Does the Senator contend that we have not authority to require the ambassadors of foreign countries to comply with the general law with reference to the importation of liquor into the entire District of Columbia?

Mr. SMITH of Michigan. I seriously doubt whether if he comes into the possession of liquor lawfully under our laws we can take it away from him.

Mr. BORAH. Exactly; but this all relates to the question of importing a certain quantity of liquor into the District of Columbia.

Mr. SMITH of Michigan. I seriously doubt whether we can hold them responsible in our courts for any infraction of the law. Suppose this is for personal use?

Mr. BORAH. Suppose it is for his personal use.

Mr. SMITH of Michigan. I am not saying that to give emphasis to the suggestion that ambassadors and ministers need this privilege. For my own part, I think the reference is more of a criticism than a compliment.

Mr. BORAH. I do not really think that there is any reason to accentuate this matter. I do not think its enforcement would result seriously.

Mr. SMITH of Michigan. I think not, and I simply raise the question whether it should be in the bill at all. Has it been petitioned for?

Mr. BORAH. No; but perhaps the courtesy could be extended without a petition.

Mr. SMITH of Michigan. It could be; but the question is whether it would be acceptable. They have certain rights, certain privileges, which follow them as ambassadors of sovereign and independent States. They come here clothed with extraordinary authority, and I am not quite sure that, when they come into possession of liquor lawfully and it is a part of their household effects in the District of Columbia, we have any power whatever to regulate its use.

Mr. BORAH. One thing seems reasonably clear, and that is that we have power to legislate generally for the District of Columbia.

Mr. SMITH of Michigan. Yes; undoubtedly that is very clear; but does the Senator from Idaho think we could reach the personal property of ambassadors?

Mr. BORAH. No; neither are we undertaking to do it. We are passing a general law in reference to the importation of liquor into the District of Columbia.

Mr. SMITH of Michigan. An offender against that law is to be apprehended by the authorities.

Mr. BORAH. I suppose we would have it settled by correspondence.

Mr. SMITH of Michigan. We might write a letter and the liquor would all disappear long before the answer came.

I am just wondering where this proposition came from. I am not the spokesman of the ambassadorial corps, and I do not arrogate to myself any intimate knowledge of their intention or desire, but I seriously question whether we have not affronted them by singling them out for a special reference in this bill. I wonder whether the act would not fail and become absolutely impotent as to them, if this property which is sought to be branded with disfavor by our laws is held under their own flag.

Mr. BORAH. Let us suppose that the Senator is correct in his proposition that if an ambassador had more liquor than was allowed him——

Mr. SMITH of Michigan. Inside or out?

Mr. BORAH. Inside or out—and as to that portion of the law it would fail; that would not affect the balance of the law.

Mr. SMITH of Michigan. No; I do not think it would affect the statute as a whole, but it would be an attempt to do something which really we ought not to attempt to do unless we have the power to enforce obedience.

Mr. BORAH. I have no doubt that if the Senator from Michigan has an amendment in preference which would more thoroughly protect ambassadors it will be acceptable.

Mr. SMITH of Michigan. My suggestion would be to strike out all reference to the representatives of foreign nations in section 6.

Mr. BORAH. If the Senator wants to move that amendment we will take a vote on it.

Mr. SMITH of Michigan. I ask the Senator from Texas to consider this suggestion.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Texas?

Mr. SMITH of Michigan. If the Chair will pardon me just one moment before I yield, I really think, so far as practical results are concerned, we are undertaking to do something which we may not be competent to do and that we may find ourselves in a situation where the law we are making, in so far as it applies to an accredited representative of a foreign State in this Capital, has no effect whatever; and if that is so, I would rather not see it in the bill.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield?

Mr. SMITH of Michigan. Yes.

Mr. JONES. I wish to state to the Senator that this exception was proposed by the committee. It is a committee amendment.

Mr. SMITH of Michigan. It was intended as a courtesy, probably.

Mr. JONES. It was not intended exactly as a courtesy, but it was put in in recognition of the possible foreign territorial rights of these ambassadors within their residence here. It was put in, it seems to me, to meet the very suggestion the Senator presents. As I understand the Senator, he doubts if we could make the terms of this law apply to ambassadors.

Mr. SMITH of Michigan. I do.

Mr. JONES. That is exactly the objection we desire to avoid. We do not include them under the term "any person," as they would be included if we left out this reference and just left the general language of the amendment stand that any person in the District of Columbia who desires liquor shall do so-and-so and that no person can bring in more than so much at a certain time. If we use that general language, it would cover ambassadors and everybody in the District of Columbia. So the committee, in order to meet some possible objection of this kind, that we were trying to make the law apply to these people, put in this exception, although we do require them to apply to the Commissioners of the District of Columbia.

Mr. SMITH of Michigan. If I understand the Senator——

Mr. JONES. If there is any serious objection, of course, to referring to these people I do not think there will be any trouble about cutting out that language.

Mr. SMITH of Michigan. Did I understand the Senator to say that it was the desire of the committee that a way should be pointed out whereby special favor should be shown ambassadors and ministers?

Mr. JONES. No; that is not correct. We were not trying to point out anything to the ambassadors.

Mr. SMITH of Michigan. Let me state it the other way, then. It was the desire of the committee that this class of citizens, temporarily resident here and performing official duties for their country, should not be included in the limitations of the bill?

Mr. JONES. Well, the committee——

Mr. SMITH of Michigan. The point I make is this, and I think I am right about it. I do not want to assert it too strongly, but I think I am right in saying that an attempt to pass a law affecting the liberty of an ambassador accredited to this Capital would fail of its accomplishment. While he is accredited to our country he lives under his own flag and is responsible to his own Government.

Mr. BORAH. To a limited extent.

Mr. SMITH of Michigan. Yes; probably. I am not saying that he could violate with impunity the criminal laws of the country, but I do say that if you undertake to hold him responsible under our laws you have to be very sure that you do not encounter the well-recognized principle of international law that he is living on his own soil, and is therefore amenable only to his own country.

Mr. JONES. Well, Mr. President, it was that very idea that led the committee to insert this amendment. We had not fully examined the authorities with reference to the obligations or the liabilities of foreign ministers, and we thought there possibly might be the very situation which the Senator suggests. This provision, I repeat, was inserted to meet that very proposition.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Texas.

Mr. SHEPPARD. The amendment now pending does not involve the question which we are at present discussing.

Mr. UNDERWOOD. I ask that the Secretary may again state the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 7, after the word "manufacture," it is proposed to insert the following:

> For sale or gift, import for sale, import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided.

Mr. SHEPPARD. These are merely verbal amendments.

Mr. UNDERWOOD. Before the amendment is voted on I desire to ask the Senator from Texas—I asked him some questions the other day about the exporting of alcohol from the District—what change has his amendment had on that situation?

Mr. SHEPPARD. We have put the word "export" in section 1, so as affirmatively to permit exports out of the District of Columbia or shipments from the District of Columbia. I have another amendment providing that a record be kept by the transportation companies and by the manufacturers in order that the authorities of the District of Columbia may keep in constant touch with all liquor that is so exported.

Mr. UNDERWOOD. The Senator proposes to allow liquor to be exported?

Mr. SHEPPARD. I do so propose.

Mr. UNDERWOOD. For what purpose?

Mr. SHEPPARD. For purposes other than those prohibited in the bill; that is, for scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Mr. UNDERWOOD. You propose to limit the exportation of liquor from the District to those purposes?

Mr. SHEPPARD. To purposes other than beverage purposes.

Mr. UNDERWOOD. If it is exported for beverage purposes——

Mr. SHEPPARD. It would be a violation of the law.

Mr. UNDERWOOD. In what way does the Senator's amendment protect that clause?

Mr. SHEPPARD. We have not yet reached that part of the bill.

Mr. UNDERWOOD. Before voting on this amendment, I desired to get the information; that was all.

Mr. VARDAMAN. Let the amendment be stated.

Mr. SHEPPARD. The amendment we are now considering merely inserts the word "export," in section 1, so as to permit exportation.

Mr. VARDAMAN. The Senator from Alabama asked the Senator from Texas what amendment had been made to section 1 of the bill which prohibits the exportation of alcohol, and I suggested that it ought to be read, if the Senator from Alabama so desires.

Mr. UNDERWOOD. I should like to have the information before we pass upon this amendment, because this relates to the subject matter.

Mr. SHEPPARD. Shall I read the amendment which I intend to offer later in this connection?

Mr. UNDERWOOD. I shall be glad to have the Senator do so.

Mr. SHEPPARD. The proposed amendment is to add a new section, to read as follows:

SEC. 5a. That every licensed manufacturer of alcoholic liquor not herein prohibited shall keep a permanent record of all sales and shipments of alcoholic liquor. Such record shall set forth the following information: The name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding. No shipment of alcoholic liquors shall be made until the purchaser signs an affidavit that such alcoholic liquors are not purchased for nor will such liquors be used or sold by the consignee for beverage purposes. The District Commissioners shall keep a public record of such sales, shipments, and affidavits, alphabetically arranged. Copies of the affidavit shall be attached permanently at the end of the record of each shipment or sale, and to each package containing liquor until delivered to the consignee. Any violation of this section shall be deemed a misdemeanor and be subject to the same penalties as provided in section 1 of this act.

Mr. UNDERWOOD. Is that affidavit to be made by the man who orders and receives the liquor or by the man who ships it?

Mr. SHEPPARD. The purchaser is required to file an affidavit with the manufacturer here in the District.

Mr. HITCHCOCK. Mr. President, if I understand the matter, if the amendment of the Senator from Texas, which is now pending, is adopted, it will inject into the bill a provision that no person shall import for use or gift into the District of Columbia any liquor except as provided in an amendment which the Senator proposes later on to offer?

Mr. SHEPPARD. That is true.

Mr. HITCHCOCK. And that that amendment will restrict any person from importing or keeping in his house or from purchasing more than the quantity of liquor which the Senator from Texas thinks he should use in the course of a month?

Mr. SHEPPARD. Well, the law prescribes what he shall use and what I think the limit should be.

Mr. HITCHCOCK. I should like to ask the Senator from Texas how he has qualified as an expert?

Mr. SHEPPARD. Solely from observation. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment proposed by Mr. SHEPPARD was, on page 1, line 7, after the word "manufacture," to strike out the words "store, or deposit."

The amendment was agreed to.

The next amendment proposed by Mr. SHEPPARD was, on page 1, line 8, after the word "barter," to insert "export, ship out of the District of Columbia," so that it will read:

Sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic liquors.

Mr. MARTINE of New Jersey. Mr. President, I can not understand what animus the Senator from Texas has in trying to place an embargo upon the export of liquor. What I thought the Senator desired was to get rid of the liquor. Now, in God's name, let them export it, if that is what the Senator wants.

Mr. SHEPPARD. We permit its exportation for other than beverage purposes.

Mr. MARTINE of New Jersey. Why should the Senator presume to regulate conditions in Maryland or in Virginia or in New Jersey or anywhere else?

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. SHEPPARD. Regulations like these are good for the people everywhere.

Mr. MARTINE of New Jersey. The Senator from Texas, I will say, Mr. President, is not big enough to be the guardian of the whole universe.

Mr. SHEPPARD. I am making an honest effort to help my part of the universe, Mr. President.

Mr. MARTINE of New Jersey. And I trust the Senator will fail in that effort.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. VARDAMAN. Mr. President, I wish to dissent most emphatically from the suggestion that this bill is simply the will or caprice of the Senator from Texas [Mr. SHEPPARD] or of any other Senator. It is proposed to be the legislative judgment or will of the Congress of the United States enacted in the interest of humanity, for the purpose of restricting the most damnable evil with which the human race is afflicted to-day. That is the purpose of the bill.

Mr. MARTINE of New Jersey. Mr. President——

Mr. VARDAMAN. The Senator from Texas is not playing the rôle of guardian for the American people any more than any legislator in any State of the Republic who voted for a prohibition law is the censor of the morals of the people of that State.

I shall vote for the bill because I believe that traffic in whisky is contrary to the best interests of the American people. I believe the use of intoxicating liquors is deleterious to the human body. It lowers the morals, it destroys the physical strength, it has made more lunatics and idiots, it has filled the jails with more criminals, and it has caused more poverty and distress than has any other evil with which the human race has to contend. My judgment about that is the sober judgment of the American people. You can not answer the argument for prohibition with a sneer, nor can you defend the saloon with a bald and unsupported assertion.

Mr. MARTINE of New Jersey. Mr. President, the distinguished Senator from Mississippi presumes to stand as the guardian of humanity. I desire to say that he has no more humanitarianism in his sentiments and in his heart than have I, and I deny the Senator the right to declare what is best for humanity from his standpoint, any more than I can from mine.

I say that the evil of this so-called prohibition legislation is that it tends to make men hypocrites and infinite liars. That has proved to be the case in every community where it exists. It has made liars by the millions in Mississippi, in Texas, and in every one of the prohibition States. Mr. President——

Mr. VARDAMAN. Mr. President, if the Senator will pardon me a moment, I am not trying to act as guardian for my friend, the distinguished Senator from New Jersey. I would not do that for all the money in the world. Really I would not deny him a single drink for any consideration if he were thirsty. I am not trying to act the guardian for anybody. I am simply trying to do my duty as a legislator. As to whether or not prohibition makes liars I will not dispute with my friend, for I do not know. I have no information on that subject.

Mr. MARTINE of New Jersey. Well, now; that is a very unfortunate and very ridiculous reference. I am not ashamed of my habits; I have never been ashamed of them in my life. I will place myself on a parallel with the Senator from Mississippi on every question, whatever it may be—social, moral, political, or otherwise. I say the Senator is utterly out of order in making such a reference, and it would be within my right, I think, to call him to order.

Mr. VARDAMAN. The Senator from New Jersey is unnecessarily excited.

Mr. MARTINE of New Jersey. I am not at all excited, but I mean to maintain my rights, and I do not mean that special personal reference shall be made to me any more than I might make such references to the Senator from Mississippi.

Mr. VARDAMAN. The Senator from New Jersey has charged me with trying to regulate the morals of the country. He acts and speaks as though I was trying, or desired, to prescribe his private personal conduct.

Mr. MARTINE of New Jersey. You said that you were regulating humanity.

Mr. VARDAMAN. No; I did not. I deny saying anything of the kind.

The PRESIDENT pro tempore. Senators will address the Chair before interrupting.

Mr. VARDAMAN. I deny saying anything of the kind. I said I was not; but I resented the statement that this bill was the imperious will of the distinguished Senator from Texas. Why, I do not believe that there is a man in this Chamber who is as utterly devoid of malice and meanness and those things that make men unlovely as is the Senator from New Jersey. I think he is the loveliest, dearest old soul in all Israel.

Mr. MARTINE of New Jersey. That is very kind of the Senator.

Mr. VARDAMAN. But the Senator misunderstands me altogether. He has gotten excited here about nothing.

Mr. MARTINE of New Jersey. Oh, no; hold yourself; I am not excited.

Mr. VARDAMAN. I am as cool as a cucumber. I never get excited; there is nothing about this bill to excite me. I have not the slightest apprehension regarding it. It is not going to deny me anything that I want. I am not at all uneasy about it. I simply am hoping that I may do something for my fellow man in the enactment of legislation which the judgment of the world has pronounced wise and beneficent.

Why, the peoples of Europe have seen the wisdom of this step. Russia has gone under a prohibitory law. The great Kaiser of Germany said in the beginning of this war that in the wars to be fought in the future victory would be on the side of the people who drank the least alcoholic liquor. One of the leading English statesmen has stated that the greatest enemy that England had to fight in this war was intoxicating liquor. Oh, no; I am not excited; I am simply advocating here, with love for all my fellow men and malice toward none, and especially my good friend from New Jersey, for, God bless his soul, I would not say anything to offend him for anything in the world; I would not do anything to offend him, and I did not take offense when he said that I was playing the rôle of censor and regulator of the morals of the country. I am not doing that; I am simply voting my own individual judgment about a question that has received the most patriotic, intelligent, searching scrutiny and investigation of the great minds of the world. All the great doctors say that the liquor traffic is an injury to the human race; all the great scientists agree that it is an insidious, deadly poison and ought to be fought; and we know that in communities where whisky is not sold there is the least amount of crime, there are fewer broken hearts and blighted lives than in any other parts of the country. Oh, no; I am not trying to restrict or abridge anybody's rights at all, except the man who would coin human souls into dollars for his selfish private gain, and especially do I want my friend from New Jersey to understand that in that I am in no way trying to regulate him, but I am trying to regulate the whisky traffic in the interests of the American people.

Mr. MARTINE of New Jersey. The Senator is not trying to regulate me, Mr. President, but he is trying to regulate the rest of the world.

Mr. OWEN. Mr. President, I merely rise to say that I am in sympathy with this bill and shall support it. I should be glad to see it passed and be glad to see it the law of the District of Columbia. I should be glad to see its beneficent provisions extended to the United States and to the world.

The evidence with regard to the evil of this traffic is so notorious and so well established that it is unnecessary now to debate it. One State of the Union after another has declared in favor of prohibition, and even those States which have it not have by counties innumerable declared in favor of it after they have had opportunity to pass judgment on this traffic. The States which have declared for it are chiefly injured and affected by the States which have not, those States being centers from which this traffic extends itself into States where the people have voted against it.

The experience of every man in his own life is practically the same. I have myself seen men whom I loved ruined by this traffic; I have seen families in which I was deeply interested ruined by it. I received a letter yesterday morning from a mother appealing to me in behalf of her son whose life was being jeoparded by this evil. I am glad to see this bill before the Senate. I hope it is the judgment of the Senate that it shall pass.

I am not in favor of a referendum to the people of the District on this question. The Senate of the United States and the Congress of the United States represent the mature judgment of the people of the United States. If, however, a referendum is taken upon this subject at all, then it ought to be taken by the people of the District of Columbia, not by the men alone, but by the women as well, because a woman has a right to defend her own life, her own son, her own brother, her own husband, against this evil traffic. She has a right to life, to liberty, and to the pursuit of happiness. So, if a referendum is taken, I favor the proposed amendment of the Senator from Indiana, that women shall have a right to vote upon this matter.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Texas [Mr. SHEPPARD].

Mr. UNDERWOOD. Mr. President, I do not like this part of the bill to pass without a further understanding as to the exportation of liquor from the District. It may not relate directly to this portion of the bill where the amendment comes in. As I understand, the amendment now being considered is in line 8, page 1, of the bill. Am I correct?

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 1, line 8, after the word "barter" and the comma, it is proposed to insert the words "export, ship out of the District of Columbia."

Mr. UNDERWOOD. Mr. President, I want to call the attention of the Senate to certain situations in reference to the export of liquor from the District. Possibly the Senator from Texas has fully met the situation, but I am not sure that he has done so. I think that if this bill passes it ought to pass so that we can have absolute equality under its terms.

I noticed when this bill was submitted last year a statement in the Washington Times, which I send to the Secretary's desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[From the Washington Times of Jan. 30, 1916.]

FOES OF LIQUOR MAY EXEMPT CORBY PLANT—ANTISALOON LEAGUE OFFICIALS TO CONSIDER EFFECT OF "DRY" BILL ON FACTORY—AGAINST ONLY BEVERAGES—WILL INVESTIGATE MANUFACTURE OF GRAIN ALCOHOL IN THE INDUSTRY.

The effect of Senator SHEPPARD'S bill providing for prohibition in the District upon the Corby Co.'s yeast factory at Langdon, a $2,000,000 industry, will be looked into at once by Andrew Wilson, president of the Antisaloon League of the District, and Albert E. Shoemaker, the league's attorney.

They will consider, after conference with prohibition leaders, the advisability of backing an amendment permitting the manufacture of grain alcohol here for mechanical and scientific purposes.

RECOGNIZED IN BILL.

This announcement was made this afternoon following the announcement by the Times that the Sheppard bill would result in closing up the Corby plant, which sells alcohol, produced as a by-product, under the restriction that it be not used for beverage purposes.

Entire ignorance of the fact that grain alcohol was manufactured as a by-product of yeast making at the Langdon factory was professed both by Mr. Wilson and by Mr. Shoemaker. They said the need for alcohol for mechanical, scientific, and, in wines, for sacramental purposes was recognized in the bill, which permits its importation for those purposes. But they admitted entire ignorance that the Corby Co. sold alcohol, as well as fusel oil, vinegar, and other by-products derived from the making of yeast.

"While I would not favor excepting one plant from the provisions of the bill," said Mr. Shoemaker, "I believe we should look into the advisability of permitting the making of alcohol here for purposes other than beverages. The intent of the bill, as indicated by its making exceptions in the case of wood alcohol and denatured alcohol and in the importation of alcohol for mechanical and scientific purposes and wine for sacramental use, was simply to prohibit the use of alcohol for beverages.

NO MEDICINAL VALUE.

"How widespread is the manufacture of grain alcohol here I do not know. We did know that there are no distilleries here, and I had no idea that grain alcohol was manufactured by the Corby Co., or by anyone else."

Mr. Wilson said he had not known of the production of alcohol by the Corby Co. So far as the sale of alcohol for medicinal purposes is concerned, Mr. Wilson said, the league is opposed to any exceptions on that ground.

"It has been shown conclusively," Mr. Wilson said, "by a long series of experiments by a noted expert that alcohol can have no medicinal value. To permit its manufacture or its importation on that pretext would be to nullify any prohibition measure."

Mr. UNDERWOOD. I have another article from the same paper on a subsequent day in relation to this matter, which I also ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Washington Times of Feb. 2, 1916.]

EXEMPT CORBY PLANT FROM DRY-BILL SCOPE—OFFICIALS OF ANTISALOON LEAGUE DECIDE BAN WOULD BE UNFAIR TO MANUFACTURERS.

The Sheppard District prohibition bill will be amended so as to exempt the manufacture of pure grain alcohol by the Corby Co. at its yeast plant in Langdon, D. C.

Announcement of this fact was made to-day by Albert E. Shoemaker, attorney for the Antisaloon League.

"At a meeting of the advisory or legislative committee of the Antisaloon League yesterday this decision was reached," said Mr. Shoemaker. "We feel that justice and fair play dictate such an amendment, and it will be made. The amendment will be entirely agreeable to our committee and members who are aware of the facts, and it will also be agreeable to Senator SHEPPARD, patron of the bill, and other Senators and Congressmen pledged to support the bill."

DETAILS ARE UNDECIDED.

Section 1 of the Sheppard bill classes pure grain alcohol as an alcoholic beverage, the manufacture and sale of which is prohibited, while

section 2 prohibits the manufacture of pure grain alcohol by not exempting it.

Although the amendments have not yet been made, it is understood the words "pure grain alcohol" will be stricken out of section 1, and the words "ethyl alcohol," another name for pure grain alcohol, will be inserted in section 2.

Attorney Shoemaker's statement, issued for the Antisaloon League, and setting forth the reasons for making the changes in the bill, follows:

"The Antisaloon League has given consideration to the protest of the Corby Co. against a provision in the Sheppard-Barkley bill for prohibition in the District of Columbia, which, it seems, if enacted into law, would seriously injure its business of marketing grain alcohol, a by-product of its yeast manufactory.

"The company has satisfied the league that its alcohol products are sold exclusively for mechanical and scientific purposes, and that approximately 90 per cent of the output is disposed of outside the District.

HOPES FOR SUPPRESSION.

"In supporting the Sheppard-Barkley bill the league hopes to suppress, so far as possible, the beverage liquor traffic in the District. It recognizes the fact that there is a legitimate and unobjectionable use for alcohol for mechanical and scientific purposes. The bill as introduced in Congress and as reported to the Senate recognized the fact, for provision is therein made for the importation and sale of grain alcohol. But the league also recognized the fact that ethyl alcohol is the basis of all alcoholic liquors used for beverage purposes, and so, in order to secure a measure that will prove effective in suppressing the beverage liquor traffic and reducing to a minimum the consumption of alcoholic liquors, favored the provision in section 2 of the bill, which provides for the importation and sale of grain alcohol, but provides against the manufacture of it in the District.

"However, when it has been made clear that the Corby Co. manufactures alcohol for the purposes above stated only, the league is of the opinion that an unnecessary injustice would be done the company if the bill should become a law without an amendment which will permit it to continue the manufacture of alcohol for the purposes specified. It is believed that such an amendment will be acceptable to the friends of the bill in Congress and to the friends and supporters of prohibition everywhere, and will in no wise weaken the bill.

"Neither the league nor the sponsors for the bill in Congress were aware that the Corby Co. was making alcohol until after it was reported to the Senate, and, of course, no injustice was intended. The sole purpose of the league in connection with the pending legislation is to secure an effective, workable law prohibiting the beverage liquor traffic in the District, believing that such a law will be approved by a large majority of the citizens."

Mr. UNDERWOOD. Mr. President, I think the responsibility of drafting this law rests in effect on the proponents of it; but I believe in fair play. When this bill in its original form was brought before the Congress last summer it prohibited the exportation of alcohol from the District of Columbia. The Corby Co. is a legitimate company, making yeast. It manufactures alcohol as a by-product. It manufactures alcohol that is perfectly good alcohol, drinkable alcohol, and a very high-grade alcohol, that can be used for cordials or making whisky or any other purpose. If the bill had passed as it was originally introduced here and proposed by the District Committee, it would have put the Corby Co. out of the business of making alcohol in the District; and I am told by Mr. Corby himself—because I want to state this proposition perfectly fairly—that it might have put him entirely out of business. It seems from his statement that he has but one main competitor, and that is the Fleischmann Yeast Co. Out of their by-product they make alcohol. Out of his by-product he makes alcohol. I judge from his statement to me that if you take away from him the right to make alcohol it may seriously affect his ability to compete. Therefore he appealed to the Antisaloon League of the District of Columbia to exempt him from the terms of the Sheppard bill, and they agreed to exempt him from the terms of the Sheppard bill, and it was that exemption which I called to the attention of the Senator from Texas the other day—the fact that he was exempted.

There is a brewery in this town. This bill proposes to confiscate the property of that brewery without payment. It takes away the property. No more beer can be manufactured, no more can be exported, because it is not alcohol and does not come within the terms of the amended bill. Of course, there are many hotels in this town that are equipped with barrooms that probably cost them thousands of dollars. If this bill passes, their property will be confiscated without payment by the District of Columbia. But under the terms of this amendment the Antisaloon League, in proposing the amendment the other day, exempted the Corby Co. entirely from the terms of this bill and allowed it to go on and attend to its business, making alcohol and selling it.

I have in my hand some letters that I desire to call to the attention of the Senate before this amendment of the Senator from Texas is passed on. The one I have here has a picture of the Corby Yeast Co. in the corner. The title head is "The Corby Co., manufacturers of U. S. P. grain alcohol, cologne spirits, denatured alcohol, fusel oil. Station K, Washington, D. C., July 8, 1915."

The letter is directed to the Wilson Distilling Co., Baltimore, Md., and reads:

GENTLEMEN: We very much appreciate your postal in answer to our letter in reference to alcohol, and thank you for same.

We will mail you quotations on alcohol, to reach you not later than Monday, July 26, for delivery after August 1. Please bear in mind that the goods which we shall offer you will be of the highest grades obtainable. Full satisfaction guaranteed. Orders that you send us will have our prompt and personal attention.

Yours, very truly,

THE CORBY CO.,
By W. S. CORBY, *President.*

Let me say that Mr. Corby has informed me that that is not his signature, but it was signed by his sales agent with his authority, so that it was sent by the authority of the Corby Co. to the Wilson Distilling Co.

The Wilson Distilling Co. on July 2 answered that letter, as follows:

The CORBY Co.,
Station K, Washington, D. C.

GENTLEMEN: Replying to your favor of the 1st, please take this matter up with us about the end of this month.

Yours, very truly,

THE WILSON DISTILLING CO.

Signed by the assistant secretary and treasurer.

Then, I also have a letter on the letterhead of the Corby Co., dated July 1, 1915, to the Wilson Distilling Co., Baltimore, Md. It is as follows:

GENTLEMEN: For five years we have sold our production of alcohol to A. L. Webb & Sons, Baltimore.

We are going to market the same direct to the trade. If you have purchased alcohol from the above-named firm you have no doubt used alcohol of our manufacture. Our alcohol is made from grain of the highest grade, and our distilling apparatus is so scientifically designed that the separation of the fusel oils and aldehyde is positively fixed, regardless of the judgment of the operator, thereby giving a uniform distillate of 99.997 pure ethyl alcohol—

A very high grade.

We are not connected with any combinations or agreements on prices, hence we are in a position to name an attractive price. We will make deliveries on and after August 1. If you will advise us in what quantity you purchase, or if you contract for your requirements for a certain period, we will appreciate the privilege of quoting you. We shall try in every honorable way to warrant at least a part of your requirements, which will have our personal attention. Our representative will call on you in the near future, and we will greatly appreciate any consideration that you may show him.

Very truly, yours,

THE CORBY CO.,
By W. S. CORBY, *President.*

They stated:

For five years we have sold our production of alcohol to A. L. Webb & Sons, Baltimore.

I have here the letterhead of A. L. Webb & Sons, and it says:

A. L. Webb & Sons (Inc.). Alcohol, Cologne and Velvet Spirits, Wood and Denatured Alcohol. 115 and 117 East Lombard St., Baltimore, Md.

According to their statement they had been selling to A. L. Webb & Sons, who were sellers of alcohol. They offered to sell to the Wilson Distilling Co.

I hold in my hand another letter, dated July 2, directed to C. H. Ross & Co., Baltimore, Md., and this reads:

GENTLEMEN: For five years we have sold our production of alcohol to A. L. Webb & Sons, Baltimore.

We are going to market same direct to the trade. If you have purchased alcohol from the above-named firm, you have no doubt used alcohol of our manufacture. Our alcohol is made from grain of the highest grade, and our distilling apparatus is so scientifically designed that the separation of the fusel oils and aldehyde is positively fixed, regardless of the judgment of the operator, thereby giving a uniform distillate of 99.997 pure ethyl alcohol.

We are not connected with any combinations or agreements on prices, hence believe we are in a position to name an attractive price. We will make deliveries on and after August 1. If you will advise us in what quantity you purchase, or if you contract for your requirements for a certain period, we will appreciate the privilege of quoting you.

We shall try in every honorable way to warrant at least a part of your requirements, which will have our personal attention. Our representative will call on you in the near future, and we will greatly appreciate any consideration that you may show him.

Very truly, yours,

THE CORBY CO.,
By W. S. CORBY, *President.*

References: The Riggs National Bank; Dun's.

I have investigated in Dun's Directory, and I find that C. H. Ross & Co. are liquor dealers and rectifiers in Baltimore.

After I quizzed the Senator from Texas [Mr. SHEPPARD] on last Friday in reference to the question as to why he proposed to penalize other men engaged in the liquor business in Washington and proposed to exempt certain persons making alcohol for the export trade, Mr. Corby, the president of this company, having read it in the paper, came to see me personally. He stated that these letters were by his firm, signed in his name, though not by himself personally, but by his agent, who was authorized to sign them. He stated that he was a prohibitionist, that he did not believe in selling alcohol for beverage purposes, that he did not propose to do so, and had been opposed to doing it in the past. He stated to me that he had not made a sale to these men to whom he had offered his

goods for sale. I do not mean to A. L. Webb & Sons, because he admitted that he had sold for a number of years to A. L. Webb & Sons, but I mean to the Ross Co. and the Wilson Distilling Co. He asked me not to use these letters. I refused to comply with his request, because I thought the Senate ought to be advised on this question, but I said I would try to treat him fairly if I did use them. At a subsequent date he brought me an affidavit from the man who actually signed the letter. I thought I had it in my hand, but I see I have not, and I shall have to look for it among these papers, if the Senate will pardon me for a moment. [A pause.] Mr. President, I thought when I rose from my seat that I had that affidavit in my hand with these other papers. I certainly did not take it out of this pile of papers, and I can not find it here now.

Mr. SHEPPARD. Mr. President, I was furnished with a copy of the affidavit, and I shall be glad to hand it to the Senator.

Mr. UNDERWOOD. I shall be very glad if the Senator will send it to the desk and let it be read, because I want to make a full statement of the facts.

Mr. SHEPPARD. I send the affidavit to the desk, Mr. President.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read the affidavit.

The Secretary read as follows:

WASHINGTON, *District of Columbia, ss:*

Howard E. Griffith, having been first duly sworn, upon oath deposes and says that he is employed by the Corby Co. at Langdon, D. C.; that the said Corby Co. is engaged in the manufacture of yeast, which is sold and used throughout the United States.

Affiant further says that he has been for 22 years engaged in the business of selling alcohol to the trade; that on the 1st day of July, 1915, he became employed by the Corby Co. as a salesman of alcohol, which is a by-product, produced by said company from the manufacture of yeast; that at the time affiant became employed with the said Corby Co. he compiled a list of names of persons and corporations of whom he knew from past experience in this territory were purchasers of alcohol; that he suggested to and receive the consent of Mr. W. S. Corby, president of the Corby Co., to make an announcement of the fact that said company proposed thereafter to solicit and market their product direct to the trade, which affiant did on July 2, 1915, to approximately 500 establishments, whose names appeared upon said list; that possibly 400 replies were received thereto requesting quotation; that owing to the number of such inquiries a second letter was prepared and mailed on July 9, 1915, stating that quotations would be made not later than July 26, 1915; that in pursuance thereof a third circular letter was mailed on July 24, 1915; that while this action was done with the consent and approval of the said W. S. Corby, the said Corby did not examine the said list, but relied entirely upon affiant, who knew that the said company restricted the sale of its alcohol for nonbeverage purposes, but he assumed that there was no objection to solicit the parties whose names appeared thereon, provided that it was not for use as a beverage; affiant knew that the concerns on said list purchased alcohol for sale and use for other than beverages; that as to the name of the Wilson Distilling Co., which appeared upon said list and who received the said circular announcement and, having replied thereto, received the two circular follow-up letters, affiant states that he did not then believe, nor does he now believe, that they use alcohol in the manufacture of liquors disposed of by them as a beverage, nor does he believe that they will or can honestly admit that they use it for such purposes.

Affiant further says that he personally knows that the said W. S. Corby and the Corby Co. are absolutely opposed to the sale of alcohol to any person or corporation where the same is to be used in any alcoholic beverages. Affiant further says that the sales of alcohol by the Corby Co. have been restricted absolutely for use in hospitals and in the manufacture of medicines, tinctures, extracts, and in the arts and sciences, and for any other use than as a beverage.

Affiant states most emphatically that, acting under the direction of said company, he has absolutely refused to sell alcohol where he thought that it was proposed to use the same as a beverage; and affiant further states that he is the sole agent of that commodity for the company, and that to the best of his ability he has endeavored to carry out the instructions of his employer in that regard.

HOWARD E. GRIFFITH.

Subscribed and sworn to before me this 11th day of December, A. D. 1916.

[SEAL.] LLOYD A. DOUGLASS,
Notary Public, District of Columbia.

Mr. UNDERWOOD. Mr. President, I find that Bradstreet's Commercial Directory of Bankers, Merchants, and Manufacturers for September, 1915, shows the following:

At Baltimore, Md., C. H. Ross & Co. are listed as wholesale liquor dealers.

At Baltimore, Md., the Wilson Distilling Co. are listed as wholesale dealers.

Bradstreet's Directory is the usual source from which business men obtain their information as to the financial standing and business in which other men are engaged.

But I am not here to criticize the Antisaloon League for attempting to exempt the Corby Manufacturing Co. from the terms of this bill. I am not here to criticize Mr. Corby for attempting to sell the product of his factory as long as it was lawful for him to do so. I think, though, that this demonstrates conclusively that if Mr. Corby did not sell to the liquor trade it is possible for an alcohol-making establishment in the District of Columbia to sell to the liquor trade, which was exempted under the terms of this bill until I called attention to the fact.

I am not sure that the amendment of the Senator from Texas remedies this matter. He proposes an amendment saying that no alcohol shall be exported from the District of Columbia except within the terms of this bill. Those terms say that it shall be exported only for mechanical, medicinal, scientific, and other nonbeverage purposes. Of course, that covers everything except a man drinking it. He provides that the man who orders alcohol must make an affidavit that he is not going to use it for beverage purposes, or, in other words, that he is going to use it for these nonbeverage purposes. So good. He may buy it. The Wilson Distilling Co. may buy it if they make that affidavit, and they may sell this same alcohol to me to wash surgical instruments in a hospital, and then, when I have bought it for that purpose from the fellow that made the affidavit he is in no danger of the law. I can sell it to John Smith, Jim Jones, or anybody I please, to drink it.

I am not saying that Congress should forfeit Mr. Corby's property under this bill without paying for it. That is where I fall out with you gentlemen. I do not believe you are doing the fair thing. Instead of opening this door as you are attempting to do under the law to save Mr. Corby's establishment, if you really mean what you say, and mean that the sale of alcohol is an injury to the American people, that it is something that this country has to be protected against, then have the courage of your convictions and do what every other civilized Government in this world has done under these circumstances—go pay Corby for his plant, instead of permitting him to sell the product of that plant throughout the United States to other people. Go put a provision in your bill that if it goes into effect you will buy his plant and pay for it.

Why, every other great Government except that of the United States has done that. When the French people prohibited the manufacture and sale of absinthe in France, did they penalize the man that had been making it before that time, a business that they had invited men into by taxing them and making it legitimate? Did they penalize them? No. They appointed a commission and paid them for the property which they took away from them. You are recognizing that principle in this bill. You are recognizing here, or attempting to recognize, the principle—the Antisaloon League is, because this originated with them, if the newspaper clippings that I have had read at the desk are true, and I understand they are. You are recognizing the principle by saying to Mr. Corby, "We will give you a door to sell your products. We are not going to take your plant." But there are other plants in the District of Columbia to which you are not saying that. You are not saying that to this brewer down here. You propose to confiscate their property, to take it away from them, to destroy it absolutely, and the property of everybody else that is engaged in this District in this business, which you have recognized as legitimate. For 50 years you have had the arm of the Federal Government in their treasury, taking the income on which your Government lived, and now you have not the courage to go to the American people and say, "If we do this, we are willing to pay the price."

Other great Governments have done it. In Switzerland, when they wiped out absinthe and said their people should not manufacture it or use it, they paid for it. You are not proposing to pay the price here. You are proposing to confiscate the property of certain people because you condemn them, although you recognized them as within the law before you passed this bill; but when you find your favorite you give him the door out to protect his property.

If you want to go to the American people with this bill in that shape, it is your responsibility. You take it and go. So far as I am concerned, I say your proposition is not a square deal all around.

Mr. HARDING. Mr. President, I do not rise to discuss the merits of either the bill or any pending amendment. It so happens that I have an unavoidable engagement which takes me from the Senate Chamber to-morrow and possibly the day following, and I should dislike to have anybody believe that I am doing what is popularly known as "ducking" on an important question of this character. For that reason I am availing myself of the privilege of putting into the RECORD my position on the pending measure, and the explanation of that position.

During the campaign in Ohio in 1914, when I received my commission to come to the Senate, there was pending in that State the question of constitutional prohibition. A good many of the electors were not content to accept some of us candidates on the record we had made in legislation in the General Assembly of Ohio, and I was repeatedly asked on the stump what my attitude would be on the question of prohibition in the National Congress. I objected then, as I should object again, to being measured in my fitness for a place in the Senate by the single

yardstick of prohibition; but having the question to meet, I met it in accordance with the platform of the party which honored me with nomination, wherein we promised in that campaign that the nominees of our party would carry out, to the best of their ability, the expressed wish of the people of Ohio in the pending nonpartisan constitutional election. When I was asked for my specific position I stated repeatedly and openly so that all could understand that, so far as I was concerned, when the question of prohibition arose in the United States Senate I should be guided by the express wish of the majority of the people of the State of Ohio. Everyone so understood me. In that election a considerable majority of the people of my State voted against prohibition. So, in accordance with the pledge I publicly made and with the result which was recorded in that election, I am here opposed to the pending measure. I have no freedom of action in the matter. It has ceased to be a question of moral judgment with me. I have a pledge to keep with my constituency, and in accordance with that pledge when the final vote comes I shall vote against this bill.

I have concluded that the consistent course for me to pursue, having voted as I did for many referendums of the question in Ohio, if the amendment of the Senator from Alabama should be presented in this body and I were present, would be to vote for a referendum to the people of the District of Columbia.

So it is, Mr. President, I want the RECORD to contain the fact that I am favorable to a referendum and I am forced in accordance with my pledge to vote against prohibition in the District of Columbia.

I trust these remarks will leave no doubt as to my attitude, and that those who care to know will understand that my necessary absence to-morrow and possibly the next day will not in any way indicate that I am hesitant to meet the question raised by the pending amendment.

Mr. KENYON. I should like to ask if the amendment to section 6, page 13, with reference to ambassadors and ministers of foreign countries has been adopted?

The PRESIDING OFFICER (Mr. CHILTON in the chair). It has been adopted.

Mr. KENYON. I ask unanimous consent that the vote be reconsidered on the adoption of the amendment on page 13, section 6, in reference to ambassadors. First, I ask, What is the parliamentary status at this time?

The PRESIDING OFFICER. There is an amendment pending which is before the Senate at this time.

Mr. KENYON. Then I will withhold my request, and I give notice that I shall ask to-morrow for a reconsideration of the vote by which that amendment was adopted.

Mr. SHEPPARD. I wish to say, briefly, in reply to the Senator from Alabama that there has been no attempt on my part to accord any especial exemption to the Corby Co. or any other institution in the District of Columbia. The law is framed in general terms and authorizes the manufacture of alcohol for industrial, scientific, and medicinal purposes. If the Corby Co. manufactures alcohol for such purposes, it will be permitted to continue to do so under the terms of the bill, and so will any other company or any individual in the District of Columbia, or any brewery, which may go into such business. Certainly there has been no effort on the part of the framers of this bill to afford any special exemption to anybody.

Mr. KERN. Mr. President, I have an amendment to propose to the amendment of the Senator from Alabama, which I ask may be read and printed.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. An amendment proposed by Mr. KERN to section 2 of the amendment proposed by Mr. UNDERWOOD to Senate bill 1082: Strike out the word "male," in line 8, page 2, and add the word "without regard to sex" after the word "Columbia," in line 9, on the same page, so that the section will read:

SEC. 2. That all resident citizens of the District of Columbia without regard to sex, who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been residents of the District of Columbia and the voting precinct in which they reside for more than one year prior to the date of the holding of said election shall constitute the qualified voters at said election. The managers of the said election shall be the sole judges of the qualifications of the voters.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SHEPPARD. I wish to state that it is my intention to press this bill as speedily as possible. For the present I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) Thursday, December 14, 1916, the Senate adjourned until to-morrow, Friday, December 15, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 14, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, Author of the universe and Father of all souls, for the inestimable gifts, temporal and spiritual, which Thou hast bestowed upon us. Grant us, we beseech Thee, wisdom, power, and courage, that we may use them in accordance with our highest conceptions of right and truth and justice, and prove ourselves worthy of the trust reposed in us; that as faithful servants we may fulfill our destiny to the glory and honor of Thy holy name, in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MARKETING AND FARM CREDITS.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent to print in the RECORD the resolutions adopted by the National Conference on Marketing and Farm Credits held at Chicago December 4 to 9, 1916. They contain recommendations in the line of congressional action on certain vital subjects.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing certain resolutions about the marketing of foodstuffs. Is there objection?

There was no objection.

INVESTIGATION OF MILK AND MILK PRODUCTS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the American Federation of Labor inclosing resolutions in favor of House resolution 137 relating to dairy products in the country.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD by inserting a letter from the American Federation of Labor. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill (H. R. 18542).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HARRISON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of the President: Secretary, $7,500; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant and disbursing clerk, $2,500; 2 correspondents, at $2,500 each; clerks—2 at $2,500 each, 4 at $2,000 each, 5 of class 4, 2 of class 3, 4 of class 2, 3 of class 1; messengers—3 at $900 each, 3 at $840 each; 3 laborers at $720 each; in all, $76,780: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Mr. DILL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 29, line 9, after the word "at," strike out "$720" and insert "$840"; strike out "$76,780" and insert "$77,140."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DILL. Mr. Chairman, this item refers to the laborers who are in reality janitors at the White House. During the hearings on the Nolan bill last spring one of them testified as to the conditions under which the laborers work and the salaries they receive. I do not believe these conditions ought to go unnoticed.

Charles Williams is one of those laborers, and in his testimony before the Nolan committee which I have here he said:

I am night fireman up there at the White House. I put in three years and five months under Col. Roosevelt, I put in four years under ex-President Taft, and I have put in three years and one month under President Wilson. I have been increased in pay in a little over 10

years 25 cents a day. I got that when I first went there. I have got five boilers to look after; I have got the kitchen range to look after; I have got the coal to wheel in on my shift, which would be the 4-o'clock shift, but when the man comes on the 12-o'clock shift he can not wheel the coal, because it makes too much noise. On the 4-o'clock shift a man has to get all the wood and coal into the kitchen for the use of the family that night, and even the fireplace wood. All they psy is $1.75 a day. I have no Sundays off; I have no holidays off. During the summer months in the half holidays I have got to work eight straight hours through, and if I lose an hour or two or a day I get docked for it. Really, I work about six days overtime for the Government and do not get a cent for it.

And then, after questions by the committee, he said further as to how he was able to live on that salary:

The only way I do is to get out and hustle around and see what I can do and oftentimes I can get a lot of pipe work, pipe covering to do. Now, at this time of the year there is nothing doing. Last summer I had five launches to look after, and that helped along. My wife kept a boarding house and broke her health, and now she is losing her eyesight and she had to give it up, and that is a great deal of expense.

Later on he says that he goes to the New Willard and the Raleigh and makes an extra dollar doing asbestos work. He gets the smallest wage paid at the White House, and it is practically impossible to make a living. I do not believe when men are in a trusted and confidential position, as they necessarily are in the position of janitors and laborers at the White House, that they ought to be paid such low wages that it is necessary to go to the New Willard or the Raleigh to make a living. With all this talk about better pay for employees, it seems to me a man or a laborer at the White House should be given a living wage. Anybody knows, if he knows anything at all about the high cost of living to-day, that it is absolutely impossible for a man to live and keep a family, especially with a sick wife losing her eyesight, on such a low scale of wages. The gentleman from Tennessee should not insist on his point of order, because these are men entitled to pay sufficient to justify them in not being compelled to go out to the New Willard and the Raleigh. The New Willard and the Raleigh pay their men $2 a day and board them besides. Yet these men have not a sufficient amount of money to support them and they have to go out to places and to hotels and work at night.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DILL. Certainly.

Mr. COOPER of Wisconsin. How long has that been the pay of this employee?

Mr. DILL. He says he has been there 10 or 12 years and has received only one raise of 25 cents. Since this case has become public he has received 25 cents more, I take it, because the disbursing clerk at the White House told me that he is now receiving $60 a month.

Mr. COOPER of Wisconsin. Had he a predecessor in the same position?

Mr. DILL. I do not know about that.

Mr. COOPER of Wisconsin. I asked the question because I am informed that there are employees in the city getting $60 a month, which is the same pay their predecessors had before the Civil War.

Mr. DILL. I think that is true. I have made no investigation of this case in regard to that matter, but I have made investigation as to others.

Mr. COOPER of Wisconsin. It is time that pay was raised.

Mr. BYRNS of Tennessee. Is the gentleman certain that his amendment covers the particular individual to whom he refers? These three laborers mentioned in this paragraph are in the President's office. I do not think that the individual to whom the gentleman refers and whose testimony he has been reading is covered or carried in this appropriation.

Mr. DILL. In reply to the gentleman I may say that yesterday I took up this question with the disbursing clerk of the White House and I asked him whom these three laborers are that receive this salary, and he informed me that one of them was Charles Williams, and I take it that he is the same man because he has been there for a number of years.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. DILL. Yes.

Mr. STAFFORD. Did the gentleman inquire as to how it was that the gentleman filling this position was receiving 25 cents a day less than the Congress had voted, when for several years Congress has voted a salary of $720 a year?

Mr. DILL. He says in this statement that he and the other firemen and employees in other public buildings get $2 a day.

Mr. STAFFORD. Is the gentleman aware of the fact that in this very position Congress has provided the pay for several years past at $720 a year? According to the testimony the gentleman read the man was receiving only $1.75 a day until within a year or so.

Mr. DILL. He said that he was receiving $1.75 a day. That was last April.

Mr. STAFFORD. And yet Congress was providing a salary at a basis of $720 a year, or more than $2 a day. Did the gentleman inquire of the disbursing clerk as to the reason he was not receiving the full allowance which Congress had voted for the position?

Mr. DILL. I may say to the gentleman that this witness at the time he testified said that he was then under the public buildings and grounds appropriation.

Mr. BYRNS of Tennessee. On a per diem basis.

Mr. DILL. A per diem of $1.75; but I take it from the statement of the disbursing clerk yesterday that he had been transferred or promoted.

Mr. STAFFORD. The fact is that Congress has been appropriating for this position for several years past at $720 a year.

Mr. DILL. I think that is true.

Mr. BYRNS of Tennessee. Then the gentleman has read a statement as to the services rendered by Mr. Williams when he was on the per diem basis. Mr. Williams now, according to the statement of the gentleman, is located in the President's office, and is not the fireman, and does not have to perform the services referred to.

Mr. DILL. I take it it would make no difference whether he got $2 a day for firing or $2 a day for something else. The fact is that the man can not make a living at that rate with foodstuffs at the price they are.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I wish to call the attention of the gentleman from Washington and also of the committee to the fact that we have passed over several items with reference to the Library and the Capitol Building and Grounds where laborers are employed at $600 a year and at $660 a year. The gentleman offered no amendment for the purpose of raising their salaries. I want to call the attention of the committee to the fact that this bill contains a recommendation to the House providing for a 10 per cent increase of these salaries and all other salaries under $1,200 a year.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GOOD. I will ask the gentleman if we have not for this laborer provided an increase of $72 a year over that recommended by the President himself?

Mr. BYRNS of Tennessee. Precisely. I was just going on to state that there was no estimate submitted to the committee asking for an increase for pay of these laborers in the White House. The committee acted upon the estimate submitted by the President of the United States, acting through his secretary, no doubt, and granted just the salary requested, and in addition to that, as the gentleman from Iowa [Mr. GOOD] suggests, the committee has gone further and recommended an increase of 10 per cent in this particular man's salary.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BUCHANAN of Illinois. Will it be in order to offer an amendment to give more than 10 per cent when we reach that particular part of the bill that provides for it?

Mr. BYRNS of Tennessee. I do not know. Of course, as it stands in the bill it would be in order, but what may be the situation when we reach that section I am not prepared now to say.

Mr. BUCHANAN of Illinois. I would like to ask any gentleman to inquire of himself whether he thinks $60 a month, or even $70 a month, is sufficient for a man to live on and maintain the proper standard of living, with the present high prices, and I would like to ask gentlemen if it is not worth while for us to give serious consideration to giving a greater increase than is provided in this bill to the employees of the Government. We talk about preparedness. Is there anything more important in the nature of preparedness than to prepare our citizenship so that they can live properly and preserve their physical and mental resources? I think not.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DILL. The gentleman calls attention to the fact that certain laborers were passed over on Tuesday. That is true. They were laborers in some of the departments, and I at that time had not been able to make an investigation, because we had just finished the Indian appropriation bill, and I am a member of that committee. In reply to what the gentleman says regarding the increase of 10 per cent, then he would only have $66 a year extra, and I think he ought to have $70 more, and the 10 per cent added to that, especially in the light of the fact that the Secretary of Commerce says that the increase in cost of foodstuffs has been 34 per cent in a year. That certainly

justifies a reasonable increase in the wages of these men—not only this man but every other man who receives the miserably low wages that men are receiving here.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman talks of the low wages paid to the laborers here in the departments.

I am in favor—and have always been in favor—of giving fair and liberal wages; but I want to call the attention of the gentleman to the fact that the laborers here in the departments in Washington are receiving more money for the amount of service they actually perform than laborers in private employment all over the country, not only in my own State but in the State from which the gentleman himself comes. These laborers only work 7 hours a day. They get 30 days' leave of absence upon full pay. They get a number of holidays during the year, and in addition to that they have 30 days' sick leave, when they are sick, upon full pay, and that is something that the gentleman can not claim for the laborers in the State of Washington, and when he undertakes to talk about the small pay paid to the laborers here in Washington I want to refer the gentleman to the pay that laborers receive performing similar services in his own State and in other States of the Union. For my part I believe the laborers in the departments of Washington are receiving liberal wages as compared with the wages given for similar employment in private establishments. In addition, the committee has gone further and recommended to Congress that it give them 10 per cent increase owing to present conditions, amounting to $6 a month. Therefore, Mr. Chairman, I make the point of order.

The CHAIRMAN. The time of the gentleman has expired. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

BUREAU OF EFFICIENCY.

To enable the Bureau of Efficiency, authorized by the urgent deficiency appropriation act approved February 28, 1916, to establish and maintain a system of efficiency ratings, to investigate administrative needs of the service relating to personnel in the several executive departments and independent establishments, required by the legislative, executive, and judicial appropriation acts for the fiscal years 1913 and 1914, respectively, and to investigate duplication of statistical and other work and methods of business in the various branches of the Government service; for purchase or exchange of equipment, supplies, stationery, books and periodicals, printing and binding, traveling expenses not exceeding $3,000, and street car fare not exceeding $50; in all, $43,000: *Provided*, That no person shall be employed hereunder at a compensation exceeding $4,000 per annum.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word for the purpose of giving notice of an amendment I shall offer to the last paragraph of this bill providing for an increase of salary for the clerks in the Government service. I wish to give this notice now, so that the proposed amendment can go in the RECORD and be considered by the Members in the meantime. I ask that the Clerk read it.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to have the Clerk read in his time the amendment referred to. Without objection, it will be done.

There was no objection.

The Clerk read as follows:

That from and after the passage of this act the wages, salaries, or compensation of persons employed by the United States Government, by the District of Columbia, or employed in either House of Congress, shall be increased according to the following schedule:

First. Every employee now receiving $900 per annum or less shall receive an increase in wages, salary, or compensation of 25 per cent.

Second. Every employee now receiving more than $900 and less than $1,400 per annum shall receive an increase in wages, salary, or compensation of 20 per cent.

Third. Every employee now receiving $1,400 and less than $2,000 per annum shall receive an increase of wages, salary, or compensation of 15 per cent.

Fourth. Every employee now receiving $2,000 per annum and less than $2,600 shall receive an increase in wages, salary, or compensation of 10 per cent.

SEC. 2. That the above schedule shall apply to employees working on a per diem basis as well as those receiving an annual salary.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,500; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiners—1 $2,400, 3 at $2,000 each, 6 at $1,800 each; clerks—6 of class 4, 28 of class 3, 39 of class 2, 52 of class 1, 34 at $1,000 each, 22 at $900 each; messenger; assistant messenger; skilled laborer, $720; 4 messenger boys, at $360 each. Custodian force: Engineer, $840; general mechanic, $840; telephone-switchboard operator: 2 firemen; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 4 charwomen; in all, $285,730.

Mr. McCRACKEN. Mr. Chairman, I desire to move to strike out in line 15, page 30, the figures "$4,500" and substitute in lieu thereof "$7,500," and in the same line the figures "$4,000" and insert in lieu thereof "$7,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend on page 30, in line 15, by striking out "$4,500" and inserting "$7,500," and striking out "$4,000" and inserting "$7,000."

Mr. SISSON. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. Does the gentleman from Idaho desire to be heard?

Mr. McCRACKEN. I will ask the gentleman from Mississippi to reserve the point of order.

Mr. SISSON. I will reserve the point of order.

Mr. McCRACKEN. Mr. Chairman, it would seem that those gentlemen who are in charge of one of the most important departments of the Government ought to be paid a larger salary than that which they now receive. I can not imagine how the gentlemen upon this committee can expect to obtain competent men to perform the work which these men are required to perform for the sum of $4,500 a year and $4,000 a year.

Mr. STAFFORD. Will the gentleman yield?

Mr. McCRACKEN. I will.

Mr. STAFFORD. Does the gentleman mean to cast a reflection upon the present members of the commission that they are not competent because they are only receiving these salaries?

Mr. McCRACKEN. Not at all. The gentleman does not get my idea, but why should not these men receive more salary than they receive? This is one of the most important departments of the Government, and I submit, gentlemen, these salaries ought to be increased.

Mr. SISSON. Mr. Chairman, your committee which has charge of making up this bill went very carefully into all these matters but there happens to be a class of people that seems to be forgotten by a great many people, and that is the public. There are two classes of people affected materially, one is the man who pays the bill and the other is the man who receives the wage. The Congress of the United States are here for the purpose of representing their constituents and for the purpose of taking care of the governmental expenses. I want to repeat what the gentleman from Tennessee [Mr. BYRNS] just said a moment ago. We have made a good many investigations since I have been upon this committee as to the character of the work performed and the wages paid in private life.

There is no question on earth that if they work the same number of hours per day and are required to do the same amount of work here that they would be required in private life to perform, they are getting infinitely better wages in the Government service than they would get elsewhere. When you take into consideration the holidays and leaves of absence which they have and the consideration they receive at the hands of the Government, and the fact that they work only seven hours a day, it seems enough to convince all of us that the wages of the Government employees are infinitely better than those of men in private life.

Mr. McCRACKEN. Will the gentleman yield?

Mr. SISSON. In one moment.

Now, I am unwilling as a Representative on this floor to always forget the people back home and to always forget the taxpayer and only remember that human being who happens to be close to us and importunate in his demand for increased wages. It is true in every department of this Government that men seem to be dissatisfied with the salaries which they get. I am not blaming them, but I am blaming Members of Congress who on all occasions, whether these men are entitled to an increase of wages or not, insist that wages be increased all down the line.

As to the high cost of living, as soon as the European war is over there will be an enormous reduction in that; and there will be no reduction in the salary, no reduction in the burden which the people of this country will have to continue to bear. One increase may look harmless on its face, but when it goes through the whole Government service, involving something like a million of employees, it becomes too burdensome on the taxpayer. It is estimated that in the next current fiscal year the burden will be something like $1,600,000,000, and it was only when Mr. Reed was Speaker that this Congress paid out $500,000,000 each Congress instead of $1,600,000,000, making $1,000,000,000 in two years, and the country was so startled that the newspapers rung it out like a fire bell at night; but since that time you have increased it over 100 per cent, and men are not satisfied with the increase.

Now I yield to the gentleman from Idaho [Mr. McCRACKEN].

Mr. McCRACKEN. The gentleman realizes the importance of the work these men do?

Mr. SISSON. I do; and, as the gentleman said a while ago, we have the same personnel there that we have had all the while. You are not going to increase the efficiency of these men there at all. On the other hand, taking into consideration men of that character—and they are splendid gentlemen—the salaries they receive are better than the salaries elsewhere,

except those up near the head of the great corporations, railroads, and so on, and there there is usually a stock value in the salary.

Mr. McCRACKEN. I would like to inquire if these men are not paid less for services they perform for this Government than men who are paid for similar services elsewhere?

Mr. SISSON. I do not think so. They simply have to carry out the civil-service laws that we pass. They simply have to hold examinations and, as a matter of fact, in presiding over that department it requires no such peculiar technical knowledge and skill as to preside over the other departments.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SISSON. I yield.

Mr. MOORE of Pennsylvania. Is it not true that the Executive relieves the Civil Service Commission of a very large part of their work, and therefore there is no necessity for increasing their salary at this time?

Mr. SISSON. As a matter of fact, if the gentleman can ingraft that upon the policy of the administration I would be willing to relieve them of a great deal of work they are doing. The fact is, he is keeping the lid on too tight. If there ever should come a day in the distant future when the gentleman and his party control the Government, they will do well to keep the lid on as close as the Executive is keeping it on, because if there is one thing that the President excels all others in it is that the lid is kept on tight, so much so that men on this side of the House feel that they do not get that to which they are entitled. I wish the gentleman from Pennsylvania would tell us how to do it.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. DILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 22, after the word "messenger," insert "$840."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on the amendment.

Mr. DILL. This is for assistant messenger. I understand his regular classification is $720.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not see any reason for discussing the amendments to these different provisions. It is merely taking up time, and I make the point of order.

Mr. DILL. Is that fixed by law?

Mr. BYRNS of Tennessee. It is fixed by law at $720.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DILL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Washington offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 21, after the word "each" in line 21, insert the word "two," and after the word "messenger" strike out the words "assistant messenger."

Mr. BYRNS of Tennessee. Mr. Chairman, I would like to hear that read again, and I ask for order.

The amendment was again reported.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on that until I can tell what it is.

Mr. DILL. Mr. Chairman, I take it that we have a right to have another messenger there, and not appropriate for the assistant messenger.

Mr. FESS. You can do that.

Mr. DILL. I see no reason why you can not cut out the assistant messenger and make it two messengers. My reason for this amendment, Mr. Chairman, is that the assistant messenger and the messenger in this department, as in every other department of the Government, practically do the same work, and yet you pay the messenger $840 and the assistant messenger $720.

In the hearings that were had touching these wage questions it has been shown that the assistant messengers have been on the roll for 10 or 15 years at $60 a month, and under the present scale of wages unless a messenger dies there is no hope of increase for the assistant messenger. Yet all the time they are doing exactly the same work. I have it from the head of departments, one after another, that they do the same work, identically the same things. It seems but fair and proper, in the light of the tremendous increase in the cost of living, that these assistant messengers should be abolished and that messengers should be appointed in their stead and paid a living salary. I do not believe that anyone with a family could live on $60 a month with prices as they are in this city.

The gentleman from Tennessee a few moments ago saw fit to talk about the wages which men receive in the various cities in private employment as compared with what they receive under the Government. I am glad the gentleman called the attention of the House to this subject, because the facts show that men in private employment are really receiving far more, and have been receiving increases of wages for years. Yet the Congress of the United States has been establishing these positions at these low rates, which were at the time looked upon as living wages when prices were normal, yet to-day everything that a man has to buy to keep a family has increased 30 or 40 or sometimes 100 per cent. The reports of the Bureau of Statistics show that food products have actually doubled in price. Yet you propose to let these men go on under this Government with an increase of but 10 per cent in wages.

Now, it seems to me that Congress ought to look at this thing in a sensible and reasonable manner. When firms throughout the country in the past have been increasing the wages of their employees 2 and 3 per cent, they have now increased them 15 and 20 per cent. Certainly the Government ought to organize its pay roll in such a way that no man who works eight hours a day for the Government should be compelled to go out and take extra work and have his wife take in boarders or do washing, or something of that sort. I believe such a rate of wages should be paid that a man can live, and live in a decent manner. These messengers must dress well and appear well, and at the price of clothing to-day a man can not do that at the wages paid these men.

Mr. BYRNS of Tennessee. Does the gentleman realize what he is seeking to do if this amendment passes? Does the gentleman know what the result will be? It will result in turning this man out of the service, and turning him out on the street without a job, unless he stands a civil-service examination for messenger and makes the highest grade.

Mr. DILL. I think he had better be out than stay in at that rate. He can go out and make a better living.

Mr. BYRNS of Tennessee. Why does he not go?

Mr. DILL. That is the question that is always asked when an increase of wages is requested. That is what is asked when some one is working at an insufficient rate of pay and eking out a bare living. In light of the fact that the Government took in more than $26,000,000 in increased income taxes alone, it does not seem unreasonable that this Government should give a small part of it to the men who work for it.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. DILL. Yes.

Mr. GOOD. The testimony taken before our committee was to the effect that the Bureau of Efficiency went into the Post Office Department to assist the Postmaster General in establishing there efficiency ratings, and that at the request of the Postmaster General the salary of all employees was rated at from 20 to 25 per cent more than similar employees received in private employment. That same rate of increase is borne out throughout this entire bill. The men who are getting $840 in the Government service doing the work of messengers receive about $600 a year in private employment.

There is no use in getting hysterical about this matter. We have to face the facts as they exist. The gentleman would increase the cost to the Government for clerical help more than 25 per cent, whereas the Government now pays a rate far above that received in private employment. Of course it is up to the House to decide the question.

The CHAIRMAN. The time of the gentleman from Washington has expired. Does the gentleman from Tennessee insist on the point of order?

Mr. BYRNS of Tennessee. I do not insist on the point of order.

The CHAIRMAN. The gentleman from Tennessee withdraws his point of order.

Mr. BYRNS of Tennessee. I only want to say this with reference to the amendment. If this amendment is adopted, it will simply result in taking this assistant messenger out of the service, and instead of rendering a favor to this particular assistant messenger the gentleman from Washington, by his amendment, seeks to eliminate the man from the service of the United States and turn him adrift without any job whatever.

Mr. DILL. Can not the assistant messenger take an examination for the messenger place?

Mr. BYRNS of Tennessee. Yes; he could take the examination for a messenger place, but he must take it in competition with other applicants all over this country. They have got an eligible list now at the Civil Service Commission for messengers, and it would not be necessary, in all probability, for an examination to be held, and on June 30 this assistant messenger would find himself without a job. It would be necessary, then, for the depart-

ment to appoint a messenger, and they would simply go to the register already established and select their man from those who stood highest on the list. The gentleman, I say, by his amendment, is absolutely seeking to deprive this assistant messenger of any opportunity to serve the Government at all and would deprive him of the job he now holds.

Now, Mr. Chairman, we hear a great deal on the floor here about the pay given to employees of this Government; we hear a great deal about the inadequacy of the pay given the employees of the Government; but I have yet to hear any of these gentlemen who are making these statements say anything in behalf of those who have to pay these salaries. They do not take into consideration the fact that these salaries are paid by the people—paid out of the Treasury of the people whom we have been sent here to represent—and I think that instead of coming here and growing hysterical over the salary paid to this man and that man we ought also to consider those who have to pay them, the taxpayers whom you and I represent.

As far as this particular position is concerned, as the gentleman from Iowa [Mr. GOOD] has stated, the United States Government is to-day paying, according to the testimony submitted to the Committee on Appropriations, from 15 to 30 per cent more for positions of this kind than is paid to men holding similar positions and performing similar services in private employment.

In addition to that, the Committee on Appropriations, as I said a moment ago, have recommended to Congress that they give this particular assistant messenger and all other employees of this Government under $1,200 an increase, if you please, of 10 per cent over and above the amount they are now receiving.

I ask for a vote.

The question being taken, the amendment was rejected.

Mr. DILL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Washington offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILL: Page 30, line 23, after the words "skilled laborer," strike out "$720" and insert "$840."

Mr. BYRNS of Tennessee. I make the point of order, Mr. Chairman.

Mr. DILL. Mr. Chairman, just a moment.

Mr. BYRNS of Tennessee. I make the point of order.

Mr. DILL. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Washington.

Mr. DILL. There are skilled laborers in all the departments——

Mr. SISSON. Mr. Chairman, I want the gentleman to confine himself to the point of order.

Mr. DILL. There are skilled laborers provided in this bill at different salaries. The gentleman has given no reason why, when this skilled laborer is receiving only $720, it would be out of order to raise his salary to $840, when the others are given $840 or $900, as the case may be.

The CHAIRMAN. Does the gentleman from Tennessee desire to say anything on the point of order?

Mr. BYRNS of Tennessee. Nothing, except that this salary was fixed in the legislative bill last year.

The CHAIRMAN. The law fixes the amount at $720?

Mr. BYRNS of Tennessee. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DILL. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILL: Page 30, line 23, strike out "$360" and insert "$420."

Mr. BYRNS of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. DILL. Mr. Chairman, the rates of pay for these messenger boys are changed throughout the bill, and it seems to me that there is no reason why the pay of this messenger boy should not be raised. As I understand it, this messenger boy's pay is fixed by the committee.

Mr. BYRNS of Tennessee. No.

The CHAIRMAN. This is the amount carried in the prior bill?

Mr. BYRNS of Tennessee. This is the amount carried in the prior bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr DILL. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILL: Page 30, line 23, after the word "engineer," strike out "$840" and insert "$900."

Mr. BYRNS of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Division of Customs: Chief of division, $4,500; 2 assistant chiefs of division, at $3,000 each; supervising tea examiner, $2,750; law clerks—4 at $2,500 each, 3 at $2,000 each; clerks—5 of class 4, 4 of class 3, 6 of class 2, 9 of class 1, 5 at $1,000 each; 2 messengers; assistant messenger; in all, $71,250.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I send to the Clerk's desk an editorial from the Washington Post, which I ask the Clerk to read as a part of my remarks.

The CHAIRMAN. The Clerk will read it as a part of the gentleman's remarks.

The Clerk read as follows:

PUBLICITY ON "PORK."

As an interesting preliminary to the thirtieth annual convention of the National Rivers and Harbors Congress, which meets here December 6, its president, Senator RANSDELL, of Louisiana, has particularly invited the attendance of those who know all about "pork" in river and harbor bills.

These gentlemen, Senator RANSDELL has announced, will be given every opportunity to enlighten the public as to the iniquities contained in the various bills that are to be presented for the consideration of Congress, in so far as these are related to rivers and harbors.

The fact that for the most part the allegations of "pork" are made by patriots living several thousand miles away from the place where the appropriations are to be applied will not prevent the objectors from being heard at the waterways congress. The only restriction is that they are not to deal in generalities, but to get down to facts. Instead of heaping abuse on this or that project they will be expected to tell what they really know about it and to point out definitely the objections to the contemplated improvements or to explain exactly why the money to be appropriated will not effect the desired results.

There can be no question that the chief outcry against Government appropriations comes from the man far removed from the place of expenditure. Neither is it to be considered strange that human nature should regard blandly any form of local improvement as being justified. At the same time Senator RANSDALL'S open invitation is an appeal to the fair-mindedness of the public that should not be ignored. It is the one proper answer to a host of general and indefinite charges. The fact cited by the Senator that every waterway project in the United States is passed upon by the Chief of Engineers and the Board of Engineers for Rivers and Harbors before being submitted to Congress deserves the widest possible publicity.

Probably the final test of sincerity has been applied in the good-roads law, which requires that each State furnish its equivalent before the Federal appropriation for that State becomes available. Many of the river States, however, have long been paying large sums for waterway improvements from State funds. In other cases the nature of the project is such that the Nation rather than the State is the beneficiary of the improvements, thus indicating that their cost is a legitimate Federal charge.

Mr. CLARK of Florida. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Office of Auditor for War Department: Auditor, $4,000; assistant and chief clerk, $2,250; law clerk, $2,000; chief of division of accounts, $2,500; chief of claims and records division, $2,000; 2 assistant chiefs of division, at $1,900 each; chief transportation clerk, $2,000; clerks—26 of class 4, 53 of class 3, 59 of class 2, 53 of class 1, 16 at $1,000 each, 8 at $900 each; skilled laborer, $900; 2 messengers; 5 assistant messengers; 9 laborers; messenger boy, $480; in all, $332,150.

Mr. DILL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILL: Page 41, line 1, after the figures "$900," strike out "two" and insert "three," and, in line 2, strike out "five" and insert "four."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DILL. Mr. Chairman, I do not think any point of order will lie against this amendment. The report of the committee states that there is a new assistant messenger being established. This is simply a method of establishing one more of these low-priced positions. The purpose of my amendment is to prevent the establishment of a messenger at $720 a year who will do the same work that other messengers do at $840 a year, and my desire is to give this man, whose position is to be established, a living salary.

Mr. MANN. Will the gentleman yield for a question?

Mr. DILL. Yes.

Mr. MANN. Why did not the gentleman propose then to have seven messengers and no assistant messengers?

Mr. DILL. A while ago I proposed such an amendment, and I was told that it would throw all of these gentlemen out of the positions they now hold.

Mr. MANN. If it would throw them all out, then it would throw this one out.

Mr. DILL. Oh, no; this is a new one to be established.

Mr. MANN. Not at all. The gentleman proposes to reduce the number of assistant messengers and to increase the number of messengers. There are five assistant messengers. Who is the favored one?

Mr. DILL. The report of the committee says that they are establishing a new assistant messenger.

Mr. BYRNS of Tennessee. No; a new messenger.

Mr. MANN. A new messenger. I do not know what the report is. I know what the bill is. Last year there was one messenger and the bill now provides for two messengers.

Mr. DILL. I was simply relying upon the report of the committee, which I took to be correct. If the gentleman from Illinois is correct——

Mr. STAFFORD. The gentleman from Illinois is always correct in these matters.

Mr. DILL. It reads:

The following additional employees are provided. * * * One assistant messenger, $720.

Mr. BYRNS of Tennessee. The gentleman is reading under the heading "Auditor for the Navy Department." If he will look on page 4 of the report he will find the statement with reference to the Auditor for the War Department.

Mr. DILL. I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Office of Auditor for Navy Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division, $2,000; assistant chief of division, $2,000; clerks—13 of class 4, 24 (including 1 transferred from register's office) of class 3, 21 of class 2, 25 of class 1, 8 at $1,000 each, 7 at $900 each (including 1 transferred from register's office); helper, $900; messenger; 2 assistant messengers; 3 laborers; in all, $152,910.

Mr. DILL. Mr. Chairman, I will now make the motion which I tried to make a moment ago, namely, to amend in line 11, after the figures "$900" by inserting "two," and after the word "messenger" strike out "two" and insert "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 41, line 11, after the figures $900 insert the word "two." And after the word "messenger" strike out the word "two" and insert the word "one."

Mr. DILL. Mr. Chairman, I want to say a few words as to the work of these assistant messengers and what they have to do and the kind of lives they have to lead. In the hearings on the Nolan bill—and I read from the hearings because they are extremely difficult to find, almost as difficult to get hold of as a gold coin in Europe at this time. I was unable to borrow or beg one and had to go to the library for it. I do not know why they are not printed. On page 290 one of these messengers who receives the magnificent salary which the gentleman from Tennessee [Mr. BYRNS] says is sufficient, and which is better, he says, than could be had in private employment——

Mr. BYRNS of Tennessee. If the gentleman will pardon me, I said it was better than the salary paid in the gentleman's own State for similar services.

Mr. DILL. That I deny.

Mr. BUCHANAN of Illinois. For the sake of the argument, suppose it is. Is that any reason why the Government should not pay adequate wages?

Mr. DILL. Not at all, and the gentleman from Tennessee begs the question.

Mr. BUCHANAN of Illinois. It is no argument from my point of view to say that somebody else pays unjustifiable wages.

Mr. DILL. The gentleman from Illinois is absolutely correct. Mr. Goldman, who is an assistant messenger in the Adjutant General's office, testifying, said that he had been working ever since he was 12 years and 5 months old. He said that he went into the Government service in 1906 and had been there all this time and never had any trouble; that he was getting $60 a month; and that the other boys up there were getting the same who have been there 25 years. He said there were 53 in his class at $60 a month.

He goes on to say that he does not want to be personal in the matter, but he tells how he manages to live and keep a family on the wages of $60 a month, a year ago when the prices of the necessities of life were only half or two-thirds what they are to-day.

This amendment is to prevent the establishment of another low-paid position. He says that he lives at Twenty-fourth and S streets and never uses a street car but always walks. He says:

We never ride; we watch all the sales and buy things as cheaply as we can, and the very least we can set the table for is $25 a month. We have to pay $1.50 a month for gas and $1.25 for milk, and I pay $2.50 for insurance. It is necessary for my wife to drink milk now, on account of nursing the baby. It is a case of skimp, skimp, skimp all the time.

I have heard some one say somewhere that a man ought to have two suits a year, or something to that effect. I have not had a suit in six years—a full suit. I buy a pair of pants sometimes, and then I get a coat. But I have never had a full suit, out and out, for fully six years.

I had a little money when I came out of the Navy, but it was soon gone, and I never have had any since. We never pay out anything for our washing. Every week I go home and jump into the washtub and wash, and help out that way. I have never spent a cent on tobacco or on intoxicating liquor.

Then he goes on to tell that his wife wakes up in the night and sometimes asks if the Nolan bill will pass. Such is the hope that has been awakened in his wife's mind for the passage of the Nolan bill.

Now, Mr. Chairman, in the light of this testimony alone, it seems to me that it ought to be sufficient to prevent Congress from establishing another low-priced position, one where if in the future you should attempt to raise the salary you are met by a point of order.

Mr. MANN. Mr. Chairman, we recently passed over, in the consideration of this bill, a provision for the payment of salaries to employees of the House. We employ, under the office of Clerk, six laborers at $720 a year and two janitors at $720 a year. We employ a great many so-called janitors, but they are all messengers for various committees, at $720 a year. Nearly all the messengers employed by the different committees in the House receive $720 a year. So far as I have observed in my service in the House, there has been no dissatisfaction by these messengers with their jobs. They were formerly called messengers, but they are now called janitors. They have much more important duties to perform than a mere messenger in the departments. This bill contemplates an increase in the salary of the department messengers of 10 per cent. It contemplates no increase in the salaries of the messengers under the House. I did not hear the gentleman from Washington, although I was in the Chamber, or anybody else propose that there should be any increase in the pay of these messengers who are working for us, nor have I observed in looking at them that they are lean and gaunt and half-starved and poorly dressed. Most of them are good-looking chaps, and they have to be fairly well dressed when they work around this House. You can always find in the world some improvident man with a hard-luck story about how he can not live or save on what he receives. Doubtless the salaries or wages paid are not high. I would be glad to see an increase made; but believing that charity begins at home, if I was going to make an increase in the payment of salaries of individual messengers, I would not commence with the Civil Service Commission nor any of the other executive departments of the Government. I would commence with the employees of the House of Representatives, whom we know, and we know whether they do the work or not.

Mr. COOPER of Wisconsin. Mr. Chairman, there is one thing which I think possibly the gentleman from Illinois [Mr. MANN] forgot, and that is that these messengers to committees of the House will work here from December until March as messengers of these committees, and that then, in March, they will go home and engage in other occupations until the December following. It is my understanding that all of the time they are not in Washington they will draw their salaries as messengers to the committees. That is somewhat different from the facts relating to the man who stays here in Washington and works all of the time and tries to support a family in Washington on $60 a month—quite different.

Mr. DILL. Mr. Chairman, in reply to the gentleman from Illinois [Mr. MANN], I think it is hardly an argument worthy of very much consideration that the patronage appointees of this House, who the gentleman from Wisconsin [Mr. COOPER] has just stated serve only a part of the time, and who, being political appointees, necessarily have certain liberties that are not enjoyed by the men in the departments—I think such an argument is not worthy of much consideration when we compare those people with the men who are compelled to depend absolutely upon the money they receive here in their daily work, men who have been faithful for years and who see no chance of promotion. Especially is this so at a time like this, when living is as high as it is. It seems to me that we can ill afford now to create some more poorly paid positions. It may be sound argument in the gentleman's estimation, but not in mine, why we should not raise salaries; but certainly we should not create any more low-paid positions.

Mr. MANN. Mr. Chairman, the distinction which the gentleman from Wisconsin [Mr. COOPER] draws seems to me argues against the proposition. The messengers of the committees of the House, if they go home during the recess, have to pay their traveling expenses home and back again, and the Government

makes them no recompense for that. They do not engage in other occupations which bring them in an income. Men who work for the committees of the House are not permitted to engage in other occupations by the men under whom they serve. They are required sometimes, if they go home, to pay their traveling expenses there and back; but these boys around the House here, to whom I first referred, out here in the cloakrooms, out here in the toilet rooms, have to stay here and work during the entire year.

Mr. KING. And they work more than seven hours a day, too.

Mr. MANN. Yes; a good deal more than eight hours a day.

Mr. COOPER of Wisconsin. I was referring in what I said, Mr. Chairman, if the gentleman will permit, to the only employees whom I understood the gentleman from Illinois to mention in his first address, the janitors of the committees.

Mr. MANN. Oh, the gentleman will pardon me. I quoted particularly other employees of the House.

Mr. COOPER of Wisconsin. Then I was mistaken, but I know the gentleman did mention the janitors of the various committee rooms, formerly called messengers.

Mr. Chairman, this whole question of raising or not raising the salary of Government employees can be summed up in this way: Take, for instance, men who now receive $60 a month who live in the city of Washington. That salary, I am told, was established, in some instances, before the Civil War, and the men who preceded the present occupants of the positions received the same sum. Suppose we take that salary 15 or 20 years ago. Since that time the cost of living has increased 40 per cent, to put it at a minimum, and in many things more than that. That to-day is precisely as if we reduced his salary 40 per cent from what he first received. In other words, it is exactly as if he were receiving a reduction of $240, which would be as though his original salary had been fixed at $360 a year, less than a dollar a day—and that from the richest Government that the world has ever known. It is immaterial if some private employers in the city of Washington see fit to give their employees a stipend like that. That is entirely immaterial. It is the duty of the Government of the United States to make itself a model employer and not compel any of the people in its employ to work for what are really starvation wages in the city of Washington.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not care to say anything in regard to this amendment offered by the gentleman from Washington [Mr. DILL] except to call the attention of the committee to this fact: The Auditor for the Navy Department requests in his estimates to Congress that we provide him with an additional assistant messenger, and the committee in its recommendation to the House acted favorably upon that request and has recommended the employment of an additional assistant messenger. The Auditor of the Navy Department says that what he needs down there is another assistant messenger, and while I have great regard for the knowledge of the gentleman from Washington [Mr. DILL] in respect to the various departments and their bureaus, I must say that I prefer to consult the Auditor of the Navy Department as to exactly what he needs in his bureau rather than the gentleman from Washington, who is possibly not so entirely familiar with the needs of the Auditor of the Navy Department.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DILL. Is it or not a fact that these assistant messengers do practically the same work as the messengers?

Mr. BYRNS of Tennessee. It is not as important a position as that of messenger.

Mr. DILL. What is the difference in their duties?

Mr. BYRNS of Tennessee. The messenger is frequently qualified to perform possibly sometimes some clerical work, if needed, and he has charge of the assistant messengers, and his work is more responsible and important. The assistant messengers are called upon to carry messages from bureau to bureau. Then, further, I want to again call the gentleman's attention to the fact, which he seems to have forgotten, that the committee has recommended an increase of 10 per cent on all of these salaries, and that this assistant will not get $720 a year, but that he will get $792 a year under this bill if that recommendation goes into effect. The gentleman, however, is seeking to provide a $840 messenger instead of the position that the Auditor for the Navy Department requests, and then to give him $84 in addition to the $840—something that the auditor has not asked and does not expect and does not want. Mr. Chairman, I ask for a vote.

Mr. DILL. Oh, if the gentleman will permit, I may say I have talked to some of these auditors and they are perfectly willing to have higher-priced positions filled, but they say they have so much difficulty in getting salaries increased at all that they do not want to ask for higher-priced places.

Mr. BYRNS of Tennessee. Certainly, this auditor can not undertake to make any contention like that, because his estimates were granted in full. Mr. Chairman, I ask for a vote.

The CHAIRMAN (Mr. LEVER). The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Postal Savings System: Clerks—11, at $1,000 each; 7 skilled laborers, at $900 each; in all, $17,300.

Mr. DILL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I note on page 42 there is a lump-sum appropriation of $284,000 provided for the Auditor for the Post Office Department. I would like to ask how the wages are fixed for that amount?

Mr. BYRNS of Tennessee. If the gentleman will read the paragraph, he will find the compensation is fixed by the Secretary of the Treasury.

Mr. DILL. Which means, in fact, that the Post Office Department auditor fixes it.

Mr. BYRNS of Tennessee. On the contrary, the law states they are fixed by the Secretary of the Treasury. He may make certain recommendations to the Secretary of the Treasury, but after all they are fixed by the Secretary himself.

Mr. DILL. I understand; but in actual practice they are actually fixed by the auditor.

Mr. BYRNS of Tennessee. Oh, no; I do not concede that for a moment.

Mr. DILL. I do not say that the Secretary does not O. K. it, but they are really made by this auditor.

Mr. BYRNS of Tennessee. I do not concede that for a moment. These salaries are actually fixed by the Secretary of the Treasury.

Mr. DILL. And they are fixed upon the basis of piecework. Is not that the fact?

Mr. BYRNS of Tennessee. Yes.

Mr. DILL. I note, on page 563 of the hearings, that these laborers are receiving, the highest $105 a month—that is, the clerks who are operating these tabulating machines—and the lowest received $60 a month. In fairness it must be said that these 25 clerks receiving $60 a month, I understand, are apprentices, as it were; they are conditional, but they are earning $60, $65, $70, and $75, all of whom are trained employees. Now, I note another thing, and that is that this lump-sum appropriation has gradually increased, and if it goes on in the same way it is only a matter of a short time until the whole appropriation will be in the hands of one man to fix salaries on a piecework basis. This House in the last session on three or four occasions on roll call voted very definitely against the Taylor system, and while this is not the Taylor system in reality it is a form of piecework system.

Mr. GOOD. Mr. Chairman, I move to strike out the last words. While this question of increase of pay of employees is up I want to read just briefly from the testimony of the Postmaster General with regard to the comparative rates being paid by the Government and private establishments. Last year the Postmaster General, in hearing on the legislative, executive, and judicial appropriation bill, in speaking of the reorganization of the instruction that he gave to the Bureau of Efficiency in rearranging the ratings of employees of the Postal Department, said:

I want the committee to understand that in the department we have kept in mind at all times that the Government should be a model employer. I mean by model employer that the Government should pay adequate—yes; more than adequate—a liberal compensation for services given it; that the hours of work should be reasonable—liberally reasonable—and the working conditions for employees should be most favorable. We have tried to adhere to that policy in the preparation of these estimates.

* * * * * * * *

Mr. GOOD. What do you mean by a liberal compensation?

Mr. BURLESON. I mean from 15 per cent to 30 per cent more than is being paid for similar service in private employment. I have said to the committee on personnel, of which the chief clerk of my department is the chairman, that if the committee finds any class of work in the Post Office Department for which we are not paying from 15 to 30 per cent more than is paid by private employers, that I would estimate for an increase and would come before the Committee on Appropriations and defend it. I believe that the Government should at all times be a model employer, and I believe that every employee in the Post Office Department is now receiving what I defined a moment ago as a just and equitable compensation for his services, or will receive such compensation within the next year, when the salary adjustments under the efficiency ratings have all been made. You, of course, understand that these changes in salary are made gradually. I said all the employees. I except four, and I will speak to you about them in a moment—the four Assistant Postmasters General. They are underpaid, and I can demonstrate it.

When I speak of the rates of compensation allowed the employees in my department being from 15 to 30 per cent above the rates paid for similar work or service in private employment, and that I regard this for the Government as just and equitable, I give no consideration to the fact that the Government clerk works only 7 hours a day, while persons in private employment work 8, 9, or, in some instances, even

10 hours a day. I give no consideration to the fact that there are 105 or 107 days—Sundays, days of annual leave, sick leave, and Saturday half holidays during the summer, and legal holidays, all authorized by law—that the Government employee does no work. I do not take these matters into consideration, because it is a part of the generous treatment the Federal Government as an employer should show its employees.

Then, further on in the hearing, Mr. Herbert Brown, chairman of the Efficiency Bureau, the bureau that established the ratings in the Post Office Department, said that when they came to putting into effect the efficiency ratings in the Post Office Department they followed the recommendations of the Postmaster General and provided a rate of pay from 15 to 30 per cent more to Government employees than was paid for similar employment in private life, and that is the basis upon which this entire bill was formulated. The clerks are all regulated by law. Clerks of a given class, say, class 4, receive the same compensation in all the other departments of the Government that they receive in the Post Office Department. And so it is with all other clerks and with messengers and assistant messengers and with laborers. Their salaries are fixed by law, and they are receiving from 15 to 30 per cent more than laborers and clerks receive for similar employment in private establishments. That is why there is such a demand for Government jobs. If private employment paid more, they could not be retained in the Government service.

The CHAIRMAN. The gentleman from Washington [Mr. DILL] withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

Bureau of Engraving and Printing: Director, $6,000; assistant director, $3,500; chief of division of assignments and reviews, $3,000; chief clerk, $2,500; disbursing agent, $2,400; cost accountant, $2,000; medical and sanitary officer, $2,250; stenographer, $1,800; storekeeper, $1,600; assistant storekeeper, $1,000; clerk in charge of purchases and supplies, $2,000; clerks—6 of class 3, 9 of class 2, 9 of class 1, 8 at $1,000 each, 12 at $900 each, 15 at $840 each, 3 at $780 each, 9 attendants, at $600 each; helpers—1 at $900, 2 at $720 each, 2 at $600 each; 3 messengers; 7 assistant messengers; captain of watch, $1,400; 2 lieutenants of watch, at $900 each; 60 watchmen, at $720 each; 2 forewomen of charwomen, at $540 each; 25 day charwomen, at $400 each; 77 morning and evening charwomen, at $300 each; foreman of laborers, $900; 4 laborers; 85 laborers, at $540 each; in all, $241,310; and no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act, and then only on the written approval of the Secretary of the Treasury, and in every such case of emergency a detailed statement of the expenditures on account thereof shall be reported to Congress at the beginning of each regular session.

Mr. DILL. Mr. Chairman, I move to strike out the last word for the purpose of making some observations about the salaries in the Bureau of Engraving and Printing. The chairman of the committee rather pointedly called attention a while ago to the fact that the Auditor for the Navy Department wanted an assistant messenger rather than a messenger. I note on page 157 of the hearings on this bill that the Director of this Bureau of Engraving and Printing asked that the clerks in that department be paid a salary commensurate with the services which they perform. He says that the clerks in the $900 grade in the bureau perform a higher grade of service than the average Government clerk who is getting $1,200. I was informed that the clerks provided here with a salary of $740 and $840 each do practically the same work as is done by the other clerks, and I would make a motion to amend and raise their salary but for the fact that the gentlemen would raise a point of order, and there is nothing that can be done.

Now, I call the attention of the gentlemen to another fact, that these charwomen are working for $400 a year, eight hours a day. These women who clean up down there during the day and during the night—I think anyone will agree—do a kind of work that should receive more than $33.33⅓ a month.

I desire now to say something about the clerks. It may be of some interest to relate something about how the classification of clerks came about in the Government. The act of March 3, 1853, provided the first classification, and then class 1 got $900; class 2, $1,200; class 3, $1,500; and class 4, $1,800. On April 22, 1856, this classification was made, and class 1 got $1,200; class 2 $1,400; class 3, $1,600; and class 4, $1,800.

Now, I was interested to know how the cheaper clerks got into these bills, and I find that on January 9, 1896, the President of the United States directed the classification known as A when they received less than $720; B, $720 to $840; C, $840 to $900; D, $900 to $1,000; and E, $1,000 to $1,200. That was in 1896, when the wages of the country were at such a low standard that the Government lowered the wages of the employees, and I think justly so. But now, when everything has gone beyond all reason in the cost of living, certainly a similar advance ought to be made; and when the gentleman talks about a 10 per cent advance he forgets that the big corporations that are trying to meet this situation have raised wages 20, 30, and 40 per cent.

Mr. BYRNS of Tennessee. Will the gentleman please name the corporations?

Mr. DILL. Yes; I will name some of the corporations, since the statement was made on the floor Tuesday by one gentleman that he did not know of any that were giving such raise in wages:

The Bowling Green (Ohio) paper, under date of November 30, says that beginning with December 1 the Edward Ford Plate Glass Co. will increase the wages of their employees 8 per cent, making an increase of 26 per cent for the year—1,600 employees.

Mr. BYRNS of Tennessee. Now, the gentleman says they have an increase there of 8 per cent?

Mr. DILL. Over what had already been given this year.

Mr. BYRNS of Tennessee. Where does the gentleman get the authority that they have given an 18 per cent increase heretofore?

Mr. DILL. I have the statement of the newspaper printed in the town where the plant is located.

Mr. BYRNS of Tennessee. Does the gentleman know what salaries or wages this company pays to its employees?

Mr. DILL. I do not know; but I take it that they are as good as the Government pays when it pays $50 or $60 a month.

Mr. BYRNS of Tennessee. Does the gentleman know that the employees referred to get more than the amount paid by the Government for similar services and similar time?

Mr. DILL. No; I do not know whether they do or not.

Mr. BYRNS of Tennessee. Does the gentleman know whether or not they are required to work only seven hours a day and get 30 days' annual leave with full pay and 30 days' sick leave?

Mr. DILL. I do not know the details of their employment, but I do know they get as large wages as the lowest paid employees of the Government. They could not live if they did not.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. DILL. Mr. Chairman, I would like five minutes more, in order to point out some other instances to the gentleman.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. DILL. The New York World on December 7 says the Guaranty Trust Co. has given its employees a bonus of 22½ per cent. The Artisan, of Holyoke, Mass., says that the American Clothing Manufacturers' Association, beginning with December 18, will give an increase of 35 per cent to its 32,000 workers. The New York Sun on December 9 says that Charles H. Jones & Co. will give its employees 50 per cent of the year's pay as a bonus or increase in their wages. The Post, of Ellicottville, N. Y., says that the Eastman Kodak Co., of Rochester, announces to its employees that between December 6, 1916, and April 25, 1917, it will pay its employees receiving $20 a week or less an emergency wage amounting to 15 per cent of their wages and to those receiving between $20 and $50 a week an emergency wage of $3 a week. The Albany Journal states that the Alpha Portland Cement Co. announces it has increased its wages 10 per cent, which is the third increase in less than a year, and it makes an aggregate increase of 30 to 35 per cent and affects 1,200 to 1,500 employees. The Alling & Cory Co., says the Rochester (N. Y.) Democrat, has increased the wages of its employees who are receiving $25 a week or less 15 per cent beginning December 2.

The Boston American of November 29, 1916, says:

The American Clothing Manufacturers' Co. has increased the wages of its employees 35 to 40 per cent.

The Springfield Morning Union, of Springfield, Mass., of December 7, 1916, says that—

The average increase of wages of the Prentiss Co. since the first of the year has been 30 per cent.

Mr. BYRNS of Tennessee. I want to ask the gentleman this question.

Mr. DILL. All right.

Mr. BYRNS of Tennessee. Does the gentleman think it would be justified and would he favor an increase for the employees of the United States Government from 35 to 40 per cent, as he argues?

Mr. DILL. I said nothing of the kind. I say these poorly paid employees who have not been given a living wage should be given a wage that is commensurate with conditions under which they live, and no horizontal raise can be fair to men who have been getting only $50 or $55; and no horizontal raise would

be fair to men, either, who have been getting only $70 or $80. That is what I stated.

Mr. BYRNS of Tennessee. Is the gentleman opposed to a horizontal raise?

Mr. DILL. I will take that if nothing better can be had. Now, the gentleman talks about these horizontal increases in these bills that will raise all the wages. When you get the big supply bills through by the 4th of March you will find these provisions for these horizontal increases will be lost and will not be heard from.

I recognize that a great many firms in this country that have been increasing the wages of their employees have only increased them to the extent of 10 per cent, but in most of those cases a raise had already been made this year or last year, while the Government has not increased its salary scale in years. And now you meet this situation by proposing to insert in a paragraph at the end of this bill a provision to give a 10 per cent increase to these poorest paid employees, which, in effect, will amount to very little.

Mr. NORTON. Mr. Chairman, will the gentleman yield there?

Mr. DILL. Yes.

Mr. NORTON. The gentleman, I observed a few moments ago, listened to the statement of the gentleman from Iowa [Mr. GOOD] as to the employees of the Post Office Department, where the Government employees were being paid from 15 to 30 per cent more than similar employments in civil life. What has the gentleman to say regarding that? Does the gentleman agree to that or not?

Mr. DILL. I do not agree to that, and if I had the time I would produce some figures here in answer to what the gentleman said earlier in the day.

Mr. NORTON. I was interested in what the gentleman from Iowa said on that subject, and I was expecting the gentleman from Washington to reply. I wanted the gentleman from Washington to touch on that.

Mr. DILL. I did not see fit to speak at that time, because I wanted to take up the subject later.

Mr. NORTON. That is the statement the gentleman from Iowa made concerning the Postmaster General.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. QUIN. I move to strike out the last word.

The CHAIRMAN (Mr. LEVER). That amendment has already been made. Does the gentleman move to strike out the last two words?

Mr. QUIN. Yes.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] moves to strike out the last two words.

Mr. QUIN. Mr. Chairman, I have heard what the gentleman from Washington [Mr. DILL] says, and it occurs to me that it is time for somebody to say a word for the man who has got to pay all these increases of wages that you are talking about. [Applause.]

I do not know anything about the conditions of the State that the gentleman comes from, but has the gentleman heard here of a single Government employee asking that wages be reduced when food products have fallen in price below the cost of production? Has the gentleman from Washington any reason to say that when the farm products of this country are selling below the cost of production anybody from his State or anywhere else will at any time suggest on the floor of this House that the salaries of these employees of the Government should be reduced?

Mr. DILL. Will the gentleman yield?

Mr. QUIN. I will.

Mr. DILL. In answer to the gentleman's question I may say that whether they have asked for the decreases or not, the wages have been decreased, or positions have been established at much lower wages than previously existed, and the records show that the average wage in the Treasury Department to-day is less than it was in the year 1854.

Mr. QUIN. Has the gentleman since the Civil War ever heard of this Congress reducing salaries? It makes no difference how low the prices of products go, no Congressman ever rises and says, "We will reduce the salaries of these Government employees," or anybody else. The taxpayers of this country know that taxes are going up. There is not a single municipality in the State of Mississippi where taxes have not advanced; there is not a county in Mississippi where taxes have not advanced. The State taxes are heavy. That is the case with every State of this Union. Every man knows that the Federal taxes, the taxes of this Government, are growing by leaps and bounds. You have pending before the very committee that I have the honor to be a member of now increases of estimates that are enormous and astounding.

The gentleman from Washington says we should increase the wages of these Government employees more than 15 per cent. I notice gentlemen voted the other day to increase the allowance for their clerks from $1,500 to $2,000, and in addition to that they voted to put in $75 a month for a stenographer during the session for each Member of Congress. Do you believe the people are going to sit down idle while we sit up here in this revelry of official extravagance and go down into the Treasury and vote large sums in salary increases? It is outrageous and monstrous to do that here, when the people throughout the country can scarcely pay the taxes that they are paying to-day. Do you believe the people of the United States are going to indorse this continuous policy of raising the salary of everybody?

You say that a scrub woman who receives $33½ a month is getting too low a wage. Do you know of a scrub woman in private employment that gets as much as $33 a month, with 30 days' leave of absence in a year and 30 days' sick leave, and who gets every Saturday afternoon off and Sundays and holidays? In fact, do you know of any scrub woman in private employment who gets as much as a dollar a day?

We must consider the economies in private life when we consider the Government pay roll. I know that $33 sounds low when you consider the modern methods of extravagance. You speak of $33 a month for scrubbing out an office, but you do not consider all the sick leave and annual leave and holidays which they are allowed. In fact, it is a generous wage when all those things are considered. Those people work hard, it is true, for four or five hours a day, but you go down here to the old fellow in the field, working from 5 o'clock in the morning until after dark at night, and you will find he is paying for all this. Does not the gentleman know that the corporations that are making these wage increases that are referred to are not the ones who are really paying for them? The poor devils who till the soil are the ones who are paying the wages that every corporation in this country is apparently paying out. You will not accomplish this increase which is proposed by my vote. You are proposing to lay heavier burdens on the masses. You will not do it with my vote. I never yet have voted to pay out a single dollar that I would not do if it were my own private business. How many of you men on this floor, if you were running a business yourselves, would give an increase to your employees when you are hardly able to raise the normal pay roll? Already there is a deficit in the Treasury of the United States. Already we are looking about for new sources of taxation. We have increased the income tax, and I am in favor of increasing it more. What do you want to do? Do you want to go out and tax the plow, the hoe, the harness, the gears, and the wagon that the farmer uses? Is that the scheme you propose? How are you going to get the money? It must come from some source, you know. Some say we must have a protective tariff to raise it. Is that what you want? Are you going to tax the shirt off from a man's back and the shoes off from his feet? Are you going to tax the biscuits out of his mouth and leave his children crying with hunger? Is that the kind of a policy you want to pursue?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I ask unanimous consent for a little more time.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DILL. Will the gentleman yield?

Mr. QUIN. Yes; I will yield, but not long. Just for a question.

Mr. DILL. I have been asked so many questions, I should like to answer one. In answer to the gentleman's question as to whether I would take the biscuits away from people's mouths, I will say to the gentleman that I would tax the rich men of this country enough to see to it that the men who work for this Government may have biscuits to eat, anyhow. [Applause.]

Mr. QUIN. I hope the gentleman does not believe all he reads, all this magazine nonsense, and all this uplift policy. I have been born and reared to know what work is and what a dollar is worth; and when you tell me, sir, that you want to put biscuits in Government employees' mouths, you know they have all the necessities and comforts of life, and you propose to have them lounge in unneeded luxuries, and in doing that you are taking necessary food out of the mouths of the families of the men who have to pay these taxes. You are taking advantage of them and their families by putting additional taxes on them. If we continue to raise the salaries of these Government employees, if we continue to establish new positions where we know that already there are employees hanging

around who do not earn their salt, what will the taxpayer say? You say you want to take it out of the rich man's pocket. I am willing to take from those who have fabulous incomes a sufficient amount of taxes to support this Government in an honest and legitimate way, but I do not want to tax the rich, or anybody else, in order to add a useless expense. I do not propose to vote to take money out of the pocket of Mr. Rockefeller or of anybody else to pay something for nothing, to pay more than labor is worth. Every man knows that the laborer is worthy of his hire, but he must not expect to be worth more than his real value. There is where we go wild here. We allow the American people to be imposed on, because we do not have a proper regard for the sources from which this money must come. The American people know that a great sum of money must be raised. They do not know how it is to be raised. Why, if you take the American people as a whole, they know the cost of living is high. They know if their wages are raised it is building up an inverted pyramid that will fall back down on them when it becomes top-heavy, because, after all, the law of supply and demand must govern the prices, and when there is an enormous crop of the farm products of this country prices are low, and during that period of time the taxes are the same, except they are increased.

The taxes of this country now are increasing, and you propose by this system suggested by you to keep building up taxation. You propose, for all the different fads that come along, to increase taxation upon the American people. It must come out of the pockets of some one. Does it come out of the pockets of the men who are getting these increases? It comes out of the pockets of the producers of wealth. It comes out of the pockets of the man who tills the soil, and the man who labors in the sweat of his brow; and for that man, the American taxpayer, this Congress should have some regard. It should take some notice of his welfare instead of running wild about somebody else who is sucking the lifeblood from him. Let us look out for the man who has to bear this burden; let us have some respect for him; and, gentlemen, when the roll is called that is going to put every man on record here who voted the other afternoon to put $500 more yearly in the pockets of his clerk and $75 a month more for some stenographer to sit around in his office, let that man put himself on guard, and let his people look him in the face when he goes back home. I wish I could get behind the coat tail of some gentleman back in his district where the people are honest and work for their living. I wish I could get after the man who votes on this floor to put that enormous sum of money into clerk hire for himself. I will bet there would be a new face in Congress from that district next time. Do not mistake. The American people will not be fooled if they understand the facts. Understand the American people are going to want to know why you have increased all of these Government employees. Why is it you let them work only about seven hours a day? Why is it you propose to give them all the money that the people make, and some talk about retiring them on a pension after they have served Uncle Sam for about 20 years? The people want to know why that is. They want to know who is doing it. Is it you? How did you stand on the vote? How did you talk on this floor? Do you sing the same song back home that you sing here? Do you believe the American people would elect this same gang of men if they knew what outrageous extravagances they are perpetrating here? Do you believe that the American people would want to reach down in their pockets to pay Federal taxes while their little children hardly have decent clothes to wear to school for a few months in the year, when you pension somebody in Washington, when you increase everybody's salary in Washington, when you put moving pictures all around them, and send them to theaters, and up to the roof garden on the top of this great hotel down here at night? Do you think that is what your constituents want? Would you do that in your own private business? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Mississippi be extended two minutes in order that I may ask him a question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Mississippi be extended two minutes. Is there objection?

There was no objection.

Mr. RUCKER. Will the gentleman yield?

Mr. QUIN. Certainly.

Mr. RUCKER. I understood the gentleman a moment ago in speaking about the action of the committee day before yesterday in increasing the salary of the clerks to Members, to say that the Members put that in their pockets.

Mr. QUIN. I said that they could do what they wanted to do with it.

Mr. RUCKER. I understood the gentleman to say that they would put it in their pockets.

Mr. QUIN. I did not say that.

Mr. RUCKER. The gentleman did not intend to say that the Members appropriated that money to their own use?

Mr. QUIN. No. I said that they were increasing the salary of these clerks to sit around in their office and look pretty. You can get a competent secretary for $125 a month, which is the amount paid now.

The Clerk read as follows:

For purchase of cards and tabulating equipment for use in auditing accounts and vouchers of the Postal Service, including exchange and repairs, $139,400, to be expended under the direction of the Auditor for the Post Office Department under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That not exceeding $32,000 may be expended for the rental of tabulating and card-sorting machines.

Mr. DILL. Mr. Chairman, I move to strike out the last word. In the discussion that has proceeded here statements have been made both by the gentleman from Tennessee [Mr. BYRNS] and by the gentleman from Mississippi [Mr. QUIN], and I am not sure by some other, to the effect that the men who are employed by the Government here are getting much higher wages for the work they do than they can secure from private employers. The gentleman from Tennessee made the statement that in the State of Washington, from which I happen to come, men and women were being secured to do similar employment for as low or lower wages. I have here a statement placed in the hearings on the Nolan bill regarding the custodian service in various buildings in the United States, in which the rates of pay for work done by the Government employees are compared with those rates paid by city and county employees in some communities and towns.

Since the State of Washington was mentioned, I want to call attention to the fact that in Tacoma, Wash., where laborers in the post office and treasury building receive $660 a year, or a salary of $55 a month, employees doing similar work for the city receive $840 a year.

In the city of Spokane, where I live, we have what is known as a $3-a-day wage bill, and no man works for the city for less than $3 a day. I think similar laws are in operation in other cities in the State, but of that I am not certain. But I do know about the city of Spokane.

In the city of Portland, where the wages of the Government laborers are given as $660 a year, the wages of private employees are $780. Now, it is a simple matter to go throughout the country and take the number of cities and compare them with the Government employees. For instance, Detroit, where charwomen receive $300 from the Government, the county pays $720. In Superior, Wis., where charwomen receive $300, the city pays $480 to $540.

Mr. BORLAND. Will the gentleman yield?

Mr. DILL. Yes.

Mr. BORLAND. Does not the gentleman realize that there may be a great difference in the maximum hours that these charwomen labor? The Government maximum is four hours—two to four.

Mr. BYRNS of Tennessee. And the gentleman is comparing them with charwomen who work a full day.

Mr. DILL. I do not think so.

Mr. BORLAND. The salary that the gentleman gave indicates a full day's work.

Mr. DILL. At the Bureau of Engraving and Printing, I was informed by the director's office this morning that some of the charwomen work eight hours a day.

Mr. BYRNS of Tennessee. Oh, the gentleman is mistaken. The Director of the Bureau of Engraving and Printing did not ask for one dollar's increase for charwomen. I am sure the gentleman is mistaken when he says that the charwomen in that bureau work eight hours a day. It averages two to four hours a day.

Mr. DILL. That is true in the War, State, and Treasury Departments, but when I called attention to the fact that the charwomen at the bureau were getting $400, the statement was made that that was because they worked the full day.

Mr. BYRNS of Tennessee. Of course, I do not question the private information that the gentleman from Washington got from the Bureau of Engraving and Printing, but I do say that the director never made any such statement as that to the Committee on Appropriations or to me.

Mr. DILL. I will say that it was not the director, but the assistant director that gave me that information.

Mr. GOOD. Will the gentleman from Washington yield?

Mr. DILL. Yes.

Mr. GOOD. The gentleman from Washington took the floor to disprove the statements by the gentleman from Tennessee and the gentleman from Mississippi that persons employed by the Government received more wages than those in private employment. The gentleman from Washington has not referred to any private employment. The cases he referred to were simply those of city, county, and State.

Mr. DILL. Some were private.

Mr. GOOD. What ones were private?

Mr. DILL. I gave some from Portland.

Mr. GOOD. No; those were State and county.

Mr. DILL. The city of Superior, Wis., was private.

Mr. GOOD. Will the gentleman refer to some of the Washington cities where he knows what is paid by private employers?

Mr. DILL. I know that no skilled workman in Washington works for less than from $3 to $5 a day. Under Government employment skilled laborers are forced to work for very much lower wages.

Mr. GOOD. Does the gentleman think that we ought to appropriate for common laborers the same pay that skilled laborers receive?

Mr. DILL. No; but you appropriate $720 for a skilled laborer in this bill, and that is what I attempted to correct.

Mr. GOOD. Does the gentleman know the character of work that they do?

Mr. DILL. I went out to see what some of these laborers do who get $55 and $60 a month. I found that one of them had been sent over to the auditor's office to do electrical work. He is such a competent electrician at $60 a month that his chief sent him to do that work. I found another man trained sufficiently in the handling of a pump so that he was sent to fix a pump that had gotten out of order, and yet he was drawing only $60 a month for doing that work.

Mr. GOOD. I will say to the gentleman that the statute does not know any position of skilled laborer. Once in a while these people have received advanced pay and the reason for it is that they were skilled laborers.

Mr. DILL. It says skilled laborers.

Mr. GOOD. It is because they are getting more compensation than the others, and that is the only reason. An exception is made in their cases.

Mr. DILL. It says "skilled laborers." What it means I do not know. If it has any new meaning other than what it generally has, the gentleman must interpret it. The statute refers to them as skilled laborers at $60 a month. I maintain that a man who is sufficiently trained so that he can do electrical wiring and electrical work in a Government building is a skilled laborer, and that a man who can fix a pump which is out of order is certainly more than an ordinary laborer, especially when he can put in a new valve and that sort of thing. The gentleman from Mississippi [Mr. QUIN] made the ordinary speech that he has made every time it is proposed to spend a little money to help these employees get living wages, and yet we get up here and vote for millions and millions of dollars because of imaginary dangers or of doubtful value. He spoke of the committee of which he is a member and he said that there were so many millions extra proposed that we ought not to spend any more. Certainly, if we can afford to spend eighty or one hundred million dollars extra for the thing to which the gentleman refers, we can at least afford to spend two or three or four or five or even ten million dollars extra in order to give these men decent living wages. This talk about the taxpayer being unable to pay living wages I think is all buncombe. I think the taxpayers of the country are willing that Congress see to it that the men who work for this Government are given living wages, and men who get so wrought up over the fact that there may be $50 or $100 extra given to some man as a living wage are simply working on their own imagination. As I said a while ago, we received millions and millions of dollars more last year as internal revenue in the way of income taxes than we have ever received before, and that is all due to the great prosperity of the country everywhere, and the increased cost of everything brought about much of this great revenue, and we should recognize it to the extent of giving these men living wages.

Mr. SISSON. Mr. Chairman, a great deal is being said about the amount of money that the Government pays to its employees. I do not think any one who will make a careful investigation will fail to find that the statement made by the Postmaster General which was referred to by the gentleman from Iowa [Mr. GOOD], if he will consult his own people at home, about what they pay people working in private employment, is entirely correct, and that the salaries paid by the Federal Government are from 20 to 30 per cent higher than those paid for like services in private employment. A great deal also is being said about the high cost of living. It is true that the cost of living has reached an enormous point, and the expenses of the ordinary family have been increased a great deal, but we do not take into consideration the fact that when we make these increases in salaries in the departments of the Government they become permanent increases.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. In just a moment. You have fat years sometimes like this in private employment throughout the country, where factories are running overtime and men are begging to get employees, when they are taking them from sections of the country where they have never traveled to get labor before. Labor agents have been going all over the South getting men to emigrate at a wage less than this, especially the negro population, to work in the factories and in the mines. This is an abnormal condition in which we find ourselves, but this Government pay is steady and regular, there are absolutely no idle days, the man who works for the Government gets 30 days' leave of absence with pay and he gets 30 days' sick leave with pay, and also 11 holidays, I think it is. He gets his half Saturdays off during the summer. It is a delightful and desirable employment, but if you were to listen to some of the gentlemen on the floor of the House, you would imagine with their weeping and their woe that these people were drafted into the public service and were compelled to remain there. You would imagine that they were compelled to come into the service; that the great arm of the Federal Government was denying them the right to resign at any time they saw fit; and that there was some compulsory service about it. There is no compulsion that I know of.

The only trouble I have in my section of the country, and I believe this to be true in almost every congressional district in the United States, is to take care of the enormous number who are constantly applying to get into the service. Another thing as to wages. You will find wages in one section of the country infinitely higher than in others. The gentleman from Washington [Mr. DILL] compares things as he sees them in his own State, and yet perhaps they may pay higher wages there than they do in California, and in California they may pay higher wages than they do in Maine, and they may pay higher wages in New York than they do in Maine. It may be cheaper in the South than it is in the North and in the West. There is something remarkable about the labor market of the country. What would be a fair wage in one section of the country would not be in the other, and all the comparison that the gentleman makes is in that section of the country where he lives. What we ask gentlemen to do is to confine themselves to this territory here and around Washington, and when you take the private employment in this city and the States around Washington you will find there is everything in favor of the Government employee. The rule with the private telephone company here is that the girls get a dollar a day. I am not condemning nor am I defending that situation. The telephone girls in the Government service get $75 a month, and get all of the advantages of which I have spoken for Government employees. It seems to me that gentlemen are not confining themselves to the facts literally when they endeavor to convince the Members of this House and to convince the country that Congress has not been liberal with the Government employee. There is a responsibility that rests upon us, not of to-day but for the future, because when you increase the salary of one of the employees of the Federal Government that salary remains practically for all time, and within the last few decades there has been a gradual increase in many of the salaries. There is one other thing that ought to be referred to, and that is that when vacancies occur in the higher grades under the civil service men are gradually advanced from class 1 to class 2 and class 3, and they gradually get higher wages until they reach class 4.

Then there is opportunity for those who are efficient—those who are interested in the department's work, those who are willing to show they are competent, are filling the higher places, and are able to rise and get away from a mere clerkship, and you find the men who are getting salaries of $3,600, $4,800, and $5,000, many of them chiefs of their bureaus, getting $5,000 and $6,000, were the worthy Government clerks who were willing to work more and complain less, who thought more about making efficient clerks, doing efficient service for the people, spending more time in doing that than in complaining about the penuriousness of the Government. I find in private employment those men who work with you and for you, who give their time and attention ungrudgingly and show a deep interest in your business, are thoughtful of your interests, those are the men who get out of the lower places and get along in the world. In-

quiries have led me to believe this is largely true of the Government where men who start in at low wages, men inexperienced, who stand the ordinary civil-service examination, starting at the bottom and have several years' employment, are promoted to higher and higher places. Then the beauty of it is that there is no waste of time, the employment is fixed and permanent. When you work for a private employer and lean years come you are liable to be discharged. When you work for private individuals they are likely to find some excuse to get rid of you; but it is next to impossible to take a man off the Government service, and I say without hesitation that in accordance with the amount and units of labor performed that the Federal employees are paid better than they are paid for like services anywhere on this earth as a class. For years our Republican brethren controlled all branches of this Government. Nobody has charged them with not being liberal in treatment and in dealing with employees in the Federal service, and yet during those years there was no such demand for increases as are coming now and have come since the Democrats have been in power.

Now, the high cost of living is temporary—we all hope it will be temporary—which is due to war conditions and the fact that the countries in Europe are not going on with their private business, but the Governments have gone into the markets of the world and are mortgaging their posterity in buying supplies of food in order to insure themselves as nearly as they can for at least one year's supply of food in advance, building up an artificial high price for foods which the people of the United States have to meet in bidding for food. Unless they happen to have more of that particular food supply than they consume, they must enter the market and enter into competition with those people for foodstuffs at these enormous prices.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. It is utterly impossible for these enormous prices to long stay up, and the message that came from Germany to the neutral nations of the world that they wanted peace on the terms which they submitted to the neutral nations of the world immediately caused the food markets to respond, and there was an immediate drop in prices. Why? Because as certain as the war shall cease there will be an enormous drop, not only in the price of stocks, but in the price of foodstuffs, and that is due to the fact the Governments will get out of the market and will cease to purchase food at such enormous prices. This is all temporary, and we ought to consider it only for the time being. We ought to look to the thousands and millions of people in private employment, to the little bookkeepers, to the little clerks throughout the country in the towns and cities and villages and those sections of the country where they have had a crop failure, who have these wages to pay, and consider them. The man working on the farm, irrespective of where he lives, must take into consideration an inclement season, a failure of the crop.

If they happen to have a fat year or two, it may be followed in a few years by some lean year caused by unfavorable conditions. But that is not true with Government employees. Uncle Sam with his strong arm reaches out and he gets the money the very day and hour it is due and the Government employee is paid. I am tired, yes, I am getting sick, of this demogogy practiced here on the floor of this House with the idea of standing in well with the Government employee, with the idea of standing in with those people who are clamoring for these high wages. It is frequently contended that the various committees of the House do not give these people in the Government service consideration. But they do, and when you take into account, as I said of private employment, those people who are working on the farm, with all the uncertainties that they have in private life and in private business, in sickness, in the change of market conditions, and then take the certainty, which is like a bond, of getting your salary at the end of the month and the ease with which it is earned, you will understand why the Government service is the most sought for service of all the services in the United States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. AUSTIN. Mr. Chairman, I was a Government clerk in Washington City 39 years ago, in the Post Office Department. There has not been a general, systematic, scientific change in the classification, a general increase, or equalization of Government salaries since I severed my connection with the Post Office Department 40 years ago. I think the record will show there has not been a general increase in Government salaries in half a century. These clerks and other officials, with few exceptions, are to-day being paid the same wages that they were paid 40 and 50 years ago. Now, in your mind contrast the purchasing power of a dollar to-day with the purchasing power of a dollar 40 and 50 years ago. What this Congress ought to do, and what I urged upon the Committee on Appropriations several years ago upon this floor was that there should be a careful revision, a reclassification, a readjustment, and a general increase of Government salaries in every branch of the service in Washington City and throughout the country.

I also appealed for needed, humane, and just legislation for the worthy superannuated Government officials.

We ought to iron out all of the existing injustices and all of the long-standing inequalities and do what is right, just, and proper as regards the interests of the Government and in fairness to our faithful and efficient public servants. We come here hurriedly, and the members of this great Appropriations Committee are overcrowded with work. They do the very best they can with the time and the great and enormous amount of work which they have to deal with in the preparation of the many great supply bills of the Government. We ought, in justice to ourselves, in the interest of fair play, to insert in this bill a provision creating either a commission or a special committee to take charge of this subject from the adjournment of this Congress to the convening of the new Congress in December and come here next winter and adopt a report along sane and just business lines.

If any great private corporation or firm should attempt to conduct and manage its business as the business of the Government of the United States is managed, that corporation or firm would be wrecked. This great body is made up largely of lawyers, 90 per cent, I doubt not, who are not trained as practical, experienced business men in dealing with executive and complicated business methods. It would be perhaps a fortunate thing for the American people if at least one-half of Congress was made up of successful, trained, and experienced business men.

The Government of the United States after all is a business corporation, the largest corporation in the world. The taxpayers, the voters, the people are the stockholders. So in the management of this great corporation we ought to conduct its affairs just as the affairs of the United States Steel Corporation, with 200,000 employees, or other great corporations are conducted, and fix the scale of wages upon a standard based upon efficiency, upon the character of the work, and the value and importance of the services rendered. But here we take a nibble at it, a few hours in a hasty running debate on a bill from a committee which is swamped with work. Everybody's business in Congress is nobody's business. This unsettled thing goes on year after year, until half a century has passed away. We are now where we were 50 long years ago.

Mr. SHERLEY. Will the gentleman yield for just a question?

Mr. AUSTIN. No; I do not wish to do so. The gentleman can follow me.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent for an extension of five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. I have nothing but words of praise for my worthy colleague [Mr. BYRNS] in charge of this bill. Considering his surroundings and his environment and his opportunities, he has done remarkably well. But I deny the statement made by the gentleman from Mississippi [Mr. SISSON] that our prosperity is temporary. We have it from the leaders of the Democratic Party that the present prosperity is to last as long as Woodrow Wilson is President, because it is based on so-called Democratic "constructive legislation."

Mr. SISSON. The gentleman is wrong about my saying "prosperity." I said the high cost of living was temporary.

Mr. AUSTIN. Then, if high wages are to be maintained for four years in private manufacturing business and in commercial lines, why not measure up the scale of wages in the Government service at once. Here in the pending bill is an increase of $1 a week for certain Government employees. That is a magnificent advance in wages for the hard-working, married Government employee on an annual salary of $540 with which to meet the enormous increase in the cost of living. Ten years ago Congress took as an excuse the advance in the cost of living and increased the salary of every Member of Congress 50 per cent—increased it from $5,000 to $7,500. If Congress could do

that 10 years ago for its Members, why should Congress hesitate or refuse 10 years later to do a plain, simple act of justice to this great deserving army of efficient Government employees in Washington and in every State of the Union?

Oh, the gentleman from Mississippi, from a State in which they have a low standard of wages, is afraid of his constituents. I would rather be dead than be a coward. I have never yet attempted to evade my responsibility as a Member of this House to vote my honest convictions and to do what my conscience told me was right and just. It costs a Government official more to live in this magnificent city than elsewhere. A Government official must dress better here than the man on the farm in the swamps of Mississippi. I desire as a Member of this House to show my appreciation and my sense of justice by helping our competent, worthy, and deserving officials here and elsewhere. I earnestly hope this House will measure up to its plain duty on this question and write on the statute book an act of justice which has been delayed for half a century. [Applause.]

Mr. SHERLEY. Mr. Chairman, I desire to detain the committee but a moment or two, but there has been so repeatedly made the statement, both on the floor and in the press, that there has been no revision of salaries of Government employees—the gentleman from Tennessee says in 39 years; other gentlemen say in 50 years—that I am not willing to let the statement go unchallenged. I have been a Member of this House for 14 years, and during three-fourths of that time, nearly, a member of the Committee on Appropriations. I do not recall a single bill that has ever been reported in that time that did not carry increases in salary for some employees—sometimes many, sometimes few. And that has been going on not only for the years I speak of from my personal knowledge, but had been going on for many, many years prior thereto. So that the statement that there has been no general revision may be technically accurate, and yet the impression desired to be produced is as false as a half truth always is false.

There is another statement that goes unchallenged frequently, and that is that men are employed here by the Government at less wage than private employers pay for a similar class of work. Just the opposite is true, and I will guarantee to say that if a commission is appointed—and I hope one may be appointed—to go fully into the matter and investigate in the very newspaper offices that daily tell us here in Washington our duty in the matter they will find that the salaries paid there for a similar class of work is less than paid by the Government to its employees. With the exception of a few high-grade men, some of the lowest paid men are reporters employed by some newspapers, and it is so understood by all who are conversant with the facts.

Now, I am glad to vote for the increase that the committee has recommended. I am not prepared to say that it represents exact justice. Exact justice can not be done by any general rule. But I think it is high time that the country should understand that it is not true that the Government treats its employees niggardly, here or elsewhere. The statement will not hold. Whether they are engaged in manual labor or in clerical labor, speaking by and large, they are better paid, both in the amount they receive, and in the leave they get, and in the privileges they get, and their hours of labor, than men employed in similar employment elsewhere.

I come from a city of some fair size. I know something about terms of employment, even if I do happen to rest under the disadvantage of having been an attorney at law, which the gentleman from Tennessee [Mr. AUSTIN] seems to think is a very reprehensible fact. Perhaps he illustrates the old rule that what we least understand we most resent. But certain it is the fact remains that the Government has not treated its employees niggardly. I do not desire it to do so now.

In my judgment, the trouble with Government employment is this: We have too many men in the lower grades, being paid small salaries, who do not do much work, and too few men being paid larger salaries, giving a full day's work for the salaries they receive; and what ought to be done is to see to it that less men are necessary to do the work to be done, and then pay them a higher wage.

I am not urging now that the hours of employment should be increased. The Government's clerical employees are better off than employees that I know of in commercial cities. In my city you will find the average clerk going down to his work at 8 o'clock. He is lucky to leave for home a little before 6. He will go, the last two or three nights of the month, and stay at his office for several hours in order to check up and balance the books for the end of the month. And that condition is the usual condition in America.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The Clerk will read.

The Clerk read as follows:

Collecting the income tax: For expenses of assessing and collecting the income tax as provided in Title I of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, including the employment of agents, inspectors, deputy collectors, clerks, and messengers in the District of Columbia, and the several collection districts, to be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, including not to exceed $4 per diem in lieu of subsistence, $1,700,000; and authority is given to use $40,000 of said sum for the employment in the Bureau of Internal Revenue in the District of Columbia of necessary clerical and other personal services, and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman in charge of the bill state wherein the appropriation provided for here differs from that allowed last year? I understand the duties of the Internal-Revenue Office have been considerably increased by the new revenue laws, particularly that pertaining to the collection of the income tax.

Mr. BYRNS of Tennessee. This is the same amount that was allowed last year.

Mr. MOORE of Pennsylvania. The department has asked for no more than it received last year?

Mr. BYRNS of Tennessee. This is all the department asked for.

Mr. MOORE of Pennsylvania. Is it the same that was allowed last year?

Mr. BYRNS of Tennessee. It is the same that was allowed last year, and the same that was estimated for this year.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Collecting the tax on estates, munitions, etc.: For expenses of assessing and collecting the tax as provided by Titles I, II, and III, of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, and to pay such sums as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may deem necessary, $340,000, and the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this appropriation all necessary officers, experts, agents, inspectors, deputy collectors, clerks, messengers, and janitors, and to rent such quarters, incur expense for telephone service, purchase such supplies, equipment, mechanical devices, and other articles as may be necessary for employment or use in the District of Columbia, or any collection district of the United States, or any of the Territories thereof: *Provided*, That not more than $40,000 of the amount appropriated may be used for the employment in the Bureau of Internal Revenue in the District of Columbia of necessary clerical help at rates to be fixed by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury, and for the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. This appropriation of $340,000 is new, is it not?

Mr. SISSON. No; that is not new.

Mr. MOORE of Pennsylvania. Covering the collection of the tax on estates, munitions, and so forth.

Mr. SISSON. At the bottom of page 56?

Mr. MOORE of Pennsylvania. Yes; for collecting the tax on estates, and so forth.

Mr. SISSON. No. That was carried in the deficiency appropriation last year.

Mr. MOORE of Pennsylvania. It was carried in the deficiency bill at this same amount, $340,000?

Mr. SISSON. I think it is exactly the same.

Mr. GOOD. It is exactly the same.

Mr. MOORE of Pennsylvania. This is due to the passage of the new revenue bill, containing the income-tax provision?

Mr. SISSON. Yes.

Mr. MOORE of Pennsylvania. Can the gentleman state how many persons are employed in the service of collecting the tax on estates, munitions, and so forth?

Mr. SISSON. I can not; but if the gentleman desires I will make an investigation and find out.

Mr. MOORE of Pennsylvania. Can the gentleman state approximately how many persons are employed under this appropriation?

Mr. SISSON. No; but they are all employed under the classified service. The clerk informs me that there are something like 100.

Mr. MOORE of Pennsylvania. One hundred employees are engaged in this particular branch of the Internal-Revenue Service?

Mr. SISSON. Yes, sir.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Restricting the sale of opium, etc.: For expenses to enforce the provisions of the act approved December 17, 1914, entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," including the employment of agents, deputy collectors, inspectors, chemists, assistant chemists, clerks, and messengers in the field and in the Bureau of Internal Revenue in the District of Columbia, to be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and for the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, including not to exceed $4 per diem in lieu of subsistence, $300,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Here is an item of $300,000 for enforcing the so-called Harrison antinarcotic law. The Supreme Court has passed upon that law, so that prosecutions in certain cases have not been made recently by the department. In view of that fact I should like to ask whether the entire staff employed for the purpose of enforcing the antinarcotic law is still employed by the department, and whether there is any use for their services to the extent of $300,000?

Mr. BYRNS of Tennessee. So far as I am able to state, the entire staff is still employed, and it is contemplated they will be employed during the next fiscal year. The Secretary of the Treasury estimated for the sum that is allowed in this bill, $300,000.

Mr. MOORE of Pennsylvania. Reports coming from some of the large cities indicate that there has been no very great success in restricting the use of narcotics by habitual users, at least so far as the Government's power to restrict it is concerned. A number of cases have been tried in the courts of Philadelphia of which I have some knowledge, and they have been thrown out. I think some recommendations on this subject have been made by the Secretary of the Treasury with respect to an amendment to the antinarcotic law. Now, the question is, Are we maintaining all the machinery to the extent of $300,000 for enforcing a law which the Supreme Court has indicated is not enforcable in some respects?

Mr. BYRNS of Tennessee. This force is not used in prosecuting in the courts offenders against this act. This is for the purpose of ferreting out and detecting violations. Now, I happen to know of my personal knowledge that a great deal of very effective work has been done in the city from which I come by representatives of this department, and I assume that it is being done all over the country in the same way.

Mr. MOORE of Pennsylvania. The department has already a number of agents and representatives to enforce this law, but this bill provides that the appropriation shall be applied not only to the employment of deputy collectors, inspectors, chemists, assistant chemists, clerks, and so forth, but those "to be appointed by the Commissioner of Internal Revenue."

Now, if we are at a standstill with regard to the enforcement of the law, and some new legislation is necessary, why are we giving to the Commissioner of Internal Revenue the power to appoint new officials when apparently there is nothing to be done?

Mr. SISSON. I will state to the gentleman that my understanding is that that decision might affect some prosecutions, but it would in no wise decrease the force employed for the detection of violations of the law. Now, this force, of course, is limited by this appropriation. The words "to be appointed by him" would simply permit appointments to be made where necessary up to the limit of this appropriation. But if a man should die or resign and the appointment of a successor was necessary, that language would be necessary to carry it out. I suppose that was in the gentleman's mind.

Mr. MOORE of Pennsylvania. It looks to the future; and if there is nothing to be done, I was wondering why he would want to appoint new officials.

Mr. SISSON. The decision in no wise prevents the enforcement of the law. It is only in reference to the enforcement of some features of the law. The Supreme Court did not declare the law to be unconstitutional. They decided a case, and the decision was stare decisis as to that particular case, and would, of course, be the guide in future prosecutions in all cases exactly on all fours with that, but the decision in no wise affected the validity of the law generally.

Mr. MOORE of Pennsylvania. Does the gentleman know whether any legislation has been proposed looking to the carrying out of the recommendations of the Secretary of the Treasury?

Mr. SISSON. I have not heard of any legislation. Of course, that would not come before the Appropriations Committee.

Mr. MOORE of Pennsylvania. That would not come before the Appropriations Committee, but has anything appeared in the testimony before the Appropriations Committee bearing upon this subject?

Mr. SISSON. Not a word, as I am informed.

Mr. BYRNS of Tennessee. Of course the gentleman understands that druggists and physicians are all required to keep records.

Mr. MOORE of Pennsylvania. Yes; and I happen to know that that was the main purpose of the so-called Harrison antinarcotic law, and it did not go further than to provide for registration. That is a part of the trouble that the people are confronted with now who are undertaking to suppress the opium trade.

Mr. BYRNS of Tennessee. The force employed under this lump-sum appropriation are used largely for the purpose of investigating druggists and their records, to see whether the various drug stores and physicians are complying with the statute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. To make a long story short, the committee are convinced, then, that there is a necessity for the use of this entire $300,000 to carry out the law so far as it may be in force.

Mr. BYRNS of Tennessee. Most clearly, from the statement made by those representing the Bureau of Internal Revenue bofore the committee.

Mr. MOORE of Pennsylvania. All right.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

INDEPENDENT TREASURY.

Baltimore, office of assistant treasurer: That portion of section 3595 of the Revised Statutes which provides for the appointment of an assistant treasurer of the United States at Baltimore is repealed from and after July 1, 1917.

Mr. COADY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COADY: Page 58, line 21, after the word "treasurer" strike out the balance of the paragraph and insert, in lieu thereof, the following:

"Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; clerks—two at $1,600 each, three at $1,400 each, three at $1,200 each, three at $1,000 each; messenger, $840; three watchmen, at $720 each; in all, $31,500."

Mr. COADY. Mr. Chairman, my amendment strikes out the following provision in the bill reported by the Committee on Appropriations:

Baltimore, office of assistant treasurer: That portion of section 3595 of the Revised Statutes which provides for the appointment of an assistant treasurer of the United States at Baltimore is repealed from and after July 1, 1917.

I know it is and has been the policy of the Committee on Appropriations eventually to do away with all the subtreasuries in the United States, upon the theory that the Federal reserve banks would perform the functions now ordinarily performed by these Subtreasuries. In this connection I would like to read from the CONGRESSIONAL RECORD of December 15, 1914, a discussion between the gentleman from Iowa [Mr. GOOD] and the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], pertaining to this same item. The gentleman from Iowa said, in connection with this appropriation not only for the Baltimore Subtreasury but for the other Subtreasuries throughout the United States, amounting to $500,000:

Then the gentleman from New York must agree with me that the Committee on Appropriations, in this case, ought to have refused to report out this appropriation of half a million dollars.

The gentleman from New York replied:

I think not. The gentleman from Iowa will recall that not until this session did the committee wait to inquire into this matter, but at the last session of Congress, about a year ago, the committee took up the question as to the necessity of continuing the Independent Treasury system and Subtreasuries. It was then stated by officials of the Treasury Department that it had been impossible to determine the effect upon the Independent Treasury system of the operation of the Federal reserve act. I understand that no one lives who can tell just what effect the Federal reserve act will have upon the Subtreasuries or the Independent Treasury system until it is in working order and those connected with it have an opportunity to determine what is to be done. I think it would be great foolhardiness to abolish the Independent Treasury system without making ample provision for the continuance of its functions.

Continuing further, the gentleman from New York said:

The gentleman from Iowa must agree that until it is possible to say definitely whether there is necessity to continue the Subtreasuries or whether it is necessary to modify the law in some way, so as to fit in the Independent Treasury system with the new financial system resulting from the Federal reserve act, it would not be the part of wisdom to refuse to appropriate for the compensation of officials necessary to continue the fiscal operations of the Government so far as they are controlled by the Independent Treasury system.

Again, in March, 1916, an effort was made to strike this item from the bill, and the gentleman from Tennessee [Mr. BYRNS], who was in charge of the bill, was interrogated by the gentleman from Illinois [Mr. MADDEN], as follows:

Mr. Chairman, I want to inquire of the chairman of the subcommittee why it is that appropriations continue to be made for these Subtreasuries since we have established the Federal reserve bank act, which provides that all public moneys shall be deposited in those banks. What do the Subtreasuries do now?

The gentleman from Tennessee replied:

Mr. BYRNS of Tennessee. These Subtreasuries are places of deposit for our coin, and they also do the business of cashing checks and handling checks drawn on the Treasurer of the United States.

Mr. MADDEN. What are the Federal reserve banks for?

Mr. BYRNS of Tennessee. Well, the latter service is performed by the national depositories also. The Treasury officials have been giving some attention to the question of whether or not the duties of these subtreasuries can be transferred or devolved upon the Federal reserve banks, at least to a certain extent. But the gentleman is no doubt aware of the fact that in order to do this it would be necessary to pass some legislation and make provision for some of the duties now performed by the Subtreasuries. While most of the members of the committee are in accord with the idea of the gentleman from Illinois, that there might be an elimination of much, if not all, of the work done by these independent treasuries, we were unwilling to arbitrarily cut off all the appropriations until there had been some consideration given to the question of what particular agency was to perform the service now performed by them, and proper legislation passed in order to make it possible to transfer the duties.

Now, the gentleman will find in this bill, on page 62—

Referring to the bill under consideration—

a provision which the committee has recommended, directing the Secretary of the Treasury to report to Congress at the beginning of the next session which, if any, of the Subtreasuries shall be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued, the full reason for such continuance; or if any should be discontinued, what legislation will be necessary in order to transfer their funds or functions to the Federal reserve banks. The committee recommended that provision, so that at the next session of Congress we might possibly be able to devise some means whereby some of these independent treasuries may be eliminated.

Now, Mr. Chairman, notwithstanding the absence of the report, notwithstanding the fact that we have no additional light on the subject, the committee comes in here with the provision, not striking out all the Subtreasuries, but striking out the Subtreasury at Baltimore and eliminating that, and that only. There are nine Subtreasuries in the United States—at New York, Boston, Philadelphia, Baltimore, Chicago, Cincinnati, St. Louis, San Francisco, and New Orleans. As I understand the policy of this committee, as expressed in the debates heretofore held in this Chamber and expressed in the committee room, their policy is and will be to strike down all the Subtreasuries that I have just mentioned.

Now, if they want to eliminate the Subtreasury upon the theory that it is performing the functions of the Federal reserve bank, why did not they go to the cities that have both Subtreasuries and Federal reserve banks? Why did they pick out Baltimore, that has no Federal reserve bank, but only a Subtreasury? The Subtreasury performs a most useful function in the city of Baltimore, and if this provision stays in the bill that city will be deprived of something of great benefit and importance to the financial interests of our State.

Mr. PLATT. Will the gentleman yield?

Mr. COADY. Certainly.

Mr. PLATT. What does the Subtreasury do for the city of Baltimore?

Mr. COADY. The Subtreasury keeps on hand an immense amount of money, and a little later on my colleague [Mr. LINTHICUM] has a statement of the receipts and expenditures which he will explain in detail.

Mr. PLATT. Suppose the Subtreasury is abolished, would not the money taken from Government collections of customs and revenue be put in the Baltimore banks?

Mr. COADY. If this item stays in the bill and the Baltimore Subtreasury is eliminated it will be necessary for our banks in Baltimore and other institutions that take in a great deal of coin to pack that coin and send it to Washington at considerable expense and trouble.

Mr. PLATT. Could not the Baltimore banks take care of it themselves?

Mr. COADY. They can, but they must send it to Washington; they could not keep all of the coin there.

Mr. PLATT. They can if they want to.

Mr. COADY. Oh, no; they could not; that would not be good business. The gentleman from New York is wise enough and able enough to know that money must circulate, that you can not keep it in the vaults, and so this money would have to be shipped to Washington.

Mr. PLATT. You will have more money to use if you keep it there in Baltimore.

Mr. COADY. The gentleman knows that the Subtreasury is like a bank, and that the money keeps coming in and going out. The bank that keeps its money in its vaults is not prosperous.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I do not propose to take up very much time of the committee. I want to call attention to the fact that the Subtreasury has continued in Baltimore since 1870, or 46 years. Around it has grown up tremendous financial and banking interests. We are not like the inland cities; we are a seaport. We are perhaps the largest grain-exporting city in the country at this time. We have great customs receipts, all of which go to the Subtreasury.

This matter was taken up by the Appropriations Committee without any consideration and without any opportunity to place our case before it. The Treasury sent in estimates providing for the Subtreasury at Baltimore, and the first intimation that we from Maryland had that the committee had stricken out the Baltimore item was when the report was filed in this House. We had no opportunity to go and lay our case before the committee. We had no intimation that it was going to be eliminated. You may imagine how surprised the people were when at this time Baltimore is forging ahead as it never has before, when the Bethlehem Steel Co. is about to enlarge and increase its plant at an expenditure of $50,000,000, when we have at Curtis Bay new plants coming in within the last two years involving an expenditure of $25,000,000, when we are increasing on every hand.

Now comes the blow to remove the Subtreasury at a time when we most need it. You gentlemen who were here when the Federal reserve act was passed and when the Federal reserve banks were located will remember that the people of Baltimore contended that the Government ought not to try to make water run up hill by creating a Federal reserve bank in Richmond instead of Baltimore. Nevertheless the bank went to Richmond. We are not complaining about Richmond having it, but we do say that as they have the Federal reserve bank we ought not to be further humiliated by taking away from us the Subtreasury.

I want to call further attention to the fact that every city in this country larger than Baltimore has a Federal reserve bank, and we do our business through the Subtreasury, which we otherwise might do through a Federal reserve bank. If the Subtreasuries are to be removed, why take it from Baltimore city, which has merely the Subtreasury and not a Federal reserve bank? If you are going to try it on some city, do it on some city which is amply provided by a Federal institution to do the business.

It has been asked of what use is the Subtreasury. I want to say that during the year from December 1, 1915, to November 30, 1916, the Subtreasury did a business of over $227,000,000. The following table shows it in detail:

Receipts.

Currency received for redemption	$19,525,881.00
Deposits for credit of 5 per cent redemption fund	14,846,478.00
Deposits received for official credit of United States disbursing officers	2,768,086.00
Deposits covering excess funds (collections from customs and internal-revenue receipts)	31,346,337.29
Deposits for issue of order gold certificates	9,700,000.00
Deposits of coin for exchange and redemption	10,158,486.26
Deposits received in payment of drafts charged through Baltimore Clearing House	15,211,305.28
Currency received for exchange of coin	10,155,092.00
Total	113,711,665.83

Disbursements.

Payments made on account of checks, drafts, coupons, etc	$19,352,380.92
Payments made in redemption of order gold certificates	9,610,000.00
Payments of currency made in redemption of coin	10,158,486.00
Payments of currency for mutilated currency	19,525,881.00
Shipments of currency	22,485,023.00
Payments of coin	15,155,092.00
Payments made on Treasurer United States transfer orders	5,324,800.00
Payments of emergency currency	150,150.00
Exchanges of currency	12,390,400.00
Total	114,152,212.92

If you take that away from us, all that business has to be done through Washington at a tremendous expense to our financial institutions.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. PLATT. The Subtreasury does not loan any money to anybody in Baltimore, does it?

Mr. LINTHICUM. No.

Mr. PLATT. All it does is to take in money and lock it up so that you can not get at it?

Mr. LINTHICUM. It does not lock up much of it. It pays it out on checks and drafts, it redeems currency that has been destroyed or defaced, it changes money into small coin so that it can be used in the large packing interests in Baltimore, and it does an innumerable number of things that help out in our financial world.

Mr. PLATT. Does it do anything that a national bank can not do?

Mr. LINTHICUM. Yes.

Mr. PLATT. Except locking up money?

Mr. LINTHICUM. Of course, a national bank could redeem currency which has been defaced or destroyed. It might change money, but can you imagine how much money it would compel the national banks to carry when you realize that the great packing interests of Baltimore do millions of dollars of business which they have to pay out in small coins, nickels and dimes and quarters? I can not imagine how much money the national banks would have to carry on deposit all of the time. You can imagine the business of this Subtreasury when I tell you that last year they did a business of over $227,000,000.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MANN. How does the Subtreasury furnish them money for their pay rolls?

Mr. LINTHICUM. I presume it gets a large part of it from Washington.

Mr. MANN. Does not it furnish it through the national banks?

Mr. LINTHICUM. No; it furnishes small coin through the Treasury Department.

Mr. MANN. What do they turn in to get the coin?

Mr. LINTHICUM. Notes of large denomination, checks, and paper of that kind.

Mr. MANN. Which they could just as well turn in at their banks and get the same thing for it.

Mr. LINTHICUM. I am not disputing the fact that if you are going to take away the Subtreasury at Baltimore, we might be compelled to expand the actions of our national banks to cover all those processes, but I do say that it will cost our financial institutions more than $200,000 to do that, and all the appropriation here is $31,500 to maintain our Subtreasury.

Mr. MANN. Does the gentleman think that we ought to establish a Subtreasury at Detroit and one at Columbus and one at Cleveland?

Mr. LINTHICUM. There is reason why Baltimore ought to have it.

Mr. MANN. And not Detroit?

Mr. LINTHICUM. Baltimore is a port of entry.

Mr. MANN. So is Detroit.

Mr. LINTHICUM. Detroit is not a foreign port of entry.

Mr. MANN. Why, certainly it is.

Mr. LINTHICUM. Not to any extent.

Mr. MANN. It is right on the border, and Baltimore is not. Baltimore is an inland town.

Mr. TALBOTT. It is on Chesapeake Bay.

Mr. LINTHICUM. Nobody would seriously consider the business that Detroit does with Canada. Baltimore is one of nine cities with Subtreasuries, and you pick out Baltimore and eliminate it and leave all of the other Subtreasuries in all of the other cities where they also have Federal reserve banks.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LINTHICUM. There is no reason why Baltimore should be separated and segregated as the one city to do away with the Subtreasury. If the Subtreasury is not of any use in Baltimore, of what use is it in any city that has a Federal bank? Why not take it from that city?

Mr. MANN. That is what we would like to know. We would like to eliminate all of them.

Mr. COADY. Will the gentleman from Illinois add to the bill the Chicago Subtreasury?

Mr. MANN. I am perfectly willing to eliminate the Chicago Subtreasury.

Mr. LINTHICUM. You have a Federal reserve bank in Chicago, and it can perform the functions of the Subtreasury.

Mr. MANN. There are lots of cities that do not have Federal reserve banks or Subtreasuries, and they have not all gone out of business.

Mr. GOOD. If Baltimore had a Federal reserve bank, would the gentleman then think they should still have the Subtreasury?

Mr. LINTHICUM. I want to say this: That if Baltimore had a Federal reserve bank, and you were going to do away with the Subtreasuries and give the power which the Subtreasury now has to the Federal reserve bank, and do it in all the cities that have Federal reserve banks, I do not know that we should object.

Mr. GOOD. What good purpose would the Subtreasury perform that could not be performed by the Federal reserve bank, if one were located there?

Mr. LINTHICUM. I am told that with very slight legislation, if any, the Federal reserve bank could perform the functions of the Subtreasury, but we have no Federal reserve bank.

Mr. GOOD. Then there would be no need of a Subtreasury at Baltimore, even from the gentleman's standpoint, if you had a Federal reserve bank there?

Mr. LINTHICUM. I am told, I say, that with slight additional legislation the Federal reserve bank can perform the functions of the Subtreasury, but the fact is, as I have said, that Baltimore has no Federal reserve bank. So let us have our Subtreasury and do business as we have done for nearly a half century.

Mr. LOBECK. Will the gentleman yield for a question?

Mr. LINTHICUM. Certainly.

Mr. LOBECK. Does not the Government have a Government depository in your banks?

Mr. LINTHICUM. The Government deposits in the national banks and then the money is transferred to the Subtreasury, and the custom receipts are sent to the Subtreasury.

Mr. LOBECK. And they would be reported to Washington?

Mr. LINTHICUM. Of course.

Mr. LOBECK. That is what they have to do in all the cities.

Mr. LINTHICUM. That may be where they do not have any Federal reserve bank.

Mr. LOBECK. We do more packing business in my city alone in a week than you do in a month.

Mr. LINTHICUM. Mr. Chairman, there is a statement made that Baltimore had only a cash balance of $16,000,000 in the Subtreasury. I want to say the only reason Baltimore had a cash balance of $16,000,000 in the Subtreasury was, before we built our new customhouse, where the Subtreasury is located, the money was reduced by the Treasury Department to $16,000,000 because of the fact we had not the vault room for it, but in the present building we now have room for some $50,000,000. But we have been able with that $16,000,000 to do a business of $227,000,000, so that we have not found the necessity for a larger deposit. We should be commended rather than penalized for being able to do such large business with this limited capital. There is no need of having a larger deposit than you need to do business and we have found that $16,000,000 on deposit will do a business of $227,000,000.

Now, I ask this committee in all fairness and justice to restore our Subtreasury appropriation. If in the future you consider these Subtreasuries are not needful and you decide to pass certain additional legislation giving that power to the Federal reserve banks, let us go before the committee and lay our claim before the committee and let it decide upon proof furnished to the committee and a proper hearing that it is unnecessary.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINTHICUM. I would ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. LINTHICUM. But do not exercise this snap judgment on us, which is unjust to the Baltimore Representatives. We had not the slightest chance to go before the committee. We

knew nothing about this situation. There are people who wonder why Baltimore should be singled out without being given notice as to the abolishment of our Subtreasury. What we ask is fair play. Do not make fish of one and flesh of the other. Do not take the Baltimore Subtreasury away from Baltimore without giving her a chance for a hearing, a chance to produce evidence. Do not single her out as one in nine because we happen to be near by and the first on the list. Give us a fair show in this matter and let us have our Subtreasury restored to us at this time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, the following is a letter from the Acting Assistant Treasurer of the United States:

TREASURY DEPARTMENT,
UNITED STATES SUBTREASURY,
Baltimore, Md., December 14, 1916.

Hon. J. CHARLES LINTHICUM, M. C.,
House of Representatives, Washington, D. C.

SIR: At the request of Mr. C. C. Homer, president of the Baltimore Clearing House, I beg to hand you the analysis of the figures given you by Mr. Homer showing the transactions at the Baltimore Subtreasury from December 1, 1915, to November 30, 1916, aggregating more than $200,000,000.

In reference to the cash balance of $16,000,000 carried in the vaults of the Subtreasury at this city, please be advised that this amount may be reduced at any time by transfer order from the Treasurer of the United States, and was reduced by many millions of dollars to relieve the congestion of the vaults pending the construction of the present quarters, which have vault space to accommodate $50,000,000 in coin.

The millions transferred have never been replaced, and the fact that the present balance has not reached larger proportions, notwithstanding annual transactions of over $200,000,000, is due to the fact that the heavy deposits made with the Subtreasury are practically offset by the large volume of its disbursements.

Respectfully,

C. P. HAMMOND,
Acting Assistant Treasurer of the United States.

Mr. PLATT. Mr. Chairman, the gentlemen from Maryland [Mr. COADY and Mr. LINTHICUM] have set forth the claims of Baltimore in the Subtreasury matter very ably. It does seem a sort of injustice to take away the Subtreasury from Baltimore without giving a hearing, but I desire to say there is no reason for a Subtreasury in any place except as a matter of sentiment. A Subtreasury is of no benefit to the people of Baltimore, but it is a positive detriment. It takes in the money collected by the customhouse and locks it up, and if you take it away they will put that money in the banks of Baltimore, where it would serve as a basis of credit. All the Subtreasury can do for business is to make change. Perhaps if a man has got a $1,000 bill he could split it up in the Subtreasury, but the banks can do the same thing, and far more.

Mr. COADY. If the gentleman will permit, I want to say in answer to the gentleman's query in that respect the banks would be compelled to keep a large amount of their own money on hand. They would be compelled to keep a large amount of money idle in their vaults.

Mr. PLATT. They would get it from the United States Government.

Mr. COADY. They could do that, but they would have to send to Washington for money and pay the express on it, which would be expensive, and of course they would lose the interest.

Mr. PLATT. Oh, no; they would not have to bring money from Washington, except perhaps rarely.

Mr. COADY. I beg the gentleman's pardon, but they would. They would be compelled to send to Washington and have the money expressed to Baltimore.

Mr. PLATT. Where does the money come from in the Baltimore Subtreasury now? Is it not taken in at Baltimore through the customhouse and the internal-revenue collector's office?

Mr. COADY. Not all the money. There are cancellations and——

Mr. PLATT. The reason why a Subtreasury was put at Baltimore was because considerable sums are collected in the customhouse there from duties on imports, as Baltimore is an important port of entry. There is no money sent there that does not come from there originally. Large amounts are collected in Baltimore, and that money ought to be deposited in the banks in Baltimore. The whole Subtreasury system was established in 1846 to take the place of the United States bank. Previous to that time the money was turned into the United States bank. Now we have practically restored the United States bank in creating the Federal reserve banks, and there is no earthly reason why we should keep up the Subtreasuries. The money collected from customs and internal revenue ought to be put in the banks, and there is no bank in the United States that would not be glad to get it and put up collateral for it or make any other arrangement required. Of course, they would have to keep a large amount of money on hand, but they would get it in the form of deposits from the United States Government and it would be a great benefit to them.

Mr. TALBOTT. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. TALBOTT. The bankers in Baltimore were all here before this committee, and they prefer to have the Subtreasury in which to deposit.

Mr. PLATT. I suppose it is a matter of pride with Baltimore to keep this Subtreasury. Baltimore ought to have a reserve bank, and if you abolish this Subtreasury you will have a branch reserve bank, and the branch will be so big that it will wag the other end.

Mr. COADY. Do I understand the gentleman's position to be this: This Congress has passed considerable legislation for the benefit of the working people of this country, for the farmers, for the cotton growers of the South, and do I understand his position to be to object to an appropriation of $31,500 for the benefit of the business men and financiers of Baltimore, who give the money to enable the wheels of progress to go around?

Mr. PLATT. I may say that the Subtreasury in Baltimore is a positive detriment to the business interests of Baltimore, and the whole Subtreasury system is a drag on the business interests of the United States. I do not except the New York Subtreasury. There may be reasons for keeping a Subtreasury in New York, but I do not believe they are convincing. I think the money collected by the United States Government as revenue ought to go into the banks, where business men can borrow it if they want to do so, under such regulations and safeguards as the Government may see fit to put in force. The Subtreasury is a scheme for taking money and locking it up. It is an old stocking, a scheme for hoarding money. A bank is for keeping money in circulation. It is not an old stocking and is of benefit to the business interests of a city.

Mr. COADY. The gentleman evidently did not follow the statement read by my colleague [Mr. LINTHICUM], which showed receipts of over $100,000,000 and an expenditure of more than the amount received, showing that there is no question of the old stocking there. It is a circulating medium.

Mr. PLATT. The Government pays out money on appropriations and pays it out as Congress votes it out. It takes in the actual cash, and does not create credit or put money in circulation as a bank does.

Mr. LINTHICUM. Does not the gentleman think if you are going to do away with the Subtreasuries at all, you ought to do away with them all? Do you think it better to leave the Subtreasury in cities that have not reserve banks than leave it in cities that have reserve banks?

Mr. PLATT. If you take this away from the city of Baltimore, you will have a reserve bank there, in my opinion.

Mr. TALBOTT. Let us have the bank first.

Mr. PLATT. I will help you.

Mr. COADY. I would like to say to the gentleman that there will have to be some changes down in the Treasury Department before Baltimore has any chance.

Mr. PLATT. That may be. I think it can be definitely proved to anybody that a Subtreasury is of no benefit to any town except as it employs a certain number of clerks. How many in Baltimore?

Mr. COADY. Twenty-one.

Mr. PLATT. All that it does for Baltimore is to pay the salaries of the assistant treasurer, cashier, and clerks who are there, and in these prosperous times every one of these men can get a better job if he would go out and hustle for it.

Mr. MANN. Mr. Chairman, I realize how difficult it is to abolish a job. There is no man or woman who holds a position under the Government of the United States but that can give a good and plausible reason for the continuation of the position, and there is no one so much without influence or friends that he can not persuade great numbers of estimable people to urge that the position be continued. That is the case here.

Mr. COADY. Will the gentleman yield?

Mr. MANN. If I get more time; but I do not want to yield for irrelevant matters.

Mr. COADY. Does the gentleman deny that these Subtreasuries are a great convenience to the business interests of the cities in which they are located?

Mr. MANN. I do. I deny that they are any convenience to the business interests, and assert that the only reason the gentleman is urging the continuation of the Subtreasury in Baltimore is because his leg has been pulled by it. He has to appear and advocate it. The business men of Baltimore think

they have to do so. They are asked to do so by the Subtreasury office. They are going to discriminate against Baltimore. You can raise that cry in any hamlet, village, or city in the United States and get an uproar at once from all the people there.

Mr. COADY. Does the gentleman admit that they are of great convenience?

Mr. MANN. I do not. I assert that they are no convenience to the business public.

Mr. COADY. I am sorry the gentleman is such a poor business man.

Mr. MANN. That is just a gratuitous insult.

Mr. COADY. I did not mean it as such, and if the gentleman took it as such I withdraw it. It was only a little pleasantry.

Mr. LINTHICUM. I will say to the gentleman that not one of the officeholders ever came to me with a proposition.

Mr. MANN. Oh, no; they have sent somebody. They have sent them to me. I know. It comes from the Subtreasury office.

Mr. GOOD. If the gentlemen will permit, I will say that we had a hearing yesterday morning, and the man most interested appeared before that committee, and he is holding the office of subtreasurer in Baltimore.

Mr. MANN. I do not want to criticize a subtreasurer for wanting to hold his place.

Mr. LINTHICUM. Let me answer the gentleman.

Mr. MANN. No; not in my time. It is enough to answer the gentleman myself, let alone somebody else. You can not stop one office without a contest.

Now, when we passed the Federal reserve act everybody here, I think, believed we were going to do away with the Subtreasuries. When the matter first came before the House on this appropriation bill after the Federal reserve bank was created I asked why we were continuing the Subtreasuries. The Committee on Appropriations did not know, but did not feel warranted in abolishing the offices without further information. The matter came up again last year. Last year the Committee on Appropriations, in reporting the bill, recommended that there be a report from the Treasury upon it, and included in the law this provision:

> The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if in his opinion any should be continued, the reasons in full for such continuance—

And so forth. The Secretary of the Treasury, in violation of the law, in plain disregard of the mandate of Congress, has insulted us by refusing to make any report upon the subject at all. Since when——

Mr. LINTHICUM. He included it in the Book of Estimates, did he not?

Mr. MANN. Since when has an executive officer of the Government grown so great that he refuses to report to Congress in reference to the possible abolition of an office in order to maintain some pet in a job? He is not trying to maintain the pet in Baltimore, probably. Perhaps the subtreasurer in Baltimore is not the particular man in the mind of the Secretary of the Treasury.

Mr. LINTHICUM. He included it in the Book of Estimates, which was sent to the Committee on Appropriations.

Mr. MANN. He did not comply with the directions of the law, which directed him to give the reasons for the continuation of any of these Subtreasuries; and being unable to find any reason for their continuation, he just plainly disregarded the act of this Congress and said nothing at all, and included these estimates in the Book of Estimates. There is no good reason for the continuation of any of the Subtreasuries.

I am sorry that Baltimore happened to be at the head of the list and happened to be struck first. I wish it had been Chicago. There is no reason there for a Subtreasury.

Mr. LINTHICUM. We will trade.

Mr. MANN. We ought to find nerve enough to abolish some of the useless offices now maintained by the Government, especially when we have created other offices to do the work which they now do.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not think there is anyone who considered the matter who did not expect all of the Subtreasuries of the United States to be abolished after the passage of the Federal reserve act. It seems to me there can be absolutely no excuse for maintaining two governmental institutions, one of which is capable of performing all of the duties and all of the necessary functions required for the Government and the people.

Mr. TALBOTT. Mr. Chairman, will the gentleman yield for a moment?

Mr. BYRNS of Tennessee. Yes.

Mr. TALBOTT. If that is true, why did you not start on some location where they have a Federal reserve bank?

Mr. BYRNS of Tennessee. I am coming to that. That is the main purpose for which I rose.

Mr. TALBOTT. Was not this appropriation estimated for in the Book of Estimates?

Mr. BYRNS of Tennessee. It was estimated for in the Book of Estimates, and I will come to that if the gentleman will bear with me. Shortly after the Federal reserve act was passed the Committee on Appropriations began to make an effort to elicit from the Government officials the reason why all the Subtreasuries of the United States should not be abolished and their duties transferred to the Federal reserve banks. The act creating the Federal reserve banks specifically authorizes them to be made fiscal agents of the Government, and certainly there can be no reason why the duties performed by any Subtreasury can not be performed by the Federal reserve bank; and if my information is correct the Federal Reserve Board and the Federal reserve banks are very anxious to have those duties transferred to those banks. In addition to this, the farm-loan banks may also be used as fiscal agents.

Now, the gentleman from Maryland [Mr. TALBOTT] asked me why Baltimore was singled out for recommendation in this particular instance. As I said a moment ago, ever since the passage of the Federal reserve act the Committee on Appropriations has been endeavoring to get some information upon which it could base some report to the House with respect to these various Subtreasuries. The hearings of last year and the hearings of the year before will all show that this matter was gone into fully with the Treasury officials, and, as the gentleman from Illinois [Mr. MANN] said a moment ago, failing to get the information that we have called for repeatedly, the Committee on Appropriations recommended to this House, and Congress wrote into the law, a specific direction to the Secretary of the Treasury to report at the beginning of this session of Congress whether or not any of these Subtreasuries could be abolished, and, if not, to give Congress the reason why they should be maintained, or why we should not abolish them all.

Now, when the committee took up the hearings at this session we called for that report, but were informed that it had not yet been submitted; and, later on, before this bill was finally reported, we again called for it, and were unable to get it. I am merely stating the facts. The Secretary of the Treasury has been away in connection with his official duties as a member of the Farm Loan Board, and I am not criticizing anyone for the failure.

Now, we were convinced, and, I think, any man on the floor of this House will be convinced if he stops and considers it for a moment, that there is absolutely no reason, no economical reason, why any of these Subtreasuries should be maintained. The whole nine Subtreasuries are costing the people of this country approximately $500,000 every year in salaries, and I want some gentleman to tell me why the people of this country should be taxed to maintain these nine Subtreasuries when, as a matter of fact, these Federal reserve banks can perform the same functions with the same degree of convenience to the public and at no additional expense to the people. In addition to that——

Mr. TALBOTT. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TALBOTT. What I want to know is why the gentleman did not select some place that has a Federal reserve bank and a Subtreasury, both, and wipe out the Subtreasury there, and then find out how it would work. That is what I want to know—why you discriminate against Baltimore and leave undisturbed the Federal reserve-bank cities where the other Subtreasuries are?

Mr. BYRNS of Tennessee. When the committee began to consider this matter at this session, with such information as could be obtained, it was disclosed to the committee that Baltimore carried the least amount of funds of any Subtreasury in the United States on November 29 of this year. The statement was made that on that day Baltimore was carrying funds of the Government amounting to $16,000,000; that Boston was carrying funds amounting to $33,000,000, Chicago $115,000,000, Cincinnati $33,000,000, New Orleans $30,000,000, New York $325,000,000, Philadelphia $25,000,000, St. Louis $43,000,000, and San Francisco $90,000,000.

It developed in the hearings that Baltimore was carrying less than 50 per cent——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask unanimous consent that the chairman of the subcommittee in charge of the bill may have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Tennessee be extended five minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. It developed that Baltimore was carrying 50 per cent less funds than any other Subtreasury in the United States; that it was the smallest and did less business than any of them.

Mr. TALBOTT. And yet did over $200,000,000 of business.

Mr. BYRNS of Tennessee. In addition to that, Baltimore is located within 40 miles of the city of Washington, within about an hour's ride of the main Treasury. The Baltimore banks can therefore get the necessary coin from the Treasury more cheaply and more quickly than the banks of any other city. As has been suggested here, there are large cities all over this country which have no Subtreasuries or Federal reserve banks, and we have not heard any complaint from the bankers and business men of those cities that their business is being injured because they have no Subtreasury.

Mr. FESS. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I yield to the gentleman from Ohio.

Mr. FESS. In view of the fact that we have no instructions from the Secretary of the Treasury, when our request was that if there was any reason for continuing the Subtreasury the reason be given, is not that a justification of the abolition of all of these Subtreasuries?

Mr. BYRNS of Tennessee. I think the gentleman from Ohio is entirely correct in his conclusion, and possibly if we abolish one of them, or if we abolish a number of them—and I am willing to vote to abolish all of them, because I do not believe they are necessary—if we abolish some of them, then if there is any real, genuine reason why they should be maintained, some one may furnish the reason to Congress, something which has not been done up to this time.

Mr. COADY. Will the gentleman introduce an amendment to abolish them?

Mr. TALBOTT. To abolish all of them?

Mr. BYRNS of Tennessee. I will vote for such an amendment.

Mr. COADY. If the gentleman believes they ought to be abolished, he ought to be consistent enough to offer an amendment to do it.

Mr. BYRNS of Tennessee. I have been a Member of this House long enough to know that when you undertake to combine together a great many of these various propositions to abolish useless Government positions you have less opportunity to abolish any of them.

Mr. TALBOTT. That shows how unfair you are to our city of Baltimore.

Mr. BYRNS of Tennessee. A few years ago, when a proposition was made to abolish all the needless and useless assay offices over the country, there was a combination of the delegations from the States in which those assay offices were located, as a result of which the proposition to abolish them was defeated; but I want to say to the gentleman from Maryland that if he will offer a proposition to abolish all of these Subtreasuries I will very cheerfully vote for it.

Mr. COADY. As I understand the gentleman, that is a warning to Boston, New York, Philadelphia, Chicago, St. Louis, and some other cities to look out, that the same thing is coming to them.

Mr. STAFFORD. They are not represented here as Maryland is.

Mr. MOORE of Pennsylvania. I think the gentleman ought to withdraw that remark.

Mr. STAFFORD. In view of the fact that the gentleman from Pennsylvania [Mr. MOORE] is here, I think I will. [Laughter.]

Mr. BYRNS of Tennessee. It is a warning to this extent, that those cities should be sufficiently patriotic and interested in the general public good to understand that the Federal reserve banks can carry on the business of these Subtreasuries, and that in the interest of economy, in the interest of a tax-burdened people, this expense of over $500,000 ought to be taken from their shoulders and the functions of the Subtreasuries transferred to the Federal reserve banks.

Mr. TALBOTT. Mr. Chairman, I move to strike out the last word. I am going to take only a minute. The gentleman says the Federal reserve banks ought to take the places of these subtreasuries. I admit that they can in the cities where there are Federal reserve banks; and the bankers who came before the gentleman's committee yesterday from Baltimore stated that if they had a Federal reserve bank they would not be asking for the continuance of the subtreasury in Baltimore. But we have no Federal reserve bank. Now, what I want to know is, If you believe that the Federal reserve banks can take the place of the subtreasuries, why did you not select, for the purpose of ascertaining whether they could do it, a city with a Federal reserve bank? That is what I want to make this House understand.

Mr. MOORE of Pennsylvania. I move to strike out the last two words.

Mr. Chairman, I shall support the amendment offered by the gentleman from Maryland [Mr. COADY], and I call upon gentlemen from the State of Massachusetts to witness what has just taken place in this House. Not such a combination of assay office representatives as the gentleman from Tennessee has kindly indicated existed heretofore, but a combination prepared to take away from the State of Massachusetts the Subtreasury that is now located at Boston, and that has been located there for many years. And taking the gentlemen at their own word, those who propose to abolish the Subtreasury at Baltimore, I call upon the gentlemen from Massachusetts in this House to take notice that they have warning that the next step is to abolish the Subtreasury at Boston, Mass. Let every gentleman from Massachusetts take notice that the committee have begun their work upon Baltimore, and have given notice that they propose to proceed against Massachusetts next.

Mr. GORDON. And Philadelphia, too.

Mr. MOORE of Pennsylvania. It looks that way. I call upon gentlemen in this House representing the State of Illinois—and there are many of them, and very good, strong Representatives of the people of that great State—to observe that notice has been given that the next move will be to remove from the city of Chicago the Subtreasury that has been there for many years, and that has been doing excellent service.

Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. GARDNER. As a gentleman from Massachusetts, having every intention of voting for the amendment of the gentleman from Baltimore [Mr. COADY], I suggest that it is not always well to threaten people.

Mr. MOORE of Pennsylvania. In view of that statement I call upon the able Representatives of the great State of Ohio—and there are many of them in this House now, and others will be here when the time comes to vote upon this question—to observe that they have notice that the entering wedge has been driven for the destruction of all the Subtreasuries in the United States, and that the committee intend to proceed against the State of Ohio next year and to remove from Cincinnati the Subtreasury that has long existed at that place.

Mr. PLATT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not, because I want to pass down the line. The gentleman is in opposition and wants to do away with the Subtreasury in New York. I am not in favor of that just now. I have been calling in clarion tones, as it were, to the gentlemen from Ohio to take notice that they are in danger of losing their Subtreasury. Are there any Representatives from Louisiana here? Well, let me suggest to them that they have had in New Orleans for many years a Subtreasury of which they have been proud and which they earnestly needed.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I regret I can not yield to my friend from Ohio. I want them all to take notice that they have notice from the committee in charge of this bill that the purpose is to do away with all Subtreasuries.

I call upon the Representatives from the State of New York, the great Empire State that usually defends itself well in this House, to observe that the committee has served notice that the destruction of this Subtreasury at Baltimore is but a move ahead of the taking away from New York of the Subtreasury which, according to the report read by the gentleman from Tennessee a moment ago, has housed more than $200,000,000 at a recent period. We are going to distribute this money to other sections of the country, and the New York Members will kindly take notice.

I call upon the Representatives from Pennsylvania to observe——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Well, it is the same thing with Missouri and the same thing with California. Gentlemen, get busy, for the "big stick" is on your trail. [Laughter and applause.]

Mr. CANNON. Mr. Chairman, I make the pro forma amendment to strike out the last two words. I do not know that I have knowledge which I can impart to the members of the committee as to the propriety or impropriety of the provision in the bill. I do know that the consensus of opinion in Illinois,

and I believe in Indiana and generally throughout the country, that the member banks of the central reserve bank have not paper that they can discount and will not have in the future under the existing law in regard to Federal reserve banks. I do know further that there is a practically universal protest. I think I may safely say that over two-thirds of the member banks of the Federal reserve bank, or its branches, are uneasy and restless because they are compelled under the law, without one cent of interest, without any advantage to themselves, to make large deposits in the Federal reserve bank without interest or profit.

I think I know further that in the so-called and real depression that followed 1913, when we were in great trouble, that the relief that was given was not under the Federal reserve banking law, but it was given under a law that was continued for a year longer when the Federal reserve law was enacted. The relief came under the provisions of that law that was continued for one year.

Now, I know further, and I can safely say, that in the Middle West the members of these reserve banks keep deposits with the city banks in the Federal reserve cities for the reason that they get 2 per cent interest for the money that is not being used, and with the hope and expectation that if they want their money out of the banks where it is deposited in the reserve cities, that perchance they may get it out by the reserve-city banks furnishing the security that will enable them to get the money from the central reserve bank to pay the country banks what the city banks owe them.

Now, I do not know, under the existing conditions, whether the Subtreasuries should be abolished or not, but so far— and I think I could have substantially the uniform approval of the banks in the Middle West, the country banks, in this statement—that so far as I am concerned, I believe I am justified in saying that if they were present, without exception I would receive great applause for what I am saying now. [Applause.]

Mr. GLASS. Mr. Chairman, I move to strike out the last three words. I am sure that the gentleman from Illinois [Mr. CANNON] is inconsiderate and uninformed when he undertakes to make to this House a statement that the member banks of the Federal Reserve System have not in their portfolios paper which may be rediscounted with the Federal reserve banks. As a matter of fact, when I last examined the figures, there was in the portfolios of the member banks, outside of the reserve and central reserve cities, $1,326,000,000 of paper that was subject to rediscount on the 90 days' basis and a large additional amount of cattle and other agricultural paper of six months' maturity. Of the 90 days' paper the great Middle West alone supplied, as I recall, nearly a third of the total amount, while of the cattle paper nearly the whole of it was furnished by the West and Southwest.

I further desire to say to the gentleman, when he represents to the House that the banking community of the United States does not derive any advantage from the Federal Reserve System, that his impression is radically different from that which I have, as well as from that which anybody must receive by close observation of the operations of the Federal Reserve System. The system, for the first time in 50 years, insures the banking community of the United States against precipitate crises in financial matters and the country against appalling panics. The banks of the country are thoroughly well satisfied, except a certain group that wants to continue to graft on commerce and industry by appropriating to itself the privilege of indiscriminate taxation. The banks that are most dissatisfied with the Federal Reserve System are not members of it, but desire to use its facilities without accepting its responsibilities.

I desire to insist, in spite of the gentleman's observation to the contrary, that it was the Federal Reserve Banking System that protected this country against a financial catastrophe when the European war broke out; and to his observation that it was the Vreeland-Aldrich Act that averted disaster, I desire to respond by saying that the original Vreeland-Aldrich Act was not worth the paper it was written on until the Sixty-third Congress radically amended its provisions and made it operative.

Under that act as originally passed the tax on emergency currency ranged from 6 to 10 per cent, and the gentleman from Connecticut [Mr. HILL], one of the best-informed Members of the House, served notice upon Congress at the time that the Vreeland-Aldrich bill was pending that no prudently operated bank on earth could avail itself of its privileges; that it was preposterous to imagine that the crops of the country could be moved or urgent business be transacted with an emergency currency taxed at from 6 to 10 per cent. Moreover, the Republican chairman of the Banking and Currency Committee of the House observed at the same time that any bank that would apply for currency under the terms of the Vreeland-Aldrich bill, with its prohibitive rate of taxation on emergency notes, would not need currency, but would need a receiver, and that if he were the Comptroller of the Currency he would appoint a receiver for it. It was not, therefore, the original Vreeland-Aldrich Act, but a very different act, that met the emergency in August, 1914. Furthermore, I call the gentleman's attention to the fact that the extension of the Vreeland-Aldrich Act constituted a provision of the Federal reserve act itself. But for the enactment of the Federal reserve act we should have had, when the crisis came, neither the Vreeland-Aldrich Act, which had expired by limitation, nor the Federal Reserve System. We should have been utterly helpless under the rigid restrictions of the old national bank act.

As to the merits of this proposition to abolish the Subtreasuries, I am not precisely informed. If they ought to be abolished, why they ought to be abolished, and that is all there is to it. The House should act without reference to the outcry of those who lustily protest, for undisguised local reasons, that an institution once created should forever be retained. The spectacle presented here a moment ago, when the gentleman from Pennsylvania [Mr. MOORE] appealed to Congressmen of States having subtreasuries to band together, regardless of the merits of the question, to prevent what may be a desirable economy in the conduct of the public business, was amazing. It was, indeed, the most extraordinary spectacle I have witnessed in the 15 years I have been a Member of this House.

Mr. CANNON. Mr. Chairman, frankly I do not know what office the Subtreasuries perform for the country that would fail to be performed in the event they were wiped out. I have always been a little conservative touching matters of which I am not fully informed, about changing the law until I am informed. There is a great deal of money locked up, you say, in these Subtreasuries, but there is not more than enough, I presume, to keep the silver bullion and dollars in the Treasury Department at a par with gold and to support the greenbacks at a parity with gold. But I shall not speak of that further. I do know one thing, however, or think I know it. I think the reserve system is here to stay, but it stays in my section of the country, in the Middle West, so far as the country banks are concerned, as they believe, very largely at their expense, without profit; and I want to say that in the Middle West the country banks do not graft. The rate of interest follows the market, substantially. Their discounts, however, are to the business men in the smaller towns, and in the smaller cities, and to the farmers, although in the main in the section of the Middle West where I reside the farmers are quite six in their deposits in the banks, while other people are half a dozen. What I complain of is not on my own account, but the protests that I get, that this act, if it is to remain permanently, ought to be improved to be of some advantage to three-quarters of the banks of the country—not for graft; nay, nay, but in their accommodation where they do accommodate the farmers, and they do where the farmers desire it in my section, as well as the business men; and the paper that they take does not fill the requirements of the Federal reserve act. How far we could amend the law so as to meet that difficulty I do not know. Oh, it is a last year's bird nest to quarrel about whether it was the Aldrich-Vreeland Act or the Federal reserve act that benefited the country. You repealed the Aldrich-Vreeland Act, or, rather, it expired by limitation, and you extended it for a year. Possibly and probably you added some amendments to it that made it more workable.

So far as I am informed, I want to be practically fair to the House and fair to myself. There was a depression in 1907, and the country banks received relief from deposits of public money in the Subtreasuries and at Washington upon securities not deposited by the country banks, but upon securities that were good and valid deposited by the city banks, and the money was used by the city banks to pay their indebtedness to the country banks, and I believe never a cent lost. I do not care about wrangling over this matter. I say again, it may be that these Subtreasuries ought to be abolished. I only have the feeling, as one Member of Congress, that I ought to be further informed. The regional act is far more popular in the great commercial centers than it is in the country.

I had occasion at a State bankers' meeting in Illinois last fall, where there were 500 country bankers present one evening dining at the close of their session, to make substantially the remarks I made here, and I said, "If there is any country banker or any banker present outside of the city of Chicago who indorses the Federal Reserve System, let him hold up his hand," and I waited, and I looked around over that audience of 500 bankers and not a hand went up, and I said, "No one is satisfied with the Federal Reserve System under the present condition of the legislation."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GOOD. Mr. Chairman, I had supposed that this matter had been pretty thoroughly thrashed out in the hearings and on the floor of this House. I have yet to hear one word why these subtreasuries should be retained. When the bill creating the Federal reserve banking system was under discussion on the floor of the House it was frequently stated that it was the intention that that system should absorb all of the duties of the Subtreasuries, and since that law has been in effect not a single person has appeared before the subcommittee and given a single reason for the retention of the Subtreasuries. Out of an abundance of caution last year when this bill was before the House we wrote into the law that at this session of Congress the Secretary of the Treasury should report which of the Subtreasuries should be retained.

Here is the act of Congress approved May 10, 1916:

The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued, the reasons in full for such continuance; also if any or all of said Subtreasuries may be discontinued, what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to the Federal reserve banks.

That is the law; that the Secretary of the Treasury, you will observe, was commanded to report to us at the beginning of this session of Congress what Subtreasuries should be retained—not what ones should be abolished, but what ones we should retain; and as the chairman, Mr. BYRNS, has told you, when we tried to get the Secretary of the Treasury to come before our committee and tell us which ones should be retained he was not in town, and we postponed the hearings on that proposition from day to day and at all times requesting some one to come and tell us which of these Subtreasuries we should retain. Neither the Secretary of the Treasury nor anyone for him has yet appeared before the committee or furnished this information.

And to this day the Secretary of the Treasury, in violation of the act of Congress and in plain violation of his duties, has not told Congress which one should be retained. The logical inference is that all should be abolished. It remained for the gentleman, the distinguished gentleman from Pennsylvania [Mr. MOORE], to tell us why they should be retained, and his reason is that Members of Congress from Massachusetts, and especially from Boston, from New York, from Ohio, from Illinois, and the other States where Subtreasuries are located, should violate their oaths as Members of this House and for reasons of pure pork and for no other consideration should vote to retain these Subtreasuries. The gentleman from Maryland had a hearing yesterday. Bankers came before the subcommittee. What was their argument? Their argument was that because they did not have a Federal reserve bank in Baltimore it was necessary, if we should abolish the Subtreasury there, for the bankers there to pay the express charges on coin and currency that is shipped from the Treasury at Washington to the national and other banks at Baltimore.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOOD. No; I can not yield. And if this is a sufficient reason for the retention of the Subtreasury at Baltimore, is it not also a sufficient reason why we should establish a Subtreasury in every State and every city where you have a national bank and unload on the Government, if you please, the expense of sending subsidiary coin and currency to the various National and State banks? Why, they estimate that cost, as I recall it, to express the coin and currency to Baltimore, if we should abolish the Subtreasury there, at about $50,000. Who pays it now? Why, the Treasury of the United States pays it. And that is why Baltimore wants to retain the office. My friend from Tennessee [Mr. BYRNS] says that the Subtreasuries cost $500,000 They cost that much in this bill, and I recall we appropriated a large sum of money in the sundry civil bill to pay the expense of sending coin and currency from the Treasury at Washington to the various Subtreasuries.

Mr. BYRNS of Tennessee. I was referring to the salaries.

Mr. GOOD. I understand that. In addition, there is a large sum appropriated in another bill. Why should not these people pay for sending the coin and currency to Baltimore the same as other cities do?

Mr. COADY. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask for a couple of minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman. [After a pause.] The Chair hears none.

Mr. COADY. The gentleman asks why we should expend this amount of money. Does not the gentleman think we should expend this money, $500,000, if it is in the interest of the business and commercial——

Mr. GOOD. Not unless it is needed to perform a governmental function. There is no more reason for a Subtreasury at Baltimore than there is for many other cities, such as Detroit——

Mr. COADY. That serve the business interests of the country.

Mr. GOOD (continuing). Or Buffalo or Pittsburgh or Omaha or a great many other cities——

Mr. KONOP. Or Milwaukee.

Mr. GOOD. Every bank outside of a Subtreasury city pays the express on every kind of currency and so should Baltimore. One reason why the committee decided to eliminate the Subtreasury at Baltimore was that Baltimore is only an hour's ride, 40 miles, from Washington. Anyone having business with the Treasury of the United States from Baltimore can come to Washington in an hour's time. Then, why should we appropriate this sum of money in addition to the $50,000 the bankers estimate that it would cost us to send the currency and subsidiary coin from the Treasury at Washington to that Subtreasury. It seems to me that inasmuch as not a single reason has been advanced by the Secretary of the Treasury why any of these Subtreasuries should be retained, although instructed by Congress to point out the Subtreasuries that should be retained, and nobody here or elsewhere can give a good reason for the retention of this office, we ought in the interest, especially in the present condition of the Treasury of the United States, to be mindful of a threatened deficiency there, even if the Secretary is not.

The CHAIRMAN. The time of the gentleman has expired. All pro forma on amendments are withdrawn and the question is on the amendment offered by the gentleman from Maryland [Mr. COADY].

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. LINTHICUM) there were—ayes 59, noes 60.

Mr. LINTHICUM. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. BYRNS of Tennessee and Mr. COADY) reported that there were—ayes 71, noes 60.

So the amendment was agreed to.

The Clerk read as follows:

Boston, office of assistant treasurer: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,500; vault clerk, $2,000; receiving teller, $2,000; redemption teller, $1,800; clerks—one $2,200, five at $1,600 each, one $1,500, one $1,400, two at $1,200 each, three at $1,100 each, four at $1,000 each; chief guard, $1,100; three watchmen, at $850 each; laborer and guard, $720; four money counters and handlers for money laundry machines, at $900 each; in all, $46,570.

Mr. SISSON. Mr. Chairman, I make the motion to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, strike out the paragraph beginning in line 1 and ending with line 9.

Mr. SISSON. Mr. Chairman, it is in the mind of your committee that these Subtreasuries are not needed. I am not going into any discussion at length on this question and do not want to provoke it, but I have felt all along that these Subtreasuries are useless. To begin with, you lock up something like $500,000,000, averaging about that much, which lies in these nine subtreasuries, useless to the country. I think it would be of very great assistance and help to the Federal Reserve System if we would put it in the Federal reserve banks, where it can be used and drawn against. In addition to that, the mere item of expense is something that is enormous. I do not believe that it was in the minds of the committee to single out any particular city, but it happened Baltimore came first.

Mr. IGOE. Will the gentleman yield?

Mr. SISSON. I will.

Mr. IGOE. The gentleman says there are $500,000,000 locked up. Now, is not that money held to redeem the gold and silver certificates, and how can you use it? If you do not keep it there, will you not have to bring it to Washington?

Mr. SISSON. If it is in the Federal reserve banks it could perform identically the same functions——

Mr. IGOE. Yes; but you would not use it in the commerce of the country.

Mr. SISSON. You could as a reserve.

Mr. IGOE. You could not do anything of the kind, because it is held against the gold or silver certificates, and naturally you have to have it there when people bring the certificates in.

Mr. SISSON. Some of the money deposited in the Subtreasuries is deposited for that purpose, but the money collected

from time to time in those cities is not kept there for that purpose.

The amount of money which is put into the Subtreasuries against gold certificates is a fixed amount and ordered to be kept there by the law.

Mr. IGOE. We have not any $500,000,000 available. If we had, we would be in much better position than we are now.

Mr. SISSON. If you take the amount of money that is in the Subtreasuries of the United States according to the last report, it is something over $1,600,000,000.

Mr. IGOE. What is it used for?

Mr. SISSON. I did not have any reference to that $1,600,000,000. I am speaking of that which floats about, not in the Subtreasury at New York, where we were called upon to build the vaults for the purpose of keeping the gold bars as a guaranty against the gold notes that have been issued. I am speaking of that which floats around at the Subtreasuries of the country. It may be a special convenience to a particular city where it is located, but under the old system of banking somebody had to have the convenience and you had to select arbitrarily the city in which you placed it, and that was the center and a convenience to the banks that needed the currency. But under the present Federal system of finances no living man has yet suggested a single thing—and we have had three years on the investigation, three hearings before the committee—or a single reason why this business should not be transacted in the 12 Federal reserve banks and not in the 9 Subtreasuries.

Mr. TILSON. Will the gentleman yield?

Mr. SISSON. I will.

Mr. TILSON. Would not the gentleman's argument apply to all the banks and all the Subtreasuries, and would not the committee have been in better position before the House if they had gone right to the root of the matter and abolished all of the Subtreasuries?

Mr. SISSON. Well, that might have been tactically a better position, and I want to say that personally I agree with the gentleman; but they say if you can not abolish one you can not abolish them all.

Mr. MOORE of Pennsylvania. Does the gentleman think the Federal Reserve Bank System has proceeded far enough for the country to be satisfied that it ought to abolish the existing system?

Mr. SISSON. I think there is no question about it.

Mr. MOORE of Pennsylvania. The committee came in here——

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I would like the gentleman to answer that question, because when I was discussing the matter from the floor a little while ago I had no opportunity to discuss the merits of it.

Mr. SISSON. What is the question?

Mr. MOORE of Pennsylvania. My point is this, that the Federal Reserve Bank System has not proceeded far enough, has not yet secured a sufficient foundation in this country, for us to let go and abolish an existing system that we may still need.

Mr. SISSON. So far as that single proposition is concerned, that the Federal Reserve System should not prove to be a success, I do not concede at all, because I believe it will succeed and is already a success; but if not it will merely mean that in the same bill in which you should abolish the Federal Reserve System you may reenact the Subtreasury system.

Mr. STAFFORD. I want in reply to the gentleman to answer his question. It was stated, as the gentleman will recall, in the hearing yesterday that the Federal Reserve System has advanced so far in Boston, for instance, that they have abolished the clearing-house system there, and there is no longer any necessity for any clearing house in Boston, but that that work is being performed by the Federal reserve bank of Boston.

Mr. SISSON. Yes.

Mr. MOORE of Pennsylvania. If the committee had been satisfied that it could recommend to this House the abolition of all the Subtreasuries because of its confidence in the Federal Reserve System, was it altogether fair to come in here with a proposition to abolish the Subtreasury at Baltimore merely as an example to the rest of the Subtreasuries?

Mr. SISSON. The criticism is of the committee, and I do not think it is a just one at all. My own personal position is that we ought to abolish all, but the committee felt that Baltimore, being close to Philadelphia, within an hour's run, and close to Washington, too, with the trains running as regularly as they do, any argument that might be made about the supply of coin or currency would be more easily met there; and the committee took that view of it. My own personal view—and I will state now that I am acting in my own individual capacity in making the motion to strike this out——

Mr. LONGWORTH. This is not a committee amendment, then?

Mr. SISSON. It is not; but it is an amendment of your humble servant's.

Mr. GARDNER. Will the gentleman withhold that amendment until to-morrow? There is no Massachusetts man on the floor of the House except me. I do not think it is a proper thing to bring that matter up at this late hour. I would request the gentleman to ask unanimous consent to have it go over until to-morrow.

Mr. SISSON. I will state that I have no objection to its going over; but, of course, our friends from Boston ought to be as regular in attendance as the gentleman who now has the floor.

Mr. GARDNER. One of the Members from Boston is on the floor, as I see now, so that I will withdraw my suggestion.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. LOBECK. In what way does the Subtreasury receive its money?

Mr. SISSON. The Subtreasuries get their money from the collections of internal revenue and the collections of customs duties at the ports.

Mr. LOBECK. Is that so?

Mr. SISSON. Yes. The Government officials collect the money from the various sources and put it in the Subtreasuries. The Subtreasury does not pay out the money.

Mr. LOBECK. There was a time in 1897 when the Subtreasury people could not get their money in the Subtreasury for two months.

Mr. SISSON. I have no objection to the Boston item coming up, but I am going to move to abolish each one of these Subtreasuries in its time. I do not think anybody will accuse us of singling out just one particular Subtreasury.

The CHAIRMAN (Mr. FOSTER). The time of the gentleman from Mississippi has expired.

Mr. TAGUE. Mr. Chairman, I hope that the gentleman will permit this matter to go over until to-morrow. I want to assure the gentleman that I have been here attending to my duties and have been attending a committee meeting for three days. That is the reason why I was not on hand and in attendance on the meeting of the House this morning.

Mr. SISSON. I understand the gentleman has been attending the sessions of the Committee on the Post Office and Post Roads. I have some little intimation from what the House did awhile ago with respect to the Baltimore item, which was singled out, that the Boston proposition will have the same fate.

Mr. DYER. Will the gentleman agree to go on then?

Mr. SISSON. No. I would like to have included in this Baltimore and all the Subtreasuries, all down along the line, and then the Secretary of the Treasury would have to say something to Congress. He would have to hear our request after the enactment of a positive law to the effect that we wanted to know why we could not abolish all these Subtreasuries, and if there was any reason why they should not be abolished, to state that reason, and what reason there may be why we should not abolish them all. In that way we may get an expression and response from the Secretary of the Treasury.

Mr. DYER. Will not the gentleman amend his unanimous-consent motion to include all the items, and vote upon them? Or does the gentleman want to vote on them now?

Mr. SISSON. I am willing, Mr. Chairman, that all the subtreasury matters should go over until to-morrow, including all the nine subtreasuries, and to-morrow I will make the motion to strike them all out at the same time.

Mr. MANN. The gentleman can not make that motion under the rules of the House. We have already wasted a half a day on this matter, and it seems to me we ought to wind it up to-day. If we go over it to-morrow, it will take all afternoon to-morrow.

Mr. SISSON. I am willing to accommodate the wishes of the gentlemen of the House.

Mr. MANN. If it is the desire of the Members of the House to expedite the business of the House enough to warrant us in taking a holiday recess, we can not afford to spend two days on the Subtreasuries.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. TAGUE and Mr. IGOE demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 45, noes 25.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those in favor of taking this vote by tellers will rise and stand until they are counted.

Mr. GARDNER. Pending that, Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and four Members—a quorum—are present. A quorum is here. The gentleman from Pennsylvania [Mr. MOORE] demands tellers. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Eighteen have risen, not a sufficient number. Tellers are denied.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chicago, office of assistant treasurer: Assistant treasurer, $5,000; cashier, $3,000; assistant cashier, $2,000; vault clerk, $2,250; paying teller, $2,500; assorting teller, $2,000; redemption teller, $2,000; change teller, $2,000; receiving teller, $2,000; 2 bookkeepers, at $1,500 each; clerks—1 $1,750, 1 $1,600, 9 at $1,500 each, 13 at $1,200 each; attendant for money-laundry machines, $1,200; hall man, $1,100; messenger, $840; 3 watchmen, at $720 each; janitor, $720; 8 money counters and handlers for money-laundry machines, at $900 each; in all, $71,420.

Mr. SISSON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the paragraph.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to be heard on that motion, because it is snap judgment on Representatives of the House who are not here at this time.

A little while ago a fair test was had here, so far as the Members present were concerned, with respect to the Baltimore item. A motion was made to replace in the bill the usual figures for the Baltimore Subtreasury. That motion was resisted by the committee. A vote was taken, and it resulted in favor of restoring the Baltimore Subtreasury to the bill. The committee, persisting in its desire to abolish the subtreasuries of the country, through one of their members at least, then made a motion to strike out the Boston item. The Representatives from Boston, some of them busy elsewhere, were not very largely upon the floor, having left the House, as the Representatives from other States had done, after the Maryland test vote was taken.

Mr. LINTHICUM. The Maryland Representatives are here.

Mr. MOORE of Pennsylvania. They may have returned—I am not referring particularly to Maryland—and if I can keep on talking until more Members return, my purpose in addressing the House will have been accomplished. I am watching the time, so that I may have the full five minutes to make this statement. This may give Members a chance to come in.

Mr. LINTHICUM. I have been here all the time.

Mr. GORDON. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. No; I will not yield.

Mr. LINTHICUM. I have not been out of the hall of the House.

Mr. MOORE of Pennsylvania. I am glad the gentleman from Maryland is here. I accept his statement, of course, but I hope other Members interested will come in.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am addressing myself to the amendment, and I hope I may do so without being filibustered against by members of the Committee on Appropriations.

The CHAIRMAN. The gentleman will confine himself to the motion which is before the committee.

Mr. MOORE of Pennsylvania. I am endeavoring to confine myself to the motion. I am resisting the motion to strike out the Chicago paragraph. I am aware that some gentlemen from Illinois are not in favor of retaining the Subtreasury in their own State; but if by holding the floor a little while to argue this question I may give Members from Illinois, and from Chicago in particular, an opportunity to go to the telephone and advise their fellow Members exactly what is happening, I may do some good for the city of Chicago and the State of Illinois. It seems to me Illinois ought to be advised that the guillotine is about to fall——

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield, because I have but five minutes. I am glad the gentleman from Illinois [Mr. RAINEY] has arrived and taken his place on the floor, in order, if he pleases, to declare himself against this motion.

Mr. RAINEY. I have been here during this entire discussion.

Mr. MOORE of Pennsylvania. I assume that is so. The gentleman from Illinois is eloquent and forceful, and could defend this item with singular ability if he desired to take the floor to endeavor to hold for his own State and for all the people of the country interested in its retention the Subtreasury at Chicago, which this committee is now endeavoring to abolish. I hope when I have finished, having attracted the attention of the gentleman from Illinois and others, that he will rise in his place and say that this is an unfair proceeding, that without notice to the people of Illinois, and particularly without notice to the people of Chicago, it is now proposed to sweep the Chicago Subtreasury off the map, without the business men of that community having a chance to be heard at all.

Now, by this motion the committee proposes to strike out the Chicago Subtreasury. That is only one Subtreasury; there are others. I call attention to the fact that the Cincinnati Subtreasury is next in line, and that some gentleman from Ohio might do his State a service and the Government a service by going to the telephone to call in the Ohio Members, and that the same thing might be done with respect to the State of Louisiana. Some gentleman might go to the telephone and call in the Louisiana Members, in order that they might thoroughly understand what is about to be done to the New Orleans Subtreasury, and the same with regard to New York, the same with regard to Pennsylvania, the same with regard to Missouri, the same with regard to California, some of whose Members have gone away, thinking the fight was won on the single item of Baltimore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, as a substitute for the gentleman's motion, I move to strike out the last word. For my part, I am perfectly willing to have this whole question considered on its merits; but if there is a disposition in this House to treat these questions unfairly, when the committee of the House whose duty it is to prepare this bill reports appropriations for all Subtreasuries except Baltimore, and then the Committee of the Whole restores the appropriation for Baltimore, and when it is moved to strike out the other appropriations recommended by the Committee on Appropriations, and I see the Committee on Appropriations itself not standing to its own guns, out of petulance because that committee was defeated by the Committee of the Whole House on the state of the Union, why then I will endeavor to the best of my ability during the further consideration of this bill to show that two can play at that kind of a game.

I notice particularly how the members of the Committee on Appropriations voted in support of their own item. If there was a single one of them that voted the way he reported, I would be glad to have him rise. I did not notice one. Now, Mr. Chairman, it is exceedingly likely that these Subtreasuries may be unwise; they may ultimately require all to be abolished. I confess that I voted to sustain the Baltimore item. Probably I did it in a light-hearted way, without giving the matter sufficient thought, but I know that the Committee on Appropriations had good reason for withdrawing the support for Baltimore. I presume they had good reason for making fish of one Subtreasury and fowl of another. But there is no justification on earth for that committee not having the courage to back up their own report.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GARDNER. I will yield to the gentleman.

Mr. BYRNS of Tennessee. The gentleman I know is aware that, owing to the fact that the Federal reserve bank has been located in the city of Boston, the clearing-house association has been abandoned.

Mr. GARDNER. No; I do not know that. I am not a Boston man.

Mr. BYRNS of Tennessee. I have understood from a source in which I have every reason to have faith that on account of the Federal reserve bank being located in Boston it is no longer necessary to have a clearing-house association, and that in addition to that the Federal reserve bank has actually taken over to itself many of the functions and duties formerly performed by the Subtreasury in Boston.

Mr. GARDNER. Then why did not the gentleman strike out the appropriation for Boston?

Mr. BYRNS of Tennessee. We did not receive that information until yesterday in the course of the hearings with reference to Baltimore. The hearings were conducted by the subcommittee yesterday on the Baltimore item after the bill had been reported to the House.

Mr. GARDNER. I do not know anything about the merits of the question, but I know that the committee does. But I know that you are making fish of one and fowl of another, because any man who can look at this bill with half an eye and who has listened to the debate knows that it is so.

Mr. GOOD. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. GOOD. The gentleman heard the speech of the gentleman from Pennsylvania?

Mr. GARDNER. Yes.

Mr. GOOD. Did he not hear an argument why every member of the Committee on Appropriations, and everybody else, should vote to strike out all of these items?

Mr. GARDNER. Yes.

Mr. GALLIVAN. Mr. Chairman, I move to strike out the last two words. I will tell my colleague from Massachusetts why this item was not considered by the Committee on Appropriations. I am a member of the Committee on Appropriations, and the proposer of the amendment here this afternoon did not dare to bring it up in that committee. I was present and I know.

Mr. SISSON. Mr. Chairman——

Mr. GALLIVAN. I decline to yield; I have the floor.

Mr. SISSON. I will be able to defend myself if the House will not.

Mr. GALLIVAN. Oh, the gentleman can not frighten me!

Mr. SISSON. I am not trying to frighten the gentleman; I am calling the gentleman to order.

Mr. GALLIVAN. Mr. Chairman, when this item was reported by the chairman of the subcommittee there was not a single suggestion of the action that was taken here this afternoon. I was there and heard the reason given for striking out Baltimore, and not one whisper was heard about this proposition which has been passed in the absence of my colleague from Boston [Mr. TAGUE] and myself. We have been all day long at a committee hearing before the Committee on the Post Office and Post Roads. We were at that hearing at the request of Boston's business men. The gentleman from Mississippi [Mr. SISSON] knew that we were there, because he saw us there this afternoon. I repeat that an unfair advantage has been taken of Boston and its Representatives in this Congress. The third Member from Boston, Mr. TINKHAM, is sick and can not be here. I do not know what the action of this committee will be about these other items, but I recall distinctly that the chairman of the subcommittee on this bill said to the full Committee on Appropriations that he had asked the Secretary of the Treasury for a report about these other Subtreasuries; that he was waiting to receive that report; and because he had not received the report the subcommittee decided to recommend the abolition of the Baltimore Subtreasury, simply and solely for the reason that Baltimore was but a few miles away from the Capital and that the work done by the Baltimore Subtreasury could well be done here in Washington. There was not a suggestion about this Boston proposition from any member of the subcommittee. The items for Boston and the other cities were unanimously approved, as I recall it, and I challenge any contradiction of my assertion. Why did not the gentleman offer his amendment in committee? My city is deeply interested in the attempt to discontinue the pneumatic-tube service as an adjunct to the postal system in Boston, and as a representative of the citizens of that city I am opposed to this abolition of the tubes. I have just come from the hearing before the Post Office Committee, where I have spent this entire day. Had I been advised that any such amendment as has been passed was to have been offered here I would certainly have been here and opposed such action. Why did the gentleman keep this thing to himself? I resent his action in the absence of my colleague [Mr. TAGUE] and myself, and I hope we will get a chance here to make a fight for Boston; but if we do not, thank God there is another body somewhere else that will give us half a show. [Applause.]

Mr. SISSON. Mr. Chairman, I was a member of the subcommittee. The subcommittee differed with me as to the course of procedure. I have always made it a rule to notify the committee if I differ with them on a matter. I did differ with them, with the very idea that I felt that all of those cities should be dealt with alike, and as I stated to the committee a moment ago, I felt that all of the Subtreasuries ought to be abolished; and feeling that way, I simply exercised my rights as a member of this Committee of the Whole to make that motion. It is not my purpose to take any advantage of anyone at any time. I have not done so, nor shall I wait when Members are not here. I did happen to know that one gentleman was a member of the Committee on the Post Office and Post Roads and happened to be there when he was on the committee. I did not know that the other gentleman was a member of that committee, nor have I thought it my duty to keep any lookout or watch upon him as to his whereabouts, whether he is in the committee or not, because I presume that he does as most Members do, exercises his own choice about where he will or will not be. I made the motion also as to Chicago, and I am going to make the motion on down the line, as I stated, as to the others. If this committee shall sustain me in the motion which I make in respect to Chicago, then we will have an opportunity in the House to take a vote on Baltimore. If by using this method I am able to abolish the Subtreasuries which for two years preceding this your committee has had under consideration, then I shall congratulate myself.

Last year and the year before we had some considerable hearings, and those hearings are to be had if the Members of the House desire them to read. I am convinced that these Subtreasuries are performing no proper function. That would be especially true with reference to Boston, because they have a Federal reserve bank in the city of Boston. So has the city of Chicago; but the matter now pending is the city of Chicago, and I shall make a motion to strike out the Subtreasuries in each of these cities, because I see no good reason, and I do not believe a single member of the Appropriations Committee who has given attention to this matter sees any good reason why they should be retained. Certainly, no member of the subcommittee has been able to find a single reason, nor has a reason been given to us by the Treasury Department, why they should be retained, although we asked by law that the Treasury give us a reason why they should be retained, and we have gotten absolutely no reason.

Mr. PLATT. Mr. Chairman, I agree entirely with what the gentleman has said, that they ought all to be stricken out; but the gentleman has said several times with regard to Baltimore that there was no particular reason why that should be stricken out. As a matter of fact, the hearings show that Baltimore is the smallest Subtreasury of the bunch.

Mr. SISSON. That is true; but I am simply giving you my position and not the position of the committee.

Mr. PLATT. That is an additional reason.

Mr. SISSON. And so, Mr. Chairman, I ask for a vote.

Mr. TAGUE. Mr. Chairman, I have no desire to question the motives of any member of the committee in striking out this section as applied to Boston, or the intention of anyone in striking out any other section applying to any other city, but I do believe that the members of the Committee on Appropriations should give some good reason before voting as they have why it should be done. I take issue with the chairman of this subcommittee that the clearing house of Boston has been wiped out. I do not know where he gets his information, and if he has his information it is not the information that I get or that my colleagues from Boston get. I do know the duties performed by the subtreasury in the city of Boston, and I know it is performing those duties faithfully and well. Mr. Chairman, I have confidence in the justice and fairness of the Members of this House and feel that when a question of this importance is before this body and the membership from that city are attending to their duties in committee and not present to take issue on the question that we will be given an opportunity to express ourselves, in order that we may tell this Congress what the people of our section of the country want.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. TAGUE. Yes.

Mr. GORDON. While the gentleman is on his feet will he just give us one reason why we should reverse the vote striking out Boston?

Mr. TAGUE. Mr. Chairman, I did not hear the debate or any of the reasons advanced for the striking out of Boston. It has been in existence for years.

Mr. GORDON. But they have no use or function to perform.

Mr. MOORE of Pennsylvania. Is it not a good reason that the committee has just voted Baltimore in?

Mr. GARDNER. After the fullest discussion for hours.

Mr. TAGUE. Mr. Chairman, I think the most important reason why it should be left in is that your Committee on Appropriations has already reported the item, and it is only when a member of the subcommittee comes in here and tells the committee in a few moments that he has some information which the other members of his committee did not possess that it has been stricken out.

Mr. GARDNER. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. GARDNER. Is it not true that the Secretary of the Treasury in his estimates put in this very item for Boston, and is it not also true that he had not given any indication of sending in supplemental estimates withdrawing that?

Mr. TAGUE. Mr. Chairman, I am not aware that the Secretary of the Treasury made any recommendation for the abolishment of this institution, and I have enough confidence in him to think that he would recommend it if it were necessary.

Mr. GARDNER. He has recommended it in his estimates; he deliberately recommended this item.

Mr. TAGUE. He has already recommended the appropriation, and nothing, so far as I know, has been brought into this House to warrant the membership in acting as it has. I know, Mr. Chairman, as I said before, that the justice of the Members of this House will be submitted when this matter is brought before the House, and I am confident that they will override, as they do on almost every occasion, an action such as has been taken here to-day by the gentleman who has opposed the item.

Mr. GARDNER. Mr. Chairman, I have a perfecting amendment. The motion is to strike out, and I wish to perfect the item before it is stricken out. I move, page 57, line 11, to strike out "$5,000" and insert "$4,975."

Now, Mr. Chairman, I have no desire to reduce the salary of the assistant treasurer at Chicago. I offer an amendment in that form solely for the purpose of keeping myself out of the vortex of order. I think there is only one successful way of settling this question and that is to reconsider the action taken on the Boston Subtreasury and put over until to-morrow the debate on all these Subtreasury appropriations which the Committee on Appropriations provides for. The Committee on Appropriations has recommended that Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco retain their Subtreasuries. The Committee on Appropriations has recommended that Baltimore lose its Subtreasury. After a long debate in a very full Committee of the Whole House on the state of the Union—if I recollect rightly there were about 130 Members voting—it was the deliberate judgment of the committee by a narrow margin that Baltimore should retain its Subtreasury. After that vote was taken the membership of the committee disbursed. Without any notice, and contrary to the report of his own committee, the gentleman from Mississippi [Mr. SISSON] made the motion to strike out the appropriation for the Subtreasury at Boston. None of the Boston Members were prepared to discuss that question at that time. One of them was sick, two others were at that moment absent from the floor on committee business. They are here now as I am speaking, but neither they nor anyone else has had an opportunity as yet to prepare their case. I submit to the gentleman from Mississippi, if I have his attention, that it is clearly unjust at this late hour to treat Boston differently from Chicago or Cincinnati or any of these other Subtreasuries.

Mr. SISSON. It was about an hour ago when we brought this Boston matter up.

Mr. GARDNER. I quite understand. I submit that it is not fair under the circumstances, if I can have the attention of the gentleman. Anyway, I submit that it would be much fairer if the gentleman would agree to reconsider the vote by which the Boston Subtreasury was abolished and put the whole matter over until to-morrow, to give the Members from Massachusetts a chance to prepare their case.

Mr. SISSON. I will state to the gentleman, does the gentleman recall he made a request to me for unanimous consent?

Mr. GARDNER. Yes.

Mr. SISSON. I very promptly said, so far as I was concerned, if it was satisfactory to the other gentlemen it was satisfactory to me. It was not so satisfactory, and the committee has acted, and we now have under consideration the question of Chicago.

Mr. GARDNER. That is all true. The gentleman was perfectly courteous and perfectly ready to put the whole matter over until to-morrow. There was a general feeling throughout the Committee of the Whole House on the state of the Union that inasmuch as the Committee on Appropriations had deliberately put the Boston item in the bill, that at least one of them would stand back of his own committee's action. Unfortunately that did not prove to be the case.

Mr. SISSON. I will say to the gentleman that if these other cities are treated differently from Boston and Boston should be the only one singled out, I should not hesitate one moment to ask that the Boston matter go back, but in this way I will get what I have wanted for two years, if the committee will agree with me, and, of course, when we get in the House, on the roll call we will treat Baltimore like we do the others.

Mr. GARDNER. The gentleman will remember that Baltimore is a southern city and Democracy has control of this House.

Mr. SISSON. I do not think the gentleman will say that the chairman of the committee is a southern man. But he is a Democrat, and so am I.

Mr. GARDNER. The southern control of the House is Democratic, and the significance of putting back Baltimore and striking out Boston, in defiance of your committee's action, is very significant, sir.

Mr. SISSON. I do not think that. I do not think that cuts one particle of ice with me, because I wanted to abolish all of them to start with.

Mr. GARDNER. Yes; I think the gentleman did.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that debate on this paragraph and all amendments thereto now close.

Mr. GALLAGHER. I object. I would like to have a couple of minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, then I move that all debate on this paragraph and all amendments thereto close in two minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this paragraph and all amendments thereto close in two minutes.

The motion was agreed to.

Mr. LINTHICUM. Mr. Chairman, I move that we adjourn.

The CHAIRMAN. The gentleman from Illinois [Mr. GALLAGHER] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Illinois [Mr. GALLAGHER] has been recognized. The Chair will say to the gentleman from Pennsylvania [Mr. MOORE] that he would not entertain the point of order at this time. The gentleman from Illinois will proceed.

Mr. GALLAGHER. Mr. Chairman, I respectfully ask the chairman——

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order. The point of order takes precedence of the recognition of the gentleman.

The CHAIRMAN. What was the point of order?

Mr. MOORE of Pennsylvania. The point of order was that there was no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] There are 105 Members present—a quorum.

Mr. GALLAGHER. Mr. Chairman, I simply want the attention of the committee for a moment or two. This is a matter that pertains to Chicago, and it is something we have not had a chance to think about, and I would like to know if we can not let it go over until to-morrow before the vote is taken? [Cries of "No, no!"] Let us see. It may be all right to abolish these Subtreasuries. If the regional banks will take their place, as some people think they will, we may not need Subtreasuries, but we ought to have a chance to look into it for the purpose of ascertaining whether it is necessary to retain them or not, and for that reason I think it would be good judgment to let this matter go over until to-morrow. It is not alone Chicago, but the other cities which have these Subtreasuries, and for that reason, if it is agreeable to the committee, I think it would be good judgment to let the matter go over until we ascertain whether the Subtreasuries are really necessary or not. That is what I want. I would like to know if that can not be done?

Mr. CANNON. Why does not the gentleman move that the committee rise?

Mr. TAGUE. Mr. Chairman, I move that the committee do now rise.

Mr. GALLAGHER. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentlemen move that the committee rise.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. TAGUE. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 45.

Mr. GARDNER. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. STAFFORD. That is dilatory. The Chair has just counted and found a quorum present.

The CHAIRMAN. The Chair stated that he found a quorum present only a minute before. On this vote the ayes are 44 and the noes are 45, and the committee refuses to rise.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand tellers on that vote.

Tellers were ordered, and Mr. GALLAGHER and Mr. BYRNS of Tennessee took their places as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 58.

So the committee refused to rise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The question was taken, and the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I offer an amendment. In line 11, page 59, strike out the figures "$5,000" and insert "$4,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. GARDNER. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 13, noes 48.

Mr. GARDNER. Tellers!

The CHAIRMAN. Tellers are demanded. Those in favor of taking the vote by tellers will rise and be counted. [After counting.] Not a sufficient number. Tellers are refused.

So the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I move an amendment on page 59, line 11, to strike out "$3,000" and insert "$2,500."

Mr. MANN. Mr. Chairman, I make a point of order and ask that the gentleman reduce his amendment to writing in accordance with the rules of the House. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

Mr. GARDNER. Mr. Chairman, I must have reasonable time in which to reduce my amendment to writing. Will the Chair hear me on the point of order? It has been decided over and over again that when that claim is made an opportunity must be given to the mover of the amendment to reduce it to writing.

Mr. MANN. A reasonable time for a reasonable amendment. [Laughter.]

Mr. GARDNER. Oh, no. That is all right.

Mr. LINTHICUM. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The count disclosed the presence of a quorum just a moment ago. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. GARDNER].

The Clerk read as follows:

Amendment offered by Mr. GARDNER: Page 59, line 11, strike out "$3,000" and insert "$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. GARDNER. I ask for a division, Mr. Chairman. I think the amendment was carried.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 21, noes 28.

Mr. MOORE of Pennsylvania. On that, Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. Those in favor of taking this vote by tellers will rise and be counted. [After counting.] Seventeen gentlemen have arisen—not a sufficient number.

So the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 59, line 20, after the word "all," strike out "$71,420" and insert "$71,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 17, noes 28.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point that there is no quorum present. This vote discloses the fact that there is no quorum present.

The CHAIRMAN. The point of no quorum is overruled. The count has just disclosed the presence of a quorum.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GARDNER. I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 70, noes 21.

So the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. At what point is it permissible to make the point of no quorum if the Chair continually rules that he has just counted one if the vote itself discloses that there is no quorum present?

The CHAIRMAN. The Chair did not understand the gentleman to make a point of order that the vote disclosed that there was not a quorum present.

Mr. MOORE of Pennsylvania. I distinctly made that statement, that the vote had disclosed that there was no quorum present.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cincinnati, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; vault clerk, $1,600; clerks—2 at $1,300 each, 4 at $1,200 each, 2 at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; 2 watchmen, at $720 each; in all, $24,830.

Mr. SISSON. Mr. Chairman, I move to strike out the paragraph.

Mr. MOORE of Pennsylvania. I wish to oppose the motion.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that he promised to recognize the gentleman from Ohio [Mr. ALLEN].

Mr. MOORE of Pennsylvania. To oppose the motion?

Mr. ALLEN. Yes.

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. BYRNS of Tennessee. If the gentleman from Ohio will yield to me, I will move that the committee do now rise.

Mr. ALLEN. All right.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DALE of New York, until further notice, on account of sickness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, Friday, December 15, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, submitting an item of legislation authorizing the transfer of all American citizens legally adjudged insane in the Canal Zone whose legal State or Territory residence can not be established to St. Elizabeth's Hospital, Washington, D. C. (H. Doc. No. 1741); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting a report of the annual inspection of the several branches of the National Home for Disabled Volunteer Soldiers (H. Doc. No. 1742); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of Commerce, transmitting a summary of reports transmitted by collectors of customs and a brief statement of the action of the department in respect of accidents sustained or caused by barges while in tow through the open sea, from November 4, 1915, the date when the act took effect, to the end of the fiscal year, June 30, 1916 (H. Doc. No. 1743); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

4. A letter from the Commissioner of the Freedman's Savings & Trust Co., transmitting annual report of the commissioner (ex officio) of the Freedman's Savings & Trust Co. for the year ended December 1, 1916 (H. Doc. No. 1744); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the Secretary of Commerce, transmitting communication from the Commissioner of Lighthouses on the

subject of the pay of junior clerks in the Lighthouse Inspection Service (H. Doc. No. 1745); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1918 (H. Doc. No. 1746); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War, submitting supplemental estimates required by the Quartermaster Corps of the Army for the service of the fiscal year 1918 (H. Doc. No. 1747); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Director of the Bureau of Engraving and Printing containing urgent estimates of deficiencies in appropriations for the remainder of the current fiscal year (H. Doc. No. 1748); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency appropriation for the purchase, exchange, maintenance, and repair of motor trucks, Treasury Department, for the service of the fiscal year 1917 (H. Doc. No. 1749); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of Commerce, transmitting communication from the Commissioner of Fisheries, with a copy of a letter from Alston G. Adams, apprentice fish culturist at the Boothbay Harbor (Me.) station of the Bureau of Fisheries (H. Doc. No. 1750); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of War, transmitting statements submitted by the Chief of Ordnance, United States Army, of the cost of all type and experimental manufacture of guns and other articles, and the average cost of the several classes of guns and other articles manufactured by the Government at the several arsenals (except Springfield Armory) during the fiscal year ended June 30, 1916 (H. Doc. No. 1751); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Chief of Ordnance, United States Army, transmitting report of the commission on equipping United States penitentiaries for manufacturing articles used by the Government (H. Doc. No. 1752); to the Committee on Appropriations and ordered to be printed, with illustrations.

13. A letter from the Secretary of the Interior, transmitting report of titles to property acquired, receipts from rental extension of Capitol Grounds, August 1, 1915, to December 31, 1916 (S. Doc. No. 638); to the Committee on Public Buildings and Grounds and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8460) granting an increase of pension to Myron S. Pease, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 18891) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 10, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

Also, a bill (H. R. 18892) for the establishment of a probation system in the United States courts, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18893) to continue in the public service persons who have served as President of the United States; to the Committee on the Judiciary.

By Mr. CASEY: A bill (H. R. 18894) to amend the public-building act approved March 4, 1913, authorizing the acquisition of a suitable site for a public building at Pittston, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. VAN DYKE: A bill (H. R. 18895) to reclassify the grades and fix the salaries of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. HICKS: A bill (H. R. 18896) providing for the survey of an inland water route along the southern shore of Long Island, N. Y., from Jamaica Bay to Peconic Bay; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18897) providing for a survey of Sterling Basin, Greenport, in the State of New York; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 18898) to appropriate $22,500 for the improvement of Sterling Basin, at Greenport, State of New York, and the approach thereto; to the Committee on Rivers and Harbors.

By Mr. McKINLEY: A bill (H. R. 18899) authorizing allowances to postal rural-delivery carriers for the maintenance of motor vehicles, and for feed and supplies for horses, and making an appropriation therefor; to the Committee on the Post Office and Post Roads.

By Mr. AIKEN: A bill (H. R. 18900) to provide for the construction of a public building at Anderson, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 18901) to authorize officers of the National Guard called into the service of the United States for duty on the Mexican border June 18, 1916, or subsequently, who were under 36 years of age at the time of said call to take the examination for provisional second lieutenants in the Regular Army under certain conditions; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 18902) to provide for the retirement of carriers in the Postal Rural Delivery Service, and creating a special fund for their benefit in lieu of 15 days' additional leave of absence with pay; to the Committee on Reform in the Civil Service.

By Mr. McFADDEN: A bill (H. R. 18903) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. COOPER of Wisconsin: A bill (H. R. 18904) authorizing and directing the Secretary of War, in his discretion, to deliver to the Alumni Association of Milton College, Milton, Wis., two condemned bronze or brass cannon; to the Committee on Military Affairs.

By Mr. HAMILL: A bill (H. R. 18905) to provide an extension to the post office at Jersey City, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 18906) to amend an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees"; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: A bill (H. R. 18907) to provide for the establishment of a municipal bakery, and for the supplying of information in respect to the cost of baking and distributing bread; to the Committee on the District of Columbia.

Also, a bill (H. R. 18908) to provide for the installation of an experimental flour mill and chemical and baking laboratories to aid the Secretary of Agriculture in establishing standards of quality and condition of wheat, barley, and other grains; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 18909) for the erection and equipment of a general hospital on or near the shores of Bristol Bay, Alaska, and for other purposes; to the Committee on the Territories.

By Mr. HUDDLESTON: A bill (H. R. 18910) authorizing the Secretary of War to acquire lands for Government use near Lock 17 on the Black Warrior River in Jefferson County, Ala.; to the Committee on Rivers and Harbors.

By Mr. BARNHART (by request): A bill (H. R. 18911) to amend an act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FESS: A bill (H. R. 18912) authorizing the Secretary of War to donate condemned cannon and cannon balls to the village of Bloomingburg, Ohio; to the Committee on Military Affairs.

By Mr. CANDLER of Mississippi: A bill (H. R. 18913) to enlarge, extend, make additions to, and further improve the United States courthouse and post-office building at Aberdeen, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 18914) to change the name of oleomargarine to "margarine"; to change the rate of tax on margarine; to protect consumers, dealers, and manufacturers of margarine against fraud; and to afford the Internal-Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to the Committee on Agriculture.

By Mr. STEPHENS of Texas: A bill (H. R. 18915) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. HELM: A bill (H. R. 18916) providing for the registry of officers, clerks, and employees in the Federal service, and for other purposes; to the Committee on the Census.

Also, a bill (H. R. 18917) to repeal an act approved June 7, 1906, entitled "An act to amend section 7 of an act entitled 'An act to provide for a permanent census office,' approved March 6, 1902"; to the Committee on the Census.

By Mr. CRAMTON: A bill (H. R. 18918) for continuing the improvement of the Harbor of Refuge at Harbor Beach, Mich.; to the Committee on Rivers and Harbors.

By Mr. RODENBERG: Resolution (H. Res. 405) authorizing the appointment of a committee to investigate the shipment of munitions of war from the United States to the countries of Europe now engaged in war; to the Committee on Rules.

By Mr. FITZGERALD: Resolution (H. Res. 406) to provide for a vote upon certain amendments to the legislative, executive, and judicial bill; to the Committee on Rules.

By Mr. SABATH: Joint resolution (H. J. Res. 319) authorizing the Secretary of Commerce to investigate the cause or causes of the advances in the price of cotton goods; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER: Joint resolution (H. J. Res. 320) protesting against mediation by the United States in the European war; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Illinois: Concurrent resolution (H. Con. Res. 66) authorizing the payment of mileage to officers and employees of the Senate and House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18919) granting a pension to William Hopkins; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 18920) granting an increase of pension to William S. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18921) granting an increase of pension to Johnson Berry; to the Committee on Invalid Pensions.

By Mr. BENNET: A bill (H. R. 18922) granting a pension to Edward Maher; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 18923) granting a pension to Jennie Furman; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 18924) granting an increase of pension to J. E. Stafford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18925) granting an increase of pension to George W. Sherrard; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18926) granting an increase of pension to Charles Rattray; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 18927) granting an increase of pension to Isaac Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18928) granting an increase of pension to Andrew Hart; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 8929) granting an increase of pension to Joshua Blakely; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 18930) granting a pension to Baxter Hogan; to the Committee on Pensions.

By Mr. DILL: A bill (H. R. 18931) granting an increase of pension to Mrs. Lucinda J. Jay, wife of the late William A. Jay; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 18932) granting an increase of pension to Jefferson Stanley; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 18933) granting an increase of pension to William H. Epley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18934) granting an increase of pension to William H. Byrd; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 18935) granting an increase of pension to Joseph N. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18936) granting a pension to Sarah Ellen Canton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18937) granting an increase of pension to James Mossey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18938) granting a pension to Claude M. Harding; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 18939) granting an increase of pension to Willard L. Anthony; to the Committee on Pensions.

Also, a bill (H. R. 18940) granting a pension to Belle Harbert; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 18941) granting a pension to Lydia Elliott; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 18942) granting an increase of pension to George R. Peacock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18943) granting an increase of pension to George Kint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18944) granting a pension to Emma Eppens; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 18945) granting an increase of pension to Cordelia E. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18946) granting a pension to Ferdinand T. Bray; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 18947) for the relief of J. L. Campbell and others; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 18948) granting a pension to Dick Parker; to the Committee on Pensions.

Also, a bill (H. R. 18949) granting a pension to Charles F. Russell; to the Committee on Pensions.

Also, a bill (H. R. 18950) for the relief of J. P. Jackson; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 18951) granting an increase of pension to Harrison McOwen; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 18952) granting an increase of pension to Albert M. Young; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 18953) for the relief of estate of Alexander Gardner; to the Committee on War Claims.

By Mr. NORTH: A bill (H. R. 18954) granting a medal of honor to John Sampson; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 18955) granting an increase of pension to Elizabeth A. Main; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 18956) granting an increase of pension to Tivis C. Simmons; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 18957) for the relief of the legal representatives of Mrs. S. M. Smith; to the Committee on War Claims.

By Mr. REAVIS: A bill (H. R. 18958) granting an increase of pension to Andrew N. Coffey; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 18959) granting an increase of pension to Josephus Brown; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 18960) granting an increase of pension to Jacob Schafler; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 18961) granting an increase of pension to Eveline Jenkins; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 18962) granting an increase of pension to George Daniels; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 18963) granting an increase of pension to George H. Richardson; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 18964) granting a pension to Wallace A. Kennedy; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 18965) granting an increase of pension to Daniel Libbey; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 18966) granting an increase of pension to John W. Marks; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 18967) granting an increase of pension to George L. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18968) granting an increase of pension to Josiah W. Lamb; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 18969) granting an increase of pension to William Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18970) granting an increase of pension to John Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18971) granting an increase of pension to John Bandy; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 18972) granting an increase of pension to Margaret Dickson; to the Committee on Invalid Pensions.

By Mr. TAVENNER (by request): A bill (H. R. 18973) authorizing the Secretary of the Interior to enroll Zerelda Belle Cook and Charles H. Richter as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. WASON: A bill (H. R. 18974) granting a pension to Laura A. Rice; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 18975) granting an increase of pension to Nicholas Easton; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 18976) granting an increase of pension to Samuel E. Alden; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 18977) granting an increase of pension to George W. Wright; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry postal employees, for increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Memorial of Ladies' Bible Class of the Woman's Christian Temperance Union of Pataskala, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, evidence to accompany House bill 14392, for relief of Phoebe Keiser; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of East Pittsburgh and Sheridanville and Mount Oliver Stations, Pittsburgh post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of Patriotic Order, Sons of America, of Bridgeville, Pa., in favor of a bill to prevent the manipulations of the prices of foodstuffs and the placing of an embargo on foreign shipments where the selling price of such article becomes high and unreasonable; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pittsburgh Provision & Packing Co., Shipley-Warsingham Wholesale Drug Co., and Bixlu Coal & Coke Co., of Pittsburgh, Pa., favoring 1-cent postage for local letters; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petition of rural carriers of Adrian, Mich., asking for an increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Milwaukee (Wis.) Post Office Clerks' Union, No. 3, urging passage of House bill 17805; to the Committee on the Post Office and Post Roads.

By Mr. CHIPERFIELD: Petition of citizens of Chicago, Ill., relative to postal savings banks; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Ohio: Petition of postal employees of Ashtabula and Niles, Ohio, favoring increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. CRISP: Petition of A. A. Harvey, jr., and other post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. DARROW: Petition of Nurses' Alumnæ Association of Jefferson Hospital, Philadelphia, Pa., to incorporate American Nurses' Association; to the Committee on the District of Columbia.

Also, memorial of postal-affairs committee of the Philadelphia Chamber of Commerce, urging continuance of the pneumatic-tube service in Philadelphia, Pa.; to the Committee on the Post Office and Post Roads.

Also, memorial of Philadelphia Local Union, No. 89, National Federation of Post Office Clerks, favoring House bill 17805, relative to higher classification for postal workers; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of E. B. Wolcott Post, No. 1, Department of Wisconsin, Grand Army of the Republic, favoring appointment of Gov. Edward Scofield as a member of National Board of Managers for Home of Disabled Volunteers; to the Committee on Military Affairs.

Also, petition of post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of postal employees of Oakland, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of citizens of Mifflinburg, Pa., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, evidence in support of House bill 9952, for the relief of A. L. Burket; to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of post-office employees of Waukegan, Ill., for increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of City Council of Chicago, Ill., relative to amending postal savings-bank act; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of John A. Gauger, of Chicago, Ill., for increased efficiency in Chicago, Ill., mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Herman H. Hettler Lumber Co., of Chicago, Ill., against abandonment of the pneumatic-tube mail service of Chicago, Ill.; to the Committee on the Post Office and Post Roads.

Also, petition of Peoria (Ill.) Stone & Marble Works, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of post-office employees of Peru, Ill., for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of 47 citizens of Rockford, Ill., against Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Stewart Warner Speedometer Co., for passage of House bill 14666, relative to designs; to the Committee on Patents.

Also, petition of General John Stark Chapter, Daughters of the American Revolution, for national prohibition; to the Committee on the Judiciary.

By Mr. GARDNER: Petition of Rockport (Mass.) post-office employees, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petition of postal clerks at Camden, Hope, and Arkadelphia, Ark., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GREEN of Iowa: Petition of certain railway post-office clerks and other clerks and employees of the Post Office Department, asking for an increase in their salaries; to the Committee on the Post Office and Post Roads.

By Mr. HADLEY: Memorial of sundry churches and organizations of the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 18604, granting an increase of pension to Eaton Kierney; to the Committee on Invalid Pensions.

By Mr. HOPWOOD: Petition of post-office employees of Uniontown, Pa., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of postal employees for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of post-office employees of State of Michigan, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Memorial of San Francisco (Cal.) Chamber of Commerce, relative to establishment of an aviation school in the State of California; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Providence, R. I., and Boston, Mass., railway-mail clerks asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of post-office employees of Antigo, Wis., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition of postal employees of Williamsport, Pa., asking for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Memorial of post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. LEHLBACH: Petition of post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Petition of 30 citizens of Tedrow, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of postal employees of Runford, Me., for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petitions of Knox Pomona Grange and Woman's Christian Temperance Union of Leeds, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petitions of employees of the Federal buildings at New Brighton and Beaver Falls, Pa., urging passage of Nolan bill; to the Committee on Labor.

By Mr. NORTH: Petition of 23 citizens of Helen Furnace, Clarion County, Pa., praying for the passage of the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. OLNEY: Petition of postal employees of Massachusetts, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of Sacramento (Cal.) branch of the Railway Mail Association, favoring adequate plan of civil-service retirement; to the Committee on Reform in the Civil Service.

By Mr. RAINEY: Petition of Bible School, 4,317 people, of First Christian Church, of Decatur, and County Woman's Christian Temperance Union, 100 people, of Decatur, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of 40 people of East Smethport, Pa., for national prohibition; to the Committee on the Judiciary.

Also, memorials of Local Union No. 3080, United Mine Workers of America, of Hyde; Local Union No. 2484, United Mine Workers of America, of Easton; and Local Union No. 1134, United Mine Workers of America, of Grass Flat, all in the State of Pennsylvania, favoring embargo on certain foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of post-office employees of Pennsylvania, relative to increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of Bellefonte, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of J. W. Robbins and other post-office employees, of Troy, Ohio, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: Petition of sundry postal employees asking for increase in their salaries; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of Joseph R. Peters and nine other post-office employees for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Idaho: Papers to accompany House bill granting an increase of pension to George H. Richardson; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Petition of 200 people of Loraine, Tex., for national prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of employees of the Post Office Department at Saranac Lake, N. Y., urging that the salaries of all postal employees be increased during the present session of Congress; to the Committee on Appropriations.

Also, petition of employees of the Post Office Department at Plattsburg, N. Y., urging that all employees of the Postal Service be given an increase of salary during the present session of Congress; to the Committee on Appropriations.

By Mr. STEELE of Iowa: Petitions of city and rural mail carriers and railway post office clerks of Lemars, Storm Lake, and Spencer, all in the State of Iowa, asking for an increase in their salaries proportionate to the increase in the cost of living; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of F. McHarm and other mail-route clerks asking that Congress grant them an increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of Federal Employees' Union of Texas, requesting an increased salary as provided in the Nolan bill, House bill 11876; to the Committee on Labor.

By Mr. SWEET: Petitions of employees of post offices in Hampton, Waterloo, Iowa Falls, and Waverly, all in the State of Iowa, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Petition of several Government employees in the city of Philadelphia, in favor of the Nolan bill; to the Committee on Labor.

Also, memorial of Western Pennsylvania Typographical Unions, relative to shortage in white paper; to the Committee on Rules.

By Mr. WARD: Petition of post-office employees of Kingston, N. Y., asking an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. WASON: Petition of C. I. Woodbury and nine other postal employees residing at Nashua, N. H., favoring an increase of salary for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of H. H. Kew and six other postal employees at Hanover, N. H., favoring an increase in salary for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of citizens of Worcester, Mass., relative to eight-hour law for maintenance-of-way employees of railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *December 15, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee at the beginning of this legislative day to know Thy will. We are being brought face to face every day with great issues which affect the moral and physical welfare of millions of our fellow men. The limitations of our knowledge and experience lead us back to the Source of all knowledge and of all wisdom. We come to Thee lifting up our hearts that we may know God's will. We seek to give expression to the highest achievements of the intellect and of the spirit of man in our national life. We pray that in our endeavor we may have the guidance of the spirit of God and of Thy truth. We ask these things for Jesus' sake. Amen.

The Journal of the proceedings of the legislative day of Wednesday, December 13, 1916, was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Presbytery of Washington City, which will be printed in the RECORD.

The communication was ordered to lie on the table and to be printed in the RECORD, as follows:

THE PRESBYTERY OF WASHINGTON CITY,
OFFICE OF THE STATED CLERK,
Takoma Park, D. C., December 14, 1916.

To the Hon. THOMAS R. MARSHALL,
President of the Senate of the United States of America.

DEAR MR. VICE PRESIDENT: The Presbytery of Washington City, in session in the city of Washington December 11, 1916, adopted the following resolution, which is hereby submitted for official notice.

Respectfully, yours,

THOMAS C. CLARK,
Stated Clerk.

Action of the Presbytery of Washington City in session in the city of Washington, D. C., December 11, 1916, to wit:

"The Presbytery of Washington City hereby records itself in favor of the passage of the Webb-Sheppard bill now pending before the Senate without the referendum proposed by Senator UNDERWOOD."

Attest:

THOMAS C. CLARK,
Stated Clerk, Presbytery of Washington City.

Mr. NORRIS presented a memorial adopted by the Seventh-day Adventist Conference, held at Hastings, Nebr., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. ROBINSON presented a petition of sundry citizens of Little Rock, Ark., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the General Association of Baptist Churches at Sheridan, Ark., remonstrating against the action of the military authorities on the Mexican border in regard to evangelical work among the soldiers, which was referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 7289) granting an increase of pension to Frank Burrow, which were referred to the Committee on Pensions.

Mr. McCUMBER. I present a petition of postal clerks and other employees in the post office at Fargo, N. Dak., asking for a raise in their wages. I ask that it may be properly referred after reading just the petition part. I do not know to what particular committee it ought to go, but I suppose to the Committee on Post Offices and Post Roads.

There being no objection, the petition was read and referred to the Committee on Post Offices and Post Roads, as follows:

To the Members of the Sixty-fourth Congress, Washington, D. C.:

In view of the greatly increased cost of living within the past year, and also in view of the fact that practically all private corporations have assisted their employees in bearing this additional burden placed upon them by a substantial increase in their pay—

We, the railway mail clerks, post-office clerks, letter carriers, and rural-delivery carriers of the United States, feel that we should have some relief from this burden, therefore petition your honorable body to grant us such an increase in pay as will in some manner help us in this emergency.

We ask that you give this petition your earnest and careful consideration, and trust to your sense of fairness and right to deal justly by us.

Respectfully submitted.

EDWARD G. SWANSON
(And others).

Mr. KENYON presented petitions of sundry citizens of Clearfield and Tabor, in the State of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Chariton, Cedar Falls, and Iowa City, all in the State of Iowa, praying

for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented memorials of the Mitchell Grain & Supply Co., of Mitchell, and of the Farmers' Grain & Mercantile Co., of Gorham, in the State of Kansas, remonstrating against the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Board of Missions of the Interior of the Congregational Church of the State of Kansas, praying for the enactment of legislation to prohibit the exportation of intoxicating liquor, which was referred to the Committee on Foreign Relations.

AMERICAN PRISON REFORM.

Mr. SMITH of Georgia. Mr. President, I desire to have placed in the RECORD a resolution passed by the American Prison Association. At the meeting of the American Prison Association held in Buffalo October 7 to 12 of the present year the following resolution was adopted:

Resolved, That, in the judgment of the American Prison Association, a step forward would be taken if the administration of the Federal prisons and the Federal parole system of the United States was placed in charge of a nonpartisan board appointed by, and responsible solely to, the President.

I believe, Mr. President, there are serious objections to our present parole system. I present this resolution from the National Prison Association, and trust it may receive some thought from the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

DELAWARE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 7095) extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912, and I submit a report (No. 876) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 7351) granting an increase of pension to Ripley C. Whitcomb (with accompanying papers);

A bill (S. 7352) granting an increase of pension to George M. Kelley (with accompanying papers);

A bill (S. 7353) granting a pension to Ida E. Morrill (with accompanying papers);

A bill (S. 7354) granting an increase of pension to Ida J. Gray (with accompanying papers);

A bill (S. 7355) granting an increase of pension to Edward T. Jackson (with accompanying papers);

A bill (S. 7356) granting an increase of pension to Alfred D. Rand (with accompanying papers);

A bill (S. 7357) granting an increase of pension to Elisha W. Ellis (with accompanying papers); and

A bill (S. 7358) granting an increase of pension to David Russell (with accompanying papers); to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del.; to the Committee on Commerce.

By Mr. POMERENE:

A bill (S. 7360) providing for the purchase of a site for the purpose of erecting a Federal building thereon in the city of Troy, county of Miami, State of Ohio, and appropriating the money therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 7361) to amend section 21 of "An act relating to bills of lading in interstate and foreign commerce," approved August 29, 1916; to the Committee on Interstate Commerce.

By Mr. GALLINGER:

A bill (S. 7362) granting an increase of pension to John C. Emery (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7363) granting an increase of pension to Jane Smith (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7364) providing for the construction of bridges and culverts or roads under reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. KENYON:

A bill (S. 7365) for the relief of Jonathan D. Long; to the Committee on Military Affairs.

A bill (S. 7366) granting an increase of pension to Hiram H. Titterington (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 7367) to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.; to the Committee on Commerce.

By Mr. LIPPITT:

A bill (S. 7368) granting an increase of pension to Margaret Kearney; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7369) granting an increase of pension to Josiah Woodbury (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 7370) for promotion of Edward Lloyd, major, United States Army, retired, to position and rank of lieutenant colonel, United States Army, retired; to the Committee on Military Affairs.

A bill (S. 7371) granting a pension to Thomas S. Smoot; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7372) authorizing the appointment of Capt. William G. Williams as a second lieutenant in the Coast Artillery Corps, United States Army; and

A bill (S. 7373) for the relief of Robert S. Emerson; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 7374) to reclassify the grades and fix the salaries of railway postal clerks; to the Committee on Post Offices and Post Roads.

A bill (S. 7375) granting an increase of pension to Hezekiah Dixson (with accompanying papers);

A bill (S. 7376) granting an increase of pension to Benjamin F. Byers;

A bill (S. 7377) granting an increase of pension to Kate G. Caton; and

A bill (S. 7378) granting an increase of pension to Thomas R. Luckhardt; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7379) to authorize a report upon the necessity for certain bridges on the Navajo Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. SIMMONS:

A bill (S. 7380) for the construction of Coast Guard cutters; and

A bill (S. 7381) to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard; to the Committee on Commerce.

By Mr. GORE:

A bill (S. 7382) granting a pension to Margary Dotter; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7383) granting a pension to Elizabeth A. Kilburn;

A bill (S. 7384) granting an increase of pension to Sylvester Manship;

A bill (S. 7385) granting a pension to Catharine Strain;

A bill (S. 7386) granting an increase of pension to Bazzel B. Grunden;

A bill (S. 7387) granting an increase of pension to Josiah Williams;

A bill (S. 7388) granting an increase of pension to William A. Hitchborn;

A bill (S. 7389) granting an increase of pension to George W. Barger;

A bill (S. 7390) granting an increase of pension to William J. McCullough;

A bill (S. 7391) granting an increase of pension to Thompson H. Withers;

A bill (S. 7392) granting an increase of pension to Thomas Burk;

A bill (S. 7393) granting an increase of pension to Israel W. Gregg;

A bill (S. 7394) granting an increase of pension to William D. Thompson;

A bill (S. 7395) granting an increase of pension to Joseph R. Wright;

A bill (S. 7396) granting an increase of pension to John C. Henderson;

A bill (S. 7397) granting an increase of pension to Minerva J. Long; and

A bill (S. 7398) granting an increase of pension to Mary L. Sanderson; to the Committee on Pensions.

By Mr. REED:

A bill (S. 7399) granting a pension to Ethel M. Kurfiss;

A bill (S. 7400) granting a pension to C. A. Sheets (with accompanying papers);

A bill (S. 7401) granting a pension to James Grogan (with accompanying papers);

A bill (S. 7402) granting an increase of pension to Jeremiah Carlysle (with accompanying papers); and

A bill (S. 7403) granting an increase of pension to Martha E. Moore (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7404) for the retirement of public-school teachers in the District of Columbia; and

A bill (S. 7405) authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; and to establish the efficiency and economy with which such service may be postally conducted; to the Committee on the District of Columbia.

By Mr. SWANSON:

A joint resolution (S. J. Res. 184) to authorize the Secretary of State to enter into negotiations with the Republic of Chile for the purpose of entering into a convention for the settlement of all claims owned by citizens of the United States against the Republic of Chile and by citizens of the Republic of Chile against the United States of America; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Maryland submitted an amendment relative to the appointment of one clerk of class 4 in the Office of the Naval Records, Library of the Navy Department, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK submitted an amendment proposing to increase the appropriation for continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation in Wyoming from $100,000 to $150,000, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $250,000 for beginning the construction of an irrigation system for the irrigation of ceded Indian lands of the Shoshone or Wind River Reservation in Wyoming, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $250,000 for the construction of a steel bridge across the San Juan River in San Juan County, N. Mex., at the best and most available location west or southwest and near the town of Farmington, in that State, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on the Judiciary and ordered to be printed.

INVESTIGATION BY COMMITTEE ON PRINTING.

Mr. KENYON. I offer the following resolution, which speaks for itself, and I ask for its immediate consideration.

The resolution (S. Res. 290) was read, considered by unanimous consent, and agreed to, as follows:

Whereas the cost of print paper has so enormously increased; and
Whereas the demand for such paper is constantly increasing; and
Whereas great quantities of print paper are used by the Government in printing useless bulletins, pamphlets, books, etc.; and
Whereas in the present emergency regarding print paper the supply should be conserved: Therefore be it

Resolved, That the Committee on Printing of the Senate be directed to investigate the subject and to report to the Senate within 30 days from the passage of this resolution as to what bulletins and publications, if any, issued by the Government may be suspended temporarily at least, and as to what economies may be practiced in the use of print paper and other paper by the Government in the various Government departments.

PURCHASE OF FOOD SUPPLIES.

Mr. GALLINGER. I offer two resolutions, one addressed to the Secretary of War and the other to the Secretary of the Navy. They are identical in phraseology. I ask for the present consideration of the resolutions.

The first resolution (S. Res. 291) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War inform the Senate to what extent, if any, Army officers and employees are now permitted to purchase food supplies through Government agencies; what reduction from the prevailing market prices of such food supplies is thereby obtained by such officers and employees; and whether it would be practicable to grant similar privileges to other employees of the Government.

The second resolution (S. Res. 292) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Navy inform the Senate to what extent, if any, naval officers and employees are now permitted to purchase food supplies through Government agencies; what reduction from the prevailing market prices of such food supplies is thereby obtained by such officers and employees; and whether it would be practicable to grant similar privileges to other employees of the Government.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The morning business is closed.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 1082.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. JONES. Mr. President, I propose to take this opportunity to make an inquiry of the chairman of the Committee on Post Offices and Post Roads or some member of that committee.

At the last session of Congress a motion was made in the Senate to make in order on the Post Office appropriation bill a provision preventing the use of the mails for carrying liquor advertisements into States where such liquor advertisements are not permitted. Upon the vote on the motion to make it in order a majority of the Senate voted favorably; but under the rules of the Senate as heretofore construed it required a two-thirds majority, and that could not be had.

The appropriation bill is now pending before the Committee on Post Offices and Post Roads, and I want to call attention to the character of three or four advertisements and the methods used by those distributing liquors in States where they have laws preventing these advertisements.

I have here a photograph of an envelope which indicates that they address their envelopes containing their advertisements without addressing it to any particular individual, but not knowing who lives at a certain place and knowing there is such a location they simply address it to the occupant in order that it may be sure to reach the desired address. I have one here that has a return on it in this form, "Return in 10 days to P. O. Box 24," without indicating what the purpose of it is, the business of the sender, or anything of that sort. It is addressed: "Occupant of 1523 North Nineteenth Street, Birmingham, Ala." Of course, the occupant of the building upon that lot will not know what it is when he gets it until he opens it. I am informed that the gentleman who received this is very bitterly opposed to the sale of liquor and the use of liquors and would be insulted if asked to drink.

Then here is another form of advertisement that is sent into States where they have laws preventing such advertisements:

For private persons only.
Let us send you our interesting price list, containing sealed information explaining our method of shipping wines and liquors to your home. Correspondence confidential.

Then here is another one, using the mails of the United States to evade and nullify the laws of the different States:

It's nobody's business but yours and ours. Wines and liquors for family and medicinal use sent to your home incognito. Send for free sealed information.

Note the insult to the people of the States who are trying to protect their children and their homes from a traffic which they condemn and who think that this is their business. Is it possible that it is not the business of these people that their laws are evaded and nullified? Does the Senate agree with this advertisement, that it is not the business of the people of these States?

Then I have another. This is an envelope with a return corner, on which is printed "The Manufacturers and Dealers' Association of America."

That looks like a very innocent organization, one having to do with the industries or manufactures of the country. It also has marked on the envelope: "Private mail. Very important. Read. Think." Then it contains an advertisement of liquors telling the recipient of this letter or envelope how he may get them.

Then here is another advertisement sent into these States:

Free whisky! Send us your name and address, thereby placing yourself in position to receive a full quart of the finest whisky free of cost.

That certainly would be a rather enticing advertisement to anybody who was inclined to use liquor.

Here is one more, and this is the only further one that I am going to call attention to, that is sent through the mails into this prohibited territory:

All for $3.48—

Then there is a picture of a fine-looking revolver placed in a beautiful holster with a good supply of cartridges—

Revolver and whisky free—

Then there is a splendid bottle having on it "100 proof rye or corn."

The advertisement reads as follows:

All for $3.48.
Revolver and whisky free.
Send us order for sample box (50) of our regular $75 per thousand cigars, which we will express you at wholesale for only $3.48, having figured off special discounts, and will give you in same shipment this S & W mod. safety police, either .32 or .38 caliber, revolver absolutely free; also this full quart 100 proof rye or corn whisky free. Name express office and remit $3.48 with three addresses of friends who buy by mail and all the goods as advertised will be shipped you first express. Money order or cash—

And so on.

What I want to ask the chairman of the committee is, whether or not the committee is considering acting upon the bill, that has been pending before the committee so long, to prohibit the use of the mails for carrying advertisements like this into territory where these advertisements are prohibited?

Mr. BANKHEAD. Mr. President, speaking for myself, I want to say to the Senator from Washington that I am decidedly in favor of the reporting and passage of that bill. I believe that in the States where prohibition laws are in effect they should be enforced. To that end, I think, the passage of the bill perhaps would largely contribute. I have called a meeting of the committee for next Tuesday, at which time I shall lay the bill before the committee, and, so far as I am able to do, I shall try to secure a favorable report upon it.

My own opinion is, from discussing this matter with members of the committee, that a majority are in favor of the bill being reported. However, I can not definitely say as to that. All that I can say in response to the inquiry of the Senator from Washington is that, as chairman of the committee, I am decidedly in favor of reporting the bill and shall make the best effort I can to get the bill out of the committee next Tuesday.

Mr. SMITH of Georgia. There are a half dozen such bills pending in the committee.

Mr. BANKHEAD. Yes; there is more than one such bill now pending before the committee. I have a bill there; the Senator from Georgia [Mr. SMITH] has one, and there are other bills. I can not definitely say which of those bills the committee will prefer to report, but I have no doubt that we shall report out some one of them next Tuesday.

Mr. JONES. Mr. President, I know the Senator from Alabama could not give me any more assurances than he has given, and I am glad to learn that a meeting of the committee has been called and that the chairman of the committee is so heartily in favor of some legislation along these lines. Of course, I know there are different proposals, that there are different bills which have been submitted. I hope that the committee will have a quorum present at the next meeting which has been called, and that it will take action upon this proposition and will report to the Senate some measure such as in its judgment it deems wise. That, of course, will then give the Senate an opportunity to consider the matter and to express its will with reference to it. I believe the great majority sentiment of the country is in favor of it. A majority of the daily newspapers of the country now refuse their advertisements. One great paper in this city has announced it will refuse them. These papers should be protected from the cupidity of those papers that are willing to permit for gain the use of their columns to evade the laws of the States of the Union.

So far as I am concerned, I think it is really infamous that the mails of the United States should be permitted to be used as an instrument of advertisements like these to carry these articles into States where the people of the States have by their laws prohibited the sale of such articles and the printing of such advertisements. I can not believe that the Senate will permit this abuse to continue, if it gets an opportunity to vote upon the proposition. I am therefore glad to have this assurance from the chairman of the committee, and I hope that the committee will take prompt action on the matter.

Mr. SMOOT. Mr. President, I desire to offer at this time a substitute for Senate bill 1082. In doing so, I wish to say that this is a prohibition bill; and, if we are going to have prohibition in the District of Columbia, I think we ought to have it, and not have a mere makeshift, as I consider Senate bill 1082 to be. The result of that bill, if enacted into law, I think, will be very disappointing, indeed, to the people who believe in prohibition.

In saying that, Mr. President, I do not mean to intimate that the bill is not a step toward prohibition; I believe that even the passage of this bill will be a step in the right direction; but if the prohibitionists really want prohibition in the District of Columbia, I think they ought to have a chance to vote for a bill that will bring prohibition without a question of doubt. Therefore, Mr. President, I offer the amendment which I send to the desk as a substitute for Senate bill 1082, and I ask that the Secretary may read it.

The VICE PRESIDENT. The Secretary will read the substitute offered by the Senator from Utah.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That on and after the 1st day of November, A. D. 1917, it shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to sell, manufacture, or dispose of any intoxicating liquor or alcohol of any kind in the District of Columbia or to have in his or its possession or to transport any intoxicating liquor or alcohol in the District of Columbia unless the same was procured and is so possessed and transported under a permit as hereinafter provided.

Wherever the term "liquor," "intoxicating liquor," or "intoxicating liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person, or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, servants, who shall, directly or indirectly, violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000 and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than one year for each offense.

SEC. 2. That before a pharmacist shall be authorized to transport pure alcohol for scientific or mechanical purposes or for compounding or preparing medicines, as provided by this act, he shall procure a permit for that purpose from the Commissioners of the District of Columbia.

SEC. 3. That to procure such permit a pharmacist shall make and file with the Commissioners of the District a statement in writing under oath stating that he desires to transport pure alcohol for scientific or mechanical purposes or for compounding, preparing, or preserving medicines only, as provided by this act, and giving his name, the location of his place of business, a statement that he is a licensed pharmacist, that he is regularly engaged in the practice of his profession at the location named, and that he will not violate any provisions of this act.

SEC. 4. That if the Commissioners of the District are satisfied of the good faith of the applicant, they shall issue to such pharmacist a permit to transport pure alcohol for compounding, preparing, or preserving medicines or for scientific or mechanical purposes. Such permit shall be substantially in the following form:

PERMIT TO PHARMACISTS TO TRANSPORT PURE ALCOHOL FOR COMPOUNDING, PREPARING, AND PRESERVING MEDICINES ONLY OR FOR SCIENTIFIC OR MECHANICAL PURPOSES.

DISTRICT OF COLUMBIA,
City of Washington, ss:

———— ————, a pharmacist, residing at ————, is hereby permitted to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific or mechanical purposes. This permit can only be used for one shipment and will be void after 20 days from the date of issue.

By order of the Commissioners of the District.
Dated this —— day of ————, 191—.

————— ————,
President of the Board.

SEC. 5. That said permit mentioned in section 4 hereof shall be issued upon forms supplied by the Commissioners of the District and shall contain the permit, a copy of the application for permit, and a copy of the provisions of section 6 of this act, and shall be issued under the seal of the Commissioners of the District and shall be void for transportation purposes after 20 days from the date of issuance. The Commissioners of the District shall keep in a separate book provided for that purpose a record of permits issued under this act, wherein shall be entered the date and the number thereof, the person to whom issued, and the purpose for which issued.

SEC. 6. That said permit shall be attached to and remain affixed in a conspicuous place upon any package or parcel containing pure alcohol imported into or shipped in the District of Columbia, and when so affixed shall authorize any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise within the District to transport, ship, or carry such pure alcohol. Any person so transporting such alcohol shall, before the delivery of such package or parcel, cancel said permit and so deface the same that it can not be used again.

SEC. 7. That all express companies, railroad companies, public or private carriers, are hereby required to keep a separate book in which shall be entered, immediately upon receipt thereof, the name of the person to whom pure alcohol is shipped, from what city or town and State the same was shipped, and the name of the shipper, the amount and kind

received, the date when received, the date when delivered and to whom delivered, after which record shall be a blank space in which the consignee shall be required to sign his own name in ink before such pure alcohol is delivered to such consignee, which book shall be open to the inspection of the public at any time during business hours of the company and shall not be removed from the place where the same is required to be kept. A copy of entries upon any such record herein provided to be kept, when certified to by the agent of any express or railroad company, or any public or private carrier in charge of the same, shall constitute prima facie evidence of the facts therein stated in any court of the District.

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to ship alcohol or intoxicating liquor to a false or fictitious name or person, or any person to receive or receipt for alcohol or intoxicating liquor in a false or fictitious name.

SEC. 8. That any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise may accept for transportation, and may transport to any place within the District of Columbia shipments of wine for sacramental purposes when there is attached to such shipments a certificate in substantially the following form:

"I (or we) certify that this package contains only ——— (amount) of ——— wine, which has been ordered by ——— ———, who represents himself to be a duly authorized and officiating priest, or minister, of the ——— church, at ———, D. C., and that said wine is desired for sacramental purposes only.

"——— ———."

(Signature of shipper.)

SEC. 9. That whenever a shipment of wines for sacramental purposes shall have been transported for delivery within the District of Columbia the delivering agent of the transportation company must refuse to deliver the same unless it is accompanied by the certificate prescribed in section 8 of this act, and then only to the person to whom the same is addressed, or upon his written order. The transportation company must keep a record of all shipments and deliveries of wines for sacramental purposes, and must preserve for a period of one year after their receipt all certificates accompanying such shipments and all written orders upon which deliveries may be made. Such records must be open to the inspection of the public at any time during office hours.

SEC. 10. That any person who shall desire to purchase pure alcohol for scientific or mechanical purposes shall apply to the Commissioners of the District for a permit for that purpose. To procure such permit he shall make and file with the commissioners a statement in writing, under oath, stating that he desires to purchase pure alcohol for scientific or mechanical purposes, as provided by this act, and giving his name and residence and the place at which such pure alcohol is to be used.

SEC. 11. That if the Commissioners of the District are satisfied of the good faith of the applicant, they shall issue to said applicant a permit to purchase pure alcohol for scientific or mechanical purposes. The original of said permit shall have attached thereto a duplicate copy, and each shall be numbered with the same number and be in substantially the following form:

DISTRICT OF COLUMBIA,
City of Washington, ss:

——— ———, residing at ———, is hereby permitted to purchase pure alcohol in the amount of ——— (here insert quantity), to be used for scientific or mechanical purposes. This permit can only be used for one purchase, and the copy hereof attached hereto shall be conspicuously pasted upon the package containing said alcohol, and this permit to purchase shall be void after 20 days from the date hereof.

By order of the Commissioners of the District.

Dated this ——— day of ———, 19—.

——— ———,
President of the Board.

SEC. 12. That the permit mentioned in section 11 shall authorize the applicant to purchase and any pharmacist to sell and deliver to him the quantity named in the said permit. The permit shall be canceled, kept, and retained on file for at least one year by the pharmacist so selling said pure alcohol, and the copy of said permit shall be by the pharmacist conspicuously pasted upon the receptacle containing said alcohol, and shall so remain upon said receptacle so long as the same shall contain alcohol. Said permit and copy shall only authorize one purchase and sale. It shall be unlawful for any pharmacist to sell pure alcohol without the permit herein specified or for any person to keep or have in his possession any pure alcohol unless the receptacle containing the same shall be distinctly labeled with the copy of the permit authorizing the purchase of the same.

SEC. 13. That it shall be unlawful for any person owning, leasing, or occupying or in possession or control of any premises, building, vehicle, car, or boat to knowingly permit thereon or therein the manufacture, transportation, disposal, or the keeping of intoxicating liquor with intent to manufacture, transport, or dispose of the same in violation of the provisions of this act.

SEC. 14. That it shall be unlawful for any person to import, ship, sell, transport, deliver, receive, or have in his possession any intoxicating liquors except as in this act provided.

SEC. 15. That any person who shall in any public place or in or upon any passenger coach, street car, boat, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting room drink any intoxicating liquor of any kind, or any person who shall be drunk or intoxicated in any public or private road or street, or in any passenger coach, street car, or any public place or building, or at any public gathering, or any person who shall be drunk or intoxicated and shall disturb the peace of any person, shall be guilty of a misdemeanor.

SEC. 16. That any person convicted of violation of any of the provisions of this act where the punishment therefor is not herein specifically provided shall be punished by a fine of not less than $50 nor more than $500, and by imprisonment in the District jail or workhouse for a period of not less than 30 days nor more than 6 months.

SEC. 17. That a person having once been convicted of a violation of any of the provisions of this act, except section 15, who thereafter violates the provisions hereof shall be considered a persistent violator of this act and shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the District jail or workhouse for a period of not less than one year and not more than two years.

SEC. 18. That in case a pharmacist is convicted under the provisions of this act the Commissioners of the District shall, in addition to the penalty provided by this act, revoke his license to practice pharmacy.

SEC. 19. That the issuance by the United States of any internal-revenue special-tax stamp or receipt to any person as a dealer in intoxicating liquors shall be prima facie evidence of the sale of intoxicating liquors by such person during the time the stamp or receipt is in force and effect.

A copy of such stamp or receipt or of the record of the issuance thereof, certified to by a United States internal-revenue officer having charge of such record, is admissible as evidence in like case and with like effect as the original stamp or receipt.

SEC. 20. That it shall be unlawful for any person, firm, house, company, association, corporation, or club, his, its, or their agents, officers, clerks, servants to have in his or its possession any intoxicating liquors of any kind for any use or purpose, except the same shall have been obtained and is so possessed under a permit authorized by this act.

SEC. 21. That it shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses, by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall, in addition to imposition of the fine aforesaid, order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 22. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 23. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 24. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 25. That this act shall be in full force and effect on and after the 1st day of November, 1917, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed. And that the excise board for the District of Columbia, provided for and established under the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this act.

Mr. SMOOT. Mr. President, I ask that that substitute be printed and lie upon the table.

Mr. CURTIS. Mr. President, I should like to ask the Senator from Utah a question. I listened to the reading of the proposed substitute, but did not hear all of it. I desire to learn if there is a provision in it declaring places where intoxicating liquors are kept for sale to be a public nuisance?

Mr. SMOOT. There is no specific provision in the substitute declaring those places a public nuisance.

Mr. CURTIS. I will prepare, at the proper time, an amendment declaring them to be such.

Mr. UNDERWOOD. Mr. President, may I ask the Senator from Utah a question in reference to his amendment?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I shall be glad to answer the question if I can.

Mr. UNDERWOOD. Under this amendment, is the shipment of alcohol into the District entirely prohibited?

Mr. SMOOT. It is only permitted as provided in the substitute. I will say to the Senator that it prohibits the importation of all liquors of any kind—beers and malted liquors—into the District of Columbia. The only thing that can come here is the alcohol, and that can only come as provided in the substitute. Pharmacists can ship it here for the purposes named in the substitute—medicinal purposes and scientific purposes.

Mr. UNDERWOOD. And does the Senator propose to cut it out for beverage purposes entirely?

Mr. SMOOT. Entirely—not only alcohol but every other kind of liquor; intoxicating liquors of all kinds.

Mr. UNDERWOOD. What does the Senator's amendment propose to do with the question of exporting alcohol from the District of Columbia?

Mr. SMOOT. It absolutely prohibits the manufacture of liquors of all kinds, alcohol as well as malted beers, in the District of Columbia.

Mr. UNDERWOOD. The Senator does not play favorites with anybody?

Mr. SMOOT. Not at all. It is a pure, unadulterated prohibition measure.

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas, which will be stated by the Secretary.

The SECRETARY. On page 1, line 8, after the word "barter," it is proposed to insert "export, ship out of the District of Columbia."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 2, line 1, it is proposed to insert a comma after the word "of."

The amendment was agreed to.

The SECRETARY. After the word "importation," in line 23, page 2 of the reprint, it is proposed to add the word "exportation."

Mr. UNDERWOOD. Mr. President, what has become of the amendment that was proposed just before that one on page 2, line 1? The Secretary stated that on page 2, line 1, it was proposed to insert a comma after the word "of," and then it goes on to say:

The paragraph as amended will read as follows.

That was not stated to the Senate.

The VICE PRESIDENT. That is not an amendment.

Mr. SHEPPARD. The paragraph to which the Senator refers was added merely by way of explanation. The amendments already adopted will make the paragraph read as it appears on page 2.

Mr. UNDERWOOD. Oh, I see. The former amendments make it read that way?

Mr. SHEPPARD. That is correct.

The SECRETARY. On page 2, line 23, after the word "importation" and the comma, it is proposed to insert the word "exportation."

The amendment was agreed to.

The Secretary proceeded to read the next amendment of Mr. SHEPPARD, which was to insert a new section, to be known as section 2a. During the reading,

Mr. SHEPPARD. Mr. President, I ask that the clause "nor shall more than one member of a family occupying the same house" be stricken out.

Mr. UNDERWOOD. I did not catch the Senator's amendment.

Mr. SHEPPARD. I ask that the clause "nor shall more than one member of a family occupying the same house" be stricken out.

The SECRETARY. On page 4 of the amendment, in lines 5 and 6, it is proposed to strike out "nor shall more than one member of a family occupying the same house."

The VICE PRESIDENT. This is the amendment of the Senator from Texas, is it not?

Mr. SHEPPARD. It is my amendment.

The VICE PRESIDENT. The Senator has a right to strike it out, then.

The Secretary resumed the reading of the amendment.

Mr. SHEPPARD. I wish to have substituted for "intoxicating" the word "alcoholic."

The SECRETARY. On page 4, line 10, it is proposed to strike out the word "intoxicating" and insert the word "alcoholic."

The VICE PRESIDENT. That modification will be made.

The Secretary resumed the reading of the amendment.

Mr. SHEPPARD. On page 5, after line 3, I wish to insert the following:

No minor or habitual drunkard shall be permitted to order or possess alcoholic liquors in any quantity whatsoever.

The SECRETARY. On page 5, following line 3, the Senator from Texas modifies his amendment by inserting:

No minor or habitual drunkard shall be permitted to order or possess alcoholic liquors in any quantity whatsoever.

The Secretary resumed and concluded the reading of the amendment, which, as modified, is as follows:

SEC. 2a. All railroad, steamboat, or other boat companies, express and transportation companies of any kind, which shall in any manner at any time transport intoxicating liquors into the District, are hereby required to keep a record, alphabetically arranged, in which shall be entered immediately upon receipt thereof the name of every person shipping or to whom intoxicating liquors are shipped, the amount and kind of liquor, the date of delivery, by whom and to whom delivered, and the affidavit of the person receiving the liquor as provided herein. After this record is made and before delivery it shall be signed by the consignee. The book shall be open to the inspection of any person during the business hours of the company. Such books or a copy of such records, attested by an officer of the company or verified by affidavit, shall be admissible as evidence in any court and shall be prima facie evidence of the fact therein stated in any trial or proceeding for the enforcement of the provisions of this act.

An employee or agent of any express company, railroad company, steamboat company, or transportation company charged with the duty of keeping such record who shall fail to keep such record shall be guilty of a misdemeanor.

Any railroad company, express company, steamboat company, or transportation company who shall not require some one of its employees to keep such record shall be fined not less than $25 nor more than $100 for every day or portion thereof during which such failure shall continue.

No railroad or other transportation company shall receive a package of liquor to be shipped or carried into the District without having attached to it the affidavit of the consignee stating the amount of the liquors, the kinds of liquors ordered, and that it is not purchased for, nor will such liquors be used by the consignee for, an illegal purpose.

No person shall have in his possession, receive, or accept delivery oftener than once a month from any railroad, steamboat, express company, or transportation company of any kind, or from any person whomsoever, any alcoholic liquors in excess of one quart of distilled liquor in a single container, or one gallon of beer, or one gallon of wine, except as herein otherwise provided. Every container in which such distilled liquor, wine, or beer is carried or transported, shall have on it a card not less than 12 inches long by 6 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents; but a container in which a quart or less is carried may have on it a card 6 inches long by 4 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents, and the consignee shall, before receiving the distilled liquor, wine, or beer, sign a record as herein provided, and shall make an affidavit that the said distilled liquor, wine, or beer will not be used in violation of the provision of this act. A certified copy of such record shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding. Such commissioners shall keep a public record of such data as herein provided.

No minor or habitual drunkard shall be permitted to order or possess alcoholic liquors in any quantity whatsoever.

Any person who shall violate the provision of this section shall be guilty of a misdemeanor and be punished as provided in section 1 of this act.

Mr. SHEPPARD. Mr. President, the Senator from Iowa [Mr. KENYON] gave notice yesterday that he wished to move to reconsider the action of the Senate by which the amendment relating to ambassadors and ministers was adopted. I say to him that if he desires to make a change along that line it should be done at this point.

Mr. KENYON. Mr. President, I do not understand that the amendment now proposed by the Senator has been adopted.

Mr. SHEPPARD. Does the Senator wish to wait until this amendment is adopted?

Mr. KENYON. It is entirely immaterial. I would just as soon.

Mr. SHEPPARD. I ask that this amendment be passed over for the present and that we may proceed with the next one.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The SECRETARY. It is proposed to add a new section, to be known as section 5a, as follows——

Mr. KENYON. Mr. President, I understood the Senator from Texas to suggest that the reconsideration I proposed last evening would be proper at this point. I rather think, however, that it comes in the next section, section 6. This is section 5a. I will defer it until section 6 is reached.

Mr. JONES. Mr. President, I wish to make an inquiry of the Senator from Texas. Section 6 has in it the provision with reference to foreign ambassadors. According to the reprint section 6 goes out, and section 4 apparently covers the provision in the first part of section 6 with reference to ministers and pastors getting liquors for sacramental purposes, and does not show the provision with reference to ambassadors.

Mr. SHEPPARD. If the Senator will turn to page 10 of the reprint, section 4——

Mr. JONES. That is where I am.

Mr. SHEPPARD. I wish to direct his attention to the fact that the Senate added the clause relating to ambassadors and ministers to this section, and inserted it after the word "purpose," in line 17. That is the action which the Senator from Iowa moves to reconsider.

Mr. JONES. No such provision appears in the reprint.

Mr. SHEPPARD. The bill has not been reprinted with the amendments adopted so far by the Senate.

Mr. JONES. Oh, I see.

Mr. KENYON. Mr. President, I was confused in that matter because it did not appear in the print I had. If that is a fact, as I assume it is, I think now would be the proper time to ask a reconsideration. I ask unanimous consent to reconsider the action on the amendment of section 4 with relation to ambassadors and ministers of foreign countries.

The VICE PRESIDENT. The question is on the reconsideration of the vote whereby an amendment was adopted to section 4. The Chair does not know what it is, and does not suppose anybody else knows.

The motion to reconsider was agreed to.

Mr. KENYON. Mr. President, when section 6 is reached I shall make the same request. It seems to me, upon reflection, that we ought to say nothing at all in this bill about the ambassadors or ministers of foreign powers. That is something that is governed by international law and custom between countries, and nothing that we could say here in any event would amount to anything. It would not be enforceable, and it might lead to irritation and embarrassment. I asked to reconsider it because I think we should say absolutely nothing about foreign ambassadors and ministers from foreign countries.

Mr. JONES. Mr. President, as a member of the committee which reported this bill to the Senate, I agree with the Senator from Iowa as far as I am concerned. I think, under the circumstances, it probably would be better to leave out any reference to foreign ambassadors, and let them take their chances under the law and under existing customs and regulations between nations.

Mr. SHEPPARD. Mr. President, I have no objection to that course. Does the Senator from Iowa move to strike out the provision?

Mr. KENYON. I suppose the question is on agreeing to this amendment, as the action on it has been reconsidered, and it does not require a motion to strike out. If it requires a motion to strike out, however, I will make that motion.

The VICE PRESIDENT. No; it does not require it. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The amendments passed over will be stated.

Mr. SHEPPARD. Section 5a was passed over.

The SECRETARY. It is proposed to add a new section to be known as section 5a, as follows:

SEC. 5a. That every licensed manufacturer of alcoholic liquor not herein prohibited shall keep a permanent record of all sales and shipments of alcoholic liquor. Such record shall set forth the following information: The name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the 5th day of each month for the calendar month preceding. No shipment of alcoholic liquors shall be made until the purchaser signs an affidavit that such alcoholic liquors are not purchased for nor will such liquors be used or sold by the consignee for beverage purposes. The District Commissioners shall keep a public record of such sales, shipments, and affidavits, alphabetically arranged. Copies of the affidavit shall be attached permanently at the end of the record of each shipment or sale, and to each package containing liquor until delivered to the consignee. Any violation of this section shall be deemed a misdemeanor and be subject to the same penalties as provided in section 1 of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. Insert the following proviso at the close of section 5:

Provided further, That nothing in this act shall prevent any executive department or other establishment of the United States Government from purchasing or importing into the District of Columbia, free of tax and for its own uses, denatured, methyl, or ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes.

The amendment was agreed to.

Mr. SHEPPARD. I move, on page 12 of the reprint, line 5, after the word "liquors," to insert the words "within the District of Columbia."

Mr. UNDERWOOD. Will the Senator explain the purpose of that amendment?

Mr. SHEPPARD. The purpose of the amendment is to show that this clause does not apply to shipments to points outside the District.

Mr. UNDERWOOD. What effect will the amendment have on exportation?

Mr. SHEPPARD. It will permit exportation for lawful purposes to anyone outside the District, and not to druggists only, as the clause originally read through mere oversight.

Mr. UNDERWOOD. And as the Senator proposes to enlarge his amendment it will widen the field for the exportation of alcohol outside of the District of Columbia?

Mr. SHEPPARD. As to alcohol manufactured for industrial, mechanical, sacramental, and medicinal purposes, it will widen the number of those to whom it may be shipped, instead of restricting such number to druggists only, that is all. It does not widen the field of exportation in any other sense.

Mr. UNDERWOOD. Mr. President, as I stated yesterday, I do not think this bill ought to be written for the purpose of playing favorites. There can not be any question in the world that the efforts on the part of the proponents of the bill to inject these amendments into it broaden the field of the shipment of alcohol out of the District for the purpose of taking care of and protecting a manufacturer of alcohol in the District of Columbia.

Mr. SHEPPARD. That is not true, Mr. President, with all due regard to the Senator.

Mr. UNDERWOOD. It is true.

Mr. SHEPPARD. I deny it.

Mr. UNDERWOOD. I am not talking about the Senator from Texas; he may deny it; but the Senator is not the proponent of this measure. I read a statement in the papers yesterday where the Antisaloon League agreed, and it was published in a public print, that they would broaden this bill so as to open the field for the doing of the business of the manufacture of alcohol in the District of Columbia. The Senator from Texas, so far as I know, was not in that conference or at that meeting. If he was I am not informed, but it has not been denied that it was done.

Mr. SHEPPARD. I was not at the meeting.

Mr. UNDERWOOD. But the Senator is carrying out on the floor of the Senate the declared purpose of that meeting.

Mr. SHEPPARD. What is wrong in that declared purpose?

Mr. UNDERWOOD. Here is what I say is wrong, and I said so yesterday. There is one manufacturer of alcohol in this District who says he is a prohibitionist, and I do not doubt his word. As far as I know, he has contributed to that cause. He may or may not, I do not know, but I assume he has.

Mr. SHEPPARD. If the Senator knows——

Mr. UNDERWOOD. He is the one man, as far as I know, who is affected by this amendment.

Mr. SHEPPARD. Let me ask the Senator a question right there.

Mr. UNDERWOOD. Certainly.

Mr. SHEPPARD. Does this law prevent anybody else from going into the business of making alcohol for nonbeverage purposes? Does it restrict that privilege to one individual or one institution?

Mr. UNDERWOOD. But here is where I say you are playing favoritism. You make this amendment so that this gentleman can continue his business and save his property. Now, I do not object to doing that, not for a minute; but I do say you are playing favorites when you confine the proposition to one man. There are other people who are going to have their property confiscated if you pass this bill; it will be just as absolutely destroyed as if you took a torch and set fire to it.

What I say is if you propose to play favorites and take care of one manufacturer of alcohol, you ought to do what is just, what is fair, and put a provision in the bill that you are going to pay all the men whose property is destroyed by this law and wiped out entirely. That is but just and fair; but because one manufacturer of alcohol happens to be on your side you are very careful to guard it, so that he will not get hurt, and then you destroy the balance of the people.

I do not think that is fair. I am not going to interfere with it, but I am asking you to submit this bill to the judgment of the people of the District, if this is the way that you want to play the game—it is your bill—and put it up to the people of the District that way. But I say it is not fair.

Mr. SHEPPARD. The statement of the Senator from Alabama is entirely unfair. The institution to which he refers manufactures alcohol for industrial, mechanical, and medicinal purposes. Institutions or individuals who manufacture alcohol for a beverage have no property rights, and the highest courts of the country have so decided. The courts say that they have no more right to be repaid for property used in that nefarious business than if they had been engaged in making counterfeit money or illicit-distilling machinery. The Senator's analogy can not be justified.

Mr. BORAH. May I ask for a statement of the amendment which is now pending?

Mr. SHEPPARD. Has the Senator the reprint before him?

Mr. BORAH. I have.

The SECRETARY. On page 12 of the reprinted bill, line 15, after the word "liquors," it is proposed to insert the words

"within the District of Columbia," so that, if amended, the paragraph will read:

Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors within the District of Columbia to druggists only, and only to such druggists as are licensed under the terms of this section.

Mr. SHEPPARD. I submit the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. Now, Mr. President, after the word "druggists," in the same line, I move that there be inserted the words "hospitals, and scientific laboratories."

Mr. THOMAS. I think alcohol is one of the principal ingredients in the manufacture of cellulose explosives. If my information is correct, the principal consumers of alcohol are the manufacturers of powder. That, of course, is a great industry. I should like to inquire why the sale of alcohol for medicinal purposes should be limited to druggists and hospitals and other institutions of that kind when there is such a large market for legitimate consumption in other directions.

Mr. SHEPPARD. Those engaged in the legitimate industry of which the Senator speaks may obtain this material from druggists within the District of Columbia. We agreed to confine sale within the District to druggists in order to be able to keep in touch with the traffic more easily.

Mr. THOMAS. Does the Senator think the Du Pont or the Hercules Co., which consume large quantities of alcohol, should be compelled to go to the druggist for their supplies?

Mr. SHEPPARD. This amendment does not apply to shipments to points outside of the District of Columbia.

Mr. THOMAS. The sale, then, of alcohol manufactured in the District can be made to these large consumers?

Mr. SHEPPARD. Exactly.

Mr. GALLINGER. Mr. President, it is manifest to me that if this sale is to be permitted to druggists it ought to be permitted to hospitals and scientific laboratories. Alcohol is an absolute necessity in a hospital, and it is possibly a greater necessity in a scientific laboratory.

Mr. MARTINE of New Jersey. Mr. President, I should like to inquire of the Senator from Texas whether Peruna and Coca-Cola are included in the Senator's amendment. I am serious about that. I have a letter from a gentleman, no less than Dr. Wiley, who says that both these concoctions are poor and miserable whisky, and that there are more wrecks from Peruna than from many other drugs that are thought to be dangerous. I should like to inquire whether they are incorporated in the Senator's bill.

Mr. SHEPPARD. Coca-Cola is not affected by the bill.

Mr. MARTINE of New Jersey. Is Peruna?

Mr. SHEPPARD. Peruna being a patent medicine is controlled by the section which refers to sale by pharmacists and druggists, and as a medicine, under proper restrictions, it probably may be sold.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. SHEPPARD. Would it be agreeable to the Senator from Alabama to have his amendment for a referendum considered now?

Mr. UNDERWOOD. I would be very glad to do it, but I would prefer to have a vote on the substitute of the Senator from Utah [Mr. SMOOT] first, because, as I said, my purpose is not to interfere with the manner and mode of the preparation of the bill. It is my effort merely to have a submission to the people of the District of Columbia. If the Senate intends to adopt the substitute offered by the Senator from Utah for the bill in charge of the Senator from Texas, I would then apply my amendment to the substitute of the Senator from Utah, and if he is prepared to proceed to a vote on that proposition I am prepared and ask that it be done now.

Mr. NORRIS. Mr. President, may I ask the Senator from Texas whether the amendment that we laid aside a while ago has been agreed to?

Mr. SHEPPARD. It has not been passed on. I asked that it be passed over because I wanted a little more time to discuss it with some of the Senators before finally submitting it; but if the parliamentary status is such that it must be immediately considered I am willing to dispose of it now.

Mr. NORRIS. I have no objection to its going over, but such an amendment as that ought to be disposed of before we vote on the substitute.

Mr. UNDERWOOD. I will say if we vote on the substitute and it is adopted it wipes the Senator's bill out of the way.

Mr. NORRIS. But a vote on the amendment should come before we vote on the substitute.

Mr. SHEPPARD. A parliamentary inquiry, Mr. President. May we vote on the substitute before passing on the amendments I have submitted.

The VICE PRESIDENT. By withdrawing them.

Mr. SHEPPARD. I hesitate to assume the responsibility of withdrawing one part of this amendment—that is, the amendment limiting the amount of liquor that may be imported to an individual for personal use, owing to the pronounced differences of opinion among those who favor this bill. I realize that we can not accomplish everything at once. If we destroy the saloon in this District, we will have taken a long step forward. Therefore I am going to withdraw the last two paragraphs of the amendment in question and ask that the other paragraphs be adopted.

Mr. UNDERWOOD. Will the Senator explain exactly what is withdrawn so that we may understand it?

Mr. NORRIS. The part which the Senator withdraws, I understand, commences at line 5, page 4, of the printed amendment?

Mr. SHEPPARD. And ends on line 6, page 5.

Mr. UNDERWOOD. Will the Senator read the language for our information?

Mr. SHEPPARD. The part withdrawn relates to the limitation of the amount that may be imported for personal use.

Mr. UNDERWOOD. So, as you leave it, there is no limitation on the amount?

Mr. SHEPPARD. I leave it in that shape, although I hesitate to do so. I wanted more time, but I realize that a decision must be made and that we can not accomplish everything in one effort. I think it best to withdraw that part of the amendment limiting importation for personal use.

Mr. UNDERWOOD. Has the Senator any further amendments pending?

Mr. SHEPPARD. I have none that I recall except the part of the amendment to be known as section 2a, which is still to be considered.

Mr. UNDERWOOD. What does that relate to?

Mr. SHEPPARD. It relates to regulations governing shipments and requiring records to be kept by the transportation companies, and so forth.

Mr. UNDERWOOD. The Senator does not desire to proceed with those amendments now?

Mr. SHEPPARD. We must proceed with them now. I ask that the parts of section 2a which I have not withdrawn be adopted.

Mr. WADSWORTH. Will the Senator from Texas clarify the situation—as far as I am concerned I may be very obtuse—as to the present condition of the bill since the withdrawal of the amendment which was under discussion yesterday, which the Senator withdrew a moment ago. As I understand it an amendment has been adopted to the bill which forbids the manufacture for sale or gift, import for sale, import for use or gift, of any alcoholic beverage except for nonbeverage purposes.

Mr. SHEPPARD. Of course, Mr. President, section 1 will have to be slightly rearranged to accommodate the withdrawal I have made.

Mr. WADSWORTH. I suppose the Senator probably contemplates elimination of the words "for use or gift."

Mr. SHEPPARD. I do. I shall ask that this be done after we adopt this other part of section 2a.

Mr. UNDERWOOD. Have the amendments of the Senator from Texas been disposed of?

The VICE PRESIDENT. They have not.

Mr. GALLINGER. I ask that the language which the Senator proposes to withdraw be read. I do not find it.

The SECRETARY. While under consideration the proposed amendment known as section 2a of the Senator from Texas was passed over. The Senator from Texas now proposes to modify that proposed amendment by striking from it the following words on page 4 of the amendment of the Senator from Texas, beginning at line 5, which reads:

No person shall, for personal use or gift, have in his possession, receive, or accept delivery oftener than once a month from any railroad, steamboat, express company, or transportation company of any kind, or from any person whomsoever, any alcoholic liquors in excess of 1 quart of distilled liquor in a single container, or 1 gallon of beer, or 1 gallon of wine, except as herein otherwise provided. Every container in which such distilled liquor, wine, or beer is carried or transported shall have on it a card not less than 12 inches long by 6 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents; but a container in which a quart or less is carried may have on it a card 6 inches long by 4 inches wide, upon which shall be stated in letters not less than 1 inch high the kind and quantity of its contents; and the consignee shall, before receiving the distilled liquor, wine, or beer, sign a record as herein provided, and shall make an affidavit that the said distilled

liquor, wine, or beer will not be used in violation of the provisions of this act. A certified copy of such record shall be filed with the District commissioners not later than the 5th day of each month for the calendar month preceding. Such commissioners shall keep a public record of such data as herein provided.

No minor or habitual drunkard shall be permitted to order or possess alcoholic liquors in any quantity whatsoever.

And person who shall violate the provision of this section shall be guilty of a misdemeanor and be punished as provided in section 1 of this act.

Mr. BORAH. Is the portion of the amendment which has just been read the portion which the Senator asks to have stricken out?

Mr. SHEPPARD. I withdraw that part of the amendment. I ask that the other part of the amendment be adopted.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. SHEPPARD. Now, Mr. President, I ask that the words on page 2, lines 8, 9, and 10, "import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided," be eliminated.

The VICE PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 2 of the printed amendment, beginning in line 8, after the word "sale," it is proposed to strike out the words "import for use or gift, except as hereinafter provided, store, keep, deposit, or give away, except as hereinafter provided."

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I believe that this concludes my amendments.

Mr. UNDERWOOD. I should like to ask the Senator from Utah [Mr. SMOOT] if he desires to present his substitute before I offer the referendum amendment, so that we may know what bill we propose to refer?

Mr. VARDAMAN. I desire to ask the Senator from Alabama a question. Can not the Senator offer his amendment to either one of these bills?

Mr. UNDERWOOD. Certainly; but I do not care to take two votes on the amendment. If we have to take a vote on the Sheppard bill and the substitute offered by the Senator from Utah [Mr. SMOOT] should prevail, then I should have to have another vote on that proposition. I do not see any use in taking two votes. I had rather have the proposition of the Senator from Utah as a substitute first decided.

Mr. SMOOT. Mr. President, the Secretary has sent for a copy of my substitute amendment. I only had that one copy, and it will be here in a moment. Then, if there is no objection, I shall offer it at this time.

Mr. SHEPPARD. Is not the substitute intended to be proposed by the Senator from Utah on the Secretary's desk?

Mr. SMOOT. I will say to the Senator that the Secretary has just now handed me the substitute.

Mr. CURTIS. Mr. President, if the substitute offered by the Senator from Utah is now being considered, I desire to offer an amendment to it.

Mr. SMOOT. I will ask the Senator from Kansas to withhold his amendment to the proposed substitute for a moment, so that I may make a brief statement as to its provisions.

Mr. BORAH. May I submit a suggestion?

Mr. SMOOT. Certainly.

Mr. BORAH. We have had this measure under consideration here for a couple of days, and I now understand that the Senator from Utah offers an amendment which is a substitute for the entire bill.

Mr. SMOOT. That is true.

Mr. BORAH. That substitute has not yet been printed, and no one will know, except in a most superficial way, what it contains or what it is. I am myself rather desirous of knowing more about it.

Mr. SMOOT. I will say to the Senator from Idaho that I have just had a consultation with the Senator having the bill in charge in regard to the matter.

Mr. SHAFROTH. Why can not the Senator from Utah now explain the purport of his substitute, so that we may understand it better than having it read from the desk?

Mr. BORAH. To explain the purport of a bill without having the bill before one's eyes, without having the print, or without having gone over it at all does not afford very accurate information regarding it.

Mr. SMITH of Georgia. It would mean two or three days' hard work studying it in detail and perfecting it, and we have already gone ahead and perfected another bill to the satisfaction of the Senate. That is the trouble with the suggestion.

Mr. BORAH. It may be that the Senator from Utah has a better bill than that pending, but I do not want to vote for a bill about which I know nothing, except what will take place here in the next 10 or 15 minutes.

Mr. WEEKS. Mr. President, it seems to me that the bill which has now been perfected should also be reprinted before a vote is taken upon it. I do not believe a half dozen Senators know what is in the bill. I think both bills should be printed and laid before the Senate, so that we may know what we are going to vote upon.

Mr. SMOOT. Mr. President, as I was stating before interrupted, I had asked the Senator having the bill in charge if it were possible to allow the substitute offered by me to be printed, so that Senators might see just exactly what the substitute contains. I myself think that the suggestion of the Senator from Massachusetts is a very wise one, that the bill that is now before the Senate as amended should be printed, so that Senators may see exactly what amendments have been made.

There is no disposition on the part of the Senate to withhold action on the bill; and it seems to me, if the Senator from Texas would allow the bill to go over until to-morrow, in the meantime the substitute may be printed, and we may have the bill as amended printed. Then Senators can see just exactly what the two bills are.

Mr. VARDAMAN. If that be done, would the Senator consent to let this bill retain its present status as the unfinished business?

Mr. SMOOT. Oh, certainly; I think there would be no question about that.

Mr. NORRIS. Will the Senator from Utah yield to a suggestion there?

Mr. SMOOT. Yes; I yield.

Mr. NORRIS. It strikes me that the Senator from Alabama [Mr. UNDERWOOD] might at this time offer his referendum amendment. I presume he is ready to argue the amendment. He might offer it with the understanding that, if his amendment is agreed to, and if afterwards the substitute of the Senator from Utah shall be agreed to, he will then offer it as an amendment to the substitute.

Mr. UNDERWOOD. I have already stated that I did not care to offer my amendment until the form of the bill had been determined on. That is the logical parliamentary way to present the case; and I see no reason why I should present my substitute to the bill until the original bill is perfected.

Mr. SMOOT. I think the Senator from Texas will have no trouble in obtaining unanimous consent of the Senate that the unfinished business be temporarily laid aside. Then we can proceed with the calendar and take up the Senator's bill the first thing in the morning. I assure the Senator that the substitute will be printed and each Senator will have time to read the substitute in detail. I do not think the adoption of my suggestion will delay the passage of the bill. If there were a disposition on the part of the Senate to defeat a vote upon the bill I should not make this request of the Senator, but I have not seen any disposition on the part of any Senator to delay the vote. The bill might just as well pass to-morrow as to-day.

Mr. VARDAMAN. Mr. President, I think there is very much in the suggestion made by the Senator from Nebraska [Mr. NORRIS]. Of course, I am not going to dictate to the Senator from Alabama [Mr. UNDERWOOD] as to when he shall submit his very able speech, which will have the same effect if delivered this afternoon as it would have if delivered to-morrow; but, as a friend of this bill, I desire to say that I am not in favor of taking undue advantage of anyone. I am perfectly willing, so far as I am concerned, that this question should have free and full discussion and that the bill should be proceeded with in the regular parliamentary way. While I have nothing to do with the management of the bill, I desire to state that I am sure the Senator from Texas [Mr. SHEPPARD] feels the same way about it as I do. We want a vote on the bill; we expect to pass it; but we are not in any undue haste in the matter if Senators want more time to consider the bill.

The VICE PRESIDENT. The Chair may be permitted to remark, without interfering with the progress of this negotiation, which is not getting anywhere, that it does not need a call of the Senate to enter into a unanimous-consent agreement to take this bill up at the close of the morning business to-morrow morning. A call is required when it is sought to have a unanimous-consent agreement to proceed to consider a bill to a final vote; but the Senators now present, if they want to do so—and the Chair only interrupted because there seemed to be a different idea—can enter into a unanimous-consent agreement to resume the consideration of this bill immediately upon the close of the morning business to-morrow morning.

Mr. SHEPPARD. Mr. President, what would happen to the bill, then, at 2 o'clock to-morrow?

Mr. SMOOT. It would be the unfinished business.

The VICE PRESIDENT. If it were under consideration, and there should not be anything pending at the close of the business of to-day so as to make that the unfinished business, the pending bill would proceed along as the unfinished business. The Chair understood the suggestion to be to take up the calendar under Rule VIII. Of course, if the calendar is taken up under Rule VIII, nothing can be considered except unobjected bills, so there would not be any other business which would intervene and become the unfinished business. An agreement may be entered into to proceed with the calendar under Rule VIII and at the conclusion of the morning business to-morrow to take up Senate bill 1082. That certainly would avoid any steps being taken to make any other measure the unfinished business.

Mr. SHEPPARD. Mr. President, I have no disposition——

Mr. SMOOT. Just a moment. If the Senator from Texas should ask unanimous consent now to lay the bill temporarily aside, especially if he did so at 2 o'clock, then the bill would be the unfinished business to-morrow.

The VICE PRESIDENT. Provided it were taken up before the adjournment if any other measure were then pending.

Mr. SMOOT. Yes; that is true; and that is why I made the suggestion to the Senator.

The VICE PRESIDENT. It can be accomplished in that way.

Mr. SHEPPARD. I presume that both courses would be equally effective.

Mr. SMOOT. I think so. Whichever the Senator prefers will answer the purpose. It seems to me, however, the easiest way would be to ask unanimous consent that the bill be temporarily laid aside.

Mr. SHAFROTH. I should like to ask the Senator from Utah whether he expects to discuss his amendment?

Mr. SMOOT. I expect to discuss it for perhaps 30 minutes, but not longer than that.

Mr. SHAFROTH. The Senator would not care to proceed this afternoon, so as to get rid of it, would he?

Mr. SMOOT. I would very much prefer that Senators have the proposed substitute before them in printed form. If the bill goes over until to-morrow, more than likely at least those who are interested will read the proposed substitute before the discussion takes place to-morrow after the morning business, and then, I will assure the Senator, that I will not take more than 30 minutes in the discussion.

Mr. SHEPPARD. Mr. President, I have no disposition whatever to resist any suggestion that would lead to a thorough and proper consideration of this measure and of the substitute proposed by the Senator from Utah [Mr. SMOOT]. We are all endeavoring to reach the best possible solution of the question under consideration. I intend to make the request suggested However, before I do that, I shall ask the Senator from Alabama [Mr. UNDERWOOD] if it would be agreeable to him, if there is no objection from others, to vote on this bill at 6 o'clock to-morrow.

Mr. UNDERWOOD. No; I do not think it would be agreeable. If the Senator is willing to fix the time for a vote on Monday, I will agree to that. I have no desire to delay the matter.

Mr. VARDAMAN (to Mr. SHEPPARD). Make it 2 o'clock on Monday.

Mr. SHEPPARD. I ask unanimous consent that the final vote on this matter be taken on Monday at 2 o'clock.

The VICE PRESIDENT. That will necessitate a call of the Senate.

Mr. SHEPPARD. I make that request, Mr. President.

Mr. UNDERWOOD. At what time?

Mr. SHEPPARD. I shall change it to 3 o'clock.

Mr. UNDERWOOD. Three o'clock?

Mr. SHEPPARD. Yes.

Mr. SMITH of Georgia. Mr. President, I wish to suggest to the Senator from Texas that his motion be put in the form that we have recently found most desirable, that at the time designated we take up the bill and proceed to vote upon any pending amendment and upon the bill itself to a final conclusion, debate being limited to not more than five minutes upon any amendment.

Mr. SHEPPARD. I make that request.

Mr. UNDERWOOD. With the understanding that my substitute is the pending amendment?

Mr. SHEPPARD. Yes.

Mr. SMOOT. Not the pending amendment now.

Mr. UNDERWOOD. One of the pending amendments.

The VICE PRESIDENT. Let us ascertain what the proposed unanimous-consent agreement is before the Chair orders the roll called.

Mr. SMITH of Georgia. The Secretary of the Senate has the form which we have used frequently.

The VICE PRESIDENT. The Secretary will read it.

Mr. SMITH of Georgia. I may not have used the exact language. I was about to suggest to the Secretary that he put it in the language that we have recently used.

Mr. CURTIS. While the Secretary is preparing the order I should like to present an amendment and have it printed with the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. As an amendment to my proposed substitute?

Mr. CURTIS. As an amendment to the substitute proposed by the Senator from Utah declaring all places where intoxicating liquors are sold to be public nuisances.

The VICE PRESIDENT. The Secretary will read the proposed agreement in order to ascertain whether it is in such form as to express the views of Senators.

The Secretary read as follows:

Mr. SHEPPARD asks unanimous consent that at not later than 3 o'clock p. m., Monday, December 18, 1916, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill, Senate 1082, through the regular parliamentary stages to its final disposition.

Mr. SMITH of Georgia. No; the Secretary has it wrong. There should be a provision as to five minutes' debate upon each amendment.

Mr. HUGHES. I suggest, Mr. President, that the order be amended so as to provide that from 2 o'clock until the vote is taken the five-minute rule shall be applied to the discussion on all amendments.

Mr. SMOOT. Why not from 3 o'clock?

Mr. HUGHES. If we make it 2 o'clock, that will give us an hour to debate amendments under the five-minute rule. Then at 3 o'clock we will proceed to vote upon the bill through all the parliamentary stages to its final passage, and any amendment that has not been considered at that time can not be considered at all. That will give us an hour to operate under the five-minute rule in the consideration of amendments. I suggest that that change be made in the order.

Mr. UNDERWOOD. Mr. President, I want also to have it understood that it will be in order to take up and consider the substitute which I propose to offer not later than 12 o'clock on Monday. I do not know whether the debate will run all day to-morrow on the other amendment. I want to be assured of an opportunity of presenting and having a vote upon the substitute I propose to offer.

Mr. SHEPPARD. That is acceptable to me.

Mr. JONES. Mr. President, there does not appear to be any disposition to unnecessarily delay the passage of this bill. I do not like the idea of fixing a time now for voting upon the bill. The substitute of the Senator from Utah [Mr. SMOOT] has not been printed; the bill as it has been amended in very many particulars has not been printed; and I think that all that we ought to do now is to agree to the suggestion that the bill go over until to-morrow, and that it then be taken up after the bill as amended and the various amendments to it have been printed. Then possibly we may reach some understanding, if it seems advisable, as to when a vote shall be taken.

I do not feel that we ought to agree now to fixing a definite time to vote on this bill. The referendum proposition has not been discussed at all, except the debate we had upon it several months ago. That is the crux of the whole matter; and if we agree now to fix a time to vote—we know how discussion goes on in the Senate—the time may be practically all taken on one side or the other, and so, as a friend of the measure, I should now feel constrained to object to fixing a time to vote definitely on the bill.

Mr. SMOOT. Then I suggest to the Senator from Texas that, if that be the case, why not ask that the bill be temporarily laid aside?

Mr. SHEPPARD. Do I understand the Senator from Washington to indicate that he would object to the proposed agreement?

Mr. JONES. I would feel constrained to object at this time.

Mr. UNDERWOOD. I suggest to the Senator from Texas, why not adjourn, and then to-morrow his bill will have the same status that it has to-day?

Mr. SMOOT. That is all right.

Mr. SHEPPARD. Well, Mr. President, before we do that, I ask that the bill be reprinted, showing the amendments which have been adopted.

The VICE PRESIDENT. The Chair would suggest that it be reprinted as amended.

Mr. SHEPPARD. Very well; I ask that it be reprinted as amended.

The VICE PRESIDENT. Without objection, the bill as amended will be reprinted and the proposed substitute of the Senator from Utah [Mr. SMOOT] will be printed, together with the amendment to the proposed substitute offered by the Senator from Kansas [Mr. CURTIS].

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Order of Business 353, being the bill (S. 4060) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory.

Mr. UNDERWOOD. I should like to have an understanding before that is done, Mr. President. I will ask the Senator from Texas if the pending bill has gone over definitely until to-morrow?

Mr. SHEPPARD. I wish to prefer the request that the pending bill be temporarily laid aside, and that we proceed with the calendar under Rule VIII, without prejudice to the bill S. 1082.

Mr. UNDERWOOD. With the understanding that it shall not be taken up again this afternoon.

Mr. SHEPPARD. It may be taken up again at 2 o'clock, but I will say to the Senator that I shall make this same request at that time.

Mr. UNDERWOOD. Well, with the understanding that the bill will not be taken up again this afternoon, I shall not object.

Mr. SMITH of Georgia. It will have to be taken up at 2 o'clock.

Mr. UNDERWOOD. But will not be taken up for consideration or a vote.

Mr. SHEPPARD. I agree to that.

Mr. GALLINGER. Mr. President, I do not know that I understood the motion. The Senator can not make a compound motion that the bill be laid aside.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

Mr. GALLINGER. There is no objection to that. That is proper.

The VICE PRESIDENT. Now the calendar under Rule VIII is in order.

Mr. GALLINGER. That is right.

Mr. SMITH of Georgia. Mr. President, I withdraw the motion I made to proceed with a particular bill. That would take precedence of the calendar, I having made the motion, but I withdraw it, as the calendar is now to be taken up.

THE CALENDAR.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Secretary will state the first bill on the calendar.

The first business on the calendar was the bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. GALLINGER and Mr. MARTINE of New Jersey. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Mr. President, my colleague [Mr. SUTHERLAND] is interested in this bill, and he is not present in the Senate Chamber at this time. Therefore I shall ask that the bill be passed over temporarily, at any rate.

The PRESIDING OFFICER. The Chair would like to make a parliamentary inquiry. He has not the bill before him, but thinks it is one in which he is interested. [A pause.] The bill will be passed over.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order.

Mr. KENYON. Mr. President, a similar resolution was passed at the last session of this Congress, and there is no need of this remaining on the calendar any longer. I move that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

BILL AND RESOLUTION PASSED OVER.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 43) for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York was announced as next in order.

Mr. GALLINGER. Let that resolution go over.

Mr. SMOOT. Mr. President, I ask that the resolution be placed under Rule IX. The object of the resolution, of course, is past, and I ask that it be placed under Rule IX.

Mr. GALLINGER. Let the resolution be indefinitely postponed, if the object is passed. [A pause.] Let it remain on the calendar where it is, then.

The PRESIDING OFFICER. The resolution will be passed over.

SERVICE ON POLITICAL COMMITTEES, ETC.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, there are a number of measures like this pending upon the calendar. It occurs to me that if we should carry them all over to the calendar under Rule IX we will get them off our calendar here, and we would know what we really had to deal with, not only with reference to this but with reference to other measures that are not being seriously pressed. As we come to them, I think if we want to handle this calendar we ought to transfer them to Rule IX and get them off of this calendar, where apparently they are to be pressed.

Mr. PENROSE. Mr. President, I will suggest to the Senator from Georgia that I notice here a number of bills relating to election practices. The Owen bill, so called, has been recommitted. Why would it not be well to recommit these measures for consideration in connection with the whole subject?

Mr. SMITH of Georgia. I think these election matters might very properly take that course.

Mr. CLAPP. Mr. President, as the proponent of some of these bills, at least, I think the suggestion is a very good one, that all these bills relating to campaign and election matters be recommitted to the Committee on Privileges and Elections.

Mr. PENROSE. Then, Mr. President, I move that this bill and the next two bills be recommitted to the Committee on Privileges and Elections. I refer to the bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and the bill (S. 669) to limit the use of campaign funds in presidential and national elections.

The PRESIDING OFFICER. Unless there is objection, that course will be taken. The Chair hears none, and it is so ordered.

BILLS, ETC., PASSED OVER.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. That is the bill which was under consideration before the calendar was taken up.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MONUMENT TO MATTHEW FONTAINE MAURY.

Mr. MARTIN of Virginia. Mr. President, while I was out of the Chamber the second bill on the calendar—a bill for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was passed over. I ask unanimous consent to return to it. It has been heretofore objected to by the Senator from Utah [Mr. SMOOT]. I understand that he has looked into the matter and no longer has any objection to the consideration of the bill; so I ask unanimous consent to return to it and that it be again taken up.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia.

The bill had been reported from the Committee on the Library with amendments, on page 1, line 3, to strike out "$50,000" and insert "$30,000," and, on page 2, line 5, after the words "shall meet the approval," to insert "of the Commission of Fine Arts and," so as to make the bill read:

Be it enacted, etc., That the sum of $30,000 be, and is hereby, appropriated for the purpose of erecting, on one of the public reservations of the city of Washington, a monument to the memory of Matthew Fontaine Maury, of Virginia, to bear an inscription, with appropriate emblems and devices, such as shall commemorate the work of said Matthew Fontaine Maury during the period of his service as an officer of the United States Navy, connected with the Naval Observatory at Washington, and shall perpetuate his fame as a geographer, a meteorologist, and a discoverer of the laws governing the winds, currents, and routes of the ocean. The design for said monument and the contract for its erection shall be open to public competition, and that proposal shall be accepted which shall meet the approval of the commission of Fine Arts and of the Secretary of the Navy, who shall also select the public reservation in the city of Washington for the site thereof. The total cost of said monument, with foundations and pedestal, shall not exceed the sum hereby appropriated; it shall be finished and dedicated on such day as shall be fixed upon by the Secretary of the Navy, on whose certificate that the work has been duly completed the contract price thereof shall be duly paid, not exceeding the amount appropriated by this act.

The amendments were agreed to.

Mr. SMOOT. Mr. President, I want to say just a word. I have collected the bills that have been offered in this Congress providing for the erection of monuments to different persons in the United States. I have in my desk 67 such bills that have already been offered during this Congress.

Mr. KENYON. Mr. President, I should like to ask the Senator what the amounts aggregate.

Mr. SMOOT. I will say to the Senator that I have not figured up the total, but it runs into the millions, without a question of doubt.

One of the reasons why I have objected to the consideration of this bill in the past was that I thought there ought to be some kind of a policy adopted by Congress as to the erection of monuments to the memory of distinguished men of our country. I am fully aware of the wonderful work accomplished by this distinguished Virginian. He was a very learned man, perhaps more so than men to whose memory we have already erected monuments; but in order that I may be consistent with a number of letters that I have written to citizens of Virginia and other places that have written me in relation to the bill now under consideration I want to say that I thought the letter that was written by M. F. Maury, commander, Confederate States Navy, dated October 29, 1861, to his imperial highness the Grand Duke Constantine, grand admiral of Russia, of St. Petersburg, was an unpatriotic letter and an unjust statement against the Federal Government. I am not going to take the time to read it, nor do I want it placed in the RECORD. I want to say to the Senator from Virginia that I have referred to the Maury letter in answering letters that have been directed to me by citizens of Virginia asking me what my reasons were for objecting to the consideration of the bill.

Mr. President, I shall say no more; but I do believe that we ought at a very early date, if not now, to agree upon some system in regard to the erection by the Government of the United States of monuments to distinguished citizens.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Utah a question. Is this a lengthy letter to this titled gentleman on the other side?

Mr. SMOOT. No; it is not very lengthy; but I will say to the Senator——

Mr. PENROSE. I should be interested in having it read, I think, or put in the RECORD.

Mr. SMOOT. I will say to the Senator that I prefer not to do so now, as I am going to allow the bill to be voted upon, as far as I am concerned. I prefer not to do so at this time.

Mr. President, I will say nothing further at this time. If the Senate wants to vote $30,000 for the erection of a monument to Maury, well and good; but I want to say again that there are 66 other bills of a similar character to be considered at this session of Congress.

Mr. MARTIN of Virginia. Mr. President, I send to the desk an article taken from Collier's Weekly, dated the 25th of November, 1916, and ask that it be read. It is very brief.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Secretary read as follows:

It may be said that Maury laid the foundation for our modern Weather Bureau, and that the science of meteorology began with him. He founded the National Nautical Observatory and the Hydrographic Office in Washington, and discovered, among other things, the cause of the Gulf Stream, and the existence of that plateau in the North Atlantic Ocean, which, if I am not mistaken, made possible the laying of the first Atlantic cable. Cyrus W. Field said, with reference to this, "Maury furnished the brains, England the money, and I did the work." Further than this, the charts of the North Atlantic which Maury made years ago are to-day the basis upon which that ocean is navigated by all nations. I am informed that though he was decorated by many foreign Governments, he was never given so much as a cheap little medal by that of the United States, and that his name has not been kept alive by any memorial or other token of his country's gratitude.

Mr. MARTIN of Virginia. Mr. President, I had that read in lieu of making any comment myself on the career of this great scientist. There may be 60 other bills here, but there are not 60 others with regard to men of equal distinction with Commodore Maury. He was one of the great men of this country, a great scientist, and a great naval officer. He was a man who conferred immense benefits on the people of the country.

I will say, furthermore, that the pendency of this bill in Congress has attracted wide attention all over the State of Virginia. It is a matter in which the people feel the deepest interest, and I feel that it is but a very small token of appreciation of a man who rendered the service that I know he rendered.

I hope the Senate will pass the bill.

Mr. THOMAS. Mr. President, I shall not object to the consideration of this bill nor oppose its passage, out of deference to the senior Senator from Virginia. I know that he is very anxious to secure its passage, and has a very deep personal interest in it. Hence, I shall respect his wish, which is grounded upon a conviction of duty to a distinguished Virginian. When the bill was reached at former calls of the calendar I took identically the position of the Senator from Utah with regard to it, as with similar bills. It is always disagreeable to object to the consideration of bills in which other Senators have strong personal interest; and yet if we are to put a check upon our expenditures we must do so, and do so frequently.

The Senator from Utah has referred to a large number of other bills of similar character which have been introduced in this Congress, some of which, I presume, have been reported out, and others may be.

Mr. MARTIN of Virginia. Not one has been reported at this session.

Mr. THOMAS. There is a similar bill immediately preceding this on the calendar.

Mr. MARTIN of Virginia. That came over from the last session.

Mr. THOMAS. Both came over from the last session, so far as that is concerned. I have no doubt that those who introduced them are as interested in securing their passage as the Senator from Virginia regarding this one. And the aggregate amount of their required appropriations, which are in themselves comparatively small, would be a considerable drain upon the Treasury.

Mr. MARTIN of Virginia. If the Senator will excuse me, I will say right here that the other bill to which he refers, which is just before the Maury bill, was introduced by me, and I shall not expect two monuments to Virginians. I will not press that bill if the Maury bill is passed.

Mr. SMITH of Georgia. Let us carry it under Rule IX.

Mr. MARTIN of Virginia. Yes; I shall be very willing to have that done.

Mr. THOMAS. I did not refer to it upon the assumption that it would be pressed, but merely as a bill which belongs to the class of bills to which the Senator from Utah referred, and which has been reported out upon the calendar. It is the aggregate of the amount of these comparatively small bills that tends to produce deficits in the Treasury such as we are now confronting.

Mr. President, during the last session we appropriated a great deal of money for which there was no immediate need; and if we are to judge from the number of bills that have been introduced in both Houses at this session we may be called upon to appropriate a great deal more, notwithstanding the fact that the condition of the Treasury is not such as to warrant it. Until our revenues shall equal, if not exceed, the amount of fixed expenditures that we must meet and provide for, we should not increase our appropriations except where it is absolutely necessary.

But my immediate purpose in speaking upon this matter at all is to outline what I think should be the course of the dominant party and therefore of its members during the next fiscal period, and perhaps indefinitely. There is no doubt but that we are confronting a deficit. What the amount of it is perhaps is not definitely known. If my recollection serves me aright, the Secretary of the Treasury estimates it at something like $190,000,000. We have another large naval and military program, which the preparedness influences of the country are behind, the adoption of which is confidently anticipated at the present session of Congress, and which, together with our previous Army and Navy appropriations, will increase the amount of that

deficiency unless we enact further revenue legislation, which may or may not be contemplated. I do not know. At any rate, we are now face to face with the necessity either of issuing bonds for the purpose of financing some of our running expenses or of increasing taxation which is already burdensome.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. MARTIN of Virginia. Will the Senator from Texas allow this bill to be temporarily laid aside that we may finish the bill which has been under consideration?

Mr. SHEPPARD. I ask that the bill be temporarily laid aside.

Mr. SMITH of Michigan. Can the Senator from Texas tell us with any certainty when we can reach a vote on this bill?

Mr. SHEPPARD. There has been no agreement as to a time for a vote to be taken.

Mr. SMITH of Michigan. Is it to come up to-morrow?

Mr. SHEPPARD. The bill will come up to-morrow. I hope we may vote upon it at some time to-morrow, but I am not sure that we will be able to do so. I ask unanimous consent that the bill be temporarily laid aside.

Mr. SMITH of Georgia. By temporarily laying the bill aside it will remain the unfinished business upon the calendar to-morrow. In addition to that, I think we have had practically an agreement that immediately at the closing of the morning business to-morrow, before this bill is reached as the unfinished business, we will take it up for consideration. So that means that to-morrow is to be devoted to the consideration of the prohibition bill for the District of Columbia, unless something is done by the Senate to displace it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

Mr. SHEPPARD. I was going to ask further that the calendar be proceeded with without prejudicing the bill.

Mr. MARTIN of Virginia. That will be done.

The PRESIDING OFFICER. That has already been ordered this morning. The calendar will be proceeded with.

MONUMENT TO MATTHEW FONTAINE MAURY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia.

Mr. THOMAS. Mr. President, I did not observe when I was speaking that the hour of 2 o'clock was approaching, and I assure the Senator from Virginia that I had no purpose of consuming the morning hour so as to prevent favorable action upon the bill.

I was about to say, Mr. President, when interrupted, that it was necessary either to provide a bond issue for the purpose of covering existing and future deficiencies or of increasing our rates of taxation, together, unquestionably, with the enlargement of the objects of taxation that are immediately before us, and for my part I do not like that situation. I am absolutely opposed to a bond issue under any circumstances unless it becomes absolutely unavoidable, and I do not think it is. I believe in the old-fashioned doctrine that we should pay as we go, and that the imposition of direct taxes is one of the best ways of insuring economy of administration, not only because legislators will under that system shrink from extravagances which otherwise they easily assume, but because also under that system the discontent of the people will be aroused and prompt them to observe how their money is expended, a condition which must lead to economies otherwise impossible.

So at the next session—possibly at this session—the Congress must determine whether it will continue our present method of expenditures and meet deficiencies by a bond issue or by increased taxation, which, to my mind, is one of the most serious situations that confronts the party in power, or practice that strict frugality in public administration which good government always demands.

I am sorry that I am unable to observe any evidence of an economical spirit in either House or on either side of either House. I noticed on the first day of the session that about 213 private bills were introduced in the House of Representatives, all but two or three of which were for pensions or for increase of pensions, whose aggregate amount, like that of other small appropriations, will impose a very considerable added burden upon the Treasury.

But I have noticed that while we are all here ostensibly in favor of economy, when it comes to pension bills nobody seems to want either to reduce their number or to confine the applicants to general laws or to oppose the enactment of any special bill whatever.

I believe that the retrenchment to which I have directed my remarks should apply all along the line, and that we should not make exceptions in any direction if we are to accomplish what must be accomplished, if we are to prevent an increase, and a very serious increase, of taxation, or the enlargement of our national indebtedness. So after this session shall have expired, if I should live so long, it is only fair to say now that I shall feel it my duty to interpose, as far as I can, such objections as may be tenable and as may be consistent with the procedure of the Senate to the promiscuous and needless appropriation of the public revenues to objects which are private in character or not essential to the due administration of public affairs. And I sincerely trust and confidently expect to have the cordial cooperation of my fellow Democratic Senators at least.

Mr. SMITH of Georgia. Mr. President, I was on the point of rising just as the Senator from Colorado [Mr. THOMAS] rose for the purpose of expressing very much the same line of thought as that which he has presented to the Senate. The time has come when it is absolutely essential that we should appropriate no money for any purpose that we are not compelled at this time to provide for. Our naval appropriations for 1917, already made, our plans for a naval expenditure, coupled with our military plans for expenditure, will necessitate a large amount of increased revenue or else a bond issue. Our present revenue laws will not meet the tax upon the Treasury for the fiscal year 1916 unless we curtail expenditures, and even then it will be necessary to raise some additional revenue.

I think the way to begin to economize is to stop appropriating money anywhere for anything that is not necessary now. The responsibility will be on the Finance Committee to help raise the revenue. The responsibility is on the Appropriations Committee to cut off every increased appropriation and lessen some which we have already made where it can be done.

I do not believe that any such important problem will be in front of us in the near future as the curtailment of expenditures, and the increase of revenue for our plans of military preparedness will require substantially more money than our present plan of revenue will raise.

I would not vote for even this $30,000. I am in favor of putting under Rule IX the bill just above it and each other provision for a statue as we reach it. Of course, it looks like a small matter, but unless we begin in small matters we will not save in large ones. I am in favor of appropriating no money at this session that is not absolutely necessary.

Mr. MARTIN of Virginia. Mr. President, I do not think I am unreasonable or inaccurate when I say that I think I have done as much to keep down useless appropriations as any Senator in this body. I have been in a continuous conflict since I have been the chairman of the Appropriations Committee with efforts that are from time to time made to put extravagant appropriations on the statute books. I will continue my efforts on that line, and I will be very much surprised if this session passes without my finding it necessary to take issue with the two Senators who have seen fit to oppose a little $30,000 appropriation to do honor to one of the greatest men who ever lived in the United States. I am in full accord——

Mr. THOMAS. If the Senator will permit me, I think I stated distinctly that I was not opposed to the bill of the Senator from Virginia.

Mr. MARTIN of Virginia. I thank the Senator very much.

Mr. SMITH of Georgia. I stated also that I would not oppose it, but wished——

Mr. MARTIN of Virginia. I thought the Senator from Georgia opposed it.

Mr. SMITH of Georgia. I stated that I was opposed to all such bills. I did not intend to oppose this one, although I did not intend to vote for it.

Mr. MARTIN of Virginia. I thank the Senator.

Mr. SMOOT. The Senator knows my position.

Mr. MARTIN of Virginia. I understand the Senator from Utah, and I will not prolong my remarks. I was under a misapprehension. This is a very small matter and it is doing some honor to one of the great men of the country. I am glad to hear that the Senator from Colorado and the Senator from Georgia will unite with me in having it passed.

Mr. SMITH of Georgia. I understand that in my remarks I said I would vote against this measure. I must have expressed myself unfortunately. I meant to say I would not vote for the measure, but did not intend seriously to oppose it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO POCAHONTAS.

Mr. SMOOT. I ask unanimous consent that Senate bill 609 to aid in the erection of a monument to Pocahontas at Jamestown, Va., be transferred to the calendar under Rule IX.

Mr. MARTIN of Virginia. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATION OF FREIGHT BLOCKADE.

Mr. SMITH of Georgia. I think that Order of Business 63, Senate resolution 43, for the appointment of a committee to investigate and inquire into the causes of the existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York, should be gotten off this calendar.

Mr. SMOOT. I asked that that be done.

Mr. SMITH of Georgia. Has it been done?

Mr. SMOOT. I asked that it be transferred to Rule IX and the Senator from New Hampshire [Mr. GALLINGER] objected.

Mr. SMITH of Georgia. Putting it on the calendar under Rule IX simply gets it off this calendar. By motion it can still be taken up.

Mr. SMOOT. I will say to the Senator that not only has the object passed but the Interstate Commerce Commission made a most thorough and exhaustive investigation of this very subject matter, and we have that investigation now printed much more fully than the committee of the Senate would do; and it would be perfect nonsense to consider the resolution at this time.

Mr. SMITH of Georgia. Let us put it on the calendar under Rule IX by motion. I move that it be placed under Rule IX.

The PRESIDING OFFICER. The Senator from Georgia movies that Order of Business 63 be placed on the calendar under Rule IX. Without objection, it will be so ordered.

BUSINESS PASSED OVER.

The next business on the calendar was Senate resolution 7, providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. It will go over.

The next business on the calendar was Senate resolution 20, for the appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

RELIEF OF FIRE INSURANCE COMPANIES.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the sum of $85,975 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Royal Insurance Co., $25,100; Liverpool & London & Globe Insurance Co., $6,900; New Zealand Insurance Co., $6,025; Fireman's Fund Insurance Co., $9,250; National Fire Insurance Co., of Hartford, Conn., $4,150; Caledonian Insurance Co., of Edinburgh, Scotland, $750; North British Mercantile Insurance Co., $3,000; the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROCEDURE IN COURTS.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. HOLLIS. There has been some disagreement among the friends of this bill, but those disagreements have been reconciled. I think, however, the bill should not be passed in the absence of the Senator from New York [Mr. O'GORMAN]. I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

STATUE OF JAMES BUCHANAN.

The next business on the calendar was the joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

PUBLIC PRINTING.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. SMOOT. It will be impossible to consider that bill under the five-minute rule, but I want to give notice now that at the first opportunity, if the chairman of the committee does not do it, I am going to move to take up the bill for consideration. This is a bill that will save to the Government of the United States $800,000 a year in its printing. The whole object of the resolution that was passed by the Senate this morning, offered by the Senator from Iowa [Mr. KENYON], can be attained by the passage of this bill. I hope when the time comes Senators will take up this bill and pass it. It ought to be done, and it should have been done before.

The PRESIDING OFFICER. The bill will go over.

BILLS, ETC., PASSED OVER.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. CLAPP. Let that go over.

The PRESIDING OFFICER. It will go over.

The next business on the calendar was Senate resolution 107, relative to leasing of Osage oil lands.

Mr. GRONNA. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 1100) to pay the balance due the loyal Creek Indians on the award made by the Senate on February 16, 1903, was announced as next in order.

Mr. GRONNA. Let that go over.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1096) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

RELIEF OF MAIL CONTRACTORS.

The bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, was announced as next in order.

Mr. SMOOT. There are some 12 or 14 relief bills, beginning with this Order of Business 234, reported from the Committee on Post Offices and Post Roads. There is a general bill here covering all these individual bills, which is Order of Business 638, the bill (H. R. 11150) for the relief of mail contractors. That bill was reported by the Senator from Mississippi [Mr. VARDAMAN] from the Committee on Post Offices and Post Roads.

I remember 14 years ago going over all these individual bills. The general bill to which I have referred, I think, has passed the Senate once. I want to say frankly I do not believe the bill ought to pass, but the department has reported favorably upon it. These bills were introduced in the Senate years and years before I came to this body. I think all these individual bills ought to be indefinitely postponed, and House bill 11150 ought to be considered by the Senate, for House bill 11150 covers them all. I will ask the Senator from Florida [Mr. BRYAN], the chairman of the Committee on Claims, if he will not make that motion now?

Mr. BRYAN. The bills came from the Committee on Post Offices and Post Roads.

Mr. SMOOT. I will say that the bills have been before the Committee on Claims so many times I was thinking of them at the moment as being still there. However, the chairman of the Committee on Post Offices and Post Roads is not present. Therefore I will ask that all these relief bills be passed over, and in the meantime I shall see the chairman of the Committee on Post Offices and Post Roads and ask him to have them indefinitely postponed and allow the Senate to pass upon House bill 11150, for the relief of mail contractors.

Mr. PENROSE. That does not deprive any Senator of his rights to object to the consideration of that bill.

Mr. SMOOT. Not at all. I will say to the Senator from Pennsylvania that there are the same names in the omnibus bill that are enumerated in these private-claims bills.

Mr. PENROSE. I understand that fully. I agree with the Senator from Utah that none of them ought to pass.

The PRESIDING OFFICER. Without objection, then, Order of Business 234, Senate bill 3927, will be passed over.

BILLS PASSED OVER.

The bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 4884) for the relief of the estate of A. B. Denton was announced as next in order.

Mr. SMOOT. I ask that this bill and the following bills, House bill 8592, House bill 9291, House bill 9458, House bill 9459, House bill 9555, House bill 9556, House bill 9635, House bill 5986, House bill 10933, and House bill 3447, be passed over.

Mr. SMITH of Georgia. Why not put them on the calendar under Rule IX?

Mr. SMOOT. I think they ought to be indefinitely postponed, because they are all included in House bill 11150, to which I referred.

The PRESIDING OFFICER. Without objection, the bills will go over.

The bill (S. 1065) to provide for summer residence homesteads, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 5126) giving the consent of the United States for the bringing of certain suits in the Supreme Court of the United States, and for other purposes, was announced as next in order.

Mr. WORKS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

VOLUNTEER OFFICERS' RETIRED LIST.

The bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. BRYAN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

Mr. TOWNSEND. Mr. President, I have tried on many an occasion to secure a consideration of this bill. I have tried to do it without delaying the action of the Senate. I have been willing at all times to take a vote on it without discussion. It has been on the calendar for several years. Therefore I move, notwithstanding the objection, to take up the bill, and pending that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Oliver	Smoot
Bankhead	Hughes	Overman	Sterling
Borah	Husting	Page	Sutherland
Brady	James	Penrose	Thomas
Bryan	Johnson, Me.	Poindexter	Thompson
Chilton	Johnson, S. Dak.	Pomerene	Tillman
Clapp	Jones	Robinson	Townsend
Clark	Kenyon	Shafroth	Underwood
Culberson	La Follette	Sheppard	Wadsworth
Fernald	Lee, Md.	Shields	Warren
Gallinger	Lodge	Simmons	Watson
Gore	McCumber	Smith, Ariz.	Weeks
Gronna	Martine, N. J.	Smith, Ga.	Works
Hitchcock	Norris	Smith, Md.	

Mr. POMERENE. I was requested to announce the unavoidable absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] because of official business, and of the junior Senator from Oregon [Mr. LANE] because of illness.

Mr. HOLLIS. I have been requested by the Senator from Mississippi [Mr. VARDAMAN] to state that he is absent on official business and is paired.

Mr. CHILTON. I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS], the Senator from Illinois [Mr. LEWIS], the senior Senator from Louisiana [Mr. RANSDELL], and the junior Senator from Louisiana [Mr. BROUSSARD] are absent on account of illness.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Georgia. Mr. President, I am under the impression that this motion is in order, because I believe we are proceeding under Rule VIII, without any unanimous consent that the call should be limited to unobjected cases. Is that not true?

Mr. SMOOT. That was not the request, I will say to the Senator. The calendar came up in regular order when the unfinished business was temporarily laid aside, and the Presiding Officer said, "The calendar under Rule VIII is in order." Therefore, the motion made by the Senator from Michigan [Mr. TOWNSEND] is in order.

Mr. SMITH of Georgia. That was my view of it. For that reason I made no point that the motion was out of order, because I was under the impression that we had proceeded generally under Rule VIII without limitation, which makes the motion in order.

I wish very much that the Senator from Michigan would not press his motion. I suggest that it would not be possible to reach any result from the motion if the bill be taken up to-day. I do not believe we could possibly complete the discussion of the matter to-day. I have quite a large amount of material which I desire to present to the Senate in connection with it.

Mr. GALLINGER. If the Senator will permit me, I desire to say that a few days ago when the Senator from Georgia had a bill on the calendar which he desired very much to have considered he was very insistent on proceeding with its consideration. Why not proceed with the consideration of this bill?

Mr. SMITH of Georgia. Certainly, if the Senate desires to do so, it can.

Mr. TOWNSEND. Mr. President, I would be very glad to accommodate the Senator from Georgia. I have never asked anything unreasonable for this bill. I think the Senator understands that about a half dozen Senators—not to exceed that—are opposing this bill and preventing a vote, and they have been doing so for years. I think that is unfair and unjust. If the Senate to-day will agree upon a date in the future when this bill may be taken up and voted upon, I am perfectly willing to fix that date to-day. I am very willing, indeed, that we shall fix a date upon which to vote. I certainly do not want to deprive the Senator from Georgia of making any argument against the bill which he may desire to make.

Mr. SMITH of Georgia. Mr. President, the Senator from Michigan misunderstood me if he thought I supposed he would try to prevent me. What I meant to say was that a little later on I should leave the Senate and go and get the material that I prepared at the last session of Congress to use against this measure. I think I have that material within reach. I shall then return to the Senate a little later on, if the bill is taken up. I believe I can procure my material; I think I know where it is; and I think I can quite promptly get the material that I desire to present to the Senate against this measure.

Mr. TOWNSEND. Mr. President, does the Senator from Georgia object to fixing a date to vote on this bill in the near future?

Mr. SMITH of Georgia. I would, of course, rather the bill should not be voted upon at all. I will be frank with the Senator. I do not think it is right to spend this $10,000,000. I look upon it practically as a bounty to these gentlemen, without any excuse.

Mr. TOWNSEND. There is no proposition for even the expenditure of a third of $10,000,000.

Mr. SMITH of Georgia. But if the Senate want to do it and if the House of Representatives want to do it, they have the right to do it. I have made up my mind that, after presenting the reasons which influenced me against the measure, I shall not resort to any dilatory means to try to keep the bill from being voted upon. I do not believe it is right; but if the Senate wants to vote for the bill I shall not try to obstruct it. So far as I am concerned, I am willing to let the Senator name a time when we shall vote on the bill. The Senator put it to me, and I act upon it without reflection, but the responsibility is on the Senate and the House of Representatives. If they want to vote this money, I do not think the opposition of a dozen men who differ from the balance of the Senate, if they can not convert the balance, ought to stop the bill from becoming a law. However earnestly I may desire the bill defeated, if I am in a small minority, I am unwilling by obstructive measures to check it. I shall not be in the way of preventing this measure

coming to a vote after I have presented such reasons as I have against it.

Mr. JONES. Mr. President, I raise the point of order that this motion is not debatable.

Mr. SMITH of Georgia. A motion to take up a bill after 2 o'clock is debatable.

The PRESIDING OFFICER. After 2 o'clock such a motion is debatable.

Mr. WARREN. Mr. President, I do not propose to debate the merits of this bill, but I merely wish to say that I think the Senator moving its consideration is entitled to have its present consideration or to have a time named when the bill shall be considered.

The bill is one which has been repeatedly reported favorably from the Committee on Military Affairs. The amount involved is not, in my judgment, anywhere near half what the Senator from Georgia [Mr. SMITH] has stated. It is a bill which should have the right of way for consideration.

Mr. TOWNSEND. Mr. President, I think perhaps we had better vote to take up this bill if we are going to take it up. When that shall have been done, I shall make a proposition immediately to the Senator from Georgia as to a day when it shall be considered and voted upon. Therefore I ask for a vote on my motion now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan to take up Senate bill 392, which is known as the volunteer officers' retired-list bill.

Mr. SMITH of Georgia. I call for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired generally with the Senator from Oklahoma [Mr. OWEN]. He being absent, I withhold my vote. If I were privileged to vote, I should vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote "yea."

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, and not knowing how he would vote if present, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. That pair, however, has not been a hard-and-fast agreement, and while I ordinarily observe it, I feel at liberty to vote on this motion, and I vote "yea."

Mr. McLEAN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MYERS], but I understand that if he were present he would vote as I am about to vote. I therefore vote. I vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN], but as that Senator reported the bill, which it is now moved to take up, and presented a very able statement in its favor, I feel free to assume that I am entitled to vote on this motion notwithstanding the pair. I therefore vote. I vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], and, as that Senator is absent, I will withhold my vote. Were I permitted to vote, I should vote in favor of the pending motion.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote. If I were privileged to vote, I should vote "yea."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). When my name was called, because of the absence of my pair, the Senator from North Carolina [Mr. SIMMONS], I transferred the pair to the junior Senator from North Dakota [Mr. GRONNA]. Subsequently the Senator from North Dakota came into the Chamber, which would have necessitated the withdrawal of my vote, but subsequent to that the senior Senator from North Carolina appeared and voted. I therefore allow my vote to stand.

Mr. ASHURST. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is unavoidably absent on the business of the Senate. He is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. KIRBY. I desire to announce that my colleague [Mr. ROBINSON] is absent on account of illness.

Mr. SMITH of Georgia. I have been requested to state that the junior Senator from Georgia [Mr. HARDWICK] is absent on account of sickness to-day. He is paired with the Senator from Kansas [Mr. CURTIS].

Mr. CURTIS. I have a general pair with the Senator from Georgia [Mr. HARDWICK], which I transfer to the Senator from Oregon [Mr. CHAMBERLAIN] and vote "yea."

While on my feet I desire to announce the absence of the Senator from Illinois [Mr. SHERMAN] on account of sickness. He is paired with the Senator from Louisiana [Mr. RANSDELL]. I also announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 44, nays 12, as follows:

YEAS—44.

Ashurst	Gronna	Lodge	Sheppard
Bankhead	Hitchcock	McCumber	Smith, Mich.
Borah	Hollis	McLean	Smoot
Brady	Husting	Martine, N. J.	Sutherland
Brandegee	Johnson, Me.	Nelson	Thompson
Chilton	Johnson, S. Dak.	Norris	Townsend
Clapp	Jones	Oliver	Wadsworth
Cummins	Kenyon	Page	Warren
Curtis	Kirby	Pittman	Watson
Fernald	La Follette	Poindexter	Weeks
Gallinger	Lee, Md.	Shafroth	Works

NAYS—12.

Bryan	Hughes	Overman	Smith, Ariz.
Culberson	James	Shields	Smith, Ga.
Gore	Martin, Va.	Simmons	Swanson

NOT VOTING—40.

Beckham	Goff	O'Gorman	Smith, Md.
Broussard	Harding	Owen	Smith, S. C.
Catron	Hardwick	Penrose	Sterling
Chamberlain	Kern	Phelan	Stone
Clark	Lane	Pomerene	Thomas
Colt	Lea, Tenn.	Ransdell	Tillman
Dillingham	Lewis	Reed	Underwood
du Pont	Lippitt	Robinson	Vardaman
Fall	Myers	Saulsbury	Walsh
Fletcher	Newlands	Sherman	Williams

So, the motion of Mr. TOWNSEND was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which had been reported by the Committee on Military Affairs with amendments.

Mr. TOWNSEND. Mr. President, did I understand the Senator from Georgia to say that he desires more time than will be afforded this afternoon to discuss this bill?

Mr. SMITH of Georgia. I will not occupy that much time. I said I thought more time would be taken, but I may be mistaken about that. I do not know what time will be taken.

Mr. TOWNSEND. I would like very much to proceed this afternoon if we can do so. At the same time I would like to accommodate the Senator by fixing a day certain to vote, if that would be an accommodation.

Mr. SMITH of Georgia. Well, I think I can speak a while until the Senator from Florida [Mr. BRYAN] gets ready, and I think I can complete my preparation while he is occupying the attention of the Senate.

Mr. President, I send to the Secretary's desk a letter which I received a day or two ago with reference to this matter and ask to have it read by the Secretary.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

1302 TAYLOR STREET, SAN FRANCISCO, CAL.,
December 4, 1916.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

SIR: There is now before Congress a bill (S. 392) (H. R. 386) known as the "Retired volunteer officers' bill," on which a vote is now pending in the United States Senate, but which has been postponed from time to time, by reason of objection of Senators.

I am writing to you to ask that if this bill ever comes up for passage, you will vote against it. I ask this as an old soldier, who is vitally interested, and therefore has a right to a candid hearing.

I am opposed to this bill; so vehemently opposed to it that I can hardly speak calmly about it; nor can I understand how it is that the great body of the Grand Army of the Republic, and the greater

body of veterans of the Civil War, can be so silent, or apathetic—unless, indeed, they do not understand.

Up to the time that this stupendous piece of treachery was concocted, all veterans "stood together" and were loyal to each other, seeking legislation for the common good. Now, the comparatively small percentage who wore shoulder straps have thrown down their comrades and are seeking to make laws greatly to their own advantage, which is "class legislation."

Most of them are already receiving the highest pensions paid under present laws, viz, $30 per month. Not content with this, which is often double what humbler comrades of the rank and file are getting, they have the hardihood to project a scheme, the logic and language of which is: "To h——l with the old soldier, let him go to the home and eat beans, so we can get a retired officers' pay of $100 to $150 per month—live like retired gentlemen and throw bouquets at ourselves for our astuteness." A dastardly desertion and betrayal of the men they once honorably stood with.

As a basis and proof of my premises and prayer, I offer the following facts:

The present pension bill (Sherwood) takes into account two things—age and service—and these are, and must be, the only true foundation for all claims. Let us examine.

Have the proponents of this bill any advantage, or disadvantage in years, which needs special compensation?

None whatever. This is obvious to everybody, without argument.

Their claim, then, must rest on the assumption of "superior service." Let us see.

The company to which they belonged was recruited in the neighborhood or town where they had been schoolboys and had grown up together. When the company was full an election of officers was held. Always two or more tickets, but one successful candidate for each position—a captain and two lieutenants—not more than a shade smarter than the defeated candidates.

Being promoted to these positions they now enjoy the distinction, the honors, the authority, which accompany them.

What did they bring to these positions?

Any superior education or preparation? None whatever.

Any acquaintance with tactics? None.

Any knowledge of strategy? None.

Any familiarity with military engineering? None.

Any understanding of problems of transportation? None.

Anything about subsistence? Nothing.

Anything about clothing or sanitation? Nothing.

Anything about the school of the soldier? Nothing.

No years, or even days, were ever spent in study at a military school.

Not a dollar was ever paid as the price of qualification.

We each bought "Hardee" and began the "School of the Soldier" together.

Did they march farther or faster than their neighbor boys? They did not.

Did they endure hardships more severe than their schoolmates? They did not?

Did their counsels overcome the mighty combinations of treason? They were not asked.

Like the rest of us, they simply obeyed orders.

We stood in line while we could and ran when we had to.

As sprinters they were a good company average. When taken prisoners they were first to be exchanged.

What, then, did they do during the war which justifies this claim? Nothing.

They were abundantly paid; they thought so themselves, then.

What have they done since? Nothing.

They have enjoyed the savings of those years. They followed their own interests untroubled by "orders" or "service," and 90 per cent of them have for 50 years occupied the best positions in civil life.

On what, then, in God's name, are they resting their preposterous claims?

On the ghost of an old service, exhumed after 50 years, dusted off and revalued by a committee of interests and pressed with insulting effrontery upon a patient and long-suffering Congress.

The weapons are untrue assumptions, illogical arguments, specious reasoning clouding the real issue, and astounding and impudent persistence.

The retired Army officer spent his whole life, until his years retired him, in the service of his country.

The Volunteer officer never gave his years to the service of his country; he never was "retired"; he was mustered out with the rest of us and has followed his own sweet will as a civilian for 50 years, untrammeled by "orders," and has been at the "pie counter" most of the time.

Honorable sir, I carried, when fully equipped, about 45 pounds; the captain about one-ninth as much, and had a trunk and transportation for the rest.

My Belgian rifle weighed 14 pounds, exclusive of ammunition; his beautiful sword, one-ninth as much.

For this service I received $13 per month; he received nine times that amount and garnered the honors—and feminine smiles—"When knighthood was in flower."

He was fully paid when in service; when that ceased his claim ceased as completely and permanently as mine.

If he has further claim, so have I, and not in ratio of 1 to 9 but equal.

Let me beseech you, in the name of fair dealing, to vote against and defeat this bill.

H. B. WORCESTER,
Company B, Eighteenth Wisconsin Volunteer Infantry.

Mr. SMITH of Georgia. Mr. President, I must admit that this letter from this private soldier appeals to me, and I should think it would appeal to every fair-minded man and unprejudiced Senator.

Mr. KENYON. Mr. President, I should like to inquire if this letter was addressed to the Senator, or is it a general letter?

Mr. SMITH of Georgia. No; it is addressed to me. I have not the pleasure of knowing this citizen of Wisconsin. This letter came to me through the mail unsolicited and unexpected. At first I thought I should perhaps hand it to one of the Senators from Wisconsin.

Mr. TOWNSEND. Did it ever occur to the Senator that the writer must have been very ignorant, if he had any doubts about the position of the Senator from Georgia on this bill?

Mr. SMITH of Georgia. Well, he was right in thinking that he need have no doubt about my position. He probably supposed I was not able to present a strong enough argument, and he certainly has given a most excellent one himself. I finally did not hand it to a Senator from Wisconsin, because I saw that the letter came from San Francisco. This brave and patriotic citizen has moved farther West; but I should like to commend to the Senate the argument he makes.

I understand how difficult it is for a Senator to vote against an organization that exists in his State. It is a formidable thing to do when a considerable sized organization exists in your State of a semipolitical character. When you vote against it the people in whose interest you vote say you have done your duty and do not care, but the organization holds you up forever afterwards. You simply "go up against it" politically, and it is not a very inviting position to occupy from the standpoint of personal political interest to vote against an organization of this kind.

These officers, no doubt, are men of influence in their communities; they have a following, and they can line up against a Senator or a Member of the House who votes against them, and make their political influence a serious hindrance to his political preferment; but if anyone had—I started to say the courage to go to the balance of the people and expose this measure—if he would go to the balance of the people and use the letter from this private and show the almost inexcusable discrimination that is being made in favor of these officers by this enormous bounty proposed to be taken from the Treasury by this bill and given them practically for nothing, I would have no fear that the better judgment and the real patriotism of a constituency would silence such clamors.

I know that at first it is troublesome. I have had a little experience with it myself, and I know these old men are not reasonable. During my first term as governor I found that the Confederate veterans, to whom we paid pensions out of the State treasury of Georgia, were paid their pensions in advance in February. That was not a time when the treasury was full, and it was quite embarrassing to do it. So I recommended, and succeeded in having passed, a bill dividing up the payments, thus making it easier for the State. Well, hundreds of those old fellows marched up and voted against me at the next election, charging me with having kept them out of their money. It was unreasonable conduct on their part; but they have reached such an age that many of them do not listen, as they would when younger, to reason. The best information that I could get was that this bill would cost the Treasury about $10,000,000 a year. To pension men without regard to the length of their service, as I understand the bill——

Mr. TOWNSEND. They must have served at least six months. They must have served two years or more if they get the maximum provided under the bill.

Mr. SMITH of Georgia. What is the maximum?

Mr. TOWNSEND. The highest possible pay that any officer could receive, whatever his rank may be, would be three-fourths of the pay of a captain. A captain's pay is $2,400 a year.

Mr. SMITH of Georgia. Eighteen hundred dollars a year.

Mr. TOWNSEND. That is the highest possible pay that could be obtained by any officer; and there are very, very few of those.

Mr. SMITH of Georgia. And what is the lowest?

Mr. TOWNSEND. One-half of the pay accorded the rank that such officer receives to-day. For instance, the maximum pay of a second lieutenant would be one-half of the pay of a second lieutenant in the Regular Army to-day.

Mr. SMITH of Georgia. That would be about $1,000.

Mr. TOWNSEND. Eight hundred and fifty dollars.

Mr. SMITH of Georgia. Has the amount of the pay per person been reduced since the bill was first introduced?

Mr. TOWNSEND. Not the amount to be paid to each officer, no; but the total amount carried by the bill has been reduced at least one-half on account of deaths.

Mr. SMITH of Georgia. Yes; it would be reduced somewhat, of course, naturally. I do not like to put myself in the attitude of opposing pay to these men, as I know I have not anything but the kindliest feelings for them; but probably each one of them has already received three or four thousand dollars in pensions. I made an estimate, I think a couple of years ago, when this bill was pending, and the best information I could work out was that these men had averaged over $4,000 apiece from the Treasury.

Mr. TOWNSEND. I do not think it can be possible that that is true, Mr. President. As the Senator knows, since the

act of 1890 there has been no additional pay or pension granted to a soldier because he was an officer. Congress then reduced to a level all of the pensions granted to the soldiers under the age-limit system, and most of these pensions have been very small up to the present time. Of course, the officers now are averaging probably 78 to 80 years old. I think that is probably true. They would therefore be getting under the present age law from twenty-five to thirty dollars a month; but, of course, that amount will be deducted, or, rather, the total amount carried by this bill should be reduced by the amount of pensions now received by the officers, in order to determine the additional appropriation required.

Mr. SMITH of Georgia. Can the Senator give me the average pension that a captain receives?

Mr. TOWNSEND. He gets the same pay as a private. It depends upon his age. If he is 75 years old, he gets $24, I believe—that is, if he served the maximum time prescribed in the law.

Mr. SMITH of Georgia. Prior to 1890, the time they were put on the same level, what was it?

Mr. TOWNSEND. I can not tell the Senator now. I am not familiar with the pensions that were drawn at that time by the officers. I have not the amount in mind.

Mr. SMITH of Georgia. What does the Senator think is a fair estimate of the average amount that these men have already received by way of pension from the Treasury, even where there was no injury of service origin?

Mr. WARREN. Mr. President, I think the Senator will find that they received no pension whatever unless for some disability occasioned by the war, until we adopted the service-pension system, and then they received exactly the same as the privates. There is no difference between a private soldier and a sergeant, a corporal, a captain, or even a colonel, unless by special act of Congress.

Mr. TOWNSEND. If I understand the question of the Senator, I should say that in the case of an officer having served the maximum time required to obtain the maximum pension who went on the rolls under the act of 1890, the service-pension law, if he went on the roll then and is still alive, he probably has received about $2,500 during the 26 years.

Mr. SMITH of Georgia. And they are now receiving about what—about $400 a year or about $350 a year?

Mr. TOWNSEND. If the soldier is getting the $30 a month, it is the most that he can obtain.

Mr. SMITH of Georgia. Three hundred and sixty dollars a year is the maximum?

Mr. TOWNSEND. If he has reached the maximum age, and is drawing $30 a month, he could draw $360 a year.

Mr. SMITH of Georgia. Three hundred and sixty dollars a year would be the maximum.

Mr. WARREN. He has to be 80 years old to get that.

Mr. SMITH of Georgia. Does this bill in any way treat of the necessities of the soldiers, or is it just a flat bill without regard to that?

Mr. TOWNSEND. Just a flat bill without regard to their physical or financial condition.

Mr. SMITH of Georgia. If a man had been a private, and had been advanced to the status of an officer, his service as private inures also to his benefit and helps make the count for him, does it not?

Mr. SMITH of Georgia. He must have been in the Army two years to have received the full pay or six months for the partial pay?

Mr. TOWNSEND. That is right.

Mr. SMITH of Georgia. And his promotion might have been at any period during those two years or six months, and his salary would follow the length of service, not simply the promotion?

Mr. TOWNSEND. That is right.

Mr. SMITH of Georgia. It is suggested to me that he might have been made a captain just a week before the close of the war and receive the full compensation. The reply that occurs to me is that I am not sure, because he is a captain, that he ought to have any more than because he was a private; and I do not find special fault with giving him credit for his service in the ranks as private to help add to his compensation as an officer, for I think the privates have about as hard a time as the officers, if not harder. I wish we had plenty to give them all a great deal—I mean, the really deserving ones.

This writer, from Company B, Eighteenth Wisconsin Volunteer Infantry, Mr. H. B. Worcester, says:

Most of the officers are already receiving the highest pensions paid under present laws, viz, $30 per month.

I suppose this would be true, because I suppose there were very few officers who had not been in the Army the full two years.

Mr. TOWNSEND. The majority of them were in the Army for that length of time.

Mr. SMITH of Georgia. I should take it for granted that to reach, in the latter part of the service, the position of an officer, they must have been officers for some time, or must have had experience in the ranks and have been promoted from the ranks, most of them.

Mr. TOWNSEND. Their service as officers does not make any difference about their present pensionable status. It depends upon their age and service to some extent, but their age under the present law would give practically all of them, at least the majority of them, $30 a month.

Mr. SMITH of Georgia. This writer says:

The present pension bill takes into account two things, age and service, and these are, and must be, the only true foundation for all claims. Let us examine.

Have the proponents of this bill any advantage or disadvantage in years which needs special compensation?

None whatever. This is obvious to everybody without argument.

Their claim, then, must rest on the assumption of "superior service." Let us see.

The company to which they belonged was recruited in the neighborhood or town where they had been schoolboys and had grown up together. When the company was full an election of officers was held. Always two or more tickets but one successful candidate for each position—a captain and two lieutenants—not more than a shade smarter than the defeated candidates.

Being promoted to these positions, they now enjoy the distinction, the honors, the authority, which accompany them.

What did they bring to these positions?

Any superior education or preparation? None whatever.

Any acquaintance with tactics? None.

Any knowledge of strategy? None.

Any familiarity with military engineering? None.

Any understanding of problems of transportation? None.

Anything about subsistence? Nothing.

Anything about clothing or sanitation? Nothing.

Anything about the school of the soldier? Nothing.

No years, or even days, were ever spent in study at a military school.

Not a dollar was ever paid as the price of qualification.

We each bought "Hardee" and began the "School of the Soldier" together.

Did they march farther or faster than their neighbor boys? They did not.

Did they endure hardships more severe than their schoolmates? They did not.

Did their counsels overcome the mighty combinations of treason? They were not asked.

Like the rest of us, they simply obeyed orders.

We stood in line while we could, and ran when we had to.

As sprinters they were a good company average. When taken prisoners they were first to be exchanged.

What, then, did they do during the war which justifies this claim? Nothing.

They were abundantly paid; they thought so themselves, then.

What have they done since? Nothing.

They have enjoyed the savings of those years. They followed their own interests untroubled by "orders" or "service," and 90 per cent of them have for 50 years occupied the best positions in civil life.

On what, then, in God's name, are they resting their preposterous claims?

On the ghost of an old service, exhumed after 50 years, dusted off and revalued by a committee of interests and pressed with insulting effrontery upon a patient and long-suffering Congress.

* * * * * * *

The retired Army officer spent his whole life until his years retired him in the service of his country.

The volunteer officer never gave his years to the service of his country; he never was "retired," he was mustered out with the rest of us and has followed his own sweet will as a civilian for 50 years, untrammeled by "orders" and has been at the "pie counter" most of the time.

Now, they do not occupy the position of retired officers. They do not in any sense occupy that position; and to give them one-half the amount that a retired officer gets, or three-fourths—a retired officer gets three-fourths pay, I think; does he not?

Mr. TOWNSEND. A retired officer of the Regular Army gets three-fourths pay, and if he served one day as a volunteer he is retired of a rank one grade in advance of his actual rank at the time of his retirement, and he gets retired pay of the advance rank. That is the way we treat the Regular Army officer to-day. We are not keeping faith with the volunteer officers in view of the promise that our Government made during the Civil War; but Congress has passed measure after measure recognizing the service of a Regular Army officer as a volunteer during the Civil War. I repeat, the law to-day retires a Regular Army office at a pay one rank in advance of that at which he served in the Army if he served a single day in the Civil War as a volunteer.

Mr. SMITH of Georgia. If the Senator will allow me, when did we add that provision? Did it go through at the last session?

Mr. TOWNSEND. Oh, no, no. Congress passed acts in 1905 and in 1912 and at several other periods since the war closed, recognizing the service of the volunteer if he entered the

Regular Army. But it has failed to recognize the great mass of volunteer officers who led 90 per cent of the men who fought the battles of the North and saved the Union.

Mr. SMITH of Georgia. I asked the Senator the question because I heard that there was some bill pending at the last session of Congress to advance substantially retired Army officers if they had been in the Spanish-American War or had served anywhere as volunteers, and I was watching it to resist it, and I was just wondering if it had passed through when I did not notice it, for I really enjoy resisting a measure of that sort much more when I am sure that there are just as many of my own people concerned in it in my own State as there are in anybody else's State.

This old soldier concludes his letter by saying:

> I carried, when fully equipped, about 45 pounds; the captain about one-ninth as much, and had a trunk and transportation for the rest.
> My Belgian rifle weighed 14 pounds, exclusive of ammunition; his beautiful sword one-ninth as much.
> For this service I received $13 per month; he received nine times that amount and garnered the honors and feminine smiles "When Knighthood was in Flower."

Mr. WARREN. Of course, the Senator recognizes the inaccuracy of some of those statements. An officer has to pay for his living expenses; a private does not. And as to the privates electing the officers, that was not done generally, only in some communities where the State law or where the governor gave that privilege, as they did in Massachusetts at one time. But in the case of most of them the officers were those who went out and spent their money in recruiting companies, regiments, and so forth, in the Civil War.

I do not wish to attack the argument of the correspondent, but in his zeal he has rather gone beyond the facts.

Mr. SMITH of Georgia. I will state again that I can not claim him as a correspondent. I was surprised two or three days ago to find this letter, dated December 4, on my desk. I suppose I drew the letter by having expressed myself in some previous Congress as opposed to this bill, and this gentleman wrote me for that reason. I have had quite a number of letters, not quite so elaborate or so argumentative, from privates protesting against this officers' bill, and insisting that the measure was discriminatory as to them. I can not vote for it. Although the Senator from Michigan does not think so, my conclusion was that it would cost something like $10,000,000 a year.

Mr. TOWNSEND. The Senator is mistaken.

Mr. SMITH of Georgia. I did not mean to assert that positively, however.

Mr. TOWNSEND. The best information we can obtain—that from the Pension Department itself—together with facts that have been compiled by a committee that has had the matter in charge, and which has submitted its findings to the department, makes the amount that this bill carries less than $4,000,000 the first year, and after that it would be materially less; that is, the net additional cost over and above what is now paid in pensions will be considerably less than $4,000,000.

Mr. SMITH of Georgia. Is there any report from the Pension Office recently giving such an estimate?

Mr. TOWNSEND. The last report we have from the Pension Office is on October 31 of this year, in which it is stated that there are now living on the invalid rolls of the Civil War 353,034 soldiers, including officers. From well-established calculation it has been shown that from the beginning of the pension lists or records not to exceed 1 out of 54 is an officer. The officers are older than the men. They average much older than the men. The death rate is much greater among the officers than it is among the men. With that ratio applied—1 in 54—there would now be 6,537 officers, or there were on October 31 last.

Mr. SMITH of Georgia. Sixty-five hundred at $1,800 a year would be about $11,000,000.

Mr. WARREN. Oh, well, Mr. President, there is no $1,800 a year average.

Mr. TOWNSEND. One thousand eight hundred dollars is the highest pay that any officer could receive, and that must be an officer superior to the rank of captain. There are not 2,500 among the officers who would receive $1,800 a year each. A little less than a year ago it was estimated that there were 7,200 officers, of whom 144 were generals and colonels, 216 lieutenant colonels, 360 majors, and 2,520 captains. All the balance were first and second lieutenants, who would receive not to exceed one-half the pay of their rank, which, of course, would be much less than three-fourths the pay of a captain. So I can say to the Senator that the total amount, estimated carefully and I think very conservatively, would be for the first year $3,642,000. Of course, I have deducted the pensions that they are now receiving. I am talking about the extra amount of pension that this bill would carry.

Mr. SMITH of Georgia. I am afraid the Senator very much underestimates it; and yet——

Mr. WARREN. Mr. President, will the Senator permit me to give him a statement of what I understand this bill is? In the first place, this bill carries only a rate, at the very largest, which amounts to three-quarters the active pay of a captain; but that applies to only the colonels, lieutenant colonels, majors, and so forth. Now, the captain can get only half of his active pay, which would be $1,250. A first lieutenant, whose initial pay is $2,000, could get $1,000. The second lieutenant's initial pay is $1,700, and he would get half of that; and these amounts only if the officer served two years or more.

Mr. SMITH of Georgia. The Senator says the bill gives the captain only half of his pay as a captain?

Mr. WARREN. That is all.

Mr. SMITH of Georgia. If he has served two years?

Mr. WARREN. He must have served two years to get that, and if he served six months he only gets a quarter of that, and if he served half of that time he only gets half. He must, in the first place, have served six months, anyway. He then gets the proportion that the number of months served bears to the amount for two years, so that the maximum for a captain is $1,250, and that will only be for those that were in the service two years, except those that have lost an arm or a leg or their eyes, who are specially provided for here. They get the regular three-fourths pay.

Mr. SMITH of Georgia. Is that an increase to them also? I am just figuring how much the increased tax on the Treasury will be.

Mr. WARREN. The tax on the Treasury, as I said, would be, commencing with a second lieutenant, at the rate of one-half of $1,700, a first lieutenant one-half of $2,000, and a captain one-half of $2,500. The only ones who would get above the half of $2,500 would be majors, colonels, brigadier generals, and so forth. They would then get not over three-quarters of a captain's initial pay. That is the limit under the bill.

Mr. SMITH of Georgia. The figures given by the Senator from Michigan should, I believe, be something like 2,500 who were captains or higher than captains.

Mr. TOWNSEND. I think about 2,500.

Mr. SMITH of Georgia. And 500 of those were higher than captain. Then about 2,000 were captains?

Mr. TOWNSEND. That is probably a fair statement.

Mr. SMITH of Georgia. That would be $900,000, and the 2,000 would be $2,500,000.

Mr. TOWNSEND. Two million four hundred thousand dollars. I will say to the Senator you must deduct from this the total amount of pensions they are receiving to-day.

Mr. SMITH of Georgia. One may take about $360 yearly as an average for each one.

Mr. TOWNSEND. It is in some cases more than that. Some are receiving for total disabilities $72 a month. Some of them are receiving pensions under special acts for a larger amount than this bill would carry, and they would not obtain anything under this measure.

Mr. GALLINGER. If the Senator will permit me—I just came into the Chamber—as the Senator knows, a large class of them get $100 a month for the loss of an arm and eyesight.

Mr. TOWNSEND. I simply made the statement that whatever pension they are receiving now will, of course, be deducted from the amount carried in the bill in order to determine the extra amount that we propose to appropriate.

Mr. SMITH of Georgia. There is an increased amount in the bill to go to those who were wounded, as the Senator from New Hampshire suggested. The Senator from Wyoming or the Senator from New Hampshire stated that under the act there was increased pay to those who were suffering from any disability, as I gathered.

Mr. TOWNSEND. Special disability.

Mr. SMITH of Georgia. Then, so far as I can figure it out, under the Senator's suggestion it is very difficult to make an estimate of what it will be, it is largely conjectural; but instead of being $11,000,000, possibly it could not be over $5,000,000, or less.

I do not think I have anything further to say at this time, Mr. President. I think when I go to my office I can lay my hand on some memoranda I prepared at the last session. If I can I will refer to it later.

Mr. BRYAN. Mr. President, I inquire of the Senator in charge of the bill if it is his purpose to explain it to us and let us know what it contains, or does the Senator intend to make an argument in support of the bill?

Mr. TOWNSEND. I beg pardon, I did not hear the Senator.

Mr. BRYAN. I inquire of the Senator from Michigan in charge of the bill if he intends to make an argument in support of it?

Mr. TOWNSEND. Mr. President, I have not intended to make any argument on the bill because it is thoroughly understood. The Senator from Florida understands it. It has been understood for some years. I do not wish to take any time of the Senate in discussing a matter upon which it is fully informed now and for which Senators are waiting to vote. We have discussed it in time past. The Senator himself has discussed it.

I did present an argument in favor of the measure and to which Senators honored me by giving attention the first time it came up, and I have arguments for it now. I do not care to answer the slanderous tirade which was presented by the writer of the letter which was read by the Secretary. It is unbecoming a soldier of the Civil War; it answers itself. Therefore, I say I do not care to dignify the statements which have been presented by him, and I hope we may give the Senate an opportunity to vote on the measure soon. I am prepared, I think, to answer such questions as are asked for information.

Mr. BRYAN. Mr. President, if one would take the trouble to examine the bills introduced on the subject of pensions, long ago he would have come to the conclusion that human ingenuity had been exhausted in the attempt to create and add new classes that might receive gratuities from the Government. It would seem that after considering this question from every conceivable viewpoint we have about exhausted the classes of pensions.

I do not feel any embarrassment in opposing this bill or any other bill of this character. The fact that I come from a section of the country which furnished no soldiers to the Union Army does not make me feel it less my duty to oppose this legislation, as I have opposed, and will continue to oppose, legislation in favor of the veterans of the Spanish-American War, and all the States furnished soldiers in that war.

Mr. President, the evil of this thing is not so much in the money that is spent; it is in the tendency to provide men a living out of the Federal Treasury. These officers in the Union Army are not on the same level and plane as officers of the Regular Army. These officers in the Civil War did not go into the military service for a career; they went in at the call of their country, and when the war was over they went back and became a part of the civil population. I suppose it is necessary to make some provision for those who devote themselves for a lifetime to the military service, because they have no means of acquiring a livelihood or taking care of themselves when their days of service are over. But that is not true of this class.

Heretofore, Mr. President, there has not been any distinction made as between the officers and privates, and while the Senator from Michigan may think that the letter from this private ought not to be read or heard in the Senate of the United States it seems to me the writer of the letter has a right to complain. It has never been the policy of Congress to make distinctions between officers and privates. Indeed heretofore they have always come and asked to be treated alike. Now that human ingenuity has about exhausted itself in trying to discover a new plan to place persons upon the pension roll, the Senator from Michigan has found out a way by arguing that these men ought to be placed, as far as pensions are concerned, on an equality with officers of the Regular Army who devoted their lives to the military service.

The evil of this legislation, Mr. President, is that it is not for men who served in the war. The evil tendency is to create a class of pensions by this bill, and by other bills that are presented from time to time, that does not regard service in the war. Then you are coming to old-age pensions. What objection are you going to make to it? Are you going to say they have not served in any war? They will turn upon you and say, "Neither did these people ever serve in any war."

Mr. Gardner, from Michigan, who served in the House of Representatives so long, was a soldier in the Civil War. Here is what he said about the late enlistments in this war—and he is a distinguished gentleman from the State of the Senator who proposes this bill:

There were over 800,000 men that were called into service by Mr. Lincoln for nine months and less—

Bear in mind there were 2,200,000 altogether—

There were over 600,000, as I recall—I could refer to it specifically, if necessary—that served three months or less—90-day militia. When the forts that girdled this city during the Civil War had the three-year men in them and the battles were going on at the front and the regiments were being decimated and the commands greatly reduced, what did Mr. Lincoln do? He called out the 90-day or 100-day militia. They were hurried to the front and manned these forts.

Senator DU PONT. Were not many of those men regularly mustered into the service as Volunteers?

Mr. GARDNER. I only speak of those that were mustered into the 90-day service.

Senator DU PONT. They were not militia; they were Volunteers.

Mr. GARDNER. If you will pardon me, I copied the very words in the call, which were "State militia"; but they were serving in the United States Army. They were regularly mustered. If I am wrong, I should like to be corrected.

Senator DU PONT. There were some Volunteers called—not militia at all—for less than three years. In the State of Delaware, for instance, there were two regiments that were called for nine months, and regularly mustered in, that were not members of the State militia. There did not then exist in our State any State militia. It is true that those people did not serve the nine months; but why? Because they were mustered out by order of the Government before the expiration of that time. But they were not militia in any sense.

Mr. GARDNER. That is likewise true of troops from other States; but I speak of the word "militia" as it enters into the call. Ohio had thirty-odd thousand of the 100-day militia in one call. Those were not the "Squirrel Hunters."

I pause here to say, Mr. President, that the Squirrel Hunters have not been overlooked. By the way, there is a bill introduced, pending now before the same committee, to pension the Squirrel Hunters, of Ohio.

They are not on the pension rolls—

Says Mr. Gardner. But I predict they will be.

They are not on the pension rolls. They are not eligible for the pension rolls—not yet.

I do not know that they ever will be. But they were the men who were mustered into the United States service and served 100 days.

I say to you what I know to be a fact. While many of these men fought, and fought well, the great body of them simply went to man the forts, to release the three-year men that went to the front and did the shooting. That is a fact, gentlemen. Lots of these men never got the polish off their shoes. It is no disparagement to them. They did all they were called upon to do. They wore paper collars and ate soft bread. It was no fault of theirs. Ohio had how many regiments of that kind, Col. McElroy, that never lost a man?

Mr. MCELROY—

Col. McElroy was sitting in the committee room—

Mr. MCELROY. Oh, quite a number of them never saw any fighting and never heard a cannon.

Mr. GARDNER. Many of them never fired a gun.

I say to you, gentlemen—and I am willing to defend this proposition before any Grand Army gathering in the country—that the man who went to war and served only 90 days, and received no permanent disability from wounds or anything resulting from his service, is not entitled to rank with the man who served two, three, or four years at the front.

That was the language of a man who served four years in the war.

Now, this bill provides that if a man became an officer in his six months' service or at the end of it, he is entitled to have this unusual privilege extended to him and be paid as if he were a retired Regular Army officer.

Mr. President, that will inevitably lead to pensions in civil life. Let me read to you a bill that was introduced into this Congress:

Be it enacted, etc., That immediately after the passage of this act an Army corps shall be organized in the Department of War, under the direction of the President, to be known as the Old Age Home Guard of the United States Army.

I have the bill here. I am reading it out of the book because the print is better.

SEC. 2. The Old Age Home Guard of the United States shall be composed of persons not less than 65 years of age.

SEC. 3. Any person who is 65 years of age or upward, and who has been a resident of the United States 25 consecutive years and a citizen of the United States 15 consecutive years next preceding the date of application, and who is not possessed of property amounting to more than $1,500 in value, free of all incumbrances, or an income of more than $240 per annum, and who has not sequestered or otherwise disposed of property or income for the purpose of qualifying for enlistment as hereinafter provided, may make application, in writing, to the Secretary of War for enlistment in the Old Age Home Guard of the United States Army—

If they ever get in they ought to have the officers whom this bill provides for to command them—

And it shall be the duty of the Secretary of War to enlist and enroll such applicant, for the term of his or her life, as a private in the Old Age Home Guard of the United States Army without regard to the physical condition of the applicant, provided that persons related as husband and wife shall not both be eligible for enlistment, enrollment, and service therein at the same time, and in case of dispute as to whether husband or wife shall be enlisted and enrolled, as herein provided, the question shall be decided by the Secretary of War—

It will take a man with about his unlimited authority to pass upon it—

by and with the approval of the President.

SEC. 4. The pay of a private in the Old Age Home Guard of the United States Army shall be $120 per annum, to be paid in quarterly installments, as pensions are now by law paid, provided, that $10 per annum shall be deducted from the pay of each private, and retained in the Treasury of the United States, for every $100 worth of property in excess of $300, and for every $10 per annum income in excess of $120 possessed by such private.

SEC. 5. Arms and ammunition shall be furnished to privates in the Old Age Home Guard of the United States Army at the discretion of the Secretary of War, but no sustenance shall be furnished to them except the pay herein provided.

SEC. 6. No private, or applicant for enlistment as private, shall be required to leave his or her home for the purpose of enlistment, enrollment, or service in the Old Age Home Guard of the United States Army, nor shall they be required to assemble, drill, or perform any other maneuvers, nor be subject to any of the regulations of the United States Army, except as herein provided.

SEC. 7. Privates in the Old Age Home Guard of the United States Army shall be required to report annually, in writing, to the Secretary of War, on blanks furnished by him for the purpose, the conditions of military and patriotic sentiment in the community where such private lives, but no private shall be discharged, disciplined, or otherwise punished for failure to make such report.

SEC. 8. The number of persons enlisted in the Old Age Home Guard of the United States Army shall be in addition to the number of officers and privates now required by law in the United States Army.

Mr. President, a bill of that kind should arouse our curiosity. What was the purpose of it? Senators smile at a bill which would require the Secretary of War to decide as to whether a husband or wife, both of them over 65 years of age, should be admitted into the Army. What Army is this bill speaking about? It is speaking about an Army that would have just as much right to be supported out of the tax funds of the people of this country as many of those now upon the pension roll.

This bill was introduced in Congress by the present Secretary of Labor. It was introduced into the House of Representatives and has been since then continuously in every Congress. How did he happen to introduce it, and why is it introduced? Because, Mr. President, the American Federation of Labor at their meeting in Denver, Colo., in their annual convention, decided that they had as much right to be supported by the people who have grown old making an honest living and had as much right to be supported by this Government as men who never smelled gunpowder in any war. A committee was appointed by the convention of the American Federation of Labor at Denver to draft a bill that would be constitutional, and this is the bill reported at the annual convention of the American Federation of Labor. Senators say it will never pass. I question no man's motives, but, Mr. President, the power of organization behind legislation of this kind is felt even in the Congress of the United States. When I see 44,000 rural carriers make Congress turn right about face and grant them an increase of pay demanded because of the power of their organization I ask, How long before you will be voting for old-age pension bills? That is what that is.

Here is a book entitled "Old Age Dependency in the United States." It shows that the pension roll to-day is not made up of soldiers. You know they do not have to go far, they do not have much trouble to prove it; it is apparent at once that more than half of the rolls are made up not by men who ever enlisted in any war but by their dependents, widows, sisters, uncles, aunts, children.

Then the Spanish-American War soldiers, seeing the tendency, come to Congress to have their widows provided for. What widows? Widows of volunteer officers and privates who came from private life and fought our battles in Cuba, lost their lives, had their health injured? It would be right to pay them; but they were not there. They were not in Cuba. The Regular Army fought that battle with the assistance of Col. Roosevelt and the Rough Riders, or they assisted him, I do not know which. [Laughter.]

Yet the terms of that bill will command the same vote as this bill, because all bills for pension legislation get the same vote. They will get that vote, to do what? To put the widow of every man in that war on the pension roll.

So it can not be because of any injury he received in his enlistment, because of any injury to his health, but because he enlisted at the call of the country. That is all. He may come to this city to-day under the terms of the bill now on the calendar on his wedding trip and sit up in the gallery here for a few minutes, as so many of them do, and go down on his way back to town and get run over by a street car, and his widow gets a pension.

Do you think you can keep up that kind of legislation and turn a deaf ear to old-age pensions? If you are going to be powerful enough to resist the united demand of nearly 2,000,000 people, why do you not resist the organized demand of less than 50,000 of them to-day?

Mr. President, it has never seemed to me that we could stop. I can not see the distinction between a widow whose husband enlisted in the Spanish-American War and served his enlistment at Chickamauga and the widow of any other worthy dependent citizen of the country. I say there is none, and when you go that far then you can not, it seems to me, resist taking the next step.

Now, what else is there? Civil pensions. Employees of the Government are to be pensioned. They are demanding it now. Bills are on the calendar to pension them. I never could understand why a young man who enters into the Government service and gets more money for less work than the young man across the street working for a private employer should have a civil pension. The latter has to look out for himself for old age ahead of him, at less pay, with fewer holidays, harder work, longer hours, and then when he gets old he is discharged. Are you going to pension him? I am opposed to it. I think we must devise some scheme to get rid of them, to let them out of the service.

Let us see, Mr. President, if I have overstated anything. The author of this book is Mr. Squier. In chapter 7 he says:

The system of pensions established by the enactment of Congress for the relief of disabled and aged men retired from the Army and Navy is familiar to all intelligent citizens of the United States, because it is of such long standing and so universal in its operation.

Few people realize the immensity of the sums paid out by the United States Government, since its foundation, in pensions to soldiers, sailors, and marines, their widows, minor children, and dependent relatives. The annual report of the Commissioner of Pensions for the fiscal year ended June 30, 1911, contains the aggregates.

They amount to $4,230,381,730.16. It is now between five thousand and six thousand million dollars. This Government has paid out more for pensions, and it is now paying out more every year for pensions, than the combined expenditures of all the military powers of Europe, with Japan added.

It must be remarked that the acknowledgment of the obligation of the Nation to provide for its worn-out, disabled, and aged defenders has been increasingly apparent in the past few years.

Then the author illustrates that. He says:

This fact is significant if there is borne in mind this thought: That the great majority of all the United States pensioners are above 65 years of age. The people of the United States, therefore, in the administration of the National Government's pension system, are perhaps unconsciously, but none the less truly, recognizing the moral obligations of the State to make provision for the relief of its aged dependent citizens.

There it is; there is the statement that you have already done it; therefore, it is but carrying out a part of the same plan to give to anybody 65 years old the largess of the Government.

That is why I am opposed to this legislation, Mr. President. I do not believe in it. I believe we are abandoning the old policy of asking people to live under just laws and to make their own living, and that we are entering upon a plan of saying to everybody that will not do so that this Government will be so paternal as that it will do it for him. It is going to be a different sort of Government. Heretofore we have admired the man who, in spite of obstacles, worked his own way, fought his own battles without the aid of the Government and by himself, making of himself an independent citizen.

I have no sort of feeling of antipathy against any officer or soldier who served in the Civil War. If I represented them, or could assume to do so, I would never introduce any such bill as this. It is not fair to them. The idea of combining together in an organization to see if we can not get some money out of the State treasury or out of the Federal Treasury is not commendable in anybody, and I am afraid there is too much of that.

I heard one Senator, who has gone away from here now, but who had a very honorable career in this body, and who had served as governor in a Southern State, say that his State refused to grant pensions, except in very deserving cases, to those who had served in the Confederate Army, and they got along all right. Those old fellows said they did not need anybody's help. Finally some politician came along proposing to give all of them a living without any work. He got them on the roll and then they quit trying to do anything. They said, "The State is going to take care of us; the Government is going to take care of its soldiers; and we do not have to work."

The private soldier from Wisconsin whose letter was read here, Mr. President, truly said that these officers did no harder work in the war than did the privates; that when it was over they went back home and they enjoyed a superior distinction to the privates; that they filled the offices in the county, in the State, and in the Nation.

Now comes the proposition to commercialize the whole thing and to put it upon a question of "How much?" "The jingle of the coin" appeals to them. The average pay of every officer in the Civil War upon the Union side has been $2,500 and more. Now we are asked to take them out of the usual class that they have always been in, along with the privates and to retire every volunteer officer as if he had devoted his life to the profession of arms and to treat him just exactly as we treat a man in the Regular Army. They were appointed officers and commissioned by the governors of their States. They enjoyed that honor; they have had the distinction since. Even in this body to-day there are four Confederates and four or five Union soldiers—most of them officers, I presume, during the war.

This proposed legislation has not been placed, it seems, upon the proper basis. For instance, here is a petition by the Illinois and Chicago Volunteer retired-list committee. The committees have worked this up and not the men. Here is a committee now. One of the members connected with it in some way happens to

live in my city, and he sends this to me to enlist my support of this bill:

At a meeting of the Volunteer Officers' Association of the Civil War held in Memorial Hall, Chicago, on Saturday, the 21st day of February, the following resolutions were unanimously adopted:

"Whereas the surviving volunteer officers of the Union Army have patiently, loyally, and anxiously waited for many years for the enactment of a law that shall give to them what under precedents, promises, and laws they believe is justly their due, and to restore them the rank and emoluments of which they have been improperly deprived; and

"Whereas the Senate Committee on Military Affairs on February 13 passed out Senate bill 392"—

Which is this bill—

"with the recommendation that it pass with certain amendments, which amendments we deem objectionable and unjust: Be it

"*Resolved*, That we are opposed to the amendment disqualifying officers from participation in the proposed legislation because of ability to earn an income or because of frugality in having secured an income even with their wives' help of $2,400 per annum."

Let me ask the Senator from Michigan, who is giving me his very close attention, if that provision is still in the bill?

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. I do.

Mr. TOWNSEND. The Senator from Florida seems to be conserving his energy for some reason or other, so that he does not speak very loudly, and it is therefore impossible for me to follow him.

Mr. BRYAN. That is not the trouble, Mr. President. The Senator from Michigan was otherwise engaged just at the time. I desire now to ask him has the committee corrected that error of denying the benefit of participation in this legislation if a man has an income of $2,400 a year?

Mr. TOWNSEND. That has been eliminated from the bill.

Mr. BRYAN. They have asked that that be done, and I now learn the committee has done it. This resolution continues:

Such an exemption will give the color of charity or benevolence to this act, for which the officers have not asked, and which they do not desire from Congress.

They say they have a right to it, but they do not want any charity or benevolence bestowed by this Government; that they have a right to the retired pay of Regular Army officers, or a part of it. There is where they plant themselves. I say they have no such right. So the Senator from Michigan has been mistaken when he has appealed for this act of justice, this act of benevolence to these people, for they say they have a right to have it.

This resolution continues:

We most respectfully pray for what we believe is properly our due, and that the surviving officers of the Volunteer Army and Navy shall be treated with the same consideration that has been so freely accorded to the other creditors of the Government during the years of the Civil War, and with the same consideration which Congress, 40 years after the close of the Revolutionary War, gave to the officers of that war. We have waited for this act of appreciation and justice for 50 years.

They look back to some precedent in the Revolutionary War. So every time you pass a bill to add somebody else to the pension roll, it will be cited as a precedent hereafter.

The whole of the pensions paid on account of the Revolutionary War did not amount to as much as an annual bill for the survivors of the Civil War 50 years after that war is over. But I grant you that there was legislation that should not have been passed then. I think it is a strange thing, yet it is true, that in 1911 or 1912 there was still a pensioner of the Revolutionary War upon the pension rolls of this Government.

The committee which drafted these resolutions asked for some other things to be done, but they are not so important, and I presume they have been attended to.

I want to read a litle moré from the book from which I have already quoted. The author says:

The solution of the old-age dependency problem in the United States will not soon be reached by any plan thus far put forward by the annuity class of economists. Indeed, in the face of such points as are marshaled against it, the annuity proposition, predicated upon any thrift scheme, may be considered a lost cause in this country; especially is this true when the advantages urged by the pension class, for the solution they offer, are carefully weighed.

In its essence the old-age pension scheme is nothing more or less than the Nation's acknowledgment of the debt which the present generation owes the survivors of the past generation.

The Senator from Colorado [Mr. THOMAS], who is here present, worries occasionally about debts and appropriations for things tangible, for salaries, for the Army, and for the Navy, but here is a new kind of debt that is claimed against this Government.

I contrast with that declaration the statement of Mr. Gardner, of Michigan, when he was before our committee, who said that no matter whether the McCumber bill should be passed or not, even if no bill were passed, no soldier of the Civil War could ever to-day or on any to-morrow charge this Government with being ungrateful to its soldiers. I contrast that spirit with the spirit of "you owe me this money, and I want you to pay it to me"; and I say that if we yield to this bill and to other bills of like character we can not resist the old-age claimants for pensions or the claims of those in the civil service of the Government.

Let us glance at some of the measures which are pending. Here is a bill "to pension remarried widows." That is one. Here is another "granting pensions to members of the military organization of 1862, known as the 'Squirrel Hunters.'" Here is a bill, "to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for the period of 90 days or more, and providing for their widows, minor children, and dependent parents, and for other purposes."

That is not the old-age home guard, but that is the home guard that it is proposed to pension.

Here is another bill, introduced by no less a personage than the distinguished Senator from Utah [Mr. SUTHERLAND], "granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the Civil War."

Here is a bill "in aid of pensions to the soldiers and sailors of the War of the Rebellion and the War with Spain." I read from that bill as follows:

Be it enacted, etc., That in construing the pension laws all soldiers and sailors shall be considered as physically sound at the time of their enlistment, and the enlistment or enrollment of such soldier or sailor shall be sufficient proof of the fact that he was physically sound at such time.

They are to be considered sound whether that was the fact or not. It is like these bills to—well, I forget what they call them; but, anyhow, they are to straighten out the crooked records of deserters and put them on the pension list——

Mr. THOMAS. Bills to correct military records.

Mr. BRYAN. And which provide they shall hereafter be assumed, and that nobody shall deny the assumption upon the penalty of death, that such and such a man did not desert, and that he is entitled to a pension.

Here is the old-age pension bill [exhibiting], which I read to the Senate, introduced in the Sixty-third Congress.

Here is another, entitled "A bill to provide old-age and cripples' pensions," by Mr. DOOLITTLE.

Let me pause here to say, Mr. President, that there is no need of any legislation to benefit anybody who ever served in any war who suffered by reason of that service.

The bills that have been coming in here for the last 25 years have been designed to place upon the pension roll men who could not get there because of any injuries received in service. I am not against all pensions, but I think they ought to be based upon meritorious service and upon injury and upon need. I believe that the citizen of this Republic owes a duty to his Government no less than the duty the Government owes to the citizen; and I think we are engaged in a poor business when we undertake to commercialize the service of the men who went to war in time of peril. There are always men ready to go into any war for their country when their country is attacked, whether it is right or wrong. I think it would be a poor sort of government that would not take care of them and their dependents in case of injury or death; but I can not understand what higher right a man who simply enlisted and received no injury has to be supported out of the taxes of the people of this country than any other deserving citizen.

Take the illustration I gave a while ago, Mr. President, of a veteran of the Spanish-American War. He is here to-day with his bride and unfortunately is killed or otherwise loses his life. Now, I ask you, How is it that yesterday she had no claim upon the Government, but to-day she has? It is simply for the reason that she married him; that is all. And yet our legislation is full of instances of that kind.

Here [exhibiting] is another bill to provide for old-age pensions, and here is a bill "to pension widow and minor children of any soldier who served in the War with Spain or Philippine insurrection" and the Boxer troubles. That bill is upon the calendar and its passage is being urged.

I was criticized at the last session of the Senate because I would not agree to a vote on that bill and because I argued against it. The Senator from Colorado also argued against it. Senators say a majority of the Senate want to pass these bills, and why not let them do so? Why, Mr. President, they can pass these bills and they will pass them when they come to a vote; but I have made up my mind that I am going to object and to

oppose this character of legislation, and I have no apology to offer to anybody for doing so.

Here is a bill entitled "A bill to grant pensions to certain persons for certain injuries sustained in dangerous employment in the United States"—not in any work done for the United States, but to give pensions to men who in private employment are unfortunate and are hurt. What do they base that on? Upon the theory that they are a part of the great industrial army; they are a part of the citizens of this Republic who do not ask favors at the hands of the Government; but they see this lavish and unjust appropriation of public funds, and they feel that they, too, have a right to a share of them.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. BRYAN. Certainly.

Mr. CLAPP. I should like to ask the Senator if he thinks that the action of Congress at the last session in placing $400,000,000, in round numbers—a little short of that—upon the backs of the American people for the Army and Navy in a time of profound peace might not also serve as an incentive to others to think that possibly they ought to get some pecuniary benefit from this organization which we call the Government?

Mr. BRYAN. I rather think the Senator is right, Mr. President.

Mr. CLAPP. Yes.

Mr. BRYAN. They will all take it. They would not apply for it; their pride would not let them apply for it in the first place, but if it is provided by law they will take it. There is a sort of feeling that it is all right to get anything one can get out of the Government. If a private individual would offer it to them, they would say, "No"; but, unfortunately, it is true that too many people think that the money in the Treasury, especially in the Federal Treasury, ought to be taken whenever it can be gotten hold of. They feel that if the Government erects a public building in their town, it is a gift to them. They do not realize, I believe, that they help pay the taxes of the country because of the indirect manner in which they are levied.

Mr. CLAPP. Mr. President, will the Senator pardon another interruption?

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Minnesota?

Mr. BRYAN. Certainly.

Mr. CLAPP. I want to call the Senator's attention to the fact that in one respect, at least, I think, without intending it to be so, his criticism has been altogether too far-reaching and too sweeping. I refer to his criticism of the bills introduced to secure pensions for men who are unable under existing laws to establish their claim to a pension by their hospital record in connection with their service. The Union Army in the Civil War was made up of a great many young men—and I have no doubt whatever that, if we had the records of those who were engaged on the other side, we would find the same fact—in the prime and strength of their youth, thousands of whom would have been perfectly entitled to have gone to hospitals, but kept out of the hospitals, and consequently have no hospital record to establish their claims. I know from my own experience in helping to get pensions for some of these men, who I believed were deserving, that many of them were justly entitled to pensions, but because of their pride and manhood at the time they kept out of hospitals when they would have been perfectly justified in having gone to them.

Then I want to call the Senator's attention to another thing that I think ought to modify a somewhat sweeping suggestion of his with reference to this charge of desertion.

Mr. BRYAN. Mr. President, I have not come to that part of my speech yet, dealing with deserters.

Mr. CLAPP. Why, the Senator was on it a moment ago.

Mr. BRYAN. I just referred to it in passing, but I am willing to have the Senator make his point clear. I should like to understand just exactly what it is.

Mr. CLAPP. It is this—that because a young man did not always report at a time when his sole purpose was to serve, and not to make a record, that is no sign to-day that he should be classed indiscriminately as a deserter.

Mr. BRYAN. But does not the Senator think all of that could have been found out in a shorter time than 50 years? What were they doing all this time?

Mr. CLAPP. No; I do not. I say no for this reason: They came home from that war. I have had cases where I know the facts. They got through fighting, and they started home. They did not care to be mustered out. The fighting was over. They were young. They were not thinking of pensions. But, in my judgment, no man can go through three or fours years of military service without more or less weakening that something which we call constitution. The years passed by, and finally old age comes to that man, and he is absolutely justified, if he can establish his claim, in doing away with what was a mere technical record, and a record that at the time he never dreamed he was making against himself. He is justified in doing away with that, so far as that may be a criticism or an embarrassment to his family and posterity; and the fact that he did not think of doing that in the prime of his manhood is no reason why it should be insisted that because he did not do it then he ought not to do it in his latter years.

I think that both those kinds of cases should modify the criticism that the Senator made a few moments ago, when he was dealing with this general class of bills to relieve men from the charge of desertion and to enable them to secure pensions where they were unable to secure them by the hospital records.

Mr. BRYAN. Mr. President, of course the Senator is correct in the statement that sometimes, because of misunderstanding or because of sickness, the charge of desertion was entered up when it should not have been. But that was not true in all cases.

Mr. CLAPP. Oh, not in all cases, of course.

Mr. BRYAN. There were 125,000 desertions on the Union side in the Civil War. The cases to which the Senator refers were the exceptions, and the general legislation was very generous to those. If they had served to May 1, 1865, no charge of desertion would be made against them, although they did not show up to be mustered out; or if they had deserted earlier than that, and within a reasonable time voluntarily returned to the service, even after the war was over.

There is a little more I want to read from this book. Its author proceeds:

> Any man or woman who has lived for 65 or 70 years, doing the best possible under all circumstances, even making due allowance for mental, physical, or moral frailties, has contributed by life and work to the making of the world a better place to live in. Every civilized community feels the obligation to provide such an one with shelter, food, and raiment; that is to say, threescore years or more of life and service are as so many duebills which the superannuated person presents to the working generation and which that generation can not deny or repudiate. What the pension class of economists urge is that the duebills of the old shall not be paid grudgingly and by a charity that suggests a beggarly condition, but in a manner that preserves and exalts that dignity of the old, sustains his self-respect, and enables him to move among the younger generation as a patriarch honored for having lived and served.
>
> The points to which attention may be called in the solution of the problem offered by the pension class may be summarized as follows:
>
> First. It is manifestly no greater burden on the community as a whole to operate a Government pension system than to support the aged dependents on the present system of public and private charity—

And sometimes I have felt that the pension roll was used for that purpose; that there are people—I submit it to the Senator from Minnesota—who get upon the pension rolls by private pensions whose claims appeal to the sympathy of any man; but if there is any right, it is a mere technical right to get upon the roll. It is not even a technical right, because if it were they would not have to come to the committee. Senators and Members of the House are human. They hear these pitiful stories asking a raise from ten to twenty or twenty-five dollars or thirty dollars a month for "this poor old decrepit widow," and she gets it. It is easy to be generous with other people's money; yet in the aggregate that amounts to considerable. The Senator from Colorado [Mr. THOMAS] here to-day, discussing another bill not connected with pensions, pointed out that all but two bills introduced in the House of Representatives on the first day of this session were private pension bills. So we are making a sort of a poorhouse contribution by the Federal Government for duties that ought to be performed by the cities and the counties where the people live. It is nothing but a claim by the unfortunate. It ought to be treated so. These claims ought to be paid by the communities in which the people live out of the general tax money.

> Second. The community as a whole owes the disabled soldiers of the Nation's industrial army as tender consideration and ample rewards for service as are recognized to be due the veterans of the Nation's military service.
>
> Third. A pension scheme established by Congress and operated by the National Government would encourage the mobility of labor, destroy the spirit of servility and fear that now so often dominates the wage earner, and would enhance the stability and beauty of home life, in that the aged veteran would be welcome to a place of counsel and honor in the family circle, now too often denied him because his support is too heavy a draft on the scant earnings of his children and grandchildren.

We are going to take him away from his children and his grandchildren, who are willing to take care of him, whose love and affection for him ought to lead them to take care of him, and place the burden of his support on the Federal Government. That is where all this legislation is leading.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. BRYAN. I yield.

Mr. CLAPP. While, of course, that phase of the pension matter is not before the Senate, yet, if the man's children will not take care of him, the fact that he has children who ought to take care of him would not lessen his claim upon the support of the public.

Mr. BRYAN. That is true.

Mr. CLAPP. Now, while this is not directly involved in this argument, I submit to the Senator—I am not, however, submitting a view that I have yet reached myself—what difference it makes, if the amount is the same, what treasury the money comes out of? There is no such thing as the Government having any money. It is simply trustee for the people's money, whether it is the Federal Government or the government of the State, city, county, or township; and if the amount is the same, it has sometimes occurred to me that there was no more equitable distribution of the burden, if it is justified at all, than out of the Federal Treasury.

Mr. BRYAN. Oh, I have the other view, Mr. President. It seems to me that in cases such as the Senator has mentioned the best way is to let those people be taken care of in the counties where they live, where the officials can find out that their case is meritorious and understand their needs better than they can be understood by the representatives of the Federal Government, unless we are to have an army of people to carry out these Federal laws. Why, in every one of the nearly 3,000 counties in this country there is that problem. There are five times that many county commissioners, perhaps, who give their attention to it. That is 15,000 men. Would you stop that system and set up another army of 15,000 clerks radiating from this Capital to find out about the poor people in the country?

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Minnesota?

Mr. BRYAN. I do.

Mr. CLAPP. It would not require any such army. This Congress last year voted I forget how many millions upon an alleged highway bill. Already we recognize the fact that some localities are less able to pay than others, and it is a question—I simply suggest it—if it is right to spend a dollar of the money of the taxpayer, whether it might not just as well be spent out of the Federal Treasury as anywhere else. It is only a dollar, anyhow.

Mr. BRYAN. I did not vote for that bill. I think the States ought to have taken care of the road question under a plan differing from the plan adopted; but I am afraid the Senator is trying to lead me away from this discussion, although I have no objection to discussing the road proposition with him.

Mr. CLAPP. Oh, I was not trying to lead the Senator away. He had left the subject and gone into a sort of philosophical zone of debate that always attracts me, and I was just making these suggestions.

Mr. BRYAN. I am very glad to have the Senator do so.

Mr. CLAPP. And I drew my inspiration from what the preceding session of Congress had done.

Mr. BRYAN. That is a dangerous source.

Mr. CLAPP. I think so. I quite agree with the Senator on that point.

Mr. BRYAN. Mr. President, we hear—in fact, it is too often so—that everybody is an economist until it comes to something he wants. I heard a very violent speech from the Senator from Michigan [Mr. TOWNSEND] at the last session on economy, on how wasteful the Democrats had been in spending the public money, and that is always charged, I suppose, and yet in that total bill are included these enormous sums of money. Two-thirds of the money collected at the customhouses of this country is being paid out now for pensions 50 years after we have had any war at all. Here comes the Senator now with this bill. Nobody knows what it is going to cost. They do not even take the trouble to find out from the Bureau of Pensions what this bill will cost. We passed one here last summer. Somebody said it would cost $8,000,000 or $10,000,000. Nobody knows. We were in such a hurry that we could not find out approximately what it would cost. I saw a criticism in one of the magazines of this country taking Congress to task for that sort of legislation. Where is any report here as to what this bill will cost? We have this man's guess and that man's guess, and none of them have ever heretofore estimated an amount as great as the facts showed the appropriations to meet the demands to be.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Minnesota?

Mr. BRYAN. I yield to the Senator.

Mr. CLAPP. I should like to inquire of the Senator if that same magazine criticized Congress for spending a portion of four hundred millions for eight more battleships at a time when a German merchant submarine was defying the greatest navy on earth? Did the magazine attack that expenditure?

Mr. BRYAN. I did not read all the magazine; but what is the Senator's idea about that?

Mr. CLAPP. I do not think the magazine did attack that expenditure. I venture that belief.

Mr. BRYAN. No, but what is the Senator's opinion about that appropriation—the Navy and the Army appropriation?

Mr. CLAPP. Why, I think any such vast sum was absolutely unwarranted, and I voted against it.

Mr. BRYAN. I am very glad to have that statement placed in the RECORD.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Certainly.

Mr. TOWNSEND. I have not cared to interrupt the Senator from Florida, and shall not do so further than to say generally that the statements which he makes in reference to the estimated cost and relative to extravagance do not apply to this bill at all. I have not taken the time of the Senate to discuss this bill, although I should be very glad to do it if any Senator does not understand it; but if a Senator simply wishes to use the time of the Senate to prevent a vote, I do not care to contribute to his purpose.

I wish to state generally, however, that I am opposed to extravagance, whether that extravagance is of Republican or Democratic origin. I regard this measure as a sacred obligation of our Government. I have so regarded it from the beginning—an obligation which has too long been delayed. A majority of this Senate believes it is a sacred obligation. I have voted with the Senator from Florida in the Committee on Claims to pay claims which perhaps the North would object to, as the Senator very well understands, because I have felt that they were valid obligations which the Government owed, and I have been willing to pay such obligations. This bill is the very least the Government owes to a class of patriots which is too rapidly disappearing, and if the Senator from Florida and one or two others will permit us to vote it, the Senate will so decide.

Mr. BRYAN. I am very much obliged to my friend from Michigan, Mr. President, for his interruption. I do not know what license the Senator has to say that I am filibustering against this bill. That is a charge easily made. I assume that I have a right to state my objections to it. Nobody has yet stood up, and nobody will stand up, to show the merits of it, and the Senate does not know anything about it. That is the truth about the whole thing.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BRYAN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The report on this bill was made by a Democratic Senator, and it seems to show very clearly the merits of the bill.

Mr. BRYAN. Yes; I have read the report on it. It does not show anything. It shows somebody's guess as to about how much it would cost. I have read the report. It makes a guess of less than four millions, but it could be found out. Somebody guessed last summer, when another bill on this subject was passed, that it would cost $10,000,000. It was a pure guess. I venture to say that it will cost twice that much. The Senator from Michigan is mistaken, and assumes a little too much when he undertakes to lecture me for arguing against this bill. The Senator seems to think that when he is ready to vote, a vote ought to be taken. I asked him before I began if he intended to show the merits of this bill, if it had any, and he then said that everybody wanted to vote for it. It would seem to me, from looking around over this Chamber, as if not many people are enough interested in it to be present, either to vote for it or against it.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida further yield to the Senator from Michigan?

Mr. BRYAN. I yield.

Mr. TOWNSEND. In answer to the last suggestion first, if the Senator will give us an opportunity to do it, there will be sufficient interest. I am not objecting to the Senator's discussing this bill. I am not objecting to any Senator discussing it. If it can not stand upon its merits, it ought to fail. I have never argued anything else. Inasmuch, however, as the Sena-

tor has suggested that the criticism I offered was not, perhaps, made in good faith, I should like to ask the Senator now, if he will permit a vote upon this bill after full discussion on both sides? Is the Senator determined to defeat this bill under any conditions or by all means possible, even if it is necessary to occupy the time until the adjournment of Congress, and has he so stated?

Mr. BRYAN. I did not understand that I was under cross-examination.

Mr. TOWNSEND. Well, I withdraw that question; but I am sorry the Senator brought it up.

Mr. BRYAN. No; the Senator need not withdraw it. I am going to do everything that I think is legitimate to defeat this bill, and all bills of the same kind. I am not going to stand here and filibuster for days, however.

Mr. TOWNSEND. Would the Senator be willing that a day be fixed upon which we shall vote?

Mr. BRYAN. I would not.

Mr. TOWNSEND. Would he be willing that we should vote at the end of a week?

Mr. BRYAN. I think I have stated enough for the Senator to know my position about it. If I see a good chance to beat this bill, I am going to try to do it. I am not going to stand up and filibuster by the day against it. I never have done that. I believe that if Senators would come in and understand just exactly what this bill contains, instead of saying, "Oh, well, it is a pension bill, and when they call the roll I will vote for it," there would be some doubt about its being passed.

Mr. TOWNSEND. Let me suggest to the Senator that it is more than a pension bill. I think he so understands it.

Mr. BRYAN. No; I understand it. That is what it is, Mr. President. It is to increase the pensions of these men from three or four hundred dollars, or, if they are injured, from eight or nine hundred dollars to twelve or eighteen hundred dollars a year. That is what it is. If it were not for the money in it, there would not be any bill pending here. If that is not true, let us strike out any provision to pay them anything and put them without any increase of salary on the retired list of the United States Army. Would that be satisfactory? It is because of the appropriation the bill carries that its passage is desired. The retired volunteer officers are to be put on the retired list for the same purpose. This bill that I read undertook to create an old-age army of the United States. That is what it is. It is for the money in it; and I do not believe they show a case that authorizes Congress to place them above the ordinary soldier in the Civil War.

Mr. President, perhaps the Senator from Michigan can not understand it, but it is not the money involved that is the most important part of this legislation. I think it is a dangerous thing to continue to agitate and to add new classes to these rolls. There is no necessity for it. If any one of these officers was injured, he gets ample pay now to live in comfort. If he was not injured, then what higher claim has he than a private soldier who was injured? Why should the uninjured officer receive five or six times as much as an injured private who saw real service?

The trouble with this whole pension legislation is that you mix up the meritorious classes with the unmeritorious classes. You take the old war widow of a veteran who fought four years in the Civil War and put her on an equality with the widow of some holiday home guardsman. That is the injustice in it. Now you are going to make a special class of these officers upon the pretext that they ought to be treated on an equality, as far as pay is concerned, with an officer in the Regular Army who has to devote a lifetime to service in the Army, and who has no other means of accumulating a competence. Whether that is right or wrong, it does not make this legislation defensible or tolerable, it seems to me, to anybody who is considering justice to the men or to the officers, or, most important of all, to the duties which devolve upon us here.

Mr. THOMAS obtained the floor.

Mr. SMITH of Georgia. Mr. President, before the Senator from Colorado proceeds will he allow me to have placed in the RECORD a letter I have received?

Mr. THOMAS. If the Senator from Georgia desires the floor I will yield it.

Mr. SMITH of Georgia. No; I do not want to do that, but I should like to get a letter into the RECORD at this time.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I yield.

Mr. SMITH of Georgia. I should like to have inserted in the RECORD this afternoon the two letters which I send to the desk. I should like to have them read.

The PRESIDING OFFICER. At present?

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY proceeded to read the first of the two letters.

Mr. SMITH of Georgia. Mr. President, for the purpose of saving the time of the Senate I will ask that the two letters may be printed in the RECORD. I wanted to put into the RECORD the statement I received two years ago to the effect that the probable charge would be nine and one-half million dollars.

The PRESIDING OFFICER. Without objection, the letters will be inserted in the RECORD.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, December 12, 1914.

Hon. HOKE SMITH,
United States Senate.

MY DEAR SENATOR: I have your letter of the 9th instant, in which you make reference to bill (S. 392) to create a Civil War officers' retired list and ask to be furnished information as follows:

First. A list showing the total number of such officers coming under the classification of the bill.

Second. A list showing the number of such officers now on the pension roll and the amounts they have received or are receiving.

Third. A statement showing the amounts that the first-mentioned list would be entitled to receive under the provisions of the bill.

In reply I beg to inform you that this bureau has no record of officers of the Civil War now surviving who are not pensioners, and the names of those who are in receipt of pension are not borne separately on the pension roll but are entered in alphabetical order with the names of privates and noncommissioned officers. Furthermore, the roll entries do not show length of service in any case, and such information, as essential to determine the benefits intended to be conferred by the bill, may be obtained only by an examination of the War Department report in each claim.

The information you ask is therefore not available and could be obtained—as far as relates to the officers referred to who are now pensioners—only by an examination of nearly one-half million roll entries of Civil War survivors of the several classes and tabulation of the list thus obtained by rank, length of service, rate of pension, etc., from data partly to be secured by reference to the papers in the claims.

A number of estimates have been made for Senators and Members of the House, upon the above and similar bills, on the basis of a tabulation prepared from a list of officers taken from the pension roll in 1908. A copy of the last estimate given Hon. JAMES HAY, chairman of the House Committee on Military Affairs, under date of April 4, 1914, is herewith inclosed.

Very truly, yours,

G. M. SALTZGABER,
Commissioner.

—

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1914.

Hon. JAMES HAY,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. HAY: I am in receipt of a communication from the clerk of your committee, dated the 31st ultimo, submitting by your direction a copy of bill H. R. 1851, to create in the War Department and the Navy Department, respectively, a roll designated as "The Civil War volunteer officers' retired list," etc., with request for an estimate of the probable annual cost to the Government should it be enacted into law.

Said bill is identical in terms with bill S. 392 as introduced on April 8, 1913, by Mr. TOWNSEND, to whom an estimate thereon was given under date of June 9, 1913, placing the net cost for the first year at $10,283,122. The factors used in ascertaining this amount were 16,472 officers then surviving—as determined by deduction on account of percentages of loss by death from a number theretofore found by actual count to be living and borne on the pension rolls, and a net annual cost per officer of $624.27+ after deduction of average annual pension of $240.

A deduction of 8 per cent from the above number of officers on account of deaths since said estimate was made leaves a total of 15,154 now surviving, and deduction of the higher average annual pension per officer of $256.64 gives the net cost per officer as $607.63+. On this basis it is estimated that the cost to the Government for the first year, should the bill be enacted into law in its present form, would be about nine and one-fourth millions of dollars—the exact amount with the factors used being $9,208,159.89.

Cordially, yours,

LEWIS C. LAYLIN,
Assistant Secretary.

EXECUTIVE SESSION.

Mr. CHILTON. Mr. President——

Mr. THOMAS. I yield to the Senator from West Virginia.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 16, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1916.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

Herbert S. Goold, of San Francisco, Cal., to be a secretary of embassy or legation of class 4 of the United States of America, to which office he was appointed during the last recess of the Senate.

Livingston Phelps, of New York, N. Y., to be a secretary of embassy or legation of class 4 of the United States of America, to which office he was appointed during the last recess of the Senate.

CONSULS GENERAL.

CLASS 4.

P. Stewart Heintzleman, of Pennsylvania, lately a consul general of class 5, to be a consul general of class 4 of the United States of America, to which office he was appointed during the last recess of the Senate.

CLASS 5.

E. Carlton Baker, of California, lately a consul of class 6, to be a consul general of class 5 of the United States of America, to which office he was appointed during the last recess of the Senate.

CONSULS.

CLASS 6.

Edwin L. Neville, of Ohio, lately a consul of class 7, to be a consul of class 6 of the United States of America, to which office he was appointed during the last recess of the Senate.

CLASS 7.

Henry H. Balch, of Alabama, lately a consul of class 8, to be a consul of class 7 of the United States of America, to which office he was appointed during the last recess of the Senate.

Kenneth S. Patton, of Virginia, lately a consul of class 8, to be a consul of class 7 of the United States of America, to which office he was appointed during the last recess of the Senate.

CLASS 8.

Max D. Kirjassoff, of Connecticut, lately vice consul and interpreter at Yokohama, to be a consul of class 8 of the United States of America, to which office he was appointed during the last recess of the Senate.

ASSISTANT SECRETARY OF COMMERCE.

Edwin F. Sweet, of Michigan, to be Assistant Secretary of Commerce in the Department of Commerce.

UNITED STATES ATTORNEY, WESTERN DISTRICT OF WISCONSIN.

William F. Wolfe, of La Crosse, Wis., to be United States attorney for the western district of Wisconsin, vice John A. Aylward, deceased. Mr. Wolfe is now serving under a recess appointment.

ASSOCIATE JUSTICE, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

William Hitz, of the District of Columbia, to be associate justice of the Supreme Court of the District of Columbia, vice Thomas H. Anderson, deceased. Mr. Hitz is now serving under a recess appointment.

REGISTER OF THE LAND OFFICE.

James Alexander Nutting, of Quincy, Cal., to be register of the land office at Susanville, Cal., vice James Wylie, deceased.

MEMBER OF INTERSTATE COMMERCE COMMISSION.

Winthrop More Daniels, of New Jersey, to be a member of the Interstate Commerce Commission for the term expiring December 31, 1923. (A reappointment.)

MEMBER OF EXCISE BOARD, DISTRICT OF COLUMBIA.

Henry S. Baker, of the District of Columbia, to be a member of the Excise Board of the District of Columbia, for a term of three years. (A reappointment.)

COAST GUARD.

CAPTAIN.

First Lieut. Henry Granville Fisher to be captain in the Coast Guard of the United States, to rank as such from November 9, 1915, vice Capt. Horace B. West, promoted. Lieut. Fisher is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. Henry Ulke to be captain in the Coast Guard of the United States, to rank as such from June 26, 1916, in place of Capt. Kirtland W. Perry, retired. Lieut. Ulke is now serving under a temporary commission issued during the recess of the Senate.

First Lieut. Walter Aquila Wiley to be captain in the Coast Guard of the United States, to rank as such from December 1, 1916, in place of Capt. Francis A. Levis, retired.

FIRST LIEUTENANTS.

Second Lieut. James Louis Ahern to be first lieutenant in the Coast Guard of the United States, to rank as such from November 9, 1915, in place of First Lieut. Henry G. Fisher, promoted. Lieut. Ahern is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Lloyd Toulmin Chalker to be first lieutenant in the Coast Guard of the United States, to rank as such from June 26, 1916, in place of First Lieut. Charles W. Cairnes, retired. Lieut. Chalker is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Edward Darlington Jones to be first lieutenant in the Coast Guard of the United States, to rank as such from June 26, 1916, and to take rank next after First Lieut. Lloyd T. Chalker, in place of First. Lieut. Henry Ulke, promoted. Lieut. Jones is now serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Stanley Vincent Parker, to be first lieutenant in the Coast Guard of the United States, to rank as such from December 1, 1916, in place of First Lieut. Walter A. Wiley, promoted.

SECOND LIEUTENANT.

Third Lieut. Henry George Hemingway to be second lieutenant in the Coast Guard of the United States, to rank as such from November 9, 1915, in place of Second Lieut. James L. Ahern, promoted. Lieut. Hemingway is now serving under a temporary commission issued during the recess of the Senate.

FIRST LIEUTENANT OF ENGINEERS.

Second Lieut. of Engineers John Thomas Carr to be first lieutenant of Engineers in the Coast Guard of the United States, to rank as such from August 13, 1916, in place of First Lieut. of Engineers William C. Myers, retired. Lieut. Carr is now serving under a temporary commission issued during the recess of the Senate.

THIRD LIEUTENANT OF ENGINEERS.

Cadet Engineer John Nathaniel Heiner to be third lieutenant of Engineers in the Coast Guard of the United States, to rank as such from October 7, 1916. Mr. Heiner is now serving under a temporary commission issued during the recess of the Senate.

Cadet Engineer Francis Compston Wells, to be third lieutenant of Engineers in the Coast Guard of the United States, to rank as such from October 7, 1916. Mr. Wells is now serving under a temporary commission issued during the recess of the Senate.

PUBLIC HEALTH SERVICE.

ASSISTANT SURGEON.

Dr. Robert Booth Acker to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

Dr. Charles Armstrong to be assistant surgeon in the Public Health Service, to rank as such from October 27, 1916. Dr. Armstrong is now serving under a temporary commission issued during the recess of the Senate.

Dr. Rolla Eugene Dyer to be assistant surgeon in the Public Health Service, to rank as such from October 31, 1916. Dr. Dyer is now serving under a temporary commission issued during the recess of the Senate.

Dr. Meade Castleton Edmunds to be assistant surgeon in the Public Health Service, to rank as such from October 30, 1916. Dr. Edmunds is now serving under a temporary commission issued during the recess of the Senate.

Dr. Justin Keyser Fuller to be assistant surgeon in the Public Health Service, to rank as such from October 27, 1916. Dr. Fuller is now serving under a temporary commission issued during the recess of the Senate.

Dr. Walter Trousdale Harrison to be assistant surgeon in the Public Health Service, to rank as such from October 26, 1916. Dr. Harrison is now serving under a temporary commission issued during the recess of the Senate.

Dr. William Frederick Wagenbach to be assistant surgeon in the Public Health Service, to rank as such from October 30, 1916. Dr. Wagenbach is now serving under a temporary commission issued during the recess of the Senate.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Rev. Joseph Simon Loughran, of California, to be chaplain with the rank of first lieutenant from September 28, 1916, vice Chaplain Henry A. Brown, Corps of Engineers, retired from active service September 1, 1915.

Rev. Ora Jason Cohee, of Indiana, to be chaplain with the rank of first lieutenant from October 4, 1916, vice Chaplain Joseph C. Kennedy, Twelfth Cavalry, resigned February 24, 1916.

PROMOTIONS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. John J. Pershing, to be major general from September 25, 1916, vice Maj. Gen. Albert L. Mills, who died September 18, 1916.

Col. Eben Swift, General Staff Corps (Cavalry), to be brigadier general from September 29, 1916, vice Brig. Gen. Granger Adams, retired from active service September 28, 1916.

Col. Francis H. French, General Staff Corps (Infantry), to be brigadier general from September 30, 1916, vice Brig. Gen. John J. Pershing, appointed major general.

Col. Edwin St. J. Greble, Sixth Field Artillery, to be brigadier general from October 13, 1916, vice Brig. Gen. Montgomery M. Macomb, retired from active service October 12, 1916.

Col. Charles G. Treat, General Staff Corps (Field Artillery), to be brigadier general from October 18, 1916, vice Brig. Gen. Frederick W. Sibley, retired from active service October 17, 1916.

INFANTRY ARM.

Lieut. Col. George B. Duncan (Infantry), detailed in the General Staff Corps, to be colonel from September 18, 1916, vice Col. John H. Beacom, Sixth Infantry, who died September 17, 1916.

Lieut. Col. Lucius L. Durfee, Ninth Infantry, to be colonel from September 18, 1916, vice Col. George B. Duncan, detailed in the General Staff Corps.

Maj. Truman O. Murphy (Infantry) adjutant general, to be lieutenant colonel from September 9, 1916, vice Lieut. Col. Eli A. Helmick (Infantry), unassigned, detailed in the Inspector General's Department.

Maj. William H. Bertsch (Infantry), detailed in the Quartermaster Corps, to be lieutenant colonel from September 9, 1916, vice Lieut. Col. Truman O. Murphy, detailed in the Adjutant General's Department.

Maj. Ross L. Bush, Thirteenth Infantry, to be lieutenant colonel from September 9, 1916, vice Lieut. Col. William H. Bertsch, detailed in the Quartermaster Corps.

Maj. John B. Bennet, Eleventh Infantry, to be lieutenant colonel from September 18, 1916, vice Lieut. Col. Lucius L. Durfee, Ninth Infantry, promoted.

Maj. Melville S. Jarvis (Infantry), unassigned, to be lieutenant colonel from November 15, 1916, vice Lieut. Col. Francis E. Lacey, jr., Thirty-second Infantry, detailed in the General Staff Corps.

Capt. Ralph E. Ingram, Eleventh Infantry, to be major from September 9, 1916, vice Maj. Ross L. Bush, Thirteenth Infantry, promoted.

Capt. Robert C. Davis, Thirtieth Infantry, to be major from September 16, 1916, vice Maj. Jens Bugge, Infantry, unassigned, retired.

Capt. Joseph F. Janda, First Infantry, to be major from September 18, 1916, vice Maj. John B. Bennet, Eleventh Infantry, promoted.

Capt. Alvan C. Reed, Ninth Infantry, to be major from September 23, 1916, vice Maj. Robert Field, Infantry, unassigned, retired.

First Lieut. John S. Davis, Nineteenth Infantry, to be captain from July 1, 1916, to fill an original vacancy.

First Lieut. Earl C. Buck, Twenty-seventh Infantry, to be captain from July 1, 1916, to fill an original vacancy.

First Lieut. Jere Baxter, Twenty-eighth Infantry, to be captain from July 7, 1916, vice Cralle, Twenty-ninth Infantry, detailed in the Quartermaster Corps.

First Lieut. Russell James, Third Infantry, to be captain from July 7, 1916, vice Cochran (P. M.), Seventeenth Infantry, detailed in the Quartermaster Corps.

First Lieut. Floyd R. Fredendall, Second Infantry, to be captain from July 7, 1916, vice Halstead, Twenty-fourth Infantry, detailed in the Quartermaster Corps.

First Lieut. Rowan P. Lemly, Thirteenth Infantry, to be captain from July 7, 1916, vice Erickson, Nineteenth Infantry, detailed in the Quartermaster Corps.

First Lieut. A. Ellicott Brown, Eighth Infantry, to be captain from July 7, 1916, vice Andres, Eighteenth Infantry, detailed in the Quartermaster Corps.

First Lieut. James M. Lockett, Twenty-third Infantry, to be captain from July 7, 1916, vice Regan, Thirtieth Infantry, detailed in the Quartermaster Corps.

First Lieut. Eugene Robinson, Twenty-fifth Infantry, to be captain from July 10, 1916, vice Bridges, unassigned, promoted.

First Lieut. Clyde L. Eastman, Twentieth Infantry, to be captain from July 10, 1916, vice Robertson, Eighteenth Infantry, promoted.

First Lieut. Jesse C. Drain, Ninth Infantry, to be captain from July 10, 1916, vice Heidt, Ninth Infantry, promoted.

First Lieut. Alexander W. Chilton, Twenty-fourth Infantry, to be captain from July 15, 1916, vice Lincoln, Second Infantry, promoted.

First Lieut. William E. Morrison, Seventh Infantry, to be captain from July 15, 1916, vice Mullay, Thirteenth Infantry, promoted.

First Lieut. Donald J. MacLachlan, Tenth Infantry, to be captain from July 19, 1916, vice McCleave, Twenty-second Infantry, promoted.

First Lieut. Charles H. Rice, First Infantry, to be captain from July 20, 1916, vice Jordan, Sixth Infantry, promoted.

First Lieut. Irving J. Palmer, Thirtieth Infantry, to be captain from July 23, 1916, vice Gowen, Tenth Infantry, promoted.

First Lieut. Melvin G. Faris, Twelfth Infantry, to be captain from July 26, 1916, vice Berry, Twenty-fourth Infantry, promoted.

First Lieut. Alexander W. Maish (captain in the Ordnance Department), Infantry, to be captain from July 29, 1916, vice Dodge, Twenty-second Infantry, detailed in the Quartermaster Corps.

First Lieut. William J. McCaughey, Thirteenth Infantry, to be captain from July 29, 1916, vice Maish, detailed in the Ordnance Department.

First Lieut. Eugene R. Householder, Twenty-fifth Infantry, to be captain from August 2, 1916, vice Ramsey, unassigned, detailed in the Ordnance Department.

First Lieut. James G. Taylor, Twenty-seventh Infantry, to be captain from September 2, 1916, vice Barber, Third Infantry, retired from active service September 1, 1916.

First Lieut. Eugene Santschi, jr., unassigned, to be captain from September 6, 1916, vice Young, Twenty-third Infantry, detailed in the Quartermaster Corps.

First Lieut. William A. Ganoe, Twenty-fifth Infantry, to be captain from September 6, 1916, vice McEntee, unassigned, detailed in the Signal Corps.

First Lieut. Elmer F. Rice, First Infantry, to be captain from September 8, 1916, vice Mauborgne, unassigned, detailed in the Signal Corps.

First Lieut. Edwin C. McNeil, Fourteenth Infantry, to be captain from September 9, 1916, vice Capt. Ralph E. Ingram, Eleventh Infantry, promoted.

First Lieut. Benjamin F. Castle, Fifteenth Infantry, to be captain from September 12, 1916, vice La Garde, unassigned, retired September 11, 1916.

First Lieut. Charles L. Wyman, Infantry, unassigned, to be captain from September 13, 1916, vice Guild, unassigned, detailed in the Signal Corps.

First Lieut. John W. Lang, Twenty-ninth Infantry, to be captain from September 16, 1916, vice Davis, Thirtieth Infantry, promoted.

QUARTERMASTER CORPS.

Lieut. Col. Charles R. Krauthoff, Quartermaster Corps, to be colonel from September 22, 1916, vice Col. Abiel L. Smith, appointed brigadier general, Quartermaster Corps.

Maj. Harry E. Wilkins, Quartermaster Corps, to be lieutenant colonel from September 22, 1916, vice Lieut. Col. Charles R. Krauthoff, promoted.

MEDICAL CORPS.

Capt. Guy V. Rukke, Medical Corps, to be major from August 13, 1916, vice Maj. Robert N. Winn, who died August 12, 1916.

CORPS OF ENGINEERS.

Lieut. Col. Charles L. Potter, Corps of Engineers, to be colonel from November 27, 1916, vice Col. William E. Craighill, who died November 26, 1916.

Maj. Harry Burgess, Corps of Engineers, to be lieutenant colonel from November 27, 1916, vice Lieut. Col. Charles L. Potter, promoted.

CAVALRY ARM.

To be captains from July 1, 1916.

First Lieut. William N. Hensley, jr., Fifteenth Cavalry, vice Capt. Charles E. Stodter, Seventh Cavalry, promoted.

First Lieut. Berkeley T. Merchant, Thirteenth Cavalry, vice Capt. Alexander M. Miller, Eleventh Cavalry, promoted.

First Lieut. Hugh H. Broadhurst, Eighth Cavalry, vice Capt. Harry O. Williard, Fifth Cavalry, promoted.

First Lieut. Arthur W. Holderness, Seventh Cavalry, vice Capt. John P. Wade, Second Cavalry, promoted.

First Lieut. Louis A. O'Donnell, Cavalry, unassigned, vice Capt. Elvin R. Heiberg, unassigned, promoted.

First Lieut. William W. West, jr., Cavalry, unassigned, vice Capt. Ola W. Bell, Fourteenth Cavalry, promoted.

First Lieut. Reynold F. Migdalski, Tenth Cavalry, vice Capt. Abraham G. Lott, Fifteenth Cavalry, promoted.

First Lieut. Henry R. Smalley, Fourteenth Cavalry, vice Capt. Edward L. King, Second Cavalry, promoted.

First Lieut. Robert Blaine, Tenth Cavalry, vice Capt. Samuel F. Dallam, Seventh Cavalry, promoted.

First Lieut. Jonathan M. Wainwright, First Caviary, vice Capt. William Kelly, jr., Eighth Cavalry, promoted.

To be first lieutenants.

Second Lieut. Chapman Grant, Seventeenth Cavalry, to be first lieutenant from July 12, 1916, vice First Lieut. Albert H. Mueller, unassigned, promoted.

Second Lieut. Duncan G. Richart, First Cavalry, to be first lieutenant from August 31, 1916, vice First Lieut. Allan F. McLean, Second Cavalry, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. Henry D. Todd, jr., Coast Artillery Corps, to be colonel from September 10, 1916, vice Col. Henry C. Davis, retired from active service September 9, 1916.

Maj. Frank K. Fergusson, Coast Artillery Corps, to be lieutenant colonel from September 10, 1916, vice Lieut. Col. Henry D. Todd, jr., promoted.

Capt. John W. C. Abbott, Coast Artillery Corps, to be major from August 22, 1916, vice Maj. George T. Patterson, promoted.

Capt. Harry T. Matthews, Coast Artillery Corps, to be major from September 10, 1916, vice Maj. Frank K. Fergusson, promoted.

MEDICAL DEPARTMENT.

To be dental surgeons from June 16, 1916, to fill original vacancies.

Acting Dental Surg. Samuel John Randall.
Acting Dental Surg. Charles Taintor.
Acting Dental Surg. Don Gordon Moore.
Acting Dental Surg. Oscar George Skelton.
Acting Dental Surg. Harlan Lee Thompson.
Acting Dental Surg. Robert Beeghly Tobias.
Acting Dental Surg. Harry Clothey Peavey.
Acting Dental Surg. William S. Rice.
Acting Dental Surg. Emmett Parsons Varvel.
Acting Dental Surg. J. Craig King.
Acting Dental Surg. Leigh Cole Fairbank.
Acting Dental Surg. Charles Clare Mann.
Acting Dental Surg. Richard Barnett Clark.
Acting Dental Surg. Dale Ellsworth Repp.
Acting Dental Surg. Terry P. Bull.
Acting Dental Surg. Raymond William Pearson.
Acting Dental Surg. A. J. Skillman.
Acting Dental Surg. Donald William Forbes.
Acting Dental Surg. James Louis Pierre Irwin.
Acting Dental Surg. Thomas Chester Daniels.
Acting Dental Surg. Ben Harrison Sherrard.
Acting Dental Surg. Frederick Randolph Wunderlich.
Acting Dental Surg. Wilfurth Hellman.
Acting Dental Surg. Bruce Harold Roberts.
Acting Dental Surg. Samuel Kaufman.
Acting Dental Surg. Lee Stanley Fountain.
Acting Dental Surg. John Lloyd Schock.
Acting Dental Surg. Charles Walter Lewis.
Acting Dental Surg. Gerald Dominic Byrne.

To be dental surgeons from October 24, 1916.

E. Henry Valentine, of North Carolina.
Oscar Peter Snyder, of Ohio.
William Mann, of Kentucky.
Joseph Hawkins Tyler, of Ohio.
Rex McKinley McDowell, of Ohio.
Charles Melville Taylor, of Washington.
Thomas Lovet Smith, of Alabama.
Elbert Earle Rushing, of Georgia.
Earp Theodore Dickmann, of Missouri.
Walter Sheldon Smith, of California.
Brantley Ingold Newsom, of North Carolina.
George Ray Tressel, of Ohio.
Lee Benjamin Schrader, of Indiana.
Frederic Harold Bockoven, of Ohio.
Aaron Fouts Eidemiller, of Ohio.
Howard Irving Benedict, of Tennessee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 15, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy blessing, O God our Heavenly Father, descend upon us to quicken our activities, strengthen our good resolutions, and further our earnest endeavors, that the issues of our earthly existence may add to the sum of human happiness, and thus leave the world a little better that we have lived and wrought. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18542, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Mr. SISSON moves to strike out, at the bottom of page 59, the following paragraph:

"Cincinnati, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; vault clerk, $1,600; clerks—2 at $1,300 each, 4 at $1,200 each, 2 at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; 2 watchmen, at $720 each; in all, $24,830."

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to proceed for seven minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ALLEN. Mr. Chairman, the pending motion by Mr. SISSON is to strike out the paragraph at the bottom of page 59; in other words, to abolish the Subtreasury at Cincinnati.

The act of Congress approved May 10 last provided, among other things, as follows:

The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the Subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued, the reasons in full for such continuance; also if any or all of said Subtreasuries may be discontinued, what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to the Federal reserve banks.

Now, every Member is familiar with the new legislation which Congress has recently enacted, very greatly increasing the duties of the Secretary of the Treasury; that in the multitude of affairs it is no wonder he has not been able to report by the very first day of the session. Any time within the next month would be a reasonable compliance.

The gentleman from Tennessee [Mr. BYRNS] in March last, during debate on the legislative bill, made this statement:

The Treasury officials have been giving some attention to the question of whether or not the duties of these Subtreasuries can be transferred or devolved upon the Federal reserve banks, at least to a certain extent. But the gentleman is no doubt aware of the fact that in order to do this it would be necessary to pass some legislation and make provision for some of the duties now performed by the Subtreasuries. While most of the members of the committee are in accord with the idea of the gentleman from Illinois, that there might be an elimination of much, if not all, of the work done by these Independent Treasuries, we were unwilling to arbitrarily cut off all the appropriations until there had been some consideration given to the question of what particular agency was to perform the service now performed by them, and proper legislation passed in order to make it possible to transfer the duties.

Cincinnati is not a Federal reserve city, but the Subtreasury there is of supreme importance to the business interests of eight or nine adjoining States.

Mr. GORDON. Will the gentleman yield?

Mr. ALLEN. Certainly.

Mr. GORDON. Will the gentleman state the public functions that the Subtreasury at Cincinnati performs?

Mr. ALLEN. Yes. The operations of Subtreasuries consist of the following transactions:

First. Receiving from United States depository banks excess deposits of internal revenue, income tax, and customs duties.

Second. Receiving deposits for interest on Government funds and postal-savings funds that are held by banks.

Third. Receiving deposits of money-order funds, direct and indirect.

Fourth. Receiving deposits of lawful moneys from Federal reserve banks and all national banks for credit of their 5 per cent redemption fund.

Fifth. Receiving from postmasters daily deposits of surplus postal funds, and disbursing the same in payment of checks issued to postal employees, Rural Free Delivery carriers, and for transportation of mails.

Sixth. Receiving deposits belonging to disbursing officers, also their unexpended balances at the end of each fiscal year, or whenever their services are terminated.

Seventh. Receiving funds deposited for telegraphic transfer to and payment at some other Subtreasury city for use of individuals and banks to relieve emergencies. Notable example: Chicago fire, Boston fire, Baltimore fire, San Francisco earthquake and fire, 1913 floods in the Ohio and Mississippi Valleys, and at the breaking out of the great European war in August, 1914.

Eighth. Acceptance of gold coins for redemption and exchange; also, purchase of lightweight and uncurrent gold coins.

Ninth. Acceptance of standard silver dollars for exchange and redemption.

Tenth. Acceptance of subsidiary silver coins for redemption and exchange.

Eleventh. Acceptance of minor coins for redemption and exchange.

Twelfth. Acceptance of United States notes for redemption and exchange.

Thirteenth. Acceptance of Treasury notes for redemption and exchange.

Fourteenth. Acceptance of gold and silver certificates for redemption and exchange.

Fifteenth. Counting and canceling unfit currency, and shipping same to Washington by registered mail.

Sixteenth. Issuance of $10,000 gold certificates, payable to order, when requested upon deposit of a like amount of gold coin, a very valuable service and much used.

Seventeenth. Exchange of various kinds of money for other kinds and denominations that the banks, stores, shops, and the public in general may require. This is a valuable service to the public, as the Subtreasury is the only sure place to obtain such moneys.

Notwithstanding the changes in financial policy which have increased the number of United States depositories for Government funds, the receipts of the Cincinnati Subtreasury for the fiscal year ending June 30, 1916, were $92,614,073.30, and the disbursements, $90,433,926.31; total volume of business, $182,447,999.61. This business was transacted with 2,105 banks in 1,076 cities and towns, as follows:

States.	Number of cities and towns.	Number of banks.
Ohio	549	1,023
Indiana	169	315
Kentucky	239	413
Tennessee	60	160
West Virginia	21	103
Alabama	17	33
Georgia	11	20
Virginia	5	16
Illinois	3	9
Pennsylvania	2	13
Total	1,076	2,105

SERVICES.

Among the most important services rendered by the Subtreasury are those connected with—

First. Receipts and disbursements of gold, silver, and minor coin.

Second. Receipts and disbursements of currency.

Third. The transfer of funds.

Fourth. The 5 per cent redemption fund.

Fifth. Redemption and exchanges.

1. Coin receipts and shipments during the fiscal year 1915–16 were as follows:

Months.	Receipts.	Shipments.	Total.
July	$550,052	$342,425	$892,477
August	421,186	311,575	732,761
September	423,694	360,520	784,214
October	344,593	330,602	675,195
November	413,184	398,625	811,809
December	444,989	417,280	862,269
January	681,827	95,165	776,992
February	427,181	181,675	608,856
March	409,402	508,760	918,162
April	444,755	315,099	759,854
May	403,013	518,670	921,683
June	412,577	443,409	855,986

2. Currency receipts and shipments for the year each totaled $1,623,565.

3. TRANSFER OF FUNDS.

Funds were transferred to the Subtreasury in 1915–16, as follows:

July	$758,430
August	402,508
September	537,147
October	808,711
November	945,276
December	1,023,637
January	1,797,187
February	727,105
March	824,063
April	1,401,411
May	1,536,813
June	1,965,043
Total	12,727,331

The principal points from which these transfers were received are:

Ohio: Cincinnati, Chillicothe, Coshocton, and Wilmington.
Indiana: Terre Haute and New Albany.
Virginia: Staunton and Richmond.
Alabama: Birmingham.
Kentucky: Louisville, Maysville, Somerset, Lawrenceburg, and Cattlettsburg.
Tennessee: Chattanooga.
West Virginia: Charleston.
Georgia: Rome.

4. FIVE PER CENT REDEMPTION FUND.

The Subtreasury received the following deposits from Ohio, Indiana, Kentucky, Tennessee, Virginia, West Virginia, and Alabama for credit to the 5 per cent redemption fund:

July	$629,382
August	582,115
September	450,667
October	530,260
November	644,634
December	573,793
January	973,765
February	895,983
March	673,183
April	931,695
May	1,521,377
June	926,930
Total	9,333,784

5. REDEMPTIONS.

Currency	$11,265,660
Gold and silver coin	565,424
Minor coin	4,811,234
Exchanges	12,119,910
Unfit currency shipped to Washington	34,921,000
Gold shipped to New York Subtreasury	2,400,000
Telegraphic transfers to local banks	2,409,400

The removal or discontinuance of the Subtreasury at Cincinnati would be a distinct loss to Ohio, Indiana, Kentucky, Tennessee, Virginia, West Virginia, Alabama, and Georgia.

Most of the banks in these States are directly or indirectly benefited by the Cincinnati Subtreasury. Banks within a radius of 300 miles from the city receive weekly shipments of coin and currency from this Subtreasury, to meet the demands for ready money of the kinds and denominations most needed.

The abandonment of this Subtreasury, which is located almost at the center of population, would be a burden placed upon the great business, agricultural, commercial, mining, and manufacturing interests of three northern and six southern States. These nine States can be served most advantageously from Cincinnati. The cotton interests, the tobacco interests, all crop movements, all the coal and mining interests of Kentucky, West Virginia, Tennessee, Alabama, and Georgia depend upon Cincinnati banks and the inexhaustible supply of moneys in the Cincinnati Subtreasury to carry them through all seasons and other active periods, and to oblige these States to transact business elsewhere would work a hardship to all their business interests by reason of the greater distances, causing loss of time, delays, and added expense.

The maintenance of the Subtreasury at Cincinnati costs about $25,000 a year. There is no other branch of the Government service that directly and indirectly serves so large a territory at so small a cost as the Cincinnati Subtreasury. Its discontinuance for the sake of saving $25,000 would be classed by the public as false economy, and rightly so.

To hand over the millions of trust funds, gold reserve fund, 5 per cent redemption fund, to any class of banks, without interest and without security, would be putting the stamp of approval on the long-worked scheme of certain big interests and their kindred alliances, which have been markedly diligent in divers ways to take away from the Government and its control its Independent Treasury, which has proved by its 70 years of existence to be the safest custodian of the Government funds.

No steps should be taken which would make it easier for those who wish to divorce the Government from control of its finances to accomplish their purpose.

The Subtreasuries perform valuable functions at very slight expense. They are great conveniences to the localities that they serve. Most of their functions can not be performed by the Federal reserve banks.

They are convenient and safe depositories for the gold coins and standard silver dollars that are held by the Government to secure its gold and silver certificates.

The Government should have its gold in different and widely separate parts of the country, so that it may be ready for use in case of disasters and emergencies and under its immediate control.

In case of war the safest places are those far removed from the borders or the sea.

The business of the Cincinnati Subtreasury has increased since the establishment of the Federal Reserve System, and its usefulness to the large territory it serves yearly becomes greater, and it is ideally located to serve this territory.

If the Subtreasuries did not exist, it would be a statesmanlike act to establish them.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DAVIS of Texas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 1788. An act for the relief of Thomas M. Jones.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10384) entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," and had asked for a conference with the House of Representatives on said bill and amendments thereto, and had appointed Mr. SMITH of South Carolina, Mr. HARDWICK, and Mr. LODGE as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LONGWORTH. Mr. Chairman, unless there has been a substantial change of sentiment, as I hope there has, I realize the practical futility of appealing to the judgment and logic of this committee when I remember that logic and judgment yesterday afternoon on this proposition were conspicuous by their absence. I must, however, take this opportunity to say a word in supplement to the remarks of my colleague. The two reasons most prominently urged by the proponent of this amendment to abolish the Subtreasuries in Boston and Baltimore are absent in the case of Cincinnati. The gentleman from Mississippi [Mr. SISSON] laid special stress on the fact that the balance at the Baltimore Subtreasury was very small—sixteen millions, I believe—and that Baltimore was within one hour of Washington. He urged these as the principal reasons for the abolition of the Subtreasury in Baltimore. In the case of Boston, while the balance was large, he stated that the clearing house had been abolished, and that Boston had a regional bank. As I say, in the case of Cincinnati both of these things are absent. The balance in the Subtreasury at Cincinnati is more than twice as large as Baltimore's. We are far distant from Washington, and we have no regional bank.

Mr. SISSON. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. SISSON. I want to state to my good friend from Ohio that it was the chairman of the committee that made those very strong arguments.

Mr. LONGWORTH. I will say that the majority members of the Committee on Appropriations are acting in substantial accord on this proposition, and their arguments, while not convincing, are the same. Now, I frankly admit that I am not entirely convinced as to the wisdom of retaining these Subtreasuries or as to the wisdom of abolishing them; but before I vote to abolish all of them I must be able to rely on higher authority than has thus far been cited. The authority upon which we are proceeding at present rests alone upon that of the gentleman from Mississippi. He confided to us yesterday that he had entertained the belief for the past two years that all of the Subtreasuries should be abolished. Now, I have the greatest respect for the opinion of my friend from Mississippi. I have no doubt that his reputation as a financier is probably second to that of no man in the great State of Mississippi. And yet I must for the moment, with all due respect to his great abilities, decline to accept the two years' belief of the gentleman from Mississippi as one of the eternal verities. The authority upon which we would have the right to rely as Members of this House is absent on this occasion.

Although not only requested but directed to report the facts to this Congress at the beginning of the session in the case of these Subtreasuries, and his recommendation as to whether they should be continued or discontinued, the Secretary of the Treasury has failed to make any report. I shall not say that he has treated the mandate of this House with contemptuous disregard; certainly, however, he has not responded to our request and direction. Of course, the Secretary of the Treasury is a very busy man. It is possible that he may be especially busy at this time in inventing new methods of padding the alleged Treasury balance in order to conceal from the public the true condition of the financial affairs of the country. [Applause on the Republican side.] At any rate, no report from the Secretary of the Treasury has appeared here, and, failing that, I am not prepared to vote to abolish the Subtreasuries of the country.

Mr. Chairman, the course which this committee seems determined to adopt with relation to the city of Cincinnati is not different from that heretofore pursued by the majority party of this Nation. At the time the Federal reserve bank law was passed it was conceded practically universally that the city of Cincinnati was to be the headquarters of one of the regional banks, and it was logic and reason that actuated that belief. The city of Cincinnati was the center, practically the exact center, of the region this bank was designed to serve. It was the hub of that financial district.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. Cleveland, great and important as she is—and nobody recognizes that more than I—was geographically unsuited to have a regional bank. It is on the outer rim of this financial district; north of Cleveland there is nothing but water. Unfortunately, however, reason and justice were forced to yield to politics in this instance. A number of gentlemen high in the councils of the dominant party met here in Washington on the last day before the announcement was made of the location of the regional bank, and it was transferred—and I use the word advisedly—from Cincinnati to Cleveland.

The effect of this proposition is to transfer the Subtreasury now in Cincinnati to Cleveland, and I do not wonder at the smiling ardor with which my Democratic colleagues from the city of Cleveland participate in this slaughter when they realize that the effect will probably be to have more places to be filled by deserving Democrats. [Laughter.]

Mr. Chairman, I am not willing to participate in this wrecking proposition, nor am I willing to assist the Committee on Appropriations in the mangling and undoing of its own handiwork. [Applause.]

Mr. SISSON. Mr. Chairman, I have never posed as an expert either as a legislator or as a financier, and I do not believe it takes an expert in finance to know that these Subtreasuries are not needed. On the contrary, many Members of the House have repeatedly stated that they were needed. Nor have I ever asked any Member of the House to follow me in anything. I only ask that every man exercise his own judgment, because as a rule I do not think Members of the House are in a habit of following many people, but usually follow their own convictions. I do not believe that that indirect charge against the membership of the House by my good friend from Cincinnati is a just one. The gentleman from Ohio [Mr. ALLEN] stated the services which the Subtreasuries are now performing. None of us deny that the Subtreasuries perform some function now, but we contend that that function can be performed by the Federal reserve banks.

Mr. CHIPERFIELD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. In a moment. It was stated at the time that the bill was passed that all of the duties now devolving upon the Subtreasuries of the country would be performed by these regional banks, and that they would be the depositories of the United States Government funds, but no step has been taken as yet, until this action of Congress, toward bringing about that very much needed saving of money, and that very much needed reform of placing the money to the credit of the Federal reserve banks, where it can become a reserve against which, in time of need and stress and storm, they may issue Federal currency. I now yield to the gentleman from Illinois.

Mr. CHIPERFIELD. Aside from the financial aspect which has just been mentioned, are there not many functions that pertain merely to the Treasury Department that are discharged by the Subtreasuries now, and that would not be discharged by the

Federal reserve banks without additional legislation transferring those functions?

Mr. SISSON. I do not think the abolishing of the Subtreasuries would in any wise change the duties of the Treasurer of the United States or the Treasury Department. I do not believe that the functions now performed by the Secretary of the Treasury and by the Treasury of the United States would in any wise be changed. For example, one thing that would be needed would be vaultage capacity for the purpose of storing the gold held by the Federal Government against the gold notes or the silver which may be held against the silver certificates, because all of the other currency and all of the other money would not have to be cared for, but would continue to circulate as it does now.

Mr. CHIPERFIELD. One more question, and I am asking purely for my own information and not in criticism of the measure. Is it not true that there are many things done by the Subtreasuries practically the same as if transacted with the Treasurer's office at Washington that could not be done at all by the Federal reserve bank?

Mr. SISSON. It may necessitate a great deal of business being transacted directly through the Treasury Department, correspondence and otherwise, which is now transacted through the Subtreasuries. But at last the Treasury officials at Washington control all of these deposits, and they are absolutely under their control and direction, so it is immaterial as to whether the money is kept in the Federal reserve bank or in the Subtreasury. There are only 9 Subtreasuries now and there are 12 regional banks, and for that reason you had better distribute the depositories, because the banks themselves voted on the location of these various regional reserve banks, and the Subtreasuries were located many years ago and the business of the country has grown, changed, and shifted.

Mr. ALLEN. Will the gentleman yield?

Mr. SISSON. I do.

Mr. ALLEN. Will it not require some additional legislation, even where reserve cities have a Subtreasury, to transfer the functions of the Subtreasury to the reserve banks?

Mr. SISSON. I believe if these Subtreasuries are abolished that we will instantly get from the Banking and Currency Committee, after you have abolished these Subtreasuries, whatever legislation will be needed to have these regional reserve banks perform the duties of the Subtreasury——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I would ask for two more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that he have two more minutes? [After a pause.] The Chair hears none.

Mr. SISSON (continuing). To have them perform the duties performed by the Subtreasuries. Now, as the gentleman is aware—because he read from our request—it was our request of the Secretary of the Treasury that if there was any legislation needed to do this to suggest to us what it was. Now, in view of the fact there was no suggestion, in view of the fact, as has been stated on the floor repeatedly during the discussion of the Federal Reserve System, in view of the fact this action was contemplated last year, and in view of the fact the Secretary of the Treasury has given us no information, therefore we can conclude that there is no serious reason or he certainly would have notified us of what that serious reason was.

Mr. ALLEN. I will say this to the gentleman, that never in the history of this House, so far as I can recall since I have been here, has a committee acted where it has asked for a report from the department upon as important a matter as this without a report one way or the other.

Mr. SISSON. I want to say this to the gentleman: That if he will serve a while on the Committee on Appropriations, if he waits for reports to come from departments for reforms, he will wait a very long time. Now, the departments justify themselves in making estimates for an item solely because that appropriation is authorized by law, and, being authorized by law, it is their duty to make them until Congress shall change the law, and they assume no responsibility on earth for it.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SISSON. I will.

Mr. LINTHICUM. You do not save any money by transferring this to the Federal reserve banks.

Mr. SISSON. Yes; because you get rid of the vast machinery and vast number of employees whom you have here.

Mr. LINTHICUM. These men are working all the time, and they would have to do the same when they are transferred to the Federal reserve banks.

Mr. SISSON. No; because those Federal reserve banks are transacting business every day and every morning with all the banks throughout the country, and this is putting only a little additional burden upon them.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes that I may ask him a question.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the time of the gentleman from Mississippi may be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Chairman, I want to say that the clerks of the Federal reserve banks are working all the time and the clerks in these Subtreasuries are working all the time.

Mr. SISSON. At this time you may have to have a few more clerks in transferring this function to the Federal reserve banks, but nothing like the amount carried here, and no man will contend it.

Mr. LINTHICUM. Let me say one other thing—the Federal reserve banks are not at this time prepared to take over this work. They have not the vault capacity. You have provided some buildings, but they have not yet been——

Mr. SISSON. There is no reason on earth why those cities where the Federal reserve banks have vaults should not have time to prepare themselves to receive these funds.

Mr. LINTHICUM. But they are not prepared with the vaults they have now.

Mr. SISSON. Take New York, for instance. There is a Subtreasury there where they keep a great amount of money in their vaults, some of it to redeem notes, which vaults were especially prepared to take care of that. Now, there is no reason on earth why the duty performed by the Subtreasury in New York might not be performed by the reserve bank.

Mr. LINTHICUM. Allow me to say that in our district Congress has provided for the erection of a building in which there has to be an increased vault capacity because we have not the vault capacity, and now the gentleman wants to turn that over from Baltimore to Richmond, which is not prepared to take care of it.

Mr. SISSON. That is an additional reason why at this time we ought to take action rather than in enlarging the capacity of the vaults in all of the nine cities that do not have Federal reserve banks. Now, another thing. There are hundreds of cities in the United States whose business might be better served and not at the expense of the balance of the people. I grant you it might be a little more convenient for the city of Baltimore. I am absolutely impartial with respect to the city of Baltimore, because my own personal position has always been to have a universal plan in reference to dealing with this matter and not to take any one particular city, and, indeed, the gentleman will take notice I did not say a word in reference to the Baltimore matter.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Tennessee [Mr. BYRNS] is recognized.

Mr. BYRNS of Tennessee. It is perfectly evident, Mr. Chairman, that if Members wish to have an opportunity to take a recess for the holidays of even a few days, it will be necessary to speed up with this bill, and certainly I am sure we do not wish to take all of to-day in consideration of these Subtreasury items in this rather lengthy bill. I want to submit a request for unanimous consent, and that is that the Clerk now proceed to read without interruption the paragraphs on pages 60 and 61 relative to the New Orleans, the New York, the Philadelphia, the St. Louis, and San Francisco Subtreasuries, and that after he shall have concluded the reading it shall be in order to offer amendments to any of the paragraphs so read, and that debate upon all the amendments and all of the paragraphs be limited to 30 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the Clerk proceed to read on pages 60 and 61 the paragraphs relative to the New Orleans, the New York, the Philadelphia, the St. Louis, and San Franciso offices, and that the time for debate be limited on all of those paragraphs to 30 minutes.

Mr. MANN. You had better make it an hour, 30 minutes to be used by those in favor of the propositions in the bill and 30 minutes by those opposed.

Mr. BYRNS of Tennessee. Then I will amend my request to make it one hour, 30 minutes to be used by those in favor and 30 minutes to be used by those against.

The CHAIRMAN. The gentleman from Tennessee amends his motion by moving to extend the time to one hour, 30

minutes to be used by those in favor of the proposition and 30 minutes by those against.

Mr. BYRNS of Tennessee. Upon all the amendments in their order.

Mr. IGOE. Who is to control the time?

The CHAIRMAN. The Chair will state to the gentleman that the Chair would recognize those in favor of and those opposed to the amendments.

Mr. IGOE. Reserving the right to object, it seems to me this matter ought to be disposed of, and some of us from these cities would like to have the privilege of a few minutes.

Mr. GORDON. You have had three-fourths of a day.

Mr. IGOE. Oh, no; I have not taken any time.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that he will have an opportunity.

Mr. RAKER. Reserving the right to object, when the particular places will be reached or can it all be used at one place?

Mr. BYRNS of Tennessee. The request was that the Clerk proceed to read all the paragraphs on pages 60 and 61, and then amendments can be offered to any paragraphs, and the debate to be confined to one hour on all the paragraphs, and at the conclusion the vote be taken on all of the amendments.

Mr. RAKER. It may all be used on the first amendment.

The CHAIRMAN. Without objection——

Mr. RAKER. Mr. Chairman, I reserve the right to object.

Mr. BYRNS of Tennessee. I take it the same question is involved to all intents and purposes in every one of these paragraphs, and whether or not the debate is exhausted upon the first amendment or otherwise the whole range of the proposition will be covered.

Mr. RAKER. What I want to ask the chairman of the committee is, Will this be one motion to strike out the whole subject matter to be read by the Clerk so that all will be taken up as one amendment?

Mr. BYRNS of Tennessee. That is with the Chair. I do not know whether under the rules a motion like that will prevail or not.

Mr. RAKER. They can move to strike out all of the lines commencing with line 21 down to and including line 59.

The CHAIRMAN. Is there objection?

Mr. RAKER. Reserving the right to object——

Mr. BENNET. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Tennessee a question if I can have his attention.

Mr. RAKER. Mr. Chairman, I am not through yet. I would like to know whether or not it is the purpose of the chairman to make one motion to strike out all this matter.

Mr. BYRNS of Tennessee. The gentleman to whom the gentleman from California is addressing his remarks does not propose to make any motion. Of course, I do not know what any other gentleman may do.

Mr. RAKER. I see.

Mr. BENNET. I would like to ask the gentleman from Tennessee [Mr. BYRNS] what his plan is as to voting on any amendments to be offered, and where they will be offered?

Mr. BYRNS of Tennessee. My request was that the paragraphs which I have enumerated be read without interruption by the Clerk, and at the conclusion of the reading that amendments shall be in order to any of the paragraphs so read and debate upon all the paragraphs and all amendments to all the paragraphs be confined to 1 hour, 30 minutes to be consumed by those in opposition to any amendments that are offered and 30 minutes by those in favor thereof.

Mr. BENNET. Reserving the right to object, the situation, then, would be this, as I understand it: These paragraphs would all be read, and then there would be an hour's debate. And then after the debate any amendments could be offered, and when offered would immediately be voted on, which would leave us in a somewhat rather singular position——

Mr. BYRNS of Tennessee. The amendments would not necessarily have to be delayed until after the debate was concluded. They could be offered after the reading.

Mr. BENNET. That ought to be in the agreement.

Mr. MANN. Why not arrange to have an amendment in order to strike out all the paragraphs? That is the question.

Mr. BENNET. I do not quite concede that. The gentleman from Tennessee [Mr. BYRNS] seemed yesterday to make some distinction in reference to the Subtreasury at New York. My idea is that the principle relating to all of them is the same.

Mr. STAFFORD. If the gentleman will permit, I will say to the committee there is good ground, even though the Members vote for the elimination of all the others.

Mr. BENNET. That is what I thought. That is what the gentleman from Tennessee said.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to say that under this arrangement each State undertaking to defend its Subtreasury would be limited to five minutes in this debate, which would not be fair in any instance. If you allowed only a half hour, there being six paragraphs to be debated, it would mean five minutes to a side, which, on a question as important as this one, would be unfair.

Mr. BYRNS of Tennessee. I will say to the gentleman that several of the States have had pretty liberal representation on this question. I think the gentleman consumed 15 minutes himself.

Mr. MOORE of Pennsylvania. And never reached the merits of the question at all. [Laughter.]

Mr. BYRNS of Tennessee. It was not the speech of the gentleman from Pennsylvania; it was simply a call to arms to all those interested in these propositions.

Mr. MOORE of Pennsylvania. The gentleman confesses that it was a call to arms, and it was absolutely necessary to save the day; and, inasmuch as it saved the day, the gentleman is willing to pass by the humorous suggestions of the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Ohio [Mr. GORDON] about "pork." I shall object to this motion unless more time is granted. I would not desire to have the fate of the Philadelphia Subtreasury settled in a five-minute discussion.

Mr. BYRNS of Tennessee. How much time does the gentleman think would be necessary?

Mr. MOORE of Pennsylvania. Bear in mind that the gentleman from Wisconsin [Mr. STAFFORD] has already indicated that the New York proposition ought to remain, and remember, too, that the Baltimore item is already in. That leaves the Members from the other places under the necessity of looking out for themselves. Baltimore is not included in this. There are nine propositions in the bill and at least six of them are in doubt.

Mr. BYRNS of Tennessee. Has the gentleman any suggestion as to the amount of time that would be proper?

Mr. MOORE of Pennsylvania. I think there should be at least 15 or 20 minutes allowed to a State.

Mr. BYRNS of Tennessee. Oh, the gentleman understands that it is very important to pass this bill as quickly as possible, and also other bills, if we are to have a holiday recess.

Mr. MOORE of Pennsylvania. I understand that; but it is also equally important that some or all of these Subtreasuries be retained. If the gentleman and his committee had given fair notice to the business interests involved that they proposed to take so radical a step as the abolition of all these Subtreasuries in the United States, it would be a different proposition. I contended yesterday, and I contend now, that it is snap judgment on the business men of this country to take action like this, I care not whether the opposition to these establishments comes from the Republicans or the Democrats.

Mr. BYRNS of Tennessee. Mr. Chairman——

Mr. FITZGERALD. I object, Mr. Chairman, to this debate until the time shall have been fixed.

Mr. MOORE of Pennsylvania. Oh, I can see how the chairman of the Appropriations Committee might object.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman indicates that he thinks there ought to be 15 minutes allowed to a State.

Mr. MOORE of Pennsylvania. Yes.

Mr. BYRNS of Tennessee. I do not think there will be any particular objection to 15 minutes to a State if the gentleman is willing to accept that amendment.

Mr. MOORE of Pennsylvania. If the gentleman will yield 15 minutes to Pennsylvania, when the time comes I am sure we can protect ourselves and divide the time equally.

Mr. MANN. I suggest that you make it 45 minutes on a side. That would be right.

Mr. BYRNS of Tennessee. I count to make out an hour and a half, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the paragraphs on pages 60 and 61, including New Orleans, New York, Philadelphia, St. Louis, and San Francisco be read, and that at the conclusion of the reading of those paragraphs by the Clerk there shall be one and one-half hours of discussion, one-half of which time shall be utilized by those in favor of the motion to strike out and half the time by those opposed to it, and that at the expiration of that time there shall be a vote taken on all the paragraphs and all amendments to the paragraphs.

Mr. BENNET. Reserving the right to object, Mr. Chairman, would not the gentleman conclude from the suggestion of the gentleman from Illinois that amendments could be offered at

any time within the hour and a half and be read without being taken from the time?

Mr. BYRNS of Tennessee. Yes; that was the spirit of the request which I submitted.

Mr. BENNET. Yes; but it was not so stated by the Chair. I suggest that amendments may be offered at any time during the hour and a half, but the time consumed in offering and reading them should not be taken from the hour and a half.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, is it also understood that 15 minutes of this time shall be occupied by Representatives of Pennsylvania?

Mr. BYRNS of Tennessee. That rests with the Chair. Of course he has, under this request, if it is granted, the distribution of the time. That rests with the Chair.

Mr. MOORE of Pennsylvania. We have had a gentlemen's understanding already that 15 minutes shall go to Pennsylvania.

Mr. MANN. That is easily arranged.

Mr. MOORE of Pennsylvania. But if we are not to keep that understanding I shall object.

The CHAIRMAN. The Chair would like to state to the gentleman from Pennsylvania that there are five items here, New Orleans, New York, St. Louis, Philadelphia, and San Francisco, and that time would not give more than 15 minutes on each for those who are against the motion.

Mr. MOORE of Pennsylvania. My understanding is that six items are to be covered.

Mr. MANN. That would give 15 minutes apiece for six items.

Mr. MOORE of Pennsylvania. If each item has 15 minutes, that would be in accordance with my proposition.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

New Orleans, office of assistant treasurer: Assistant treasurer, $4,500——

Mr. LONGWORTH. Mr. Chairman, what action has been taken on the amendment offered by the gentleman from Mississippi [Mr. SISSON]?

The CHAIRMAN. None. The question is on the motion made by the gentleman from Mississippi.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LONGWORTH. A division, Mr. Chairman.

Mr. DYER. A division.

The CHAIRMAN. A division is requested.

Mr. LONGWORTH. I ask that the amendment be again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Beginning with line 21, page 59, strike out the paragraph beginning with line 21 and ending on line 2 of page 60.

The CHAIRMAN. On this a division is demanded.

The committee divided; and there were—ayes 42, noes 66.

So the amendment was rejected.

The CHAIRMAN. The Clerk will proceed.

The Clerk read as follows:

New Orleans, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; assorting teller, $1,200; clerks—one $1,500, five at $1,200 each, one $1,000; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $600; in all, $25,290.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. The Clerk has not finished reading.

Mr. SISSON. Mr. Chairman, I was on my feet to make a motion to strike out the paragraph.

The CHAIRMAN. The Chair understood that the Clerk was to read all these paragraphs without interruption, and then the motion to be made at the expiration of the reading of the paragraphs. The Clerk will proceed.

The Clerk read as follows:

New Orleans, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; assorting teller, $1,200; clerks—one $1,500, five at $1,200 each, one $1,000; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $600; in all, $25,290.

New York, office of assistant treasurer: Assistant treasurer, $8,000; cashier, $4,200; assistant cashier, $3,600; chief clerk, $3,000; check pay division—chief $3,000, assistant chief $2,000, bond clerk and assistant vault clerk $2,800, paying teller $3,000, assistant paying teller $2,250; receiving teller $2,800; redemption division—chief $2,700, assistant chief $2,250, vault and authorities clerk $2,500; coin division—chief $2,700, assistant chief $2,000, paying teller $2,100; bookkeepers—chief $2,400, 2 at $2,000 each; clerks—1 $2,300, 2 at $2,000 each, 1 $1,900, 1 $1,800, 1 $1,700, 4 at $1,600 each, 7 at $1,500 each, 9 at $1,400 each, 5 at $1,300 each, 10 at $1,200 each, 1 $1,000; messengers—2 at $1,200 each, 5 at $900 each, 2 at $800 each; guards—chief $1,500, 1 $1,200, 2 at $1,000 each; superintendent of building, $1,800; engineers—chief $1,200; 2 at $1,050 each; 8 watchmen, at $720 each; 16 money counters and handlers for money laundry machines, at $900 each; in all, $154,460.

Philadelphia, office of assistant treasurer: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; coin teller, $2,000; vault clerk, $1,900; bookkeeper, $1,800; assorting teller, $1,800; receiving teller, $1,700; redemption teller, $1,600; clerks—1 $1,600, 2 at $1,500 each, 2 at $1,400 each, 1 $1,300, 5 at $1,200 each; 1 $1,000; chief guard, $1,100; 5 counters, at $900 each; 6 watchmen, at $720 each; 4 money counters and handlers for money laundry machines, at $900 each; in all, $49,770.

St. Louis, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,800; change teller, $1,600; coin teller, $1,200; clerks—2 at $1,500 each, 5 at $1,200 each, 2 at $1,100 each, 3 at $1,000 each, 3 at $900 each; 2 watchmen, at $720 each; 2 janitors, at $600 each; guard, $720; in all, $33,860.

San Francisco, office of assistant treasurer: Assistant treasurer, $4,500; cashier, who also acts as vault clerk, $2,800; bookkeeper, $2,000; paying teller, $2,400; receiving teller, $2,000; clerks—1 $2,000, 2 at $1,800 each, 1 $1,500; stenographer and typewriter, $1,200; messenger, $840; 4 watchmen at $720 each; in all, $25,720.

Mr. SISSON. I understand that under the unanimous-consent agreement a motion will lie to strike out all of these.

The CHAIRMAN. Yes.

Mr. SISSON. Mr. Chairman, I move to strike out all of the remaining Subtreasuries.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all beginning with line 3, on page 60, down to and including line 26, on page 61.

Mr. BYRNS of Tennessee. Mr. Chairman, I will consume only a very few minutes of time, for I do not desire to take up the time of those who stand for these various Subtreasuries.

As I stated on yesterday, the committee has been endeavoring for a year or two to obtain some information as to why all of these Subtreasuries should not be abolished and their duties transferred to the Federal reserve banks. In hearings conducted over a period of two or three years the matter has been very elaborately discussed and inquired into, and finally, being unable to secure any such information, the committee recommended to Congress the adoption of a provision asking the Secretary of the Treasury to submit information upon the subject at the beginning of this session of Congress. We failed to receive that information. In making this statement I am not criticizing the Secretary of the Treasury for his failure to promptly follow the mandate of Congress, because I have been informed that he was at that time and for some weeks prior thereto away from Washington, engaged in a very important official duty in connection with the farm-loan law, with reference to the location of the districts and the location of the farm-loan banks.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Not now; in a moment I will. Now, not having the information that we expected to get from the Treasury Department, the committee felt that they could very safely recommend the abolition of at least one of these Subtreasuries, feeling that if that was done it would not inconvenience anyone, and that it would at least bring forth some statement as to whether or not any of these Subtreasuries were necessary to be carried in the future. For that reason, as I stated upon yesterday, the committee selected Baltimore, for reasons which I then gave. It was the smallest one of the number. It carried only about 50 per cent of the funds carried by the smallest of the other Subtreasuries. In addition to that, it is within 40 miles of the city of Washington, and it seemed to the committee that there could be no serious inconvenience to which the bankers and business men of Baltimore could be subjected if it was abolished, because they were within an hour's ride of the city of Washington.

But I rose to call the attention of the committee to the fact that we had better go a little slow about abolishing all of these Subtreasuries in the absence of direct information from the Treasury Department as to what will be necessary in order to take care of the duties performed by some of them; and I want to call your attention to this report submitted by the Treasurer of the United States. I believe that some of them, probably most of them, can be eliminated now with perfect safety, but we should not hastily abolish all of them in the absence of information as to the steps necessary to provide for the taking over of their deposits and duties by the reserve banks.

I read to you on yesterday a statement as to the amount of funds carried by these various Subtreasuries upon November 29 of this year. In that statement as printed in the RECORD Philadelphia is shown as having $225,000,000, whereas as a matter of fact it was $25,000,000. Now, the Treasurer reports that on June 30, 1916, there was in gold coin in the Baltimore Subtreasury $3,500,000 in round numbers; in the New York Subtreasury, $155,500,000; in Philadelphia, $14,000,000; in Boston, nearly $24,500,000; in Cincinnati, $19,300,000; in Chicago, $77,000,000; in St. Louis, $40,000,000; in New Orleans, nearly

$9,500,000; and in San Francisco, $72,000,000. In standard silver dollars there was on that date in the Subtreasury in Baltimore $5,000,000; in New York, $85,500,000; in Philadelphia, $6,000,000; in Boston, $1,500,000; in Cincinnati, $3,800,000; in Chicago, $9,500,000; in St. Louis, $1,500,000; in New Orleans, $16,000,000; and in San Francisco, $23,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I hate to ask for more time, but I would like one more minute to complete my statement.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the gentleman have the minute which he desires.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Tennessee be extended one minute. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. In closing I simply want to submit this to the committee, whether or not, with this large volume of gold and silver coin in these various Subtreasuries, we can afford now at this time, with the little information we have, to abolish all of these Subtreasuries, in the absence of information as to whether there are proper vaults and proper storage facilities here in the city of Washington. It seems to me that the question answers itself, and I do not think we should go so far as to abolish all of them until we know that proper arrangements have been made to take care of the coin and that the reserve banks are fully equipped to take over their functions.

Mr. IGOE rose and was recognized.

Mr. GORDON. Mr. Chairman, the gentleman from Missouri is on the same side as the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Which side is he on?

Mr. GORDON. He is with you.

The CHAIRMAN. The Chair will state that he will endeavor to be perfectly fair in the division of time.

Mr. BYRNS of Tennessee. I spoke in opposition to the motion of the gentleman from Mississippi.

Mr. GORDON. And the gentleman from Missouri [Mr. IGOE] is about to speak in opposition to it, too.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri [Mr. IGOE] and will take account of that in the division of the time.

Mr. IGOE. Mr. Chairman, I am glad that the chairman of the subcommittee has stated that he is opposed to the motion of the gentleman from Mississippi [Mr. SISSON]. I do not know whether this Government will be able to dispense with these Subtreasuries eventually or not, but it seems to me it would show a lack of business sense for this House now, in the absence of a recommendation from the Treasury Department, to proceed to abolish them at this time.

As far as the gentleman from Mississippi is concerned, I would not want to rely much on his knowledge as to what was necessary for the financial business of the world, in view of the statement he made here yesterday that there were $500,000,000 in the Subtreasuries which could be put into commerce. There is not more than $125,000,000 in Washington and the Subtreasuries available for the business purposes of the Government. The gentleman talks about $500,000,000—those are trust funds. There is not vault room enough in Washington for any more of this money, and there is not vault room in the Federal reserve banks. In St. Louis alone it would cost somebody more money for vault rent than the Government is now paying in salaries to men connected with the Subtreasuries. If you abolish the Subtreasury, you not only handicap the banks in St. Louis but in Oklahoma, Arkansas, Kentucky, Indiana, and practically every State east of the Rocky Mountains that does business with St. Louis. The little banks in the country send their money to St. Louis for redemption. The banks take it to the Subtreasury, and it is redeemed. If the Subtreasury is abolished, the little banks will have to send their money to Washington or some other depository selected by the Government, at an expense to somebody.

Now, there are some people who do not want to do anything for the banking institutions of the country. But we have branches of other agencies of the Government, and why should we not have branches of the Treasury Department scattered through the country in order to accommodate the financial interests of this country? It will cost somebody money to do the work that the Subtreasuries are now doing. I am informed, in addition to that, that if the money is sent to Washington for redemption it will take from 10 days to several weeks for the banks to get the accommodation they get now in 24 hours. The Subtreasury in St. Louis is costing this Government only the salaries which it pays.

Now, you can not take the gold and silver out of the Treasury and put it in the Federal reserve bank without some warrant of law, because it is a trust fund held by the Treasurer of the United States. Furthermore, the Government does not own the Federal reserve banks. We can tell the subtreasurer what to do, and it is my guess that the Federal reserve bank of St. Louis, when it came to do all this work, would want some compensation from the Government for doing it. I do not believe you can save a single penny. I want to call attention to the fact that when the accounting work was transferred to Washington some years ago it was said that we would save money. I want to ask any Member if the Government has saved a single penny by the transfer of that work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GORDON. Mr. Chairman, at the opening of the discussion the distinguished leader of the Republicans and some other Members challenged the advocates of the different Subtreasury cities to give one public reason for the maintenance of these Subtreasuries. Not one has been given up to this minute, not a single public reason. They say the Government will keep on paying these express charges on the money that they send for at Washington, as it has been doing for over 40 years.

Mr. COADY. Will the gentleman yield?

Mr. GORDON. No; I will not yield. They say they can exchange their old and mutilated money for new bills without paying the express charges, as the rest of the country has to do. Are those public reasons? Certainly not. This thing has developed and concentrated into a mere fight for "pork." I leave it to any intelligent Member of the House if a single public reason has been given for the maintenance of the Subtreasuries; nothing but private reasons.

Now, this matter is not new. The Congress of the United States passed, and the President of the United States approved, a law a year ago calling upon the Secretary of the Treasury to present to the Congress any public reasons that existed for the longer maintenance of these Subtreasuries. Presumably if any public reason had existed we would have been advised by the Treasury Department of those reasons. Nearly a year has elapsed, and we have the right to assume from his silence that no public reason exists, especially in view of the fact that nobody here has undertaken or pretended to give any public reason.

Now, there may be some way devised by the leaders of this House to obtain an answer to this enactment which was embodied into law. If there is it ought to be resorted to.

Mr. GARDNER. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. GARDNER. Is it not true that the Secretary of the Treasury sent in estimates calling for appropriations for these Subtreasuries?

Mr. GORDON. Of course, he did; that is the law. There is nothing in that; he has to recommend estimates for the conduct of the Treasury Department. He is required to do that. That illustrates the kind of argument that has been presented here.

Mr. GARDNER. Will the gentleman yield further?

Mr. GORDON. No; I will not. Let me call attention to this foolish argument that because the Treasury Department has asked for the salaries of these men—and, of course, the salary graft is about all there is in it aside from making the Government pay the express charges on the money—because the Secretary of the Treasury, an executive officer of the Government, has estimated for the salaries provided by law for these officers, therefore he is approving the Subtreasuries. Of course, that is a violent inference, but it illustrates the character of the argument that has been presented here by Representatives of the different localities in order to maintain these institutions for the purpose of having a few high-salaried men in their cities and compelling the people of the United States to pay the express charges for the banks on money from the National Capital. If any public reason exists for the longer maintenance of the Subtreasuries, I wish some one would state it. We have not had any up to date.

Mr. PARKER of New Jersey. Mr. Chairman, I am very glad to have the opportunity of speaking now, because I want to deal with this matter in a purely public way. I come from a State which has no Subtreasury, and I am not interested in the matter except for public reasons. I belong to a party which was not the party of the originator of the Subtreasury scheme, Andrew Jackson, when he was President of the United States, and who said that the Government funds, small as they were then, ought to be held by the Government itself, and not be subject to banking deposits and loans. I see that we now have $897,000,000 of gold coin and $1,192,000,000 of gold bullion, assets of

the Government, of which $1,835,000,000 are represented by gold certificates outstanding, and some hundred millions are held for the Government itself.

December 13, 1916.

ASSETS.

Gold coin	$897,061,769.21
Gold bullion	1,192,494,960.51
	2,089,556,729.72

LIABILITIES.

Gold certificates	1,835,898,509.00
Reserve fund	152,979,025.63
General fund	100,679,195.09
	2,089,556,729.72

It has perhaps become entirely too much the practice of the Government to keep all of these funds in Washington. They may be kept in the various Subtreasuries.

I submit to this membership, who remember that this Capitol was *once* burned, that New York was in the hands of Great Britain during all of the Revolution; that our coast towns are all more or less in danger. I submit that it is right that we should have various places in which to keep that large fund of two thousand millions of dollars in case of necessity, and that the Subtreasury scheme is therefore a matter of safety.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. I have only five minutes. I believe it to be also a matter of convenience, and that when large exports and imports of gold are going on at various ports it is better to keep a sufficient stock of gold in those ports to send backward and forward than it is always to send to Washington for the gold and pay the freight. We are doing that now, and it is quite unnecessary if we only kept fair deposits in these Subtreasuries. I believe that the Subtreasuries run a large part of the Treasury business as well as the pension business of this country, and while this last is diminishing to some extent, they are doing it very well, and it will make an upturn to move that business somewhere else. I believe that those Subtreasury buildings are of some importance and value. The one in New York City is on the site where Washington took his oath of office as the first President of the United States, in the very heart of the financial district. It is worth tens of millions of dollars, that site alone, and I have never yet seen a change in which Government property was sold where the Government got the best of it. Somebody else always gets the best of it. I do not know all about this matter, but I do know that when the supporters of this amendment say that they have no information but yet want to abolish the system of keeping our Government funds in our own hands where they will be at our disposal in case of panic and not subject to banking uncertainties or measures, when they ask me to change this system without information I refuse to do it, for I refuse to take a leap in the dark. [Applause.]

Mr. BENNET. Mr. Chairman, I agree with the view expressed by the gentleman from Ohio [Mr. GORDON] to this extent, that it seems to me that when proper legislation is adopted there ought to be no public necessity for a Subtreasury and a Federal reserve bank in the same city. Until that proper legislation is adopted, basing my knowledge only upon the Subtreasury in New York City, there are some public functions which must be discharged by the Subtreasuries. I clipped from some newspaper last night this item which I hold in my hand, to the effect that $10,000,000 more gold has arrived here, and which goes on to say that there have been shipped to the United States, every dollar of it to New York City, $602,000,000 in gold since the 1st of January, and that the shipments are now coming in at the rate of eight and nine and ten million dollars a day, making a total of $27,000,000 in three days. If there was proper legislation, the Federal reserve bank could take care of that; but until they are authorized by law to do it, until they have been given vaults to do it, which can not be done if you abolish the Subtreasury at New York by this bill, you must do one of two things, you will either have to provide a substitute before the 4th of March or you will have to have an extra session of Congress to provide some substitute there to take care of the nine or ten million dollars of gold that is coming into the city of New York every day, and that is going out in part to other places.

Then you have to do another thing. Under the Walker Act of August 8, 1846, a great Democratic measure—and I do not agree with the gentleman from Ohio, Democrat though he is, that it has no merit—all customs duties are payable in gold or Treasury notes. Of course, that has been modified since the Walker Act, but it has been modified through the agency of the Subtreasuries, and the Subtreasury in New York, for the convenience not so much of New York as for other parts of the country, has by law been made a member of the clearing house in New York City, so that a concern in Nashville or Memphis or any other place that wants to pay customs duties in New York City—and 70 per cent of the customs duties are paid there—can arrange with the local banks in their own communities for a New York draft, and through the medium of a New York draft they can pay their customs duties in New York City. That could be arranged by the Federal reserve bank, but we have not passed the legislation yet to do that. That is another public function.

Mr. PLATT. Mr. Chairman, what becomes of the customs that are collected in Seattle and Portland, Oreg., Galveston, and places where there are no Subtreasuries or Federal reserve banks?

Mr. BENNET. That has nothing to do with what I am discussing. It is the first irrelevant question that I have ever heard my colleague ask.

Mr. PLATT. But the gentleman was talking about the collection of customs.

Mr. BENNET. I was not.

Mr. PLATT. That is what I understood him to be talking about.

Mr. BENNET. Oh, the gentleman was standing in the aisle talking to some one.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. I recognize the force of what the gentleman says in reference to the New York Subtreasury, but I do not see that that would apply at all to Cincinnati, in my own State.

Mr. BENNET. I do not say that it would apply to Cincinnati. Cincinnati is safely under the blanket and out of the question. I am a practical man.

Mr. FESS. Not by my vote.

Mr. BENNET. By the vote of the committee. I am not familiar with the arguments, pro and con, in respect to the other Subtreasuries as I am in relation to the Subtreasury in New York City.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. BENNET. I ask unanimous consent that I may have my time extended half a minute, so that I can have a full minute.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time may be extended for half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, I desire simply to say this, that I do not think that this House, knowing that the Senate will put these things back anyway, because we have not done a workmanlike job, ought to do anything more to lower this House in the estimation of the people as compared with the other body than we have already done. Bring out some legislation that is germane and good, and I will vote to abolish the Subtreasury in New York and transfer its functions to the Federal reserve bank, but I am not going to vote for any crude, coarse work that does not substitute anything that is workable in the place of the necessary governmental functions of the Subtreasury at New York. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, so far as I am concerned, in view of what has taken place on the floor, I am prepared for a vote at the present time, but as something has been said in respect to other Subtreasuries, I feel it my duty to say just this much about the Philadelphia Subtreasury. It happens to be housed in the building of the original Bank of the United States, which was crushed by Andrew Jackson, who was opposed to a centralized banking system in this country. It seems to me, whether we think we are doing so or not, we are gradually returning to a centralized banking system, and that if we were to put all the money of the Government, currency and coin, in one receptacle in Washington, or in any one building here, it would be a dangerous thing. We should not keep all our eggs in one basket. The fact with regard to the Subtreasury at Philadelphia, which has been in successful operation for upward of half a century, is, that at the present time it does a distinct service to the people of three States in the matter of the housing of funds, the transfer of funds, redemptions, and exchanges—Pennsylvania, New Jersey, and Delaware. Those three States are directly served by the Subtreasury at Philadelphia. So far as the banking interests are concerned they say that to remove or abolish the Subtreasury would be a distinct disadvantage or loss to business men generally. At that Subtreasury they now cash warrants that are presented through the various banks of those three States, pay all checks of pensioners of the Government which come in through the banks, redeem various kinds of money offered for redemption, and circulate throughout the country the small

money that is coined at the United States Mint. At present the United States Mint is running full tilt day and night to produce the subsidiary coin that is needed to meet the increased demand of people all over the land. That money is passed over to the Subtreasury in bulk for distribution. Distribution might be had from here in Washington, but it would be at much additional expense.

I hope my colleague [Mr. McFADDEN] from Pennsylvania, who is more familiar with the expense side of this question, will show what it means to transfer this Subtreasury system to the system organized under the Federal reserve bank. So far as the Federal reserve bank is concerned, it has an office in Philadelphia, a central office, and it does its business through the Subtreasury of Philadelphia, where its funds are housed. Now, some gentlemen have been facetious since this discussion arose, and instead of dealing with the proposition on its merits have suggested that to retain these Subtreasuries would simply be to dispense more "pork" to somebody. Well, that charge can not lie against the party to which I belong just now, because those holding office in the Subtreasuries of the United States belong to another party. I have no special reason for seeking to hold them in place as a matter of "pork." They do not belong to the party to which I belong.

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute.

Mr. MOORE of Pennsylvania. I regret I can not yield. Now, if there is any "pork" in this transaction, it is not Republican "pork"; it is not business men's "pork." It is the "pork" of certain appointees of the President of the United States whom he has not yet indicated to the Secretary of the Treasury he desires to remove. There are 36 men employed in the Subtreasury of the United States besides the Subtreasurer who would be affected if we were to abolish the Subtreasury. Even if we transfer its functions to the Federal Reserve System at such enormous expense as it would entail, we would still have to provide for a subtreasury system. I assume there would simply be a transfer of men from the Subtreasury, or the appointment of new men to take the place of men discharged, hence the cry of "pork" does not lie, even against the Democratic Party. I have received a number of telegrams this morning from business men, bankers, and others in my city, indicating that to remove the Subtreasury, in view of its proximity to the mint, would be a retrograde movement. It would, in their judgment, be a backward step. I trust this House will not permit it to be done, in view of the scant information we have from the officials of the Government on the subject. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, I do not know what a subtreasury exists for. I have no more idea than the man in the moon what a subtreasury does, and most of you have not any idea, either, and still you are all voting on what you know nothing about. Yet knowledge is right at our doors if we want to seek it. Last year when we passed the legislative bill we adopted this provision of law:

> The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the Subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued the reasons in full for such continuance; also if any or all of said Subtreasuries may be discontinued what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to Federal reserve banks.

Now, a few minutes ago I telephoned down to the Treasury Department and got into communication with Mr. Malburn, one of the Assistant Secretaries of the Treasury, and I asked him where that report is and whether it has been prepared. He said he did not know whether the report has been finally passed on, but that he himself had been asked by the Secretary of the Treasury to prepare his views, inasmuch as he is in charge of the Subtreasury branch of the service, and that he had prepared his views and had submitted them to the Secretary of the Treasury.

The Secretary of the Treasury has been out West. He returned on the 9th of December, but apparently nothing has been done toward finishing this report. Here we are legislating without the information which we asked for nearly a year ago. Here at our doors is the department charged with the duty of reporting to us, and yet no one until this morning, so far as I know, has made the slightest effort to find out what the Secretary of the Treasury actually thinks about the whole business.

Now, gentlemen, you are going ahead legislating in the dark. You have only one indication of what the Secretary of the Treasury thinks about it all, and that indication comes to us as a sidelight. Instead of promptly sending you, as he ought to have done, an answer to the question which you asked last year, he has ignored your wishes. Instead of sending you information he has sent you estimates of the amount necessary to pay for the continuance of these Subtreasuries. If all that does not constitute a prima facie case either of negligence on the part of the Secretary or else of a desire to have those offices continued, I do not know what significance is to be attributed to his actions. [Applause.]

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, it seems to me the statement made by the chairman of the subcommittee, the gentleman from Tennessee [Mr. BYRNS], in a way answers the matter clearly to the effect that this amendment should not be agreed to. I am strongly opposed to this amendment. The whole matter should be voted down. These Subtreasuries have been doing splendid work and are necessary. I think the one in San Francisco, contained in the neighborhood, as stated, of $72,000,000 in gold; of silver dollars, in the neighborhood of $22,000,000; and subsidiary silver coin, $1,157,000, on June 30, 1916. That, with all other moneys or certificates, amounts to the round sum of $99,321,070.70.

The Subtreasury is housed in a new building erected by the Government. It is for business purposes, the scope of which covers the entire western portion of the United States, the Rocky Mountain and intermountain regions, and the Pacific coast. The reasons have been already stated here in other cases, and there is no use to restate them. I can not see how my friend can see "pork" in a legitimate Government enterprise for the purpose of building up the business of the country. One gentleman who suggested "pork" has not studied the bill or he would not make any such statement. If the last gentleman speaking had read the hearings before the committee he would have recognized the fact that this matter has been in process of investigation by the Treasury Department, and they told the committee clearly and fully that the report was not completed, that investigations were being made, and that the Secretary was giving his personal attention to it; that other business was so great that he could not have it completed. And in the final part of their hearings he makes the same statement.

As to holding administrative appointees in office, one only has to read the estimates and notice there is only from one to two in each one of these Subtreasuries who are appointees. Ninety-five per cent are those under civil service, have been there for years, giving efficient service in behalf of the Government and in behalf of legitimate enterprise in order that the money may be scattered over the United States at places where it is most needed and where it is necessary for legitimate enterprises. These are Government functionaries, proper and necessary.

Mr. PLATT. I would like to ask the gentleman a question which I attempted to ask my colleague from New York [Mr. BENNET].

Mr. RAKER. I do not know whether I can answer it, but I will submit to the question.

Mr. PLATT. In places where there are no Subtreasuries, like Seattle, do they not get along just as well as they do in San Francisco, where there is one, or Portland, or at other places?

Mr. RAKER. They send money at times to the Subtreasury at San Francisco from Seattle; and would you send it from San Francisco or the Pacific coast States to Washington? This subtreasury in San Francisco has been necessary and has been an efficient agent of the Government. It has been one of vital financial importance and is one of much assistance; and, of course, there has not any possible reason or possible excuse been given here, except that some one stated we ought to strike it out; not that, I believe, they are in favor of striking it out, but sometimes some people, somewhere, want to make a show of pretended economy. That is about all.

Mr. PLATT. Do not the banks do exactly the same thing where there is no Subtreasury?

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from Ohio [Mr. FESS] is recognized.

Mr. FESS. Mr. Chairman, I voted for the elimination of the Subtreasury at Baltimore, also at Boston, also at Cincinnati, and at Chicago. That did not mean I would necessarily vote for the elimination of all of them, because I thought there might be an exception in the case of New York on the ground of its being the chief port of the United States, to which such a mass of the gold would come in the course of trade. So that a position against the Subtreasury does not mean that every single one of them ought to be eliminated. The reason I voted to eliminate the Subtreasury eventually is because when we passed

the Federal reserve act two years ago it was argued that one of the functions of the Federal reserve act was to unify the financial operations from the standpoint of the General Government, and not have them so diversified under various heads, requiring double overhead charges, and for that reason I allude to the time when the functions of the Subtreasury will be taken over by the Federal Reserve Board.

In the city of Cincinnati we do not have either a regional bank or a branch of the bank. We will not have, I take it, as long as the Subtreasury exists there. If we want to operate through the General Government at Cincinnati and be a part of the Federal Reserve System, the first step will be to eliminate the Subtreasury as a condition to having that.

Mr. LONGWORTH. Will my colleague yield for a question?

Mr. FESS. And for that reason, to unify, I voted to eliminate the Subtreasury there.

Mr. LONGWORTH. Will my colleague yield for a question?

Mr. FESS. I will.

Mr. LONGWORTH. The city of St. Louis, as I understand it, has both a Subtreasury and a branch bank.

Mr. FESS. I would say to my friend that the regional bank was not located at St. Louis because the Subtreasury was there or absent, but rather because of the region to be served. I was as active as possible to locate the regional bank of Ohio at Cincinnati. I did all I could, believing, as my friend does, who so well restated the reasons a moment ago, that there is the point where it ought to have been located. It was not located there; but it was not because there was a Subtreasury, however, so far as I know, but for reasons entertained by the authorities which I do not have.

Now, my point is that the Subtreasury in St. Louis did not locate the regional bank there and had not very much to do with it.

Mr. LONGWORTH. The gentleman argues that the mere fact that there is now a Subtreasury in Cincinnati necessarily prevents the establishment of a branch bank there?

Mr. FESS. I do not think the initiation for a branch bank will be taken up while the Subtreasury exists there. Why not unify it, unless the Subtreasury performs necessary functions not within the purview of the Federal reserve act.

Mr. LONGWORTH. If the gentleman will pardon me, in all probability, I think he will admit, additional legislation will have to be passed before the functions of the Subtreasury can be given over. We have called upon the Secretary of the Treasury to furnish us with that information. We have directed him to do it, and he has failed to do it. Therefore, is not this a bad time to start legislating in the dark, when we do not know that further legislation will be necessary?

Mr. FESS. The fact that the Secretary of the Treasury was directed to give reasons for continuing any of these Subtreasuries, and in case of no reason for so doing to give Congress the necessary legislation in case of discontinuance, and no such information nor reasons have been given, would appear to me to be tantamount to an absence of reasons because they do not exist. The difficulty of discontinuing enactment here is but another evidence of the reluctance of Members to vote out an institution once established, no matter whether important or not.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. SISSON. Mr. Chairman, I would like to ask this question: On what side is the gentleman?

The CHAIRMAN. The Chair is advised the gentleman is opposed to the motion.

Mr. SISSON. I do not know whether any gentleman on this side desires to speak or not, but, if so, the gentleman from Texas [Mr. DAVIS] is asking for recognition. I do not know on which side he is going to talk.

The CHAIRMAN. The Chair recognized the gentleman from Ohio [Mr. FESS], who favored the motion. The Chair now recognizes the gentleman from Pennsylvania [Mr. MCFADDEN], who is on the opposite side. The gentleman from Pennsylvania is recognized for five minutes.

Mr. McFADDEN. Mr. Chairman and gentlemen of the committee, no doubt in this plan to abolish the Subtreasuries of the United States the framers of the Federal Reserve Banking System had in mind eventually to take over all the functions of the present Subtreasuries. However, in that connection, it seems to me, that if the Federal Reserve Banking System is to take over the functions of these various Federal Subtreasuries, the 12 Federal reserve banks must be provided with the necessary equipment, such as vaults and employees, and so forth. That would mean additional expense and burden to the Federal Reserve Banking System.

This plan as it is now being operated costs the Government of the United States probably a round half million dollars; to be exact, $431,920 this bill provides, without the appropriation for the Subtreasury at Baltimore, Md., which is dropped in this appropriation bill, and no appropriation provided for.

Mr. MOORE of Pennsylvania. Which plan—the Federal Reserve Banking System?

Mr. McFADDEN. To run the present system of Subtreasuries. If these functions are to be assumed by the Federal Reserve Banking System, I believe there should be a corresponding arrangement made so that the burden of carrying on these functions, which are now being paid for out of the Treasury of the United States, will, and should not be placed upon the Federal Reserve Banking System.

It is well known that the stockholders of the Federal Reserve Banking System have not been receiving returns in the way of dividends on the stock invested in the Federal Reserve System, and the member banks are also compelled to segregate their reserves in the regional banks of the Federal Reserve System on which they are not receiving any interest. If under this plan they are to be still further burdened with the expense of carrying on the business now being conducted under the present Subtreasury system, it seems to me there should be a corresponding remuneration to the Federal Reserve Banking System for this service.

Mr. SMITH of Minnesota. Mr. Chairman, will my colleague yield?

Mr. McFADDEN. Yes.

Mr. SMITH of Minnesota. Does not the gentleman think that the reason why the banks are not receiving dividends on their stock in these Federal reserve banks is the fact that the Federal reserve banks are doing very little business? This added business would not be a burden to them, so that they could carry it on with their present equipment and help without any great additional expense, and thus save this half million dollars which we are now paying out to carry on our Subtreasury system.

Mr. McFADDEN. These Federal reserve banks would have to have additional equipment, including vaults and employees, to carry this burden.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. GLASS. It is a totally erroneous assumption that the Federal reserve banks are not paying dividends, because they are.

Mr. McFADDEN. In regard to that, I will say that I am the president of a bank in Pennsylvania which is a member of group 3 of the Federal Reserve Banking System, and up to this time they have not paid any dividends to the stockholders.

Mr. GLASS. Two of them have not paid dividends, but 10 of them have.

Mr. McFADDEN. It is a fact, however, that the member banks, "particularly the country member banks," of the Federal Reserve System feel that they are burdened beyond what they ought to be in the operation of the Federal Reserve System, and with this additional Subtreasury burden placed upon them I am one who believes that there should be remuneration for it. [Applause.]

Mr. Chairman, it seems to me that in abolishing this system of Subtreasuries throughout the United States, which Subtreasuries have for many years, and are now serving a very useful purpose, that if they are to be abolished, as is contemplated by the sponsors of the Federal reserve act, and the functions of these Subtreasuries assumed and performed by the Federal Reserve Banking System, that a complete and definite working plan should first be proposed and presented to this House. As has been stated here, the last Congress requested the Secretary of the Treasury to make a report to this Congress on the question of abolishing the present Subtreasury system. This the Secretary has failed to do. The adjustment of this matter now comes before the House in the present appropriation bill. While we have the tentative assurance that the business conducted by the Subtreasuries in the cities of Baltimore and Boston could probably be assumed by the Federal Reserve System, we have no definite information, however, on this subject. The only alternative left to us, then, if the appropriation is not made by this Congress to continue the Subtreasuries at Baltimore and Boston, is that they will simply be compelled to discontinue operations, with no definite arrangements made for the carrying on of the business formerly conducted at these two Subtreasuries.

The taking over by the Federal Reserve System of the functions of the present system of Subtreasuries brings up for consideration several important questions in connection with these various duties. The United States Treasury and these Sub-

treasuries are acting as trustees of trust funds, of gold and other coins upon which certificates or warehouse receipts are issued, and a vast amount of gold coin and bullion is being stored in these institutions; and the discontinuance of these vast sums and the continual increase of the same owing to the influx of foreign gold into this country is a matter which deserves very careful consideration and thought as to where these large sums of gold, and reserves are to be stored; and Congress in considering this should give very careful consideration as to the geographical location of these vast amounts of gold reserves. This, to my mind, is a preparedness proposition, and the practice of storing these gold reserves at easily accessible points of attack is a vital source of weakness. Suppose, for instance, that it was a fact that there were 30 carloads of gold stored in the vaults of the Subtreasury in the city of New York at the present time, might it not be a temptation to some foreign country whose gold reserves are being fast depleted to attempt to seize any one of the easily accessible unprotected storage points, and might it not be a serious menace to this country if these gold reserves were suddenly withdrawn or seized, and the gold certificates which are in circulation in this country be immediately transformed into Treasury notes with simply the straight I. O. U. of the United States back of them?

Mr. Chairman, these are serious thoughts to consider; but I believe that this is a serious matter and that this Congress should formulate a definite plan of segregating into the safest zones of the United States these vast gold reserves, and that the plan should contemplate a definite and concrete form of law covering the handling of the vast amount of business which these Subtreasuries have been doing.

The banks of the country are lessening their responsibilities in the caring for, of these large gold reserves by taking to the Federal reserve banks, gold coin and getting Federal reserve notes, in lieu thereof, and are thus shifting the responsibility of the caring for of these vast amounts of gold coin to the Federal Reserve Banking System, which system is accepting the added responsibility by stretching, I believe, the intent of the Federal reserve law, which, in my judgment, is a dangerous function and should be discouraged rather than encouraged.

Mr. GLASS. Mr. Chairman, I have thought and have said to the members of the Committee on Appropriations that it would be a most inexpedient and unwise thing, without adequate information, or any information at all, indeed, for Congress to abolish all of these Subtreasuries, and therefore I shall not vote for the proposition to abolish them indiscriminately. [Applause.]

It was in contemplation when we established the Federal Reserve System that, ultimately, we would dispense with the various Subtreasuries. But to do it in this ill-considered and haphazard way—merely by expunging appropriations for their maintenance—would be both unbusinesslike and harmful. In the first place, the Federal reserve banks, most of which have not homes of their own, have not the facilities now to transact this business. They have not the storage capacity for the coin; they have not an organized clerical force sufficient for the work; it is not certain how much or what part of the work the banks can do; and therefore to undertake the indiscriminate abolition of the Subtreasuries would to my mind be folly.

Mr. MEEKER. Mr. Chairman, will the gentleman yield for one question?

Mr. GLASS. Certainly.

Mr. MEEKER. At the present time have we such a law as would make it possible to transfer now the Federal business from the Subtreasuries to the banks?

Mr. GLASS. I think we have ample legal warrant for it, for the reason that the Federal reserve act expressly provides that the Secretary of the Treasury may constitute the Federal reserve banks the fiscal agents of the United States Government, and under that authorization of law, in my judgment, the greater part of the business of the Subtreasuries could legally be transferred to the Federal reserve banks. The details would have to be devised either by a carefully prepared statute or by equally carefully prepared regulations. But I do not believe that the Federal reserve banks are in position now to take over all of the business of the Subtreasuries. In fact, I know that such is not the case; and to attempt the transfer by the elimination of all these items from this appropriation bill is not the way to go about it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KENT. Will the gentleman yield right there?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. GLASS. Yes; I yield to the gentleman from California.

Mr. KENT. I would like to ask if there is any provision now whereby the physical property of the Subtreasuries shall be transferred for the use of the Federal reserve banks?

Mr. GLASS. The whole authority, whatever there may be, is embraced in the authorization to the Secretary of the Treasury to constitute the Federal reserve banks the business agents of the United States Government. I think that power is broad and ample enough to transfer the greater part of the business of the Subtreasuries; and I believe that, eventually, that will be done. But to undertake to do it without any sort of enlightenment on the subject, without any knowledge, really, of the effect of what we are doing right now, seems to me most ill-considered.

Mr. KENT. Are not the Subtreasuries now really acting as a kind of cold-storage warehouse for coin, and if so, why can not all that function be transferred to the people who can make use of the coin?

Mr. GLASS. I think that some time it will be done, and should be done. But it should not be done in this haphazard way. I voted to abolish the Subtreasury at Baltimore, within an hour's ride of Washington, because I thought it could safely be done. And I voted to abolish the Subtreasury at Boston because I thought it might safely be done. And I was prepared to ravish my friend from Pennsylvania [Mr. MOORE] and vote to abolish the Subtreasury at Philadelphia. But I proposed to draw the line at that point, and I would not have done that without taking for granted, from my limited information, that it might safely be done.

Mr. KENT. Will the gentleman kindly explain what particular damage would be done to the situation if the Subtreasuries were abolished?

Mr. GLASS. As a matter of fact, the Federal reserve banks have not the necessary storage facilities; they have not now the clerical facilities. In this proposal is involved no scheme of transfer; there is nothing as to when or how the thing is to be done. It would amount to a disorganization of that whole bureau of the Government to do this thing now without any preparation, or without any prior notice to the Treasury or the Federal reserve banks that it is to be done.

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Virginia has expired.

Mr. GLASS. I ask for just one minute more.

The CHAIRMAN. The gentleman from Virginia asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. GLASS. Mr. Chairman, I wish to say this in justice to the Secretary of the Treasury. I happen to know that he has had all of his time and attention absorbed recently in an effort to put into effect as speedily as possible the rural credit system provided by Congress at its last session, and I have reason to believe that he did not take the statute quoted here as a mandatory order upon the Secretary of the Treasury to apprise Congress on the first day, or within the first week of its assembling, of what should be done with respect to the Subtreasuries, but that he hoped to furnish the desired information in ample time; and, as a preliminary step, he commissioned one of the Assistant Secretaries of the Treasury to examine into the question and to prepare a report on the subject, which has been done. The Secretary of the Treasury returned to the city only a few days ago and has not yet examined the report. But in due season the report will be presented to Congress.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. GLASS. I yield to the gentleman from Massachusetts.

Mr. GARDNER. Was not the report as a matter of fact prepared some time before the Secretary went to California?

Mr. GLASS. I do not know as to that; but before the Secretary of the Treasury went to California he went to various other parts of the country in prosecution of the work of establishing the new rural credit system. He has taken three trips with the Farm Loan Board, having in view the speedy establishment of this rural credit system; and I happen to know that nearly the whole of his time has been taken up with that laborious matter.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PLATT. Mr. Chairman, for the past three years I have been making or supporting a motion to strike out the Subtreasuries, and I have not done it entirely in the dark. I went to the legislative reference bureau in the Congressional Library, and had the reference bureau prepare a statement citing every statute passed on the subject of the Subtreasuries from 1846 down. There is a world of information on this subject. Economic writers have written on it, Treasury officials have reported on it, and the best thought of the country has for a long

time been against the Subtreasury system. No other civilized country, so far as I know, has such a system as this. If I am wrong in that statement, Dr. FESS, or some other historian, will correct me. This system, as indicated by the gentleman from California [Mr. KENT], is practically a "cold-storage" system for taking in coin and locking it up. Of course the Subtreasuries do make change for the people. Of course they receive clipped coin for redemption, and things of that kind. Of course they receive Government notes that are worn out and redeem them, and do some work for the Government that is some accommodation to the people; but it can all be done by the banks, and is done by the banks where there is no Subtreasury.

Mr. KENT. I will ask the gentleman if he understands the system under which these cold-storage warehouses take gold coin? Does he understand that they take it by weight? As a matter of fact they take the gold coin by weight, and therefore the bank that takes in this coin at its par value, when it turns it over to these Subtreasuries, has to accept a discount on that coin.

Mr. PLATT. I think that is true.

Mr. KENT. I do not see where the Subtreasuries are performing any functions whatever, except that of ordinary cold storage of something that the people do not want to use.

Mr. PLATT. That is practically what they are doing. They are simply storage warehouses, that take in the money received for customs, internal revenue, and so forth, and lock it up. It should go into the banks and form a basis of credit. If the Subtreasuries were abolished it would go into the banks. Of course, a part of the fund now held in the Subtreasuries is a trust fund that could be taken care of. The Federal reserve banks are authorized to take care of it and the Treasury here in Washington can take care of it. There is no reason why the work they are doing should not be taken up and cared for by the banks if the Subtreasuries were abolished. There might be some additional legislation needed, but there is time enough between now and June 30 to perfect this legislation. If we strike out these appropriations for the Subtreasuries now, the Treasury Department will have to obey our command and make a report and arrange some way of doing the work. Even if no way were arranged, I believe there is law enough to enable the Federal reserve banks to go right on and do what the Subtreasuries are doing and that there would be no hiatus in the matter whatever.

Mr. PHELAN. I should like to ask the gentleman what authority is given anywhere by which the Secretary of the Treasury can deposit the trust funds of the United States in Federal reserve banks? And by trust funds I mean, for example, the gold that is held behind gold certificates. I should like to have him point out that authority to me.

Mr. PLATT. They are to act as fiscal agents of the Government, and the Secretary of the Treasury can require them to care for this fund if he wants to, or he can store the gold coin anywhere, here in Washington or elsewhere.

Mr. PHELAN. The giving authority to somebody to act as fiscal agent does not permit the United States Government to transfer its trust to somebody else.

Mr. GLASS. It does not involve the transfer of a trust. It merely involves the custody of the coin. That is all there is to it.

Mr. PLATT. That is all there is to it.

Mr. GLASS. But I will say further to my colleague that the Federal Reserve Board and the Federal reserve banks have been occupied with tremendous problems since the establishment of the Federal Reserve System, and I do not believe that system is yet prepared to take over the business of the Subtreasuries without any previous notice of the intention of Congress to make the transfer. The Federal Reserve System is occupied right up to the hilt on current problems of a grave nature, and I do not think it would be politic—in fact, I am authorized to say for the Secretary of the Treasury that he thinks it would be very impolitic—to abolish all these Subtreasuries at this time.

Mr. PLATT. What are the Subtreasuries doing that the banks are not doing, except storing the coin? The banks are doing all the other things.

Mr. GLASS. It is not so much what the Subtreasuries are doing. It is what the Federal reserve banks and the Federal Reserve Board are doing. Their whole time is occupied with grave problems, and the board has not the time now to take over the entire clerical establishment of these Subtreasuries and reorganize them at this moment.

Mr. DYER. Mr. Chairman and gentlemen of the committee, one of these Subtreasuries is located in the district which I have the honor to represent in this House. I have been in hopes that the Federal reserve banks would be able to take over the work and business of the Subtreasuries, but I am not willing at this time, in view of the report of the Committee on Appropriations, and in view of no opinion from the Secretary of the Treasury except as we have received it just now through the gentleman from Virginia [Mr. GLASS], to vote to abolish them at this time.

However, I believe, Mr. Chairman, that the debate upon this provision is going to be of great benefit, in that the Treasury Department will no doubt seek provisions to amend existing law with reference to the Federal reserve banks for the purpose of taking over the work of the Subtreasuries. But at this time, Mr. Chairman, I think we ought not to do it. In fact, it would be exercising poor judgment to vote them out at this time, while we are not able to give the matter the consideration to which it is entitled. Then, it is evident that they would be put back in the Senate, agreed to in conference, and, of course, would finally be a part of the law anyway.

In this situation, therefore, I am of the opinion that we should follow the Appropriation Committee in their recommendations, and I believe you gentlemen of the committee feel the same way. The debate of yesterday nevertheless, as well as the call to the colors by the gentleman from Pennsylvania [Mr. MOORE], has resulted in getting some action from the Secretary of the Treasury, which we have sought but did not get until to-day. In the next Congress perhaps we will feel it our duty to do away with all the Subtreasuries.

Mr. DAVIS of Texas rose.

The CHAIRMAN. Is the gentleman from Texas in favor of the amendment?

Mr. DAVIS of Texas. No; I am opposed to the abolition of the Subtreasury.

The CHAIRMAN. The time on that side is exhausted. The Chair will recognize some gentleman opposed to the amendment.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that I may correct a statement that I made in debate.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for one minute to correct a misstatement. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, in making my remarks a little while ago I said that I had had a conversation with Assistant Secretary Newton. I made a mistake; it was Assistant Secretary Malburn.

Mr. GOOD. Mr. Chairman, there have been so many misstatements of fact made on the floor in regard to the Subtreasury that it is surprising how little some Members know as to the duties of the Subtreasury. For instance, we are told that they are necessary at certain ports to receive the foreign gold that comes in through the customhouses. Now, the foreign gold received as customs receipts does not go to the Subtreasury until it has passed through the assay offices and has been tested. It then may go to the Subtreasury as the storehouse in which to keep it, or it may go to the Treasury or may be kept in the assay office. Other gentlemen say that they will have no vault room. There is nothing proposed here to destroy a single vault, and the authority given in the law creating the Federal reserve banks is ample to take over these storehouses and vaults and use them for governmental purposes wherever necessary.

But, Mr. Chairman, this proposition involves an expenditure of $500,000 a year. It has been suggested by the gentleman from Virginia [Mr. GLASS] that one or two of them ought to be retained; so when we come to vote on the proposition I shall ask for a division of items, so that we may have a vote on them separately. If any should be retained, which I deny, we can retain them, for there is absolutely no reason why the office at St. Louis, for example, should be continued, except to make a raid on the Treasury to the extent that we appropriate money for that purpose.

Mr. GARDNER. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARDNER. How will the gentleman get a separate vote on the Cincinnati item?

Mr. GOOD. The Cincinnati item has been passed. We had a separate vote on that.

Mr. GARDNER. How will the gentleman get it in the House?

Mr. GOOD. We can not get it in the House; I was talking about the committee. Now, the echo of the speeches made by Members on this side of the House not more than six weeks ago has hardly died out in regard to extravagance, in regard to pork, and yet you propose by your vote to-day to vote out of the Treasury about $500,000 a year to accomplish no good purpose. No one can point to a single reason why we should retain these Subtreasuries, especially those in cities where we have a Federal reserve bank.

The Secretary of the Treasury was asked not to point out which ones should be abolished, but the direction of Congress was that he should report to Congress which ones should be

retained and the reason why they should be retained. He knows that there is no reason why a single one should be retained, especially if it is in a city that has a Federal reserve bank, and that is the reason for his silence. I was surprised at the distinguished gentleman from Virginia making such a weak and lame excuse for the Secretary of the Treasury. This law requiring him to report on this matter was passed on the 10th of May, signed by the President on the 10th of May, and it commanded and directed the Secretary of the Treasury to report to Congress which ones we should retain, which ones we should appropriate for, and to this date he has not reported to Congress. Yet that direction was that he should report at the beginning of this session of Congress. My friends, if it takes the Secretary of the Treasury that long to make a report, how long will it take to abolish these useless offices?

Mr. GLASS. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. GLASS. Mr. Chairman, I have made no lame or impotent excuse in regard to the Secretary of the Treasury.

Mr. GOOD. I beg the gentleman's pardon. If I said the gentleman from Virginia, I was in error. I intended to say the gentleman from Tennessee, and not the gentleman from Virginia. I referred to our honored chairman. It is the gentleman from Tennessee that made the lame and weak excuse in regard to the Secretary of the Treasury.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I will yield.

Mr. BYRNS of Tennessee. I wish to say that the gentleman from Tennessee made no lame and weak excuse. [Laughter.]

Mr. GOOD. Was it a strong excuse?

Mr. BYRNS of Tennessee. What I stated was that the Secretary of the Treasury, as we all know, has for many weeks been engaged on official duties with the Farm Loan Board in the designation of districts.

Mr. GOOD. Oh, yes; but this law was passed on the 10th of May, 1916. Has he been out of his office all the time interviewing and investigating the question of the Farm Loan Board, and if he has, how long is it going to take him to finish his investigation and make a report?

And now I shall ask the gentleman a question, Whether it was not before the committee, at least informally, that Mr. Malburn had reported to the Secretary of the Treasury in favor of abolishing these offices, and the Secretary of the Treasury had not acted upon his report?

Mr. BYRNS of Tennessee. No. As I remember it, it was stated that Mr. Malburn had made a report to the Secretary of the Treasury, and that the Secretary of the Treasury had that report under consideration, but that owing to the fact that he had been necessarily out of the city upon official business in connection with the Farm Loan Board, he had not had an opportunity to act upon it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. What the report is I do not know.

Mr. GOOD. Mr. Chairman, the question is whether or not we ought to abolish these offices, especially where the Federal Reserve System has already established a bank. I feel somewhat sorry for Baltimore in a way, but Baltimore has not been injured by the action of this House. It was by the action of the board that violated the rules of common decency and made Baltimore go to Richmond to transact its business. Mr. Chairman, when we come to appropriate money here for these offices we are appropriating money for work that is done by another branch of the Government which we have created. It is easy apparently for the Democratic side of the House to create new offices, but when you commence to abolish those that are unnecessary, those useless offices, the salaries of which drain the substance of the people, it seems a very different thing. Here is an opportunity to lop off the useless offices which you promised to abolish.

Mr. SMITH of Minnesota. Mr. Chairman, this discussion will accomplish some good. Anyone who has listened to it must be convinced that these Subtreasuries are useless and unnecessary. They probably in their time served a purpose, but that purpose has ceased. Since the adoption of the Federal Reserve System there has not been any necessity for them. My colleague, the chairman of the Committee on Banking and Currency, has informed the House that these Federal reserve banks and the Federal Reserve Board are overburdened with work. I take issue with that statement. The Federal Reserve Board may be exceedingly busy in devising ways and means of putting that law into effect in the best manner. That I have no doubt is true. But I do know that the Federal reserve banks throughout the country are doing but very little actual business. They are doing so little that their stockholders are getting no dividends. Those banks have beautiful buildings, magnificent offices, wise-looking and high-salaried officials, and large vaults, but very little funds in them, and very little actual business is being transacted by the Federal reserve banks. Moreover, it is not intended that there should be any business transacted by them that can be done by the member banks. Let us be honest. The main purpose of having the Federal reserve bank and the system is as a guaranty to our banking institutions—to the member banks. That is the purpose of it. We may as well face it now and admit it. The member banks do not want the Federal reserve bank to do any extensive business. It is not intended that these Federal reserve banks should. Therefore, I say, let us give them something to do, and save this $500,000 that we are paying for our Subtreasuries. We may not be just ready to do it, but it is not a bad plan to make a start. We will call the attention of the public to the fact that this House is in favor of taking some step in the interest of economy, and there never was a step that was any clearer or plainer than the step that we are taking toward abolishing Subtreasuries that are unnecessary and useless.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. GREEN of Iowa. The gentleman said that the Federal reserve banks were useful only as a guaranty. Does he not think that it is a pretty expensive thing to go to all of that expense in order to get a guaranty?

Mr. SMITH of Minnesota. No; I do not. Every man who holds a dollar's worth of property has paid out vast sums in insurance to protect himself against loss of that property, and the Federal Reserve System is nothing more or less than an insurance system that guarantees to the banker that when he takes any paper over his counter in order to accommodate the business of the country, he can take that paper to the Federal reserve bank and exchange it for currency with which to pay his depositors. That is a fundamental function of the Federal reserve bank.

Mr. GREEN of Iowa. Does not the gentleman think some system ought to be devised so that these banks can pay expenses?

Mr. GLASS. So that what banks shall pay expenses?

Mr. SMITH of Minnesota. They are not intended to be money-making institutions. Of course, we should run every institution on a paying basis if that be possible, and this will help to put this on a paying basis, and it will take away from the Treasury a burden which it is carrying, an unnecessary burden.

Mr. GLASS. Mr. Chairman, my colleague knows that all of the banks are paying expenses.

Mr. SMITH of Minnesota. Are they paying dividends?

Mr. GLASS. Yes; all but two of them.

Mr. SMITH of Minnesota. Is the Minneapolis bank paying dividends?

Mr. GREEN of Iowa. It is only very recently that they have been paying expenses.

Mr. GLASS. Not very recently. When the statement was made a year ago that they were not paying expenses, they were paying expenses, and the statement was based on utter ignorance of the fact.

Mr. SMITH of Minnesota. I will tell the gentleman how they are paying expenses. The member banks that own the Federal reserve banks see to it that there is just enough paper discounted at the Federal reserve banks to pay expenses, and a little more, so as to make a creditable record.

Mr. SISSON. Mr. Chairman, the time is about up, and in conclusion I want to say, in addition to what has been said for abolishing these Subtreasuries, just this:

I have not heard a reason assigned by anybody as to why any of these Subtreasuries should be retained. I have heard statements made that it is hasty legislation. The Federal Reserve Banking System has now been in operation in the neighborhood of three years. It was intended at that time that the Federal reserve banks should take over the funds of the Federal Government and was so stated and urged and argued as one of the reasons why that system should be adopted. Our system of currency and our system of conducting our finances was assailed on every side from every corner and by every political party, and it was not a political issue. This is no political issue now, and aside from the little advantage that is obtained by the banks in the particular city in which the Subtreasury is located not a single benefit inures to the benefit of the people of the United States by keeping these Subtreasuries. No gentleman has yet said that it would benefit anyone except to serve the convenience

of the locality, and not a single function which is now performed by these Subtreasuries for the banks but can be performed by the Federal reserve banks. There is a duty which is performed now by these Subtreasuries which is not altogether performed by the Federal reserve banks in the deposit of gold coin as a reserve against gold notes. That is a fixed deposit of gold bar against the currency of the United States Government known as gold notes.

Now, the property of all the Subtreasuries belongs to the United States Government, and under the law referred to by the gentleman from Virginia [Mr. GLASS], the chairman of the Committee on Banking and Currency, which passed this great piece of legislation, who declared that the language is broad enough to take over the property, and, as was suggested by the gentleman from California, this physical property could be taken over with the gold bar that is locked up in the Treasury as a fixed guaranty against the gold notes, it need not be disturbed from year to year, but the floating currency that may be needed for redemption can just as easily be done by a department of the Federal Government in the Federal Reserve Banking System; and that was what was urged at the time this bill passed, and everybody inveighed against the old subtreasury system which we had at the time this law went into effect.

Mr. PHELAN. Mr. Chairman, will the gentleman yield for just one moment?

Mr. SISSON. I will.

Mr. PHELAN. Can the gentleman point out any authority in any law that permits the gold that is held as a reserve against the gold certificates to be kept in any place except in the United States Treasury or a Subtreasury?

Mr. SISSON. No; and I will say that I do not want it kept in any place except in the United States Treasury. I do not ask that it be kept anywhere else, but I want it to be kept right there. But this is part of the Treasury system of the United States——

Mr. PHELAN. What is?

Mr. SISSON. By making these banks depositories; and, in addition to that, these Subtreasury vaults could be used by the Federal Reserve System as vaults are now used, without the enormous expense, and the gentleman from Boston knows it.

Mr. PHELAN. Will the gentleman yield for one moment?

Mr. SISSON. The gentleman from Boston, like all gentlemen from those cities where they have these Subtreasuries, has not sufficient reasons for inveighing against any step in this direction.

Mr. PHELAN. Will the gentleman yield?

Mr. SISSON. I will.

Mr. PHELAN. The gentleman from Boston does not make the statement. I take it, the gentleman refers to me as the gentleman from Boston, but I do not come from Boston——

Mr. SISSON. The gentleman only comes from Massachusetts. I want to relieve him of the odium. [Laughter.]

Mr. PHELAN. If the gentleman will wait one moment. I want the gentleman to point out by what authority he says this money can be kept in the Federal reserve banks. I dispute that statement, and I want him to point it out. He has not yet pointed it out except by assertion.

Mr. SISSON. I am not going to qualify here as an expert on the law which the gentleman himself helped to pass, but Government deposits——

Mr. PHELAN. This is not a Government deposit.

Mr. SISSON. Let me read the law to the gentleman. Will he sit down and be good?

SEC. 15. The moneys held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national-bank notes and the funds provided in this act for the redemption of Federal reserve notes, may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

Mr. PHELAN. Will the gentleman yield again?

Mr. SISSON. I do.

Mr. PHELAN. The point is that the fact that the law specifically provides that these funds shall be held by the Secretary of the Treasury is not necessarily changed when we gave the Secretary of the Treasury power to make somebody his fiscal agent. If he did, it would permit these trust funds to be placed in national banks.

Mr. SISSON. The Secretary of the Treasury now has authority to put this money in these banks; that is all I have been asking for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to speak for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Now, they speak of this as being hasty legislation and illy considered legislation. Why, Mr. Chairman, we asked the Secretary of the Treasury to give us a reason why any of these should be retained, and there must be no great and overshadowing reason for not abolishing these Subtreasuries, for at the last session of Congress, after having hearings that extended over several days to have them assign a reason, they gave us as a reason then why we should not abolish these Subtreasuries at that time that it ought not to be hastily and ought not to be illy considered.

And yet all these months have intervened, and no word has come to this committee, no syllable, and no suggestion, and the only intimation that has come to this House was the suggestion made by the chairman of the Committee on Banking and Currency, that he had understood that it ought not to be done inadvisedly. I do not know why the Congress of the United States should not have had that information. And when I hear men make the statement on this floor that we ought to wait until we get the message and the recommendation—the permission, if you please, from these departments—that Congress may legislate, and that we should have the wheels of progress locked until we get recommendations from the departments, the servants of Congress and not their masters, I think it is high time, if Congress takes that position, that we adjourn sine die and let somebody else come who has capacity to legislate for the country. [Applause.] We were elected from our districts to legislate, and it was not the bureau chiefs or the head of any department appointed to office that have the right to say that you must remain silent and dumb until you hear from some mighty department in this case. Such things as that make me sick. [Laughter.]

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. O'SHAUNESSY. I want to ask the gentleman what his answer is to the statement of the gentleman from Virginia as to the capacity——

Mr. SISSON. You need not finish the question. I understand what it is.

Mr. O'SHAUNESSY. You are a mind reader?

Mr. SISSON. Yes; I am. Your mind is so bright that it shines out through your eyes.

Mr. O'SHAUNESSY. What does the gentleman say as to the capacity of the Federal reserve banks who hold this money?

Mr. SISSON. The capacity is the same to the cubic inch now as it will be if you vote to retain these Subtreasuries. It will not shrink one iota. Every reserve bank shall have power to do, what? To deal in gold coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold coin or gold certificates, to contract for loans of gold and gold bullion, and so on, and giving therefor the necessary security, including hypothecation of United States bonds and other securities, and so on. Here the Federal reserve bank has the authority that gives them the right to hold the gold which they may have, just so they keep their——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, how much time remains?

The CHAIRMAN. Ten minutes.

Mr. SISSON. I would like to have two minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. SISSON. So with all that has been said and done I find there are two classes of people served here, and but two. Those are the people engaged in banking business in the fortunate city that enjoys this special privilege; and although the special privilege is now useless to the balance of the country, they want to continue to enjoy it. In addition to that, there are those men who happen to draw the salaries. The gentleman from California [Mr. RAKER] seems to believe that it would be a crime to take an office away from a man when you have taken all the necessary duties from the office. My friend from California urged this as a reason why we should retain the Subtreasuries. Is it possible that this Congress will take the people's money and pay it out to men who perform no service to the Government? Has that gotten to be the policy of the Members of this House? Surely not. So, when they ask me if this is hasty and ill-timed, I will say, did we not discuss the Federal reserve-bank proposition here for almost a month? Were we not given to understand that immediately the Secretary of the Treasury would take all these over? Were we not given to understand about a year ago that they would be able to tell us what to do a year from then?

Your committee did not act hastily. We waited for them to assign to us some good reason why they should be retained, and to this hour we have heard no good reasons. And if we have no good reasons ought we not in justice to ourselves and our constituencies to abolish these institutions, the public use of which no man has been able to tell? When will it happen? Suppose immediately upon the passage of this act through the House the officials of the Treasury Department would get busy? Here is the very efficient, the magnificent chairman of the Committee on Banking and Currency. Not a single Member on that side of the House would resist the passage of the necessary legislation, and I know that no Democrat would, to put into operation this system—not one. And it could be done in a few hours, because they would simply ask for whatever little additional legislation they might need. But I believe the chairman of the committee stated it fairly when he said he did not believe they needed any additional legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. The gentleman from New York is recognized.

Mr. FITZGERALD. Mr. Chairman, I do not believe it wise to strike this provision out of this bill.

The CHAIRMAN. If the gentleman from New York will suspend a minute, the Chair would like to state that all time against the motion to strike out has been used. There are eight minutes remaining.

Mr. FITZGERALD. Mr. Chairman, I am of the opinion that some of the Subtreasuries can be abolished. I do not know which ones. The Treasury Department should furnish the information that Congress needs.

There are some things that can not be transferred to the Federal reserve banks. We have in the United States about $1,800,000,000 in gold. Against much of that gold is issued gold certificates, and that gold must be held in the Treasury of the United States. It can not be put in the Federal reserve banks.

We imported last year $494,000,000 in gold, and exported $90,000,000 in gold. The great bulk of it was through the port of New York. There is in the Subtreasury in the city of New York more than $113,000,000 gold coin and $500,000,000 in other form. If it is not kept there, it must be kept in Washington or in a Subtreasury at some other place. However, it must be kept in New York. The settlement of international balances of trade, international exchange, must be made in gold at the port of New York. If it is not kept there, it will have to be shipped back and forth, with the cost of doing so. That situation is not the same at all of the Subtreasuries. It may be true in some of the seaport cities. It may be true as to Philadelphia. I am not able to say.

It is possible that it may be necessary to maintain a Subtreasury at Chicago and one at San Francisco, not because the ordinary fiscal operations of the Government can not be performed by the Federal Reserve System, but because it may be absolutely essential for the transaction of the commerce of the country that a certain volume of gold should be held on the Pacific coast and in the interior of the country. It is not necessary to maintain one at Baltimore, because of its proximity to Washington. It is only a difference of 40 miles, and if it were not for the fact that the business interests of Baltimore believe—whether justifiably or not—that a great injustice has been done them, their protest should not be heeded for a minute. Yet it is not highly desirable to make a great element of the business world believe that it has been unjustly treated.

But whatever is done about some of the Subtreasuries, I repeat in my opinion some of them can be abolished. I say this, not because I come from the State of New York and the commercial transactions of the country make it imperative that there must be gold in New York——

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. In just a moment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman from New York may have the balance of the time. He is entertaining, if not instructive. [Laughter.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the remainder of the allotted time, two minutes, be occupied by the gentleman from New York [Mr. FITZGERALD]. Is there objection?

There was no objection.

Mr. FITZGERALD. About ninety millions have been carried at San Francisco, and I forget how much in Chicago.

Although, in my opinion, some of these Subtreasuries can and should be abolished, and ought to be abolished as a matter of good administration; yet I do not believe that the House of Representatives, without the information that is imperative in order to act intelligently, should proceed to abolish them. I hope that the result of this discussion will be to produce from the Treasury Department what ought to be furnished—a comprehensive report upon the entire subject.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. GOOD. The gentleman states that some of them ought to be abolished. What ones ought to be abolished, in the opinion of the gentleman?

Mr. FITZGERALD. I said "in my opinion."

Mr. GOOD. Yes.

Mr. FITZGERALD. In my opinion—and I do not know that I am justified in attempting to determine—I said that I had no doubt that there must be retained one on the Atlantic seaboard, one on the Pacific seaboard, and one in the interior of the country, and I assume that that would be Chicago, because it is the biggest industrial center. I know that it must be retained in New York.

Mr. GOOD. The gentleman would not say that the one at Philadelphia should be retained, where we have a Federal reserve bank?

Mr. FITZGERALD. I do not know. I do not know sufficiently about the settlement in international exchange at Philadelphia, although I assume that most of it is done in New York. Only a few years ago fifty millions of gold were shipped from Philadelphia to New York. Trade settlements can not be made in gold certificates or in any form of currency. They must be made in the basic metal, the money of the world. They must be made in gold. We ship gold from the port of New York just as we ship wheat, and it must be done not in the interest of New York but in order to enable the commerce of the United States to be transacted with foreign nations.

I hope we shall not do what undoubtedly would not be a wise thing at this time and in this way. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. All time is expired. Without objection, the Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. SISSON: Page 60, strike out all paragraphs beginning with line 3 on page 60 down to and including line 26 on page 61.

Mr. GOOD. Mr. Chairman, I ask for a division of the amendment.

The CHAIRMAN. The gentleman from Iowa asks for a division. The Clerk will report the first substantive proposition in the amendment.

The Clerk read as follows:

Page 60, beginning with line 3, strike out the paragraph from line 3 to line 9, inclusive.

The CHAIRMAN. The question is on agreeing to that part of the amendment that has just been read.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SISSON. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 46, noes 94.

So that portion of the amendment was rejected.

The CHAIRMAN. The Clerk will report the next substantive proposition in the amendment.

The Clerk read as follows:

Page 60, strike out from line 10 down to and including line 3 of page 61.

The CHAIRMAN. The question is on agreeing to that part of the amendment that has just been read.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SISSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 110.

So that portion of the amendment was rejected.

The CHAIRMAN. The Clerk will report the next one.

The Clerk read as follows:

Page 61, strike out the paragraph beginning on line 4 and ending on line 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. SISSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 48, noes 95.

So that portion of the amendment was rejected.

The CHAIRMAN. The Clerk will report the next.

The Clerk read as follows:

Page 61, strike out the paragraph beginning on line 14 and ending on line 20.

The CHAIRMAN (Mr. HARRISON of Mississippi). The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. A division!

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 42, noes 92.

So that portion of the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 61, strike out the paragraph beginning on line 21, and ending on line 26.

The question was taken; and on a division (demanded by Mr. SISSON) there were—ayes 30, noes 84.

Accordingly the amendment was rejected.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the Subtreasuries which were stricken out, which were, I believe, Boston and Chicago, be restored to the bill.

Mr. MANN. I object.

Mr. SISSON. I ask unanimous consent for one minute to make a statement.

The CHAIRMAN. The gentleman asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. SISSON. I stated at the outset that I thought all these Subtreasuries ought to be dealt with just alike, and, having made that statement on the floor, I make the request now in good faith, that these Subtreasuries which were stricken out be restored to the bill, and I hope that the request will be granted.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the paragraph stricken out be reinstated. Is there objection?

Mr. MANN. I object. The House will have full control over the matter.

The CHAIRMAN. Objection is made, and the request is refused. The Clerk will read.

The Clerk read as follows:

Philadelphia Mint: Superintendent, $4,500; engraver, $4,000; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, $2,500; assistant assayer, $2,200; cashier, $2,500; bookkeeper, $2,500; assistant bookkeeper, $2,000; deposit weigh clerk, $2,000; assistant cashier, $1,800; curator, $1,800; clerks—1 $2,000, 1 $1,700, 8 at $1,600 each, 1 $1,500, 6 at $1,400 each, 1 $1,300, 3 at $1,200 each, 3 at $1,000 each; in all, $68,600.

For wages of workmen and other employees, $315,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Tennessee [Mr. BYRNS] advise me whether the department estimated for an increase in the pay of the superintendent of the coining department, which is now $2,500?

Mr. BYRNS of Tennessee. Yes; they ask for an increase of $250.

Mr. MOORE of Pennsylvania. I would like to say that my information is that the superintendent of the coining department, who has responsibilities equal with those of the superintendents of the melting and refining departments, who receive $3,000 each, is underpaid at $2,500, in view of the enormous increase of business that has come to the Philadelphia Mint recently to meet the demand for small coin throughout the country. If this matter appeals to the committee at all, and if they will accept an amendment for an increase of $250 as requested by the department, I will offer that amendment.

Mr. BYRNS of Tennessee. I will state to the gentleman from Pennsylvania that the superintendents of coining in the Denver Mint and the San Francisco Mint receive only $2,500, and the committee felt that it was not a proper thing to discriminate as to positions involving the same kind of services and the same amount of responsibility.

Mr. MOORE of Pennsylvania. Have all these superintendents of coining been required to keep at work until midnight, as the one in Philadelphia has been and is?

Mr. BYRNS of Tennessee. The Director of the Mint states, if my recollection serves me, that there has been more overtime possibly at Denver than in any other mint. They certainly have been working overtime, with two or three shifts.

Mr. MOORE of Pennsylvania. Evidently the committee have had the matter under consideration and would make a point of order if I should offer the amendment?

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. MOORE of Pennsylvania. Then it would be useless to offer the amendment at the present time.

Mr. BYRNS of Tennessee. Yes.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Boise, Idaho, assay office: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200.

For wages of workmen and other employees, $2,000.

For incidental and contingent expenses, $1,200.

Mr. GANDY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 64, after line 16, insert:

"Deadwood, S. Dak., assay office: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; clerk, $1,000; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,500."

Mr. GANDY. Mr. Chairman, in support of the amendment which I have just offered, I want to say to the Members of the House that the Deadwood assay office is an old-established one.

Mr. BYRNS of Tennessee. Will the gentleman yield for an interruption?

Mr. GANDY. Yes.

Mr. BYRNS of Tennessee. I will state to the gentleman that in his amendment he has asked for a greater amount for contingent expenses than was actually estimated for the coming fiscal year. The estimate calls for $1,000, and his amendment would carry $1,500.

Mr. GANDY. I will state to the gentleman that I drew that in accordance with the law of last year. I have no objection to changing it, and I ask unanimous consent to change the allowance for contingent expenses in the amendment from $1,500 to $1,000.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

For incidental and contingent expenses, $1,000.

Mr. GANDY. Mr. Chairman, this is an old-established assay office, right in the heart of one of the real gold-mining communities in this Nation. For a number of years this office stood first in the class of assay offices that were referred to as the smaller ones. There are four very large ones and seven that have been in a sort of smaller class. Up to 1913 or 1914 this office stood first of these seven. Then, because the appropriation in the bill of 1914 was reduced, a lot of the business from the larger companies out there was forced to be sent to other assay offices, and since that time has not been handled in the Deadwood office. In speaking of that proposition in his annual report for 1914 the Director of the Mint said:

The differences between the House of Representatives and the Senate over the policy of maintaining the western assay offices resulted last year in a compromise upon appropriations that was satisfactory to neither body and inconsistent with good administration.

But, even with the reduced appropriation, the office still is handling a wonderful business. We have just passed in this bill the office at Carson, and the Deadwood office does twice the business that is done by the office at Carson. We have passed the office at Boise, and the office at Deadwood does practically the same business as that at Boise.

Then, referring to another matter, there are the individual assays, where the little prospector brings in his piece of rock to have it assayed, to find out whether or not he has struck a "find," as they call it. These assays are known as dollar assays. In 1912 this office made 275 such assays; in 1913, 547; in 1914, 687; in 1915, 608. For that year the figures are available for the rest of the offices, and all of the other six offices in this class made 330 assays of individual ore for prospectors. So that this office at Deadwood made almost twice the number of the other six in its class combined. In 1916, in the year ending July 1, this office made 778 such assays, whereas the other six offices in this class made 898, or, in other words, the Deadwood office made practically as many individual assays as all the rest combined.

In this spot of country, relatively speaking, no larger than your hand as compared to the great Nation we have, since gold was discovered 40 years ago this year there has been taken out in gold alone the magnificent total of $192,693,945; and then to that should be added the silver, the tungsten, and other metals that are mined with the gold. To abolish this assay office would be a serious blow to this mining community, to the smaller companies that take their clean-up and their bricks over to the assay office close at hand, get their money on it to meet the pay roll. The larger concerns are not involved; they are to-day

sending their business to the larger assay offices, because this office has not for years had an appropriation sufficient to handle the business. I trust that the membership of this House will not cripple this mining community by taking away the facilities for having their assays made close at home quickly and by governmental officials in whom they have absolute confidence.

Let me say in conclusion that this office for five years has cost, net, $17,922.04; or, in other words, for the five years past this office has cost the Government $3,584.41 a year, where we have been turning out almost eight millions of gold a year in that community. I ask the membership of the House to continue this office as it has been continued for years, an instrument of good in the mining community, an institution that means much to us in the mining canyons of the Black Hills. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, this is another instance of how difficult it is to abolish an office, even though there may be no real and sufficient reason for its continuance. I am not going into any discussion as to the general necessity of assay offices, except to make this declaration, that there is no member of this committee who can show to this House any real reason why any of these assay offices should be maintained except in the interest of a few who may come to deposit their ore and have it assayed so that they may quickly secure gold for it.

Now, the question is whether or not you will continue these offices and appropriations necessary to maintain them in the interest of the few who come to the assay office to have their ore assayed at the expense of the great body of the people, or will you require them to send their bullion to the mint, where it can be properly assayed, at their own expense.

We asked the Director of the Mint, Mr. von Engelken, when he was before the committee recently, why it was necessary to maintain these assay offices, and the only explanation that was given to the committee was that it was a convenience for a few who can deposit their bullion there. We asked why it was that the same men could not send their bullion to the mint at Denver and the mint at San Francisco and have it assayed there. The answer was that it would mean two or three or four days' delay in getting their money. He said it would take two days to send the bullion to Denver from the assay office, and a day to have it assayed, and two days for the check to get back to the miner. That was the only real reason advanced as to why any of the assay offices should be maintained.

You gentlemen will remember a session or two ago that the House by an overwhelming vote voted to discontinue all the assay offices except one at New York and the one at Seattle, but that they were subsequently put back in the Senate. When the new Director of the Mint, Mr. von Engelken, was before the committee I made this statement to him:

I do not know whether you are familiar with the discussion that has been going on year after year for the past four or five years in regard to these assay offices and some of the mints, for instance, this mint at Carson City, but there has been a disposition on the part of a great many Members of Congress—in fact, on at least one occasion—and I am not sure but on two occasions—the House voted to abolish all of these assay offices except the ones at Seattle, New York, and Helena, Mont. The House, by a pretty good majority, voted to abolish them. They were restored in the Senate and finally carried in the bill. That was done on the idea that a great number of these assay offices and a mint like this one at Carson City really performs no adequate service to either the Government or the people that could not be performed by the other assay offices and our mint at Denver—

And so forth.

And this was Mr. von Engelken's reply:

That is very true; if I were in the House I would vote the same way on that same proposition.

Now, I am going to ask gentlemen of the committee, in view of the statement of the Director of the Mint, are you going to vote an extra appropriation of $7,500 on the people that you represent and the people that I represent? The Director of the Mint has told you that if he was a Member of the House he would vote to cut out these assay offices.

Mr. GANDY. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GANDY. Would it not take expense to make the assay anywhere else—an extra expense?

Mr. BYRNS of Tennessee. No; no extra expense.

Mr. GANDY. The office at Deadwood is loaded up; it is at a point where they have to refuse bullion because they are doing all that they have the money to handle. Now, another proposition. It does not cost $7,500 because the receipts taken in reduce that cost.

Mr. BYRNS of Tennessee. Oh, let us see about the receipts of the Deadwood office. The gentleman says they received bullion amounting to over $661,000 last year. He says that they do more business than is done at the assay office at Carson. That is true in point of value of the bullion that is deposited, but let us see how many more people are accommodated at Carson than at Deadwood. Last year there were only 97 deposits made at the Deadwood assay office, and valued at the amount stated. What was the income received? The income was $2,033.63. What was the expense to the Government? The expense was $6,789.45—more than three times the amount of the income received from the office—with only 97 deposits. That is a reduction in the amount of business from the preceding year because during the preceding year 107 deposits were made. There is a falling off in the business.

At Carson last year there were 612 deposits. It is true those 612 deposits were only valued at $324,000, but that shows that the small miner was being benefited at Carson, and that these deposits of 97 amounting to over $661,000 were probably deposits from great mining companies, which would otherwise be compelled to send their bullion to our mints at their own expense and in order to secure gold in exchange. That is the case as to Deadwood. That is the reason the committee comes in here with the proposition to abolish it, and I want to appeal to you gentlemen of the committee, in the interest of economy, in the interest of saving some of the expenses of this Government, that where you find an office such as this that is absolutely unnecessary, where the Director of the Mint tells you in plain language that if he was acting under your oath and obligation he would vote to abolish it, that there can be absolutely no excuse for us to fail to register our vote in favor of abolishing this office at Deadwood.

Mr. GANDY. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GANDY. The Director of the Mint informed the gentleman who just spoke, in response to his question, that the big concern there did not use this office; that their bullion goes to New York City.

Mr. BYRNS of Tennessee. He stated that the Homestake Co., which I think is your largest company—and I asked him specifically with reference to that company—sent its bullion to New York City, and that is but another indication that this assay office is not necessary. I did not ask him about any other company. I do not know that you have any other company there; but I do say this, that the fact that you had only 97 deposits at Deadwood, and that they were valued at $661,000, compared with the fact that there were 612 deposits at Carson, valued at $324,000, would seem to indicate that the small miner is patronizing Carson to a greater extent than Deadwood. I do not say that in defense of the assay office at Carson, because, in my judgment, all of these assay offices, except one at Seattle and one at New York, could be abolished without doing a public injustice to anyone; but if any are to be maintained, then by all means keep those which afford some aid and convenience to the little fellow rather than the big gold-mining companies.

Mr. DILLON. Mr. Chairman, I want to speak a few words in support of this amendment. It has frequently been said that the Black Hills country, comprising an area of about 100 square miles, is the richest land in the world. The gold that comes from these mines constitutes one-eightieth of all the gold produced in the world since the discovery of America by Columbus. These mines are now at this time producing one-twelfth of all of the gold and silver produced in the United States, Alaska, and the Philippine Islands. These mines produce more than double the value of the gold and silver that is produced in the State of Montana. They produce nearly as much gold and silver as is produced in the States of Wyoming, Utah, Oregon, Washington, Idaho, and the Philippine Islands combined. It is true, Mr. Chairman, that this assay office has been largely crippled by taking away the funds necessary to operate it. The greatest mine in the world is located at Lead, in the State of South Dakota. That mine is not patronizing this assay office because it is not thoroughly equipped to do the work, because you have reduced the expenditures year by year, until now you in the last appropriation bill gave us only about $7,500 for this assay office, and when you take into consideration the receipts it is being operated at a loss of only about $3,000 a year. For more than 20 years this institution has been fostered and maintained by the Government. It has performed a wonderful mission to the people of that community. We have within the Black Hills enough gold to pave the streets of every village, town, and city in South Dakota, and why should the Congress of the United States at this time throw it out root and branch? It seems to me that if we take this position we are discriminating against one of the greatest States of the Union, so far as silver and gold production is concerned. Our State stands fourth in gold and silver production in the catalogue of States, and why should we be discriminated against and be refused the small appropriation that is necessary to sustain this institution? This assay office is in the interest of the small prospector,

the small mining man in that region of the country. It seems to me it would be a discrimination to do it. If you want to abolish one, then why not abolish all of them? Why do you come here and seek to discriminate against this institution that is in a State that stands fourth among the States that produce silver and gold? I trust this amendment in the interest of fair and honest dealing will have the support of this committee. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 64, noes 11.

So the amendment was agreed to.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $76,000.

Mr. MAYS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. MAYS: Page 65, line 10, insert as a new paragraph the following:

"Salt Lake City, Utah, assay office: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, $1,800; for wages of workmen and other employees, $1,500; for incidental and contingent expenses, $500. In all, $3,800."

Mr. MAYS. Mr. Chairman, this amendment seeks to put the same provision in the bill that exists in the law at the present time, namely, an appropriation of $3,800 for the assay office at Salt Lake City. The gentlemen of the Appropriations Committee have not given a chance to anyone who may be opposed to the abolition of this office to appear. In reading the hearings I have noticed that they asked only the Director of the Mint to give testimony in regard to the assay offices, and it is well known that the Director of the Mint is in favor of abolishing all of the assay offices except some central place like New York.

Why discriminate? Why not abolish them all except the one in New York, as the Director of the Mint suggests? Why leave in the law the offices at Carson City, at Boise, at Helena, and at other points and abolish only Deadwood and Salt Lake City offices? Rather should these offices be given sufficient help, and the business would soon vastly increase. The assayer at Salt Lake must act also as melter, as cashier, as chief clerk. He has only one man to help him, and necessarily the work of the office is limited. Many who would otherwise do so fail to patronize the office on this account.

The Chief of the Geological Survey is opposed to the abolition of this office or any other of these assay offices. He said that it is of service to the Geological Survey to have these offices in the localities in which they are now situated. Salt Lake City is the real mining center of the United States. Within a radius of 700 miles of Salt Lake City there is more gold and silver, copper, lead, zinc, and other valuable metals produced than within a similar radius in the world; and it seems to me it would be small business to abolish an assay office serving the people of a great mining center like that. Last year Utah stood first, next to Arizona, among all the mining States of the Union in the value of its metal output, producing over $55,000,000. Colorado produced $33,000,000 worth of ores; Idaho over $30,000,000 worth of ores; Nevada produced something over $30,000,000 worth of ores; Montana produced $47,000,000 worth of these ores. This year, from reports, I judge that Utah will excel all other States in such production. This is real wealth, and they are paying an income tax upon the mining corporations of Utah of over $400,000 a year. And yet these gentlemen, particularly the gentleman from Mississippi, say we are taxing their constituents to pay $3,800 for maintaining an assay office for the convenience of this great mining region of the country.

Mr. SISSON. Mr. Chairman, will the gentleman yield? I think the gentleman ought to know before he makes a statement of that kind——

Mr. MAYS. Perhaps the gentleman had better ask me whether I will yield before he instructs me.

Mr. SISSON. I did address the Chair and asked the gentleman whether he would yield.

Mr. MAYS. I will yield.

Mr. SISSON. I say the gentleman ought to know what he is talking about, because he certainly does not seem to know his friends in reference to this particular item. I think the gentleman ought to go a little further before he makes a statement of that kind.

Mr. MAYS. That statement was made; of course, if it was not meant, I am glad to apologize for giving the inference. With regard to the Director of the Mint's testimony, which the chairman of the subcommittee quoted here so freely, I want to quote one thing from his testimony before this committee myself. The question was asked him why he would recommend the continuance of the office at Helena, for instance, or Carson City, or Boise City, and would ask that the office at Salt Lake City should be abolished, and this was his answer. He said, "There is a demand for the service at Helena, but you see Salt Lake City is within gunshot of Denver." That shows how much geography the Director of the Mint may know. He may be competent to be Director of the Mint, but he certainly does not know much geography. Gentlemen of the committee, Salt Lake City is 742 miles from Denver, and it takes 20 and some odd hours to go from Denver to Salt Lake City, practically as far as from Chicago to New York, and yet he says it is within gunshot of Denver, Colo. I believe it would be pursuing a penny-wise and pound-foolish policy to destroy this office. The prospectors especially out there want this office to remain there. Five hundred and fourteen dollar assays have been made this year, according to the report of the assayer, for prospectors who bring in their rock to be examined. The prospector is benefactor of his race, a creator of wealth, but generally contributes to the wealth of others and dies poor himself. He should not be forgotten. It would cost them to go to a private assayer from $3 to $4 for each assay, and they do not have the same confidence in the tests as they have in the Government assay office. When these great mining States are paying into the Treasury of this country many millions and pouring into the lap of the United States many hundreds of millions of dollars of real wealth it would be, it seems to me——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAYS. I would ask for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MAYS (continuing). It would be a poor policy to refuse to continue the assay office in Salt Lake City, the real center of the mining industry of this country. [Applause.]

I insert statement of Assayer Gammon and letter from the Director of the Geological Survey.

SALT LAKE, UTAH, *December 9, 1916.*

JAMES H. MAYS, M. C.,
Washington, D. C.:

Office should be continued. Bullion deposits increasing. Ore assays will double coming year. Small expense, geographical center. In Federal building, saving expense. Earnings $526 on bullion; ore assays, $514; old material, $96. Two hundred prospectors served in all western mining States. Seventy bullion depositors accommodated. Assays made for Land Office, also Forestry Service at Ogden. Large shipper in eastern Nevada sending $10,000 bars to this office. Facts in detail by mail.

GAMMON, *Assayer.*

STATEMENT OF ASSAYER IN CHARGE.

The assay offices were created primarily to purchase gold and silver bullion and serve the immediate vicinity without the delay incident to shipping to a distant mint and waiting two weeks for a check on the United States Treasurer.

Salt Lake at one time melted, assayed, and purchased bullion amounting to $100,000 a month, when eight men were employed with an appropriation of $16,000 annually.

Now this office is down to two men (Mr. J. L. May and myself), with an appropriation of only $3,800 and earnings of about $1,000, leaving a net cost to the Government of only $2,800. This is very little to give to the mining public served by this office. Though we only purchased about $50,000 last year, the receipts are increasing.

The Director of the Mint has also requested that the office make ore assays for the prospector, such as lead, copper, zinc, iron, gold, silver, tin, and tungsten. This has met with the hearty approval of the prospector, and I receive ore assays from Arizona, New Mexico, Alaska, California, Nevada, Idaho, Montana, and Colorado. For this we make a charge of $1 a metal.

The argument might be raised that the Government is competing with the private assayer, but from talks that I have had with the members of eight assay firms here their business does not depend on work from the prospector, from whom they have so much trouble to collect. Their money is made from mine examination, samples, control samples (representing shipments to smelters), and smelter analyses. At any rate, this is not the only instance the Government has competed, as parcel post is in competition with the express companies, etc.

Also a point might be raised that when the offices were created that they were to be limited to melting, assaying, and purchasing gold bullion. Placer dust and grains and nuggets are merely high-grade ores, and it has always been the intention to handle such accumulations of the prospector.

If the geographical location of Salt Lake could be considered as a railroad center and equidistant from the mints of Denver and San Francisco, the proper and sane thing to do for economy's sake would be to abolish all the other minor assay offices and make Salt Lake the central and geographical assay office.

All the other assay offices have their own buildings to keep up, and are expensive in the way of heating, lighting, and the expense of employing watchmen, etc.

Of course, other States wish to keep their offices, and probably such facts could not be used against them.

This office has no watchman, and the contingent fund of $500 is ample for supplies, chemicals, etc., being favorably situated in the post-office building.

Even if this office was purchasing bullion to the value of $40,000 a month, or at the rate of $500,000 a year, which would seem a good showing to the Appropriation Committee, yet the earnings the office

would be credited with—about $700—would be little greater than earnings from ore assays this calendar year ($514), which I expect to double the coming year. Ore assays to the prospector are what the Agricultural Department is to the farmers.

The Director of the Mint has directed the minor assay office to ship bullion by parcel post, which has meant a saving of 75 per cent over the old method of shipping by express.

The Winnemucca gold mines, of eastern Nevada, and C. J. Smith, of Blair, Idaho, have decided to send all their bullion to this office, as it is a more convenient railroad center. This amounts to $10,000 a month at least, if not more.

The CONGRESSIONAL RECORD of a year ago had a statement that I myself did not perform any work, which is untrue, as I not only do all the bullion and ore assaying but keep and check certain records and do all the typewriting since they eliminated my clerk.

CHAS. GAMMON, *Assayer.*

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, December 13, 1916.

Hon. JAMES H. MAYS,
House of Representatives.

MY DEAR MR. MAYS: In reply to your letter of December 12:

The interest of the Geological Survey in the various Government mints and assay offices is mainly in the records kept of gold and silver deposits from mining operations in the respective territories served by them and in other information received relative to those operations. In the work of official compilation of gold and silver statistics the Bureau of the Mint and the Geological Survey cooperate, both in Washington and in the western mining States. Detailed data from these various Government assay offices have in the past been of assistance to the survey in this respect. It is understood that from the standpoint of the Bureau of the Mint some of these offices have in the past been run at a loss; that is, their working profits were exceeded by their expenses. This is true of many Government institutions, of course, for many are not expected to show cash profits at all. It seems to remain a question whether the continuance of the western assay offices at relatively small expense, perhaps, is not justified from the standpoint of Government interest and encouragement of the local mining industries served. Those offices are purchasers of bullion and make assays for the mining public, I understand, and there is a prevailing tendency to consider a Government assay as final beyond dispute. In these times of greatest activity among the mining districts and of increased output, therefore, the continuance of the offices may possibly be justified on the score of their local convenience as purchasers of bullion and because of their facilities for making assays.

In conclusion, the survey is not in a position to advise definitely the continuance or abandonment of the two assay offices mentioned, but must confine itself to the fact that in the statistical part of its work it has found the records of these offices of some assistance.

Yours, very truly,

GEORGE OTIS SMITH,
Director.

Mr. BYRNS of Tennessee rose. [Cries of "Vote!" "Vote!"]

Mr. BYRNS of Tennessee. Mr. Chairman, I hope, notwithstanding their evident eagerness to vote money out of the Treasury, gentlemen will at least accord to me the right to make a statement. There may be some gentlemen upon the floor who hold that it is not a serious matter to vote money for offices which the Director of the Mint says are unnecessary. But I insist that the RECORD shall at least show exactly what the Director of the Mint said, and let those gentlemen know that when they vote to retain this proposition they are acting not only contrary to his statement in the hearing, but contrary to the report which he made to the Secretary of the Treasury.

Mr. MAYS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. MAYS. Did the gentleman call any mining men who are interested in this section out there for a hearing?

Mr. BYRNS of Tennessee. We did not.

Mr. MAYS. Did the gentleman call the Chief of the Geological Survey?

Mr. BYRNS of Tennessee. We did not. The Chief of the Geological Survey, Mr. Chairman, has absolutely nothing to do with this office and no control over it, because it is under the Treasury Department. It has absolutely nothing to do with the Department of the Interior or the Geological Survey.

Mr. HOWELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Let me make this statement and then I will yield.

Mr. HOWELL. I just want to ask a single question, and that is, If the committee itself did absolutely ignore the suggestion of the Director of the Mint in providing for any assay offices?

Mr. BYRNS of Tennessee. No; the committee has not ignored the suggestion of the Director of the Mint.

Mr. HOWELL. And they are voting money out of the Treasury directly contrary to the advice of the Director of the Mint?

Mr. BYRNS of Tennessee. I do not understand the gentleman.

Mr. HOWELL. Is not the committee itself directly ignoring the opinion of the Director of the Mint as to these assay offices?

Mr. BYRNS of Tennessee. On the contrary, we are not; we are acting now in exact accord with his written report made to Congress.

Mr. HOWELL. Did not he say to the committee, as far as he was concerned, the assay offices perform no useful function and ought all to be abolished?

Mr. BYRNS of Tennessee. He said that if he rested under the oath and obligation under which the gentleman from Utah and myself rest as Members of this House, he would vote to abolish them; and yet the gentleman from Utah a moment ago voted to retain the assay office at Deadwood.

Mr. HOWELL. But the chairman of the committee has already laid great stress upon the advice of the Director of the Mint, and I was trying to show that the committee did not place so much reliance upon the recommendation of the director in some of these cases, but, instead, it sought to make invidious discrimination, striking out one or two offices and providing for all the rest.

Mr. BYRNS of Tennessee. The Committee on Appropriations has brought in a report here on one or two occasions, and a majority of the House voted with that committee to abolish those offices, and the gentleman from Utah stood upon the floor and vigorously, if I remember correctly, opposed the action of the committee in undertaking to abolish them.

Now, Mr. Chairman, in all good humor but in perfect seriousness, I want to say that the Committee on Appropriations did not act without consideration in this matter. The gentleman from Utah [Mr. MAYS] said that we did not send to Utah and have some miners come down here and testify before us as to whether this assay office was necessary. I submit, Mr. Chairman, that if there is any person in the world who ought to know and ought to be informed as to the advisability of this assay office it is the Director of the Mint, the man charged with the duty of administering the assay office, and the man who rests under the duty to inform the Congress and the country as to its operation.

I am going to appeal to the Democrats on this side of the House and ask them if they are going to vote for this, notwithstanding the fact that the Director of the Mint said that we ought to abolish the office? It is no more to me than to you, gentlemen. In standing here I am representing what I believe to be right and in the interest of economy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Now, what does the Director of the Mint say? He says:

> A third recommendation is that the assay office at Salt Lake City, Utah, be discontinued. The deposits of bullion there are so few and small and the size of the office force so inadequate for business of serious proportions should it be offered, that I can see no need of maintaining it.

Mr. MAYS. Will the gentleman yield?

Mr. BYRNS of Tennessee. Not now, but I will yield in a few minutes.

Now, more than that, Mr. Chairman, let us see what the business is at that office. There were 147 deposits for the year ending June 30, 1916. Now, what was their value? The gentleman from South Dakota [Mr. GANDY] spoke a few moments ago in regard to the Deadwood assay office, and commented upon the fact that the deposits at Deadwood were $661,000, and gave you that as the reason why the office should be discontinued.

At Salt Lake the value of the deposits last year was $48,722.28, the coining value of the deposits of bullion that were carried there. Now, what was the income? Listen to this: The income derived from the Salt Lake assay office was $908.69. And what was the outgo? The outgo was $3,844.59.

Gentlemen, there is the record. And I say it is of no more importance to me than it is to any one of you. You rest under the same obligations that I do, and if you care to vote it in it is all right with me. But I have done my duty in presenting the facts to you. I simply wanted you to know that when you vote to retain this office, as a majority of you seem determined to do, that you are doing so in defiance of the report and recommendation of the Director of the Mint, the regular and sworn officer whose duty it is to look after these assay offices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. MAYS].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BYRNS of Tennessee. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 24.

So the amendment was agreed to.

Mr. MAYS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GANDY. Mr. Chairman, I make a similar request.

The CHAIRMAN. The gentleman from South Dakota makes a similar request. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I wish to ask unanimous consent to extend in the RECORD my remarks on the Subtreasury this morning.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend in the RECORD the remarks which he made on the Subtreasury this morning. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I desire to make the same request.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] also asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Office of the Chief of Staff: Chief clerk, $2,250; clerks—3 at $2,000 each, 6 at $1,800 each, 9 at $1,600 each, 12 at $1,400 each, 16 at $1,200 each, 10 at $1,000 each; captain of watch, $900; 3 watchmen; gardener, $720; packer, $840; chief messenger, $1,000; messenger; 17 messengers, at $720 each; laborer; 2 laborers, at $600 each; 5 charwomen; in all, $101,210.

Mr. DENT. Mr. Chairman, I reserve a point of order on that item.

The CHAIRMAN. The gentleman from Alabama reserves a point of order on the item.

Mr. DENT. I would like to ask the chairman of the committee if this item has heretofore been carried in this bill?

Mr. BYRNS of Tennessee. It has not.

Mr. DENT. It has been carried in the Army appropriation bill?

Mr. BYRNS of Tennessee. Not in this form. The clerks appropriated for have been carried in the bill, though not in this form.

Mr. DENT. Substantially in this form?

Mr. BYRNS of Tennessee. Not by any means.

Mr. DENT. I think the gentleman is mistaken about that.

Mr. BYRNS of Tennessee. I do not think the form in which it is carried in the Army bill conforms at all to the paragraph in this bill.

Mr. DENT. Well, Mr. Chairman, I make the point of order.

Mr. STAFFORD. Will the gentleman reserve his point of order?

Mr. BYRNS of Tennessee. Let him make it.

Mr. STAFFORD. Will the gentleman reserve the point of order for a statement?

Mr. DENT. I will.

Mr. STAFFORD. Mr. Chairman, during the consideration of the Army appropriation bill last year, when this item was reached in that bill, I took occasion to ask the then chairman of the committee whether he would have any objection to having these clerks carried in the legislative, executive, and judicial appropriation bill. The then chairman, Judge Hay, admitted that they were properly departmental clerks, and as the item had from the first been so segregated as to separate the departmental from the field clerks he recognized and approved the idea of having them carried in the legislative, executive, and judicial appropriation bill.

Of course the opinion of Judge Hay is not binding upon the present chairman of the Committee on Military Affairs, and yet his opinion is worthy of consideration as to the administration not only of the War Department but of the Army service, and also the departmental service here in Washington. It was his judgment that these clerks were necessarily a part of the departmental service, just as much as any other bureau clerks in the War Department.

Can the gentleman advance any good reason why they should not be included in the legislative bill, in consonance with good legislation?

Mr. DENT. I will answer the gentleman. I do not recall that the former chairman of the Committee on Military Affairs made that concession. I was not aware of it until the gentleman made his statement. I have the greatest respect in the world for any opinion that the former chairman of the committee entertained, and am disposed to follow it. I repeat, I do not recall that he made that concession, but I know, as a matter of fact, that these clerks are subject under the law to be carried by the Chief of Staff anywhere out into the field at any time. They are not localized clerks here in the District of Columbia. The Chief of Staff can take them anywhere he wants to in the field.

Mr. STAFFORD. Where are they now employed in fact, and where have they been employed in fact?

Mr. DENT. They are in point of fact employed here, but at any time when the Chief of Staff desires to take them somewhere else he has the right to do so.

Now, Mr. Chairman, this identical question was decided in the House in 1904, shortly after the office of Chief of Staff with its clerks was created by the act of 1903. Mr. UNDERWOOD, of Alabama, who was then a member of the Committee on Appropriations of the House, made a point of order against the appropriation brought in by the Committee on Military Affairs carrying this identical item.

Mr. STAFFORD. Right at that point——

Mr. DENT. Let me finish the statement. He made the point of order that this item ought to be appropriated for by the Committee on Appropriations instead of the Committee on Military Affairs. Mr. OLMSTED, of Pennsylvania, was Chairman of the Committee of the Whole, and he rendered an opinion that this item should be included in the Army appropriation bill instead of the legislative bill, reported by the Committee on Appropriations; and ever since 1904 this item has been carried in the Army appropriation bill instead of in the legislative, executive, and judicial appropriation bill.

Mr. STAFFORD. Can the gentleman inform the committee whether, at the time Mr. UNDERWOOD made that point of order, the paragraph was the same identical paragraph, or was it in fact as it was prior to last year's Army appropriation bill, different, and included the Army field force?

Mr. DENT. No. It was practically the same.

Mr. STAFFORD. Oh, "practically"; yes.

Mr. DENT. It was practically the same.

Mr. STAFFORD. If the gentleman will examine the item to which Mr. UNDERWOOD raised the objection, he will find that it carried field clerks. They are a part of the Army appropriation bill.

Mr. DENT. The point of order was not overruled at that time on that point, but it was because the clerks and employees of the Chief of Staff were subject to removal to the field by the Chief of Staff at any time, and therefore they were subject to Army regulations.

Mr. STAFFORD. Where is the gentleman's authority for the statement that these clerks are subject to be removed with the Army into the field?

Mr. DENT. It is under the law.

Mr. STAFFORD. I question that—that there is any such law, with all due deference to the gentleman's position as chairman of the Committee on Military Affairs. The Chief of Staff has the right to detail the field clerks, it is true.

Mr. DENT. In order to bring this matter to a point, Mr. Chairman, I simply want to know where the Committee on Military Affairs stands on this proposition. We have had the Quartermaster General before us on this very subject. We have gone over it, and I do not want to duplicate the work, and I have no desire, so far as I am concerned, to have an Army bill brought in here larger than I can possibly help in order to carry out the law. I am perfectly willing for some other committee to take that responsibility. But I call the attention of the chairman to the fact that in volume 4 of Hinds' Precedents, section 4182, this identical question was decided in 1904, and ever since then this provision has been carried in the Army appropriation bill, and not in the legislative bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call the attention of the Chair to volume 4, page 700, of *Hinds' Precedents*. I just want to read a portion of it. I read:

4033. The jurisdiction of the Committee on Appropriations over appropriations as related to the jurisdiction of other committees having the power of reporting appropriation bills.

The services of the departments in Washington, except the Agricultural Department, are appropriated for in the legislative, executive, and judicial bill, which is reported by the Committee on Appropriations.

While the Committee on Appropriations has jurisdiction to report appropriations, the power to report legislation authorizing appropriations belongs to other committees.

In general, the Committee on Appropriations has jurisdiction of appropriations for all the offices and clerkships in the departments of the Government in Washington.

I am sure that no one will deny that that holding is not supported by all the authorities. Reading again from page 701 of Hinds' Precedents:

While the Committee on Military Affairs report the Army appropriation bill and Military Academy appropriation bill, and also all legislation authorizing new military posts, military parks, new arsenals, soldiers' homes, etc., yet the Committee on Appropriations has jurisdiction of a range of appropriations relating to the Military Establishment. Thus, appropriations for machinery, care, preservation, improvements, etc., of armories and arsenals, for military posts, for military parks, and for the National Home for Disabled Volunteer Soldiers are pro-

vided by the Appropriations Committee. Fortifications are, by rule, within the jurisdiction of the Appropriations Committee.

And the same is true of the jurisdiction of the Committee on Appropriations with reference to the appropriations for the Naval Committee.

Now, Mr. Chairman, the gentleman from Alabama has called your attention to a decision rendered in 1904, on page 773 of volume 4, Hinds' Precedents. I want to call the attention of the Chair to the fact that that decision was rendered on an item which provided—

for pay to clerks and messengers at headquarters of divisions and departments and office of the Chief of Staff.

Naturally, there was no way for the Chair or anyone else to segregate the clerks who were going to be employed here in Washington under the office of the Chief of Staff from those who were going to be employed as clerks and messengers at headquarters of divisions in the field, and that was the theory upon which the Chair went at that time. Now, that does not obtain at this time, Mr. Chairman, because the whole situation has been changed. The method of making the appropriations has been changed.

The CHAIRMAN. The Chair would like to ask the gentleman this question: Is there any law providing that the Chief of Staff shall keep his office in Washington?

Mr. KAHN. I can answer that question.

The CHAIRMAN. The Chair thought probably the gentleman in charge of the bill could answer it.

Mr. BYRNS of Tennessee. Mr. Chairman, the last Army appropriation bill segregated the employees and provided for a number of clerks, messengers, and watchmen in the following form:

Clerks, messengers, and laborers, office of the Chief of Staff.

And under that heading set forth the appropriation that is sought to be made in this particular bill. Then it followed with a paragraph:

Clerks and messengers for headquarters of the several territorial departments, districts, divisions and brigades, and service schools.

And under that heading set forth the number of clerks and messengers who were to be employed in the field.

Therefore, I say that it must appear to the Chair that these clerks and these messengers and these watchmen are to be employed here in the city of Washington, and that this is a matter for the legislative, executive, and judicial appropriation bill.

The CHAIRMAN. The Chair will again ask the gentleman whether there is any law which provides that the Chief of Staff shall keep his office in Washington or whether it may be moved to other places?

Mr. BYRNS of Tennessee. He is here now. His office is in the War Department.

The CHAIRMAN. If the occasion should require to-morrow, could he move his headquarters from Washington to some other place, and carry with it the different clerks and other employees provided for in this bill?

Mr. BYRNS of Tennessee. His office is in Washington. Quarters are assigned to him in the War Department. His permanent place is here in the city of Washington.

Mr. DENT. If the gentleman will yield right at that point——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Alabama?

Mr. BYRNS of Tennessee. I yield.

Mr. DENT. There is a proviso carried in the last Army appropriation bill, and I do not know how far back it has been carried, and it is in the tentative bill that we are now considering, providing that these men may be moved from place to place.

Mr. BYRNS of Tennessee. Oh, I beg to differ with the gentleman. There is no such proviso in this bill.

Mr. DENT. I am talking about the Army appropriation bill.

Mr. BYRNS of Tennessee. I have the last Army appropriation bill here before me, and I beg to differ with the gentleman. There is no such provision as that. There is this kind if a proviso, which probably the gentleman refers to:

That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau of the War Department.

Mr. DENT. The gentleman did not read the first part of that provision.

Mr. BYRNS of Tennessee. I will read it:

Provided, That said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

That applies not to the clerks under the Chief of Staff, but to the Army and field clerks and clerks and messengers for the headquarters of the several territorial departments, districts, divisions and brigades, and service schools. I submit, Mr. Chairman, in all fairness, that that provision has absolutely no application to the paragraph preceding, which makes appropriation for clerks and messengers in the office of the Chief of Staff.

Mr. MANN. Will the gentleman yield again?

Mr. BYRNS of Tennessee. I yield.

Mr. MANN. What, then, does the proviso mean?

Mr. BYRNS of Tennessee. I do not understand the gentleman.

Mr. MANN. What, then, does the proviso to the proviso mean? Here is the first proviso, which relates to "said clerks," and so forth. Then there is a second proviso limiting the first proviso, the second proviso expressly naming the clerks in the office of the Chief of Staff. That proviso is a limitation on the first proviso.

Mr. BYRNS of Tennessee. The gentleman certainly would not contend that a proviso attached to one paragraph would apply to a preceding paragraph in the bill, without specifically saying so.

Mr. MANN. This proviso is not attached to any paragraph.

Mr. BYRNS of Tennessee. Oh, it is a part of that paragraph.

Mr. MANN. I beg the gentleman's pardon.

Mr. BYRNS of Tennessee. It is so printed.

Mr. MANN. Not at all. The proviso comes in as a separate paragraph, after the paragraph reading "for commutation of quarters and of heat and light." It follows as a separate paragraph, but referring back to the previous paragraph by saying "said clerks," and names specifically all of the offices to which the clerks belong, and one of them is the office of the Chief of Staff. There can be no question about that proviso.

Mr. BYRNS of Tennessee. I take it that the reason which actuated the committee in separating this force was the desire to provide commutation of quarters and heat and light. That is a further argument in favor of the position I am taking. It was desired, by making this separation, to provide commutation of quarters and heat and light for those clerks not employed in the city of Washington.

I take it the object of the Military Affairs Committee in undertaking to segregate these clerks and messengers required for headquarters in the War Department was for the purpose of giving to the field clerk commutation of quarters, heat, and light. I can see no other reason that could actuate the committee in segregating the force carried theretofore under general terms.

I contend that the decision cited by the gentleman from Alabama can have no application to the question here, because we are operating under a different form of appropriation entirely.

In addition to that, Mr. Chairman, the Chief of Coast Artillery, whose clerks were carried under the Army appropriation bills last year and the preceding year, has made his estimate and submitted it to the Committee on Appropriations, and it is contained in this bill. I can see no reason why, if those clerks are to be carried in this bill, these clerks here should not be carried in this bill also.

Mr. DENT. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DENT. The gentleman is bound to concede that the Chief of Staff can be ordered by the President or the Secretary of War anywhere he wants him to go throughout the continental limits of the country. Would the gentleman hold that he could not take his clerks along with him, his messengers, and people he had in his employ?

Mr. BYRNS of Tennessee. The President, of course, is the Commander in Chief, and he can always order the Chief of Staff to any point, but the gentleman does not mean to contend that he would take all of his clerks, his watchmen, and his messengers when ordered to some particular detail?

Mr. DENT. He may not take all, but he may take those he needs.

Mr. BYRNS of Tennessee. The law allows him to take all the field clerks and the headquarters clerks, but these are not field clerks or headquarters clerks.

Mr. TILSON. Mr. Chairman, I wish to call the chairman's attention to the act approved February 14, 1903, establishing the General Staff. That act prescribes the duties, the terms of service, the details, restrictions, and exceptions relating to the General Staff. It includes the duties of the Chief of Staff, but nowhere in that act does it locate or attempt to fix the office of the Chief of Staff in Washington. There was a purpose in that, because it might possibly become of prime importance or vital necessity that the Chief of Staff should remove his headquarters to some other place than Washington. If so, are we to have a Chief of Staff elsewhere without a clerical force to assist him, and at the same time to have a considerable clerical force in Washington with nothing to do? That would be the possible and logical result of the contention of the gentleman from Tennessee. There is nothing in the law that fixes the headquarters of the Chief of Staff in Washington, and the necessary clerical force

for those headquarters should not be provided for in a bill restricted to appropriations within the District of Columbia.

Mr. KAHN. Mr. Chairman, the gentleman from Tennessee [Mr. BYRNS] assumes that the Committee on Military Affairs segregated these clerks, because some of them were to be employed in Washington and some in the field. The gentleman is mistaken. Under the national-defense act the field clerks were given a new status. They were given commutation of heat and light in addition to their pay, and that is why they were segregated. But the national-defense act provided for new conditions in the General Staff. That act reads that—

Not more than one-half of all the officers detailed in said corps shall at any time be stationed or assigned to or employed upon any duty in or near the District of Columbia.

In other words, the national-defense act says specifically that not over one-half of the officers of the General Staff can remain here in Washington.

Mr. BYRNS of Tennessee. As a matter of fact, that has reference to the officers. With reference to these clerks, are they not all clerks employed in Washington, and have they not been employed here from year to year?

Mr. KAHN. I do not think so. They are doubtlessly subject to detail, to be transferred with the staff officers.

Mr. BYRNS of Tennessee. I wish the gentleman would point to some law that authorizes the detail of these clerks employed in the city of Washington and in the War Department to be detailed to the field.

Mr. KAHN. I think they have been doing that right straight along.

Mr. BYRNS of Tennessee. I would like the gentleman to furnish some law authorizing the detail. The bill carries an appropriation for field clerks.

Mr. KAHN. The field clerk does a specific work that is done by no other clerk, and the committee segregated him from the other clerks because the committee allowed him commutation of heat and light in addition to his pay. But, as I understand it, under the new law when the staff officers are sent away from Washington they will have to have clerical assistance, and these men will go.

Mr. BYRNS of Tennessee. Was not that the object in providing for the field clerks?

Mr. KAHN. No; field clerks have been in the department right straight along. It was the purpose of the committee to give them an addition to their pay, and the committee gave them heat and light. That is why they were segregated.

Mr. BYRNS of Tennessee. I would like the gentleman to show the law authorizing the detail of these clerks to the field service.

Mr. KAHN. I think that that has been the custom of the department right along.

Mr. FIELDS. Mr. Chairman, as bearing further upon the point made by the gentleman from California [Mr. KAHN] that not more than half of the officers shall at any time be on duty in the District of Columbia, I desire to submit this observation: As I understand it, these are the clerks and other employees of the Chief of Staff. The law specifically provides that not more than half of the officers of the Chief of Staff may at any time be on duty within the District of Columbia or near thereto, but under the law more than half of them may be detailed to the field service. Therefore one-half of them or more could at all times be in the field service, which would properly be field clerks, and I think that the War Department in submitting the list of estimates so classifies them. In that part of the list of estimates submitted, under which the Committee on Appropriations is operating, this item carrying these clerks does not appear, but on page 300 in the list of items of the Military Establishment, the list under which the Committee on Military Affairs is operating, this item carrying these clerks does appear. Therefore it is clear to my mind that the list submitted by the War Department supports the contention of the gentleman from Alabama [Mr. DENT], the chairman of the Committee on Military Affairs.

Mr. BYRNS of Tennessee. The gentleman does not intend to argue that, because the War Department has seen fit to follow the course always followed and submit its estimate to the Committee on Military Affairs for these clerks, that very fact is any reason why they should be carried in the military rather than in the legislative, executive, and judicial appropriation bill? That is a matter which must be decided by the rules of the House.

Mr. FIELDS. That is true, but the War Department understands the rules of the House, and I would consider the War Department good authority on the question as to whether or not these clerks belong permanently within the District of Columbia, and the point I am making is that the War Department has not classified them as District clerks.

Mr. BYRNS of Tennessee. I do not think we are prepared to permit the War Department to construe the rules of the House with reference to appropriations or any other matter that may come before us. I want to ask the gentleman another question—if the Chief of Coast Artillery is not a part of the office of the Chief of Staff?

Mr. DENT. Oh, no; he is not.

Mr. BYRNS of Tennessee. I was under the impression that he was.

Mr. FIELDS. No; I have the law before me. It is perfectly plain.

Mr. BYRNS of Tennessee. The reason I asked the question is this. In the national-defense act I read this:

And the Chief of Coast Artillery shall be an additional member of the General Staff Corps and shall also be adviser to, and informant of, the Chief of Staff in respect to the business under his charge.

I think that would make him a member of the office of Chief of Staff.

Mr. DENT. No more than any other person is adviser to him.

Mr. BYRNS of Tennessee. But it says that he shall be an additional member of the General Staff Corps, and the gentleman from California [Mr. KAHN] was just reading the law and arguing the proposition that the Staff Corps should not be permitted to stay in one place more than a certain period of time. I submit that if the Chief of the Coast Artillery is a member of the Staff Corps, and this law seems to clearly indicate that his clerks are appropriated for in this bill, then the War Department, upon which the gentleman from Kentucky [Mr. FIELDS] so confidently relies, is on record as saying that his force should be properly carried in this bill.

Mr. FIELDS. I read from the law, section 5 of the defense act of June 3, 1916, as follows:

The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line; two assistants to the Chief of Staff, who shall be general officers of the line, one of whom, not above the grade of brigadier general, shall be the president of the Army War College; 10 colonels; 10 lieutenant colonels; 15 majors; and 17 captains, to be detailed from corresponding grades in the Army, as in this section hereinafter provided.

And paragraph 2 of the section continues:

Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia.

Which proves conclusively to my mind that this is a field and not a District organization. Therefore, I maintain that the point of order should lie.

Mr. STAFFORD. Mr. Chairman, the question for the Chair to decide is whether these clerks are connected with the War Department or any bureau thereof here in Washington or whether they are connected with some service in the field. Under the rules of the House if they are connected with the departmental service they must necessarily be included as a part of the legislative, executive, and judicial appropriation bill, for certainly the authority conferred by the rules on the Committee on Military Affairs gives it no jurisdiction so far as these clerks are concerned if they are connected with the bureau here in Washington. The authority of that committee is limited under the rule, as follows:

To the Military Establishment, the militia, and the public defense, including the appropriations for their support and for that of the Military Academy, to the Committee on Military Affairs.

Last year for the first time in the Army appropriation act, as is confirmed by the CONGRESSIONAL RECORD, when this item was under consideration, the clerks connected with the Chief of Staff, so far as the department is concerned, and the clerks connected with the Chief of Staff, so far as the field service is concerned, were separated. I direct the attention of the Chair to the compilation of the appropriation acts of the last Congress, pages 58 and 59. On page 58, under the heading "Clerks, messengers, and laborers, office of the Chief of Staff," are included those clerks now carried in this item, and it was admitted last year by the chairman of the Committee on Military Affairs that the clerks connected with the Bureau of the Chief of Staff were properly a part of the legislative, executive, and judicial appropriation bill. Then follows the next paragraph, which for the first time segregated those Army field clerks under the title "Clerks and messengers for headquarters of the several territorial departments, districts, divisions, brigades, and service school," to which are attached the provisos which have been called to the attention of the Chair by the chairman of the committee, Mr. BYRNS, and by the gentleman from Illinois [Mr. MANN]. That second provision adverted to by the gentleman from Illinois in no wise militates against the position of the Committee on Appropriations that these field clerks may be in the judgment of the Chief of Staff delegated from field duty to the bureau here, and that is all the effect of the last proviso. Is there any-

thing in the law creating the office of the Chief of Staff suggesting a different construction? I have here the act referred to by the gentleman from Connecticut [Mr. TILSON], and other gentlemen who have participated in the debate, of February 14, 1903. That act creates the office of the Chief of Staff, but there is nothing in that act which shows that the Chief of Staff shall not have his office here in the city of Washington.

His office has certain duties to perform, just like the office of the Bureau of Naval Operations. The work of that bureau extends entirely out in the field, and yet they have the office here in Washington. Why, the President of the United States, as Commander in Chief of the field forces, can detail the Secretary of War, can detail the Secretary of the Navy, or any of these officers who are assigned to departmental work, out into the field, but departmental officials connected with the executive branch of the Government are rightly carried in this bill. To confirm that position I would direct the Chair's attention to this phraseology of this act creating the office of the Chief of Staff to show it was the intention of Congress that this bureau should be established here. I direct the Chair's attention to part of section 3, which is as follows——

The CHAIRMAN. What is the gentleman reading from?

Mr. STAFFORD. Section 3 of the act creating the office of Chief of Staff:

All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps officers may be temporarily assigned to duty with any branch of the Army.

That is the rule applicable in the Navy Department. The law says they may be assigned to duty only in connection with these bureaus for four years, and that very idea was carried out by Congress in creating this office of Chief of Staff.

Great stress is laid by the chairman of the Military Committee on the decision of Mr. Olmsted, but that decision, instead of upholding his position, upholds the position of the Committee on Appropriations. Mr. Olmsted could not do less than decide in favor of the Committee on Military Affairs, because that was before these clerks were divided into departmental clerks and field clerks, and the phraseology which is referred to by Mr. Olmsted in that opinion shows that they were governmental clerks connected with divisions in the field. I read to the Chair from the opinion of Mr. Olmsted:

Each head of a department is authorized to employ in his department such number of clerks as the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Salaries for such clerks and employees are properly carried in the legislative and not in the Army bill. As to what constitutes a "department," I call the attention of the Chair to an opinion of the Attorney General of the United States directly in point. It is found in Opinions of the Attorney General, volume 15, page 267, and reads as follows:

The several executive departments are by law established at the seat of government. They have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these departments which are constituted such by the law of the organization.

And this is a bureau; there is no question about that. The gentleman from Alabama [Mr. DENT] admits that these clerks are employed in a department here in Washington. The gentleman admits that.

Mr. DENT. The gentleman admits what?

Mr. STAFFORD. The fact that they are here in Washington. It is true they have been paid for out of the Army appropriation bill, because they were bulked with the Army field clerks, but last year for the first time they were segregated so that the proper committee could take legislative authority over them.

Mr. DENT. The gentleman stated what, he claims, I admitted. Indeed, I do not admit clerks in the office of the Chief of Staff are clerks in a bureau, for my contention is that the Chief of Staff is not a bureau, and that is exactly what Mr. Olmstead decided.

Mr. STAFFORD. You may call it a division, or call it what you will, the fact remains the gentleman admitted without any question or quibble that they were assigned to work here in the District of Columbia. You may call it a bureau or call it a division or a department or an establishment, but the fact is they are employed here in Washington.

Mr. TILSON. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. TILSON. But the gentleman does not contend they could not be removed from here to-morrow if it was desired to have them removed to Baltimore or Seattle or to wherever they wished to remove them?

Mr. STAFFORD. I do. There is no authority of law authorizing their deportation out of the District of Columbia.

Mr. TILSON. Does the gentleman contend there is anything that established the Chief of Staff's office in Washington?

Mr. STAFFORD. The fact remains it is here, and there is no authority of law that shows it is established anywhere else. Being here as part of the War Department and with officers detailed under the act originating the Chief of Staff shows that it was intended that it should be here. Of course, the Chief of Staff himself may go out in the field when the exigency arises, like the Secretary of War, or any admiral connected with the bureaus of the Navy Department. Now, if the Chair please, going on with this decision, it says:

The words embraced in lines 13, 14, and 15, on page 6, "And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve," would if introduced for the first time in this bill be open to objection, but it appears to be the identical language which is in the existing law, the Army appropriation bill of last year.

Mr. Olmsted held:

This paragraph appropriates "For pay to clerks and messengers at headquarters of divisions and departments and office of the Chief of Staff."

There is mixed up in that amendment provision for clerks out in the field. We do not contend for one minute if the amendment in this bill provided for clerks at divisions that it would be permissible for the Committee on Appropriations to incorporate them into this bill; but it is admitted by Mr. DENT that they are connected with the Chief of Staff, who has his headquarters here, a fact which is admitted and acknowledged, and they are performing work just like the Bureau of Navigation and other bureaus of the Army and Navy. So we respectfully contend that they are part of the legislative bill.

The CHAIRMAN. The Chair would like to ask the gentleman what is the difference between the commanding general of the Army and the Chief of Staff?

Mr. STAFFORD. Only that the Chief of Staff is subject to the orders of the Commander in Chief of the Army.

The CHAIRMAN. Could not the commanding general and the Chief of Staff be one and the same person, and are they not one and the same person in the event of war?

Mr. STAFFORD. No. Under the Constitution the President is commanding general of the military forces of the country, and, of course, we could not vary a constitutional provision by any legislative enactment.

Mr. TILSON. Will the gentleman yield for an interruption?

Mr. STAFFORD. Yes.

Mr. TILSON. I understand the Chairman to refer to what was formerly the commanding general of the Army, whose duties by this particular act were passed over to the Chief of Staff, whose duties very largely become the duties of the Chief of Staff, and are to-day?

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. STAFFORD] agree to that statement?

Mr. STAFFORD. I am not acquainted with the history of the merger of these two services. I do not know where the commanding general had his headquarters prior to the enactment of this law. I only know that the Chief of Staff has his headquarters here in Washington, just as the head of the respective bureaus of the Navy Department and the War Department. The head of the Bureau of Ordnance, Gen. Crozier, has his office here, and yet his work applies to all the arsenals throughout the country.

Mr. SISSON. Mr. Chairman, every officer of the United States Army may be detailed, and if the Chair will get this idea I think he will find a difference between the detail of officers and detail of clerks. Now, any officer of the United States Army is subject to detail at any time, either in Washington or in the field. You could take Gen. McCain, The Adjutant General of the Army, and he is subject to detail at any time, but his clerks are not, nor any clerk in that department. So you can take every bureau of the War Department presided over by an Army officer, and it is subject to detail. If you will read all those provisos, Mr. Chairman, there is a general statute providing that they can not detail men here in the office in Washington to the field, though men in the field, under the general statute, may be detailed here to Washington.

Now, as to the Army field force. In order to make it more mobile it is provided that the field force may be detailed to come to Washington, and when they are detailed to come to Washington to perform certain functions they do not lose their post as field clerks; but all of those employed here permanently, as the force here in the city of Washington and not the field force, is the force that we are contending is carried regularly in this bill under the rules of the House. But the provisos

permit—and it is necessary to have that proviso there—that in the reorganization of the Army the field force can be brought to Washington, and then be taken back. But that is not true as to any permanent force in any department. Any force in the War Department that is maintained here must stay here. That is for the purpose of keeping segregated the items of appropriation in reference to pure administrative matters here in the city of Washington, and the field operations of the Army or the field operations of the Post Office Department or the field operations of the revenue department and all other departments of the Government.

So, Mr. Chairman, in the appropriation bill itself these items are kept absolutely separate although presided over by the same committee, for the reason that you want to keep the purely administrative force here in Washington separated from what may be a field force. So the right contended here to have the field force sent into the city of Washington by detail does not mean that that applies to the regular force here in the department. And since these regular clerks have been segregated here, doing the official work here in the office of the Chief of Staff, they ought to be carried in this bill, and all the field force is carried in the other bill.

I want to call your attention to another statute in reference to naval operations. And, by the way, they have been trying practically to get some kind of organization. Now, in naval operations they were kept separate. It says:

There shall be a chief of naval operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet, and with the preparation and readiness of plans for its use in war: *Provided*, That if an officer of the grade of captain be appointed chief of naval operations, he shall have the rank, title, and emoluments of a rear admiral while holding that position.

Now, this officer in the Navy occupies identically the same place in the organization of the Navy that the Chief of Staff occupies in the organization of the Army. That field force is called upon to make reports to this office here of all of their doings in the field, and the purpose of this force is to keep straight all of the accounts, all of the orders, the whereabouts of all the officers in the Army, just as this force keeps up with the whereabouts of the Navy. Therefore, this head of the Army has an office here, and with that office he has nothing to do, and you do not give him the right to tear up his permanent organization here, the duty of which is to keep perfectly straight the accounts of all the officers in the field. That is the rule that prevails in the Army and should prevail in the Navy. And as they separated the clerks from that item in the appropriation bill under the rules of the House, they should be carried as a part of the force here in the city of Washington. That is the contention that they made here, and if the Chair will take the law and read it he will find it runs clear through the Army and Navy. You may say that the Army and Navy officers should do that. It is not their duty to see that it should be done; it is the duty of Congress to see that it is done, and then keep absolute track of the expenses in Washington and in the field. A great evil grew up some years ago, and it took a long series of rules in the House, and a great deal of legislation, to get those items separated. The reason that rule grew up is because of the line of demarkation that is followed in all of the departments.

The Post Office Department and the Revenue-Cutter Service and the Lighthouse Service and the Navy and in all the Army except the office of the Chief of Staff, where they keep the clerks in Washington mixed and mingled with the other clerks, that is the situation; and the Chairman of the Committee of the Whole House not being able to segregate them, was compelled to say that if those clerks were mixed together, he could not segregate the two kinds; but they are segregated, and the Chief of Staff of the Army should be dealt with just as the Chief of Staff of the Navy is dealt with.

The CHAIRMAN. In the discussion on the point of order to the provision carried in the Army bill in 1904, to which the attention of the Chair has been called by the gentleman from Alabama [Mr. DENT], the Chair finds this language employed: "That the Chief of Staff, under the law creating the office, took the place of the commanding general of the Army," and that whenever the commanding general of the Army is mentioned in either law, it applies to the Chief of Staff; and it says, "that where the commanding general of the Army or the Chief of Staff goes, he necessarily or naturally carries with him his chief clerk or the men who attend to those duties." The Chief of Staff is the headquarters of the Army whether he is located in Washington, New York, or El Paso. That being true, it would remove him from the ordinary cases where the office is by law located—in Washington. If a war should break out, naturally the Chief of Staff might need his chief clerk and might very necessarily carry the chief clerk as well as these other employees to the place wherever he establishes his headquarters. That being true, an appropriation being called for to maintain the Army, the question of jurisdiction would come up as to whether or not the Committee on Military Affairs, which is supposed to be composed of Members who have given special study and possessed of peculiar knowledge of military affairs—and I take it that that is true with respect to this committee—or the Committee on Appropriations, composed of Members who are not supposed to have given this special study to military questions, would have jurisdiction. The Chair thinks that the Committee on Military Affairs would be the appropriate committee and should have jurisdiction to handle in that event these appropriations.

In the decision to which the Chair is directed, rendered by Mr. Olmsted, that distinguished Chairman employs this language:

He is, speaking of the Chief of Staff, among other things, to "have supervision of all troops of the line" and to "perform such other military duties" as may be lawfully assigned him by the President. The Chair is of the opinion that he is not the head of a "department" within the meaning of the law and ruling of the Attorney General, but his relation to the War Department, so far as the bill is concerned, is of a character similar to that formerly sustained by the lieutenant general.

The proviso cited in the last appropriation bill, and to which the attention of the Chair has been directed, reading as follows:

Provided, That said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau in the War Department—

Certainly carries with it the idea that these places are not of a civil character, but are of military character, and the second proviso specially provides that these places "shall not be assigned to duty by the Chief of Staff in any bureau of the War Department."

The Chair is therefore of the opinion that the provisions herein contained, and which have been uniformly carried in the Army bill, are properly within the jurisdiction of the Military Affairs Committee and sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Office of Quartermaster General: Chief clerk, $2,750; principal clerks—5 at $2,250 each, 3 at $2,000 each; clerks—15 of class 4, 29 of class 3, 50 of class 2, 93 of class 1, 59 at $1,000 each, 10 at $900 each; advisory architect, $4,000; draftsmen—3 at $1,800 each, 7 at $1,600 each, 5 at $1,400 each; supervising engineer, $2,750; hydraulic and sanitary engineer, $2,000; civil engineer, $1,800; electrical engineer, $2,000; electrical and mechanical engineer, $2,250; marine engineer, $3,500; sanitary and heating engineer, $1,800; 6 messengers; 14 assistant messenger; 12 laborers; laborers, $600; in all, $410,340.

Mr. DILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. DILL: On page 69, line 6, strike out "12" and insert "13"; and strike out the words "laborers, $600"; and strike out "$410,340" and insert "$410,400."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on that.

Mr. DILL. Mr. Chairman, I think the point of order will not lie against this amendment, for the reason that we are simply increasing the number of laborers by one, and in the ruling of the Chair yesterday, which was as to a similar amendment regarding messengers, the point of order did not lie.

Mr. BYRNS of Tennessee. Mr. Chairman, the amendment on its face shows that it is nothing more nor less than an effort—and I do not think the gentleman from Washington will deny that—to increase the salary of this laborer from $600 to $660, and under the law, as fixed in the last appropriation bill, his salary is $600. The amendment on its face shows that.

Mr. DILL. The same may be true with respect to the messenger, for that matter, and the ruling yesterday was that an amendment providing for a new messenger was in order.

The CHAIRMAN. The Chair thinks that the point of order should be sustained. It increases the appropriation.

Mr. DILL. Then, Mr. Chairman, I move to strike out the last word, for the purpose of making some observations.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. DILL. I am not surprised that the chairman of the committee makes the point of order. In the light of the attitude of the committee regarding these low-paid employees, I may mention that I was reminded repeatedly yesterday in the discussion, by both the chairman of the committee [Mr. BYRNS of Tennessee]

and the gentleman from Iowa [Mr. GOOD], of the statement of Mr. Denning—I think that is his name—of the Post Office Department, to the effect that the salaries paid to Government employees are from 15 to 30 per cent higher than are paid to similar kinds of employees in private work. I have since taken occasion to read the statement of Mr. Denning, and on page 367 of the hearings I find that Mr. Denning, the man to whom the gentlemen of the committee was so glad to refer as an authority, recommends an increase in the pay of laborers from $660 to $720. And on page 373 he makes the statement that he believes that $720 is the lowest wage upon which a man can live in this city.

Now, I take it that the position of the committee was that if a man received $660 a 10 per cent increase would bring him up to the $720. But such an argument can not be made in explanation of retaining laborers at $600, because the 10 per cent increase will only bring them to the $660 limit. Yet the committee insists upon holding these and other laborers down to the $600 standard. If the gentleman from Iowa and the gentleman from Tennessee, who were so willing to support their position yesterday on the testimony of Mr. Denning, who had made these investigations, believe his argument good then, they should be willing to accept his other statement now.

Mr. Chairman, considerable was said in the discussion to the effect that private employers are not paying any more than the Government, or not paying as much. When you propose to raise the wages of a poorly paid Government employee, the argument is always made that the private employer does not pay as much; and the private employer points to the Government as proof conclusive that he should not pay any more, and in that way both of them manage to keep these wages down.

The CHAIRMAN (Mr. FOSTER). The time of the gentleman from Washington has expired.

The Clerk read as follows:

Office of Solicitor: Solicitor, $4,000; law clerks—1 $2,500, 1 $2,250, 2 at $2,000 each; clerks—1 of class 4, 2 of class 3, 1 of class 2, 1 $840; messenger, $600; in all, $20,590.

The CHAIRMAN. The Chair begs to call the attention of the chairman of the committee to a typographical error in line 23, page 76, where the dollar mark is transposed.

Mr. MANN. And there is another typographical error in line 8, page 73, where the word "adjacent" is spelled with two "d's."

Mr. BYRNS of Tennessee. I ask unanimous consent that the Clerk correct those errors.

The CHAIRMAN. Without objection, they will be corrected.

There was no objection.

The Clerk read as follows:

Pension Office: Commissioner, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; qualified surgeon, $2,000; 11 medical examiners, at $1,800 each; 8 chiefs of divisions, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 39 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 11 assistant chiefs of divisions, at $1,800 each; 3 stenographers, at $1,600 each; disbursing clerk for the payment of pensions, $4,000; deputy disbursing clerk, $2,750; 3 supervising clerks in the disbursing division, at $2,000 each; clerks—97 of class 4, 89 of class 3, 259 of class 2, 328 of class 1, 69 at $1,000 each; 39 copyists; 28 messengers; 10 assistant messengers; skilled laborer, $660; 9 messenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; painter and cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 19 watchmen; 2 firemen; in all, $1,434,470.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 93, in line 8, strike out the words "qualified surgeon, $2,000" and insert in lieu thereof "two qualified surgeons, at $2,000 each"; and in the same line strike out "eleven" and insert in lieu thereof "ten"; and on page 94, in line 3, strike out the sum "$1,424,470" and insert the sum "$1,424,670."

The amendment was agreed to.

The Clerk read as follows:

For rent of buildings and parts of buildings in the District of Columbia, $36,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. In last year's legislative appropriation act a provision was carried in the following language:

The Attorney General is authorized to enter into a contract for the lease of a modern fireproof office building for the use of the Department of Justice, for a period not exceeding five years, renewable at the option of the Government for an additional period not exceeding five years, at an annual rental not exceeding $36,000, and a rate per annum per square foot of available floor space not to exceed 36.3 cents.

A similar provision was carried in the act authorizing the Secretary of Labor to enter into a like contract.

When the hearings were had this year, to my amazement I found that the Department of Justice had failed absolutely to carry out the clear mandate of Congress in entering into a lease for a period of five years without any option for an extension of five years. The lease for the new building was for the period of five years with the right to terminate it at the end of any year. You would have thought that if there would be a department of the Government that might be at fault in carrying out the clear language expressive of the intention of Congress it would be some other department than the Department of Justice. The Department of Labor had no difficulty in determining what was the intention of Congress in that clear language. The purpose of Congress was that there should be a lease not only for the term of five years, but that at the expiration of that time if it was found advisable and for the best interests of the Government to renew that lease for another five years, the department should have that right, and not be at the risk of being held up by the lessor.

I have no question with the department as to the rental that is paid for this new building or the character of the building. I do criticize the Department of Justice for acting directly contrary to the mandate of Congress, when it deliberately stated its policy so far as this lease was concerned. What was the purpose of Congress in providing that this lease should contain an option of renewal for five years? We all know that when these real estate owners get a department into a building, at the end of the first term of years they increase the rental. That has been the case with any number of these privately owned buildings. And yet we find the Department of Justice going directly contrary to the express will of Congress.

No excuse is given, none whatever, for this infraction of law; no language could be clearer than that which the House adopted last year. Perhaps the Attorney General may have been engaged during that time in campaigning about the country and did not have time to give his attention to this requirement of Congress. But even if the Attorney General did not have time to attend to this authorization, you would think that there would be some assistants, or even clerks, attached to the Department of Justice who would be able to interpret clear language and carry out the intendment of the law. They offer no excuse whatever.

I am taking this occasion to call the attention of the House to the matter, so that when the lease expires in five years, if the owners of the building should hold up Congress by charging an exorbitant rental for extension of the term, the fault will not lie with the Committee on Appropriations, but will be laid at the door of the Department of Justice.

Mr. BYRNS of Tennessee. Mr. Chairman, the chief clerk of the Department of Justice stated that under the contract made for this building the Government will only be required to pay 33½ cents per square foot of space. The rent is no greater than that which was paid for the several old buildings occupied by the Department of Justice, and which had less space. It is a better rental rate than has been made by any department of the Government, so far as I know. Some are paying 40 and 50 cents per square foot. I think it is a favorable rental contract, when you take into consideration what other departments are paying per square foot.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. STAFFORD. What apology has the gentleman to offer for the Department of Justice refusing to follow the clear mandate of Congress in the terms of the lease?

Mr. BYRNS of Tennessee. I am not offering any apology for the Department of Justice in failing to make a contract giving the Government an option for a lease for an additional five years, except to say that it is well known that the Government intends to erect a building for the Department of Justice. That matter has been under discussion for several years, and I think it is generally expected that before the five years have expired such a building will be erected by the Government, and the Department of Justice will not need to occupy the present building. Now, taking into consideration that fact, the Department of Justice has gone further than Congress required it, and has made a rental contract which will protect the Government and prevent it from having to pay a continuing rent at the end of any one year. So if the Government does decide to erect the building within the next two, three, or four years, it is not required to continue occupying the building which it at present occupies. In other words, the Government has the right to terminate the lease at the end of any one year.

Mr. STAFFORD. Will the gentleman yield further?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. Of course, it is purely problematical whether the Government, in view of the tremendous deficit that it is facing, will launch into a large building program for Government buildings, especially when it has favorable leases for

departmental purposes. But suppose the owners of the buildings at the expiration of the five-year period, when they have the department in there, demand an enormous rental; what will Congress do when there is no available space except in private office buildings where the rent is a dollar a square foot and over?

Mr. BYRNS of Tennessee. There is nothing for Congress to do except——

Mr. STAFFORD. To be held up.

Mr. BYRNS of Tennessee. No; not necessarily to be held up; we might do as we did in another department with which the gentleman is familiar and with which he had something to do—we could authorize the renting of other quarters, as we did in the case of the Department of Labor. I am not seeking to justify the department in failing to make a contract for an additional five years at its option, but I wanted to make this statement in justice to the department, which I think is entitled to credit for making a contract whereby we are paying less rent now than is paid by any other department of the Government for similar quarters, in so far as I have any knowledge.

The Clerk read as follows:

Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés, to be paid a salary not to exceed $1,500 each, and for necessary traveling and subsistence expenses, rent, purchase of reports, books of reference, and periodicals, travel to and from the United States, exchange on official checks, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The item which has just been read covers a most important work of our Government in trying to extend our foreign trade. The appropriation for the Bureau of Foreign and Domestic Commerce for commercial attachés and commercial agents and other activities has not been increased in this bill over that carried in the last appropriation bill. The head of the bureau came before the committee this year and made a strong argument showing the need of additional employees in his bureau and in the field in trying to capture foreign markets. I regret exceedingly that the committee did not think it wise to grant any of these allowances. Particularly was a strong showing made as to the need of commercial attachés to develop our export business with India and Russia and South America. This is the one bureau of the Government which must necessarily take care of the growing foreign commerce. I can only register my dissent to the policy of the committee, a niggardly policy, I regret to say, in not providing the necessary means to carry on this great work which is so valuable, especially at this time, in developing our foreign trade.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TILSON. Has the gentleman sufficient information upon the subject to be willing to propose an amendment to add what he thinks would be a sufficient amount to do this work as it should be done?

Mr. STAFFORD. The appropriation should be increased at least $100,000, but perhaps in view of the policy adopted here this afternoon of extravagance in expenditures in respect to the retention of needless assay offices and Subtreasuries, those gentlemen who voted for their retention might wish to justify their position by voting against any proposed increase which I might suggest upon the ground of economy.

Mr. TILSON. I agree with the gentleman that it is a work of great importance, and I should be prepared to vote for any reasonable amendment increasing the amount appropriated.

Mr. STAFFORD. Realizing there is not much hope of any such amendment being adopted, with the opposition of the committee to it, I shall not offer any.

The Clerk read as follows:

Steamboat-Inspection Service: Supervising Inspector General, $4,000; chief clerk and Acting Supervising Inspector General in the absence of that officer, $2,000; clerks—one of class 4, two of class 3, one of class 2, one of class 1, two at $1,000 each, two at $900 each; messenger, in all, $18,240.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18542, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of this bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of destitution in the families of guardsmen now stationed on the Mexican frontier, with leave to incorporate therein an article from the Public Ledger, of Philadelphia.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

IMMIGRATION.

Mr. BURNETT. Mr. Speaker, I was about to ask unanimous consent to have sent to conference the bill H. R. 10384, the immigration bill, but gentlemen have asked that I withhold that request and make a request that the bill as it is reported from the Senate be printed, and I accordingly make that request.

The SPEAKER. The gentleman from Alabama asks unanimous consent that there shall be a print of the immigration bill as it comes from the Senate.

Mr. MANN. Of course, under that it will remain on the Speaker's table.

The SPEAKER. Yes.

Mr. BURNETT. I desire that it shall remain there.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected WILLARD SAULSBURY, a Senator from the State of Delaware, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from time to time during the pleasure of the Senate in accordance with the terms of its resolution passed March 12, 1890.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co. and to the Anheuser-Busch Brewing Association and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. FOSTER to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 6862, Sixtieth Congress, Emaranda Sommerville, no adverse report having been made thereon.

Also, to Mr. SHOUSE, to withdraw the papers in the case of Nicholi L. Nelson, Sixty-third Congress, no adverse report having been made thereon.

ADJOURNMENT.

Then, on motion of Mr. KITCHIN (at 5 o'clock and 48 minutes p. m.), the House adjourned until to-morrow, Saturday, December 16, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Commissioner of Internal Revenue submitting a deficiency estimate of appropriation for the service of the fiscal year 1917 (H. Doc. No. 1754); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting supplemental estimate of appropriation required by the Ordnance Department for the service of the fiscal

year 1918 (H. Doc. No. 1755); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required for the Quartermaster Corps for the service of the fiscal year 1918 (H. Doc. No. 1756); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Mermentau River, La. (H. Doc. No. 1757); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GARD, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported the same without amendment, accompanied by a report (No. 1216), which said joint resolution and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18085) extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912, reported the same without amendment, accompanied by a report (No. 1217), which said bill and report were referred to the House Calendar.

Mr. LAZARO, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 305) to establish a fish-cultural station in the county of Lincoln, in the State of Tennessee, reported the same with amendment, accompanied by a report (No. 1218), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, reported the same without amendment, accompanied by a report (No. 1219), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917, reported the same with amendment, accompanied by a report (No. 1220), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18086) for the construction of Coast Guard cutters, reported the same with amendment, accompanied by a report (No. 1221), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON of Mississippi: A bill (H. R. 18978) authorizing the Secretary of War to donate to the Gulf Coast Military Academy, Gulfport, Miss., two bronze cannon or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 18979) authorizing the Secretary of War to donate to the Mississippi Woman's College at Hattiesburg, Miss., two bronze cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. DILLON: A bill (H. R. 18980) to govern procedure where one State seeks to maintain an original action against another State in the Supreme Court of the United States in certain cases; to the Committee on the Judiciary.

By Mr. SHOUSE: A bill (H. R. 18981) to authorize the issuance of patents upon certain homestead entries in the State of Kansas, and for other purposes; to the Committee on the Public Lands.

By Mr. TIMBERLAKE: A bill (H. R. 18982) authorizing the Secretary of War, in his discretion, to deliver to the city of Longmont, Colo., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 18983) to provide for an additional judge of the district court of the United States for the district of Kansas; to the Committee on the Judiciary.

By Mr. MEEKER: A bill (H. R. 18984) for the protection and perpetuation of the national resources of migratory birds which pass between the United States and Canada twice each year; to the Committee on Agriculture.

By Mr. OVERMYER: A bill (H. R. 18985) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on Claims.

By Mr. RANDALL: A bill (H. R. 18986) to exclude alcoholic-liquor advertising from the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL: A bill (H. R. 18987) to prevent unfair discrimination in the sale of print paper by persons engaged in commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSS: A bill (H. R. 18988) to amend an act entitled "An act for erecting a suitable memorial to John Ericsson," approved August 31, 1916; to the Committee on the Library.

By Mr. AUSTIN: A bill (H. R. 18989) making an appropriation for the erection of a statue to Robert Love Taylor; to the Committee on the Library.

By Mr. RAKER: A bill (H. R. 18990) to amend an act entitled "An act to provide capital for agricultural development; to create standard forms of investment based upon farm mortgage; to equalize rates of interest upon farm loans; to furnish a market for United States bonds; to create Government depositaries and financial agents for the United States; and for other purposes," approved July 17, 1916 (sess. 1, chap. 245, p. 360, 64th Cong.); to the Committee on Banking and Currency.

By Mr. GRIEST: A bill (H. R. 18991) providing an appropriation of $200,000 for the intensive study of infantile paralysis; to the Committee on Appropriations.

By Mr. SMALL: A bill (H. R. 18992) to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: A bill (H. R. 18993) to provide for the erection of an addition to the Federal building in the city of Janesville, county of Rock and State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the Office of Supervising Architect of the Treasury and to create and organize in the Treasury Department a Bureau of Public Buildings and define its duties, powers, and jurisdiction; to create and establish the Office of Commissioner of Public Buildings; to fix the salary and prescribe the duties and powers of the said Commissioner of Public Buildings; to create a Board of Estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. OLNEY: A bill (H. R. 18995) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. GRAY of Indiana: A bill (H. R. 18996) to increase the limit of cost of the United States post-office building at Shelbyville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 18997) for beginning of construction of an irrigation system for the irrigation of the ceded and allotted Indian lands of the Shoshone or Wind River Reservation, Wyo.; to the Committee on Irrigation of Arid Lands.

By Mr. LLOYD: A bill (H. R. 18998) for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KEATING: A bill (H. R. 18999) to provide for the retirement of superannuated employees in the classified civil service of the United States of America; to the Committee on Reform in the Civil Service.

By Mr. MILLER of Delaware: A bill (H. R. 19000) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex

County, Del.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolution (H. Res. 407) for consideration of House joint resolution No. 1; to the Committee on Rules.

By Mr. AUSTIN: Joint resolution (H. J. Res. 321) authorizing the Secretary of War to award the congressional medal of honor to certain members of the National Guard; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19001) granting a pension to Maria L. Keener; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19002) granting a pension to Cranford Byers; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 19003) granting an increase of pension to James Irvine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19004) granting a pension to William I. Fultz; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 19005) granting a pension to Delila J. Fiest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19006) granting an increase of pension to Samuel Cooper; to the Committee on Invalid Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 19007) granting an increase of pension to Enos Snodgrass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19008) granting an increase of pension to Silas M. Starkey; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 19009) granting a pension to Esther M. James; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 19010) granting an increase of pension to Mrs. Anna M. Coder, wife of the late Curtis L. Coder; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 19011) granting an increase of pension to Frances A. Weddel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19012) granting an increase of pension to Nathan C. Rucker; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19013) granting an increase of pension to Caroline J. McBratney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19014) granting an increase of pension to Elizabeth Ross; to the Committee on Invalid Pensions.

By Mr. FARLEY: A bill (H. R. 19015) granting an increase of pension to Caroline G. Sickels; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 19016) granting an increase of pension to Frank M. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19017) granting a pension to Lily D. Murphy; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 19018) granting a pension to Lona M. Parrish; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 19019) granting an increase of pension to Michael Greeley; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 19020) granting a pension to Mart Bradshaw; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19021) granting an increase of pension to Lizzie Antrim; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 19022) granting an increase of pension to Andrew Terhune; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19023) granting an increase of pension to Luther Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19024) granting a pension to M. F. Allyn; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19025) for the relief of the estate of Andrew Rader, deceased; to the Committee on Claims.

By Mr. HELVERING: A bill (H. R. 19026) granting an increase of pension to John W. Klumph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19027) granting an increase of pension to Daniel Dietrick; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 19028) for the relief of Nathan L. Seamon; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 19029) granting a pension to Peter Thomassen; to the Committee on Pensions.

Also, a bill (H. R. 19030) for the relief of Thomas Harlan; to the Committee on Military Affairs.

Also, a bill (H. R. 19031) for the relief of Jorgen Well, alias George Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 19032) authorizing the President to appoint Myron C. Cramer a first lieutenant in the Regular Army; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 19033) granting an increase of pension to Cread Milstead; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 19034) granting a pension to Edward Dooley; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 19035) granting a pension to Charles V. Grogan; to the Committee on Pensions.

Also, a bill (H. R. 19036) granting a pension to Theodosia E. Ramsay; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 19037) granting a pension to John H. Caldwell; to the Committee on Pensions.

By Mr. LOFT: A bill (H. R. 19038) granting an increase of pension to Henry C. Shepherd; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 19039) granting an increase of pension to Henry B. Hall; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19040) granting an increase of pension to Alexander Tittle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19041) granting an increase of pension to George R. Cozzens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19042) granting a pension to Effie A. Reynolds; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 19043) for the relief of the estate of Miles Hughes; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 19044) granting an increase of pension to Green Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19045) granting a pension to Elijah Lundy; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 19046) granting an increase of pension to Lloyd Criswell; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 19047) granting an increase of pension to George F. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19048) granting a pension to Nicholi L. Nelson; to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 19049) granting a pension to Horatio W. Heath; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19050) granting an increase of pension to William D. Hall, alias Hill; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19051) granting an increase of pension to Mrs. Augusta Rush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19052) granting a pension to Hugh D. McDougall; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 19053) for the relief of Patrick H. McGee; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 19054) to waive the age limit and the disqualifications of being married in the appointment of Charles P. Norman as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. WOOD of Indiana: A bill (H. R. 19055) granting an increase of pension to Richard Kolb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19056) granting an increase of pension to John Q. Alter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19057) granting an increase of pension to John Ham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19058) granting an increase of pension to Albert J. Allison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19059) granting an increase of pension to John Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19060) granting an increase of pension to Theodore C. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19061) granting an increase of pension to George M. Foresman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19062) granting a pension to Eva Griggs, widow of Charles Griggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19063) granting an increase of pension to Lawson Ellsworth; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of employees of the Coast and Geodetic Survey, requesting an increase in salaries in the classified service; to the Committee on Appropriations.

Also (by request), petition of employees of the Department of Commerce, requesting increases in salaries; to the Committee on Appropriations.

By Mr. BROWNING: Two petitions of employees of the Gloucester city post office and employees of post office at Camden, N. J., asking for increase in compensation; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of Theodore Gilbert, of Hartford, Conn., favoring increased pension for maimed soldiers; to the Committee on Pensions.

Also, petition of T. S. Barlow, of New York, favoring conservation of oil lands for use of our Navy; to the Committee on the Public Lands.

Also, petition of William T. Hornaday, of New York, favoring the passage of Senate bill 6881 and House bill 17381; to the Committee on Agriculture.

Also, memorial of executive committee of the National Housewives' League, indorsing the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel Cohen, of New York, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Hunnel & Downing Co., of Milwaukee, Wis., urging the passage of 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Ohio: Petition of churches of Hubbard, Ohio, proposing a constitutional amendment prohibiting polygamy in the United States; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of post-office employees at Beloit, Kenosha, and Burlington, all in the State of Wisconsin, asking for such increase in salaries as will enable them to meet the present high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. DAVENPORT: Petition of carriers and rural-route employees of the post office at Tulsa and Pawhuska, Okla., for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Minnesota: Petition of clerks and letter carriers of the Faribault post office, Faribault, Minn., requesting an increase of compensation based on the present high cost of living; to the Committee on Appropriations.

By Mr. DALE, of New York: Petition of the Roessler & Harslacher Chemical Co., of New York, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Thread Agency, in re exchange charges on country checks; to the Committee on Banking and Currency.

By Mr. DOOLITTLE: Petition of 30 postal employees of Emporia, Kans., asking that Congress increase the salaries of the postal employees; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of U. B. H. & F. M. Society of Sycamore, Ill., for national prohibition; to the Committee on the Judiciary.

Also, petition of post-office employees of Belvidere, Ill., for increased pay; to the Committee on the Post Office and Post Roads.

Also, petition of J. B. Forgan, president Commercial Club of Chicago, for an appropriation for a West Side post-office site; to the Committee on Public Buildings and Grounds.

Also, petition of H. M. Spaulding, general secretary, Y. M. C. A., of Alton, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petition of sundry postal employees asking for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petitions of post-office employees of Old Town, Houlton, and Bangor, all in the State of Maine, asking for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petition of post-office employees of Sturgis, Mich., in behalf of increased pay; to the Committee on the Post Office and Post Roads.

Also petitions of post-office employees of St. Joseph, Hastings, and Three Oaks, all in the State of Michigan, in behalf of increased pay; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: Petition of postal employees of Muskogee, Okla., for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. HEATON: Petition of postal employees of Pottsville, Pa., asking for increase of salaries; to the Committee on the Post Office and Post Roads.

By Mr. HOOD: Petition of sundry citizens in favor of extending the benefits of the eight-hour day to the track men employed by railroads; to the Committee on Interstate and Foreign Commerce.

By Mr JAMES: Petition of sundry postal employees, asking for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. KEARNS: Petition of sundry employees of the Postal Service, favoring increased compensation; to the Committee on the Post Office and Post Roads.

Also, petition of Dayton (Ohio) postal employees, asking for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Two petitions of employees of the Postal Service, asking increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of Stix, Baer & Fuller Dry Goods Co., Feldmann Fine Art Co., Multiplex Display Fixture Co., Sam D. Capen Insurance Co., Meyer Bros. Coffee & Spice Co., Hesse Envelope & Lithographing Co., St. Louis Coal Co., Ames Shovel & Tool Co., the Scudders-Gale Grocery Co., Medart Patent Pulley Co., Roos-Gould List & Letter Co., Murphy Door Bed Co., all of St. Louis, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petition of employees of the post office at Monroe, Wis., for increased wages; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Petition of Local Branch, U. N. A. P. O. C., of Hartford, Conn., asking for legislation increasing the pay of post-office clerks; to the Committee on the Post Office and Post Roads.

By Mr. OLNEY: Petition of postal employees of Rockland, Mass., for salary increase; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE of Massachusetts: Petitions of Roy A. Plymgton and 20 other employees of the South Bridge (Mass.) post office; Charles U. Buner and 11 other letter carriers of Leominster, Mass.; and E. T. Gray and 9 other post-office employees of Webster, Mass., for increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 18865, for relief of Fannie R. Gardner; to the Committee on Invalid Pensions.

By Mr. PLATT: Petitions of clerks and carriers of the post office at Middletown, N. Y., and at post office at Port Jervis, N. Y., for increased compensation; to the Committee on the Post Office and Post Roads.

Also, petition of clerks and carriers of Newburgh post office, for increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petitions of Lauren Lemon and 18 other citizens, of Charlotte, and 20 citizens of Marshall, favoring increase in pay to letter carriers; to the Committee on the Post Office and Post Roads.

Also, petitions of William Fisher and 3 citizens, of Reading, and 11 citizens of Camden, favoring the Sheppard-Gallinger prohibition resolutions, Senate joint resolution 55 and Senate joint resolution 64; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of postal employees at Utica and Herkimer, N. Y., for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Capt. B. S. Hall, commandant Rhode Island Soldiers' Home, favoring the Volunteer officers' bill; to the Committee on Military Affairs.

By Mr. TAVENNER: Letter of Mrs. Rose Maas, chairman pro tempore of the legislative committee, Woman's Club of Moline, Ill., and resolution adopted by said club favoring an embargo on foodstuffs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of Ministerial Association of Woodlawn, Pa., signed by Rev. A. B. Dickerson and Leroy Hall, of Woodlawn, Pa., supporting proposed antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of 24 mail clerks and carriers of Beaver Falls, Pa., favoring increase in the pay of employees in the Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Lock No. 4, Charleroi and other places in Pennsylvania, in support of the Nolan bill; to the Committee on Labor.

Also, petition of First Baptist Church of New Brighton, Pa., favoring adoption of an antipolygamy amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. TILLMAN: Petition of sundry citizens of Arkansas, indorsing House joint resolution 264; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of Colorado State legislative board, of the Brotherhood of Railroad Trainmen, protesting against the law generally known as the "compulsory arbitration act"; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODYARD: Petition of the Gleaners, 84 people; Keisters Bible Class, of 35 people, of the Central Christian Church; Wallers Bible Class, of 45 people, of Central Christian Church; B. Y. P. U., of 100 people, of Fifth Baptist Church; Mission Circle, 30 people; Ladies' Aid Society of Presbyterian Church, all of Huntington, W. Va., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Bible Class of Central Christian Church, of 100 people, and the Young People's Society of Christian Endeavor, all of Huntington, W. Va., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

SATURDAY, *December 16, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts, we trust reverently, to Thee, seeking Thy guidance anew for this day's labor. We have come into the presence of great issues that call upon us to consecrate every power to the development of the Nation in purity, in peace, in righteousness; and we seek the Divine guidance to help us in the discharge of our duties. Save us from the conceit of ignorance, from the pride of opinion. Give to us such willing hearts and devoted purpose that we may be guided by the great God, the God of our fathers, in the discharge of our duties, so that the outcome of this day's labor may redound to the honor and glory of Thy name and the good of all the people whom we serve. For Christ's sake. Amen.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Martin, Va.	Smith, Mich.
Bankhead	Hardwick	Martine, N. J.	Smith, S. C.
Beckham	Hollis	Nelson	Smoot
Borah	Husting	Norris	Sterling
Brady	James	Overman	Sutherland
Brandegee	Johnson, Me.	Owen	Swanson
Bryan	Johnson, S. Dak.	Page	Thomas
Catron	Jones	Pittman	Townsend
Chamberlain	Kenyon	Poindexter	Underwood
Chilton	Kern	Pomerene	Vardaman
Colt	Kirby	Reed	Wadsworth
Curtis	La Follette	Saulsbury	Walsh
Dillingham	Lane	Sheppard	Watson
Fernald	Lee, Md.	Shields	Works
Fletcher	Lodge	Simmons	
Gallinger	McCumber	Smith, Ariz.	
Gore	McLean	Smith, Ga.	

Mr. THOMAS. I wish to announce the illness of my colleague [Mr. SHAFROTH]. Consequently he is unable to be present. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Illinois [Mr. LEWIS] is detained at home through illness.

Mr. KIRBY. I desire to state that the Senator from Arkansas [Mr. ROBINSON] is absent on account of illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

SHOSHONE AND WIND RIVER RESERVATIONS (H. DOC. NO. 1478).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, plans and estimates of character with cost of structures necessary for completing the irrigation of all irrigable lands of the Shoshone and Wind River Reservations, which was referred to the Committee on Indian Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, and Mr. HAYES managers at the conference on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States; and

H. J. Res. 282. Joint resolution authorizing the Postmaster General to provide the postmaster of Springfield, Ill., with a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union.

SENATOR FROM WISCONSIN.

Mr. HUSTING. I present the credentials of my colleague, Hon. ROBERT M. LA FOLLETTE, elected United States Senator from the State of Wisconsin for the term of six years beginning March 4, 1917, which I ask may be received.

The VICE PRESIDENT. The credentials will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

UNITED STATES OF AMERICA,
STATE OF WISCONSIN,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, John S. Donald, secretary of state of the State of Wisconsin, do hereby certify that Hon. ROBERT M. LA FOLLETTE was, on the Tuesday next succeeding the first Monday in November, A. D. 1916, duly elected United States Senator from the State of Wisconsin for the term of six years commencing on the 4th day of March, A. D. 1917, as appears from the official canvass of the votes given at a general election held in the State of Wisconsin on the day and year first above written, and that he was so elected in accordance with the laws of the State of Wisconsin.

In testimony whereof I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 7th day of December, A. D. 1916.

[SEAL.]

JOHN S. DONALD,
Secretary of State.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Business Men's League of St. Louis, Mo., praying for the enlargement of the powers of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Civic Association of Washington, D. C., remonstrating against the action of the excise board in granting licenses to liquor establishments on Capitol Hill, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Retail Grocers' Protective Union of Pittsburgh, Pa., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Consumers' League, in convention assembled at Springfield, Mass., praying for the establishment of an eight-hour workday for women, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Municipal Board of Manila, Philippine Islands, on the death of Hon. James P. Clarke, late a United States Senator from the State of Arkansas, which were ordered to lie on the table.

He also presented a copy of the grand jury report, special November, 1916, term for the first division, District of Alaska, which was referred to the Committee on Territories.

Mr. GALLINGER presented a memorial of the Brotherhood of the Calvary Baptist Church, of Washington, D. C., remonstrating against a referendum on the question of prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of sundry citizens of Elizabeth City and Dunn, in the State of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. KERN presented petitions of sundry citizens of Peru, Auburn, and Terre Haute, all in the State of Indiana, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. LA FOLLETTE presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation

for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Polish-American Housewives' League, of Milwaukee, Wis., praying for the enactment of legislation to reduce the high cost of living, which was referred to the Committee on the Judiciary.

CHANGE OF REFERENCE—J. L. CAMPBELL AND OTHERS.

Mr. SMITH of Arizona. Senate bill 5311 for the relief of J. L. Campbell and others was by mistake referred to the Committee on Public Lands. The bill should be referred to the Committee on Claims. I ask that the Committee on Public Lands be discharged and that the bill be so referred.

The VICE PRESIDENT. Without objection, the Committee on Public Lands will be discharged, and the bill will be referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4360. A bill authorizing the President to exchange land set aside for military purposes in the Territory of Hawaii for private land (S. Rept. No. 877); and

H. R. 9547. An act authorizing the acceptance by the United States Government from the Kenesaw Memorial Association of Illinois of a proposed gift of land on the Kenesaw battle field in the State of Georgia (S. Rept. No. 878).

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5262) for the relief of John B. Hoover, reported it without amendment and submitted a report (No. 879) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations, reported it with amendments and submitted a report (No. 880) thereon.

ADDRESS BY ROBERT R. PRENTIS (S. DOC. NO. 639).

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 293), which was read, considered by unanimous consent, and agreed to:

Resolved, That the manuscript submitted by the Senator from Virginia [Mr. SWANSON] on December 8, 1916, entitled "Address of Robert R. Prentis, president of the National Association of Railway Commissioners, at Washington, D. C., November 14, 1916," be printed as a Senate document.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS (for Mr. O'GORMAN):

A bill (S. 7406) granting an increase of pension to John Lee, alias James Riley; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7407) changing the designation, fixing the status of, and granting an increase of pay to clerks of the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 7408) to provide for the construction of a public building at Anderson, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. LODGE:

A bill (S. 7409) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 7410) granting a pension to Martin H. Rickman (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7411) providing for the approval of indemnity lieu selections; to the Committee on Public Lands.

A bill (S. 7412) granting a pension to Jefferson L. Smith; and

A bill (S. 7413) granting a pension to James McNulty; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 7414) to provide old-age pensions; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7415) granting a pension to Marja Wajtzenzang (Weitzenzang); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7416) granting an increase of pension to Marion A. Holman; and

A bill (S. 7417) granting an increase of pension to William Black; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7418) to provide for the publication of an official journal; to the Committee on Printing.

By Mr. OVERMAN:

A bill (S. 7419) to provide for the purchase of a site and the erection of a public building thereon at Mooresville in the State of North Carolina; to the Committee on Public Buildings and Grounds.

By Mr. FERNALD:

A bill (S. 7420) granting an increase of pension to John G. Coburn (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7421) granting a pension to Charles N. Spear (with accompanying papers);

A bill (S. 7422) granting a pension to Albert Adams (with accompanying papers); and

A bill (S. 7423) granting a pension to George Zederbaum; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7424) granting an increase of pension to John M. Ludwig (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7425) granting an increase of pension to Wiley J. Baldwin, jr. (with accompanying papers);

A bill (S. 7426) granting an increase of pension to Amanda Wintermote (with accompanying papers);

A bill (S. 7427) granting an increase of pension to Harvey Johnson (with accompanying papers);

A bill (S. 7428) granting an increase of pension to William Bruce (with accompanying papers);

A bill (S. 7429) granting a pension to Joshua Brown (with accompanying papers); and

A bill (S. 7430) granting a pension to Mary M. Billings (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 7431) granting an increase of pension to Charles E. Brown; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7432) granting an increase of pension to Annie Earnest (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 7433) for the relief of Winfield S. Solomon; to the Committee on Military Affairs.

By Mr. GORE:

A joint resolution (S. J. Res. 185) restricting the right to vote for Senators and Representatives in Congress and presidential electors to citizens of the United States; to the Committee on the Judiciary.

CORRUPT PRACTICES.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, which was referred to the Committee on Privileges and Elections and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

He also submitted an amendment intended to be proposed by him to the amendment of Mr. UNDERWOOD to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

REPORT ON SUBMARINE BATTERIES.

Mr. BRANDEGEE. I send to the desk a Senate resolution and ask for its present consideration.

The resolution (S. Res. 294) was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate reports made in 1916 on submarine batteries, including the report on the explosion in the submarine *E–2*.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SWANSON. I should like to have the resolution read again.

The resolution was again read.

Mr. SWANSON. I have no objection to it.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

COTTON FUTURES.

Mr. GORE submitted the following resolution (S. Res. 295), which was referred to the Committee on Printing:

Resolved, That the hearings before the Senate Committee on Agriculture and Forestry on the Agricultural appropriation bill for 1917, entitled "Cotton-futures amendment" be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate Committee on Agriculture and Forestry.

WITHDRAWAL OF PAPERS—LOUIS M. LEA.

On motion of Mr. KERN, it was

Ordered, That the papers accompanying the bill S. 6019, Sixty-third Congress, granting an increase of pension to Louis M. Lea, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CAMPAIGN EXPENDITURES (S. DOC. NO 640).

Mr. OWEN. Mr. President, I ask the permission of the Senate to have printed as a public document an abstract of the limitations on campaign expenditures by party committees, taken from the statutes of the various States, and also an abstract from limitations on campaign expenses of candidates for United States Senator and Representative in Congress under State laws in force in 1916. They are not very long and are to be used by the committee and by the Senate in dealing with the corrupt-practices act.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE SERVICE.

On motion of Mr. LODGE, it was

Ordered, That Mr. OLIVER be appointed chairman of the Committee on Forest Reservations and the Protection of Game.

On motion of Mr. KERN, it was

Ordered, That Senator ROBERT L. OWEN be, and is hereby, appointed a member of the Committee on the Five Civilized Tribes of Indians.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. Are there concurrent or other resolutions? If there be none, morning business is closed.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1082.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas. Those in favor of the motion will say "aye"; those opposed will say "no." The ayes have it, and the Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. SHEPPARD. Mr. President, I wish to submit a request for unanimous consent, which I send to the Secretary's desk.

The VICE PRESIDENT. Is this a request for a unanimous-consent agreement for a final vote on the bill?

Mr. SHEPPARD. It is. I shall endeavor by this proposition to secure an agreement for a time at which to vote upon the bill.

Mr. GALLINGER. Mr. President, I desire first to make a parliamentary inquiry. I think I know what the Senator from Texas has in view, and I am in sympathy with his desire to get a vote on the bill, but I will inquire of the Chair if a request of that kind can be entertained when the bill is not before the Senate?

The VICE PRESIDENT. The bill is before the Senate.

Mr. GALLINGER. I do not so understand. Another bill is the unfinished business.

The VICE PRESIDENT. The Senator from Texas has had the bill taken up on motion.

Mr. GALLINGER. I did not know that. My attention was momentarily diverted.

Mr. BRANDEGEE. Mr. President, may not the request for a unanimous-consent agreement be first reported?

The VICE PRESIDENT. Yes; it may be first read.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. I did not hear the negative of the question put on the motion to proceed to the consideration of this bill. I understood that the Senator from Massachusetts [Mr. LODGE] had risen and asked some question. I am told by Senators that the Chair did not put the question on the negative. My attention was diverted, and I did not hear the negative put.

The VICE PRESIDENT. The Chair put the negative of the question, but no Senator voted "no." The Secretary will state the request for unanimous-consent agreement proposed by the Senator from Texas [Mr. SHEPPARD].

The SECRETARY. The Senator from Texas [Mr. SHEPPARD] asks for the following unanimous-consent agreement.

That immediately upon the conclusion of the routine morning business on Monday, December 18, 1916, the Senate will proceed to the consideration of Senate bill 1082, and that no Senator shall speak more than once upon the bill or any amendment thereto, and that no speech shall be longer than 20 minutes, and that the Senate will take a final vote upon the passage of said measure by the close of said calendar day.

Mr. LODGE. Mr. President, the Senator from Alabama [Mr. UNDERWOOD] I know has been momentarily called from the Chamber, and he ought to be here when a unanimous-consent agreement is asked for.

The VICE PRESIDENT. This request requires a roll call of the Senate to disclose a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McLean	Smith, Mich.
Bankhead	Gronna	Martin, Va.	Smith, S. C.
Beckham	Hollis	Martine, N. J.	Smoot
Borah	Husting	Nelson	Sterling
Brady	James	Norris	Sutherland
Brandegee	Johnson, Me.	Overman	Swanson
Bryan	Johnson, S. Dak.	Page	Thomas
Catron	Jones	Poindexter	Townsend
Chamberlain	Kenyon	Pomerene	Underwood
Chilton	Kern	Reed	Vardaman
Clapp	Kirby	Saulsbury	Wadsworth
Colt	La Follette	Sheppard	Warren
Curtis	Lane	Shields	Watson
Dillingham	Lee, Md.	Simmons	Weeks
Fernald	Lodge	Smith, Ariz.	Works
Gallinger	McCumber	Smith, Ga.	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The Secretary will now state the proposed request for a unanimous-consent agreement.

The SECRETARY. The Senator from Texas [Mr. SHEPPARD] asks for the following unanimous-consent agreement:

That immediately upon the conclusion of the routine morning business on Monday, December 18, 1916, the Senate will proceed to the consideration of Senate bill 1082, and that no Senator shall speak more than once upon the bill or any amendment thereto, and that no speech shall be longer than 20 minutes, and that the Senate will take a final vote upon the passage of said measure by the close of said calendar day.

Mr. SUTHERLAND and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. The Senator from Utah.

Mr. SUTHERLAND. Mr. President, I have no objection to fixing a time to vote on this bill; I am ready to vote upon it at any moment; but I object to the proposed unanimous-consent agreement in its present form, because it does not fix a reasonable hour to begin voting.

Mr. SHEPPARD. I am willing to accept an amendment to that effect.

Mr. SUTHERLAND. The request for an agreement provides that we shall vote before the end of the calendar day, which, according to my experience, may mean a very long time. It may mean 12 o'clock of the night of that day, in all probability.

Mr. SHEPPARD. I ask that the words "6 o'clock" be added to the proposed agreement.

The VICE PRESIDENT. Then, the Secretary will call the roll to disclose a new quorum, the proposed agreement having been changed.

Mr. MARTINE of New Jersey. I should like to inquire if the roll is now to be called on the amendment proposed by the Senator from Utah?

The VICE PRESIDENT. The rule requires that when a unanimous-consent agreement is proposed the roll shall be called in order to disclose a quorum. The Chair rules that, after such a proposition has been stated, a call of the Senate has been had, and then the proposed agreement is subsequently changed, in order to comply with the rule, a new call of the Senate for a quorum is required.

Mr. SUTHERLAND. Mr. President, the Chair is usually right in his rulings, but I think that he has fallen into an error in this matter. A proposed unanimous-consent agreement is presented by the Senator from Texas. The rule then requires that the roll shall be called to determine whether a quorum is present. Then the matter is open for adjustment in the Senate. Every time a new suggestion is made it does not seem that the rule requires that the roll shall again be called. The object of the rule is to notify absent Members that a unanimous-consent agreement is sought and to bring them into the Chamber. The whole matter is then before the Senate. When they are here, then the unanimous-consent agreement may be modified by in-

terchange of opinion, and it does not seem to me that a roll call is required every time a new suggestion is made.

The VICE PRESIDENT. The Chair is not anxious about this matter except to have it correct. The reason for this rule arose since the present occupant of the chair has been here. It arose over a complaint that Senators were not present in the Chamber when unanimous-consent agreements were entered into.

After the roll call was had and the agreement stated, to the certain knowledge of the Chair several Senators left the Senate Chamber. The Chair assumed that when they left they were entirely satisfied with the proposed unanimous-consent agreement as presented by the Senator from Texas; but, having changed the agreement, the Chair did not know whether they were content with it or not. The Chair does not care whether or not the roll is to be called again, if it shall be the understanding of the Senate that when the roll has once been called any changes may be made in a proposed unanimous-consent agreement and it is not needful to order a further call. Shall that be the view of the Senate?

Mr. POINDEXTER. Mr. President, if I may be permitted, I desire to make a suggestion very largely along the same line as that of the Senator from Utah [Mr. SUTHERLAND]. It would be extremely difficult to obtain a unanimous-consent agreement at all if the roll had to be called on each amendment to it. At the time the Senators to whom the Chair has referred left the Chamber the proposed unanimous-consent agreement had not been entered into; it had only been submitted. I take it that when a proposed unanimous-consent agreement is submitted to the Senate it is then open to amendment or adjustment in the usual mode of proceeding, and every Senator has notice or ought to have notice that it may be modified before it is finally agreed to. The only purpose of the rule was to enable Senators by the notice to be informed that the proposition was up and to give them an opportunity to attend if they cared to do so.

Mr. LODGE. Mr. President, the rule has seemed to me a wise one, but I understood the purpose of the rule was simply that Senators should have notice that a unanimous-consent agreement as to the final disposition of a measure was being asked for. Now, it appears to me, that if we adopt an extension of the rule, so that every time a modification is proposed in a unanimous-consent agreement we must have the roll called, we are opening the door to very dangerous delays. A Senator would have nothing to do but propose a unanimous-consent agreement and then the roll would be called and a quorum developed. Then he may modify his proposed unanimous-consent agreement by changing a word, when the roll has again to be called. He could go on all day calling for quorums by modifying his proposed unanimous consent word by word. I submit, in all respect, that it seems to me that it is an extension which was not intended when the rule, a most excellent one, was adopted.

Mr. SMITH of Georgia. Mr. President, I can understand how our Presiding Officer is embarrassed in a decision upon this subject, as perhaps the rule itself is not perfectly clear. I agree fully with the view expressed by the Senator from Massachusetts [Mr. LODGE] that the purpose of this rule was simply to give Senators notice by the roll call that there was a question pending before the Senate, and that question was a proposition to fix by unanimous consent a specific time when a measure should be voted upon. I think it would curtail very much the value of this rule if we were not allowed to modify the nature of the proposed agreement even after the roll was called, and I feel sure that those who prepared the rule did not contemplate such a restricted view of it. I should like to suggest to the Chair the propriety of submitting to the Senate which construction should control in enforcing the rule, as it is a matter that affects all Senators; let the Senate take the responsibility of adopting the future mode of procedure with reference to it.

The VICE PRESIDENT. That is what the Chair has been trying to do for quite a little while—to get the opinion of the Senate. There is now, to the certain knowledge of the Chair, more than a quorum present, and if it shall be considered by the Senate that this rule, providing for the calling of the roll when a proposition is made to enter into a unanimous-consent agreement for the taking of a final vote on a measure on a specified day, permits the amendment of the proposed unanimous-consent agreement without a further call of the roll, the Chair will administer the rule accordingly. If that is the view of the Senate and there is no objection, the Chair will rule accordingly.

Mr. WALSH. Mr. President, I rise for information. I do not understand whether any action has been taken on the original proposal for unanimous consent or whether it is pending before the Senate for action.

The VICE PRESIDENT. It is pending for action.

Mr. MARTINE of New Jersey. Mr. President, I deem this a very important measure affecting very seriously and hurtfully, and I believe in an un-American way, the interests of the District of Columbia. I enter my protest against granting unanimous consent at this time to taking a vote on the measure at any fixed time.

The VICE PRESIDENT. Well, that relieves the Chair from any further ruling.

Mr. MARTINE of New Jersey. I am very glad indeed. I had no thought that I was half so potent.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I move to strike out all after the enacting clause and insert the matter which I send to the desk.

Mr. SHEPPARD. Mr. President, a parliamentary inquiry. Has not the amendment of the Senator been submitted and read heretofore?

Mr. SMOOT. Does the Senator address his question to the Chair or to me?

Mr. SHEPPARD. I am addressing my question to the Vice President.

The VICE PRESIDENT. The amendment of the Senator from Utah was read on yesterday.

Mr. SHEPPARD. Then I make the point that the question now is on the amendment.

Mr. SMOOT. Mr. President, I offer it now as an amendment. There were very few Senators in the Chamber yesterday when I offered it as a proposed substitute.

Mr. SHEPPARD. I have no objection to having it read again.

Mr. SMOOT. And I think it would be very much better to have it read at this time.

Mr. SHEPPARD. I have no objection to having it read again.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following words:

That on and after the 1st day of November, A. D. 1917, it shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to sell, manufacture, or dispose of any intoxicating liquor or alcohol of any kind in the District of Columbia or to have in his or its possession or to transport any intoxicating liquor or alcohol in the District of Columbia unless the same was procured and is so possessed and transported under a permit as hereinafter provided.

Wherever the term "liquor," "intoxicating liquor," or "intoxicating liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person, or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, servants, who shall, directly or indirectly, violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000 and shall be imprisoned in the District jail or workhouse for a period of not less than 30 days nor more than 1 year for each offense.

SEC. 2. That before a pharmacist shall be authorized to transport pure alcohol for scientific or mechanical purposes or for compounding or preparing medicines, as provided by this act, he shall procure a permit for that purpose from the Commissioners of the District of Columbia.

SEC. 3. That to procure such permit a pharmacist shall make and file with the Commissioners of the District a statement in writing under oath stating that he desires to transport pure alcohol for scientific or mechanical purposes or for compounding, preparing, or preserving medicines only, as provided by this act, and giving his name, the location of his place of business, a statement that he is a licensed pharmacist, that he is regularly engaged in the practice of his profession at the location named, and that he will not violate any provisions of this act.

SEC. 4. That if the Commissioners of the District are satisfied of the good faith of the applicant, they shall issue to such pharmacist a permit to transport pure alcohol for compounding, preparing, or preserving medicines or for scientific or mechanical purposes. Such permit shall be substantially in the following form:

PERMIT TO PHARMACISTS TO TRANSPORT PURE ALCOHOL FOR COMPOUNDING, PREPARING, AND PRESERVING MEDICINES ONLY OR FOR SCIENTIFIC OR MEHANICAL PURPOSES.

DISTRICT OF COLUMBIA,
City of Washington, ss:

——— ———, a pharmacist, residing at ———, is hereby permitted to transport pure alcohol for compounding, preparing, and preserving medicines only or for scientific or mechanical purposes. This permit can only be used for one shipment and will be void after 20 days from the date of issue.

By order of the Commissioners of the District.
Dated this —— day of ———, 191—.

———— ————,
President of the Board.

SEC. 5. That said permit mentioned in section 4 hereof shall be issued upon forms supplied by the Commissioners of the District and shall contain the permit, a copy of the application for permit, and a copy of the provisions of section 6 of this act, and shall be issued under the seal of the Commissioners of the District and shall be void for transportation purposes after 20 days from the date of issuance. The Commissioners of the District shall keep in a separate book provided for that purpose a record of permits issued under this act, wherein

shall be entered the date and the number thereof, the person to whom issued, and the purpose for which issued.

SEC. 6. That said permit shall be attached to and remain affixed in a conspicuous place upon any package or parcel containing pure alcohol imported into or shipped in the District of Columbia, and when so affixed shall authorize any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise within the District to transport, ship, or carry such pure alcohol. Any person so transporting such alcohol shall, before the delivery of such package or parcel, cancel said permit and so deface the same that it can not be used again.

SEC. 7. That all express companies, railroad companies, public or private carriers, are hereby required to keep a separate book in which shall be entered, immediately upon receipt thereof, the name of the person to whom pure alcohol is shipped, from what city or town and State the same was shipped, and the name of the shipper, the amount and kind received, the date when received, the date when delivered and to whom delivered, after which record shall be a blank space in which the consignee shall be required to sign his own name in ink before such pure alcohol is delivered to such consignee, which book shall be open to the inspection of the public at any time during business hours of the company and shall not be removed from the place where the same is required to be kept. A copy of entries upon any such record herein provided to be kept, when certified to by the agent of any express or railroad company, or any public or private carrier in charge of the same, shall constitute prima facie evidence of the facts therein stated in any court of the District.

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to ship alcohol or intoxicating liquor to a false or fictitious name or person, or any person to receive or receipt for alcohol or intoxicating liquor in a false or fictitious name.

SEC. 8. That any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise may accept for transportation, and may transport to any place within the District of Columbia shipments of wine for sacramental purposes when there is attached to such shipments a certificate in substantially the following form:

"I (or we) certify that this package contains only ——— (amount) of ——— wine, which has been ordered by ——— ———, who represents himself to be a duly authorized and officiating priest, or minister, of the ——— church, at ———, D. C., and that said wine is desired for sacramental purposes only.

"——— ———."

(Signature of shipper.)

SEC. 9. That whenever a shipment of wines for sacramental purposes shall have been transported for delivery within the District of Columbia the delivering agent of the transportation company must refuse to deliver the same unless it is accompanied by the certificate prescribed in section 8 of this act, and then only to the person to whom the same is addressed, or upon his written order. The transportation company must keep a record of all shipments and deliveries of wines for sacramental purposes, and must preserve for a period of one year after their receipt all certificates accompanying such shipments and all written orders upon which deliveries may be made. Such records must be open to the inspection of the public at any time during office hours.

SEC. 10. That any person who shall desire to purchase pure alcohol for scientific or mechanical purposes shall apply to the Commissioners of the District for a permit for that purpose. To procure such permit he shall make and file with the commissioners a statement in writing, under oath, stating that he desires to purchase pure alcohol for scientific or mechanical purposes, as provided by this act, and giving his name and residence and the place at which such pure alcohol is to be used.

SEC. 11. That if the Commissioners of the District are satisfied of the good faith of the applicant, they shall issue to said applicant a permit to purchase pure alcohol for scientific or mechanical purposes. The original of said permit shall have attached thereto a duplicate copy, and each shall be numbered with the same number and be in substantially the following form:

DISTRICT OF COLUMBIA,
City of Washington, ss:

——— ———, residing at ———, is hereby permitted to purchase pure alcohol in the amount of ——— (here insert quantity), to be used for scientific or mechanical purposes. This permit can only be used for one purchase, and the copy hereof attached hereto shall be conspicuously pasted upon the package containing said alcohol, and this permit to purchase shall be void after 20 days from the date hereof.

By order of the Commissioners of the District.

Dated this ——— day of ———, 19—.

———, ———,
President of the Board.

SEC. 12. That the permit mentioned in section 11 shall authorize the applicant to purchase and any pharmacist to sell and deliver to him the quantity named in the said permit. The permit shall be canceled, kept, and retained on file for at least one year by the pharmacist so selling said pure alcohol, and the copy of said permit shall be by the pharmacist conspicuously pasted upon the receptacle containing said alcohol, and shall so remain upon said receptacle so long as the same shall contain alcohol. Said permit and copy shall only authorize one purchase and sale. It shall be unlawful for any pharmacist to sell pure alcohol without the permit herein specified or for any person to keep or have in his possession any pure alcohol unless the receptacle containing the same shall be distinctly labeled with the copy of the permit authorizing the purchase of the same.

SEC. 13. That it shall be unlawful for any person owning, leasing, or occupying or in possession or control of any premises, building, vehicle, car, or boat to knowingly permit thereon or therein the manufacture, transportation, disposal, or the keeping of intoxicating liquor with intent to manufacture, transport, or dispose of the same in violation of the provisions of this act.

SEC. 14. That it shall be unlawful for any person to import, ship, sell, transport, deliver, receive, or have in his possession any intoxicating liquors except as in this act provided.

SEC. 15. That any person who shall in any public place or in or upon any passenger coach, street car, boat, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting room drink any intoxicating liquor of any kind, or any person who shall be drunk or intoxicated in any public or private road or street, or in any passenger coach, street car, or any public place or building, or at any public gathering, or any person who shall be drunk or intoxicated and shall disturb the peace of any person, shall be guilty of a misdemeanor.

SEC. 16. That any person convicted of violation of any of the provisions of this act where the punishment therefor is not herein specifically provided shall be punished by a fine of not less than $50 nor more than $500, and by imprisonment in the District jail or workhouse for a period of not less than 30 days nor more than 6 months.

SEC. 17. That a person having once been convicted of a violation of any of the provisions of this act, except section 15, who thereafter violates the provisions hereof shall be considered a persistent violator of this act and shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the District jail or workhouse for a period of not less than one year and not more than two years.

SEC. 18. That in case a pharmacist is convicted under the provisions of this act the Commissioners of the District shall, in addition to the penalty provided by this act, revoke his license to practice pharmacy.

SEC. 19. That the issuance by the United States of any internal-revenue special-tax stamp or receipt to any person as a dealer in intoxicating liquors shall be prima facie evidence of the sale of intoxicating liquors by such person during the time the stamp or receipt is in force and effect.

A copy of such stamp or receipt or of the record of the issuance thereof, certified to by a United States internal-revenue officer having charge of such record, is admissible as evidence in like case and with like effect as the original stamp or receipt.

SEC. 20. That it shall be unlawful for any person, firm, house, company, association, corporation, or club, his, its, or their agents, officers, clerks, servants to have in his or its possession any intoxicating liquors of any kind for any use or purpose, except the same shall have been obtained and is so possessed under a permit authorized by this act.

SEC. 21. That it shall be the duty of the Commissioners of the District of Columbia to enfocre the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven, to the corporation counsel, but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall, in addition to imposition of the fine aforesaid, order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 22. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 23. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 24. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 25. That this act shall be in full force and effect on and after the 1st day of November, 1917, and all laws and parts of laws inconsistent herewith be, and they are hereby, repealed. And that the excise board for the District of Columbia, provided for and established under the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, be, and it is hereby, abolished upon the taking effect of this act.

Mr. SMOOT. Mr. President, the amendments that have been offered to Senate bill 1082 allow the purchase and possession of unlimited quantities of intoxicating liquors for personal use. The substitute that I offer prohibits the personal use of all intoxicating liquors. It is a violation of the law to ship them into the District of Columbia for that purpose. There are only three purposes for which pure alcohol can be imported into the District of Columbia; that is, for scientific purposes, for mechanical purposes, and for the preparation of medicine and medicinal purposes.

I might say in passing, Mr. President, that my amendment is the Idaho law made applicable to the District of Columbia. My substitute is a prohibition bill in fact with provisions to enforce it. If those who believe in prohibition want a law that will bring prohibition to the District of Columbia, they should vote for the substitute that I have offered, and I assure them

if it becomes law that we will have prohibition in the District of Columbia.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to his colleague?

Mr. SMOOT. Yes; I yield.

Mr. SUTHERLAND. Will my colleague tell us how long the Idaho law has been in operation?

Mr. SMOOT. I will give the Senator the exact date when it was passed—February 18, 1915.

Mr. SUTHERLAND. I understand that under the terms of that law, and under the terms of this amendment, if any person should bring even a small quantity of any kind of intoxicating liquor into the District and keep possession of it, he would be guilty of an offense.

Mr. SMOOT. Under the law he would be guilty of an offense.

Mr. SUTHERLAND. And if he did that the second time he would be guilty of a felony punishable by imprisonment for from one to two years.

Mr. SMOOT. That is true.

Mr. SUTHERLAND. Does my colleague know whether or not anybody has ever been convicted under the Idaho law of an offense of that character?

Mr. SMOOT. I do not know whether anyone has been convicted of such an offense. I know that a number of the provisions in the law have been taken to the supreme court of the State, and the supreme court of the State has upheld the constitutionality of the law.

Mr. SUTHERLAND. I was wondering whether anybody had been convicted. I feel quite certain that occasionally some person has carried liquor into the State of Idaho. I wondered how successful the enforcement of the law had been.

Mr. BORAH. Mr. President, the Idaho law went to the Supreme Court upon the question of its constitutionality, and very thorough consideration was given to it. It was argued on both sides very ably, and the court upheld the constitutionality of the law. That part of it to which the Senator refers came up for the consideration of the court and it was upheld.

Mr. SUTHERLAND. I was not inquiring about the constitutionality of the law, but as to the practical operation of it. The Senator from Idaho knows very well that sometimes a law may be so extreme in its penalties and require such extreme things to be done that it will defeat its own purpose. I wondered how successful the law had been in its actual operation.

Mr. BORAH. My understanding is that the law has worked very satisfactorily thus far. Of course this feature of the law, with reference to the possession of any quantity of liquor, was designed to reach the man who is known as the "bootlegger," with whom we have had a great deal of trouble under local-option laws.

Mr. SUTHERLAND. He ought to be reached. There is not any doubt about that.

Mr. BORAH. That feature of it was incorporated in the law for the purpose of reaching him, and making the mere possession of the liquor an offense, and there have been convictions in the lower courts, I understand. I do not know whether any of those have been carried up or not. I am told that it is now being very effectively enforced.

Mr. SUTHERLAND. I have not any objection at all to penalizing with the utmost severity the "bootlegger," but this law evidently applies to an individual who may be in some other State and bring into the State of Idaho a small quantity of intoxicating liquor. If he retains that in his possession with the intention of using it himself, or not using it at all, he is guilty of an offense, and if he does it twice he is guilty of a felony and can be punished by imprisonment for two years in the penitentiary.

I doubt very much whether any jury would convict a man under such circumstances as that. A penalty of that kind, being so severe, would be very apt to defeat the very purpose of the law.

Mr. SMOOT. I hardly think that. I believe if we are going to have prohibition, we ought to have it in fact, and the only way to have it so is to pass a law that will provide for it and its enforceemnt. The present regulations of the liquor traffic in the District of Columbia are such that if we are going to have the liquor trade they are as good, I believe, as in any part of the United States. I understand that it is the purpose of the friends of Senate bill 1082, and I want to here state that I shall vote for it if my substitute is defeated, to secure prohibition for the District of Columbia. However, I do not believe that Senate bill 1082 is a prohibition bill, and will not insure prohibition to the people of the District.

There are in the District of Columbia nearly a hundred thousand negroes. Any one of them could send out of the District under this bill and purchase unlimited quantities of intoxicating liquor and bring it into the District, and instead of going to a saloon and taking one drink there is no telling what would be the result on receipt of a large quantity of intoxicating liquor. If they had a gallon or five gallons to bring in at one time, I am afraid the result will be even worse than the present regulation.

Mr. GALLINGER. I think the Senator has misstated the number of negroes in the District of Columbia.

Mr. SMOOT. I said 100,000.

Mr. GALLINGER. There are not so many as that.

Mr. SMOOT. Not far from that number.

Mr. GALLINGER. However that may be, a white man could get just as much as the negro.

Mr. SMOOT. There is no question about that. I was going to refer to them later. I spoke first of the negro and what he could do. I now say that any person in the District of Columbia could do the same thing. I believe that those who believe in prohibition will be greatly disappointed in the operation of the bill if it becomes law.

Now, Mr. President, Senators have heard the substitute read section by section, and I do not think that I will take the time of the Senate to go over and compare the provisions of my amendment with Senate bill 1082, but I will content myself by saying that if the amendment is adopted it is not going to interfere with any object that a believer in prohibition has in eliminating liquors of all kinds from the District of Columbia, but, on the contrary, I believe that if it is adopted and becomes a law in the District we will see the abolishment of all intoxicating liquors from the District with the exception of pure alcohol to be used for mechanical, scientific, and medicinal purposes.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield to the Senator.

Mr. LODGE. I wish to ask the Senator how, under the law, he proposes to determine whether there is liquor in any form, wine or anything else, in a private house?

Mr. SMOOT. I will say to the Senator that I have provided no provision for search and seizure, but the whole question will be handled by the Commissioners of the District of Columbia, and they have power to appoint men for the purpose of determining whether the provisions of the law are violated, and, if violated, prosecuted under the provisions of the bill. The bill states plainly how alcohol can come into the District. The bill prevents all other intoxicating liquors from being imported. All that can be imported is pure alcohol for scientific, mechanical, and medicinal purposes. Everything that is designated in the bill as intoxicating liquor—and they are enumerated in section 1 of the bill, with the exception of pure alcohol—is prohibited from importation into the District, with the exception of wine for sacramental purposes.

Mr. LODGE. None is to be allowed to be sold except for medicinal purposes?

Mr. SMOOT. For medicinal purposes by pharmacists or an individual under the provisions of the bill.

Mr. LODGE. But private houses are to be searched at the pleasure of the commissioners?

Mr. SMOOT. There is no search and seizure provision in the bill. I do not know that they would search the private houses unless they became a public nuisance.

Mr. LODGE. In order to search private houses there will have to be some provision so as to make it conform with the Constitution. It could not be done arbitrarily under the Constitution.

Mr. SMOOT. I think that is true, I will say to the Senator, and for that reason I have not provided a seizure clause in the bill.

Mr. LODGE. This makes a second offense—that is, if a man is twice discovered to have liquor in his house for his own use—a felony, does it not?

Mr. SMOOT. It does.

Mr. LODGE. That is a serious penalty. What I was trying to get at is what provision there is for proving the guilt of a person.

Mr. SMOOT. I suppose they will have to prove that the intoxicating liquors were brought into the District contrary to the law, and if they can prove that, then the man is guilty, and if found guilty the second time he is guilty of a felony.

Mr. BRANDEGEE. As I read the provision of the bill it would not have to be proved that the liquor had been actually introduced into the District; the mere possession of it by any person or his servant would inflict a penalty upon the person in whose house the liquor was found, even if his servant had it.

Mr. SMOOT. If found there it would no doubt be brought in contrary to the provisions of the bill.

Mr. BRANDEGEE. I do not think so. The crime is in its possession irrespective of how it came into his possession.

Mr. SMOOT. If it came in contrary to the provisions of the law, then it would be a violation of the law.

Mr. BRANDEGEE. But under the language of the bill it is a crime if a man's servant has it in his possession in his house irrespective of how it came in, whether it came in on permit or whether it was smuggled in.

Mr. SMOOT. The only intoxicating liquors allowed to be imported into the District under the provisions of the bill is pure alcohol for the three purposes I have named, and any other intoxicating liquors that come into the District come in in violation of the law. It is a prohibition bill pure and simple.

Mr. REED. I desire to ask the Senator a question.

Mr. SMOOT. Certainly.

Mr. REED. As I read the Senator's bill—I am referring now to the language on page 1—it absolutely prohibits the possession of any kind of intoxicating liquors regardless of how the individual came into the possession of it.

Mr. SMOOT. The first section does, but the other sections provide the exceptions, and the exceptions afford the only way that an individual can have in his possession alcohol without a violation of the law.

Mr. REED. Now, the language is this:

That on and after the 1st day of November, A. D. 1917, it shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to sell, manufacture, or dispose of any intoxicating liquor or alcohol of any kind in the District of Columbia or to have in his or its possession or to transport any intoxicating liquor or alcohol in the District of Columbia unless the same was procured and is so possessed and transported under a permit as hereinafter provided.

Under that is it not true that if it is found that there was a bottle of liquor in a man's possession, in his house, in his pocket, in his traveling bag, that would in and of itself constitute a complete crime?

Mr. SMOOT. It would if it was not procured under the provisions of the bill.

Mr. REED. You could not procure anything but alcohol under the provisions of the bill?

Mr. SMOOT. That is true.

Mr. REED. So if you had whisky or wine in your possession that would be enough?

Mr. SMOOT. It would be a violation of the law.

Mr. BRANDEGEE. Will the Senator just look at section 14 on page 9?

Mr. REED. Yes; I will be glad to look at it. I thank the Senator. I think it just reenforces the statement:

SEC. 14. That it shall be unlawful for any person to import, ship, sell, transport, deliver, receive, or have in his possession any intoxicating liquors except as in this act provided.

Then, if a man came into the District of Columbia from any one of the States, went down to a hotel and registered, and happened to have a half pint of liquor in his grip, he would violate this law?

Mr. SMOOT. He need not violate the law. He could dispose of the liquor before he came into the District.

Mr. REED. Exactly; but if he brought it into the District of Columbia inadvertently or in any other way he would be at once liable to the pains and penalties of this law?

Mr. SMOOT. Technically, Mr. President, he would. It would be a violation of the law if he kept in his possession intoxicating liquors in the District of Columbia.

Mr. REED. Now, the language goes further and says that it shall be unlawful not only to sell, manufacture, dispose of any intoxicating liquors, and so forth, or to have in his possession, transport, any intoxicating liquors or alcohol in the District of Columbia, and so forth, but the language is so drawn that it is made unlawful for any person, house, association, firm, club, or corporation, its or their agents, officers, clerks, or servants to sell or have it in their possession, and so forth. Now, we will take the illustration of a hotel again. Suppose the proprietor of the Willard Hotel, in this city, were to have a clerk who had in his possession in the hotel a bottle of liquor, would not the proprietor be liable under this law?

Mr. SMOOT. I do not think so, Mr. President. I think the clerk would be liable.

Mr. REED. He would be a servant.

Mr. SMOOT. The proprietor would not be held responsible.

Mr. REED. The language is——

Mr. SMOOT. I will say to the Senator that there is no question as to what the bill intends, that all intoxicating liquors shall be forever excluded from the District of Columbia except as provided in the bill.

Mr. REED. I understand that.

Mr. SMOOT. It is a strict prohibition bill. The clerks will know it, the proprietors of hotels will know it, the possessors of homes will know it, and all who live or come into the District of Columbia will know it, and if they intend to obey the law they will comply with its terms.

Mr. REED. The point I am making now is this: Here is a proprietor of a hotel. He has a clerk working for him. The clerk, without the knowledge of the proprietor, has in the hotel a bottle of liquor. Could the proprietor of the hotel be sent to jail because the clerk, without his knowledge, had the bottle of liquor in his possession? As I read this language——

Mr. WORKS. Mr. President——

Mr. REED. In a moment.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. The Senator from Missouri has not concluded.

Mr. WORKS. I think the Senator from Utah has the floor.

Mr. REED. If the Senator from California desires to interrupt me in the middle of a sentence, I will give him the floor.

Mr. WORKS. The Senator need not take offense; I had no intention to do anything of the sort, but referring to his inquiry——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield to the Senator from California.

Mr. WORKS. I wish to say in reference to the inquiry made by the Senator from Missouri, of course the proprietor would not be responsible, for in that case the liquor would not be in his possession; it would be in the possession of his guest.

Mr. CLAPP. I wish to remind the Senator from Missouri that to-day the proprietor of the Willard Hotel might be absolutely innocent of any knowledge, near or remote, that one of his servants sold liquor in his house within a prohibited hour or within a prohibited day, and the proprietor would be liable to a suit under the law. So it is in all States where there is a license law.

Mr. REED. It appears, therefore, that the Senator from Minnesota takes a view that is absolutely in conflict with the opinion just rendered by the Senator from California——

Mr. CLAPP. Mr. President——

Mr. REED. The Senator from California saying there would be no possible liability unless there was guilty knowledge on the part of the proprietor of the hotel; the Senator from Minnesota urges that the language is not objectionable, because already under the law, as he construes it, the proprietor might be held liable for the act of the servant done without his knowledge.

Mr. CLAPP. The Senator from California was dealing with one suggestion that had been made by the Senator from Missouri; I was dealing with an entirely different one. The Senator from California was dealing with a situation where a guest has the possession of liquor. I was dealing with the suggestion, as I understood it, made by the Senator from Missouri that if the servant of the owner of the hotel had liquor in his possession it would result in placing the owner within the hands of the law. I was not dealing with the suggestion made by the Senator from California at all.

Mr. REED. The Senator is in error, because I was talking about the question of servants. I had not been talking about anything else but the question of servants. The Senator from California directed his reply to that. However, that is all immaterial. The question that I am trying to get at is simply this: Would not the proprietor of the hotel be liable if one of his servants had in his possession in the hotel a bottle of liquor, even though the proprietor of the hotel did not know anything about it? If that is true, I would like to know. If it is not true, I would like to know.

Mr. SMOOT. I told the Senator that I did not believe he would be liable. I think the suggestion offered by the Senator from California is the true interpretation of the language of the bill, for the bill says that—

It shall be unlawful for any person, house, association, firm, company, club, or corporation, his, its, or their agents, officers, clerks, or servants, to sell, manufacture, or dispose of any intoxicating liquor or alcohol of any kind in the District of Columbia, or to have in his—

That is, the hotel proprietor—

or its possession or to transport any intoxicating liquor or alcohol in the District of Columbia, unless the same was procured—

And so forth.

Mr. REED. My own judgment about it is that the language is so drawn that it will be very likely to be construed that the proprietor of a hotel would be liable if any one of his servants

or agents had any liquor in the hotel. It might be construed the other way; but, in view of the learned opinion which was rendered here the other day by a judge in the District of Columbia, that under the present law somebody who was serving beer to some guests in his own house was liable, I think it would be very well to proceed with some care.

Mr. SMOOT. Serving beer in a home under present law is quite a different thing from finding in the possession of a servant a bottle of wine, if the amendment is adopted and becomes a law.

Mr. REED. Yes; I know; but we sometimes get very strange constructions of laws.

Mr. CURTIS. Mr. President, I ask the Senator from Missouri if he thinks the law would apply, unless the proprietor of the hotel knew that the servants were handling the liquor?

Mr. REED. The Senator from Minnesota has already answered that by saying that frequently under the law the proprietors of public places are held liable for the acts of their servants done without their knowledge. Of course, we know that is true.

I am not contending about this bill, but I want to get at its meaning, just to see how far we are going; and while the Senator from Utah is on his feet, I wish to ask him a question.

Mr. SMOOT. I wish to say, in answer to the question of the Senator from Missouri, that I propose to go in the substitute just as far as I think it is possible to go to insure absolute prohibition.

Mr. REED. The substitute, as I understand, is largely taken from the Arizona statute?

Mr. SMOOT. No; it is taken from the Idaho statute.

Mr. REED. Is it not true that in the Idaho law there is a provision which prohibits people from carrying liquor even through the State?

Mr. SMOOT. No; I do not believe there is a provision in that law specifically stating that. I do not so remember it.

Mr. REED. My understanding is that the bill does prohibit carrying liquor through the State.

Mr. SMOOT. I understand, however, that if a person is found with liquor in his possession while stopping in Idaho, whether he comes in from another State or not, he violates the law.

Mr. REED. Is that the intention as to this substitute?

Mr. SMOOT. That is the intention; that if individuals here have liquor on their persons they violate the law. This is a prohibition bill, as I said a few moments ago.

Mr. REED. Would the substitute permit the use of alcohol, for instance, in the bath if a citizen happened to want to use it for cleansing purposes?

Mr. SMOOT. It has been declared that alcohol has no medicinal properties; and, therefore, I do not know why a man should have alcohol for his bath.

Mr. REED. I do not know; but that is a question.

Mr. SMOOT. It would depend upon whether the Commissioners of the District of Columbia, after an inspection, should say whether or not the alcohol was for medicinal purposes.

Mr. REED. Before a man could take a bath and have a rubdown with alcohol he would have to go down and see the District Commissioners?

Mr. SMOOT. If he got the alcohol himself, Mr. President, he would have to do so.

Mr. REED. Yes.

Mr. SMOOT. He would have to comply with the provisions of the law before he could get the alcohol; and when he applied for it he would have to say for what purpose he desired to use it.

Mr. REED. Suppose a man was to go to a Turkish bath, as occasionally men do, and having taken his bath and desiring to escape catching a cold, should ask to have an alcohol rub, who would have to get the permit for that rub?

Mr. SMOOT. I doubt very much under my substitute whether he could obtain a permit, and I do not think it is necessary at all to have an alcoholic rub after a Turkish bath.

Mr. REED. Of course, that depends on the man. Some people would regard alcohol as necessary in the bath; some people regard soap as necessary, and there are some people who regard neither as essential.

Mr. SMOOT. And some are content with merely water.

Mr. REED. Yes; and there are some people who disregard the bath altogether, who regard it as unhealthful. I am merely trying to get some light on the substitute.

Mr. SMOOT. The substitute is not an endeavor to regulate the opinion of people as to what constitutes a proper bath.

Mr. REED. But it would regulate the bath.

Mr. SMOOT. It will regulate the question of alcohol coming into the District of Columbia for that purpose; there is no question about that. I think that every man and woman in the District could have all the baths they desired and just as good baths as they are used to if there never was an ounce of alcohol brought into the District.

Mr. REED. That is a question of what a man is used to and what he thinks is cleanly. I should like to ask the author of this amendment now—I have not had a chance to read it—does it have a provision like the bill for which it is a substitute that requires any minister of the Gospel to go to the Commissioners of the District of Columbia and get a permit to administer the holy sacrament?

Mr. SMOOT. Mr. President, it provides in section 9—

> That whenever a shipment of wine for sacramental purposes shall have been transported for delivery within the District of Columbia the delivering agent of the transportation company must refuse to deliver the same unless it is accompanied by the certificate prescribed in section 8 of this act.

The certificate is specifically provided for on page 6, section 8, of the substitute, as follows:

> SEC. 8. That any common carrier or any person operating a boat or vehicle for the transportation of goods, wares, or merchandise may accept for transportation, and may transport to any place within the District of Columbia shipments of wine for sacramental purposes when there is attached to such shipments a certificate in substantially the following form—

Then, the certificate is set forth. It is true, as the Senator says, that whenever it is desired to import wine into the District for sacramental purposes those desiring to import it must have a certificate in the specified form issued by the Commissioners of the District of Columbia.

Mr. REED. But the Senator's substitute does not require, as does the bill in section 4—

> That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination he must apply to the Commissioners of the District of Columbia for a permit—

and then, that the District Commissioners shall pass on the question of whether the amount he desires is reasonable or unreasonable?

Mr. SMOOT. That, of course, is not in the substitute which I have offered. The form of permit, after application is made, reads as follows:

> I (or we) certify that this package contains only ——— (amount) of ——— wine, which has been ordered by ——— ———, who represents himself to be a duly authorized and officiating priest, or minister, of the ——— church, at ———, D. C., and that said wine is desired for sacramental purposes only.
>
> ——— ———.
> (Signature of shipper.)

Mr. REED. There is no limit?

Mr. SMOOT. There is no limit at all.

Mr. REED. Under that, take the case of Simms. No limit being fixed, I take it he could exercise a pretty broad right.

Mr. SMOOT. In referring to Simms, of course we all believe he is such a prohibitionist that he would not even have wine for sacramental purposes.

Mr. REED. But I am talking about what he might have. The Senator, however, does repose in his substitute enough confidence in the regularly ordained minister or priest of a church that he would allow him to get what he thought was necessary, and not, as the Sheppard bill does, require the minister or priest to appear before some whippersnapper of a commissioner and satisfy that commissioner that the amount of wine that he wanted for his church was in the opinion of the commissioner reasonable?

Mr. SMOOT. My opinion is that if the ministers in the District of Columbia do not support a prohibition law, then any such law never will be enforced in the District of Columbia.

Mr. REED. I notice that the Senator's substitute evidently reposes more confidence in the ministers than the author of the Sheppard bill has in the ministerial classes.

Mr. WORKS and Mr. SHEPPARD addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WORKS. Mr. President, I am heartily in favor of the substitute offered by the Senator from Utah [Mr. SMOOT], because it is a plain, straightforward prohibition bill. It contains some exceptions that ought not to be made. There is no reason why there should be any exception made in the use of alcohol for medicinal purposes. I think it is very generally understood now that alcohol has no medicinal qualities or virtues at all, and it is being very generally disused by reputable physicians for that reason. I noticed some time back that at a meeting of the surgeons of one of the great railroad companies in this country, they passed a resolution, or in some way reached the conclusion, that there are no medicinal qualities in alcohol, and that it ought not to be used. I think that is very generally true.

With respect to its use for sacramental purposes, there are, of course, great differences of opinion about it. Some ministers who have been accustomed to use it for that purpose have discontinued it and substituted something else in its place. It is just as true that there is no spiritual virtue in wine as that there is no medicinal quality in alcohol, and, to my mind, it has become only a matter of form that might very well be dispensed with and something else substituted in its place. In the interest of good morals I think the time will come when the ministers of the different churches will come to that conclusion, and that its use will be entirely done away with, as I think it should.

The Senator from Missouri [Mr. REED] has asked a good many questions for the purpose of indicating the strength of this bill in certain directions that seem to him, or that he intimates at least, are unjust. There is no injustice in preventing the bringing into the District of Columbia of alcoholic liquors for sale, giving away, or use. We have got to meet this question, and might as well do it now. It is a question of prohibition or not. I think we ought to be fair and open about it, and present this question in the way that is done by this substitute, so that there may be a vote upon it by the Senate. I do not think that it is a matter that ought to be temporized with. The time is coming, of course, when prohibition will prevail in the District of Columbia; practically everybody concedes that fact nowadays, I think; and so we might just as well meet the issue squarely, it seems to me, now as at any other time.

Mr. BORAH. Mr. President, I should like to ask the Senator from California a question. What is the distinguishing feature between the bill of the Senator from Texas [Mr. SHEPPARD] and the substitute now offered by the Senator from Utah [Mr. SMOOT]? What feature in the Sheppard bill is inadequate or insufficient in its strength and force?

Mr. WORKS. I have just been looking over the Sheppard bill this morning. Some of the amendments that were objectionable to me, I see, have been eliminated or withdrawn, so that the bill is a good deal stronger than I supposed it was, and the difference between the two is not very great. I think the Senator from Utah can explain what differences there are; I can not do so.

Mr. SMOOT. The greatest difference, I will say to the Senator, is that the Sheppard bill, so called, allows the importation of intoxicating liquors into the District of Columbia for personal use and in unlimited quantities. My amendment prohibits the coming into the District of Columbia of all kinds of intoxicating liquors, with the exception of alcohol; and in the importation of alcohol into the District of Columbia it is specifically provided for what purposes the pure alcohol shall be imported. Another difference is that the SHEPPARD bill allows the manufacture of alcohol in the District, while my bill positively forbids its manufacture in the District of Columbia.

Mr. BORAH. May I submit this question also to the Senator from California?

Mr. SHEPPARD. Mr. President, will the Senator allow me further to say that the substitute of the Senator from Utah prohibits the manufacture and exportation of ethyl alcohol for industrial purposes, while my bill permits the manufacture and exportation of ethyl alcohol for such purposes?

Mr. SMOOT. The Senator's bill originally prohibited the exportation of alcohol from the District of Columbia, and the manufacture of it; but the Corby Bros. manufacture yeast in the District of Columbia and, as a by-product of the manufacture of yeast, they manufacture alcohol. Therefore, an amendment was offered to the Sheppard bill allowing the manufacture of such alcohol and its disposal outside of the District of Columbia.

Mr. SHEPPARD. Not only as to the Corby Co. but as to any other company.

Mr. SMOOT. Yes; and as to any other company. I am speaking of the reason why the amendment was put in.

Mr. SHEPPARD. I did not offer the amendment solely on account of the Corby Co., Mr. President.

Mr. SMOOT. There never would have been any question if the Corby Co. had not brought it to the notice of the Senate.

Mr. SHEPPARD. I think the question would have arisen anyhow, Mr. President.

Mr. SMOOT. I am not saying anything in criticism of the Corby people coming to the Senator from Texas or to other Senators and calling attention to the condition of their business as it has been established and developed in the District of Columbia under the law; but I was simply stating the difference between my substitute and the bill offered by the Senator from Texas.

Mr. BORAH. Mr. President, I should like to ask a further question of the Senator from California. He is an earnest advocate of prohibition, as are some others here; but before we can have any kind of prohibition we must first get the law adopted, either by Congress or by vote of the people of the District of Columbia, if the bill should be referred to the people of the District. The fear that I entertain is that the measure which is submitted by the Senator from Utah is one that will encounter more difficulty in passing the Senate, and also, if the amendment of the Senator from Alabama [Mr. UNDERWOOD] should be adopted, a great deal more difficulty in passing the vote of the people than the so-called Sheppard bill.

Mr. WORKS. Mr. President, that may be true, but, so far as my individual vote is concerned, I must vote my convictions, and I presume that is so with the Senator from Idaho. Then, if we are not able to get what I think we should have, we will take the next best.

Mr. BORAH. That is true; but I would feel it unfortunate if we should adopt the amendment of the Senator from Utah, and then that the bill, if so amended, should be defeated in the Senate, and I would feel it extremely unfortunate if we should not get such legislation as would at least eliminate the public saloon from the District. When we shall have accomplished the elimination of the saloon in the country, we will have gone very far toward accomplishing prohibition, and I am satisfied that this amendment will be calculated to deter some from voting for it who otherwise would be in favor of the Sheppard bill.

Mr. SHEPPARD. Under the bill advocated by me the manufacture of alcohol is permitted in the District of Columbia for industrial, mechanical, and medicinal purposes.

Mr. SMOOT. I took it for granted that the Senator from Idaho understood that, of course.

Mr. KENYON. Mr. President, I should like to ask the Senator from Utah, if he will permit me, a question, which arises out of a situation that has not been suggested and about which I am not quite clear. Suppose a person coming into the District of Columbia should have in his grip a bottle of whisky, and suppose his physician had prescribed that whisky for him, whether wisely or unwisely; that the man has been drinking it on the way here; that he comes into the District with it in his grip and goes to a hotel and has it there, under the amendment of the Senator from Utah he would be guilty of a crime, would he not?

Mr. SMOOT. He would, Mr. President, under the provisions of the amendment if he kept that liquor while in the District of Columbia.

Mr. KENYON. I am a pretty ardent prohibitionist, but I think that is going further than I am willing to go.

Mr. SMOOT. I will say to the Senator that if we open the door we do not know how far the matter may go. I take it for granted that prohibitionists want a prohibition law; and the measure I have presented will, if enacted, provide a prohibition law. I wish also to say to the Senator that Idaho is not the only State that has passed a law similar to this.

Mr. KENYON. What other State has done so?

Mr. SMOOT. I think the Arizona law is even as strict as the Idaho law.

Mr. KENYON. Under the Sheppard bill, the situation I have narrated here would not bring about circumstances where a crime would be involved.

Mr. SMOOT. Well, I do not know whether it would or not.

Mr. KENYON. I think the fundamental difference between the Senator's amendment and the Sheppard bill is that the Sheppard bill is aimed at the saloon, to abolish the saloon, while the Senator goes further and endeavors to do away with all possession of liquor and all drinking of liquor within the District. I wish it might be done, but I very much fear it will impede the success of this measure.

Mr. SMOOT. I want to say to the Senator frankly that I admitted in my statement yesterday that the Sheppard bill was a step in the right direction, but I did not believe that it went far enough. I think that if the Sheppard bill becomes a law in the District of Columbia, instead of the strict regulation we have to-day it will be the striking down of regulation and any man or any person in the District of Columbia can send at any time and have come into the District of Columbia at any season of the year or any day of the year any quantity of liquor for his personal use.

The Senator knows very well that if a man sends off and gets a case of champagne or a case of wine or a gallon of liquor and keeps it in his cellar it is going to be served in that home. If the proprietor of the home desires to serve it at a dinner, it

will not only be used by the man himself, it will be used by those who come into his home. I have not any doubt about it; and not only that, but if it were enforced otherwise, then I want to say to the Senator that I would a thousand times prefer the provisions of my amendment than the condition which would arise under a bill of that kind.

Mr. KENYON. Would not the Senator prefer the Sheppard bill enacted into law to present conditions?

Mr. SMOOT. Oh, I stated that I would prefer it to present conditions.

Mr. KENYON. That is, it would be a long step forward in getting rid of the open saloon.

Mr. SMOOT. Yes; and I am going to vote for it.

Mr. SHEPPARD. Mr. President, I welcome a decision by the Senate as to which policy it deems desirable to be pursued—the policy expressed in the Smoot substitute or that involved in the bill which I have introduced.

I believe in prohibition as earnestly and as thoroughly as the Senator from Utah or any other Senator here, and I have given the subject no little study. It is my conviction that Senate bill 1082 represents the best that can be accomplished at the present time. It is similar to the laws in most of the so-called prohibition States to-day. Nearly all of these prohibition States permit the importation of liquors for personal use, either in limited quantities or without restriction. I believe the provisions of the Smoot substitute to be so drastic as to render the bill ineffective. Not only will it imperil the passage of the bill in the Senate, but certainly it will be fatal to the measure if it should be submitted to the inhabitants of the District.

As to the condition referred to by the Senator from Utah, arising out of the right of unlimited shipment, permit me to state that section 8 of my bill provides that the keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of the act shall be deemed an unlawful selling, subject to the penalty provided in section 1 of the act. In other words, the burden of proof is placed upon the individual who has the liquors in his possession to show that they have been obtained and are kept in conformity with the law.

Furthermore, Mr. President, the substitute of the Senator from Utah forbids the manufacture of alcohol for industrial purposes within the District of Columbia, or its exportation from the District for that purpose. It thereby prevents the people of this District from entering into a legitimate field of manufacture. I have here an enumeration of some of the purposes for which ethyl alcohol is used along medicinal lines.

It is a raw material in ether, which is an anesthetic in cases of surgery.

It is also a raw material in chloroform, an anesthetic in similar cases.

It is a raw material in what is known as ethyl carbonate, a hypnotic in cases of tetanus or lockjaw.

It is a raw material of ethyl chloride, a local anesthetic in cases of minor surgery.

It is a constituent element of chloral, which is used as a hypnotic in many diseases; also in formaldehyde, trianol, and sulfanol.

It is a raw material in aspirin, which is used as a sedative in cases of headache and rheumatism.

It is used as a solvent in camphor, which is a stimulant in many diseases—such contagious diseases as cholera.

It is used in the shape of collodion in cases of cardiac palpitation and other forms of heart disease. I ask permission at this point to add an appendix at the close of my remarks, showing the legitimate uses of ethyl alcohol.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHEPPARD. In fact, Mr. President, the uses of ethyl alcohol are almost unlimited, not only for medicinal purposes but as a fuel and for industrial purposes. One plant, the Corby plant, has built up a great business in the development of industrial alcohol, a business extending throughout the United States; and the substitute of the Senator from Utah would confiscate that legitimate enterprise. The section permitting the exportation of alcoholic liquors for industrial and medicinal purposes was not introduced with any special relation to this company, but in order to permit any individual or any institution to engage in a business of this character.

I repeat, Mr. President, after having given the subject careful consideration, that I believe Senate bill 1082, as it now reads, represents the best that can be accomplished at the present time. It will destroy the saloon—one of the chief evils of society—and will otherwise restrict the traffic in alcoholic liquors in such manner as to carry us a long way upward and forward.

APPENDIX.

Products included in the United States Pharmacopœia, ninth revision, in which ethyl alcohol is used either as a raw material for their manufacture or as a solvent, extractant, or preservative.

Name of preparation.	Nature of action of drugs.	Conditions in which it is used.
ALCOHOL AS A RAW MATERIAL.		
Ether	Anesthetic	Surgery.
Ethyl carbamate	Hypnotic	Tetanus.
Ethyl chloride	Local anesthetic	Minor surgery.
Bromoform	Anesthetic	Whooping cough.
Chloroform	do	Surgery.
Iodoform	Disinfectant	Syphilitic and tubercular abscesses; burns and wounds.
Paraldehyde	Hypnotic	Headache, sleeplessness.
Trional	do	
Sulfonal	do	
Chloral	do	
Antipyrine	Sedative; depressant	
Aspirin	Sedative	Headache; rheumatism.
Acetanilid	Depressant	Headache; colds, etc., infectious.
ALCOHOL AS A SOLVENT, ETC.		
Camphor water	Stimulant	Cholera, diarrhea.
Collodion	Antiseptic vehicle for local applications.	Cardiac palpitation.
Aromatic elixir	Menstruum for the pharmacopœial preparations.	Small wounds and cuts, etc.
Extract of—		
Aconite	Numerous actions in different diseases.	Heart disease; colds; numerous diseases.
Belladonna		Infections of various kinds eye treatments.
Cannabis	Sedative	Used in a large number of diseases.
Cimifuga	Depressant	Chorea; female diseases.
Colchicum		Gout.
Colocynth	Laxative	
Ergot	Astringent; uterine stimulant.	Hemorrhage; labor.
Ox gall	Increases flow of bile	
Gelsemium	Depressant	Muscular spasm; whooping and other coughs; headache.
Hydrastis	Hemostatic	Female diseases.
Hyoscyamine	Sedative, stimulant mydriatic.	Hysteria; coughs.
Nux vomica	Stimulant (strychnine)	Heart disease, and various other conditions.
Physostigmine	Various effects	Glaucoma; also used following ether anesthesia.
Rhubarb	Laxative	
Stramonium	Antispasmodic	Asthma; whooping cough.
Sumbul	Stimulant and antispasmodic.	Female diseases.
Taraxicum	Mild tonic, laxative and diuretic.	Dyspepsia; constipation.
Viburnum		Female diseases; hemorrhage.
Granulated ferrous sulfate.	Astringent	
Fluid extract of—		
Belladonna	Antispasmodic	Asthma; collapse.
Buchu		Urinary diseases.
Cannabis	See Extract	
Cascara, aromatic	Laxative	
Cimifuga	See Extract	
Colchicum	do	
Digitalis	Cardiac stimulant	Heart disease.
Eriodictyon	Bitter tonic	Used to disguise the taste of quinine.
Eucalyptus	Stimulant	Malarial conditions.
Gelsemium	See Extract	
Gentian	Bitter herb	Dyspepsia; loss of appetite.
Licorice	Laxative	
Grindelia	Mild tonic	Asthma; whooping cough; Ivy poisoning.
Guarana		Neuralgia and headache.
Hyoscyamus	See Extract	
Nux vomica	do	
Pilocarpus	Produces sweating; stimulates the growth of hair.	Heart and kidney disease; falling hair.
Podophyllum	Laxative	
Rhubarb	do	
Sabal	Sedative, tonic, and diuretic.	
Sarsaparilla	Flavoring agent	Blood purifier.
Squill		Bronchitis; dropsy.
Senega		Bronchitis.
Senna	Laxative	
Staphisagria	Insecticide	Pediculosis.
Stillingia	Emetic	Skin and liver diseases.
Sumbul	See Extract	
Hellebore (Veratrum)	Sedative	Eclampsia.
Viburnum	See Extract	
Xanthozylum	Feeble stimulant	
Glycerite of hydrastis	See Extract	
Soap liniments		Bruises, sprains, etc.
Compound solution of cresol.	Disinfectant	
Compound mixture of licorice.	Brown mixture	Colds; bronchitis.
Oleate of mercury		Syphilitic lesions.
Oleoresin of cubebs[1]		Respiratory diseases.

[1] Ether, a derivative of alcohol, is also used in the preparation of a number of oleoresins.

Products included in the United States Pharmacopœia, ninth revision, etc.—Continued.

Name of preparation.	Nature of action of drugs.	Conditions in which it is used.
ALCOHOL AS A SOLVENT, ETC.—continued.		
Resin of—		
Jalap	Cathartic	
Podophyllum	do	
Scammony	do	
Soft soap	Laxative; antacid	Acid burns.
Spirits of—		
Ether	Hypnotic	For use of ether internally.
Nitrous ether	Sedative	Colds, and numerous other diseases.
Ammonia, aromatic	Stimulant and antacid	Fainting; indigestion.
Bitter almond	Flavoring material	
Anise	do	
Orange	do	
Camphor		Bruises, sprains, etc.
Chloroform		Colic.
Cinnamon	Flavoring material	Do.
Nitroglycerin	Heart stimulant	Angina pectoris; heart failure.
Juniper	Diuretic	Dropsy.
Lavender	Flavoring material	
Peppermint	do	Dyspepsia.
Spearmint	do	Do.

SIRUPS.

The sirups constitute simply another form for the administration of a number of drugs, for the most part those occurring also in other preparations; alcohol is a constituent of a number of them, appearing as a solvent or stabilizer.

TINCTURES OF ALL KINDS.

[In most cases the most important preparation of a drug.]

Name of preparation.	Nature of action of drugs.	Conditions in which it is used.
Aconite	See Extract	
Aloes	Laxative	
Arnica		Bruises and sprains; the alcohol is probably the only really active constituent.
Asafœtida	Laxative	Intestinal disorders.
Bitter orange	Flavoring material	
Sweet orange	do	
Belladonna	See Extract	
Benzoin		Skin eruptions.
Calumba	Tonic and appetizer	
Cannabis	See Extract	
Cantharides	Vesiculant	Blistering agent.
Capsicum	Gastric stimulant	Indigestion; alcoholism.
Cardamon	Flavoring material	
Catechu	Astringent	Diarrhea.
Cinchona	Tonic	
Cinnamon	Flavoring material	
Colchicum	See Extract	
Digitalis	See Fluid extract	
Ferric chloride	Astringent and hemostatic	
Gelsemium	See Extract	
Gentian	See Fluid extract	
Guaiac		Principally used as a test for blood stains.
Hydrastis	See Extract	
Hyoscyamus	do	
Iodine	Disinfectant and absorbent.	Erysipelas, bruises, cuts, swellings.
Kino		Diarrhea.
Lavender	Flavoring material	
Lactucarium	do	
Lemon	do	
Lobelia		Asthma.
Musk	Flavoring material	
Myrrh	Local application for ulcers	
Nux vomica	See Extract	
Opium	Sedative; hypnotic	Used in many conditions.
Physostigmine	See Extract	
Pyrethrum	Stimulant	External applications.
Quassia	Bitter tonic	
Rhubarb	See Extract	
Bloodroot	do	
Squill	See Fluid extract	
Stramonium	See Extract	
Strophanthus	Heart stimulant	Heart failure.
Tolu	Flavoring material	
Valerian	Sedative	Heart disease; nervous trouble.
Veratrum	See Fluid extract of hellebore.	
Ginger	Flavoring material	Rubifacient and mild stimulant.

ALCOHOL IN ITS INDUSTRIAL APPLICATIONS.

Ethyl alcohol has to-day an extremely wide use in a very considerable number of industrial fields, as evidenced by the list appended hereto selected from the book Industrial Alcohol, by J. G. McIntosh, published in London in 1907. In this book, pages 214–217, a list of about 500 different uses of alcohol in the arts, sciences, and manufactures is given and a special list of 21 different types of application in these uses. The uses are now even wider than this 10-year-old list and the volume used now is much greater than at that time.

Acetic acid and acetates, acetic ether, alkaloids, anatomical specimens, automobiles, bookbinding, brass polishing, brushes, candle making, cements, etching, explosives, fireworks, floor polishes, flavoring essences, furniture, gilding, glazes, gutta-percha, hat making, hospitals, inks, insectides, japanning, laboratory work, lacquers, lamps, lead pencils, maps, medicine, mordants, oil extraction, chemical analysis, chemicals (synthetic organic), disinfectants, drugs (extracted and synthetic), dyes (natural and aniline), electric-lamp filaments, embalming, enamels, paints and paint cleaners, perfumes, pharmacy, piano making, printing, ropes, rubber manufacture, soaps, shipbuilding, silks, stains, sugar, surgery, tanning, tinctures, tobacco, toys, vinegar, varnishes, waterproofing, weaving, wood working and finishing, etc.

To attempt a list of the purely scientific or laboratory preparations, which are made of necessity by the use of alcohol as a solvent, a raw material, or a precipitant, would be practically endless. The following is a list taken at random from Bluecher's Auskunftsbuch fuer die Chomische Industrie, volume 9:

Acetal, acetaldehyde, acetanilid (medicinal uses, acetonal, acetone sulfite, acetophenome (medicinal uses), lead acetate (sugar of lead) (medicinal uses) and all other acetates, acetyl chloride, acetic acid, aspirin (medicinal uses), adrenalin (synthetic) (medicinal uses), aldol, alkaloids (medicinal uses), arsacetin (antisyphilitic) (medicinal uses), atoxyl (used in sleeping sickness) (medicinal uses), cellulose acetate, camphor monobromate (medicinal uses), celluloid, chloralamid (medicinal uses), chloretone (medicinal uses), tetrachlorethane and other similar solvents, acetic anhydride, dyes, lacquers, fruit ethers (flavoring extracts, synthetic), fulminate of mercury (explosive caps for ordnance), glycholic acid (medicinal uses), solidified alcohol for burning, hexamethylentertramin (used in purification) (medicinal uses), indigo (synthetic), cacodyl compounds (medicinal uses), cantharidin (medicinal uses), casein (pure), rubber industry (especially in the form of derivatives), collodion, milk sugar (used in infant and invalid feeding) (medicinal uses), ethereal oils, pepsin (medicinal uses), photographic chemicals, plastic masses, smokeless powders, artificial silks, soaps, tobacco preparations, tannins.

These two lists will give an idea of the very broad range of applications in which the use of alcohol is obligatory or by far the most convenient and economical reagent to use.

The industrial uses of alcohol as a fuel and as a lighting agent are as yet only beginning their development, and it seems not improbable that the time is not so far off when mankind will depend mainly on alcohol or its derivatives for many of the purposes for which natural gas, petroleum derivatives, and even coal are now used. Of course, most, if not all, of these applications will involve the use of what is now referred to as denatured alcohol, but to obtain denatured alcohol it is first necessary to make undenatured alcohol.

ALCOHOL IN THE SCIENTIFIC LABORATORY.

Without alcohol the work of all scientific laboratories—chemical, bacteriologic, physical, engineering, medical, etc.—would cease. All scientific training in university and college courses would cease or be so seriously handicapped as to be nearly worthless. Alcohol is used as a solvent, as a precipitant, as a purifying agent, as a disinfectant, and as a raw material every day in thousands of laboratories in this country and all over the world. At present we know of no substance which can take its place, nor is it likely that any will be discovered, for the groups of organic compounds to which alcohol is related in its properties have been pretty thoroughly studied, and none is known which will replace this reagent. As a raw material for the preparation of new organic compounds, alcohol and its immediate derivatives can not be replaced by any other substance, for any other substance would not result in the same final product. As a solvent for organic materials, it is without an equal. As a precipitant in various reactions of the chemical laboratory, no other known substance will replace it. This is not said in praise of alcohol, but simply as a statement that it possesses certain specific properties which make it absolutely essential for scientific work, a combination of properties unknown in any other substance. A list of all the laboratory applications of alcohol would practically be a catalogue of all the processes used in the preparation of some quarter of a million organic preparations, not to speak of several hundred inorganic substances.

Its main uses in the laboratory, however, fall under the following heads:

(a) As a solvent: There are thousands of chemical substances which must, perforce, be studied in alcoholic solution. Even a partial list of the names of these would be meaningless to the nontechnical man.

(b) As a purifying agent: There are a vast number of chemical substances which must be purified in the course of laboratory work, and a majority of these are purified by treatment with alcohol or with some of its derivatives, such as ether, chloroform, acetic acid, etc.

(c) As a precipitant: In both analytic work and in the preparation of new compounds, as well as in the purification and study of known products, alcohol comes into constant use to remove from solution in other solvents the compounds being investigated.

(d) As a drying agent: Especially in physiologic chemistry, alcohol and its derivative, ether, are used for the removal of water from substances to be studied in their dry state, and which would be injured by heating to dry.

(e) As a disinfectant and antiseptic: Its use for this purpose is extensive and so obvious as to require no comment.

ALCOHOL IN MEDICINE.

In the Ninth Decennial Revision of the Pharmacopœia of the United States, which became the legal standard for the country on September 1, 1916, under the pure food and drug act, spiritus frumenti (i. e., whisky) has been omitted, which is probably all the evidence that is required that the leading therapeutic authorities of the country do not regard the medicinal properties of that substance as of sufficient value to warrant its continued inclusion in the Government standard. They have, however, retained alcohol in three concentrations—99 per cent, 92.3 per cent, and 42 per cent. These three dilutions of alcohol are used in the preparation of extracts and solution of a great number of the drugs described in this book. The reason for such use are as follows: First, alcohol is the one known substance which will dissolve a large number of physiologically active substances (drugs), retain them in solution, suppress the growth of molds and bacteria which would destroy the preparation, and not itself react with the material so as to destroy its activity. Second, it is the only substance known to us having the above effects and which is at the same time of such a low degree of toxicity that it may be safely included in a prescription in the amounts in which it is usually present in medicinal preparations. For instance, wood alcohol would have many of the solvent and preservative effects of the ordinary alcohol, but its high toxicity renders it objectionable and dangerous even for external use.

Alcohol is, moveover, used as the raw material for the preparation of a large number of the substances listed in the Pharmacopœia. Appended hereto is a list of the preparations listed in the United States Pharmacopœia which contain or are made from alcohol, together with their customary use. It has been observed that in the preparation of the extracts of many drugs the alcoholic extract would be active, while a water extract would be inactive, due undoubtedly in most cases either to the active principle being insoluble in water or being destroyed by water. It is undoubtedly true that many of the pharmacopœial products are practically unnecessary, yet it is frequently essential to have the drug available in both alcoholic and nonalcoholic preparations, for mixing with other drugs of like type where mixing an alcoholic with a nonalcoholic preparation would result in the decomposition of the mixture.

The use of alcohol as a constituent has been grossly abused by the manufacturers of patent medicines. There are large numbers of these preparations on the market whose sole claim to physiologic activity lies in the alcohol—from 10 to 60 per cent—which they contain, and any legislation having prohibition in view which does not include a suppression of this class of alcoholic beverages will almost certainly fall far short of its object.

Mr. REED. Mr. President, I desire to ask the Senator from Texas if, under his bill, alcohol can be manufactured in the District of Columbia and shipped outside of the District of Columbia?

Mr. SHEPPARD. It can be manufactured and shipped outside for industrial, mechanical, and other nonbeverage purposes.

Mr. REED. When it is shipped out on the order of A. B., who states that he wants to use it for mechanical purposes, is there any way to prevent its being used by A. B. outside of the District in any way he desires?

Mr. SHEPPARD. We have attempted to reach that situation in so far as it can be reached by the insertion of section 2a, which provides for a complete record of all shipments to be kept by the railroad companies, and for the filing of an affidavit by the purchaser with the manufacturer here showing the purposes for which he intends to employ the alcohol. There is, of course, no way of determining with absolute certainty what he actually does with the alcohol. That is a matter which we can not always control; but we have endeavored to throw as many safeguards around this phase of the proposition as seem to be possible. If the alcohol is going to dry territory, the laws of the dry territory will protect the situation. If it goes into territory where alcoholic liquors are permitted to be used for beverage purposes, that is another question. The manufacturers in the District must take out annual licenses, and must give the commissioners any assurances they require as to good faith in making sales.

Mr. REED. Mr. President, that raises a very interesting question. There is, of course, not much use in discussing any question with about 12 Members of the Senate present; nevertheless I shall speak to the select few who are giving attention to the bill. The section referred to, if I understand it aright, will not place any effective limitation upon the use of alcohol manufactured within the District, once it gets outside of the District.

Mr. SHEPPARD. I beg the Senator's pardon. It is section 5a instead of section 2a.

Mr. REED. Let me look at section 5a then.

Mr. SHEPPARD. I suggest that the Senator read the section.

Mr. REED. Mr. President, having read section 5a, I think I am prepared to assert that a man can manufacture a million gallons of alcohol in the District of Columbia and sell it to any part of the United States without any other limitation than that the purchaser shall certify that he did not purchase it for beverage purposes; that is, that he does not intend to drink that alcohol or sell it to some one who will drink it. Now, nobody drinks raw alcohol. Let us see how the bill will work.

Suppose the case of a man in Maryland who is engaged in making cordials and drinks of various kinds. He desires to use raw alcohol. He gets the alcohol and uses it as an ingredient in that which he manufactures. The alcohol is not procured for beverage purposes. It is procured as an element, as a raw material, to go into something which may become a beverage. It is perfectly plain, therefore, that this bill proposes to permit an institution or institutions in the District of Columbia to manufacture alcohol and to sell or send the alcohol into other States and communities where it can be used for the purpose of compounding with other substances and making intoxicating liquors. The excuse offered by the Senator from Texas is that the manufacturer of alcohol is established as a great industry in the District of Columbia. He further pleads that alcohol is a by-product of yeast.

Now, I do not imagine that all the alcohol that is made in the District of Columbia is a by-product of yeast. I think that would make a good deal of yeast. But why this tender care for an established alcohol factory within the District of Columbia? Why permit this poisonous, deleterious substance to be made and sent into other States? Why employ this little District, which is under the direct care of Congress, where we have supreme jurisdiction save as limited by the Constitution of the United States, as the habitat for those institutions that manufacture this fearfully destructive enemy of mankind, against which the Senator from Texas so eloquently inveighs?

Incidentally, it may be remarked that if it be logical to permit the manufacture of alcohol in the District of Columbia, because here it is an established business, the same plea can be extended to include all distillers of alcohol in all parts of the United States, for they likewise have establised places of business. So, too, it could be logically claimed that the man making whisky has an established business. The man making beer has an established business. The man running a saloon has an established business. When you once begin to admit that it is right to permit the continuance of the manufacture of intoxicating liquor because it is an established business, you have gone so far as to cut the ground out from under every restriction that you may seek to impose, because they all affect business that has been established.

I confess I do not understand that kind of logic which proposes to perpetuate the primal source of an evil, against which so many eloquent declamations have been pronounced, on the ground that it is established and is profitable, and then proposes to try and limit the evil at a point far removed from its source. Everybody knows that if there was no alcohol made there would be none to ship, there would be none to sell, there would be none to carry in grips, there would be none to poison the souls and bodies of men. If you want to establish prohibition in this country you should prohibit absolutely the manufacture of any intoxicating liquor at any place, established or not established as a business.

It looks to me like you are compromising with evil, sort of splitting the difference with villainy, compounding with a felony, attacking the weaker of these classes of men who are declared to be the enemies of mankind, but carefully conserving the rights, immunities, and profits of those who are well estabilshed and whose profits have been large. Surely if the District of Columbia is to be purged we ought not to pause at the matter of profits; and if, forsooth, Mr. Corby in making yeast finds it profitable also to make alcohol at the same time he makes his yeast, and if it is our duty as representatives of the people and as forerunners of the gospel of purity to declare that alcohol shall not be made within the District of Columbia to sell to the benighted inhabitants of this territory, then we ought not to permit the Capital to become the habitat and city of refuge for institutions that will sell their poisonous products to the unfortunates of other States and other cities.

VOLUNTEER OFFICERS' RETIRED LIST.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Senator from Missouri will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. SHEPPARD. I make the point of order that under the agreement of yesterday the unfinished business is Senate bill 1082. First, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Smith, Mich.
Bankhead	Gronna	McLean	Smith, S. C.
Beckham	Hollis	Martine, N. J.	Smoot
Borah	Hughes	Nelson	Sterling
Brady	Husting	Norris	Thomas
Brandegee	James	Overman	Thompson
Bryan	Johnson, Me.	Owen	Tillman
Catron	Johnson, S. Dak.	Page	Townsend
Chilton	Jones	Pittman	Underwood
Clapp	Kenyon	Poindexter.	Wadsworth
Clark	Kern	Reed	Walsh
Colt	Kirby	Saulsbury	Warren
Curtis	La Follette	Sheppard	Watson
Dillingham	Lane	Shields	Weeks
Fernald	Lee, Md.	Simmons	Works
Fletcher	Lewis	Smith, Ariz.	
Gallinger	Lippitt	Smith, Ga.	

Mr. SAULSBURY. I have been asked to state that the Senator from Mississippi [Mr. VARDAMAN] has been called from the Chamber by important official business.

The VICE PRESIDENT. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. SHEPPARD. Mr. President, I wish to make the suggestion that on yesterday I asked unanimous consent that Senate bill 1082 be temporarily laid aside and that the calendar be proceeded with without prejudice to the position of Senate bill 1082 as the unfinished business. I understood that to be agreed to. I therefore make the point that at this time it is the unfinished business.

The VICE PRESIDENT. The point of order must be overruled with the plain statement made by the Chair on yesterday. This is the RECORD:

Mr. SHEPPARD. Mr. President, what would happen to the bill, then, at 2 o'clock to-morrow?

Mr. SMOOT. It would be the unfinished business.

The VICE PRESIDENT. If it were under consideration, and there should not be anything pending at the close of the business of to-day so as to make that the unfinished business, the pending bill would proceed along as the unfinished business. The Chair understood the suggestion to be to take up the calendar under Rule VIII. Of course, if the calendar is taken up under Rule VIII, nothing can be considered except unobjected bills, so there would not be any other business which would intervene and become the unfinished business. An agreement may be entered into to proceed with the calendar under Rule VIII and at the conclusion of the morning business to-morrow to take up Senate bill 1082. That certainly would avoid any steps being taken to make any other measure the unfinished business.

Mr. SHEPPARD. Mr. President, I have no disposition——

Mr. SMOOT. Just a moment. If the Senator from Texas should ask unanimous consent now to lay the bill temporarily aside, especially if he did so at 2 o'clock, then the bill would be the unfinished business to-morrow.

The VICE PRESIDENT. Provided it were taken up before the adjournment if any other measure were then pending.

There never has been any other ruling made by the present occupant of the Chair than the one there made. The present occupant was not here during the proceedings after the bill was temporarily laid aside at 2 o'clock on yesterday, but if there were business pending at the close of yesterday's session and the Senator from Texas did not ask to take up the bill which had been temporarily laid aside, in the mind of the Chair there is no doubt that that business becomes the unfinished business of to-day and it must be laid before the Senate at the hour of 2 o'clock by the Presiding Officer. That, of course, would not prevent the Senator from Texas from moving to take up in place of it any bill.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 1082.

Mr. TOWNSEND. Mr. President, I hope this motion will not prevail. I understand clearly what the thought was on yesterday, but last evening while in executive session but as in legislative session the question was raised of laying the present District bill before the Senate and I objected to it and made the statement at that time that I wished the volunteer officers' bill to be taken up to-day, and that if it was I would try to get an agreement whereby it could be laid aside temporarily until the determination of the District bill. I stated then that I would consent to that being done. I have tried to make such an arrangement, but it now appears that I have not been able to succeed.

Mr. President, I hope that this bill can be kept before the Senate. I do not believe that it will take a great while to pass it; at least, to get a vote upon it. I believe that inasmuch as we have waited so long and worked so hard to get it up we ought to have consideration of it now.

Furthermore, there is no question at all but what the Senator from Texas at any time when this bill is out of the way can get recognition from the Chair and bring his measure before the Senate and it can receive consideration. That is not true in reference to the volunteer officers' bill. I have worked patiently to secure recognition and to get this measure before the Senate, but have failed. I have not been able to secure recognition for that purpose. If the Senate now sees fit to lay the bill aside after the discussion of yesterday, it may be a long time before I can get consideration of it again.

I submit, Mr. President and Senators, we are doing no injustice to the District bill. That is bound to be considered. There is no Senator on this floor who doubts that it will be up for consideration. I repeat that the same can not be said in reference to Senate bill 392.

Therefore I sincerely hope that we may proceed with the unfinished business this afternoon and see at least if we can not make substantial progress upon it.

Mr. SHEPPARD. I merely ask Senators to remember that on yesterday we had substantially a unanimous agreement that Senate bill 1082 should be proceeded with to-day.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas.

Mr. CLAPP. I should like to know exactly what is the motion of the Senator from Texas.

Mr. SHEPPARD. To proceed to the consideration of Senate bill 1082.

Mr. CLAPP. I should like to ask the Senator if to temporarily lay aside the Volunteer officers' bill would not leave it the unfinished business?

Mr. TOWNSEND. We would then be in the same position relative to this bill that the District bill is in now in relation to the Volunteer officers' bill. If I ask to have it laid aside temporarily and then the District bill is considered up to the hour of adjournment it becomes the unfinished business for Monday. If the Chair will indulge me with a decision upon that subject, if it is in order to lay a bill aside temporarily until the conclusion of another bill that is before the Senate, I would gladly ask that that be done.

Mr. CLAPP. Why could it not be temporarily laid aside for a given length of time? I will state to the Senator I appreciate the full force of his statement relative to the difficulty of getting these two bills before the Senate. I think it is much easier to get the District bill before the Senate than the other bill. At the same time we are confronted with the fact that there is determined opposition against the bill, and we have no evidence of any such resistance to the other measure, which makes the situation somewhat different. Why can it not be temporarily laid aside for a given time?

Mr. BRANDEGEE. If I may make a suggestion to the Senator from Minnesota, the ruling of the Chair, as I understand it, is that even if unanimous consent is given that a bill be temporarily laid aside and the Senate proceeds to the consideration of something else and the something else is still before the Senate at adjournment this afternoon, it displaces the unfinished business. That is the very condition we are in now under the ruling of the Chair.

The VICE PRESIDENT. That has been the uniform ruling of the present occupant of the chair.

Mr. BRANDEGEE. I simply stated that for the information of the Senator from Minnesota.

Mr. CLAPP. The Senator from Minnesota understood that perfectly, but the inquiry in the mind of the Senator from Minnesota was whether that could be obviated not by laying the bill aside temporarily for an indefinite time but laying it aside for a given period of time. I do not know that that could be done. I merely made the inquiry.

Mr. TOWNSEND. Mr. President, I have investigated the subject and find there is no way by which I can be sure that this bill will follow the District bill.

I wish to say, in reply to a statement made by the Senator from Texas, that there has been no lack of good faith on my part in insisting upon this bill remaining before the Senate. I understood yesterday what the Chair said. I also stated here in my seat when the Senator from Utah was discussing the matter that I would not consent to the District bill being temporarily laid aside without any regard to the possibility of supplanting it by another bill. So I am acting in good faith. I should like to do just as I wanted to do last night—lay it aside by unanimous agreement to have it taken up immediately at the conclusion of the District bill—but that can not be done.

Mr. SHEPPARD. If the Senator will permit me, I do not question his sincerity in the matter at all. I endeavored to take care of my rights as to the unanimous consent before the adjournment, as the Senator will remember, by resuming consideration of Senate bill 1082, and the Senator objected, thinking that he could make an arrangement which he finds that he can not now make.

Mr. TOWNSEND. I am very glad the Senator does not misunderstand me. I hope, therefore, Mr. President and Senators, that we may spend this afternoon on the Volunteer officers' bill. It is the unfinished business and should remain so until it at least has had a reasonable opportunity for passage.

Furthermore, I wish to say that the Senator from Minnesota has suggested that there has been an express, determined opposition. I believe yesterday it was denied on the floor that there was to be any other means employed than legitimate means to defeat this measure.

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senator that as far as I am concerned I propose to indulge in no filibuster against the bill. I merely desire to have time to prepare a speech against it, and then if the Senate wants to pass it I am not responsible for it, if I have done my part.

Mr. TOWNSEND. That is what I understood.

Mr. SMITH of Georgia. That is my feeling about it.

Mr. TOWNSEND. That is my understanding. Furthermore, it is a notorious fact in my judgment that this bill which I am advocating is clearly the choice of a large majority of the Senate. That being true, I think we ought to have an opportunity and the advantage of position which we have now should not be lost.

Mr. HUGHES. Mr. President, I think there was an unmistakable understanding with the Senator from Texas yesterday that if he permitted Senate bill 1082 to go over to suit the convenience of Senators, it would be taken up again to-day. I do not criticize any Senator who does not understand the situation in that way, but, as far as I am concerned, I understand it in that way clearly. I do not propose to vote for the bill now being championed by the Senator from Texas, but I shall not vote to deprive him of his rights when he agreed to lay the bill aside, thus penalizing him, by taking up another bill. I propose to vote for the motion of the Senator from Texas.

Mr. CLAPP. The Senator from Georgia suggests that he is not prepared to go on to-day and he wants to devote an hour perhaps to the discussion of the retirement bill. I should like to ask the Senator if he is prepared to make that discussion this afternoon?

Mr. SMITH of Georgia. In a rambling way. I would take a great deal more time this afternoon than if the bill went over and I could arrange what I have to present to the Senate. I do not think the Senator from Michigan will have any trouble in getting the bill up. We can not call the calendar under Rule VIII without finding this bill at the head of the calendar, and a motion would then be in order to take it up. We could not get to bills below it without that course. I think the Senator will have a chance to get it up. I am sorry it is on the calendar where it will get up; I am very much opposed to spending this money, but I do not intend to resort to any dilatory measures to prevent a vote on it. I do not think we will get through this evening. I think we will find a number of rambling talks on it.

I furthermore feel that the District bill is entitled to consideration to-day. It was laid aside yesterday by unanimous consent as the continuing unfinished business. Prior to the occupancy of the chair by the present Presiding Officer it was ruled when I was here that while the unfinished business was laid aside by unanimous consent temporarily, it continued to be the unfinished business and was at all times the unfinished business. I thought that would be the consequence. I am disposed to believe that this is the situation with reference to the rule. It is the unfinished business still during that day and at any moment before adjournment the Senator in charge of the bill could call for the regular order and the temporarily laid aside unfinished business would at once be laid before the Senate. So it may be that we can protect our rights to lay aside the unfinished business temporarily by unanimous consent and preserve it for the future even under the ruling the Chair has made to-day. I find in the discussion of this subject in the past the position taken by the old parliamentarians that a measure which is the unfinished business and temporarily laid aside by unanimous consent is at all times the unfinished business and the regular order when called for.

Mr. GALLINGER. Mr. President, I am in favor of both these bills and I want to see them both treated fairly. In my judgment, the ruling of the Vice President is absolutely sound. The method heretofore has been that if a bill was temporarily laid aside it could be called up during that day and it would resume its place before the Senate. Failing in that the Senator having in charge the unfinished business could move to take it up before adjournment, and that would again restore it as unfinished business. But if it has been temporarily laid aside and another bill taken up, and the discussion of that bill continues until the close of the day, beyond a question that becomes the unfinished business.

Mr. SMITH of Georgia. Will the Senator allow me a suggestion?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. The Senator from Texas yesterday called attention to the District bill as having been temporarily laid aside as the unfinished business, and asked unanimous consent to take it up. Perhaps it was simply his right to take it up without asking for unanimous consent. Objection was made to the unanimous consent.

Mr. GALLINGER. It is evident it was not taken up, and the Senator from Texas lost his privileges, whatever they may have been. It seems to me we ought not to waste any time. The Vice President has ruled, and the bill has not been taken up. Let us take the vote on the motion made by the Senator from Texas.

Mr. JONES. Mr. President, it may be a waste of time, but I am going to offer a suggestion. I have no question as to the ruling of the Vice President, but I want to read to the Senate just what occurred yesterday, which gave me the impression that it was generally understood that this bill would be the unfinished business to-day, no matter what happened on yesterday. The bill had been laid aside, and at the hour of 2 o'clock—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. MARTIN of Virginia. Will the Senator from Texas allow this bill to be temporarily laid aside that we may finish the bill which has been under consideration?

Mr. SHEPPARD. I ask that the bill be temporarily laid aside.

Mr. SMITH of Michigan. Can the Senator from Texas tell us with any certainty when we can reach a vote on this bill?

Mr. SHEPPARD. There has been no agreement as to a time for a vote to be taken.

Mr. SMITH of Michigan. Is it to come up to-morrow?

Mr. SHEPPARD. The bill will come up to-morrow. I hope we may vote upon it at some time to-morrow, but I am not sure that we will be able to do so. I ask unanimous consent that the bill be temporarily laid aside.

Mr. SMITH of Georgia. By temporarily laying the bill aside it will remain the unfinished business upon the calendar to-morrow. In addition to that, I think we have had practically an agreement that immediately at the closing of the morning business to-morrow, before this bill is reached as the unfinished business, we will take it up for consideration. So that means that to-morrow is to be devoted to the consideration of the prohibition bill for the District of Columbia, unless something is done by the Senate to displace it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none.

Mr. SHEPPARD. I was going to ask further that the calendar be proceeded with without prejudicing the bill.

Mr. MARTIN of Virginia. That will be done.

The PRESIDING OFFICER. That has already been ordered this morning. The calendar will be proceeded with.

Mr. JONES. I submit, without a technical consideration of the various statements made, that would give to every Senator the impression that it was the understanding of the Senate that this bill, no matter what might happen in connection with the calendar, would be the unfinished business to-day. I am in favor of both these measures, but I had that impression. Under the circumstances I will vote for the motion of the Senator from Texas.

Mr. TOWNSEND. The Chair has read what he stated to the Senate in reference to it. And what he said was said after what the Senator from Washington has read. No; there can be no question as to good faith in this matter. I was in my seat waiting for the conclusion of the discussion, because I had in mind calling up this bill and making a motion, when the Chair clearly stated what the status would be at the conclusion; and I made no further objection, but allowed that to go through. So there was no misunderstanding and no attempt, as I have said, to take advantage of the other bill. I am for the District bill, too. I know that it will have an opportunity to be passed upon, and I do not want this bill put off, as it was in the last Congress, until the last day, when there could be no opportunity to secure its consideration by the other House.

Mr. SMITH of Michigan. Mr. President, of course, I recall the colloquy yesterday, but, unfortunately, colloquies do not establish the parliamentary status of a bill. Clearly, the Chair has ruled in accordance with the practices of the Senate, and we are now to choose which of these bills we shall consider.

I favor very strongly the bill of my colleague [Mr. TOWNSEND], which he has labored so industriously to have passed, and which has unusual merit. I shall vote for the bill of the Senator from Texas [Mr. SHEPPARD], as I believe that also to be important. If there is any organized attempt to delay the action of the Senate, I should greatly regret it; but as we must choose, I shall elect to vote with my colleague to maintain his rights, with the full expectation that we shall get an early day, and perhaps an early hour, in which to further consider, and I trust to pass, the bill of the Senator from Texas.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas [Mr. SHEPPARD] to proceed to the consideration of Senate bill 1082.

Mr. KENYON. On that I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a pair with the senior Senator from Delaware [Mr. DU PONT], who is absent. So I shall withhold my vote. If permitted to vote, I should vote "yea."

Mr. BRADY (when his name was called). I have a pair with the junior Senator from Mississippi [Mr. VARDAMAN]. He is absent from the Chamber, and I therefore withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. CURTIS (when Mr. CLARK's name was called). I am requested to announce that the Senator from Wyoming [Mr.

CLARK] is paired with the senior Senator from Missouri [Mr. STONE].

Mr. CURTIS (when his name was called). I have a general pair, with the Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], who is not present. For that reason I withhold my vote.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS], who is absent. So I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arkansas [Mr. ROBINSON], and vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from California [Mr. PHELAN], and vote "yea."

Mr. SAULSBURY (when Mr. VARDAMAN'S name was called). The junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Louisiana [Mr. RANSDELL].

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The result was announced—yeas 34, nays 33, as follows:

YEAS—34.

Ashurst	Hughes	Overman	Swanson
Beckham	James	Owen	Thomas
Borah	Johnson, S. Dak.	Pittman	Thompson
Bryan	Jones	Saulsbury	Tillman
Chilton	Kenyon	Sheppard	Underwood
Clapp	Kirby	Shields	Walsh
Fletcher	Lane	Simmons	Works
Gore	Lee, Md.	Smith, Ariz.	
Hollis	Martin, Va.	Smith, Ga.	

NAYS—33.

Bankhead	Husting	Nelson	Sutherland
Brandegee	Johnson, Me.	Newlands	Townsend
Catron	Kern	Norris	Wadsworth
Chamberlain	La Follette	Page	Warren
Colt	Lewis	Poindexter	Watson
Cummins	Lippitt	Pomerene	Weeks
Fernald	Lodge	Reed	
Gronna	McCumber	Smith, Mich.	
Hitchcock	Martine, N. J.	Smoot	

NOT VOTING—29.

Brady	Gallinger	Oliver	Smith, S. C.
Broussard	Goff	Penrose	Sterling
Clark	Harding	Phelan	Stone
Culberson	Hardwick	Ransdell	Vardaman
Curtis	Lea, Tenn.	Robinson	Williams
Dillingham	McLean	Shafroth	
du Pont	Myers	Sherman	
Fall	O'Gorman	Smith, Md.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. REED. Mr. President, I was observing when the parliamentary dispute arose that under the pending bill alcohol can be manufactured in the District of Columbia and sold in any part of the United States without limitation as to quantity; that the only limitation is that it shall not be sold for beverage purposes; and I was calling attention to the fact that it can be sold for a raw material, and immediately manufactured into whisky or any other beverage in which alcohol is used. So this bill coolly proposes to allow the manufacture of alcohol in the District of Columbia and the shipping of it to any other point, where it may be manufactured into or used in compounding any kind of intoxicating liquor. Whisky itself is the product of alcohol.

The argument that is made is that the manufacture of alcohol is an established business in the District of Columbia. If it be an established business in the District of Columbia, so, likewise, is the saloon an established business; so is every other instrumentality for the dissemination of intoxicating liquors an established business. If that argument is to prevail and is carried to its logical conclusion, then every brewery, every distillery in the United States might be protected for the same reason.

The Senator from Texas says there has been a restriction thrown around it so far as possible, because it is provided that the purchaser shall certify that he does not intend to use the alcohol for "beverage purposes." Under the amendment the Peoria Distillery could buy a million gallons of raw alcohol in the District of Columbia——

Mr. SHEPPARD. Mr. President, will the Senator permit me?

Mr. REED. And certify that they did not intend to use it for beverage purposes. Then, treating it as a raw material, they could put it through the process of refinement and change in their distillery and sell the whisky anywhere in the world.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Missouri yield to the Senator from Texas, who, the Chair understood, desired to submit an inquiry?

Mr. SHEPPARD. I meant merely to suggest that the liquors would be subject to the laws of the jurisdiction where they are manufactured.

Mr. REED. Exactly. They will be subject to the laws of the State where they are sold, but they can be sold at any place where the local laws do not prohibit such sale.

What is the purpose back of this bill? Is it a great moral purpose? Is this a great moral question? If so, ought there to exist under the protection of the Government itself the fountain source of the evil, and from that fountain source should the poison be disseminated, to adopt the argument of the sponsors of the bill, "to destroy the souls and bodies" of people in other States?

Mr. SHEPPARD. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. I do.

Mr. SHEPPARD. Would the Senator consider the manufacture of alcohol for industrial and medicinal purposes a source of evil?

Mr. REED. Oh, the Senator does not limit its manufacture to industrial and medicinal purposes.

Mr. SHEPPARD. The bill so limits it.

Mr. REED. The manufacturer of alcohol in this District can under this bill ship unlimited quantities to any place in the world. The solitary limitation is that he shall certify that it is not intended to be used "for beverage purposes." The distiller of whisky can buy that alcohol as a raw material—he does not intend to use the alcohol for beverage purposes—and he can put it through the refining processes of his distillery, turn it into whisky or cordials or other intoxicants, and sell them without limit. Now, how much good faith is there in the cry that there is a desire to protect the morals and health of the people, when you propose, under the protection of the Federal Government and within sight of the Capitol, to perpetuate an institution which makes alcohol and allow that institution to sell its product all over the United States? You excuse that by the pitiable reason that the gentleman has an establishment and that there is money in the business. In a word you say that because he has been destroying the souls and bodies of men—to use your language—he has thereby acquired a vested right to continue to do evil. Whenever you admit that argument, sir, you admit a doctrine that will forever shield every distillery, every brewery, every saloon, every barroom in the United States, for they are all established businesses, and nearly all of them are profitable.

Let us have this question clearly understood. It is not intended by the bill to reach the powerful and the rich. It is intended to except from the operation of this law those who have made great sums of money by manufacturing alcohol. It is intended to allow others to come, if they see fit, and manufacture alcohol in the District. The big distiller is to be protected, the fountain source of the supply is to be preserved; but we are to deal with the details; we are to reach the smaller of the evils.

Now, I desire in just a moment's time—and I shall occupy only a moment—to challenge the attention of the few Senators who are paying any attention to this bill to the difference between the treatment the distiller receives and the ministers of the Gospel receive under this bill. A distiller, mark you, can manufacture an unlimited quantity of alcohol and sell it as a raw material anywhere in the United States without any limitation, so long as it is not sold directly for the purpose of drink-

ing—and nobody drinks alcohol in its raw state. All the distiller has to do is to sign his name to a little printed blank, in which he says that he is not selling alcohol for beverage purposes, and all the purchaser has to do is to say that he is not buying it for beverage purposes. Thereupon the stills operate night and day. The alcohol flows forth in a constant stream; it comes on uncontrolled and in unlimited quantities. It is disseminated generally throughout the country. Such is the generous treatment we accord the distiller. But when we come to a minister of the gospel, behold the difference!

Here is a minister, regularly ordained, who has consecrated himself to the service of the church and of his God. He has continued as the head of a church in the city of Washington until the black hairs of youth have turned to gray; he has gone about upon his errands of mercy and missions of religion and love at all hours of the day and all hours of the night, and now he desires a little wine that he may bless as the blood, or symbol of the blood, of the Master and administer with sacred rites to the members of his church—and what has he to do? He must appear, this holy man, before whatever particular individual happens to be a Commissioner of the District of Columbia; he has to apply humbly to the commissioner for permission to get a little sacramental wine; he must state the exact amount he desires, for what period he desires it, and for what purpose he will use it; and then, if he has succeeded in convincing the wise commissioner, who may be any kind of a politician who came down here and got a job, that he, this holy man, is really in good faith, that he is not trying to get some wine to drink or to sell, that he is not trying to "put one over" on the Government and the commissioner, then and only then he can get permission to have shipped to him his quart of wine, provided further he satisfies the commissioner that "it is reasonably necessary." Now, if we had a commissioner like Bob Ingersoll, who did not believe in any religion and who believed that the holy sacrament was an evidence of ignorance and barbarism, he might not think it reasonably necessary to have any wine at all.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SMOOT. So that there may be no mistake or misunderstanding, the Senator is not speaking of my amendment, as I understand, but he is speaking of the Sheppard bill?

Mr. REED. I am not speaking of the Senator's amendment. I have forgotten whether he allows anything for sacramental purposes or not in his substitute bill.

Mr. SMOOT. I told the Senator when my substitute was up for discussion that under it there was wine allowed for sacramental purposes; but the ministers of the gospel do not have to go through the ordeal which the Sheppard bill imposes. As my amendment is before the Senate, I did not want to have any misunderstanding that the remarks of the Senator applied to my amendment as to the manufacture of alcohol in the District or as to the requirements for obtaining wine for sacramental purposes.

Mr. REED. I understand that the Senator from Utah very clearly has cut out this by-product of yeast, to wit, alcohol. By the way, I have a pretty strong suspicion that the yeast is the by-product of the alcohol, instead of the alcohol being the by-product of the yeast. I doubt not that such a consideration will not make the slightest difference to the author of this bill, because, mark you, he insists that the distillation of alcohol is an established business; and, to use his own language, "Corby's is a legitimate business." But for the minister of the gospel, who has gone down to get wine for sacramental purposes, who has appeared before the wise commissioner, who may or may not decide or think that the sacramental wine is reasonably necessary, or who may think that the amount is a little too great or a little too small, trouble is not yet over. He has to be subjected to receiving that wine in a vessel that is labeled; and, mark you, there must not be over five gallons of it. No matter what the size of the congregation, no matter how often the sacrament is administered, there must not be over 5 gallons of it, because, forsooth, the author of this bill has not sufficient confidence in any minister of the gospel to believe that the minister would not misuse the wine if he obtained a little more than would supply the immediate demands for a sacrament about to be administered. The confidence manifested in the ministers of the church by the author of this bill is truly astounding. The minister must go before a commissioner, because, although he is a minister, he may misuse the wine. The minister or priest must satisfy the commissioner. But the author of the bill can not repose complete confidence even in a commissioner. He fears that the commissioner may abuse his discretion. Accordingly he proposes to put some legal hobbles on the commissioner by providing that he shall not permit the minister to get more than five gallons, and this, although the minister may have a church of 5,000 communicants and may hold communion service every week. I do not know whether or not they ever administer communion at a Billy Sunday revival; but if they ever do, and Billy got one of his real revival fervors started, there may not be enough in 5 gallons to go around among the numerous new converts.

But, I remark, the trouble for the minister is not yet over. He must have this material delivered to him in a container that must be plainly labeled, so that all "the world, the flesh, and the devil" can tell that the preacher is having wine shipped to him.

A permit must be "attached to the outside of the package by the shipper and remain so attached until delivered to the consignee when it shall be canceled by the carrier," and "said permit shall be void after 20 days, and shall not be used for more than one shipment."

Now, contrast again the difference between the way you use the minister and the way you treat the distiller who makes alcohol as a by-product of yeast, but whose alcohol will show profits, I think, much larger than his yeast account. All he does is to show a paper signed by some man in some other State saying: "I want a thousand gallons or a million gallons or any other number of gallons of alcohol which I do not intend to drink or sell to somebody else to drink"; but he can use it, as I have said, to make whisky out of. He can use it for any purpose except the one single purpose of drinking it raw.

It seems to me there ought to be a little more confidence in the ministers of the gospel than is manifested in this bill, and a little less confidence in the fellow that makes yeast as a by-product of alcohol or alcohol as a by-product of yeast.

Mr. SHEPPARD. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Yes.

Mr. SHEPPARD. The manufacturer of alcohol for industrial and other nonbeverage purposes must obtain a permit or license annually from the Commissioners of the District, and must satisfy the commissioners of his good faith.

Mr. REED. Does the Senator mean that he must put "for industrial purposes" in his application?

Mr. SHEPPARD. And he must satisfy the commissioners that he is going to manufacture it for those purposes, and does so manufacture it. If any large quantities should be sold for beverage purposes, the commissioners would soon ascertain such fact.

Mr. REED. He is only required to satisfy the commissioners that he is making it in accordance with the terms of this bill, and the bill contains the restrictions I have named and none other. Why, take the case of Mr. Corby. I use his name because it has been used here publicly. I do not know the gentleman. I thought Corby made "Corby's Mother's Bread"; but it seems he makes something stronger than bread. [Laughter.] I have often wondered how a man made so much money and had such a fine residence out of the profits on bread; but the veil is lifted. I begin to understand. But coming to the question of the Senator, the Senator will not deny that Mr. Corby or anybody else can establish a distillery for the purpose of manufacturing alcohol without yeast as a by-product or anything else as a by-product, and that he can thereupon sell that alcohol as a raw material in unlimited quantities at any place in the United States, unless the local laws of the place to which he ships it prohibit its sale there, otherwise he can ship it all over the world.

I submit to the careful and prayerful consideration of the author of this bill that he might spend a little time further restricting the distillery and seeing if he can not lift a few of the limitations and restrictions from the minister of the gospel who wants a little wine to administer at the Holy Sacrament of his church.

Mr. SHEPPARD. Mr. President, I suggest to the Senator that if the ministers of the District could vote on this bill, they would be unanimously in favor of it. If they are satisfied, the Senator ought not to have any objection.

Mr. REED. I am willing that the ministers shall vote in favor of it, and everybody else shall vote in favor of it, if they want it. The Senator seems to have polled the ministers, and I have no doubt he has also polled the distillers, for he seems to speak "as one having authority and not as the scribes." I suggest that he just agree to the Underwood amendment, and let everybody vote on it; and if the people want it, let them have it.

The PRESIDING OFFICER. The question is on the pending amendment of the Senator from Utah [Mr. SMOOT].

Mr. CURTIS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Kansas tenders an amendment. Will the Senator from Kansas enable the Chair to state the matter with some accuracy by informing him whether it is an amendment to the pending amendment of the Senator from Utah [Mr. SMOOT]?

Mr. CURTIS. It is an amendment to the amendment of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Kansas tenders an amendment which is to be an amendment to the measure tendered by the Senator from Utah. The amendment to the amendment will be stated by the Secretary.

The SECRETARY. It is proposed to add a new section to the bill after section 20, which comes on page 11, to be known as section 20a, and to read:

SEC. 20a. All houses, boathouses, buildings, club rooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in this act), shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section — of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

Mr. CURTIS. Mr. President, the latter part of that section should read "subject to the penalties prescribed in this act," and not refer to a section, because there is a general penalty provision.

The SECRETARY. As modified, the amendment will read, "subject to the penalties prescribed in this act."

Mr. SMOOT. Mr. President, as far as I may, I am perfectly willing to accept the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Utah is so privileged under the rules.

Mr. SMOOT. If there are no other amendments to the substitute, Mr. President, I suggest the absence of a quorum before the vote is taken.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will please call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McLean	Smoot
Bankhead	Gronna	Martin, Va.	Sterling
Beckham	Hollis	Martine, N. J.	Sutherland
Brandegee	Hughes	Nelson	Thomas
Bryan	Husting	Norris	Thompson
Catron	James	Overman	Townsend
Chamberlain	Johnson, Me.	Owen	Underwood
Clapp	Johnson, S. Dak.	Page	Wadsworth
Cummins	Kenyon	Pittman	Walsh
Curtis	Lane	Poindexter	Watson
Dillingham	Lee, Md.	Pomerene	Weeks
Fernald	Lewis	Sheppard	Works
Fletcher	Lippitt	Shields	
Gallinger	McCumber	Smith, Mich.	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present. The question now recurs upon the amendment of the Senator from Utah [Mr. SMOOT] as modified.

Mr. MARTINE of New Jersey. Mr. President, I desire to state for myself that I am unalterably opposed to both the proposition contained in the bill of the Senator from Texas [Mr. SHEPPARD] and the more drastic amendment of the Senator from Utah [Mr. SMOOT].

Mr. President, I am willing to believe—yes; I know—that the committee reporting this amendment are prompted by honest and conscientious motives, but at the same time I feel and I know that our asylums are filled with men who are prompted by honest and conscientious convictions. [Laughter.] I feel that this committee in their zeal are possessed of hallucinations and dreams that make them well-nigh mad.

It seems to me impossible that our friends proposing this legislation can have any hope that such a measure will ever be enforced. The Senator from Texas [Mr. SHEPPARD], the Senator from Mississippi [Mr. VARDAMAN], and one or two others have called out in loud tones that it is an effort to abolish the saloon, and that nobody is a friend of the saloon. I say for myself that the saloon is the outgrowth of conditions in this country. All humanity are not amidst the same surroundings. The Senator from Texas and others are blessed with wealth and comfortable surroundings, warm homes, and each morning have a good, appetizing breakfast, and one that is nourishing as well.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from New Jersey yield to the Senator from Texas?

Mr. MARTINE of New Jersey. Certainly.

Mr. SHEPPARD. I deny the accusation as to wealth. I wish I could plead guilty to it.

Mr. MARTINE of New Jersey. Well, if the Senator is not wealthy in absolute coin, he is wealthy in the luxury of a comfortable home, with comfortable surroundings. [Laughter in the galleries.]

The PRESIDING OFFICER. If the Senator will pardon the Chair, the Chair is compelled to say to the occupants of the galleries that any exhibition of feeling on the part of the galleries, in the way of approval or otherwise, is forbidden by the rules, however attractive the speech may be.

Mr. MARTINE of New Jersey. Take the other side of the question—the workman who digs 10 or 20 feet in the earth to build the sewer that carries off the filth and waste of our homes. He is illy fed, illy clad, with but a crust of bread and an onion for his breakfast. Is it not natural, I ask, that he should seek the saloon or some other place where he might get the stimulating draft and, mayhap, the warm bite?

Before you abolish the saloon, Mr. President, substitute for humanity something better. The Senator and other gentlemen will not be found on the street corner proffering a warm cup of coffee, nor a sandwich, nor even a thin coin to the workman—oh, no!

Mr. President, in the words of that angel of temperance whose statue graces yonder hall, Miss Frances E. Willard—

First let us make it easier for mankind to get bread and butter, and then our theory of temperance will fall, mayhap, in more fertile ground.

True enough, one half the world does not know how the other half lives, nor does it care.

Our friends cry in loud terms, "Humanity! humanity! We are legislating for humanity." But the humanity of the District has not asked you for this. I have heard no cry from humanity or the people of the District for your drastic, un-American proposition. I assert that Washington is an orderly and sober city, equal to any in the country. There are practically no drunkards here. I have seen none. I have not seen the evidence of a drunken man in the District of Columbia for a year. Mr. President, this cry of "humanity" oftimes may be readily interpreted to be political ambition and the innate desire of mankind to dictate to their fellows.

No more drastic and unjust measure was ever proposed in any legislative body. All experience has proven that such a measure has been a signal failure wherever tried. Alcoholic liquors have been used by the human race since the days of Adam, and I believe they will be to the end of time. You can not make men over in a day nor change the tastes and appetites of a people by law. Your measure will tend to make liars and hypocrites of men, and accomplish nothing of good toward sobriety.

We all desire order and sobriety. No man will go further than will I to that end. But prohibition is a failure. This I emphatically believe.

A writer of much experience and knowledge, Arthur Brisbane, has recently published a statement that there is more drunkenness in Maine under prohibition, with a population of 1,300,000 than in Italy, with a population of over 13,000,000. Our own experience proves that prohibition promotes bootlegging, moonshining, and other methods to satisfy man's craving for a stimulant.

Mr. President, I note that this bill—I jotted these thoughts down yesterday, before the Senator had withdrawn the legation feature; I will read it, however—I note that the bill proposes to exempt from its exactions the foreign legations. This shocks me, for I ask, Are not these men your brothers, and do they not need the guardianship and care of the proposed law as much as anyone else? These have no more rights, and should have no more privileges, than the rest of mortals. I stop here, in passing, to say that should this provision prevail the legations will be the most popular irrigating points in the District of Columbia. [Laughter.]

This is a great Nation, Mr. President—the greatest on God's footstool. Our progress has been phenomenal. We are the admiration of the world. For the cause of humanity and for charity we startle the globe with our contributions. This great result and progress of our Nation is the result of liberal and broad-minded policies for years in existence in our land. Let us not now, I say, take this backward step.

Mr. President, this city is the Capital of our great Nation of over 100,000,000 of people. It is admitted by all to be a most beautiful city. It is the home of men and women from every land and of every taste and habit. This aggregation of people has made this an orderly, sober, law-abiding community,

of about 350,000. I feel that there is no warrant or demand for this proposed drastic measure.

Mr. President, I assert without the fear of denial that, compared with any other city of comparative size, Washington is a well-ordered, well-governed, sober, and orderly community. As a citizen, I am proud of it. In my daily walks I see no vice, I see no drunkenness, in the city. This city is a credit to our Nation. The passage of this measure can only make us ridiculous in the eyes of the world.

Senators, I appeal to you, do not take this unreasonable and un-American step. I can not understand how Senators who have been reared in this land of freedom and blessed with personal liberty can vote to impose this drastic and un-American measure upon their fellow citizens. Can it be that men believe that in this bill they have found the stepping-stone and the latchstring to popular favor? Mr. President, I warn you to the contrary. It will defeat the Democratic Party or any other party that stands for it, and it should.

Senators, I warn you that if this measure becomes a law we must be consistent. You must be abstainers utterly and literally. No sherry hereafter in your lobster salad a la Newburgh or chicken a la King; no brandy or rum in your mince pie; no brandy sauce for your Christmas plum pudding; no sherry to sip at your dinner. Mr. President and Senators, will you promise here in this presence that this shall be your habit in the future?

The report of the Commissioner of Internal Revenue for 1915 says that the business of the moonshiner in whisky in the Southern States, where prohibition is the rule and the law, appears to be increasing. The report says that 3,832 illicit distilleries were destroyed in 1915, and in 1914, 2,677. Again, he says that there does not seem to be any abatement respecting bootlegging, whether there be prohibition or otherwise. Your prohibition does not prohibit.

I have here an article I cut from one of the New York papers. It is headed:

Prohibition in practice—Arizona a warning to all advocates of temperance.

I will not read it.

Then I have another article here entitled: "The kitchen still."

I have another article here on "The Sheppard bill." It says very few complimentary things about it. I will ask to have these printed without reading. [See appendix.]

This committee, in their mad zeal, have made the use of wine for communion purposes almost impossible. We read that a clergyman or reverend father may procure the same to the extent of 5 gallons by appearing before the commissioners and making his statement and declaration that he wants this simply for the requirements of the sacrament. Now, Mr. President. I can scarcely imagine any self-respecting clergyman or reverend father willing to belittle himself or the creed he represents by subjecting it to such an indignity. What, Mr. President, must the clergyman or father under whom we and our children sit to hear the interpretation of God's word declare before high heaven that he desires wine alone for the holy sacrament in celebration of the Lord's Supper? This he must do before these guardians of right and sobriety will permit a drop to be dispensed even in God's name. Oh, what a holy mockery!

Mr. President, it would be impossible to saddle this measure or a kindred measure upon any people or any community who have the right to vote. It is cruel and un-American.

The advocates of this measure seek to brand those who venture to disagree with them as dangerous to society or as henchmen of the liquor interests. I have here a letter published by the rector of St. Paul's Church, at Wellington, Kans., saying that prohibition is all wrong. I will not read it, but ask that it may be printed as part of my remarks.

Another article states that Cardinal Gibbons denounced the proposed State-wide prohibition bill pending in the general assembly. He spoke freely to the delegation who appeared before him, insisting that the bill was a failure and that it would be a detriment to the cause of sobriety.

I appeal that in the light of all experience, as prohibition has failed to prohibit where tried, the remedy is to lighten the burdens of mankind, make it easier to get bread and butter, make homes brighter, make them more attractive, and regulate the sale of drink through a well-planned high-license system. Then we will have gone far toward the solution of this vexed problem.

The Newark News, a large and widely circulated paper in the city of Newark, in the State of New Jersey, has an editorial here on "Inhibition versus Prohibition." I ask to print that. [See appendix.]

Further, I desire to submit this letter from the police department with reference to Knoxville, Tenn.—a prohibition State. Knoxville, Tenn., has a population of 36,000. The arrests during the last 12 months were 1,035.

Mr. ASHURST entered the Chamber.

Mr. MARTINE of New Jersey. I am glad the Senator from Arizona came in. It is true that in the goodness of your hearts you have left the people of the District two beverages with which the people may regale themselves.

Mr. SHEPPARD. Mr. President, will the Senator yield to me?

Mr. MARTINE of New Jersey. Certainly.

Mr. SHEPPARD. I suggest that the Senator make now the remark about the State of Arizona that he made awhile ago. [Laughter.]

Mr. MARTINE of New Jersey. Well, it will all be in print. The Senator can read it.

Mr. SHEPPARD. The Senator from Arizona has come into the Chamber since the Senator made his statement.

Mr. MARTINE of New Jersey. All right. The RECORD, thank Heaven, will be free to him, and he will have that opportunity. I have no retraction, however. If there is anything that the Senator desires further for the Senator from Arizona, I shall be happy to tell it to him.

They have left two things with which the people may regale themselves—those sparkling, life-giving decoctions known as Coca-Cola and Peruna. [Laughter.] It is true that the first article, if left exposed for a few hours, will turn to a product not fit for swine, and the latter will rapidly be converted by a process of fermentation into alcohol. But dry cities and States are Paradise, we are told. Let us see:

A writer for the Spectator, an insurance journal, according to the Cincinnati Times-Star, has been preparing this table. He shows that murders are increasing in number at an alarming rate in Memphis, Tenn., and that Memphis is the most murderous city in the United States. Its percentage is nearly twice that of any other city. In succession to Memphis comes six other southern cities; and New York, with all its gunmen and its "ripper" crimes, is away down sixteenth in the classification.

I want to read some interesting figures. The following shows the order in which 30 principal cities, all prohibition, come in regard to the number of murders to a population of 100,000: Memphis, Tenn., 63.7; Charleston, S. C., 32.7; Savannah, Ga., 28.4; Atlanta, Ga., 26; New Orleans, La., 25.3; Nashville, Tenn., 24.3; city of Newark, N. J., which is wet, as you call it, 3 per cent; Milwaukee, 2.4 per cent.

Here is another little article that I cut from the San Francisco Star, entitled "In the name of the law."

[From the San Francisco Star, Feb. 5, 1916.]

IN THE NAME OF THE LAW.

The homes of three wealthy men at Seattle were raided last week by the county sheriff, who was ostensibly enforcing the prohibition law of Washington. From the cellars of W. E. Boeing the sheriff took $10,000 worth of wine, some of which was bought years ago by Boeing's father. From the home of D. E. Skinner the sheriff took $6,000 worth of wine, and from the apartments of J. C. Eden, at the Rainier Club, the sheriff took $2,000 worth of wines.

All the wines in each of these cases were bought before the prohibition law went into effect. There was no reason to suspect that either of the men would sell their wine. Possibly the sheriff acted entirely within the law, but is such a law desirable?

What is desirable is the abolition of saloons, of public drinking places that promote disorder. A man's cellar or his ice box is not a public drinking place. A private stock of liquor in a private house is not conducive to disorder and crime.

In an article published in the Atlantic Monthly of February, contributed by Mr. Koren, entitled "Constructive temperance reform," he says:

The prohibition doctrine of coercion has failed because it postulates that the habits and appetites of mankind are amenable to regulation after the manner of some inanimate mechanism, and mistaken attempts at wholesale reform entail more social breakage than salvage. We lack constructive legislation. The extremists make us cowards.

We have Texas held up to us so often as one of the great model States. I cut, yesterday, out of one of the New York papers, the New York American, December 15, 1916, this article headed:

Charges "Dry" zone fosters drug scourge.

The article recites an instance where a man had appeared before a judge in some little town where he lived, under prohibition, where the drug scourge had multiplied to a degree that it had made him absolutely a slave to it. I ask that I may be permitted to publish that in connection with my remarks. [See appendix.]

Now, as to the home of the distinguished gentleman who fathers this bill, Dallas, Tex.

Mr. SHEPPARD. Dallas in not my home.

Mr. MARTINE of New Jersey. Dallas is in the State from which the Senator is a respected and honorable Senator. Here is one of the advertisements. From this they must have gotten their idea of printing on the back of the bottle as provided in the bill. Here it is in great big type. Says the Dallas Morning News:

IT'S AGAINST THE LAW TO SELL CIDER CONTAINING ALCOHOL.

That's why most merchants and dealers are selling our Fruit Phosphate, Mexican Hot, Cheery Tip, Concord Punch, Apple Phosphate, Orange Phosphate, and all other flavors. These drinks are pure and healthful—shipped in kegs and 1-gallon bottles, and are absolutely free from alcohol. We guarantee their purity. Don't handle the alcoholic ciders. It will get you in trouble. Merchants send your orders.

THE CHEERY TIP CO.,
Dallas, Tex.

But do not fail to find the cheery tip at Dallas, Tex. It will do the business.

Mr. SHEPPARD. Dallas, may I say to my friend from New Jersey, has not yet gone dry.

Mr. MARTINE of New Jersey. Well, it is within the environment of your Commonwealth.

Drink and drug habits successfully treated by ethical methods.

There is nobody who drinks, there is nobody who can be drunk, in sublime Texas under the glories of prohibition, but here we find the advertisement of the Hughes Circle Sanatorium. Where? In Texas.

You can easily free yourself—

Free yourself from what? Not from inebriety, because prohibition prevents inebriety; but yet in Texas men do drink and get drunk.

You can easily free yourself from the curse of any of these addictions by spending two to four weeks here in our homelike institution. Reasonable rates. Inquiries confidential. Write us.

"We will never tell that you were a victim of drunkenness." O God, is that possible? We will not tell on you.

Here is something, Mr. President, that will delight your heart. It seems as though Texas has a monopoly of all of this. Here is another one. I quote from the Dallas Morning News of February 13, 1916. It is written in big letters:

Jump from bed in morning and drink hot water.

[From Dallas Morning News, Feb. 13, 1916.]

JUMP FROM BED IN MORNING AND DRINK HOT WATER—OPEN SLUICES OF SYSTEM EACH MORNING AND WASH AWAY THE POISONOUS, STAGNANT MATTER, SAYS AUTHORITY—A GLASS OF HOT WATER WITH A TEASPOONFUL OF LIMESTONE PHOSPHATE IN IT, DRANK EACH MORNING BEFORE BREAKFAST, KEEPS US LOOKING AND FEELING FIT.

Life is not merely to live, but to live well, eat well, digest well, work well, sleep well, look well. What a glorious condition to attain, and yet how very easy it is if one will only adopt the morning inside bath.

Folks who are accustomed to feel dull and heavy when they arise, splitting headache, stuffy from a cold, foul tongue, nasty breath, acid stomach, can instead feel as fresh as a daisy by opening the sluices of the system each morning and flushing out the whole of the internal poisonous stagnant matter.

Everyone, whether ailing, sick, or well, should each morning before breakfast drink a glass of real hot water with a teaspoonful of limestone phosphate in it to wash from the stomach, liver, kidneys, and bowels the previous day's indigestible waste, sour bile, and poisonous toxins, thus cleansing, sweetening, and purifying the entire alimentary canal before putting more food into the stomach. The action of hot water and limestone phosphate on an empty stomach is wonderfully invigorating. It cleans out all the sour fermentations, gases, waste, and acidity and gives one a splendid appetite for breakfast. While you are enjoying your breakfast the water and phosphate is quietly extracting a large volume of water from the blood and getting ready for a thorough flushing of all the inside organs.

The millions of people who are bothered with constipation, bilious spells, stomach trouble, rheumatism; others who have sallow skins, blood disorders, and sickly complexions are urged to get a quarter pound of limestone phosphate from the drug store, which will cost but little, but is sufficient to make anyone a pronounced crank on the subject of internal sanitation.

Always putting in a liberal quantity of our "Cheery Tip."

But, Mr. President, there is a salvation for it all. They have a panacea for all ills in Texas. God knows I am sorry to find so many evils down there. I have been brought up to believe that Texas was the very paragon of excellence and that the strictest propriety prevailed there. But people do get sick, it seems, or else the Hughes Sanatorium would not advertise "Cheery Tip." They needs must take too much of something though they have a panacea. Here is an advertisement from the Dallas Morning News, February 13, 1916. It has a bony hand hanging over a seeming metropolis. It looks like the bony hand of death or the sword of Damocles. It hangs over them, and what they have there is a cure for all the evils that prohibition and teetotalism have brought. Here you have the bony hand of death hanging over the people of Texas, and they would all go into chaos or to hades were it not for this as a preventive.

What is it, do you ask? Why that God-given elixir Peruna.

I say to you here, Mr. President, only a few days ago I consulted no less a gentleman than Dr. Wiley, of this city, and there is no more capable and versatile gentleman on subjects of this character than he. I asked him what he had to say as to Peruna, that you except advertisements of and which your papers spread. He said it is one of the most noxious and dangerous of drugs, the basis of which is the rankest and poorest of whiskys.

Then, Mr. President, I have here something I cut from one of my New Jersey papers, copied from, I think, a Georgia paper, where there are moonshine distilleries. [See appendix.]

Mr. President, I assert in all seriousness I am opposed to this measure. The idea of the argument that it is a gallon or a quart is too contemptible to talk about. We are not here cavilling over the question of quantum in the matter of the liquor or the provisions of this bill, but it is interfering with man's personal liberty; it is against the spirit of our institutions, and I believe against the thoughts advanced by our fathers. I believe if this narrow, contemptible, and un-American system had prevailed, we would never have reached half way to the zenith we have in this great American Nation; and not with hate, not with bitterness I oppose it. I oppose it because I believe it will be a step backward in the Nation that this great Capital of ours should be marked as being in thought so narrow that mankind might not be trusted under the guardianship of reasonable and proper regulations to use alcoholic liquors as was best for their interests and best for their constituency.

I can not imagine what shall prompt men to be so lost to the rights of their fellows, so lost to all our history, so lost to all that we have in the matter of statistics on this question throughout the length and breadth of the land.

The PRESIDING OFFICER. The Chair did not interrupt the Senator from New Jersey when inquiry was made as to the privilege of having matter inserted as a part of his speech, but hearing no objection, the privilege will be granted.

The matter follows as an appendix.

APPENDIX.

PROHIBITION IN PRACTICE—ARIZONA A WARNING TO ALL ADVOCATES OF TEMPERANCE.

To the EDITOR OF THE TRIBUNE.

SIR: As Arizona was the first State to attempt shutting out liquor completely her experience is of more than ordinary interest to those watching the liquor situation generally. Where other so-called prohibition States (even Maine after 60 years of prohibition and Kansas after 30) allow shipment from other States for personal use, merely forbidding the local sale, Arizona tried to make a clean sweep with her amendment providing that liquor should "not be manufactured in or introduced into the State of Arizona under any circumstances." Despite protests, even of some of the prohibition leaders instrumental in having the amendment adopted, Arizona officials have barred liquor intended for personal use, as well as that for sacramental and medicinal purposes. A legislative session failed to lift the bars, as was expected, so that theoretically Arizona should be the "driest" State in the Union.

The amendment, in effect for one year now, is, however, declared a flat failure by the editor of the Bisbee (Ariz.) Review, who worked to obtain its adoption. In reviewing its operations over 12 months he says in his issue of January 2, 1916:

"Arizona is a dry State in name only. Arizona is, in fact, an intemperate State. Enough of hypocrisy! * * * Arizona is contributing to false pretenses when she permits her name to be heralded broadcast as being among the standard bearers of temperance. Prohibition in Arizona has not been prohibitive." Further along he observes, "Only the most incomplete statistics are at hand of a year under so-called prohibition rule in Arizona. But taking several of the most important communities as examples, it would seem that the record is damnable."

He then quotes from a news dispatch and from newspapers at other points in Arizona to show the wretched conditions as to intemperance. In the view of the Bisbee Review's editor the weak point of the Arizona law is its failure to allow liquor to be shipped in for personal use and for medicinal and sacramental purposes. He says, "With the exception of Idaho, Arizona is the only one of the States on the new roster (of prohibition) which ignores personal liberty. And Idaho permits the use of liquors for medicinal and sacramental purposes. Arizona stands in a class by herself as a victim of legislative stupidity."

To the outside observer, it seems to me, Arizona's case should be instructive. Here is a State with the nearest approach to absolute prohibition where after a year intemperance is greater than ever. The Review's editor has a theory that conditions would be better if liquor were allowed for personal use. If real prohibition doesn't reduce intemperance, but on the other hand makes conditions worse, he figures that allowing a legal supply from outside the State would cut down the sales of the bootlegger. But isn't this a confession of the failure of prohibition to prohibit and of its inability to do so? And if liquor shipped in for personal use reduces the bootlegger's vile business, why would not sale within the State, under proper regulation by the State, do even more (as the liquor man argues) to hold within bounds the evils of intemperance?

State-wide prohibition confiscates property of citizens without compensation, takes away the living of many thousands, abolishes large revenues of the State, all with the idea that it increases temperance, and then—does not. Arizona should be a warning, even as is Maine or Kansas.

T. M. GILMORE,
President National Model License League.

NEW YORK, *January 21, 1916.*

[From the New York Sun of Feb. 10, 1916.]

THE KITCHEN STILL—PROHIBITION DOOMED TO FAILURE IF WHISKY CAN BE MADE AT HOME.

TO THE EDITOR OF THE SUN:

Sir: The description published in the Sun of the "kitchen still," which has come into general use in Mississippi as the result of the adoption of prohibition by that State, gives the real reason why prohibition has always failed, and must fail, as a remedy for the evils of intemperance. When anyone desiring an alcoholic liquor can take an ordinary teakettle, a few feet of rubber tubing, and a pail of water and with this simple apparatus convert a quart of molasses into a quart of full-proof whisky it must be evident to even the most fanatical believer in the power of governments to make men temperate by law that their scheme will not work.

The plea for prohibition is always made on the ground that the use of alcoholic beverages is an evil, and that the remedy for this evil is a law forbidding their sale. It is admitted that it is the drinking of liquors that causes all the ills alleged to result from their excessive use, yet the proposed national prohibition amendment now pending in Congress does not prohibit their use, or manufacture for use, but merely their sale or manufacture for sale.

In a speech delivered in Congress in favor of his national prohibition amendment to the Constitution of the United States, Representative Hobson said: "We do not ask that a man shall not drink. We do not say that a man shall not drink or make liquor in his own home for his own use." In other words, the drinking of liquor is so great an evil that its sale should be prohibited, but the drinkers should be permitted to make and drink liquor without any restriction by the Government.

It has always been contended by the opponents of prohibition that its worst result was the creation of a spirit of hypocrisy in relation to the liquor problem. Could there be a clearer case of insincerity and dishonesty that the pretense that national prohibition will stop liquor drinking, when its advocates admit that they do not propose to prevent the production and use of liquors, but simply to stop their sale?

NEW YORK, *February 9.* H. L.

—

[From the New York Herald, Feb. 11, 1916.]

THE SHEPPARD BILL.

TO THE EDITOR OF THE HERALD:

The bill introduced by Senator SHEPPARD, of Texas, prohibiting the sale of alcoholic beverages in the District of Columbia violates every principle of home rule and local self-government, and for that reason alone should be defeated.

The advocates of prohibition profess to believe in the right of the people in all sections of the country to vote on the question of prohibitory laws, but are now engaged in an attempt to force upon the citizens of Washington, D. C., an arbitrary and unjust interference with their personal tastes and habits, without giving them an opportunity to express their wishes.

No more glaring instance of undemocratic legislation ever has been attempted in Congress than this proposal to regulate the private affairs of the people of a city with 300,000 population at the instigation of agitators in remote sections of the country. * * *

The advocates of the Sheppard bill know that that measure would be rejected by an overwhelming majority if submitted to popular vote. Why should Washington have an unjust and unnecessary law that its people have not asked for thrust upon it by Congress?

ANTIPROHIBITION.

NEW YORK CITY, *February 10, 1916.*

—

PROHIBITION IS ALL WRONG, SAYS RECTOR OF ST. PAUL'S—"TO MY MIND IT IS TANTAMOUNT TO MORAL WEAKNESS, AND I BELIEVE A NATION OF PROHIBITIONISTS WOULD BE A NATION OF HYPOCRITES."

Rev. J. F. Milbank, rector of St. Paul's Episcopal Church at Kellington, Kans., writes as follows in the St. Joseph (Mo.) Observer:

"You ask for my opinion in regard to this great issue.

"First, let me say, I dislike prohibition intensely. To my mind it is all wrong, or at least it goes about that which it desires to accomplish altogether in the wrong way.

"To my mind prohibition is tantamount to moral weakness. I have seen a great deal of it—have watched its comings and goings, and have even done my best as a just-minded man, to see reason in it.

"To me it stands weighed in the balance; and as a working factor, even in that which it desires to accomplish or promote, found sadly wanting.

"I believe a nation of prohibitionists would be a nation of hypocrites. Prohibition breeds and fosters suspicion among neighbors. It means 'behind doors.' It means all that is not open and above board. It not only breeds a sort of secretiveness of one's actions; but worse still, it introduces a condition of espionage which is something repulsive to any free English-speaking citizen.

"I hate drunkenness; it is beastly, inexcusable; but I fear and loathe prohibition still more. I would rather see a son of mine come home drunk (beastly as that would be) than to think my boy was a sneak and a liar. You can cure and sober a drunkard. Many have been redeemed. But never yet have I known a sneak or a liar changed into a decent man.

PROHIBITION BREEDS DISHONESTY.

"No, I hate prohibition intensely, because, as I have said, it breeds dishonesty and a lack of candor, and were my church—the Episcopal—to commit itself to such an unscriptural platform (as many 'churches' have) I would resign to-morrow, send in my vestments, and go to work at something else.

"Temperance is one thing (and it applies to all our appetites and desires); prohibition is quite another. The one is strength; the other weakness.

"After living some years in an antisaloon State I have come to the conclusion that the absence of the (license) saloon proper by no means abrogates or does away with drinking or drunkenness. It only seems to me to help the druggists grow rich on that pernicious 'signing a lie,' as I call it, when a man sneaks into a drug store and whispers what he wants—holds up his hand and swears."

—

[From the New York Independent.]

COFFEE HOUSE VERSUS SALOON.

The advancing wave of prohibition in this country has brought to the fore a difficult and pressing problem in temperance reform. The saloon as a social and economic institution seems to be doomed. Its condemnation rests not only upon moral grounds but upon increasing evidence of its tendency to destroy the most beneficial social institutions and to check industrial and economic progress. If it is to disappear, however, some adequate adjustments and arrangement must be made to supply its place. For there is no doubt that the saloon has ministered to certain characteristic human wants.

The need of some stimulus has so far been a persistent force in the development of society, and the instinct for association in a common place of meeting under exhilarating conditions is a part of man's nature. Alcoholic drinks and the public house have proved to be easily accessible means to meet these ends. Where these social requirements have been overlooked or neglected the enforcement of prohibitory laws against the saloon has been extremely difficult. Where they have been met or substantially ministered to by other agencies alcoholic excesses have been materially reduced.

It has long since been noticed that countries using liberally such infusions as tea, coffee, or cocoa have been able to combat more successfully the excessive use of alcoholic liquors. It is, therefore, significant that at the recent meeting of the National Coffee Roasters' Association announcement was made that the consumption of coffee had largely increased in those States which have in recent years gone into the prohibition column. The association considered the advisability of establishing coffee houses in the more thickly populated cities of the country in competition with the saloons. The convention is reported to have adopted as a slogan, "Coffee as a substitute for liquor as a stimulant." The suggestion not only deserves consideration, but if put into effect will go a long way toward alleviating the difficulties that must arise through the abolition of the saloon.

—

[From the New York Herald of Feb. 23, 1916.]

CARDINAL OPPOSES STATE PROHIBITION—BALTIMORE PRELATE DENOUNCES BILL PENDING BEFORE LEGISLATURE IN MARYLAND.

BALTIMORE, MD.

Although a strong advocate of temperance and a believer in local option, Cardinal Gibbons to-day denounced the proposed State-wide prohibition bill now pending in the general assembly. He spoke freely when a delegation of representative business men of the city, in no way affiliated with the liquor traffic, called upon him.

"I am strongly opposed to any State-wide prohibition bill being passed by the legislature, because I believe that such a law is impossible of enforcement in a city the size of Baltimore and its environs," he said. "Such being the case, a law of this kind interferes with personal liberty and rights and operates to encourage hypocrisy in the people. The history of the world down to the present time demonstrates the fact that people always have and always will indulge in the use of intoxicating liquors. Further, I am opposed to the passage of such a law because it would deprive the State of a large revenue without accomplishing results, and that, too, at a time when both the city and the State are very much in need of the revenues produced.

"However, I am heartily in favor of temperance, and whenever it is my pleasure to confirm a class of boys I always exact from them a pledge to abstain from the use of intoxicants until they become of age. I am also a firm believer in local option, and whenever the majority of the citizens of a county or any portion of the State want to vote on the question of local option their wishes should be gratified. I don't hesitate to say that I contributed in no small measure to the suppression of the sale of intoxicants in St. Marys County. In this case I was satisfied that the local circumstances demanded it.

"Furthermore, it is true that the use of wines and liquors is often abused and leads to lamentable results. This I have observed from long observation in the ministry, yet the best commodities are liable to abuse. What is more harmless, for instance, than the organ of the tongue? We all know the social and domestic joy and utility derived from conversation, and yet the bad use of the tongue daily leads to lying and misrepresentation, to quarrels and slander, to bloodshed, and often even to murder.

"It is a favorite practice of some friends of prohibition to charge their opponents with being subsidized by the liquor interests. That is a most grievous charge, and often without the slightest foundation. But would we be justified in putting a padlock on our mouths because of the occasional misuse of the tongue? We should regulate the use of intoxicants as we would regulate the use of our tongues, by proper safeguards and restraints."

—

[From the Newark News of Apr. 19, 1916.]

INHIBITION VERSUS PROHIBITION.

The question of liquor is the question of intemperance. The intemperance of some of its users creates the problem. The intemperance of some of its antagonists aggravates it. The intemperance of both is characteristic; it destroys sense of proportion, judgment, and broad vision. Alcohol thus has a characteristic reaction on both sides. It gets all the attention. It is therefore a psychological problem.

Because it is such the News strongly deprecates efforts such as the most recent local attempt to solve it along the usual lines of a crusade and with the usual means of forcible repression through sumptuary laws. The News believes that the eventual solution lies only through inhibition, not at all through prohibition. At best prohibition, if necessary or desirable at all, can only follow general inhibition.

Inhibition is restraint from within. There are fortunate souls who can so strongly feel the immanent presence of Divinity as to find in it the only necessary defense against temptation. In Biblical language they can cast out devils. Others, by self-respect, by consideration for others, by ambition, by common sense reenforced by economic experience, by the sheer desire to lead a respectable life, can find a steady safeguard against excess and temptation. The high ideal expels the low.

Inhibition is an affirmative process; prohibition is a negative. The negative, as the very efforts for political prohibition prove, focuses the attention on the evil. Psychologically it exalts it, in some to the destruction of common sense by excesses of attacks; in others to the destruction of the individual by constantly recalling temptation. The affirmative expels the evil by focusing the attention on the ideal. It defeats it by the substitution of high aim in the mental processes.

"Do" is stronger than "don't." There is the story of the Kentuckians, clergyman and horse breeder. The former's boy was bad, the latter's colts good. The horseman's explanation was that his stock was raised on "dos," the youth on "don'ts." Warn a worth-while young man that there's "a demon in the bottle"—go no further, and he will think, "You don't say? Let's see what he looks like." Nine out of the ten Mosaic commandments contain a negative. The

Master's two are both affirmative. Both are good law; the latter are the stronger.

Psychology is but a fancy word for human nature. It is human nature to seek that which is apparently denied. By such force humanity has risen. It is a perverted form of it that makes prohibition a poor remedy. Where it is forbidden humanity is interested in going. For such reason the bootlegger flourishes, and men who would hardly consider taking a drink in "wet" territory find sport in securing it in "dry." It is with human nature we are dealing. Human nature is made up of individuals. So is the State. Statute law is the effort to express the moral judgment of the community. Where it expresses actually that general will, it is enforced.

Where it is not enforced, the reason is that the normal attitude of the community does not support it. Does the disrespect of law rest with the violators or those who have made it attempt something contrary to its real nature? Partly on both; but the obvious remedy is with the individuals who compose the community. And with those individuals it must be inhibition in our judgment—not prohibition. The normally minded preponderancy of the community must be won to the point where their normal attitude is the will to accept the particular restraint before that restraint will be effectively practiced for the protection of the weaker.

Then what is the solution of the liquor issue in New Jersey, or Newark in particular? Well, largely it is solving itself. It is particularly important that by excess enthusiasm we do not interfere with that process. We did once, and, in good Biblical phrase, seven other devils worse than the first moved in and took possession. Liquor isn't our only weakness right here to-day.

But we can accelerate the good work by aids and judgment. Local option is an aid, imperfect, but suitable to certain sections when honestly and frankly put forward and engineered. Its usual form is too exclusive for cities. It gives no halfways between a possibly bad condition existent and utter dryness, psychologically a present impossibility. Strippling saloons of the incitements to intemperance would be helpful.

The News has previously made other suggestions along such lines. One most rapid cure for intemperance is to provide something better. Right here, it will be recognized, is presented one of our greatest social problems, for much more is involved than merely changing the saloon, or, if you please, abolishing it.

We have to employ restraints to protect ourselves and the weaker, but the restraints must be timely in commanding general approval; that is, for permanency they must appeal to a normal, steady opinion of a preponderant majority of the public, which can be educated but can not safely be forced. For permanent results the foundation must be laid by individuals through inhibition. It can not be surely built upon until a general moral judgment has been approved by such means.

The problem is really gigantic, viewed en masse. But its basis is human nature, and that is the individual. By understanding we can help—inhibition. By going counter to it, seeking to force it, we will hinder—prohibition, legal-enforcement crusades, etc. The trouble with enthusiasts is that they have a patent medicine for a constitutional ailment.

—

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
HEADQUARTERS OF THE METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., February 16, 1916.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Again referring to your recent inquiry, I beg leave to state that I am just advised that the population of Knoxville, Tenn., is 36,000, and the number arrested during the last 12 months where drunkenness was the charge was 1,035.

Very truly, yours,

RAYMOND W. PULLMAN,
Major and Superintendent.

—

"DRY" CITIES THE MOST MURDEROUS IN UNION.

A writer for the Spectator, an insurance journal, says J. M. Allison in the Cincinnati Times-Star, has been to the trouble of preparing a rather extraordinary set of statistics concerning the homicide record of 1915. He shows that murders are increasing in number at an alarming rate, and that Memphis, Tenn., is the most murderous city in the Union. Its percentage is nearly twice that of any other city. In succession to Memphis comes six other southern cities, and New York, with all of its gunmen and its "ripper" crimes, is away down sixteenth in the classification. Cincinnati comes tenth, just after San Francisco and just ahead of Chicago. The following list shows the order in which the 30 principal cities come with regard to the number of murders for each 100,000 of population:

	Per cent.
Memphis, Tenn	63.7
Charleston, S. C	32.7
Savannah, Ga	28.4
Atlanta, Ga	26.0
New Orleans, La	25.3
Nashville, Tenn	24.3
Louisville, Ky	16.6
St. Louis, Mo	12.9
San Francisco, Cal	11.8
Cincinnati, Ohio	11.0
Chicago, Ill	9.3
Seattle, Wash	8.1
Spokane, Wash	7.8
Washington, D. C	7.5
Cleveland, Ohio	6.1
Manhattan and The Bronx, New York City	6.1
Dayton, Ohio	5.5
Pittsburgh, Pa	5.3
Providence, R. I	5.2
Boston, Mass	4.8
Baltimore, Md	4.6
Brooklyn, N. Y	4.5
Philadelphia, Pa	4.2
Buffalo, N. Y	4.0
Minneapolis, Minn	3.7
Reading, Pa	3.5
Rochester, N. Y	3.3
Hartford, Conn	3.0
Newark, N. J	3.0
Milwaukee, Wis	2.4

[From the New York American of Dec. 15, 1916.]

CHARGES "DRY" ZONE FOSTERS DRUG SCOURGE—MAGISTRATE SIMMS DECLARES PROHIBITION HAS TURNED MANY ALCOHOLICS INTO NARCOTIC VICTIMS.

Magistrate Simms, sitting in Yorkville court, yesterday charged the spread of prohibition has increased the use of habit-forming drugs.

The magistrate's remarks were called forth by the appearance before him of a heroin addict, a young-old man, who veiled his identity under the name of "John Smith, of No. 234 East Forty-second Street."

"Judge, I want you to send me to the hospital to be cured of the heroin habit," pleaded the man at the bar. "I contracted the habit while traveling with a theatrical troupe. I get my supply of 'dope' from actors."

"Oh, you mean the fellows who travel around a great deal and into dry territory," said the magistrate. "This is another bit of information which seems to show the relationship between the spread of prohibition and habit-forming drugs.

"When the confirmed alcoholic can not get what he wants, he finds a substitute which can be easily carried around. Then he boasts of the merits of the substitute to persons easily influenced by the boasting."

Magistrate Simms sent "Smith" to the Metropolitan Hospital on Blackwell's Island. Then he heard the case of Gertrude Wilson, 37, of No. 369 Second Avenue. The woman, a servant, said she was a morphine and paregoric fiend. Morphine she has been using, she said, since her sixteenth year.

"I have been using paregoric for eight months," she added. "Now I require 12 to 16 ounces a day. The cost has gone up. I am suffering for lack of dope."

The legislative investigating committee went to Harlem court and listened to Magistrate Ten Eyck's disposal of several drug cases. Before leaving for Syracuse to continue the committee's inquiry Senator Whitney, chairman of the committee, said:

"The information we received to-day verified our previous findings. There seems to be no doubt that any person with sufficient money can get any drug and in any quantity without the least trouble."

—

[From the Plainfield Daily Press of Monday, Feb. 7, 1916.]

"MOONSHINE" IN PENITENTIARIES.

Indications that whisky is being smuggled into the Eastern Penitentiary, in Philadelphia, or, what is more probable, "moonshined" within the prison walls have caused a great sensation in that city. Pennsylvania women are up in arms over the alleged discovery.

The charge that Warden McKenty, himself a prohibitionist, had been unable to enforce prohibition within a prison is causing amusement. It is said by police officials that "moonshining" is a common practice among convicts almost everywhere and that it is almost impossible to stamp it out.

One well-known Pennsylvania chief of police explained that, on going through the kitchen of a certain penitentiary, he noticed potato peelings nicely cleaned and separated in a pile. A convict whom the chief knew explained that the potato peelings were distilled for the purpose of supplying the inmates with whisky.

Exposé of the illicit traffic in the Eastern Penitentiary was made by Mrs. Elizabeth Derby, of Naraberth, State president of the King's Daughters. The facts, as she had reported them, have been laid before the Parent-Teachers' Association, of Lancaster. Mrs. Derby tells of her discovery as follows:

"While performing work a prisoner remarked to me he would never touch liquor again, whereupon I told him this pledge was easier to keep within prison walls than outside. The prisoner then said he could get all the liquor he could pay for. In response to my request, he brought me two 1-pint bottles of whisky and a large box of morphine. These I took to Warden McKenty, as he had remarked to me previously that only proof counted. He received me with indignation, directed at the prisoner and myself.

"Three months later, finding that liquor and morphine were still being smuggled to prisoners, I asked the warden what he proposed to do toward preventing the practice. He told me it was none of my affair and that my business was teaching the prisoners religion.

"I finally sought counsel of George Wharton Pepper, of Philadelphia, who directed me to Dr. Hart, secretary of the prison board of inspectors. The doctor reprimanded me vehemently for broaching the matter to Attorney Pepper, and remarked that he did not know how Mr. McKenty would forgive it. I replied that the forgiveness of McKenty made little difference, for my sole purpose was the betterment of the prison."

Mrs. Derby declares she will spread the story of her discovery all over the State.

Referring to Mrs. Derby's charges, Warden McKenty said: "What she said about the whisky and dope discovered here is true—that is, to a certain extent. We learned that some one was bringing these two things into the prison, and we had several traps set. We knew that three or four of the prisoners were getting this stuff, and we started an investigation.

"Do you think if whisky were obtainable that men here would drink hair tonic? They did, and two of them died."

—

[From the Dallas Morning News of Sunday Feb. 13, 1916.]

THE TERROR OF GRIP IS IN THE AFTER EFFECTS.

How will grip leave you? You suffer enough while you have it, but the state it leaves you in worries you even more.

The disease has an almost fiendish way of searching out the weak spot in your system, getting a hold there, and lingering for months. Sometimes it is the back, sometimes the throat, often the digestive organs. You are in pain all the time; your strength is little and the joy of living ceases to be.

Such conditions call for a good tonic. But it must be something more, for grip is a catarrhal malady and the tonic must have special efficacy in catarrhal conditions.

When you think of catarrhal conditions, you always think of Peruna.

IN CONVALESCENCE—PERUNA.

It is the one tonic for such conditions. Literally, thousands have used it with marvelous success after grip. It seems to make little difference what part of the body is affected. The trouble is a result of a catarrhal disease, and when this catarrh is overcome and a good tonic helps re-

gain bodily strength the patient begins to get well. There are many grateful letters from those who have been benefited by it, and each of them treats of a different phase. Rely on Peruna. It will build you up.

So effective has it proved that many now take it on the first appearance of grip symptoms, and these folks unite in proclaiming

PERUNA AS A PREVENTIVE.

There is much good sense in this, for grip infection must find a weak place in your armor before it can harm you. Remove all catarrhal conditions, build up your bodily strength, clean all waste matter from your system. A good tonic will do this—Peruna is an especially good tonic for just such cases Fight off the grip. It is better than curing it, even, but if it gets ahead of you restore yourself to vigor with Peruna.

You should keep Peruna at hand ready to check any symptom of cold or grip at their first appearance. Promptness may save you a long and suffering illness.

Remember that Peruna also comes in tablet form.

THE PERUNA COMPANY, *Columbus, Ohio.*

PROOF AT HAND.

Mrs. Gentry Gates, 8219 First Avenue, East Lake, Ala., writes: "I had a bad case of grip. I tried Peruna and it cured me. I can safely say it is a fine medicine."

Mrs. George E. Law, 13½ North Franklin Street, Brazil, Ind., writes: "I am satisfied that Peruna is a wonderful remedy for grip, and I do most heartily indorse and recommend it."

Mrs. S. A. Weir, 827 West Fifteenth Street, Pueblo, Colo., writes: "There is no better medicine in the world for colds and grip than Peruna. One bottle did more to relieve me of a bad cold and case of grip than any remedies that I have ever taken.

Mr. OWEN. Mr. President, I merely want to put in the RECORD the statement that I have heard a great many arguments in favor of the liquor traffic, and there is not one of them that has the slightest sound foundation. They are all based upon some fallacy. The drug referred to has been abandoned by all the hospitals of the world of good standing. It is recognized by all the world as one of the most dangerous and harmful of evils to the human race.

I hope that this bill will pass, and I hope that the people of the United States will establish the prohibition principle from Canada to the Gulf.

Mr. GRONNA. Mr. President, I shall detain the Senate but a moment. When the Senator from Texas moved to take up this bill I voted against taking it up. I think that my attitude on the question of prohibition is well known. I did not vote not to take it up because of opposition to the measure, but because of my interest in the bill then pending before the Senate, the bill in charge of the junior Senator from Michigan [Mr. TOWNSEND]. I am also very much interested in that measure. That bill has been pending before the Senate for many years; in fact, it has been pending here so long that I understand about one-half of those who would have been beneficiaries of the measure have died since its introduction; and I was very much in favor of disposing of that measure first.

Mr. President, I shall vote for the bill in charge of the Senator from Texas, not because I believe it is a perfect bill, for it is not. It is not what we might call a prohibition measure. It is simply a measure to do away with the saloons in the District of Columbia.

There is one provision in the bill which I trust the Senator will amend, and that is where a provision was taken out of the bill which provided that no liquor should be imported into the District and given away. I can see a reason for striking out the clause that it shall not be used, because that may infringe upon the personal liberties of people, but I certainly can see no reason for striking out the word "gift."

I trust that the Senator having the bill in charge will assure those of us who are sincere, and who are really in favor of a prohibitive measure, that that is taken care of, at least in conference.

I am not opposed to the amendment proposed by the Senator from Utah [Mr. SMOOT]. That is in fact a prohibition measure, but I share in the belief of other friends of prohibition that it would be impossible at this time to pass that bill through this body, and perhaps through the other body. I realize the fact that under the provisions of this bill you may establish distilleries in the District of Columbia, as was so well said by the junior Senator from Missouri [Mr. REED], that you may export in any quantity you see fit alcohol, but there is one reason why we can support the measure, and that is that nearly all the States are going dry. Most of the Western States, and many of the Southern States, are adopting prohibitory laws. That is the only reason why I feel that I can vote for the measure, although distilleries are being permitted to go on and manufacture alcohol within the District of Columbia.

Something has been said about the amount manufactured in the District. I understand that there are manufactured in the District of Columbia about 5,000 barrels of alcohol annually, averaging about 46 gallons to the barrel, or about 230,000 gallons. I also understand that some of the people who are close to those who are in control of legislation are anxious to receive the revenue derived from the manufacture of alcohol.

I do not think there is any excuse for allowing a distillery in the District of Columbia. I can remember when the prohibition measure was before the Legislature of the State of North Dakota there happened to be at that time breweries in my State. There were many breweries there, and one of those breweries was owned by a close relative of mine, a first cousin, but I showed no favoritism. I said to him, "We can not enact a prohibition law and favor anybody. You have gone into this business with your eyes open, and I am going to vote for a prohibition bill"; and I did vote for it.

I do not believe that we should show favoritism to anybody. I do not care whether it is a distilling plant or a brewery or a saloon. If we are going to enact prohibition, we should treat them all alike. We should make it impossible to manufacture as well as to dispose of it either by retail or in any other way.

But I fully realize, Mr. President, that this is only the beginning. The friends of prohibition have said to me, "We can not expect to get everything we want in the first instance." This is simply a beginning, simply a stepping-stone to such a measure as the Senator from Utah has introduced. Personally I should be very glad if it were possible to enact a law such as has been presented by the Senator from Utah, because it is in fact a real prohibition measure; but I have been told, and I believe it is true, that it would be impossible at this time to pass such a measure as the amendment proposed by the Senator from Utah.

For that reason, Mr. President, I shall content myself, although I am not satisfied with the measure, to support the bill which the Senator from Texas [Mr. SHEPPARD] has in charge.

Mr. SMOOT. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from North Dakota yield to the Senator from Utah?

Mr. GRONNA. Yes, with pleasure.

Mr. SMOOT. I merely want to say to the Senator that a number of Senators who believe in prohibition have made the same statement to me in private the Senator has just made in public. I have been wondering if the friends of prohibition, I mean of real prohibition, take that position when on earth can we pass a prohibition law. I believe myself if the Senate of the United States would now pass this substitute it would be easier of passage in the House than the Sheppard bill, and I say that from what Members of the House have told me. I do not know that it is so, but I say that Members of the House who believe in prohibition have told me that it would be easier to pass through the House of Representatives my substitute bill than the Sheppard bill, if it passes the Senate of the United States.

Mr. GRONNA. I will say in answer to the Senator from Utah that if I could be convinced that it would be possible to pass such a law as has been presented by him, personally I should be very glad to vote for it.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I ask for the yeas and nays.

Mr. UNDERWOOD. I should like to suggest to the Senator in charge of the bill that I have no desire to delay the consideration of the measure, but it is 4 o'clock Saturday afternoon; there are a good many absentees and some of them went away with the understanding that we would not have a vote this afternoon. In fact, I thought I had that understanding. I should like to ask the Senator in charge of the bill if we can not adjourn and let the vote be taken on Monday? I am willing to agree that a vote shall be taken upon the bill on Monday.

Mr. SHEPPARD. Inasmuch as we seem to be ready for a vote on the pending amendment, and a vote upon it is not a final disposition of the bill, I prefer to take the vote now.

Mr. UNDERWOOD. As I stated to the Senator, I thought I had reached an understanding that we were not going to have a vote this afternoon, and I stated that to several Senators who are absent.

Mr. SHEPPARD. Very well.

Mr. CHAMBERLAIN. I should like if the Senate would have a short executive session to have some Army officers confirmed.

Mr. SHEPPARD. Very well. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, December 18, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1916.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. John J. Pershing to be major general.

Col. Eben Swift, General Staff Corps (Cavalry), to be brigadier general.

Col. Francis H. French, General Staff Corps (Infantry), to be brigadier general.

Col. Edwin St. J. Greble, Sixth Field Artillery, to be brigadier general.

Col. Charles G. Treat, General Staff Corps (Field Artillery), to be brigadier general.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 16, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would approach Thee, Eternal God, in the spirit of Him who taught us to pray, Our Father, who art in heaven, hallowed by Thy Name; Thy kingdom come; Thy will be done in earth as it is done in heaven. Give us this day our daily bread. And forgive us our debts as we forgive our debtors. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States; and

H. J. Res. 282. Joint resolution authorizing the Postmaster General to provide the postmaster of Springfield, Ill., with a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union.

The SPEAKER. With the consent of the House the Chair desires to make a short statement about these bills reported from the Committee on Enrolled Bills. It will be remembered that early in this session the House passed a concurrent resolution authorizing the Speaker and the President of the Senate, or the Vice President as the case might be, to sign two bills which were passed at the last session, but not passed in time to be signed. The Senate indefinitely postponed that resolution. The Chair signed these bills, and the Chair has laid them before the House because he believes the Speaker, the Vice President, or the President of the Senate pro tempore have as much right to sign these bills as any other bill. There is nothing anywhere the Chair has been able to find that fixes any time when the Speaker, the Vice President, or the President of the Senate pro tempore shall sign bills. The Chair has laid them before the House with that statement because he believes the Chair had the right to sign, resolution or no resolution, and that the resolution is superfluous.

IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10384, to agree to the conference asked for by the Senate—the Senate has already appointed conferees——

Mr. MANN. To disagree to the Senate amendments.

Mr. BURNETT. To disagree to the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent to take from the Speaker's table the immigration bill, to disagree to all Senate amendments, and agree to the conference requested. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if the conferees on the part of the House, before agreeing to Senate amendment 5, page 7, striking out the words "Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements that may hereafter be entered into," will give the House an opportunity for a separate vote?

Mr. BURNETT. Mr. Speaker, I would not like to make an agreement of that kind in advance of the action of the conferees. I would ask the gentleman not to make that request.

Mr. RAKER. The only suggestion I make is, that would be the only opportunity, it seems to me, the House has to pass on this amendment of the Senate striking out in regard to the exclusion of Hindus and of persons who can not become eligible, under existing laws, citizens of the United States by naturalization. I think the House ought to have opportunity to fully act on that, if the Senate conferees insist on their amendment.

Mr. BURNETT. I would not want to agree in advance to anything of that kind.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object further——

The SPEAKER. The gentleman from California has been answered.

Mr. RAKER. I know, but not quite fully. I understand the conferees of the House will insist upon the House bill in reference to that feature?

Mr. BURNETT. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. BURNETT, Mr. SABATH, and Mr. HAYES.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 611. An act for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia; and

S. 1428. An act to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

LEGISLATIVE, JUDICIAL, AND EXECUTIVE APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18542, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18542, the legislative, executive, and judicial appropriation bill, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to return to page 118 for the purpose of offering an amendment which will not consume any time. I ran my legs off endeavoring to get over here yesterday and missed it.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to page 118 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, let us have the amendment reported first.

Mr. FERRIS. I will state it. On page 118, lines 13 and 14, strike out "editorial assistant, $2,000," and insert "chief of division of district offices, $2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 118, lines 13 and 14, strike out the words "editorial assistant, $2,000," and insert "chief of division of district offices, $2,500."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MANN. Reserving the right to object, what is the reason for it?

Mr. FERRIS. The reason is simply this. The gentleman who holds the place now is Mr. Dan Casey. He is designated as the

editorial assistant, and while he edits the Daily Consular and Trade Reports he is also the chief of the Division of District Offices in the Foreign and Domestic Bureau. Mr. Casey is an expert in his line. He is a civil-service man and has been employed in the bureau ever since its creation by Congress. Even before that he entered the service about the time of the establishment of the Bureau of Manufactures, the functions of which were later absorbed by the Foreign and Domestic Commerce Bureau. His services cover a period of at least eight or nine years, and, moreover, in addition to the actual experience he has had in this work during this period, he has made a special study along foreign and domestic commerce lines. The $2,000 per annum that he gets is not sufficient pay for the services he performs. Others, perhaps not as well qualified as Mr. Casey, have left the bureau to accept positions offered them by private concerns, and these concerns have been glad to avail themselves of the services of these men, and at salaries two or three times as much as they were paid in the Government service. If we are to retain men of extraordinry capacity and ability in the Government service, we ought to at least pay them what they are worth. The justification for it is this:

The work is an important feature in the bureau and is handled by a member of the regular bureau staff. There are eight district offices, with 32 employees, and eight "cooperative" offices, established in chambers of commerce in large cities. The agents in charge are specialists in foreign commerce, selected as a result of a civil-service examination. In a comparatively short time these offices have become the centers for foreign-trade information where they are located. They enable the bureau to keep in close touch with business men.

The work of this division chief requires familiarity with all phases of the bureau's work. Important questions must be handled with sound judgment. By being in immediate contact with the business men the bureau is able to make all its work more effective. The chief of this division must be able to sense the opportunity for new and creative work and for the extension of existing facilities of the bureau. The position requires initiative and constructive ability. It is believed that $3,500 is little enough to pay for work of this grade.

Just one word more——

Mr. GOOD. Reserving the right to object, I want to ask the gentleman from Tennessee if he intends to make a point of order?

Mr. BYRNS of Tennessee. Yes; I intend to make a point of order against the amendment, which is clearly subject to a point of order.

Mr. GOOD. Then I object.

Mr. FERRIS. Does the gentleman from Iowa object?

Mr. GOOD. The gentleman had not finished his statement.

The CHAIRMAN. Is there objection?

Mr. GOOD. I object.

The CHAIRMAN. The gentleman from Iowa objects, and the Clerk will read.

The Clerk read as follows:

Bureau of Standards: Director, $6,000; physicists—chief $4,800, 1 qualified in optics $3,600, 2 at $3,600 each, 1, $3,000; associate physicists—3 at $2,700 each, 4 at $2,500 each, 4 at $2,200 each, 6 at $2,000 each; assistant physicists—9 at $1,800 each, 11 at $1,600 each, 14 at $1,400 each; chemists—chief, $4,800; 1, $3,500; 1, $3,000; associate chemists—3 at $2,700 each; 2 at $2,500 each; 1, $2,200; 4 at $2,000 each; assistant chemists—4 at $1,800 each, 4 at $1,600 each, 6 at $1,400 each; physical chemist, $1,800; laboratory assistants—19 at $1,200 each, 14 at $1,000 each, 14 at $900 each; laboratory helpers—2 at $840 each, 3 at $720 each, 3 at $600 each; aids—11 at $720 each, 7 at $600 each; 12 laboratory apprentices, at $540 each; secretary, $2,200; storekeeper, $1,000; librarian, $1,600; clerks—1 of class 4, 2 of class 3, 2 of class 2, 6 of class 1, five at $1,000 each, 5 at $900 each, 2 at $720 each; telephone operator, $720; office apprentices—2 at $540 each, 2 at $480 each, 3 at $360 each; elevator boys—1, $480; 3 at $360 each; mechanicians—chief, $1,800; 1, $1,600; 1, $1,500; 1, $1,400; 3 at $1,200 each; 4 at $1,000 each; 1, $900; shop apprentices—1, $540; 2 at $480 each; 5 watchmen; skilled woodworkers—1, $1,200; 1, $1,000; 1, $840; skilled laborers—6 at $720 each; draftsman, $1,200; photographer, $1,200; packer, $840; messenger; assistant messenger; superintendent of mechanical plant, $2,500; assistant engineers—1, $1,600; 1, $1,400; 2 at $1,200 each; 1, $1,000; 1, $900; pipefitter, $1,000; 5 firemen; glass blower, $1,600; glassworker, $1,600; electricians—1, $1,200; 1, $900; foreman of janitors and laborers, $840; 12 laborers; janitors—3 at $660 each; 1, $600; 2 female laborers, at $360 each; in all, $348,900.

Mr. DILL. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 125, in line 5, after the figures "$600," strike out "two" and insert "four."

Mr. BYRNS of Tennessee. Will the Clerk read that amendment again. Mr. Chairman, I ask for order.

The amendment was again reported.

Mr. DILL. Mr. Chairman, my reason for proposing this amendment is the fact that these women in this particular bureau are working eight hours a day at $360 a year, and in some departments of the Government the charwomen are being paid $300 for working three and four hours a day. I find that down in the Interior Department these female laborers at $400 a year work four hours a day, while these women in the Bureau of Standards work eight hours a day. And the reason the bureau gives is that they have not enough of them to do the work in four hours.

Now, Mr. Chairman, it seems to me if there is any class of people laboring in the departments of this Government who work eight hours a day who should be given a liberal and decent wage, it is those women who spend their time in cleaning up the office buildings. I do not propose to offer an amendment to raise their salaries, because if I did a point of order would be made. I believe that, when the price of foodstuffs and everything else has increased as it has, if a woman is to receive $360 a year she ought to have the time to work at something else in order to make a living, and if we add these two female laborers these women will have time to work in other places also. I do not believe that even the honorable gentleman from Tennessee [Mr. BYRNS] thinks that a woman can live on $360 a year even if she has no family to support.

I made the statement a few days ago in speaking about the women laborers in the Bureau of Engraving and Printing that they work eight hours a day down there at $400 a year. I stated that on the information of the assistant director of the Bureau of Engraving and Printing. This morning I talked with the director, and he told me that the statement was correct, that those women do work eight hours a day there at $400 a year.

Now, Mr. Chairman, with a country as wealthy and as prosperous as this country is, with the Government taking in such tremendous revenues as this Government is taking in at the present time, with increases of appropriations being made for every department of the Government for almost every purpose, it seems to me that it can ill-afford to continue a system of paying wages to women that makes it impossible for them to live, women working eight hours a day for $360 a year, as is the case in this particular instance. For that reason I believe the committee ought not to oppose this amendment but rather accept it as a matter of justice to these women.

Mr. BORLAND. Will the gentleman yield?

Mr. DILL. Yes.

Mr. BORLAND. The gentleman realizes that there are 30,000 employees in the District of Columbia who work only seven hours or less a day?

Mr. DILL. Yes.

Mr. BORLAND. And that it costs the taxpayers approximately $5,000,000 a year because of that short day's work. Is the gentleman in favor of a standard of eight hours a day?

Mr. DILL. If the wage is commensurate with the extra hours; yes.

Mr. BORLAND. Assuming it is, is the gentleman in favor of it, then?

Mr. DILL. I will say to the gentleman this: I think if the Government employees did work eight hours a day they would be in much better position to demand an increase of wages, but what I object to is that the Government employees who do work eight hours a day get the poorest wages in the Government service. Take these laborers at $300 and $360 and $400 a year, and they are working eight hours a day, every one of them. Yet these clerks that work seven hours, as the gentleman from Missouri says, are getting wages of from $1,200 to $1,500 a year. I have not in these discussions on the subject of wages at any time proposed to raise the wage of any employee who is getting more than $900. I have been talking repeatedly for the people who were not making enough money to live on. It is a fact that you can not take care of yourself properly on even $600 a year and have any decent standard of living at all, much less on $360 per year. Certainly, this Government ought to be the last government in the world to pay its employees as ridiculously low wages as $360 or $480 or $600 a year for their work, I care not what they do. If the Government uses their time, it should pay them decent wages for that time.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman has repeatedly stated that these female laborers work eight hours a day. I do not know from what source the gentleman gets his information. The committee has had before it the Director of the Bureau of Standards and other officials of the bureau and of the department. The gentleman evidently gets his information from some private source with reference to these female laborers. I dare say that if he would ask them they would tell him possibly that they were doing more work than any of the laborers out there at the Bureau of Standards. But the fact is that Dr. Stratton, whom we all know as one of the most useful,

able, and splendid gentlemen in the service of the Government of the United States, a man entirely humane and a man who has never shown any hesitation—neither he nor the Secretary of Commerce—to come before the committee and recommend increases of salary when he thought it proper—I say the fact is that Dr. Stratton has not asked for any increased salary for these female laborers, nor has he asked that his force of female laborers be increased from two to four.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. DILL. In answer to the gentleman's question as to where I received the information, I will say to him that I procured it from the secretary of the Director of the Bureau of Standards, Mr. Stratton himself not being in this morning. I asked him particularly in order not to make any mistake, and I explained to him that I had been informed that these women worked eight hours a day, and wanted to know if I had been correctly informed. I also called up Mr. Ralph, Chief of the Bureau of Engraving and Printing, and he tells me that these women at his bureau work eight hours a day.

Mr. BYRNS of Tennessee. The Director of the Bureau of Standards estimated for increases of salary for various members of his force, but he did not ask for any increase with reference to these female laborers, evidently believing that they were receiving the entire amount justified by the services they performed.

Now, the gentleman will note from this appropriation that the Bureau of Standards has 12 laborers and also a foreman of laborers. As to these female laborers, I do not know how many hours they work, but they do very light work, such as cleaning and dusting. It is lighter and the hours not so long as those required of servants in the households of Washington, where the wages paid are much less than that paid to these employees. The amendment of the gentleman does not propose to relieve these female laborers in any way. He simply proposes to increase the force there and to put two more female laborers in the service of the Government at the same price of $360; and the gentleman, instead of relieving the situation from his own point of view, is simply increasing what he calls an injustice that is being done by this Government to some classes of its employees by adding two more at the same standard of wages.

Mr. DILL. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Yes.

Mr. DILL. Does the gentleman believe that a woman who works eight hours a day can live on $360 a year?

Mr. BYRNS of Tennessee. I do not for a moment concede, Mr. Chairman, that these female laborers work eight hours a day. I do not know how many hours a day they work, but, I repeat, they do a very light character of work, and the Director of the Bureau of Standards, who is in charge of that work, *has not* asked that they be given one dollar more than they have been given for the current year or than they were given last year.

Now, I assume that the Director of the Bureau of Standards knows a great deal more about what they are really worth than does the gentleman from Washington or myself or any other Member of this House, because he is there and he knows the class of work they perform, and I insist that we ought not to vote money out of the Treasury and give him additional female laborers when he does not need them and does not ask for them. We ought at least to consult with him as to whether or not their services are needed. I repeat, the amendment of the gentleman from Washington does not propose to relieve, and will not relieve, these female laborers in any sense of the word. It simply proposes to put two useless and unnecessary employees out there at the same salary as those now performing the work, and who are willing and content to do the entire work required of this class of laborers at the salaries they are now receiving.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. DILL].

The question was taken, and the chairman announced that the noes seemed to have it.

Mr. DILL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 18, noes 41.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rent of buildings in the District of Columbia, $66,500.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor, and to appoint commissioners of conciliation, for per diem in lieu of subsistence at not exceeding $4 pursuant to section 13 of the sundry civil act approved August 1, 1914, and traveling expenses, including an executive clerk at $2,000 in the District of Columbia, $75,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. CALDWELL. I do so for the purpose of calling the attention of the House to the fact that in the preceding paragraph the Assistant Secretary of Labor gets $5,000, and the private secretary of the Assistant Secretary gets $2,100.

Now, every Member of this House does more work than the Assistant Secretary and because of his ability and the character of the work he does is paid $7,500. He has only one clerk, and that one gets only $1,500.

Now, then, in addition to that, that clerk is doing all the work required of him by his principal, and has no help whatever. Yet the Assistant Secretary of the Department of Labor is provided with a clerk at $2,100. So that when we ask here that our clerks be paid $2,000 a year and that we be supplied with a stenographer to be paid $75 a month during the session of Congress, we are not asking for as much as is given to the Assistant Secretary of this department of the Government, and under the circumstances I think it is only fair that this House should consider those things when it is considering the amendment on the roll call.

Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Bureau of Labor Statistics: Commissioner, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; 4 statistical experts, at $2,000 each; employees—1 $2,760, 1 $2,520, 3 at $2,280 each, 1 $1,800, 6 at $1,600 each, 7 at $1,400 each, 2 at $1,200 each; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; clerks—7 of class 4, 6 of class 3, 8 of class 2, 14 of class 1, 9 at $1,000 each; 2 copyists; 2 assistant messengers; 2 laborers; in all, $148,280.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. While we are on the subject of labor and labor statistics, I want to ask the member of the committee in charge of the bill [Mr. BYRNS of Tennessee] whether any provision has yet been made to meet the wages of workmen in the various mints of the United States, as requested by the Secretary of the Treasury.

Mr. BYRNS of Tennessee. Yes; there were increases made of the lump sum for wages of labor.

Mr. MOORE of Pennsylvania. I am referring to a deficiency appropriation that has been asked for to cover the wages of the men employed in various mints, in excess of previous appropriations, because of the heavy demand for coinage.

Mr. BYRNS of Tennessee. That is a matter that will be taken care of, if taken care of at all, in another bill, and not in this bill; but I will say to the gentleman that this bill takes into consideration the alleged deficiencies for this year, and has made a substantial increase in the lump-sum appropriation for the wages of workmen in the mints during the fiscal year 1918.

Mr. MOORE of Pennsylvania. I have in my hand a letter from the Assistant Secretary of the Treasury, Mr. Newton, dated December 2, in which he states that there is a deficiency in appropriations for wages and contingent expenses, and that so far as the mint at Philadelphia is concerned he may be forced to suspend operations at that institution. That situation, I understand, is aggravated since December 2. Evidently the Director of the Mint is compelled to make contracts or to incur indebtedness in excess of appropriations already made, unless the required amount is appropriated as a deficiency appropriation, and I assume that for him to be compelled to do that would be a very serious matter.

Mr. BYRNS of Tennessee. As the gentleman well knows, that matter is taken care of in the deficiency bill and not in this bill.

Mr. MOORE of Pennsylvania. Can the gentleman representing the committee state whether any provision has been made for these deficiencies, in order that the work may continue and the wages be paid?

Mr. BYRNS of Tennessee. Not being a member of the subcommittee on deficiencies, I am unable to give the gentleman that information.

Mr. MOORE of Pennsylvania. Does the gentleman know that men have been employed at the Denver Mint, and at San Francisco, who are working now without any authorization of Congress?

Mr. BYRNS of Tennessee. No; I have no information of that kind. The hearings disclosed that there would be a possible deficit in the sum provided for the wages of workmen in these various mints, but as to the exact amount, or how that deficiency arises, of course, I do not know. It is not a matter of inquiry for this bill.

Mr. MOORE of Pennsylvania. Would this question come before the gentleman's subcommittee? A letter dated December 5 from the Assistant Secretary of the Treasury states that there is now a deficit of $107,500 in the matter of wages due to workmen employed in the various mints, and that unless an appropriation is made to meet those wages there is danger of closing down.

Mr. BYRNS of Tennessee. I will state that this bill carries a considerable increase over the sums heretofore allowed for wages of workmen in these mints.

Mr. MOORE of Pennsylvania. But does it carry anything to meet the deficiency referred to in the letter of the Assistant Secretary of the Treasury, Mr. Newton, dated December 2, in which he says:

> The depletion of these appropriations is due to the unprecedented demand for coinage, the extraordinary volume of deposits of foreign gold, and the marked rise in all supplies used in the handling of bullion and the execution of coinage.

Mr. BYRNS of Tennessee. No; it does not, for under the rules of the House a deficiency would not be in order on this bill. That is a matter for the deficiency bill, and will doubtless come up later.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether a deficiency bill is contemplated that will provide for such deficiencies as are herein reported by the Secretary of the Treasury?

Mr. BYRNS of Tennessee. Of course, the gentleman knows that I am not in a position to speak with authority upon that matter, but the gentleman knows that deficiency bills are reported every session of Congress, and undoubtedly if there are deficiencies in any of the departments of the Government a bill will be reported making the proper allowance.

Mr. MOORE of Pennsylvania. As to the suggestion that the mints may close down, has the gentleman any information?

Mr. BYRNS of Tennessee. I have not.

The CHAIRMAN (Mr. CRISP). Without objection, the pro forma amendment will be withdrawn.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. BUCHANAN of Illinois: On page 132, line 20, strike out the word "four" and insert in lieu thereof the word "eight."

Mr. BYRNS of Tennessee. I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, this is to provide the additional clerks asked for by the Department of Labor, so that it may do its work more expeditiously and for the greater benefit of the people whom that department was created to serve. I am informed that the difficulty about the work of the Bureau of Labor Statistics is that that bureau has not sufficient help to compile and prepare its report in time to get it before the readers while it is fresh. In other words, the field men go out and search for the necessary information, but after that is obtained there is not a sufficient force to compile it and prepare it for printing, until it becomes stale, when it is not of the value that it would be if it could be received by the people it is supposed to benefit at the time they should receive it.

I believe we are now considering bills in the name of preparedness, for the expenditure of some seven or eight hundred million dollars. I believe we all agree that there is no better preparedness than to preserve the physical and mental resources of our citizenship. This research work, the securing of information as to industrial conditions, accidents and the remedy therefor, hygienic conditions, and so forth, is necessary in order that we may be able to preserve the physical and mental resources of the citizenship of this country. The amount that is asked for that purpose is insignificant compared to what Congress has expended and proposes to expend for preparedness in the building of battleships, yet we are not able to get men enough to man them to-day. Therefore I submit that this amendment, with others that I am prepared to offer, should be accepted by the House.

The CHAIRMAN. Does the gentleman from Tennessee insist on his point of order, or withdraw it?

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BYRNS of Tennessee. My point of order is that these statistical experts are not authorized by law, and I submit that the burden is on the gentleman to furnish the Chair with the law authorizing the amendment, or making it in order.

Mr. BUCHANAN of Illinois. Mr. Chairman, the position taken by the gentleman from Tennessee, it seems to me, is erroneous, for the reason that no matter what you call these employees, whether statistical expert clerks, or what not, they are employed to do the work that the Bureau of Labor statistics was authorized to do by law. It seems to me that it would be a very weak and poorly drawn law that would provide for a bureau or department to do certain kinds of work and then not provide for the procurement of experts or other employees sufficient to do the work in an efficient and expeditious manner. If that is the only ground that the gentleman has for his point of order, it seems to me that it is not well taken.

The CHAIRMAN (Mr. CRISP). The Chair would like to ask the gentleman from Tennessee, Does the act creating the bureau provide for the number of statistical experts?

Mr. BYRNS of Tennessee. It did not specify the number; it did not authorize any experts. It provided for a chief clerk and clerical assistance, but there was no authorization in the act for a statistical expert. For that reason four statistical experts were provided for by law by reason of the passage of the last appropriation bill.

Mr. STAFFORD. Mr. Chairman, this increase differs from an increase of clerks or laborers or assistant messengers or charwomen. It is to increase the official force of the bureau. The four experts that are carried are made in order by a provision in the legislative bill of last year to this effect:

> The officers and employees of the United States whose salaries are herein provided for are established and continued from year to year to the extent they shall be appropriated for by Congress.

If it had not been for that amendment to the legislative act of last year, these statistical experts would have been subject to a point of order, but all four were authorized by this very provision. Four experts have been authorized, and there is no warrant of law that will provide for an additional number of those officials. You might as well say that if we provided for one Secretary of Labor you could provide for two when there was only one authorized. There have been four experts authorized and not eight.

The CHAIRMAN. Are these experts under the general civil-service law or are they specially provided for by the act?

Mr. STAFFORD. I presume they are civil-service employees, but they are those only provided for by this act.

Mr. FITZGERALD. Mr. Chairman, the only authority for statistical experts in the Bureau of Labor Statistics is a provision in the current legislative act providing for four such places. There is no authority in the organic act of the Labor Department, nor is there any authority or provision in the Revised Statutes under which it is in order to increase the number of clerks in the classified service of the various departments. These employees are established to the number of four by reason of the provision contained in the current legislative bill, which establishes to the number and extent and character the places provided for in that act. Any increase in compensation, any increase in number, is contrary to the number established by law and not in order in the bill under the rules of the House.

The Chair will recall that for a number of years there was considerable difficulty encountered in the consideration of the legislative bill, because a good many positions had been from time to time provided on appropriation bills, and in many instances the compensation increased above that fixed in the statute creating the place.

That situation resulted on several occasions in the legislative bill being practically emasculated by points of order being interposed. It was to correct that condition that there was inserted two years ago for the first time a provision in the legislative bill which established at the compensation and to the number the positions carried in the legislative act. That was repeated in the current law, so that every position provided for in the current legislative act is established by law to the number provided

and at the compensation provided. The only authority for statistical experts in the Bureau of Labor is in the current legislative act, and that establishes four statistical experts in the Bureau of Labor at a compensation of $2,000 a year. There is no authority for additional ones. Any proposal to increase the number is subject to a point of order.

The CHAIRMAN (Mr. CRISP). The law provides for four statistical experts. The amendment proposing to increase it to eight changes existing law, and therefore the Chair sustains the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: On page 132, line 21, strike out the word "one" after the comma following the figures 2,760, and insert in lieu thereof the word "two."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on the same ground, that it is not authorized by law; that the increase is not authorized by law, and that the law fixes the number which the amendment seeks to increase.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. BUCHANAN of Illinois. Mr. Chairman, I understand the committee has already increased the number of employees in the Bureau of Labor Statistics. The present provision provides for an increase, and my amendment provides for a further increase. I do not understand what law there is to prohibit Congress that created the department from providing a sufficient number of employees or experts to do the work in an efficient manner. I have never thought of this being attacked on the point of order, and therefore have not looked up the precedents in regard to it. I have nothing further to say about it.

The CHAIRMAN. The Chair is ready to rule. While it is thoroughly competent ordinarily for the House to pass such legislation as it sees fit increasing the clerical force of any of the departments, yet the House has adopted a rule for its guidance which provides that in considering appropriation bills no amendment shall be in order that legislates; under the law the number of special employees for the Department of Labor are numbered, and this amendment seeks to enlarge that number by adding an additional clerk of the special class. Therefore it changes existing law, and in the opinion of the Chair is not in order upon an appropriation bill. The Chair, consequently, must sustain the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 132, line 25, strike out the word "seven" and insert the word "nine."

Mr. BUCHANAN of Illinois. Mr. Chairman, this additional clerk hire is necessary for the purpose of doing the work efficiently in the Department of Labor, in the Bureau of Labor Statistics. It seems that it is very difficult to be able to provide for sufficient assistance to do that work as it should be done. I do not know that it is necessary for me to take up the time of the House in making any additional statement in regard to the matter, further than to say that I am convinced that this amendment as well as all of the others is very important, because they tend to secure information which will permit us to properly legislate, and not only that, but permit those who are in charge of the industries of the country to improve the conditions of the working people of the country. I therefore urge the adoption of the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, the Bureau of Labor Statistics now has 72 persons employed in it. It carries an appropriation of $137,880. The committee allowed 7 additional clerks, 2 of them of class 4, 1 at $1,600, 2 clerks of class 2, and 2 clerks of class 1, making a total of 7 allowed to this particular bureau, which it was believed by the committee would be sufficient to enable it to keep up with its work and keep the work current. That is a considerable increase given to this bureau, and I think I may say that possibly without exception the committee has been more liberal with the Department of Labor and with this bureau than with any other department in the Government in so far as this particular bill is concerned. I submit that having allowed two additional clerks of class 4 and five clerks at salaries ranging from $1,200 to $1,600 a year, that that is all that Congress ought to allow, and I therefore ask that the amendment be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. BUCHANAN of Illinois) there were—ayes 22, noes 29.

So the amendment was rejected.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

On page 132, line 25, strike out the word "six" and insert the word "nine."

Mr. BUCHANAN of Illinois. Mr. Chairman, this is for additional assistance to the Bureau of Labor Statistics. It is very much needed to do the work there in an expeditious manner.

Mr. STAFFORD. Mr. Chairman, in this Bureau of Labor Statistics there are at present in the clerical force, from $1,800 down to $1,000, 37 clerks. The committee was more than liberal in providing additional places and opportunities for promotion in this bureau. We increased their force by seven, but we did not increase their force by seven in the lower grade of clerks of $1,000 and $1,200 a year. We gave them two additional clerks in the $1,800 grade, one in the $1,600 grade, two in the $1,400 grade, and two in the $1,200 grade. Those increases will provide for 17 promotions altogether, from $1,000 up. The committee recognized the principle that it has followed throughout the bill of providing additional places in the higher grades, so that the chiefs of the bureaus could give the additional allowances in salaries to efficient clerks whom they would promote from lower positions. Never before in the history of this bill, so far as my memory serves me, has the committee been so liberal in providing additional places in the $1,800 and $1,600 and $1,400 and $1,200 grades. More than 400 places are provided, which will enable the promotion of deserving clerks. The committee was prompted in doing that by reason of the increase in the cost of living. We realized that there was some need for raising the pay on account of the increased cost of living, which is impinging upon all of the clerks in the departments. There were many of us in the committee who believed that the first consideration should be given to those receiving $1,000 and under, but in these higher grade positions the committee has recognized the fact that there is need of providing for an increase in the salaries, and we have left it to the heads of the departments, as only a committee can do in the administration of clerical force, to determine where merit shall be recognized and the salaries increased. In addition to that, the committee has brought in the recommendation to provide every one from $1,800 to $1,200 with a 5 per cent horizontal increase bonus of pay for one year. No one can criticize the action of the committee in the policy that has been pursued, not only with this bureau, but with all bureaus, and having granted them seven additional clerks in this bureau is there anyone who can say that we were not liberal?

Mr. LONDON. Mr. Chairman, I fear that there is a failure to appreciate the importance of the work of the Department of Labor, and particularly of the Bureau of Labor Statistics. The Department of Labor is one of the most important departments. There is not the slightest doubt but that the next Congresses will be concerned with labor legislation to a greater extent than any other kind of legislation. With the growing intelligence of the great industrial masses the Congress of the United States will be compelled to take up one labor measure after another. The preparation and systematizing of knowledge on all subjects relating to labor must precede intelligent legislation. The Bureau of Labor Statistics asks for an increased appropriation so that it may continue the study of collective bargaining, so that it may improve the method of collating industrial accident statistics, and make a study of the condition of labor in the coal-mining industry. Take the list of contemplated publications. Additional publications in course of preparation at the end of the fiscal year include the following: Wholesale prices; retail prices; wages and hours of labor in the cotton, woolen, boot and shoe, lumber, and iron and steel industries, and special studies of occupations and processes in these industries; studies of the productivity of labor by occupations in the lumber industry, the boot and shoe industry, and the cotton and woolen industries; union scale of wages; trade schools for girls in Massachusetts; workmen's compensation laws and their administration; accidents and accident prevention in the machine, building, and iron and steel industries; causes of death in cotton-mill occupations; causes of death in industrial employment, as shown by experience of the Metropolitan Life Insurance Co.; hygiene of the printing trades; mortality from consumption in dusty trades; labor laws and court decisions; administration of labor laws in various States; standards of safety and hygiene in industry required by law or regulation in the different States; foreign labor legislation; wages and working conditions of street railway labor in the United States; profit sharing; what establishment bureaus of employment are doing to reduce the labor turnover and increase regularity of employment; employers' welfare work; work of State and municipal employment bu-

reaus; sick-benefit funds of trade-unions and of establishments; proceedings of annual meetings of international associations of industrial accident boards and commissions and of the American Association of Public Employment Offices; effect of workmen's compensation laws in connection with fatal industrial accidents in minimizing the necessity of the industrial employment of women and children; coal-mine labor legislation in Pennsylvania; protection of the health of workers engaged in the manufacture of high explosives and of coal-tar dyes; housing of working people by employers in the United States; report of the President's board for standardization of first-aid methods; handbook of occupational diseases; purposes and work of the Bureau of Labor Statistics; vocational experience by young people in Boston; a study of the work of State boards of arbitration and conciliation; and the beginning of a series of reports on the history of American trade-unions.

The work of the bureau should not be thwarted. Congress should be more liberal in appropriating funds for the study of those vital problems, so that we may all know more about those things than we know now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For per diem at not exceeding $4 in lieu of subsistence, pursuant to section 13 of the sundry civil act approved August 1, 1914, of special agents and employees and for their transportation; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day; temporary statistical clerks and stenographers in the District of Columbia, to be selected from civil-service registers and to be paid at the rate of not exceeding $100 per month, the same person to be employed for not more than six consecutive months, the total expenditure for such temporary clerical assistance in the District of Columbia not to exceed $6,000; traveling expenses of officers and employees, purchase of reports and materials for reports and bulletins of the Bureau of Labor Statistics, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, $65,090.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The word "subvention" is used here in line 17, page 133. It is a new word in legislation of this kind. Evidently it means a direct appropriation in connection with some convention of the "International Association for Labour Legislation." Is that what it means?

Mr. BYRNS of Tennessee. So I understand. It is a permanent appropriation which the United States Government contributes every year.

Mr. MOORE of Pennsylvania. Have we been sending delegates to this convention heretofore?

Mr. BYRNS of Tennessee. We have.

Mr. MOORE of Pennsylvania. How much money would be included in this subvention?

Mr. BYRNS of Tennessee. One thousand two hundred and fifty dollars.

Mr. MOORE of Pennsylvania. And that is all. We send delegates—appointed by whom?

Mr. BYRNS of Tennessee. I am not able to inform the gentleman. This $1,250 represents expenses in connection with this association.

Mr. MOORE of Pennsylvania. Well, "subvention to International Association for Labour Legislation" is covered in the aggregate by an appropriation of $64,090. My inquiry was as to how much the subvention would amount to, and I should also like to know who appoints the representatives of the United States to this international association?

Mr. BYRNS of Tennessee. The expense would amount, as estimated, to $1,250—not exceeding that.

Mr. MOORE of Pennsylvania. No salaries?

Mr. BYRNS of Tennessee. No salaries. My understanding of the matter of appointment is that the Department of Labor makes the appointments, but I am not very sure about that.

Mr. MOORE of Pennsylvania. Is it an annual convention?

My BYRNS of Tennessee. It is an annual convention; yes.

Mr. MOORE of Pennsylvania. And the convention is held annually?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. In this country or in Europe?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. In this country exclusively?

Mr. BYRNS of Tennessee. It is international; I do not think it is necessarily held in this country.

Mr. MOORE of Pennsylvania. Does the gentleman know where it meets?

Mr. BYRNS of Tennessee. No; I can not say to the gentleman where it meets, I am frank to say. It has headquarters in Switzerland. It is an organization for the purpose of comparing and unifying labor legislation of the world.

Mr. SISSON. I will state that my information about this matter is not extensive except that the various labor organizations of the country hold a convention. Just how long this has been organized I can not tell the gentleman, but it perhaps antedates the organization of the Department of Labor here in Washington; and the delegates of these labor organizations meet and the Department of Labor sends, as I am informed, a representative to attend that convention, which will be called, as they call other labor conventions, for the purpose of discussing throughout the world questions of legislation affecting labor.

Mr. MOORE of Pennsylvania. Is the American Federation of Labor represented at that convention?

Mr. SISSON. I think not only that, but I think all labor organizations who are members of this association send delegates there, but just how many labor organizations belong to it I am not informed.

Mr. MOORE of Pennsylvania. Is the gentleman sure that the Secretary of Labor appoints delegates on behalf of the United States to attend this convention?

Mr. SISSON. I think he selects somebody out of the Department of Labor. I do not know exactly, but I understand he will select some representative from the Department of Labor to attend this convention, not as a delegate as I understand it, but merely to attend the convention for the purpose of securing information as to what is going on.

Mr. MOORE of Pennsylvania. And to report back to the Government of the United States?

Mr. SISSON. And to report back to the Secretary of the Department of Labor, as I understand. In other words, that keeps him informed about the labor conditions that are being discussed by the labor organizations throughout the country.

Mr. MOORE of Pennsylvania. Does the gentleman know that this is an official matter?

Mr. SISSON. It is official only in that the Congress appropriates this money so that the Department of Labor may have representation at such a meeting.

Mr. MOORE of Pennsylvania. Then, it is an official representation?

Mr. SISSON. Yes; I understand that it is.

The Clerk read as follows:

For books, periodicals, and newspapers for the library the sum of $100 may be expended for newspapers for the purpose of procuring strike data, $1,000.

Mr. BUCHANAN of Illinois. I desire, Mr. Chairman, to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 133, after line 23, insert the following item:
"Collective bargaining: To enable the Bureau of Labor Statistics to undertake a study of collective bargaining in the more important industries, and for the employment of suitable persons to conduct such study and for the needed clerical assistants, whether within or outside of the District of Columbia, such persons to be selected in accordance with civil-service regulations, $19,000."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on the amendment. It is new legislation.

Mr. BUCHANAN of Illinois. Will the gentleman withhold the point of order?

Mr. BYRNS of Tennessee. I reserve it.

Mr. BUCHANAN of Illinois. While I did not hope to be able to secure a withdrawal of the point of order, I wish to say that those of us who have studied industrial questions know something about the great cost of industrial warfare. An investigation of this sort might lead a way to avoid many of those industrial troubles and it would be a great saving to the working people of the country and to the manufacturers of the country. It is a work of great importance to do anything that will tend to bring about peace and good will in the industrial world. It is costing the people of the country entirely too much. Perhaps if there was some great industrial war threatened, where it would tie up the industries of the country and make it a hardship upon the consumers to secure the necessaries of life, throw thousands or hundreds of thousands of men out of work, without hesitation and unanimously we would spend one, two, three, or four, or five hundred thousand dollars to bring it to the proper adjustment.

This is a small amount. It might find a way to avoid these troubles, which is much better than curing the disease after it has been contracted. It is so important, from my point of view, that I am certain if the gentleman from Tennessee [Mr. BYRNS] could see its importance as I do, he would withdraw the point of order and permit this amendment to be adopted.

Mr. COX. What is meant by the phrase, "collective bargaining"? I do not know.

Mr. BUCHANAN of Illinois. Well, collective bargaining is where organizations of labor bargain with their employers.

Mr. COX. That is, bargaining with employers for price?

Mr. BUCHANAN of Illinois. Or wages, or to adjust any differences that might arise, or to secure better conditions by higher wages or other things that labor is seeking to secure to improve its condition. Collective bargaining is the organizations bargaining with their employers for a purpose.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Illinois offers another amendment, which the Clerk will report.

The Clerk read as follows:

On page 132, after line 23, insert the following item:
"Condition of labor in coal-mining industry: To enable the Bureau of Labor Statistics to conduct an investigation of wages, hours, and conditions of labor in the coal-mining industry and to make an industrial survey of that industry, and for the employment of suitable persons to make such investigation, and for needed clerical assistants whether within or outside the District of Columbia, such persons to be selected in accordance with civil-service regulations, $25,000."

Mr. BYRNS of Tennessee. Mr. Chairman, does the gentleman desire me to reserve the point of order? If so, I will do so in order that the gentleman may discuss his amendment.

Mr. BUCHANAN of Illinois. The gentleman from Illinois [Mr. KING] may wish to make some observations on this, as he is familiar with the coal-mining industry, and I will be very glad to yield to him.

Mr. KING. Mr. Chairman, I trust the distinguished gentleman who is representing the committee at this time will be merciful in this particular instance and not press the point of order.

This amendment authorizes a thorough study of wages, hours, conditions of labor, including an industrial survey of coal mining in the United States. It reads as follows:

To enable the Bureau of Labor Statistics to conduct an investigation of wages, hours, and conditions of labor in the coal-mining industry and to make an industrial survey of that industry, and for the employment of suitable persons to make such investigation, and for needed clerical assistance whether within or outside of the District of Columbia, such persons to be selected in accordance with civil-service regulations, $25,000.

For three years every effort has been made to include an investigation of the coal-mining industry in the regular work of the Bureau of Labor Statistics. After trimming other wages work of the bureau to a minimum it was found to be still impossible to cover coal mining, and therefore Congress is asked to assist to the extent of $25,000. This would not be a continuing item; the work would be done in the fiscal year and no request for reenactment of this appropriating clause would be submitted.

There has never been a survey of earnings and general labor conditions in the coal fields of the United States. Individual States have made partial surveys that were very good, but none of these are recent.

With frequent recurrence of industrial conflicts and periods of unrest in the various coal fields, considered in relation to the vital connection of this industry with our domestic and industrial life, no argument should be necessary to show the importance of authentic and impartial information as to the real labor situation in the coal fields—information secured over a wide enough area and upon sufficiently broad principles to satisfy the public and challenge the respect of both parties to all issues.

That is in effect the statement made by this bureau seeking this appropriation.

Now, Mr. Chairman, I live in a country that is dotted with soft-coal mines, springing up everywhere. My own city, for instance, is in the heart of the soft-coal fields. The conditions amongst the soft-coal miners in my district are deplorable. Although we are the center of a coal field, the price of coal has risen continually from 8 cents a bushel to nearly 20 cents a bushel this winter. The other day near my house in the city of Galesburg a man brought in a load of coal, and there were at least six different people who tried to buy that load of coal from that man, and it was impossible for them to make a purchase. They did not have the high price demanded and they could not buy it on credit.

Now, Mr. Chairman, why is it that, with coal surrounding them on all sides, the people of a community are required to pay 20 cents a bushel for it?

In an investigation which I had occasion to make in a lawsuit some time ago I found that the mines were delivering coal to their purchasers at $1.05 a ton. That was in February, three years ago. I also found that the purchasing agents who bought the output of that mine were selling it at Chicago for $3.75 a ton during that winter.

Now, what is the explanation of that? The miner is not getting it, and the mine is not getting it, but the identical men who own the mines constitute the directors of the corporation that was selling the output of that mine, and they put the difference between $1.05, which went to the mines, and $3.75, which the purchaser paid, into their pockets.

Mr. COX. What was the freight haul from your place to Chicago?

Mr. RUCKER. It probably was the same that it was a year ago.

Mr. KING. Yes. It was the same as a year ago. The usual alleged reasons for the high price of coal in the United States are mere moonshine—the lack of cars furnished by the railroads. The railroads are always supplying cars. The trouble is that the selling agencies in the city of Chicago are controlling, in that part of the country at least, the output of coal which the poor people must have.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Does the gentleman from Tennessee insist on his point of order?

Mr. BYRNS of Tennessee. Mr. Chairman, I have listened with a great deal of interest to what the gentleman has said. I do not undertake to deny the importance of this investigation, but I think it is a matter that ought to come up before the House in a regular legislative way. I think it is a matter that ought to be considered by the committee that has jurisdiction of legislation, and that it is not proper to insert it upon an appropriation bill. Therefore, I must make the point of order, regardless of what my personal views might be.

The CHAIRMAN. The point of order is sustained.

Mr. BUCHANAN of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 133, after line 23, insert the following item:
"Industrial surveys: To enable the Bureau of Labor Statistics to conduct descriptive industrial surveys for determining occupational opportunities and for the employment of suitable persons to conduct such surveys and for needed clerical assistants, whether within or outside the District of Columbia, such persons to be selected in accordance with the civil-service regulations, $21,600."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on that.

Mr. BUCHANAN of Illinois. Mr. Chairman, this would have to do with the supply of labor, or perhaps it would be better to say with the opportunity for workingmen to secure work, and it would also have to do with the employers knowing the resources, where they could secure the sort of labor they desired. Therefore such a provision, such a law, providing for this work to be done, would render great assistance to the industrial world, both to the employer and the employee.

In many of the European countries they have systems similar to that to which this perhaps would lead, and which I studied some years ago, but not recently. I found that those systems have developed industry in some of these European countries, especially in Germany, where there was not such a thing as a tramp. The system took care of the unemployed and pointed out where they could secure employment. Therefore, the result of this would be something that would be of great benefit to the American people.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say again, with reference to this particular amendment, that without questioning the importance of this investigation the committee did not undertake to go into that matter, believing as they did that matters of such importance ought to come before the House in the regular legislative way. They believed, in other words, that this matter ought to come before the House by way of a bill or resolution reported by the regular committee of the House which has jurisdiction of this particular kind of legislation, and that it was improper to insert legislation of this kind in an appropriation bill—legislation which had not been previously considered by the committee and by the House. For that reason I am constrained to make a point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have one or two other amendments here, and I see that it is no use to take up the time of the House to offer them. Therefore I will ask unanimous consent to print them in the RECORD at this place.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to print certain amendments in the RECORD. Is there objection?

There was no objection.

The following are the proposed amendments referred to:

On page 133, after line 23, insert the following item: "Collation of industrial accident statistics: To enable the Bureau of Labor Statistics to collate State statistics of industrial accidents and to make special studies to determine accident rates by industries and causes, $11,400."

On page 133, after line 23, insert the following: "Government shops: To enable the Bureau of Labor Statistics to conduct investigations of wages and hours of labor to determine prevailing rates for the purpose of adjusting wages in Government shops, $2,800."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Children's Bureau: Chief, $5,000; assistant chief, $2,400; experts—1 on sanitation $2,800, industrial $2,000, social service $2,000, librarian $2,000, statistical $2,000; special agents—1 $1,800, 4 at $1,600 each, 10 at $1,400 each, 12 at $1,200 each; private secretary to chief of bureau, $1,500; clerks—2 of class 4, 4 of class 3, 5 of class 2, 18 of class 1, 10 at $1,000 each; copyist; messenger; in all, $106,640.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: At page 134, lines 15 to 22, strike out the paragraph and insert in lieu thereof the following: "Children's Bureau: Chief, $5,000; assistant chief, $5,000; experts—1 on sanitation $2,800, industrial $2,000, social service $2,000, librarian $2,000, statistical $2,000, research $2,000; special agents—1 at $1,800, 4 at $1,600 each, 15 at $1,400 each, 20 at $1,200 each; private secretary to the chief of bureau, $1,500; clerks—administrative $2,000, 5 of class 4, 8 of class 3, 11 of class 2, 25 of class 1, 27 at $1,000 each; 5 copyists; messenger; assistant messenger; in all, $178,760."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Will the gentleman reserve his point of order?

Mr. BYRNS of Tennessee. If the gentleman from Iowa wishes to discuss it, I will be glad to reserve it. I did not know he wanted to speak on it.

Mr. GOOD. Mr. Chairman, the Children's Bureau was established by act of Congress approved April 9, 1912. For the first three years of the life of this bureau we appropriated annually $25,640. That provided for a force of 15 persons. For the last three years we have appropriated $106,640, which provided for a force of 76 persons. I do not believe there is any bureau in any of the departments of the Government that is really doing a greater work for all the people than the Children's Bureau is doing.

The mortality of children is considered in all civilized countries as the best index of the morals and social welfare of a country. This is so well stated by Sir Arthur Newsholme, the great English statistician, that I quote his words:

Infant mortality is the most sensitive index we possess of social welfare. If babies were well born and well cared for, their mortality would be negligible. The infant death rate measures the intelligence, health, and right living of fathers and mothers, the standards of morals and sanitation of communities and governments, the efficiency of physicians, nurses, health officers, and educators.

It is not altogether to our credit that we are lagging far behind much smaller countries than ours in the matter of the protection of the lives of our children. This is an educational question. Information upon it varies in different localities. In some communities, among children of a certain class, as many as 27 per cent of these little babies die before they attain the age of one year; and the investigation that the department has made already leads us to discover certain fundamentals which, if carried to the homes of these people, will save a great many of the children. Think of it! It is estimated that last year more than 300,000 little babies under 12 months old died in the United States. In 1910 in the city of New York out of every 5 deaths 1 was an infant under 12 months of age. More deaths of infants under 12 months are occurring every day than from tuberculosis in all forms and of persons of all ages. Where the fathers and mothers of these children have been told how to take care of them, how and on what to feed them, and how to house them the death rate has materially decreased.

Little New Zealand is far ahead of us. She commenced the investigation before we did, and when she commenced the investigation the death rate of children under 12 months was over 9 per cent. Since that investigation they have reduced the death rate of infants of all ages in New Zealand to 5 per cent, and they have reduced the death rate of infants under 12 months to 3§ per cent, while in the United States the death rate of infants is more than 13 per cent. Here we have a paltry sum as compared with what is necessary to carry on this investigation.

The amendment I have offered is subject to a point of order. It is the estimate of that splendid woman who is at the head of this bureau. She is doing a great work and should have all she asks for. It is her estimate of what it will cost to carry on this great work, and I feel that the chairman of the committee ought not to make a point of order, but ought to let us take up this question and discuss it like men—for we are not boys—and decide what force is necessary to carry on this work in an intelligent and forceful way, and then make the appropriation accordingly.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CALDWELL. Mr. Chairman, I should like to be heard on that.

Mr. GOOD. I am going to offer another amendment on the same subject.

Mr. CALDWELL. Then I will ask recognition when that amendment is offered.

Mr. GOOD. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: At the end of line 22, page 134, insert a new paragraph, as follows:

"To investigate and report upon matters pertaining to the welfare of children and child life, and especially to investigate the question of infant mortality, $72,120."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on that amendment that it is not authorized by law.

The CHAIRMAN. The Chair will listen to the gentleman on the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, the bill carries a lump-sum appropriation for identically this kind of work; but I want to submit to the gentleman from Iowa that even if this amendment be adopted, it does not in any sense increase the force here in the city of Washington, because under the law those employed under this lump sum could not be used here in the city of Washington, but must be used entirely for field work; and if the gentleman, by introducing this amendment, seeks to increase the clerical force here in the District of Columbia certainly this amendment will not do it.

Mr. GOOD. I am not seeking to increase the clerical force here in Washington. That can not be done in this way.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. BYRNS of Tennessee. I do not think that the amendment is in order, in view of the succeeding paragraph, which undertakes to make an appropriation for the field work of this bureau. There is an item already carried in the bill for that.

The CHAIRMAN. On what page and line is that?

Mr. BYRNS of Tennessee. On page 134, beginning at line 23.

The CHAIRMAN (Mr. HARRISON of Mississippi). The Chair thinks it is not the province of the Chair to pass upon the effect of the appropriation. The law of 1912 was passed on by Chairman GARNER in 1914, and the Chair thinks the point of order is not well taken, and overrules the point of order.

Mr. CALDWELL. Mr. Chairman, I desire to say something in behalf of this amendment. Representing as I do a part of the great congested district of the city of New York, and because of the experience I have had with this great work, and because of the results that have been obtained in the second congressional district of the State of New York, which I have the honor to represent, I feel that this additional appropriation would be an entirely proper thing to grant. I have taken occasion to call upon this department for assistance. They have responded willingly as far as their appropriations would permit; but we have many demands for a great deal more than can be done under the current appropriation. So therefore I want to ask those who have the welfare of the congested district in the great city of New York at heart to give us an opportunity to carry on this work that has done so much good.

Mr. RAKER. Mr. Chairman, speaking in behalf of the rural districts, I want to say that having a personal knowledge of the work that this department has been doing, I believe there is no work of the United States Government departments that deserves more credit than that of the Children's Bureau of the Department of Labor and that of Miss Julia C. Lathrop, Chief of this Children's Bureau. The work she has done in my district deserves the commendation of the people, and I would be false to my trust if I did not raise my voice in behalf of this appropriation so as to be able to continue and further extend her good work, because I know that 95 per cent, if not 100 per cent, of the people in my district are in favor of extending this bureau and of giving Miss Lathrop more power and more money for this great work, and I am therefore in favor of larger appropriations, so that she may continue the splendid work she has done and the work that is contemplated, and particularly that which is set forth in her last report, her fourth annual report to the Congress. It shows what can be done and what ought to be done, and I trust that this amendment will be adopted unanimously. The fourth annual report of this bureau contains many good reasons for the enlarged appropriation for the work contemplated by it.

That children's welfare from babyhood to adolescence is bound up with industrial conditions is emphasized by this recent work of the Federal Children's Bureau, of which the chief, Miss Lathrop, tells in this report.

A study of infant mortality in Manchester, N. H., completed this year, adds new evidence that when the fathers' earnings are low or the mothers work out of the home the infant mortality rate is exceptionally high. In Manchester it varies from 1 death among every 4 babies where fathers earn less than $450 to 1 death among every 16 babies where fathers earn $1,050 or more.

Miss Lathrop's report refers to the effect of living conditions upon mothers, and points out that the sickness or death of the mother lessens the baby's chances for life and health. The bureau has prepared a statistical study of maternal mortality, and finds that 15,000 mothers die year by year in this country from largely preventable causes incident to maternity and that the death rate from maternal causes has not decreased since 1900. Miss Lathrop says in commenting upon this fact:

The means of prevention are the instruction of the mother, skilled supervision before the birth of her child, and suitable care during confinement. But she must have also nourishing food and sufficient rest and freedom from anxiety—in other words, decent living conditions.

Then the bureau has been concerned with the protection of the child itself from premature employment. It has published all the child-labor laws in the United States and has completed a report on the administration of the employment certificate system in New York State. In commenting upon the new Federal child-labor law as marking a distinct advance in the attitude of this Nation toward that one-third of its population which is under 16 years of age, Miss Lathrop says:

Merely keeping the breath of life in children is valueless to the Nation unless they are brought on to adult life trained masters of their full powers of body and mind. The law is a national measure, and all attainable information for a better understanding of the ways in which the children it sets free from labor may be started in life should be furnished by a national study.

It is a matter of speculation as to what proportion of children at work are dependent upon their own earnings or support families in whole or in part. Also, the number of dependent children now supported by public and private funds is unknown. In fact—

Miss Lathrop says—

our ignorance of the whole field of dependency is great.

The report gives figures about Philadelphia indicating that the majority of dependent children are members of families, and the question of protecting them is a question of family structure and support. Preliminary work toward a study of dependency has been done by the bureau, and Miss Lathrop expresses the hope that Congress may direct the Children's Bureau to make a special inquiry into the condition of the children to be affected by the Federal law.

Why are there so many deaths among country babies and country mothers? And what should the Federal Government do about it? Miss Lathrop in this report describes its new rural studies of child and maternal welfare which combine a scientific inquiry with work of immediately practical value to the children of the neighborhoods visited, and suggests a constructive plan for the future.

The report gives many reasons for extending this rural work. First, the Census Bureau's figures show average infant mortality rates in the rural districts higher than the mortality rates found by the Children's Bureau in the more prosperous sections of the cities which it has studied.

Again, the census figures show a markedly high death rate among country women of child-bearing age for which a large number of preventable deaths from maternal causes appears to be responsible. It is estimated that more than 15,000 women die year by year in the United States from conditions incident to maternity, while the extent of unnecessary ill health is at present unknown. "The sickness or death of a mother inevitably lessens the chances of her baby for life and health, and it is plain that the question of maternal care in rural districts is of genuine public interest."

An argument for better care of rural childhood is based on the high percentage of physical defects among children in rural schools given in reports of State boards of health. Miss Lathrop concludes:

These comparisons are a strong indication that there is room for great permanent improvement in maternal and child welfare in rural districts. The day when all children shall be well born and well cared for is far ahead, but surely that day should dawn first for the country.

In connection with the bureau's rural studies a child-hygiene expert holds a children's health conference, to which parents bring their children for examination and advice about daily care (but not for medical diagnosis or treatment). Parents have shown great eagerness for this kind of help in the counties already visited, bringing their children often long distances, over bad roads, and even sacrificing farm work for the journey.

State and other local officials are urging the bureau to cooperate with them in similar studies and demonstrations in many States, and a number of rural units to extend this work are among the items for which the bureau asks a larger staff and appropriation. Miss Lathrop believes that such Federal studies, making plain the necessity and suggesting a method are bound to lead toward adequate local provision for maternal and child welfare.

May I have unanimous consent to extend my remarks?

The CHAIRMAN. Without objection, the request will be granted.

Mr. MANN. Mr. Chairman, the Children's Bureau was created a little over four years ago—five years ago next spring, I believe. It has more than justified the fondest anticipations of its friends. There was a prolonged consideration of the subject before the bureau was created. It was finally created. The office of chief of the bureau was filled by the appointment of Miss Julia C. Lathrop, who was appointed by President Taft and continued in office by President Wilson. No one has suggested that there ever was in any way whatever any partisan consideration in the action of the bureau.

We are going to appropriate at this session of Congress possibly close to $2,000,000,000, a large share of which will be for the purpose of possible engagement in the destruction of human beings through defensive war. It seems to me that we may well add a little to the appropriation to save the babies of the country. This bureau is engaged very largely in giving needed information to present and future mothers of the country in order that they may properly care for the babies that are born into the world. We are adding by this amendment less than $100,000. One hundred thousand dollars can well be saved. We can afford to make this appropriation, we can afford to give these mothers of the country this little assistance. I hope that this committee and this House will not feel that it is extravagant, but only doing a small mite of justice in promoting the welfare of the children and babies of the country. God bless them. [Applause.]

Mr. TOWNER. Mr. Chairman, I have been somewhat surprised, as I think many must have been, who have known the facts, that the only increase that we have ever been able to obtain for this bureau of the Government has been obtained as we are endeavoring to do now, on the floor of the House. I understand the position of the gentlemen of the committee who in general are endeavoring to keep down the appropriations of the Government. I have nothing but words of praise for them, especially this subcommittee of the Committee on Appropriations. In this bill I think they have kept as closely as possible to the necessary expenditures of the Government. In a general way their record is good.

Mr. BORLAND. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. The gentleman may be aware that the original law creating this bureau limited the amount of the appropriation. The original act defines what shall be the operating expenses of the bureau. That is the reason that changes were made on the floor of the House.

Mr. TOWNER. That would hardly apply to an amendment of this character. As already stated, the United States of America, which ought to be foremost in this kind of work, is lagging behind almost every civilized nation of the world in regard to it. Other nations are devoting large expenditures for the purposes in furtherance of which this bureau was created. Certainly nothing could more appeal to the broad humanitarian spirit of the age than work of this character. And it is so particularly advantageous, it is so immediately beneficial, it brings results that every one can see so easily are in the highest degree desirable that it certainly ought to appeal to even those who are the most economically inclined. All over the United States we find conditions existing where a mere increase of knowledge would bring immensely better conditions. It is in many cases absolutely true that infant mortality is dependent on knowledge and care. We now have a percentage of 13 of infant mortality, and it is estimated that it may be reduced to 3 or 4 per cent by the wide dissemination of such knowledge as this department is sending out everywhere to the people of the United States.

Take the question of the care of the infants during the first 12 months of their lives. It is shown that by the dissemination of knowledge made available by this department a betterment of conditions has resulted which causes a saving of lives that is nothing less than marvelous. In many cases infant mortality has been reduced more than one-half merely by knowledge disseminated by this bureau. Not only are they doing that class of work, but they are doing an important work in furnishing the mothers with knowledge in regard to prenatal conditions that

have so much to do with the health of the infant after it comes into the world.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TOWNER. They have sent out a bulletin to the mothers on this very important subject, and it is wonderful how large the demand is for this bulletin in the country districts where aid is not easily procured and in the mining and mountain districts where they can not easily have the services of a physician. The bulletins printed in regard to this have gone into the homes of those who are soon to become mothers, and they have blessed the Government for sending to them information in that most trying period of a mother's life. This increase is merely to extend and make more general the application of this knowledge to the people everywhere that it may be needed and desired. I think no one who has had anything to do with the management of this most admirable bureau of the department but has been led to express in highest terms his admiration for the way in which it has been managed. Miss Julia C. Lathrop, in my judgment, is the woman best fitted for this work in all the world to-day. Her fame is not bound by this Nation by any means, because the result of her work and the suggestions of this department have gone into every civilized nation in the world because of the remarkable ability and practical value displayed under the present management. All of the assistants, those immediately engaged with Miss Lathrop, seem inspired with a like spirit and work with the highest philanthropic aims. There is no work that appeals more nearly to that which is highest and best for the cause of humanity than the work of this bureau. In my judgment, to refuse the needed increases from year to year that are demanded by this department would be a reflection upon the Congress of the United States. I do not believe that on either side of this House there can be this feeling. I know that men sometimes object to this class of legislation because they say it is an undue extension of governmental powers, but in this and similar instances there is no possible way in which this work can be done except by the General Government, and we all know that there is continually coming from the people more of a demand for service in the social betterment of the citizens of the land. We all know that this is the class of legislation that most directly appeals to the hearts and consciences of the American people, and so I sincerely hope that there will be no opposition on the part of the committee to this amendment and that the membership of the House will understand that if there can be any possible increase justified in any appropriation or in any bureau of this Government it is most certainly justified in this instance. [Applause.]

Mr. BARNHART. Mr. Chairman, I have always been or tried to be an advocate of consistent economy. I have assisted as far as my best judgment has always dictated in keeping the expenditures of the Government as low as possible, that they might be in harmony with the legitimate needs of public welfare. Fifteen years of my life have been partly devoted to the duties incident to the care and keeping of the delinquents and unfortunates in my State, and during those years I have learned to my everlasting satisfaction that about 75 per cent and sometimes more of the unfortunates that go into our State institutions and become public charges are there not of their own volition but because of some defect due to environment or heredity. They are there because some ancestor or evil environment had imbued them with criminality or mental misfortune. I believe that the Children's Bureau is the longest step in the direction of creating better health and therefore more happiness for the people of the United States than any other legislative enactment on which I have ever voted, and I want to see it strengthened. I want to see it strengthened for several reasons, and especially for the reason that it furnishes so much comfort and hope for the motherhood of the country. I do not know how it may be in other districts, but in my district I know that the young mothers of the district are associating themselves into mothers' clubs for the betterment of child life, and they are not asking me for information, but going direct to the Children's Bureau. They are doing this not because of lack of information on the upbringing of their own little ones, but because they are ambitious to contribute to less fortunate mothers the knowledge that the Children's Bureau of this country may give, and I hope the increase that is asked for in this appropriation may be granted. Inasmuch as we are so ready to furnish means of keeping and drilling men to take human life, I want to see something done in the direction of protecting and preserivng it, and I believe that the enacting of legislation of this sort is going to do more to make better conditions for future humanity and the trips of the little white hearses less frequent than anything we can do, and to that end I am heartily in favor of this amendment. [Applause.] As for me, I want to go slow in spending public money in doubtful experiments of any kind, but when it comes to conserving the future health and happiness of the people I would rather spend thousands too much than to lack one dollar of meeting a requirement of human welfare. [Applause.]

Mr. SISSON. Mr. Chairman, the Committee on Appropriations in dealing with this matter has been liberal with this bureau. In 1915 $25,000 were appropriated and then $81,000 additional. From 1913 down to 1917 in this city this office has increased over $75,000. The amendment offered by the gentleman from Iowa does not increase the force in Washington, but increases or attempts to increase a field force which is not organized, nor does the law provide for a field force. This bureau when it was created was intended for the purpose of furnishing information to the country. It can not take charge of the children. It can only furnish the information. Now, if this $78,000 additional which the gentleman from Iowa is asking for goes in the bill in this form, then the $78,000 can not be used, because it can not be used here in the District, and it can not be used in the field force, for the reason that the work done by the Children's Bureau is nothing more nor less than the sending out of documents and pamphlets. Some investigation is made, it is true, but the chief work of the bureau is to send out information in reference to child life.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. KEATING. I merely want to ask the gentleman if he contends that the work of the Children's Bureau should be confined to the city of Washington and that under the law——

Mr. SISSON. I am not contending that it should.

Mr. KEATING. And that under the law the bureau is not authorized to conduct any investigation outside of the city of Washington.

Mr. SISSON. No; I said except to conduct investigation.

Mr. KEATING. Would not that be the work of the field force?

Mr. SISSON. There is a separate fund for that, and it has nothing to do with this particular item here. There is another item in the bill providing for investigation.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SISSON. If I have the time. I yield to the gentleman.

Mr. MANN. Is it not a fact that the force now provided in the Children's Bureau was first provided in a bill where the House inserted an item just exactly like this over the protest of my genial friend from Mississippi?

Mr. SISSON. I do not think that at that time I was on this subcommittee. I was a member of the Committee on Appropriations.

Mr. MANN. That is the way it got in, is it not?

Mr. SISSON. That is not a reason why it should be done in that way now.

Mr. MANN. That may not be a reason, but that shows how to do it.

Mr. SISSON. The question is this: Whether or not in this department in Washington this money is needed? In the first place, there is not a State in the Union that does not maintain a department of health. Great sums of money are expended by the State looking after the health of its communities. In addition to that, every county in the United States, so far as I know, maintains a county health department. In addition to that, the Federal Government spends on the Bureau of Health, that of which Dr. Blue is the head, over $20,000,000; and in a great deal of the work done by the Children's Bureau, if you will investigate the pamphlets which were prepared in the medical department of the Government under Dr. Blue's supervision, you will find many of those reports sent out in the past have been nothing but duplications of those documents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman have five minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. I realize fully the sentiment to which men appeal, and if you should appeal to the business mind and business judgment of the Congress, and not to their sentiment, you would find infinitely less disposition to duplicate work we are now duplicating. If the Children's Bureau is to look after the health of the children, it ought to be in the Department of Health, where they can get the benefit of all of the information

in that department. But they are now doing a similar work in that department, gentlemen of the committee, and spending a great deal of money in investigating children's diseases, in caring for children, and have been for a number of years sending out that information; so when you increase this appropriation to $78,000 you are doing nothing more or less than duplicating the work done by the Bureau of Health. But when you make an appeal to people in the interest of children, if the demand were for $10,000,000, you would get it just as easily if you consult your sentiments. I do not want gentlemen to consult the mere question of sentimentality. The information that is sent out reaches an infinitesimally small part of the motherhood of the country. Doctors all over the country that I know are giving that information which medical science can bring to bear upon all of these questions, and they have made marvelous strides and marvelous progress. I do not know just how far the Federal Government is going. I do not know whether they will go to the extent of sending men to the bedside of the sick. I do not know whether they are going to provide physicians and nurses by the Government, but there must be some limit somewhere to the growth of this bureau; and with the growth of this bureau from $25,000 to over $100,000, and then when you add the increase for the field force and other increases, no department in the Government has increased so rapidly, and that rapid increase has been due to the very kind of speeches which have been made here to-day. They do not tell you practically what is being done. They simply say in general terms they are doing so much for the children.

Go back to your districts, go back to your homes, and ask for the specific cases and for the specific mothers who have gotten this information, and you will find to your amazement they are extremely few. But when you make an appeal to expend money out of the Federal Treasury for purposes of this kind it is only necessary to make an appeal; nothing further is said or thought of what goes with the fund. I am just as much interested in their health in the future and in the welfare of children as anybody. I have children of my own. I believe that nothing can be done for the children that would be cheaply done, but the States of the Union maintain public schools, maintain physicians to supervise those schools. They have investigations conducted by the county and by the State in reference to the health in the institutions and the physicians themselves in the States hand out all the information with reference to child life, doing duty in the public schools, and the department under Dr. Blue has physicians there who make a specialty of studying children's diseases and sending out these documents which doctors throughthe country are asking for, and this is a mere duplication of some of the statistical information and a duplication of work or a cut almost made literally in many cases from documents prepared by the Department of Health here. Therefore I can see no earthly use in increasing this appropriation $78,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not want to cut anybody off, but I would like to have some agreement for time for debate upon this amendment.

Mr. KEATING. Count me in for five minutes.

Mr. BENNET. I would like to have five minutes.

Mr. BYRNS of Tennessee. And I wish five minutes. Mr. Chairman, I ask unanimous consent that the debate on this amendment close in 25 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the debate on this amendment close in 25 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, there ought to be some agreement as to how this time is to be divided.

Mr. BYRNS of Tennessee. I do not think over five gentlemen desire to talk.

Mr. SISSON. I will state to the gentleman from Iowa there has only been one speech made by a member of the committee.

Mr. BYRNS of Tennessee. I do not think there has been over 10 minutes in opposition to the amendment.

Mr. MANN. There has only been used about 10 minutes in favor of it.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon.

Mr. MANN. I did not take over five minutes, and none of the rest of the gentlemen did.

Mr. BYRNS of Tennessee. There were three or four speeches made in favor of it. I will say 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Iowa.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate close on this amendment in 30 minutes, 15 minutes of which is to be under the control of the gentleman from Iowa and 15 minutes under the control of the gentleman from Tennessee. Is there objection? [After a pause.] The Chair hears no objection. The gentleman from Iowa.

Mr. GOOD. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, the State which I have the honor to represent in part is in the category of States mentioned by the gentleman from Mississippi [Mr. SISSON], which already do a great deal for the children. We do have school nurses and we do have investigations in relation to children. But, I say very frankly, there is not a constituency of the 43 Members from the State of New York but that would support the Member representing that constituency in a vote in favor of this amendment concerned with this comparatively small amount of $72,000.

In the State of New York we believe in the conservation of children. It is quite true we believe in preparedness, and we vote large sums to the Army and Navy gladly, but we are even more willing, and I know I speak for the entire 43 Members, to act for these humanitarian ideas which tend to the betterment of the race. I hope that this proposition will carry largely.

I yield back the rest of my time.

Mr. GOOD. Mr. Chairman, how much time does the gentleman from New York yield back?

The CHAIRMAN (Mr. CASEY). The gentleman from New York has used one minute.

Mr. GOOD. Mr. Chairman, I yield three minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I hope the House will adopt the amendment offered by the gentleman from Iowa [Mr. GOOD]. When Congress passed the bill creating the Children's Bureau it did not intend that the bureau should be placed in a straitjacket. I am certain it was the thought of Congress that the work of the bureau should be developed in a natural fashion.

The bureau has been in existence four years. For the first two years Miss Lathrop was satisfied with the appropriation which took care of the office force in the District of Columbia.

Then on the floor of this House she was given a lump-sum appropriation for the purpose of extending the work throughout the country. Now she has come to Congress with a request for an extension of this work, and naturally that extension will require more money.

If her requests are granted, we will expend on this bureau something over $300,000. That is a very good beginning, but personally I hope to live to see the day when this bureau will be spending millions of dollars and spending those millions for the care of the children of the United States.

It is not a question of how much money you spend in this cause. The sole question we should ask is, Is the money being properly expended? In other words, are we getting a dollar of value for every dollar we expend? And I am confident, Mr. Chairman, that every man familiar with the work of the Children's Bureau is prepared to vouch for the truth of the statement that we are getting a dollar's worth of value for every dollar we expend. [Applause.]

Mr. Chairman, the child is the most important thing in the world, for upon the children of to-day depends the civilization of to-morrow.

Within a short time we will be called upon to consider the military and naval appropriation bills. We will vote more than $800,000,000 to purchase or construct the machinery with which human lives may be destroyed. Before we enter on that gruesome work let us pause for a few minutes to appropriate the trifling sum suggested for the upkeep of an institution designed to conserve human life.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, those of us who oppose the increased allowance can not be put into the attitude of opposing the work of this bureau. If the Members of this House were acquainted with the activities under the direction of the present chief they might not be so sympathetically inclined to this amendment. It was called to our attention in the hearings that work is being done in certain fields that are not national but purely local. In Baltimore they are engaged on the question of infant mortality, a purely municipal matter. In Delaware we find them infringing on the work of the Bureau of Public Health in investigating the condition of the feebleminded, a function of the Board of Public Health of that State and pertaining solely to it, and to which investigation the State is not contributing one cent. To Baltimore, for instance, the chief of this bureau, an estimable woman, sends its representatives, at $1,400 a year, and pays them at the rate of $4 per diem extra for every day in the year, when their home is virtually in Baltimore.

This proposition is one that purely provides for an increase of salaries. The head of the bureau comes before Congress to-day and asks for an increase of appropriation of $164,000, doubling almost the appropriation that is now provided. Here are the estimates, and they show that she wants to increase the salaries of these officials. She has one assistant for which she wants to provide an increase of $2,600, and there is another she wants to employ at $3,500. During the last fiscal year she had a force of 77, 65 temporary assistants, employed at a total expenditure of $13,000. She only intends to employ permanently 66, with an expenditure of $46,900.

The question before the House is whether you are going to run wild with sentiment. She has the idea of having a traveling railroad car going around the country like the Fish Commission has, displaying the work of this bureau. Perhaps that is very commendable, but there would be no harm in moving slowly. We believe there are certain activities, and it is supported by the testimony, as to the work in Baltimore and Delaware, where the money appropriated for those activities can be utilized in these other lines for which she is asking appropriation. When you find a bureau running wild with expenditure, is it the province of the committee which is charged with a detailed investigation of this matter to also run wild? We are all interested in children's welfare, but your committee believed there were ample funds under the existing appropriation that could carry on this work in a reasonable, rational way, rather than being stampeded by the activity of a very commendable woman at the head of a bureau of this Government. We have treated this bureau in no wise differently than any other bureau of the Government. Just because it is presided over by a woman is no reason why we should adopt a different policy. We have amply provided funds in our appropriation to carry on the legitimate work of the bureau, but we did not believe it was wise to have her provided with funds to duplicate work that naturally belongs to the Public Health Service and the Bureau of Education.

This amendment is to be followed by another carrying $52,000. I would call upon those on this side to consider the economy phase of the proposals. If we are going to be launched into these activities all at once, multiplying the appropriations of every bureau 100 per cent a year, where are we going to land? The appropriation carried in the bill provides ample funds for the bureau to continue its proper functions, but does not provide funds for launching into fields of endeavor properly within the province of other bureaus.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Cox].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. COX. Mr. Chairman, I do not often find myself advocating an increased appropriation over that recommended by the committee.

Mr. BENNET. Amen! [Laughter.]

Mr. COX. But whenever I find children at stake I will not hesitate, and I will not let a few paltry dollars stand between them and my vote. I will not hesitate to support an increased appropriation when I know that that appropriation will bring life, health, happiness, prosperity, and comfort to some lonely home in this land. [Applause.]

For many years there has been an agitation going on in this country for the conservation of our national resources. The Agricultural appropriation bill carries millions of dollars for the protection of our national forests. For many years there has been an agitation going on for the conservation of other national resources, to wit, our great waterways, oil, gas, and so forth, all of which I have been for, and all of which I am for to-day. Yet the great resources of our Nation to-day lie not in our national forests, lie not in our rivers, gas and oil wells, but our great national resources are in our homes, in our children, in our families. If this little appropriation could save the life of one child—it is only $78,000—and the membership of this House should be convinced that that appropriation would save the life of one child, we would raise that amount out of our own pockets in 30 seconds. We would not pause a moment. I repeat that if we were convinced that by raising a private subscription here of $78,000 we could save the life of one little child, we would pay it out of our pockets.

Now, my friend from Wisconsin [Mr. STAFFORD], for whom I have the profoundest respect, says they are going to run cars over this country as an object lesson. He says that is in contemplation. Suppose they are. That is the very thing that the railroads are doing to-day. That is the very thing that the great agricultural colleges are doing—running cars all over the United States, in connection with the railroads, stopping at the various railroad stations and teaching the farmers how to pack their eggs, how to put up their butter in shape, how to ship apples and other kinds of produce to market.

I was here when the Bureau of Mines was established. If my recollection is correct, that bureau started out with an appropriation of $50,000 a year. That bureau is now expending a little more than a million dollars a year, and I take it for granted that that appropriation has had a tendency to reduce the death rate in the mining industry of the country. The Bureau of Mines is constantly and continuously engaged in running cars and presenting object lessons in the various mining districts of this country showing and teaching the miners how they can best take care of and preserve their lives.

If Miss Lathrop, the head of the Children's Bureau, by the operation of a car—if she can preserve the life of one child—let her have the money necessary to do it. This Congress will appropriate between $600,000,000 and $800,000,000 for the Army and Navy of the Union, in my opinion, which will be used to fight the graveyards of Europe. The official statements as to the revenues for the fiscal year 1918 and the estimated expenditures for the same year mean that 94 per cent of all the revenues that we are going to collect in 1918 are going to be used to prepare for wars or to pay for past wars in the way of pensions. If Congress can have the nerve to do that, to appropriate between $600,000,000 and $800,000,000 to build up a powerful Army and to establish a great Navy in this country, in my opinion the money will be well spent if we spend $78,000 to take care of the little children of the country. They are our natural resources. The militarists tell us that the first line of defense of a country is in the Navy and that the second line is in its coast-line fortifications and that its third line of defense is in the Army. I deny that. The first line of defense of this or any other country is the children of the country [applause], and if by any appropriation or any amount of money there can be built up in this country a strong, active fighting race of men and women who are able to take care of themselves, that money, in my judgment, will be well and economically expended. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Texas [Mr. DAVIS].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes.

Mr. DAVIS of Texas. Mr. Chairman, the sum total of all conservation is the conservation of the human race. The same God that in benign love held a little child up and said, "Of such is the kingdom of heaven," said to the fathers of the universe that he who provided not for his own household was worse than an infidel.

The principal element, the sublime element, of every household is the little buds on the stem of life that cluster around the threshhold of the family altar, and an appropriation that seeks to protect and guard, guide and defend the woman in gestation, to bring forth a child and protect it in its tender, helpless age while it is here and develop it into ripened and matured manhood is the grandest of all conservation.

I am for increasing this appropriation and keeping it sufficient to protect, guard, and guide the hapless, hopeless little ones that come into our complex civilization, often amid tenements of squalor, unprovided for, unprotected, and unhelped. I am for the appropriation. [Applause.]

Mr. GOOD. Mr. Chairman, I am rather surprised that we should hesitate to increase the appropriation for the Children's Bureau by $72,000. Last year we increased the appropriation for foot-and-mouth disease by $2,500,000. We appropriated over $360,000 for hog cholera. We appropriated hundreds of thousands of dollars for the eradication of the southern cattle tick, of the cotton-boll weevil, and other things of that kind. But when it comes to making an appropriation at all commensurate with the great work of the Children's Bureau we hesitate and quibble.

Gentlemen say there is a duplication of work. I deny that there is in the least any duplication of work performed by the Children's Bureau and the Public Health Service. It is to the credit of these two services of the Government that there is complete agreement and complete coordination with regard to their work.

During the last year there was conducted under the Children's Bureau what was known as Baby Week. It was an educational campaign. It cost some money, it is true. It was carried on in 2,082 communities throughout the United States; but this Gov-

ernment did not pay all of the expenses of that campaign out of the Treasury. Out in Los Angeles, Cal., the county commissioners appropriated out of the treasury of that county $1,000, and private individuals appropriated or gave $500 more for the campaign. In 2,082 communities they carried the gospel to mothers of little infants, telling them how to care for them, how to protect and prolong their lives. Think of it! This great Nation, the richest nation in the world, follows New Zealand, instead of leading all the countries in the world in the preservation of the lives and health of its infants. In New Zealand they have reduced the death rate of infants under 12 months of age to 3.8 per cent, while in the United States more than 125 infants out of every 1,000 die before they attain the age of 12 months.

But gentlemen says that this money is wrongfully expended, that we are expending this money in Baltimore and not in Washington. Yes; we are in Baltimore, just as we went into other cities and towns throughout the United States. We went to Manchester, N. H., where some very valuable information was obtained. How can we obtain these facts? How can the Children's Bureau ascertain any fact that is worth knowing without going to representative communities throughout the United States and conducting an investigation? That is just what this money is wanted for. It was never intended that the lives and health of the infants of the city of Washington only should be investigated. It was intended that a general survey should be made covering the whole United States, and that we should make ample appropriations to make that survey and ascertain why it is that in a certain locality as many as 270 little babies out of every 1,000 die every year. That is the work that Miss Lathrop has been doing, and that is the purpose of this amendment. In order to be fair with the House I will say that when this amendment is adopted, as I am confident it will be—because I have enough faith in the intelligence of this House to believe that they will not halt when it comes to the exercise of their duty in providing for this great work—I shall then offer another amendment to take care of the contingent expense of carrying on this additional work. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I am perfectly well aware how impossible it is to stem the tide of appeals to sentiment; but I do think that before the House votes upon this proposition we ought to stop and look it squarely in the face, with some degree of reason for such action as we may take.

There has been no argument made here upon this amendment, nothing except a pure appeal to sentiment. Now, let us see what are the facts with reference to this particular bureau. I yield to no man upon this floor in my loyalty to this bureau and the great work that it is accomplishing. I am entirely in accord with the bureau and I appreciate what it is doing. But, gentlemen, we should look at this matter cooly and calmly. The law was passed about four years ago. When that law was passed the number of employees and clerks who should be employed was written into the statute, and if I am not mistaken the argument was made upon the floor of the House at the time that the appropriation would never be increased; and in order to prevent that appropriation being increased the law provided something that no other law creating any bureau ever provided. It was written into the statute the number of employees who should be employed in that bureau, so that in the future a point of order would lie against the attempt of any Member to increase that force. That was only four years ago. Two years ago, as has been stated, an amendment was offered appropriating a lump sum in addition to the appropriation for the clerical force, and the House adopted that amendment. The result has been that within two years after the creation of that bureau, notwithstanding the fact that the friends of the measure stated at the time that it never would cost more than $25,640, we find the appropriation increased to $164,640, or an increase of over 640 per cent in two years, and that is what the bill carries to-day. The gentleman from Iowa [Mr. GOOD] has offered an amendment here seeking to provide an increase of over $72,000, and he tells you with the utmost frankness and candor that when you adopt this amendment he proposes to come forward with another amendment of a similar amount.

Mr. GOOD. Not a similar amount, but a larger amount.

Mr. BYRNS of Tennessee. Will the gentleman state how much?

Mr. GOOD. Increasing the amount from $58,000 to $95,000—to strike out $58,000 and insert $95,000.

Mr. BYRNS of Tennessee. The gentleman according to his own statement—and we appreciate his candor—proposes to follow this amendment with another amendment increasing the appropriation still further by the sum of $37,000, which would make an increase of over 1,000 per cent over and above what it was confidently stated here four years ago this bureau would cost the Government.

Now, I say I am in thorough sympathy with this bureau. I am in thorough sympathy with the work that is being done; but I want to ask you gentlemen, do you propose here, within four years after the creation of this bureau, to increase this appropriation to the extent of over 1,000 per cent? As the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Mississippi [Mr. SISSON] have well said, this bureau—and I make the statement without fear of successful contradiction—is duplicating in some respects the work that is being done to-day by the Bureau of Public Health and the Bureau of Education. No one will deny the truth of that statement if he will take the pains to inquire into some of the things being done.

In making this statement I am not personally criticizing the splendid chief of this bureau, because she is enthusiastic in her work. She has it at heart. She is much interested in it; but, gentlemen, I say to you, we ought to pause and hesitate before we at this time, purely on account of an appeal to our sentiment and not to our reason, vote upon the people an increase of over 1,000 per cent over and above what it was said four years ago would be necessary to run this bureau.

Mr. STEPHENS of Texas. Will the gentleman state what was the amount of the estimates this year?

Mr. BYRNS of Tennessee. The amount of the estimates was over $352,000.

Mr. STEPHENS of Texas. What did the committee allow?

Mr. BYRNS of Tennessee. One hundred and sixty-four thousand six hundred and forty dollars. Now, as the gentleman from Wisconsin [Mr. STAFFORD] said a moment ago, the head of this bureau told the committee that it was her purpose if the appropriation was allowed to run a railway demonstration car all over the country, costing $20,000 for equipment, and so forth. I do not know whether you gentlemen want that done or not, but I want to say that in the condition of our Treasury to-day, facing as we are a deficit, facing as we are a probable large bond issue, we ought to hesitate a long time before we undertake to increase appropriations to the amount that this amendment seeks to increase this appropriation. This is no time to unduly increase the burdens of our Government, however much a particular work may appeal to us for either personal or sentimental reasons.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 141, noes 39.

So the amendment was agreed to.

The Clerk read as follows:

For traveling expenses and per diem in lieu of subsistence at not exceeding $4, pursuant to section 13 of the sundry civil act approved August 1, 1914, of officers, special agents, and other employees of the Children's Bureau; employment of experts and temporary assistants, to be paid at a rate not exceeding $8 a day, and of interpreters, to be paid at a rate not exceeding $4 a day when actually employed; purchase of reports and material for the publications of the Children's Bureau, books of reference, newspapers, and periodicals, including the advance payment of subscriptions for the same, for newspaper clippings to enable the Children's Bureau to secure data regarding the progress of legislation affecting children and the activities of public and private organizations dealing with children, and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, $58,000.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 16, page 135, strike out the figures "$58,000" and insert in lieu thereof "$95,000."

Mr. STAFFORD. Mr. Chairman, if the gentleman from Iowa does not care to inform the House what is intended to be done with this increased appropriation, I will. At the present time the appropriation carries $58,000. Of that amount, $13,000 is expended for services. It is proposed to increase the salaries of the field officers, who now receive $13,000, so that they will receive $46,900. In addition to the estimate for $31,000 for travel allowance, the head of the bureau wants to increase that to $100,000. She wants the privilege granted to the assistants and employees of the bureau to go around the country at the expense of the Government to attend meetings of all kinds. Of course, we may single out this bureau presided over by this exemplary woman for special favor, but that rests with the committee. We have refused such allowances to bureaus presided over by men, including investigations pertaining to labor matters. It is purely a case where you are running wild with expenditure. It is the only bureau which allows to its employees assigned to a certain place for an indefinite period a per diem of $4 for every day in the year, including Sundays and holidays. We have corrected that abuse in the Postal Service and in other services several years ago, but because this is the Children's Bureau appealing to the sympathy of all of us, of course, it should have carte blanche

and be allowed to pay extravagant salaries and a per diem allowance for every day in the year, including holidays and Sundays, no matter whether the employees are at home where they perform the work or not.

Mr. HELVERING. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HELVERING. You say the experts receive $1,400 a year?

Mr. STAFFORD. The clerks in the field receive $1,400, in addition to their per diem of $4 per day for every day in the year.

Mr. HELVERING. If they are experts, that is not an exorbitant price, is it?

Mr. STAFFORD. The head of the bureau wishes to increase them to $2,500, plus the per diem, which makes it far more than we are paying for any similar service of the Government.

Mr. BYRNS of Tennessee. Mr. Chairman, according to the statement submitted by the chief of the bureau it is proposed to expend for travel and subsistence and other field expenses, including office rent, telephones, and so forth, $100,000; for reports and material for bureau publications and reprints, $5,500; for books, newspapers, periodicals, and clippings, $1,000; for exhibit material, including rental and equipment of demonstration car, $20,000. The pending amendment, I presume, is intended to authorize the equipment of a car to be hauled over the country at the expense of the people, and to make it possible to rent offices and telephones all over the country. All very well, no doubt. But should we not at least pause a moment and think of the taxpayer, who seems to receive so little consideration when we come to vote upon some of the amendments proposed?

I noticed, Mr. Chairman, that upon the amendment voted on a few moments ago gentlemen on the Republican side voted almost solidly for the amendment, joining with a few Democrats on this side. I trust that hereafter we will not hear any criticism on the other side of the Chamber of the Democratic Party for running expenses of the Government up to an enormous extent. Certainly it does not lie in the mouths of the gentlemen on the other side, who are aiding in raising appropriations on this bill and whose votes have made it possible for these increases to be made, to criticize Democrats for increased appropriations and expenditures of the Government. I expect this amendment to be adopted, but I hope that gentlemen, at least on this side of the Chamber, will realize that we are facing a possible deficit in our Treasury next year, and that while the Republicans may continue, as they have consistently done in the past, to make it possible to pile up these appropriations, after all, we will be held responsible for them. I hope we will remember who will have to pay the bills. We have already given this bureau an increase of over $72,000 by way of a lump sum, and why should we increase this particular lump sum of $58,000 by $37,000?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 103, noes 49.

So the amendment was agreed to.

The Clerk read as follows:

National park commissioners: For commissioners in the Crater Lake, Glacier, Mount Rainier, and Yellowstone National Parks, at $1,500 each, $6,000. The provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. COX. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. My recollection is that Congress last session passed a bill putting all of these parks under one commissioner. Did that finally become a law?

Mr. BYRNS of Tennessee. The gentleman means the national park service bill?

Mr. COX. Yes.

Mr. BYRNS of Tennessee. That became a law.

Mr. COX. As I recollect it, that bill provided for one commissioner. This provision here is for three or four commissioners.

Mr. BYRNS of Tennessee. These commissioners are all authorized by special act.

Mr. COX. If that bill to which I refer provides for one commissioner, what is the necessity for these?

Mr. BYRNS of Tennessee. The official to whom the gentleman from Indiana refers was to be the superintendent of all the parks. These are commissioners for the respective parks.

Mr. BORLAND. Mr. Chairman, I would state to the gentleman from Indiana that these commissioners correspond to the ordinary United States commissioners that are attached to the district courts throughout the States. They are men who examine first offenders and commit them for trial. These are judicial officers. They are in the nature of a justice of the peace. When a man is apprehended in one of the national parks he is taken before the United States commissioner, and there must be a United States commissioner attached to each park.

Mr. COX. That explains it satisfactorily. What is the necessity for this language—

Shall not be construed as impairing the rights of said commissioners to receive the salaries provided herein.

Mr. BYRNS of Tennessee. That statute fixes the fees paid to United States commissioners. There are no fees, of course, in the parks, or if any they do not amount to anything, and as these commissioners get no fees therefore a salary is provided for them.

Mr. COX. They are on a separate salary?

Mr. BYRNS of Tennessee. Yes.

Mr. COX. I withdraw the pro forma amendment.

The Clerk read as follows:

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; books, periodicals, stationery, supplies, traveling expenses, freight, telephone and telegraph, heat, light, a power service, drugs, chemicals, cleansers, furniture, and printing; pay of bailiffs and all other necessary employees not otherwise specifically provided for; and such other miscellaneous expenses as may be approved by the presiding judge, $5,660; in all, $12,660.

Mr. MANN. Mr. Chairman, I call the attention of the chairman of the committee to the fact that in line 15, page 139, there is a typographical error. The article "a" should be "and," so as to make it read "heat, light, and power service," and I ask unanimous consent that the correction be made.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

For custodian of the building occupied by the Court of Claims, $500, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

Mr. SISSON. Mr. Chairman, I would like the attention of the gentleman from Illinois [Mr. MANN] for a moment. I reserved the point of order on an amendment he offered providing extra pay to the Chaplain until I could look into the matter. I desire now, after having conferred with the gentleman, to withdraw the point of order and to suggest that we take a vote upon the gentleman's amendment at this time.

Mr. MANN. Mr. Chairman, I ask unanimous consent that we may return to that paragraph, page 12, line 15, for the purpose of offering the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, at the end of line 15, amend by inserting the following: "and $600 additional so long as the position is held by the present incumbent."

The CHAIRMAN. Does the gentleman from Mississippi withdraw his point of order?

Mr. SISSON. Yes.

Mr. CALDWELL rose.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I rose to make this suggestion. If this is necessary for the Chaplain, and I am in favor of it, ought it not to be made available at the present time instead of waiting until the fiscal year?

Mr. MANN. I will say to the gentleman from New York that I expect to introduce a resolution, which will go to the Committee on Accounts, taking care of the rest of the present year.

Mr. CALDWELL. That is perfectly satisfactory.

Mr. BORLAND. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 140, to follow line 20, insert:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any executive department of the Government in the city of Washington which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

Mr. BYRNS of Tennessee. Mr. Chairman, on that I reserve the point of order.

Mr. BORLAND. Mr. Chairman, I do not think the amendment is subject to the point of order.

Mr. BYRNS of Tennessee. I make the point of order.

Mr. BORLAND. I would just as soon discuss that now. I call the attention of the Chair to the fact that this is a limitation on the appropriations carried in this bill. It is the same limitation that was offered to the legislative, executive, and

judicial appropriation bill last session, which was passed on by the then Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Georgia, Mr. CRISP, after an extended debate. The ruling at that time was that it was a valid limitation, and I am satisfied the Chair will concur in that ruling.

The CHAIRMAN. The Chair would like to ask the gentleman if this amendment is in the exact wording of that amendment at the last session?

Mr. BORLAND. Yes; and I can refer the Chair to the book and page. It was passed on at the last session on March 4, 1916, at page 4713 of the CONGRESSIONAL RECORD.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. BYRNS of Tennessee. I am willing to submit the matter to the Chair.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BORLAND. Mr. Chairman, the present attitude of the House encourages me to believe that it will vote for any measure for economy in the Federal expenditures. I am quite certain that the sentiment which prevails here in the consideration of this bill is such that all I have to do is to say this decreases the Federal expenditures in order to get practically your unanimous vote. Most of you know there are some 470,000 Federal employees in the classified civil service. Of that number about 35,000 are in the city of Washington. Of the latter number about 7,000 work in the departments where the eight-hour day prevails. About 28,000 work in departments where the seven-hour day prevails. All of those who are outside of the District of Columbia, numbering nearly 440,000 employees, are required to work eight hours or longer. So that we have, apparently upon its face, an unjust discrimination or special privilege affecting about 7 per cent of the classified employees of the country, all of them being embraced in a few of the great executive departments here that are very close in touch with the business and financial interests of the District of Columbia. The failure of Congress to require an honest day's work on the part of the employees costs the Federal Government approximately $5,000,000 a year. We talk about saving a few dollars in this department or that department when we are to-day expending $5,000,000 of the people's money for a short day's service of our own employees who are closer to us and more immediately under our supervision than any other set of men. I am satisfied that the great bulk of these men, live and efficient employees, are as willing to work the full standard day of eight hours as they would be to work for a private employer the standard day of eight hours if Congress laid down that rule and made them do it. But there is a very powerful interest in the District of Columbia representing the merchants and landlords, who get all of the clerks' money eventually, who are opposed to any retrenchment and reform.

In other words, in plain English, gentlemen, you are asked whether you are going to vote a $5,000,000 slice of "pork" to the merchants and landlords of the District of Columbia. Now, that is all there is to it. There is no particular hardship upon any competent and ambitious employee in compelling him to work the standard day. If the man in the shop can work an eight-hour day, as he does in the Bureau of Printing and Engraving, in the Government Printing Office, and in the Government Ordnance Factory, the clerk in the department can work eight hours. I need not say the business inconvenience of the short day in the departments of Washington affects every business man who comes here to transact business with the Government. It is a constant source of annoyance, a constant source of delay, and a constant source of expense. I have long since ceased to defend that kind of business management in the departments of Washington. I tell my constituents plainly that it is an abuse and ought to be abolished. We are confronted, as the chairman of the committee has told you, with constantly increasing burdens of the Government. We need every dollar of the Federal revenue for the just, necessary, and unavoidable expenses of the Federal Government. There is no justification whatever for paying out $5,000,000 of the taxpayers' money for the advantage of a few landlords, merchants, and financial interests of the District of Columbia. You have to choose between the interests of the District of Columbia, viewed simply as the commercial and business interests, and the interests of the taxpayers of the country. You have no reason to fear any hardship to the men who are required to work eight hours, for you are now requiring men who work in your own districts in the Federal service to work eight hours and longer. You are now requiring the men in all mechanical pursuits in the District of Columbia to work eight hours and longer. You must regard this simply and solely as a Christmas present to the business interests of the District of Columbia. You will find there is more pressure, more abuse heaped upon the heads of Congress, more whips cracked over the heads of Members of Congress by people in the District of Columbia who are not Members of Congress, who are not in the Federal service, than comes from your taxpayers or from the Federal employees themselves. You are confronting an influence and power which does not represent either the taxpayers nor the employees of the Government, but which represents the financial interests of the people here in the District of Columbia. Now, as a matter of fact, there is a sentiment here, and every man knows it——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I would ask for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he be allowed to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND (continuing). To see that the Federal Government expends as much money as possible in the District of Columbia and get as little in return for it as possible. I am glad to say that does not come from the clerks themselves. It certainly does not come from your taxpayers and constituents. It does not come from the Members of Congress; but it comes from the powerful, well-knit, long-continued organizations in the District of Columbia. You must choose, then, between efficiency and economy in the Federal Service and the special private interests here in the District of Columbia. I want to emphasize again that we have got to provide at this session of Congress to meet the extraordinary expenses of the Government, even though we issue bonds to do it. Is there a gentleman here, when he comes to vote upon taxing his constituents by issuing bonds in the name of the Federal Government, who would be willing to have that coupled with a vote to perpetuate the special privilege of a short day's work for the employees of the Federal Government in the District here? Can you justify yourselves for handing out a slice of $5,000,000 of pork for the financial interests of the District of Columbia? Put them on each side of the scales, your obligation of raising taxes to support this Government and your obligation to see that these taxes are expended for an honest day's work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 44, noes 85.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That in expending appropriations made in this act persons in the classified service at Washington D. C., shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made: *Provided*, That nothing in this section shall be deemed to apply to the investigation of any matter or the preparation, prosecution, or defense of any suit by the Department of Justice.

Mr. BARNHART. Mr. Chairman——

Mr. HENRY. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana [Mr. BARNHART] is recognized.

Mr. BARNHART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 142, after line 15, insert as a new section the following: "That hereafter the members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of said committee until their successors are chosen: *Provided*, That the President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint Members of their respective Houses who have been elected to the succeeding Congress to fill any vacancies which may then be about to occur on said committee, and such appointees and the members of said committee who have been reelected shall continue until their successors are chosen. The Joint Committee on Printing when Congress is not in session shall exercise all the powers and duties devolving upon said committee as provided by law the same as when Congress is in session."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. BARNHART. Mr. Chairman, the purpose of this proposed new section is to give the membership of the House control of its printing during a session when the committee organizations may not have been affected. In two recent special sessions of Congress the House was at the mercy, so to speak, of the members of the Joint Committee on Printing of the Senate, and we had necessarily to go to the Senate joint committee to get any printing done for the House that was necessary. The purpose of this amendment is simply to do this, To give the Speaker of the House the same privilege that the President of the Senate now exercises and which is done under the rule of

the Senate and by a statutory enactment, viz, to continue the members of the Joint Committee on Printing of the House and Senate until their successors have been elected.

Under the present rule on the 4th of next March the membership of the Joint Committee on Printing of the House will have become officially extinct, and from that time until the Congress meets again it will be necessary for the membership of the House, if it wants to have any printing done, not only to go to the Senate members of the joint committee for it, but the sole charge of all the printing of the House will be in the keeping of these Senators as well as the direction of the CONGRESSIONAL RECORD. This amendment simply provides that the House shall have an equal share in the say so on the printing for the Congress until the new committees are appointed.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. I yield.

Mr. STAFFORD. Has the gentleman prepared any resolution embodying the idea of the amendment proposed, and has it been submitted to the committee and adopted?

Mr. BARNHART. This resolution has passed the House twice in the printing bill, and the Senate has passed it once, conceding thereby that it is eminently fair to both bodies. The amendment merely asks for just treatment of the House in that we have charge of our own printing during vacation and when the House has no Committee on Printing.

Mr. ALMON. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. ALMON. Do I understand the members of the joint committee will be Members of the next Congress?

Mr. BARNHART. Not unless and until they are reelected as such; and it provides that the Speaker shall, as he does with the Committee on Accounts, appoint Members to service until the reorganization of the House. I admit that the resolution is subject to a point of order, but the chairman of the Committee on Printing went before the Subcommittee on Appropriations and submitted the matter, and while they hesitated about putting a legislative proposition in the bill, after conference with members of that committee and with other leaders of the House they agreed with me that it is an important matter and should here be offered. This is probably the only place we can insert it at this time, and it belongs in this bill if it can not be enacted in the printing bill, which is not likely to again come up in this short session.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order, and the question is on the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. HENRY] is recognized.

Mr. HENRY. Mr. Chairman, I move that the committee do now rise.

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman violating the rule against a protest. The gentleman desires to debate a motion that is not debatable.

Mr. HENRY. I am stating a question.

Mr. FITZGERALD. I do not desire to have the gentleman state a question.

The CHAIRMAN. The question is on the motion of the gentleman from Texas [Mr. HENRY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HENRY. Division, Mr. Chairman.

Mr. BARNHART. Mr. Chairman, a parliamentary inquiry. Many Members do not understand what this is all about.

The CHAIRMAN. The motion is not debatable. The question is on the motion of the gentleman from Texas.

The committee divided; and there were—ayes 72, noes 36.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, and had come to no resolution thereon.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 18542, and has come to no resolution thereon.

Mr. HENRY. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 409 (H. Rept. 1224).

Resolved, That it shall be in order to consider an amendment to a bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, as follows, notwithstanding the general rules of the House:

"That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of compensation less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees of the Library of Congress, the Botanic Garden, and the executive and judicial establishments who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, grades, or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein": And be it further

Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 18542.

Mr. HENRY. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Texas moves the previous question on the resolution. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The previous question is ordered.

Mr. HENRY. Mr. Speaker, that gives 20 minutes to the chairman of the Committee on Rules?

The SPEAKER. The gentleman from Texas is entitled to 20 minutes, and the gentleman from Kansas [Mr. CAMPBELL] is entitled to 20.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is the gentleman from Kansas opposed to the rule?

The SPEAKER. The Chair can not answer.

Mr. CAMPBELL. Mr. Speaker, I am not opposed to the rule. I am in favor of the rule.

Mr. FITZGERALD. Then I object to the gentleman controlling the time against it.

The SPEAKER. Is any member of the Rules Committee opposed to this rule? If not, the Chair will recognize somebody that is opposed to it.

Mr. HENRY. Mr. Speaker, inasmuch as no one seems opposed to it and the rule is very plain, I do not believe I care to discuss it at this time, and shall reserve the balance of my time.

Mr. MANN. Oh, that is not fair. Tell us what it means. Mr. Speaker, will the gentleman yield for a question?

Mr. HENRY. I will.

The SPEAKER. Will the gentlemen suspend just half a minute? The Chair wants to know if there is anybody who wants this 20 minutes of time.

Mr. FITZGERALD. Yes; I do.

Mr. MANN. That question does not arise until the gentleman from Texas takes his seat. The Chair can not recognize anybody now.

The SPEAKER. The Chair knows he can not recognize anybody, but the Chair wants to get this thing straight for the membership of the House and for himself.

Mr. MANN. I wanted to ask the gentleman a question.

Mr. HENRY. I yield to the gentleman.

Mr. MANN. Under the provisions of this rule, will it be possible to make the increase apply before next July?

Mr. HENRY. The gentleman asks will it be possible to make it apply before next July?

Mr. MANN. Yes.

Mr. HENRY. No; it is only to make this amendment to section 6 in order for consideration.

Mr. MANN. The rule does not shut out amendments. The rule provides that there shall be no amendments offered beyond 1918. Now, does it also, by implication, mean that no amendment can be offered relating to a time before the fiscal year 1918?

Mr. HENRY. I do not think so. I think you can offer any amendment that is germane.

Mr. MANN. I knew you could offer any amendment that is germane.

Mr. HENRY. I think you can offer the one that the gentleman suggests.

Mr. MANN. But this rule would, as I understand it, permit an amendment which would give to the employees of the Con-

gress the same increase that is given to the employees of the President.

Mr. HENRY. I will state that we tried to make the privilege of amendment just as broad as possible under the special rule, so that all these amendments could be considered.

Mr. MANN. I do not want to express an opinion, but I should not think it very broad, with a thousand years ahead of you, if you could not offer an amendment to take effect before 1918.

Mr. HENRY. I think that sort of an amendment could be offered. The rule is plain. It means to throw open section 6 of this bill to amendment, and this amendment embraces Mr. FITZGERALD'S resolution No. 406, subject to amendment; that is, amendments shall be in order for consideration. The way he originally drew the amendment was this:

Resolved, That it shall be in order to vote upon the adoption or rejection of an amendment—

To this appropriation bill. Upon the adoption or rejection of an amendment—a thing never heard of in this House before—and without meaning to disclose committee secrets, I do not believe anyone was discovered in the Committee on Rules who was willing to report that sort of a resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized to control the time in opposition to the rule.

Mr. FITZGERALD. Mr. Speaker, we have just witnessed the most remarkable spectacle in my experience in this House. The chairman of the Committee on Rules, without consultation with the member in charge of the bill on the floor of the House, or with any member of the committee which reported the bill, undertook to take control of the business of the House in order to present this rule. The gentleman did not ask that a member of the committee move that the committee rise because he had a rule to present, but with that assumption of authority which has characterized his conduct since he became chairman of the Committee on Rules, supplanting that czar of whom so much complaint was formerly made, he treated with contempt the members of the committee. He presumed to take the proceedings of the House under his own control, and moved that the committee rise, to offer the pending resolution as a substitute for one proposed by me on behalf of those who prepared the legislative bill.

The Committee on Appropriations gave a good deal of consideration to the question of increasing to some extent the compensation of Government employees. There were suggestions too numerous to be mentioned in any brief compass of time. When it was realized that if the average compensation to Government employees were only $500 per annum, a 10 per cent increase would amount to $22,000,000, and that if the average compensation of Government employees were $1,000, the increase would amount to $45,000,000, it was understood that, facing a deficit of $284,000,000, very careful consideration must be given to whatever was proposed. To precipitate a discussion to increase without even the information necessary to justify it meant that we might permanently add to the burdens of the people a sum that might easily reach $100,000,000 a year without a single dollar of return in added service to the Government. It was in view of these circumstances that I was requested to prepare a rule which would give the House an opportunity to vote upon the simple question of whether for the period of one year there should be an increase of 10 per cent in compensations up to $1,200 and 5 per cent from $1,200 to $1,800.

It was realized that whatever was done on this bill must necessarily be applied to all the employees of the Government; and realizing the magnitude of the sum involved, the committee did not wish to precipitate this question upon the House unprepared and ill-informed. Our committee itself were unable to obtain information definitely determining just how much these proposals would add to the expenditures, excepting to ascertain that on this bill it would not exceed about $3,000,000. To prevent a riot of extravagance, I conferred with members of the Committee on Rules, including the chairman. I stated the position of the Committee on Appropriations, the difficulties surrounding the committee, the desire to do something—not perhaps what everyone would consider full justice nor to the mind of everyone would fully meet the requirements, but to do something—to meet the situation. I said that the committee, because of the situation, would prefer not to have a rule reported unless the one that was proposed should be reported, because it did not believe that in the time that would be available it would be possible in a comprehensive manner to discuss and properly consider a wholesale proposal for increases, bearing in mind our obligations to protect the Treasury. There were some intimations that I might be invited before the committee. I was not. I received information informally that the committee would not report the proposed rule because it did not permit the Members to propose amendments to the provision; and yet the committee, saving its face by changing the rule, brings it in, restricting the amendments that may be offered but permitting amendments to be offered increasing to any extent the rates of compensation to be paid.

Mr. Speaker, other committees of this House besides the Committee on Appropriations have some responsibilities. The Committee on Rules has some obligations in theory, although in practice, since it has been created under the present system, it has not given any indication that it has knowledge of that fact. It has no right to precipitate upon this House an unbaked proposition. I do not know, and no man in this House can tell, what will be the effect of some amendments that will be proposed, and I am unwilling to vote to have considered amendments of every character which, because of the sympathy that may be aroused, because of the desire of Members to do something to alleviate the conditions of some persons who may in their opinion be insufficiently paid, may favor, although unable to determine fully, their effect.

I have heretofore referred to the fact that the estimates submitted to Congress disclose that there will be a deficit in the next fiscal year of $284,000,000, but that does not tell all. Within an hour I have received a message from the War Department stating that in order to continue making payments to dependent families of the National Guard now stationed on the border an appropriation of $8,500,000 additional is necessary to continue the payments from now until the 30th of next June. That is $8,500,000 not considered in estimating the probable deficit. Other items will be submitted from time to time, of which we now have no knowledge; but it is clearly apparent that in the next fiscal year there will be a deficit in the Treasury in excess of $300,000,000. We can not get that money from the air. There is no plant that can furnish that money. It must come from the pockets of the taxpayers of the country. We must raise between $200,000,000 and $300,000,000 in the next fiscal year, and if we do not raise it by taxation we must get it by borrowing it on the credit of the Government. To borrow it would serve no useful purpose. It would merely be a temporary expedient, and it would not give that permanent increase in revenue which is imperative. With such a situation as that in the Treasury I am unwilling to take up for consideration propositions that may increase the financial burdens of the country and the predicted deficit anywhere from $45,000,000 to $100,000,000 a year.

Mr. Speaker, I have no particular joy in attempting to stop money being spent in a way that will benefit some persons in whom we are all interested. I know it is a much more pleasant task to be gracious and liberal with the public money to employees of the Government. But, Mr. Speaker, in this oasis where taxpayers seem to be unknown, some one must occasionally raise even a feeble voice in protest against the things that are proposed to increase their eternal and ever-increasing burdens. I resent the action of this Committee on Rules which is supposed to be operating for the protection of the Treasury, for the protection of the House, for the manner in which it has acted on this occasion. Perhaps it is readily explainable, when it is remembered that whatever may be the political complexion of the next House that there will be a different individual at the head of that committee.

I am opposed to this rule, and I shall vote against it. I appeal to those men who have the real interests of the Government at heart, who are not trying to play petty and picayune politics, who have some sense of their responsibility to the country, to vote down the rule. I reserve the balance of my time.

Mr. GARRETT. Will the gentleman from Texas yield me two minutes?

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Tennessee two minutes.

Mr. GARRETT. Mr. Speaker, I requested this time in order to make a statement which is made necessary, so far as I am personally concerned, by the remark of the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, just as he concluded his statement, to the effect that no member of the Committee on Rules was found to favor the resolution presented to the committee which was introduced by the gentleman from New York [Mr. FITZGERALD]. It is not customary for gentlemen to state what occurred in the committee room——

Mr. HENRY. The gentleman from Tennessee is correct, and I wish to withdraw that statement. I had another matter in mind, and the statement was incorrect.

The SPEAKER. It is absolutely against the rule to reveal what occurred in the committee room.

Mr. GARRETT. Mr. Speaker, I do not object to the remark of the gentleman from Texas and have no objection to my action in committee room being known, and I do, in justice to myself, wish to say that I did favor the resolution offered by the gentleman from New York. After that failed, however, I was not willing as a member of the Committee on Rules to put myself in antagonism to the only resolution which the Committee on Rules seemed willing to adopt which would permit the House to consider this question of the adjustment of the salaries of Government clerks.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] has cast some very severe strictures on the Committee on Rules. With his quarrel with the chairman I have no concern, but I do want to say a word concerning my view of the obligations and responsibilities of the Committee on Rules. The gentleman from New York is obviously of the opinion that when his committee, or any other committee, asks the Committee on Rules for a rule, that that committee thereupon becomes merely the adjunct of the committee, and that the Committee on Rules must report such a rule as his committee asks for, or report no rule at all.

Mr. Speaker, I have a different idea of the obligations of the committee. It is the province of the Committee on Appropriations to ask the Committee on Rules for any rule it chooses, but when it does refer a resolution to that committee its jurisdiction over that resolution is gone, and it thereupon becomes the duty of the Committee on Rules to examine that matter, to amend the rule in any way that it chooses.

Now, with reference to this rule, what did the Committee on Appropriations report this section for? Was it a play? The gentleman from New York knows full well that it must have gone out of the bill if a point of order was made to it. If the point of order was waived it was open to amendment in every way, and to wider amendment than that proposed by the Committee on Rules in this resolution.

Does the gentleman from New York contend that it was the province of his committee to determine and say that this House should accept the judgment of his committee blindly without any opportunity to consider or amend the judgment of that committee? Mr. Speaker, the Committee on Rules during this Democratic administration has committed many outrages on this House, but I am glad to say that up to this day it has never reported a resolution closing all right of amendment. I am glad it has not done so in this case.

The speech of the gentleman from New York implies but one thing only—that he is afraid to trust the membership of this House to act upon one thing that his committee and himself have exercised their judgment upon. But this resolution now before this House does simply that one thing. We have guarded it so that the House will exercise its judgment upon the one question that the Committee on Appropriations exercised its judgment upon, and that is a temporary increase of salaries during the fiscal year of 1918, and that it shall apply only to the employees provided for in this bill. I am amazed that any Member of this House should stand before the House and say that the membership should not have any opportunity to exercise its own judgment upon a matter reported from any committee, even the great Committee on Appropriations. [Applause.] I yield back the balance of my time.

Mr. HENRY. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I voted for the amended rule, and I am in favor of it. I voted for it because I believe that the Members of this House have the right to say whether or not they will amend a matter of great importance considered in an appropriation bill before this House. There is no matter now in the bill that has engaged so much attention as the item we are about to reach, and there is no question that it is subject to a point of order.

The object of the rule introduced by the gentleman from New York [Mr. FITZGERALD] was to have a vote upon that important question without debate or amendment. The Committee on Rules thought that it was of great importance that the Members of this House should have the right not only to amend it if the House saw fit, but debate it; and I am not afraid, and I hope I shall not be afraid hereafter, to submit matters of great importance to the Members of this House and let them decide whether or not they are in favor of increasing or reducing appropriations. I believe that they have at heart not only the welfare of the taxpayers, in whom the gentleman from New York [Mr. FITZGERALD] has so much solicitude at this time, but also of those for whom appropriation bills are passed, and that they will balance the equities and the justice as between those who pay and those who receive. This resolution simply saves to this House the right to say whether or not in the consideration of an important matter that matter shall be subject to amendment and debate; and I submit that even at this time a Democratic committee ought not to urge upon the Congress of the United States the adoption of a resolution that would absolutely close both amendment and debate upon a matter of very vital importance.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. GORDON. Why did you limit the right to amend beyond one year by this rule?

Mr. CAMPBELL. We are appropriating for one year in this bill, and we limited the amendment to matters that were absolutely germane to the bill. That was the only thing to be considered.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. HENRY. Does the gentleman from New York wish to use any more of his time? There will be but one more speech upon our side.

Mr. FITZGERALD. Not unless some one desires to speak.

Mr. OGLESBY. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. OGLESBY. I would like to ask the gentleman to explain the difference between this rule and the rule proposed by the Committee on Appropriations. I have listened as best I could, but have not yet been able to understand the difference.

Mr. FITZGERALD. Mr. Speaker, the rule proposed by the Committee on Appropriations did not, as the gentleman from Kansas [Mr. CAMPBELL] has stated, preclude debate. It provided that the House should vote upon the question of adopting or rejecting the proposed increases. Debate would be in order, because there was no restriction upon it whatever.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CAMPBELL. Under what rule of the House would debate have been in order?

Mr. FITZGERALD. Under the rules of the House which provide, first, that if an amendment is proposed in the House whoever gets the floor is entitled to an hour, and anyone else getting the floor would be entitled to an hour; while if it were proposed in the Committee of the Whole House on the state of the Union, it would be debated under the five-minute rule. Anyone sufficiently familiar with the rules to understand them would know that the proposed rule would not cut off debate, but that it left the proposition subject to debate as any other provision would be.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield further?

Mr. FITZGERALD. Yes.

Mr. CAMPBELL. This was not an amendment offered upon the floor. It could not be debated under the five-minute rule, could it?

Mr. FITZGERALD. Mr. Speaker, it would depend upon when it was proposed.

Mr. CAMPBELL. And the rule specifically provided that it should simply be voted upon.

Mr. FITZGERALD. Oh, no; it did not. I have not a copy of the rule before me, but as I drew it I know what is in it—unlike some other gentlemen. I can state it without looking at it. The rule provided that it should be in order to vote upon the adoption or rejection, as an amendment to the bill H. R. 18542 of the following provisions, which was set forth at length. Mr. Speaker, I know enough about the rules of the House to know that that did not cut off debate upon the proposition, but permitted not only discussion, but a vote upon the specific proposition whether there should be an increase of 10 per cent on compensations up to $1,200 and 5 per cent on compensations from $1,200 to $1,800. The Committee on Rules, proclaiming to be anxious to preserve the sacred rights of the House to propose amendments to the provision, proposes a substitute rule expressly prohibiting as amendments provisions which would not be in order under any construction of the rules of the House. To a provision proposing to increase compensation and appropriating the money for the fiscal year, covered by the bill, no amendment extending the increase of compensation beyond that fiscal year would be in order, but the Committee on Rules thought it necessary to specifically provide that it should not be in order. It incorporated another useless provision in the rule. It prohibits the offering of any amendment that will increase the compensation of employees not affected by the appropriation bill under consideration—as if by any construction of the rules such an amendment would be in order without specific provision to make it in order.

The only thing the Committee on Rules has done is to go through the idle performance of imagining it is curtailing the rights of the House in two particulars, and by permitting it to vote upon increases in the rates of compensation to take off all restrictions. I was not surprised when I heard read the proposed rule that Members should have been under a misapprehension as to the effect of the resolution offered by myself. The only difference between those two propositions is that the Committee on Appropriations suggested that the House vote upon its specific proposition and the Committee on Rules suggests that it be open to any germane amendment, that is all, to increase or decrease the rate. That is all there is to it, and the provisos have no parliamentary effect whatever. Have I furnished my colleague with the information which he sought?

Mr. OGLESBY. Does the gentleman mean the provisos only differ, or does the gentleman mean that to permit amendments would permit them to increase the appropriations without limit?

Mr. FITZGERALD. Under the substitute of the Committee on Rules the rate of increase can be modified. That is the only difference.

Mr. OGLESBY. And the only modification would be to increase the amount?

Mr. FITZGERALD. Nobody suspects that anyone will propose a decrease. It is merely opening wide the sluiceways of the Treasury.

Mr. CANNON rose.

Mr. FITZGERALD. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has five minutes remaining.

Mr. FITZGERALD. If the gentleman from Illinois wishes that time, I yield it to him.

Mr. CANNON. Mr. Speaker, I favor the enactment of legislation increasing the salaries of Government employees provided for in this resolution, and I may say for employees not provided for in this resolution. I regret there is no provision in the resolution by which the pay or increase would begin at once and continue for the remainder of the current fiscal year. The whole matter should be adjusted finally when the conditions are normal, which will not happen until the war in Europe closes. The rules of the House prohibit legislation on general appropriation bills, and wisely so, and should be observed, as the money must be appropriated to carry on the Government or government would stop. When legislative riders are placed on appropriation bills it is rarely well considered and is frequently vicious. The previous question has been ordered upon the resolution so it can not be amended. Under its operation immediate or early relief can not be given to meet the present emergency. Therefore, I shall vote against the resolution.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, there seems to be nothing left for this side of the house to do but to vote for the rule. Everybody seems to be of the opinion that there should be some increase in salaries. The Committee on Appropriations reported section 6, which if read would go out on the point of order. If this rule is not adopted the House will have no opportunity even to vote upon any proposition with reference to increasing the rates of salaries. The resolution introduced by the gentleman from New York is not before us. This resolution is beyond the amending stage. The House has already ordered the previous question, and if we vote the resolution down, then we go ahead with the appropriation bill, section 6 will be stricken out on a point of order and there will be no opportunity to increase the salaries. If the resolution goes through the House the House will have to determine. I think it might have been just as well to have given the House a fair opportunity to vote upon the proposition submitted by the committee. That we will still have under this resolution though it will be subject to amendment, but if the resolution is defeated we have no chance to do anything at all.

The SPEAKER. The gentleman from Texas has five minutes remaining.

Mr. HENRY. Mr. Speaker, I had hoped that I might escape the ordeal of receiving a lecture at the hands of the gentleman from New York [Mr. FITZGERALD]. He stated that, in his judgment, the Committee on Rules has no sense of responsibility. I think some of us have as much a sense of responsibility as the gentleman had when he left the standard of his party some years ago and went over and helped the Republicans to defeat the Democratic Party.

Mr. Speaker, the gentleman kindly says that he drew this resolution which did not allow amendment, and which some of the members of the Rules Committee thought did not allow discussion even under the five-minute rule, in order to protect the membership of this House against itself. In other words, the plain inference is that through their blind ignorance and groping around in this House they might hurt themselves if the gentleman from New York [Mr. FITZGERALD] did not draw a rule like this, which would deny them the right of amendment.

Mr. CALDWELL. Will the gentleman yield?

Mr. HENRY. I have not the time.

Has the time come in this country when the gentleman from New York must formulate the policy of the Committee on Appropriations and draw a rule which will deny the membership the power of amending an appropriation bill, in the simple fear that they might injure themselves? If I might venture to do so without receiving another lecture at the hands of the gentleman from New York, allow me to say I believe, if he will permit it, with the right of amendment and discussion, we will be able to consider this question and set him right where he thinks he is wrong on some phases of it.

Now, Mr. Speaker, some time ago, when the war in Europe came on, and the people of the South were stricken and the price of cotton went down to ruinously low levels, the gentleman from New York said it was an outrage and a shame to make it possible for a man who had produced a crop to borrow money in order that he might hold his product until the war had passed and the markets were normal. And yet in a brief period the gentleman comes and proposes an embargo against the foodstuffs that have been produced by the men who toil in the sunshine and rain, and desires to prevent the shipment of these products abroad.

Let me say, although it is digressing somewhat, as far as I am concerned, I am opposed to this proposition for two reasons. In the first place, I believe, as a congressional policy, such legislation would not be wise, and in the next place you and your constituents and others situated as you are ought to be willing to suffer a little and deprive yourselves a little bit in order that we may feed and clothe the dying and suffering and distressed of Europe. And I am against your embargo and in favor of sending clothing and food products to the starving and suffering people of Europe.

It makes a good deal of difference with the gentleman about the attitude of the Rules Committee. Let me say to him, inasmuch as he so graciously stated that I would not be chairman of the Rules Committee in the next Congress, that I never was chairman by his permission and never would have been chairman. [Applause.] But if I had chosen to return to the House of Representatives I could have come without any opposition, and I would have been chairman again even over the protest of the all-powerful chairman of the Committee on Appropriations. [Applause.]

Now, why all this hue and cry about this special rule, which is plain, and just and defensible from every standpoint? It ought to be adopted. We ought to meet this question like men; and I want, in respectful tones, if I may, without incurring the displeasure of the gentleman from New York, to say that whenever the Rules Committee gets ready, as far as I am concerned, we will amend his resolution, we will bring in special rules, and we will allow the Members of this body to act and vote as they please, and to amend and freely discuss the appropriation bills, as well as all the other bills of this House.

That is all there is in the proposition, and I ask for a vote [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. I ask for a division.

The House divided; and there were—ayes 190, noes 49.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 264, nays 77, answered "present" 0, not voting 92, as follows:

YEAS—264.

Adair	Buchanan, Ill.	Collier	Dill
Allen	Burnett	Cooper, Ohio	Dillon
Almon	Butler	Cooper, W. Va.	Doolittle
Anderson	Caldwell	Cooper, Wis.	Dowell
Anthony	Campbell	Crago	Dunn
Ashbrook	Cantrill	Crisp	Dupré
Austin	Capstick	Crosser	Dyer
Ayres	Carlin	Curry	Eagle
Bacharach	Carter, Mass.	Dale, Vt.	Edmonds
Barchfeld	Carter, Okla.	Dallinger	Ellsworth
Barnhart	Casey	Danforth	Elston
Bennet	Chandler, N. Y.	Darrow	Emerson
Blackmon	Charles	Davenport	Esch
Bowers	Chiperfield	Davis, Minn.	Evans
Britt	Church	Davis, Tex.	Fairchild
Browne	Clark, Fla.	Dempsey	Farr
Brumbaugh	Coady	Denison	Ferris

Fields	Hull, Iowa	Matthews	Smith, Mich.
Flood	Humphrey, Wash.	Mays	Smith, Minn.
Focht	Humphreys, Miss.	Meeker	Smith, Tex.
Fordney	Igoe	Miller, Del.	Snell
Foss	Jacoway	Miller, Pa.	Snyder
Foster	James	Mondell	Stafford
Freeman	Johnson, S. Dak.	Moore, Pa.	Steagall
Fuller	Johnson, Wash.	Moores, Ind.	Steele, Pa.
Gallagher	Kahn	Mott	Steenerson
Gallivan	Kearns	Mudd	Stephens, Nebr.
Gandy	Keating	Neely	Stephens, Tex.
Gard	Keister	Nelson	Sterling
Gardner	Kelley	Nicholls, S. C.	Stiness
Garland	Kennedy, Iowa	Nichols, Mich.	Stone
Garrett	Kennedy, R. I.	Nolan	Stout
Glass	Kent	North	Sulloway
Glynn	Kettner	Norton	Sweet
Good	Key, Ohio	Oakey	Switzer
Goodwin, Ark.	King	Oldfield	Tague
Gray, Ala.	Kinkaid	O'Shaunessy	Talbott
Green, Iowa	Kitchin	Overmyer	Tavenner
Greene, Mass.	Konop	Padgett	Taylor, Ark.
Greene, Vt.	Lafean	Paige, Mass.	Temple
Gregg	Langley	Platt	Thomas
Guernsey	Lazaro	Porter	Thompson
Hadley	Lee	Powers	Tilson
Hamilton, Mich.	Lehlbach	Pratt	Timberlake
Hardy	Lenroot	Ragsdale	Towner
Harrison, Miss.	Lever	Raker	Treadway
Harrison, Va.	Linthicum	Ramseyer	Van Dyke
Haskell	Littlepage	Randall	Vare
Hastings	Lloyd	Reavis	Vinson
Haugen	Lobeck	Reilly	Volstead
Hawley	London	Ricketts	Walker
Hayden	McArthur	Roberts, Nev.	Walsh
Hayes	McClintic	Rodenberg	Ward
Heaton	McCulloch	Rogers	Wason
Heflin	McDermott	Russell, Ohio	Watkins
Helgesen	McFadden	Schall	Watson, Pa.
Helvering	McGillicuddy	Scott, Mich.	Watson, Va.
Henry	McKellar	Sells	Wheeler
Hernandez	McKenzie	Shallenberger	Williams, T. S.
Hicks	McKinley	Shouse	Williams, Ohio
Hilliard	McLaughlin	Siegel	Wilson, La.
Holland	Madden	Sims	Wingo
Hollingsworth	Magee	Sinnott	Winslow
Hopwood	Mann	Sloan	Wood, Ind.
Houston	Mapes	Small	Woodyard
Hughes	Martin	Smith, Idaho	Young, N. Dak.

NAYS—77.

Abercrombie	Dent	Lesher	Saunders
Adamson	Dickinson	Lieb	Sears
Alexander	Dies	McAndrews	Sherley
Aswell	Dixon	Montague	Sherwood
Bailey	Doughton	Morgan, Okla.	Sisson
Barkley	Eagan	Morrison	Slayden
Black	Farley	Moss	Smith, N. Y.
Booher	Fitzgerald	Oglesby	Stedman
Borland	Gordon	Oliver	Steele, Iowa
Buchanan, Tex.	Gray, Ind.	Page, N. C.	Stephens, Miss.
Byrnes, S. C.	Hamlin	Park	Sumners
Byrns, Tenn.	Helm	Quin	Taylor, Colo.
Callaway	Hood	Rainey	Tillman
Candler, Miss.	Howard	Rauch	Venable
Cannon	Huddleston	Rayburn	Webb
Caraway	Hulbert	Rouse	Williams, W. E.
Connelly	Hull, Tenn.	Rowe	Wise
Conry	Johnson, Ky.	Rubey	
Cox	Kincheloe	Rucker	
Decker	La Follette	Russell, Mo.	

NOT VOTING—92.

Aiken	Drukker	Hutchinson	Peters
Beakes	Edwards	Jones	Phelan
Beales	Estopinal	Kiess, Pa.	Pou
Bell	Fess	Kreider	Price
Benedict	Finley	Lewis	Riordan
Britten	Flynn	Liebel	Roberts, Mass.
Browning	Frear	Lindbergh	Rowland
Bruckner	Garner	Loft	Sabath
Burgess	Gillett	Longworth	Sanford
Burke	Godwin, N. C.	Loud	Scott, Pa.
Carew	Gould	McCracken	Scully
Cary	Graham	McLemore	Shackleford
Cline	Gray, N. J.	Maher	Slemp
Coleman	Griest	Miller, Minn.	Sparkman
Copley	Griffin	Moon	Sutherland
Costello	Hamill	Mooney	Swift
Cramton	Hamilton, N. Y.	Morgan, La.	Taggart
Cullop	Hart	Morin	Tinkham
Dale, N. Y.	Hensley	Murray	Whaley
Dewalt	Hill	Olney	Wilson, Fla.
Dooling	Hinds	Parker, N. J.	Wilson, Ill.
Doremus	Howell	Parker, N. Y.	Woods, Iowa
Driscoll	Husted	Patten	Young, Tex.

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. AIKEN with Mr. KIESS of Pennsylvania.

Mr. BEAKES with Mr. KREIDER.

Mr. BELL with Mr. LONGWORTH.

Mr. BRUCKNER with Mr. LOUD.

Mr. YOUNG of Texas with Mr. MCCRACKEN.

Mr. BURKE with Mr. MILLER of Minnesota.

Mr. CAREW with Mr. MOONEY.

Mr. CLINE with Mr. MORIN.

Mr. DALE of New York with Mr. PARKER of New Jersey.

Mr. DEWALT with Mr. PARKER of New York.

Mr. DOOLING with Mr. PETERS.

Mr. DOREMUS with Mr. ROBERTS of Massachusetts.

Mr. DRISCOLL with Mr. SANFORD.

Mr. ESTOPINAL with Mr. SCOTT of Pennsylvania.

Mr. FINLEY with Mr. SLEMP.

Mr. FLYNN with Mr. SUTHERLAND.

Mr. GARNER with Mr. SWIFT.

Mr. GODWIN of North Carolina with Mr. TINKHAM.

Mr. GRIFFIN with Mr. WILSON of Illinois.

Mr. HAMILL with Mr. WOODS of Iowa.

Mr. HART with Mr. BEALES.

Mr. BENEDICT with Mr. HENSLEY.

Mr. BRITTEN with Mr. JONES.

Mr. BROWNING with Mr. LEWIS.

Mr. CARY with Mr. LIEBEL.

Mr. COLEMAN with Mr. MCLEMORE.

Mr. COPLEY with Mr. MAHER.

Mr. COSTELLO with Mr. MOON.

Mr. CRAMTON with Mr. MURRAY.

Mr. DRUKKER with Mr. OLNEY.

Mr. FESS with Mr. PATTON.

Mr. FREAR with Mr. PHELAN.

Mr. GILLETT with Mr. POU.

Mr. GOULD with Mr. PRICE.

Mr. GRAHAM with Mr. RIORDAN.

Mr. GRAY of New Jersey with Mr. SABATH.

Mr. GRIEST with Mr. SCULLY.

Mr. HAMILTON of New York with Mr. SHACKLEFORD.

Mr. HILL with Mr. SPARKMAN.

Mr. HINDS with Mr. STEAGALL.

Mr. HOWELL with Mr. TAGGART.

Mr. HUSTED with Mr. WHALEY.

Mr. HUTCHINSON with Mr. WILSON of Florida.

The result of the vote was announced as above recorded.

WOMAN SUFFRAGE (H. REPT. NO. 1216, PT. 2).

Mr. NELSON rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. NELSON. To ask unanimous consent that any member of the Committee on the Judiciary opposed to the action of the full committee on House resolution No. 1, known as the woman-suffrage amendment, shall be permitted to file minority views not later than January 2.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that any member of the Committee on the Judiciary may file minority views on the resolution indicated at any time between now and January 2.

Mr. MANN. I understood the gentleman from Massachusetts [Mr. WALSH] to say that he wanted it made January 10, although I am not sure.

Mr. NELSON. I accept the amendment.

The SPEAKER. The gentleman will please state his request over again.

Mr. NELSON. I ask unanimous consent, Mr. Speaker, that any member of the Committee on the Judiciary may file minority views on House resolution No. 1 until January 10.

The SPEAKER. Until January 10?

Mr. NELSON. Yes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that any member of the Committee on the Judiciary opposed to the action taken by that committee on the woman-suffrage amendment may file minority views up to January 10. Is there objection?

There was no objection.

Mr. GARD. I merely desire, Mr. Chairman, to say that there is no objection on the part of the Committee on the Judiciary.

LEAVE OF ABSENCE.

Mr. LINDBERGH, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in his family.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS NEXT WEEK.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday next Wednesday, so that we can finish these appropriation bills, in order to justify the holiday recess.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to dispense with Calendar Wednesday business on next Wednesday. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, my understanding, which I think I have obtained from the gentleman, is that after the disposition of the legislative bill it is the intention to take up the District of Columbia appropriation bill.

Mr. FITZGERALD. The District bill will be reported on Monday.

Mr. MANN. And that he desires to finish that bill in order to take the holiday recess on Friday.

Mr. KITCHIN. Yes; Friday, December 22. That is my understanding, and that is the purpose.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD concerning the Alaska fisheries bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the Alaska fisheries bill. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, I desire to extend my remarks in the RECORD on the vocational education bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the vocational education bill. Is there objection?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bill and joint resolution:

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vssel *Golden Gate* to be registered as a vessel of the United States; and

H. J. Res. 282. Joint resolution authorizing the Postmaster General to provide the postmaster at Springfield, Ill., with a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until Monday, December 18, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 18994) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of certain public buildings; to authorize the purchase of sites for certain public buildings; to abolish the office of Supervising Architect of the Treasury, and to create and organize in the Treasury Department a Bureau of Public Buildings, and define its duties, powers, and jurisdiction; to create and establish the office of Commissioner of Public Buildings; to fix the salary and prescribe the duties and powers of the said Commissioner of Public Buildings; to create a Board of Estimates and prescribe its duties and powers; to provide for the standardization of certain classes of public buildings, and for other purposes, reported the same with amendment, accompanied by a report (No. 1222), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported the same with amendment, accompanied by a report (No. 1225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WALKER, from the Committee on the Judiciary, to which was referred the bill (H. R. 17814) to transfer Early County from the western division of the northern district of Georgia to the Albany division of the southern district of Georgia, reported the same without amendment, accompanied by a report (No. 1226), which said bill and report were referred to the House Calendar.

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13385) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, reported the same with amendment, accompanied by a report (No. 1227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 16827) for the relief of Henry P. Grant, of Phillips County, Ark., reported the same with amendment, accompanied by a report (No. 1223), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 19064) to waive the age limit and the disqualification of being married in the appointment of John J. Maher, as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 19065) aid for families of soldiers on the border; to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 19066) to reclassify the salaries of employees above the clerical grades in post offices of the first and second class; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 19067) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARD: A bill (H. R. 19068) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, approved March 3, 1915; to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 19069) providing for the purchase of a site and the erection of a public building thereon in the city of Crosby, State of North Dakota; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 19070) to amend section 1496 of the Revised Statutes of the United States, relative to the examination of officers of the Navy for promotion; to the Committee on Naval Affairs.

Also, a bill (H. R. 19071) to amend section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Naval Affairs.

Also, a bill (H. R. 19072) amending section 1570 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. GRAY of Indiana: A bill (H. R. 19073) to increase the limit of cost of the United States post-office building at Shelbyville, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. LEHLBACH: A bill (H. R. 19074) to increase rates of pensions for permanent specific disabilities incurred while in the military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 19075) authorizing the Secretary of War to donate condemned cannons and balls; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 19076) amending the act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. EDMONDS: Joint resolution (H. J. Res. 322) requesting the President of the United States to discharge troops on border who were enlisted first; to the Committee on Military Affairs.

By Mr. ADAMSON: Joint resolution (H. J. Res. 323) to amend a Senate joint resolution entitled "A joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916; to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY: Resolution (H. Res. 408) for the consideration of H. R. 18994; to the Committee on Rules.

By Mr. HELGESEN: Resolution (H. Res. 410) to investigate the exorbitant price of bread in the District of Columbia and elsewhere; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 19077) granting an increase of pension to Emsley Caudle; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 19078) granting an increase of pension to Sarah Jane Lush; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 19079) for the relief of William Sheldon; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 19080) granting an increase of pension to Timothy Weir; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 19081) granting an increase of pension to George K. Redmond; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 19082) granting a pension to Mary J. Langdon; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19083) granting a pension to Perry Bottles; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 19084) to correct the military record of Edward Johnson; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 19085) granting a pension to Margaret Eppens; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19086) granting a pension to Sarah V. Cary Lee; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 19087) for the relief of the Cudahy Packing Co.; to the Committee on Claims.

By Mr. McCRACKEN: A bill (H. R. 19088) granting an increase of pension to Mrs. Jennie A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19089) granting a pension to Silas D. A. Allen; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 19090) granting an increase of pension to Barbara I. Boothby, widow of David Boothby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19091) granting an increase of pension to John P. Bateman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19092) granting an increase of pension to William C. Scovell; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 19093) granting an increase of pension to Thomas J. Parker; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 19094) granting an increase of pension to Enos Snodgrass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19095) granting an increase of pension to Silas M. Starkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19096) granting an increase of pension to Henry C. Shepherd; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 19097) granting an increase of pension to A. N. Day; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 19098) granting an increase of pension to Emily W. Lothrop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19099) granting an increase of pension to Henry Pratt; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19100) granting an increase of pension to Martin V. B. Showers; to the Committee on Invalid Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 19101) granting an increase of pension to Anna B. Davis; to the Committee on Pensions.

By Mr. PLATT: A bill (H. R. 19102) granting an increase of pension to David H. Keller, jr.; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19103) granting a pension to Lucretia E. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19104) granting an increase of pension to Green Elliott; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19105) granting an increase of pension to William J. Coleman; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19106) granting an increase of pension to Zacariah T. Waller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19107) granting a pension to B. F. Stuteville; to the Committee on Pensions.

Also, a bill (H. R. 19108) granting a pension to George T. Hubbs; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 19109) for the relief of John Kaszycki; to the Committee on Claims.

By Mr. SHOUSE: A bill (H. R. 19110) granting an increase of pension to Noah Hardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19111) granting an increase of pension to Daniel Plotner; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19112) for the relief of William M. Carroll; to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 19113) for the relief of George B. Todd; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 19114) for the relief of William W. Judd; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: A bill (H. R. 19115) granting an increase of pension to Wilson H. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19116) granting an increase of pension to William W. Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19117) granting an increase of pension to Henry C. Livezey; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 19118) for the relief of G. A. Lieber; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of Robert S. Conklin, commissioner of forestry of the State of Pennsylvania, against the Shields and Myers water-power bill, relative to the disposing of oil lands to private interests; to the Committee on the Public Lands.

Also, petition of employees at the United States lock and dam at Davis Island and at Lock and Dam No. 2, in the Ohio River, in support of the Nolan bill to increase their salary; to the Committee on Appropriations.

By Mr. BRUCKNER: Memorial of the Thread agency in re exchange charges on country checks; to the Committee on Ways and Means.

Also, petition of Louis Ives, of New York City, favoring the Nolan bill; to the Committee on Appropriations.

Also, petitions of John S. Sells & Son, of New York, and the Roessler & Hasslacher Chemical Co., of New York, in re 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Papers to accompany bill for increase of pension to Sarah Jane Lush, widow of William Lush; to the Committee on Invalid Pensions.

By Mr. CARY: Petition on behalf of the Polish-American housewives of Milwaukee, Wis., in re high cost of living; to the Committee on Ways and Means.

Also, petition of George L. Waltjin & Co., of Milwaukee, Wis., urging the passage of 1-cent drop postage, etc.; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Memorial of Common Council of the city of Schenectady, N. Y., favoring an embargo on food supplies; to the Committee on Foreign Affairs.

Also, memorial of Branch 255, National Order of Letter Carriers, of Gloversville, N. Y., petitioning for increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of postal employees of Amsterdam, N. Y., for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Wallace & Co., of Brooklyn, N. Y., favoring 1-cent drop postage; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Memorial of Rochester Branch, Railway Mail Association, relative to increased compensation; to the Committee on the Post Office and Post Roads.

Also, petition of 110 people of Medina Baptist Missionary Society and 75 people of Medina, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of United Bakers of Greater New York and vicinity, in re embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Brooklyn Board of Real Estate Brokers, in re navy-yard improvements for New York; to the Committee on Naval Affairs.

Also, memorial of Philadelphia Chamber of Commerce, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. FARR: Memorial of Philadelphia Chamber of Commerce, favoring an appropriation of a sufficient amount of money for the continuance of the pneumatic-tube service in Philadelphia, Pa., for the year 1917, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of National Live Stock Shippers' Protective League, favoring a law to be enacted so as to limit the power of the Interstate Commerce Commission so as not to interfere

with the rates of intrastate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Papers to accompany House bill 7058, for relief of John S. Clark; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Memorial of Baltimore Chamber of Commerce, protesting against the removal of the Subtreasury from the city of Baltimore; to the Committee on Appropriations.

By Mr. FOCHT: Petition of post-office clerks and carriers of Waynesboro, Pa., favoring increase of salary; to the Committee on the Judiciary.

Also, papers to accompany House bill 6582, for the relief of Henry Schrawder; to the Committee on Invalid Pensions.

Also, petition of mail carriers, clerks, and railway clerks, Chambersburg, Pa., favoring increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Two petitions of sundry employees of the Postal Service, asking for increased wages; to the Committee on the Post Office and Post Roads.

Also, petition of 30 people of Fortnightly Club of Evanston, 122 people of Methodist Episcopal Church of Evanston, and 327 people of Evanston, Ill., for national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Associated Merchants of La Salle, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of the Congregational Missionary Society, the Methodist Episcopal Epworth League, and the Women's Foreign Missionary Society of the Methodist Episcopal Church, all of Sycamore, Ill., for national prohibition; to the Committee on the Judiciary.

Also, petition of post-office employees of Rockford, Ill., for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of survivors of Andersonville prison, for $2 a day for each day they were held prisoners; to the Committee on Pensions.

By Mr. GARDNER: Three petitions of clerks and carriers of the Marblehead, Gloucester, and Haverhill (Mass.) post offices, praying for an increase in salary on account of the high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Two petitions of citizens of Lancaster County, Pa., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 18475, a bill to increase pension of Joseph A. Craig; to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of postal employees of San Luis Obispo, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Memorial of Commercial Club of Larimore, N. Dak., urging that legislation be adopted granting authority to the Interstate Commerce Commission to settle the controversy between the railroads and their employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of Williamson R. Abrahamson and 47 others, favoring an increase in pay to postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of 37 members of the Methodist Episcopal Sunday School, Thompson, N. Dak., for national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 45 voters of Page and Tower City, N. Dak., favoring the adoption of a prohibition amendment; to the Committee on the Judiciary.

By Mr. HILL: Memorial of National Association of Post-Office Clerks, Danbury Branch, No. 187, and petition of the carriers and clerks of the Shelton (Conn.) post office, for an increase of the rate of wages now allowed them; to the Committee on the Post Office and Post Roads.

Also, petition of carriers and clerks of post office at Greenwich, Conn., asking for an increase in the rate of compensation allowed to carriers and clerks employed in the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petitions of Mrs. Eliza Jones, San Diego, Cal.; S. W. Peel, Bentonville, Ark.; and J. H. Dolan, secretary San Francisco Camp, No. 4, San Francisco, Cal., favoring passage of House bill 655, the Keating bill, pensioning Indian war veterans; to the Committee on Pensions.

Also, petitions of Mrs. Jesse A. Fox, Santa Monica; William A. Coulter, brevet major, captain, and assistant adjutant general, United States Volunteers, San Jose; Andrew Graydon, Los Angeles; George R. Clements, Gilroy; E. J. Davis, Ontario; and Henry F. Smith, San Diego, all in the State of California, favoring passage of House bill 386, Volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, petitions of Samuel Leask, president California Retail Dry Goods Association, San Francisco.; B. D. Crinsohn, secretary Packing & Provision Co., San Francisco; E. Downing, president Hoover Spring Co., San Francisco; and B. W. McKenzie, president Western Metal Supply Co., San Diego, all in the State of California, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, two letters from Fred A. Binney, San Diego, Cal., favoring reduced postage rate on manuscripts; to the Committee on the Post Office and Post Roads.

Also, petitions of Paul Scharrenberg, secretary-treasurer California State Federation of Labor, San Francisco; Mrs. Henry Goodell, president San Bernardino Women's Club, San Bernardino; and R. G. Brodrick, superintendent City and County Hospital, San Francisco, all in the State of California, favoring passage of House bill 11864, the Kent bill, providing for Federal aid for indigent tuberculosis patients; to the Committee on Appropriations.

Also, petitions of 405 residents of San Bernardino; O. A. Tveitmoe, secretary Building Trades Temple, San Francisco; William T. Nelson, San Bernardino; and W. F. Burgener, National City, all in the State of California, protesting against high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petitions of William S. Davenport, San Diego, and A. Gunther, secretary Trades and Labor Council, Vallejo, both in the State of California, favoring legislation prohibiting export of goods to warring nations, which we make in amounts sufficient to supply needs of this country, and at less prices than are charged at home; to the Committee on Interstate and Foreign Commerce.

Also, petition of John D. Benton, San Diego, Cal., favoring the introduction of a board of arbitration to dispose of questions between railroads and their employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of George H. Reid, secretary, Mecca, Cal., favoring prohibition—the Hobson amendment; to the Committee on the Judiciary.

Also, petition of John B. Elliott, United States Customs Service, Los Angeles, Cal., favoring increase in penalty for opium smuggling; to the Committee on the Judiciary.

Also, petition of Paul Scharrenberg, San Francisco, Cal., favoring retirement of civil-service employees; establishment of a civil-service court of appeals, or trial board; employment of sufficient number of subclerks to relieve post-office clerks; House bill 12029, the Alaska salmon-fishing industry; protection of fishermen; establishment of Government hospital ship in Bering Sea for care of sick and injured fishermen; establishment of Government hospital in Bristol Bay region of Alaska for fishermen; and protesting against increased cost of white paper; to the Committee on Reform in the Civil Service.

Also, petition of A. B. Hastings, Los Angeles, Cal., favoring House bill 15096, relating to lieu lands; to the Committee on the Public Lands.

Also, petition of Mrs. Nelle P. Johns, San Diego, Cal., favoring Penrose-Griffin retirement bill; to the Committee on the Post Office and Post Roads.

Also, petition of Julian Pierce, San Diego, Cal., favoring Stevens bill, House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: Petition signed by C. W. Hollandsworth and divers employees of the Canton (Ill.) post office, asking an increase of their pay; to the Committee on the Post Office and Post Roads.

Also, resolution signed by Rev. J. T. Pierce, pastor of the Methodist Episcopal Church, Abingdon, Ill., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, resolution signed by Rev. A. M. Hale, pastor of the Christian Church of Abingdon, Ill., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition signed by E. A. Simpson and divers employees of the Quincy (Ill.) post office, asking for an increase of their pay; to the Committee on the Post Office and Post Roads.

Also, petition signed by Lloyd A. Eby and divers employees of the Kewanee (Ill.) post office, asking an increase of their pay; to the Committee on the Post Office and Post Roads.

Also, resolutions signed by James E. Marks, secretary of the Order of the United Commercial Travelers of America, Council No. 269, of Galesburg, Ill., asking that a reduction be made in the present charge of handling the ordinary letter from a 2-cent to a 1-cent rate; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Petition of Jabez B. Workman and 11 other postal employees, praying an increase in pay because of the

high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of Railway Mail Clerks' Association, favoring increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. McKENZIE: Two petitions of postal employees of Dixon and Freeport, Ill., for increase of salary; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of postal employees of Watertown, Lowville, Fulton, Adams, and Carthage, N. Y., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petitions of Local Union, United Mine Workers of America, located at Brockwayville; Local Union No. 480, United Mine Workers of America, located at Chambersville; and Local Union No. 1798, United Mine Workers of America, located at Ramsaytown, all in the State of Pennsylvania, representing 490 members, praying for the appointment of a commission to proceed to devise ways and means to restore the food prices back to something near normal; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of John E. Neyalley and 14 employees of the Chilton (Mass.) post office, for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of Women's Christian Temperance Union of Prattsburg, N. Y., Mrs. C. M. Van Valkenburgh, president; Nettie Marrila Smith, secretary; and Frank H. Bisbee, pastor Presbyterian Church; George A. Orton, pastor Baptist Church; and E. W. Collings, pastor Methodist Episcopal Church, favoring national and District of Columbia prohibition; to the Committee on the District of Columbia.

Also, petition of Arthur B. McLeod, president, Le Valley, McLeod, Kinkaid Co., of Elmira, N. Y., favoring a 1-cent, drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of William J. Davis, president Davis-Brown Electric Co., Ithaca, N. Y., favoring a 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of the Theed Agency, of New York, in re exchange charges on country checks; to the Committee on Banking and Currency.

By Mr. ROGERS: Two petitions of employees of the Andover (Mass.) post office, and the Reading post office, for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of B. J. Blanchard and 19 citizens of Albion, Mich., favoring increase in pay to mail clerks, etc.; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Memorial of Business Men's Association of Pawtucket, R. I., favoring the improvement of the Pawtucket River; to the Committee on Rivers and Harbors.

By Mr. TAVENNER: Petition of Tri-City Federation of Labor, Rock Island, Ill., favoring embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNER: Petition of Miss May Wood and 50 other citizens of Tabor, Iowa, praying for the enactment of a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of the members of the United Presbyterian Church, the members of the First Baptist Church, and of the Woman's Christian Temperance Union, all of Allerton, Iowa, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. WEBB: Petition of railway clerks, postal clerks, letter carriers, and rural-delivery carriers, for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of 120 citizens of Medford, Mass., in behalf of an embargo on coal; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *December 18, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee and pray for the passion of eternity. In the pressing duties of our daily life and the output of our energies to solve the problems of life we are lured from a contemplation of the things that make for our eternal life. We pray that the appetite of spirit, starved small by the stern necessities of this life, may not be satisfied with the pleasures and with the honors of this world only, but give to us a desire to measure up to God's supreme conception of manhood. May we follow after Him who embodied the fullness of all life and at last attain unto the perfect measure of human life. Bless us in the discharge of the duties of this day. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM MICHIGAN.

Mr. SMITH of Michigan. I present the credentials of my colleague, Hon. CHARLES E. TOWNSEND, duly elected to the office of United States Senator for the term ending March 3, 1923, which I ask may be received.

The VICE PRESIDENT. The credentials will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF MICHIGAN.

Certificate of election.

We, the undersigned, State canvassers, from an examination of the election returns received by the secretary of state, determine that, at the general election held on the 7th day of November, 1916, CHARLES E. TOWNSEND was duly elected to the office of United States Senator for the term ending March 3, 1923.

In witness whereof, we have hereto subscribed our names at Lansing, this 12th day of December, 1916.

COLEMAN C. VAUGHAN,
Secretary of State.
JOHN W. HAARER,
State Treasurer.
FRED L. KEELER,
Superintendent of Public Instruction.

BOARD OF STATE CANVASSERS.

STATE OF MICHIGAN,
Department of State, ss:

I hereby certify that the foregoing copy of the certificate of determination of the board of State canvassers is a correct transcript of the original of such certificate of determination on file in this office.

In witness whereof I have hereto attached my signature and the great seal of the State at Lansing this 12th day of December, 1916.

[SEAL.] COLEMAN C. VAUGHAN,
Secretary of State.

SENATOR FROM TENNESSEE.

Mr. SHIELDS. I present the credentials of KENNETH D. MCKELLAR, chosen by the qualified electors of the State of Tennessee a Senator from that State for the term of six years, beginning the 4th day of March, 1917, which I ask may be received.

The VICE PRESIDENT. The credentials will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, KENNETH D. MCKELLAR was duly chosen by the qualified electors of the State of Tennessee a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Tom C. Rye, and our seal hereto affixed at Nashville, Tenn., this 6th day of December, in the year of our Lord, 1916.

[SEAL.] TOM C. RYE, *Governor.*

By the governor:

R. R. SNEED, *Secretary of State.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER of Oklahoma, and Mr. CAMPBELL managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (No. 324) authorizing payment of the salaries of officers and employees of Congress for December, 1916, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. HARDING presented a petition of the City Council of Toledo, Ohio, praying for an investigation into the high cost of living, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Association of Civil Service Employees, of Dayton, Ohio, praying for an increase in the salaries of all Government employees, which was referred to the Committee on Appropriations.

Mr. JOHNSON of South Dakota presented a memorial of the Retail Merchants' Association of Pierre, S. Dak., remonstrating against any further extension of the parcel post system and favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented petitions of sundry citizens of Massachusetts, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ship Painters' Union of East Boston, Mass., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Boston and Leicester, in the State of Massachusetts, praying for national

prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the memorial of E. R. Brown, of Dover, N. H., remonstrating against the deportation of Belgians by Germany, which was referred to the Committee on Foreign Relations.

Mr. WATSON presented a petition of District No. 11, United Mine Workers of America, of Terre Haute, Ind., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Columbia Grange, No. 2174, Patrons of Husbandry, of Elizabethtown, Ind., and a memorial of Lowell Arbor of Gleaners, of Lake County, Ind., remonstrating against the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Bedford, Frankfort, Goshen, and Mishawaka, all in the State of Indiana, praying for an increase in salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ministerial Association, of South Bend and Mishawaka, in the State of Indiana, praying for prohibition in the Hawaiian Islands, which was referred to the Committee on the Judiciary.

He also presented a memorial of District No. 11, United Mine Workers of America, of Terre Haute, Ind., remonstrating against the enactment of legislation to provide compulsory arbitration of industrial disputes, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Lincoln Council, No. 56, Junior Order of American Mechanics, of Terre Haute, Ind., praying for the passage of the so-called immigration bill, which was ordered to lie on the table.

He also presented a petition of Local Branch, National Association Bureau of Animal Industry Employees, of Indianapolis, Ind., praying for an increase in the salaries of employees of the Bureau of Animal Industry, which was referred to the Committee on Agriculture and Forestry.

Mr. COLT presented petitions of sundry citizens of Wickford, Cumberland, Lincoln, Georgiaville, and Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented resolutions adopted by the Medical Society of Newport, R. I., expressing appreciation of the passage of the so-called Hay and Chamberlain bills providing for an increase of members of the Medical Reserve Corps of the Army, which were referred to the Committee on Military Affairs.

Mr. GRONNA. I present resolutions adopted by General Crook Post, No. 33, Grand Army of the Republic, at a regular meeting held December 1, 1916, at Devils Lake, N. Dak., favoring the passage of the volunteer officers' retirement bill, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions passed by General Crook Post, No. 33, Grand Army of the Republic, at a regular meeting held December 1, 1916.

Whereas there is now pending in the Congress of the United States a bill entitled "The volunteer officers retirement bill," and which bill proposed to place the volunteer officers who served during the Civil War in the same position as officers of the Regular Army upon their retirement from service, placing them upon the retired list with pro rata pay as provided by law; and

Whereas we believe that the passage of this act would be but a long-delayed act of justice toward such volunteer officers: Therefore be it

Resolved, That this post of the Grand Army of the Republic hereby approves of the spirit and purpose of said act and urge our Senators and Representatives in Congress to aid in every possible way the passage of said bill.

By command of—

JAMES MCCORMICK, *Commander.*
By ALBERT ROBERTS, *Adjutant.*

WATER-POWER DEVELOPMENT.

Mr. SMITH of Michigan. I present a communication from the Michigan State Grange, which I should like to have read for the information of the Senate.

There being no objection, the communication was read and ordered to lie on the table, as follows:

MICHIGAN STATE GRANGE,
Lansing, Mich., December 13, 1916.

Hon. WILLIAM ALDEN SMITH,
Senate Chamber, Washington, D. C.

MY DEAR SIR: The following resolutions were introduced for immediate action and unanimously adopted at the annual session of the Michigan State Grange now in session in this city:

Resolved by the State Grange of Michigan, an organization representative of agriculture and jealous of the rights of the common people—

1. That we view with alarm the action of both branches of the Congress in passing bills giving to private ownership the vast potential wealth represented by the water power of navigable streams and in national reservations, and by attempting to dispose of the oil fields belonging to the National Government, without which, under modern conditions, an efficient navy is an impossibility;

2. We hereby enter our most earnest protest against the passage of the Shields bill, covering water power on navigable streams; the Myers bill, covering water power on public lands; and the oil-land provisions of the Phelan bill; all of which, under the specious plea of providing for the development of natural resources give to private citizens and monopolies the wealth belonging to the people and the supplies needed for adequate defense, and we call upon our Senators and Representatives in Congress to use every effort to defeat these bills, and ask that our protest be entered in the CONGRESSIONAL RECORD; and

3. In the event of the passage of these pernicious measures, we most respectfully urge President Wilson to interpose his veto and save for the people of this Nation and their children this small portion of the priceless heritage of natural resources bequeathed them by the founders and builders of this Republic.

Very respectfully, JENNIE BUELL, *Secretary.*

EDUCATION OF IMMIGRANTS.

Mr. SMITH of Michigan. I present a communication from the Detroit Board of Commerce, which I ask may be read for the information of the Senate.

There being no objection, the communication was read and ordered to lie on the table, as follows:

DETROIT BOARD OF COMMERCE,
Detroit, Mich., December 14, 1916.

Senator WILLIAM A. SMITH,
Washington, D. C.

DEAR SENATOR SMITH: I have been instructed by the board of directors of the Detroit Board of Commerce to submit to you the following resolution, which was adopted by the board of directors of this board Friday, December 8, 1916:

"Resolved, That the board of directors of the Detroit Board of Commerce urge the Members of Congress from Michigan that everything possible be done to secure an appropriation of $50,000, to be administered through the United States Bureau of Education for the purpose of disseminating information as to the methods, standards, and established practices in the education of immigrants and in stimulating the extension of the necessary education facilities looking to the Americanization of the foreign-born or alien residents of this country."

With kindest regards, I am, very sincerely, yours,

WALTER C. COLE, *Secretary.*

INDIANA STATE SOLDIERS' HOME.

Mr. KERN. I have a letter in the nature of a petition from Mr. Canfield, adjutant of the State Soldiers' Home of Indiana, and also a statement signed by him giving the average age of the members of that institution who were officers in the Civil War. I ask that both be printed in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

INDIANA STATE SOLDIERS' HOME,
Lafayette, Ind., December 8, 1916.

Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

DEAR SIR: I send you herewith a roster of the members of this home who were officers in the Civil War, who, with me, are most anxious for our bill (S. 392, H. R. 386) to be acted upon. We have confidence in our friends being able to pass it if they can only get it to vote.

I have given you the ages on this roster, and you will see the average is 78 years. I also give you some figures showing how little the bill would cost. I take the members here:

	Per month.
Pension	$30.00
Government pays ($100 annually to State)	8.33
State clothes the man	2.67
State subsists man and wife	32.00
Total	73.00

The above is the average cost for the officers who have been forced to go to soldiers' homes. Deduct this amount given us in the officers' bill and see how little it will cost to let us end our days in our own homes.

I hope we have not taken too much of your valuable time, but you will readily see how very serious this matter is to us.

Yours, very respectfully,

H. R. CANFIELD,
Adjutant, Indiana State Soldiers' Home.

DECEMBER 8, 1916.

SIR: We, former officers of the Union Army in the War for the Preservation of the Union, and at this time members of the Indiana State Soldiers' Home at Lafayette, Ind., respectfully ask your best efforts to prompt enactment of the Volunteer officers' retired bill (S. 392, H. R. 386), which has been favorably reported by the Military Committees of both Houses. We will deeply appreciate all you may do for us.

NAME, RANK, REGIMENT, AND AGE.

William W. Angel, first lieutenant Company G, Twelfth Indiana, 80.
James Beeber, captain Company D, Seventy-third Indiana, 76.
Samuel L. Campbell, first lieutenant Company D, One hundred and thirty-fifth Indiana, 76.
Thomas B. Carey, first lieutenant Company F, Seventieth Indiana, 77.
William A. Early, second lieutenant and quartermaster Second Battalion, First Missouri Cavalry, 84.
James Glenn, Captain Company I, One hundred and thirty-fourth United States Infantry, 80.
Alexander Lawrie, captain Company B, One hundred and twenty-first Pennsylvania Infantry, 88.
Elmore T. Montgomery, first lieutenant Company C, One hundred and first Indiana, 75.
Joseph McClellen, first lieutenant Company C, One hundred and twenty-third Indiana, 74.
Leroy Rogers, second lieutenant Company K, Eighty-seventh United States Colored Infantry, 71.
Isaac A. Sheaffer, second lieutenant Company K, Eighteenth Ohio Infantry, 72.

Russell D. Utter, chaplain One hundred and fiftieth Indiana Infantry, 80.
H. R. Canfield, first lieutenant Seventeenth United States Cavalry Troop, 72. (Not member of Indiana State Soldiers' Home.)
Average age, 78.

H. R. CANFIELD,
Adjutant, Indiana State Soldiers' Home.

TORRENS SYSTEM OF LAND TITLES.

Mr. MARTIN of Virginia. Mr. President, I present a copy of a bill providing for the Torrens registration system of land titles, which has been recommended by the American Bar Association. I desire that it be printed as a Senate document. Under the practice here I am willing that it shall go to the Committee on Printing.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

FEDERAL RESERVE BOARD.

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD a statement issued by the Federal Reserve Board on the 27th of November, which as yet has had no official publication anywhere, and which warns the banks of the United States against the investment of their funds, which should be liquid, in the securities of foreign governments, such as treasury bills.

I think this a very important statement; that the effect of it was to essentially place the Federal Reserve Board at the head of the financial affairs of the United States, and permanently to bring about that reform which was intended by legislation. It has had a marked effect in controlling the conduct of banks since that time. For that reason, and because it is an epoch-making document, I should like to have it published in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

In view of contradictory reports which have appeared in the press regarding its attitude toward the purchasing by banks in this country of treasury bills of foreign governments, the board deems it a duty to define its position clearly. In making this statement the board desires to disclaim any intention of discussing the finances or of reflecting upon the financial stability of any nation, but wishes it understood that it seeks to deal only with general principles which affect all alike.

The board does not share the view, frequently expressed of late, that further importations of large amounts of gold must of necessity prove a source of danger or disturbance to this country. That danger, the board believes, will arise only in case the inflowing gold should remain uncontrolled and be permitted to become the basis of undesirable loan expansions and of inflation. There are means, however, of controlling accessions of gold by proper and voluntary cooperation of the banks, or if need be by legislative enactment. An important step in this direction would be the anticipation of the final transfer of reserves contemplated by the Federal reserve act to become effective on November 16, 1917. This date could be advanced to February or March, 1917. Member banks would then be placed on the permanent basis of their reserve requirements and fictitious reserves would then disappear and the banks have a clearer conception of actual reserve and financial conditions. It will then appear that while a large increase in the country's gold holdings has taken place the expansion of loans and deposits has been such that there will not remain any excess of reserves, apart from the important reserve loaning power of the Federal reserve banks.

In these circumstances the board feels that member banks should pursue a policy of keeping themselves liquid; of not loaning down to the legal limit, but of maintaining an excess of reserves—not with reserve agents, where their balances are loaned out and constitute no actual reserve, but in their own vaults or preferably with their Federal reserve banks. The board believes that at this time banks should proceed with much caution in locking up their funds in long-term obligations or in investments, which are short term in form or name, but which, either by contract or through force of curcumstances, may in the aggregate have to be renewed until normal conditions return. The board does not undertake to forecast probabilities or to specify circumstances which may become important factors in determining future conditions. Its concern and responsibility lies primarily with the banking situation. If, however, our banking institutions have to intervene because foreign securities are offered faster than they can be absorbed by investors—that is, their depositors—an element would be introduced into the situation which, if not kept under control, would tend toward instability and ultimate injury to the economic development of this country. The natural absorbing power of the investment market supplies an important regulator of the volume of our sales to foreign countries in excess of the goods that they send us. The form which the most recent borrowing is taking, apart from reference to its intrinsic merits, makes it appear particularly attractive as a banking investment. The board, as a matter of fact, understand that it is expected to place it primarily with banks. In fact, it would appear so attractive that unless a broader and national point of view be adopted individual banks might easily be tempted to invest in it to such an extent that the banking resources of this country employed in this manner might run into many hundreds of millions of dollars. While the loans may be short in form and severally, may be collected at maturity, the object of the borrower must be to attempt to renew them collectively, with the result that the aggregate amount placed here will remain until such time as it may be advantageously converted into a long-term obligation. It would therefore seem as a consequence that liquid funds of our banks, which should be available for short-credit facilities to our merchants, manufacturers, and farmers, would be exposed to the danger of being absorbed for other purposes to a disproportionate degree, especially in view of the fact that many of our banks and trust companies are already carrying substantial amonts of foreign obligations and of acceptances which they are under agreement to renew. The board deems it therefore its duty to caution the member banks that it does not regard it in the interest of the country at this time that they invest in foreign treasury bills of this character.

The board does not consider that it is called upon to advise private investors, but as the United States is fast becoming the banker of foreign countries in all parts of the world it takes occasion to suggest that the investor should receive full and authoritative data, particularly in the case of unsecured loans, in order that he may judge the future intelligently in the light of present conditions and in conjunction with the economic developments of the past.

The United States has now attained a position of wealth and of international financial power which, in the natural course of events, it could not have reached for a generation. We must be careful not to impair this position of strength and independence. While it is true that a slowing down in the process of credit extension may mean some curtailment of our abnormally stimulated export trade to certain countries, we need not fear that our business will fall off precipitately should we become more conservative in the matter of investing in loans, because there are still hundreds of millions of our own and foreign securities held abroad which our investors would be glad to take over, and, moreover, trade can be stimulated in other directions.

In the opinion of the board it is the duty of our banks to remain liquid in order that they may be able to continue to respond to our home requirements, the nature and scope of which none can foresee, and in order that our present economic and financial strength may be maintained when, at the end of the war, we shall wish to do our full share in the work of international reconstruction and development which will then lie ahead of us, and when a clearer understanding of economic conditions as they will then exist will enable this country more safely and intelligently to do its proper part in the financial rehabilitation of the world.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 7434) granting an increase of pension to Volkert V. Van Patten (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7435) granting an increase of pension to Emerson G. Reeves (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7436) for the relief of Morris Busch (with accompanying papers); to the Committee on Claims.

A bill (S. 7437) granting a pension to Charlotte Bloom; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 7438) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State (with accompanying papers); to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 7439) granting a pension to Eliza J. Mosher, widow of Albert A. Mosher (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7440) granting an increase of pension to John A. West (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7441) granting a pension to Minnie H. Wolf (with accompanying papers); and

A bill (S. 7442) granting an increase of pension to Minor A. Foster (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7443) for the relief of Luther Cline; to the Committee on Military Affairs.

A bill (S. 7444) granting an increase of pension to Robert Thomas;

A bill (S. 7445) granting an increase of pension to Mary M. Dalzell; and

A bill (S. 7446) granting an increase of pension to Warren B. Rich; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 7447) to amend section 269 of chapter 231 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. WATSON:

A bill (S. 7448) granting an increase of pension to John R. Snider;

A bill (S. 7449) granting an increase of pension to Hiram L. Watson;

A bill (S. 7450) granting an increase of pension to Harrison Heckard;

A bill (S. 7451) granting an increase of pension to George W. Sparks;

A bill (S. 7452) granting an increase of pension to Albert Edwards;

A bill (S. 7453) granting an increase of pension to David Bruner;

A bill (S. 7454) granting an increase of pension to William Ross;

A bill (S. 7455) granting an increase of pension to Zebidee Baker;

A bill (S. 7456) granting an increase of pension to Arley O. Thomas;

A bill (S. 7457) granting an increase of pension to Hiram Storm;

A bill (S. 7458) granting an increase of pension to John Stoneburner;

A bill (S. 7459) granting a pension to Jessie Pearson;

A bill (S. 7460) granting an increase of pension to John W. Franklin;

A bill (S. 7461) granting an increase of pension to John S. Barton;

A bill (S. 7462) granting an increase of pension to John Hand;

A bill (S. 7463) granting an increase of pension to Conrad Kitts;

A bill (S. 7464) granting an increase of pension to August Fielder;

A bill (S. 7465) granting an increase of pension to Joseph Grubb;

A bill (S. 7466) granting an increase of pension to Elizabeth Baldwin;

A bill (S. 7467) granting a pension to Mary Nidifer;

A bill (S. 7468) granting an increase of pension to Hamilton B. Pate;

A bill (S. 7469) granting an increase of pension to Mary L. Campbell;

A bill (S. 7470) granting an increase of pension to Winfield S. Ramsay; and

A bill (S. 7471) granting a pension to Margaret Quedens; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7472) granting an increase of pension to Charles F. Perry (with accompanying papers);

A bill (S. 7473) granting an increase of pension to Daniel McNutt (with accompanying papers);

A bill (S. 7474) granting an increase of pension to Frederick Clark (with accompanying papers);

A bill (S. 7475) granting an increase of pension to Moses Cottle (with accompanying papers); and

A bill (S. 7476) granting an increase of pension to Joseph E. Reynolds (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Georgia submitted an amendment authorizing the Auditor for the State and Other Departments to credit E. A. Wreidt, disbursing officer of the Commission on Federal Aid to Vocational Education, with the sum of $102 in the final settlement of his accounts, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. WILLIAMS submitted an amendment relative to the enrollment of members of the Choctaw Tribe of Indians of persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898, etc. (H. R. 18453), intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

FLOOD CONTROL.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (H. R. 14777) to provide for control of the floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. The morning business is closed.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 1082.

Mr. GALLINGER. Pending that motion, Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Fletcher	Hollis
Bankhead	Clapp	Gallinger	Hughes
Beckham	Colt	Gore	Husting
Brady	Cummins	Gronna	James
Brandegee	Curtis	Harding	Johnson, S. Dak.
Bryan	Dillingham	Hardwick	Jones
Chamberlain	Fernald	Hitchcock	Kenyon
Kern	Overman	Smith, Ga.	Tillman
Kirby	Page	Smith, Mich.	Townsend
La Follette	Penrose	Smoot	Underwood
Lane	Poindexter	Sterling	Vardaman
McCumber	Saulsbury	Stone	Wadsworth
Martin, Va.	Sheppard	Sutherland	Walsh
Martine, N. J.	Sherman	Swanson	Watson
Nelson	Shields	Thomas	Works
Oliver	Smith, Ariz.	Thompson	

Mr. THOMAS. I desire to announce the absence of my colleague [Mr. SHAFROTH] on account of illness. I will let this announcement stand for the day.

Mr. KIRBY. I desire to announce the absence of my colleague [Mr. ROBINSON], who is detained on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The Senator from Texas moves that the Senate proceed to the consideration of Senate bill 1082.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. GALLINGER. Mr. President, there has been more or less discussion concerning the need of alcohol in scientific laboratories in the United States, and in that connection I beg to present a letter from the Bureau of Chemistry, Department of Agriculture, and ask that it may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the communication, as follows:

DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., December 16, 1916.

Hon. J. H. GALLINGER,
United States Senate.

MY DEAR SENATOR GALLINGER: Replying to your letter of December 14, inquiring whether the Government requires pure alcohol for use in scientific research and investigation in its laboratories, and what effect it would have upon such laboratories should they be prevented by law from securing pure alcohol, I beg to say that the Bureau of Chemistry does require pure alcohol for use in scientific research. If the Bureau of Chemistry were not permitted to use pure alcohol in its scientific research and in its analytical work in connection with the enforcement of the food and drugs act, much of the work now under way would be brought to a standstill. Alcohol is so largely used by chemists that it forms an essential reagent in the preparation of many substances and in the making of many analyses. If it were impossible to use it, and it would be necessary to endeavor to devise new methods of preparation and new methods of analyses for certain methods of preparation, long studies, possibly lasting years, would be required in order to find a substitute. For other methods of preparing certain substances it may be impossible to find a substitute.

In the place of analytical methods in which alcohol is used, entirely new methods would have to be devised, and to do so would require the work of many men extending over a long period. In certain cases it is altogether probable that no satisfactory substitute could be found. In short, to deprive the Bureau of Chemistry of the possibility of using pure alcohol in its work would hamper a great part of the work required by law to be done, and would make some, if indeed not all of it, permanently impossible. The obstacles thus imposed upon the bureau might to some degree be overcome through years of investigation, but even then only partially.

Very truly, yours, C. L. ALSBERG, *Chief.*

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] as modified.

Mr. SMOOT and Mr. UNDERWOOD called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. DU PONT], who is absent. I shall therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH], who I observe is not in his seat. I therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. THOMAS (when Mr. SHAFROTH's name was called). If my colleague [Mr. SHAFROTH] were able to be present, he would vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. RANSDELL] and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague is absent from the city on account of important business, and is paired with the Senator from Minnesota [Mr. CLAPP].

I also desire to say, while I am on my feet, that I am paired with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and will let my vote in the negative stand.

Mr. STERLING (when his name was called). It is understood that my general pair with the Senator from South Carolina [Mr. SMITH] does not extend to this measure or any of the amendments thereto. I therefore vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], who is absent. I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

The roll call was concluded.

Mr. CLAPP (after having voted in the affirmative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I observe that he is absent. I am also advised that if present he would vote "nay." Therefore, being unable to obtain a transfer, I am constrained to withdraw my vote.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Illinois [Mr. LEWIS] and vote "nay." The Senator from Illinois is absent on account of illness.

Mr. CHILTON. I transfer the pair which I announced with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. SMITH] and vote "nay." If the Senator from South Carolina were present he would also vote "nay," as I understand. He is detained from the Senate on account of illness in his family.

Mr. KERN. The following Senators are detained from the Senate on account of illness: The Senator from Illinois [Mr. LEWIS], the Senator from Louisiana [Mr. RANSDELL], the Senator from Louisiana [Mr. BROUSSARD], and the Senator from Tennessee [Mr. LEA].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. LEA]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. GALLINGER. I have voted in the negative, but I have observed that the senior Senator from New York [Mr. O'GORMAN], with whom I have a general pair, has not voted. Therefore I withdraw my vote.

Mr. PENROSE. I did not vote when my name was called because I am paired with the senior Senator from Mississippi [Mr. WILLIAMS], and he being absent I withheld my vote.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

The result was announced—yeas 8, nays 61, as follows:

YEAS—8.

Ashurst	Curtis	Reed	Thompson
Brady	Gronna	Smoot	Works

NAYS—61.

Bankhead	Hitchcock	Martine, N. J.	Smith, Ga.
Beckham	Hollis	Nelson	Smith, Mich.
Borah	Hughes	Newlands	Sterling
Brandegee	Husting	Norris	Stone
Bryan	James	Oliver	Sutherland
Chamberlain	Johnson, Me.	Overman	Swanson
Chilton	Johnson, S. Dak.	Owen	Thomas
Clark	Jones	Page	Townsend
Colt	Kenyon	Phelan	Underwood
Culberson	Kern	Pittman	Vardaman
Cummins	Kirby	Poindexter	Wadsworth
Fernald	La Follette	Pomerene	Walsh
Fletcher	Lee, Md.	Saulsbury	Watson
Gore	Lodge	Sheppard	
Harding	McCumber	Shields	
Hardwick	Martin, Va.	Smith, Ariz.	

NOT VOTING—27.

Broussard	Goff	O'Gorman	Smith, Md.
Catron	Lane	Penrose	Smith, S. C.
Clapp	Lea, Tenn.	Ransdell	Tillman
Dillingham	Lewis	Robinson	Warren
du Pont	Lippitt	Shafroth	Weeks
Fall	McLean	Sherman	Williams
Gallinger	Myers	Simmons	

So Mr. SMOOT's amendment as modified was rejected.

Mr. REED. Mr. President, I move to strike out of the bill the following language appearing in lines 5 to 7 on page 2:

For beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, lines 5, 6, and 7, after the word "liquors," it is proposed to strike out the remainder of the paragraph, which reads:

For beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Mr. REED. Mr. President, I can state the purpose of this amendment in a very few words.

Under the bill as it now stands alcohol can be manufactured within the District of Columbia in unlimited quantities and shipped to any part of the United States, provided there is furnished a certificate that it is not obtained for beverages purposes. Of course, alcohol is never used for beverage purposes, and everybody can sign that certificate. Accordingly, if this bill passes in its present form, alcohol can be manufactured in unlimited quantities within the District of Columbia and sent to every State of the Union. When it arrives there the only limitation is that the man who bought it shall not use it for beverage purposes, but he can use it as a raw material in making any kind of liquor, including whisky.

Now, if we are to make the city of Washington the habitat and city of refuge of distillers who sell liquor all over the United States I think we are acting in a manner which is absolutely inconsistent with the alleged purposes of this bill.

Mr. SHEPPARD. Mr. President, the Senator's fear is entirely unfounded. The sale of the liquor in the various States will be subject to the laws of those States. If it goes into dry States, its use for beverage purposes and sale for beverage purposes will be prevented by law. If it goes into wet States, it is already permitted. Besides, Mr. President, the commissioners keep in constant touch with such institutions in the District. They must secure annual licenses and must show the commissioners that they are acting in good faith and are complying with the spirit and purpose of the law.

Mr. REED. Mr. President, good faith as to what? Good faith as to those things covered by the terms of the bill. What are the terms of the bill? The limitation is that the alcohol shall not be shipped out of the District for beverage purposes. Alcohol, I repeat, is never used for beverage purposes unless it should be by a very limited number of poor creatures who are utterly in the gutter. The limitation, therefore, which the commissioners can consider, or anybody can consider, is the limitation of the law. The limitation of the law is that the alcohol shall not be sent out to be drunk as a beverage.

Mr. SHEPPARD. And a complete record must be kept of the amount shipped out.

Mr. REED. Exactly; and when you have kept the complete record and it shows a million gallons a month, what of it?

Mr. SHEPPARD. Why, the commissioners would be put on notice, and they would make an investigation to see what was becoming of it.

Mr. REED. They would be put on notice to see that it was not used as a beverage; and what does that notice amount to when it never is used as a beverage? But there is no limitation in this law, and the author of this bill knows it, and I want to advise the country that there is no limitation in this law which would prevent the manufacture of millions of gallons of alcohol and sending it to any place where it can be shipped, and there having it employed for any purpose except beverage purposes, which means that it can be used as a raw material and transformed into any kind of drink that men will use as a beverage.

Mr. SHEPPARD. Does the Senator see how large a section of the Republic is under prohibition laws? [Exhibiting map.]

Mr. REED. I will come to the Senator's map in a minute, if he wants to hold it up. The alcohol made in the District, once it is shipped out of the District, can be used to make whisky of, and the whisky can be sold for a beverage, and not a single line of the bill will be violated—not a line. A man can do that and be strictly within the law. Now, if it is the theory of the authors of this bill that liquor is a product that poisons the souls and bodies of men, and if, proceeding upon that theory, they propose to prohibit its use within the District of Columbia, they ought not to provide that the District shall be kept as a place where the raw materials can be manufactured that will destroy men and women in other States.

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. I am really very much pleased to see the Senator's solicitude about the effect of liquor manufactured in the District of Columbia on the human system. Now, would the Senator like the bill better if we should prohibit the manufacture of alcohol in the city of Washington altogether?

Mr. REED. Yes.

Mr. VARDAMAN. Will the Senator vote for it with that provision in it?

Mr. REED. I will vote for that provision.

Mr. VARDAMAN. Will the Senator vote for a bill to stop the manufacture of alcohol?

Mr. REED. If you will amend the bill in other particulars, I will.

Mr. VARDAMAN. I should like to have the Senator indicate to me, because I should like to have his support for this bill, how he would like the bill modified. If he wants to promote temperance by prohibition, let us fix it to suit the Senator.

Mr. MARTINE of New Jersey. You can not do it by prohibition. Intemperance has never been stopped by prohibition.

Mr. VARDAMAN. If the Senator will pardon me, I am talking about the Senator from Missouri now, and not the Senator from New Jersey.

Mr. MARTINE of New Jersey. I know you are. Well, you are talking of me, too. [Laughter.]

Mr. VARDAMAN. No; I am not.

Mr. MARTINE of New Jersey. That is what I think about it, at any rate.

Mr. REED. Mr. President, one thing at a time. In order that this matter may be fully understood, it will be noticed that the first section of the bill provides:

That no person, * * * company, etc., shall, in the District of Columbia, manufacture for sale or gift, import for sale, sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia or exchange for goods or merchandise, or solicit or receive orders for the purchase of, any alcoholic or other prohibited liquors—

Now, thus far there is an absolute prohibition, but notice the limitation contained in the succeeding language—

for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

The qualifying words, then, make the section mean this—that you can manufacture liquor within the District of Columbia and can send it anywhere in the world, provided it is not there used for beverage purposes. The protection against manufacturing and selling for other than beverage purposes is merely the certificate of the purchaser that he does not intend to use the liquor for beverage purposes, and the supervisory power of the commissioners to see that the liquor is not used for beverage purposes. Now, that might constitute some limitation upon the manufacture of wine, which can be used as a beverage, or upon the manufacture of whisky, which can be used as a beverage, but it constitutes no limitation upon the manufacture of alcohol, which is not used as a beverage.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. REED. Let me conclude my sentence. Accordingly, I repeat, a man who is here now or an institution that may hereafter come within the District of Columbia, can set up an alcohol distillery of unlimited capacity, and can sell alcohol in any State of the Union where it can find a purchaser, because it does not go there to be used as a beverage. Alcohol is always a raw material, and it is that raw material from which whiskey is produced; and under this bill, with these words of limitation in it there could be manufactured in this District enough alcohol to supply the raw material to make every gallon of whisky that is consumed in the United States, and there is nothing in the bill to prevent that sort of abuse.

Mr. VARDAMAN. Mr. President, will the Senator yield to me now?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. Does the Senator hold that if the letter of the law and the spirit of the law should be carried out alcohol could be bought under this bill for the manufacture of liquor to be used for beverage purposes?

Mr. REED. Undoubtedly. It is a mere raw material going into liquor.

Mr. VARDAMAN. The language is:

Any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Mr. REED. Exactly.

Mr. VARDAMAN. It seems to me, Mr. President, if the Senator will pardon me, that that clearly prohibits the use of this alcohol for the manufacture of something that is a beverage.

Mr. REED. Oh, no.

Mr. VARDAMAN. I do not think there is any question about it.

Mr. REED. The law would be strictly construed. This alcohol, once it is made and shipped from the District of Columbia, can be employed in manufacturing other products. Alcohol is a large constituent in a vast number of things, including bay rum, witch-hazel, and tens of thousands of things. Among other things, it is a raw material from which whisky is made. It is a raw material that enters into cordials that are used at the table. It is a large constituent element of such cordials as crême de menthe, and other similar cordials. It is a raw material and can be sold and used as a raw material under this bill; and, being a raw material, it can thereafter be transformed into another material, and that material sold and drank in any part of the country, unless the local laws make it impossible so to sell it.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Yes; certainly.

Mr. SHEPPARD. Under the Senator's amendment, alcoholic liquors could not be shipped into the District of Columbia for medicinal purposes?

Mr. REED. No. The language is "export, ship out of the District of Columbia, or exchange for goods or merchandise."

Mr. SHEPPARD. The words "import for sale" occur in line 1 of page 2.

Mr. REED. Yes.

Mr. SHEPPARD. You prevent its importation for sale for any purpose whatever.

Mr. REED. If there is a necessity to put in another word, we can put it in.

The author of this bill will not deny that it is his purpose to permit the present distillers of the District of Columbia to continue to distill their alcohol and sell it all over the United States wherever they can sell it, subject only to a limitation which is not a limitation at all, namely, that it shall not be sold for beverage purposes.

Mr. SHEPPARD. The Senator ought to add, subject also to the laws of the States.

Mr. REED. I said wherever it could be sold.

Mr. SHEPPARD. It could only be sold in a very small section of the country [handing map].

Mr. REED. I do not care anything about your map. I have seen these black-and-white maps ad nauseum. They generally are misleading. Liquor can be sold to-day in that part of the United States which contains fully one-half of the population of the United States. The mountains of Montana make a big picture on a map, but there are not many people who live in those mountains, and so of the rest of the white portion of the map.

But that is only dodging. If this thing is wrong, it is wrong. If it is an evil, it is an evil. If it ought to be suppressed by the Federal Government, then it is no excuse to say that the sale outside of the District will be limited because other people have passed prohibitory laws. That is the Government of the United States writing into its laws, under the leadership of the distinguished Senator from Texas, something like this: "The liquor business is declared to be an iniquitous business, destroying the souls and bodies of men, but we propose to allow all of it to be made in the District of Columbia that anybody wants to make, provided he only poisons the people of certain parts of the United States."

You can not draw the red lines of a map around a moral question. If this evil is of the character the Senator complains, if it is wrong to sell liquor to the people of the District, it is equally wrong and wicked to provide a place in the District of Columbia where liquors can be made to be administered to the unfortunates of other States.

The truth is, and everybody ought to know it by this time, that it is proposed to protect Mr. Corby and other gentlemen possibly who may have large sums of money invested in the production of alcohol. If we are to admit the doctrine that because a business is established and a large sum of money invested in it therefore we are not to touch with the finger of the law any such interests, every brewery in the United States would be excepted, every saloon, every hotel bar.

Certainly, the author of this bill can not take that ground. Here are two institutions in the District of Columbia. One is a brewery and makes beer; the other is a distillery and makes alcohol. Pass this law and the distiller will run on at full blast. The worms of his still will continue to turn out every day many gallons of alcohol. The brewery will be stopped.

Now, between the two classes of drinks, alcohol and its immediate products, and beer, every student of the question of temperance knows that the alcoholic liquor, speaking now in the sense of what we call hard drinks, whisky, brandies, and so forth, is much more destructive than the milder thing we call beer.

If the Senator proposed to allow alcohol to be manufactured in this District and proposed that all of it should be denatured, I would not say a word, because then it would be limited by virtue of its quality to mechanical purposes. But he does not intend to do that. He intends to except Mr. Corby and similar gentlemen so that their business shall not be interfered with, while all the other business is.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Missouri.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. I ask to have the amendment stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 2, lines 5, 6, and 7, it is proposed to strike out the words "for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes," so that if amended it will read:

Export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of any alcoholic or other prohibited liquors.

Mr. LODGE. Striking out the last three lines?

The PRESIDENT pro tempore. The last three lines.

Mr. BORAH. Did the Senator from Missouri observe the reading of the amendment as stated from the desk? Is that the way he offered it?

Mr. LODGE. It is to strike out the last three lines.

Mr. BORAH. Is that the amendment of the Senator?

Mr. REED. Yes; I strike out the words of limitation so that the bill stands as an absolute prohibition of the manufacture within this District to be shipped elsewhere.

Mr. SHEPPARD. Or the importation into the District from outside for any purpose.

Mr. LODGE. For any purpose whatever?

Mr. SHEPPARD. For any purpose whatever—sacramental, medicinal, or other.

Mr. REED. The purpose of the amendment is to stop the shipping out of the District.

Mr. BORAH. That is the reason why I asked the Senator about his amendment. I am willing to stop shipping out of the District.

Mr. REED. If the Senate will bear with me for a minute, I will perfect the amendment so as to limit it to that language.

Mr. POINDEXTER. I suggest that we proceed with the consideration of the bill and that the Senator from Missouri reserve his amendment until a later time and reoffer it.

Mr. REED. I have no objection to that course. I will let the amendment lie on the table for the present.

The PRESIDENT pro tempore. The Senator from Missouri withdraws his amendment?

Mr. REED. I will withdraw it for the present and offer it in a few moments.

Mr. GRONNA. I offer the following amendment: On page 2, line 1, after the word "sale," I move to insert the words "or gift." I call the attention of the Senator from Texas to my amendment, and I trust that he will accept it so far as he is able to do so.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 1, after the words "import for sale" insert the words "or gift," so as to read:

Import for sale or gift.

Mr. SHEPPARD. I accept the amendment.

The PRESIDENT pro tempore. The amendment being offered to the bill while it is pending, the Chair understands he will have to put the question. The question is on the amendment of the Senator from North Dakota.

The amendment was agreed to.

Mr. UNDERWOOD. Has the Senator from Texas finished perfecting the bill?

Mr. SHEPPARD. I have offered all the amendments I intend to offer for the present.

Mr. UNDERWOOD. Mr. President, I present a substitute for the bill. A part that I have prepared has been printed. I have had to change the substitute as printed to conform to the amendments agreed to by the Senate on Saturday. The way the amendment reads now, the first 10 paragraphs are the same as the amendment I offered some time ago for a referendum and the last 4 paragraphs are the same as the printed form that I offered. The other portions of the substitute I offer conform identically with the bill as perfected by the Senator from Texas on Saturday evening. I send it to the desk and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary proceeded to read the amendment of Mr. UNDERWOOD, which was to strike out all after the enacting clause and to insert a substitute.

Mr. SHEPPARD. I wish to ask the Senator from Alabama if he considers it necessary to have the remainder of the amendment read, inasmuch as it is in the same terms as the bill as amended to-day?

Mr. UNDERWOOD. I have cut out the language of the bill as submitted by the Senator from Texas and inserted it in place of the other, except that I have renumbered and cross-numbered the sections.

Of course, I have no objection to the Senator's suggestion, and if the Senator desires it, I should be very glad to have the Secretary resume the reading of the amendment at section 35, which is the new part of the amendment, which relates to the referendum and not to the Sheppard bill.

The PRESIDENT pro tempore. Without objection, the Secretary will resume the reading with the section indicated.

The Secretary resumed and concluded the reading of the amendment.

Mr. UNDERWOOD. Mr. President, I desire to ask the Secretary to make an amendment on page 23, line 2, after the figure "$3," by inserting the words "per diem each," so that it will read:

That the managers, clerks, returning officers, and registrars shall be entitled to $3 each per diem for their services in conducting the said election.

The PRESIDENT pro tempore. The Chair understands the Senator from Alabama has a right to modify his amendment.

Mr. GALLINGER. Mr. President, perhaps the modification of the amendment had better be stated.

The SECRETARY. In section 37 of the amendment, on page 23, line 2, after the numeral "$3," it is proposed to insert the words "per diem each," so as to read:

That the managers, clerks, returning officers, and registrars shall be entitled to $3 per diem each.

Mr. GALLINGER. Mr. President, I observe that there is a provision in the amendment that the expenses of the referendum shall be paid from the treasury of the District of Columbia. If under the organic act Congress had dealt as it was intended it should, there would have been no money whatever in the treasury of the District of Columbia. There is more or less there now; but we are operating under the half-and-half principle. I would suggest to the Senator from Alabama that, as it is recognized that the Government has a partnership in this District and it is claimed that it owns half the property—though I think that is an exaggeration—the language should be "one-half from the revenues of the District and one-half from the Treasury of the United States from any money not otherwise appropriated."

Mr. UNDERWOOD. Mr. President, the question is not material to me. I really am not concerned in which way the expenses are paid, except that I think this is purely a local question, and we are trying to give the people of the District themselves an opportunity to vote on a matter in which they are concerned. I do not, therefore, see any reason why they should not pay for the election if they are going to vote.

Mr. GALLINGER. I will not urge it; but, after all, it has been universally recognized that the Government has an equal interest in this District with the people of the District.

Mr. UNDERWOOD. Under ordinary circumstances I would concur in what the Senator from New Hampshire has said, and I have always voted along that line; but as this is a purely local matter I shall leave it in this way.

Mr. GALLINGER. I will leave it there, too. I simply wanted to call the Senator's attention to the fact that I have stated.

The PRESIDENT pro tempore. The amendment of the Senator from Alabama will be modified as suggested by him.

The amendment of Mr. UNDERWOOD as modified is to strike out all after the enacting clause of the bill and to insert the following:

That upon the application of 25 per cent of the male taxpayers over 21 years of age, resident citizens of the District of Columbia, by petition in writing signed in person by such resident citizens, addressed to and filed with the Commissioners of the District of Columbia, asking that an election be held in such District for the purpose of submitting to the qualified voters thereof the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed therein, they shall within 30 days after the presentation of such petition order an election to be held in such District within 40 days from the time of making such order to determine the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed in compliance with existing law, or whether the sale of spirituous, vinous, or malt liquors within the District of Columbia shall be prohibited under the terms prescribed in this act.

SEC. 2. That all male resident citizens of the District of Columbia who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been residents of the District of Columbia and the voting precinct in which they reside for more than one year prior to the date of the holding of said election, shall constitute the qualified voters at said election. The managers of the said election shall be the sole judges of the qualifications of the voters.

SEC. 3. That notice of such election shall be published for 20 days preceding the election in some newspaper published in said District. The Commissioners of the District of Columbia shall provide for and give the publication and notice required in this section, and shall divide the District of Columbia into convenient precincts and prescribe

the voting places in said precincts, and give notice of the boundaries of said precincts and of the voting places at the time the notice is given of the holding of said election.

SEC. 4. That the Commissioners of the District of Columbia shall, within 10 days after the election is so ordered, appoint three managers, two clerks, and one returning officer for each precinct or voting place in said District to manage, conduct, and make returns of said election. Such managers, clerks, and returning officers so appointed shall, so far as practicable, be equally divided between those who favor and those who oppose the licensing of the manufacture and sale of said liquors.

SEC. 5. That as soon as practicable after the appointment of such managers, clerks, and returning officers for said election the commissioners shall notify each of them, in writing, of his appointment. Before opening the polls the managers, clerks, and returning officers appointed to conduct the election shall take an oath to support the Constitution of the United States and to faithfully perform their duties as officers of the election.

SEC. 6. That in the elections authorized under this act, submitting the question of licensing the manufacture and sale of liquors, the issue shall be, first, whether or not such manufacture and sale shall be permitted under existing law, or, second, whether such manufacture and sale of said liquors shall be prohibited under the terms prescribed in this act. The ballot issued in said election shall have printed thereon such phraseology as will enable each voter to express intelligently and clearly his choice on the issue to be voted upon by making a cross mark opposite to certain of the phrases so printed on the ballot, and the choice of the voter shall be so expressed. No ballot or vote shall be rejected or the count thereof refused for any failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter as to such of the issues submitetd in the election as he attempts to vote upon. The purpose hereof is to provide for the determination of the issues indicated by a majority vote at the elections hereby authorized, and not to deprive any voter of his vote merely because of any technical inaccuracy or informality in his ballot.

SEC. 7. That the commissioners shall prepare and provide the necessary ballots, poll list, tally sheets, return sheets, instructions for holding the election, ballot boxes, voting booths, and other stationery or material necessary for the proper holding of the election, and the commissioners shall see that the same are delivered to one of the managers of each election precinct or voting place before the day of election. That the Commissioners of the District of Columbia are authorized and directed to appoint a registrar, or registrars, in each election precinct, whose duty it shall be to register the qualified voters of said precincts at such time and place and in such manner as may be prescribed by the Commissioners of the District of Columbia, and the said commissioners are hereby authorized to make such other rules and regulations and issue such orders as may be necessary in their discretion for the management of and the fair and orderly conduct of the said election.

SEC. 8. That immediately after the polls are closed the managers shall duly ascertain the result of the election at their respective voting places and make a certificate thereof, and also a copy of said certificate, and deliver the original certificate and ballot box containing the returns so made, together with the ballots, poll list, tally sheets, and other necessary papers to the returning officer for said polling place, who shall deliver the same to the commissioners at their office on or before noon of the second day after the election, and at the time of the delivery of said documents to the said returning officer, the managers shall post a copy of their said certificate at the voting place.

SEC. 9. That said commissioners shall, in open session five days after the election, canvass the returns so made, and under oath make a written declaration of the result of the election, showing the number of votes cast at each voting place for licensing the manufacture and sale of said liquors and the number of votes cast against licensing the manufacture and sale of said liquors. Said report shall be filed and recorded at once in the office of said commissioners and published in a newspaper published in the District of Columbia.

SEC. 10. That if in any election held under the authority of this act a majority of legal votes cast in said election shall be for the licensing the manufacture and sale of said liquors, thereafter the manufacture and sale of said liquors shall continue under the law as it exists in the District of Columbia at the time of the passage of this act, subject to any modifications that may be subsequently made by the Congress of the United States, but if in any election held under the authority of this act a majority of legal votes cast in said election shall be for the prohibition of the manufacture and sale of said liquors in the District of Columbia then sections 11 to 34, both inclusive, of this act shall become operative and remain in effect until a subsequent election held for the purpose of determining whether or not the licensed manufacture and sale of said liquors shall be permitted in the District of Columbia changes the result.

SEC. 11. That on and after 30 days after the Commissioners of the District of Columbia shall declare that a majority of the qualified voters of the District of Columbia have voted in favor of the prohibition of the manufacture and sale of spirituous, vinous, or malt liquors under the terms of this act no person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, directly or indirectly, shall, in the District of Columbia, manufacture for sale or gift, import for sale, sell, offer for sale, keep for sale, traffic in, barter, export, ship out of the District of Columbia, or exchange for goods or merchandise, or solicit or receive orders for the purchase of, any alcoholic or other prohibited liquors for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes.

Wherever the term "alcoholic liquors" is used in this act it shall be deemed to include whisky, brandy, rum, gin, wine, ale, porter, beer, cordials, hard or fermented cider, alcoholic bitters, ethyl alcohol, all malt liquors, and all other alcoholic liquors.

That any person or persons, or any house, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, who shall directly or indirectly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 nor more than $1,000, and shall be imprisoned in the District Jail or workhouse for a period of not less than 30 days nor more than 1 year for each offense.

SEC. 12. That the provisions of this act shall not be construed to prevent the manufacture, importation, exportation, or sale of denatured or of methyl alcohol, or of ethyl alcohol, for scientific, medicinal, pharmaceutical, or mechanical purposes, nor to prevent the sale of alcoholic or other prohibited liquors by druggists for medicinal purposes on prescriptions of physicians under the regulations set out in section 14 of this act: *Provided*, That the manufacture and sale of ethyl alcohol or of alcoholic liquors for sacramental purposes within the District of Columbia shall be restricted to manufacturers and druggists licensed, respectively, to make and sell such alcohol and alcoholic or other prohibited liquors, as hereinafter provided, for scientific, mechanical, pharmaceutical, medicinal, or sacramental purposes only.

SEC. 13. All railroad, steamboat, or other boat companies, express and transportation companies of any kind, which shall in any manner at any time transport intoxicating liquors into the District, are hereby required to keep a record, alphabetically arranged, in which shall be entered immediately upon receipt thereof the name of every person shipping or to whom intoxicating liquors are shipped, the amount and kind of liquor, the date of delivery, by whom and to whom delivered, and the affidavit of the person receiving the liquor as provided herein. After this record is made and before delivery it shall be signed by the consignee. The book shall be open to the inspection of any person during the business hours of the company. Such books or a copy of such records, attested by an officer of the company or verified by affidavit, shall be admissible as evidence in any court and shall be prima facie evidence of the fact therein stated in any trial or proceeding for the enforcement of the provisions of this act.

An employee or agent of any express company, railroad company, steamboat company, or transportation company charged with the duty of keeping such record who shall fail to keep such record shall be guilty of a misdemeanor.

Any railroad company, express company, steamboat company, or transportation company who shall not require some one of its employees to keep such record shall be fined not less than $25 nor more than $100 for every day or portion thereof during which such failure shall continue.

No railroad or other transportation company shall receive a package of liquor to be shipped or carried into the District without having attached to it the affidavit of the consignee stating the amount of the liquors, the kinds of liquors ordered, and that it is not purchased for, nor will such liquors be used by the consignee for, an illegal purpose.

SEC. 14. That regularly licensed and registered druggists or pharmacists in the District of Columbia shall not sell alcoholic or other prohibited liquors nor compound nor mix any composition thereof, nor sell any malt extract or other proprietary medicines containing alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient requires such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filied more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the Commissioners of the District of Columbia or the courts when required, and shall also contain a statement of the kind and amount of alcoholic and other prohibited liquors on hand when this act shall go into effect, and thereafter such druggist or pharmacist shall, on the order of the court or the Commissioners of the District, make a statement of the amount of intoxicating liquor sold or used in any manner since the last statement and the amount on hand at the date when such court or commissioners require such statement: *Provided*, That ethyl alcohol may be sold without a physician's prescription for mechanical, medicinal, pharmaceutical, or scientific purposes by registered and licensed druggists or pharmacists, or by licensed manufacturers, each and all of whom shall keep a book for the purpose of registering such sales in a similar manner and form as required for the sale of other alcoholic and other prohibited liquors by the provisions of this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not less than $50 nor more than $300, and in default of the payment of such fine shall be imprisoned in the jail or workhouse of said District not more than six months.

Any druggist or pharmacist who shall sell or dispense any alcoholic or other prohibited liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this act, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in section 11 of this act. Upon a second conviction for said offense, in addition to the penalties prescribed in said section 11, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue license to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any alcoholic or other prohibited liquor except for treatment of disease, which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500, and in default of payment of said fine shall be imprisoned in the District jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

SEC. 15. That when any minister, pastor, or priest of a religious congregation or church desires wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the Commissioners of the District of Columbia for a permit, stating the amount desired, for what period, and for what purpose, and said commissioners, if satisfied of the good faith of the application, shall grant a written permit to the applicant permitting the shipment to him, or the purchase by him, of such amount as is shown to be reasonably necessary, which amount shall be stated in the permit, together with the purpose for which it is to be used and the period to be covered by such use; the amount of wine permitted to be shipped or purchased under one permit shall not exceed 5 gallons, and the said permit shall be attached to the outside of the package by the shipper and remain so attached until delivered to the consignee, when it shall be canceled by the carrier. Said permit shall be void after 20 days, and shall not be used for more than one shipment.

SEC. 16. Any person, company, or corporation desiring to manufacture alcoholic or other prohibited liquors for the purposes permitted in this act shall on or before the 1st day of November of each year obtain a license from the Commissioners of the District of Columbia for the year beginning November 1 upon the payment of $100, which money shall be deposited with other license funds of the District. Druggists, wholesale or retail, desiring to sell alcoholic or other prohibited liquors for the purposes permitted in this act shall obtain a license in the same way for the same period, the fee for wholesale druggists being $25, for retail druggists $10. The commissioners shall have power to refuse or revoke all licenses referred to in this section if doubtful of the good faith of the licensee and his intention to comply with this act. Manufacturers licensed according to this section shall sell alcoholic and other prohibited liquors within the District of Columbia to druggists, hospitals, and scientific laboratories only, and only to such druggists as are licensed under the terms of this section. No others than druggists and manufacturers licensed according to this section may manufacture or sell alcoholic and other prohibited liquors in the District of Columbia, and these only for the purposes permitted by this act. Violations of this section shall be punished by fine of not less than $300 nor more than $1,000, and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 1 year: *Provided*, That nothing in this act shall prevent any executive department or other establishment of the United States Government from purchasing or importing into the District of Columbia, free of tax and for its own uses, denatured, methyl, or ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes.

SEC. 17. That every licensed manufacturer of alcoholic liquor not herein prohibited shall keep a permanent record of all sales and shipments of alcoholic liquor. Such record shall set forth the following information: The name of the consignee or purchaser, the quantity of liquor, the express company or other carrier by which such liquor was shipped, the date of sale or shipment, and the purpose of the purchase as set forth in the affidavit accompanying the order. Each common or special carrier of alcoholic liquors within the District shall keep a record as above provided, and a certified copy of such record with a copy of the affidavits shall be filed with the District Commissioners not later than the fifth day of each month for the calendar month preceding. No shipment of alcoholic liquors shall be made until the purchaser signs an affidavit that such alcoholic liquors are not purchased for nor will such liquors be used or sold by the consignee for beverage purposes. The District Commissioners shall keep a public record of such sales, shipments, and affidavits alphabetically arranged. Copies of the affidavit shall be attached permanently at the end of the record of each shipment or sale, and to each package containing liquor until delivered to the consignee. Any violation of this section shall be deemed a misdemeanor and be subject to the same penalties as provided in section 11 of this act.

SEC. 18. That it shall be unlawful for any common or other carrier, express company, or any person to deliver to any person, company, corporation, club, or association or order, his, or its agents, clerks, or employees, any liquors in the District of Columbia, knowing the same to be such, and in the case of shipments of liquors for purposes not prohibited it shall be unlawful to bring the same into the District of Columbia, or to deliver the same therein, in original packages or otherwise, on any Sunday or on any other day before 6 o'clock a. m. and after 5 o'clock p. m. Any common or other carrier, express company, or any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 or more than $500, or be confined in the District jail or workhouse not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court.

SEC. 19. That every person who shall directly or indirectly keep or maintain by himself or by associating with others, or who shall in any manner aid, assist, or abet in keeping or maintaining any clubhouse, or other place in which any alcoholic liquor is received or kept for the purpose of gift, barter, or sale, or for distribution or division among the members of any club or association by any means whatsoever, or who shall maintain what is commonly known as the "locker system" or other device for evading the provisions of this act, and every person who shall use, barter, sell, or assist or abet in bartering, selling any liquors so received or kept, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 11 of this act; and in all cases the members, shareholders, associates, or employees in any club or association mentioned in this section shall be competent witnesses to prove any violations of the provisions of this section of this act, or of any fact tending thereto; and no person shall be excused from testifying as to any offense committed by another against any of the provisions of this act by reason of his testimony tending to criminate himself, but the testimony given by such person shall in no case be used against him.

SEC. 20. The keeping or giving away of alcoholic or other prohibited liquors for the purpose of evading the provisions of this act shall be deemed an unlawful selling, subject to the penalties provided in section 11 of this act.

SEC. 21. That if any person shall advertise or give notice by signs, billboards, newspapers, periodicals, or otherwise for himself or another the manufacture, offering for sale, or keeping for sale of alcoholic or other prohibited liquors for purposes forbidden or prohibited under this act, or shall circulate or distribute any price list, circulars, or order blanks advertising such liquors, or publish or distribute any newspaper, magazine, periodical, or other written or printed paper in which such advertisements of liquors appear, or shall permit to be posted upon his premises, or premises under his control (including billboards) or shall permit the same to so remain upon such premises, he shall be guilty of a misdemeanor and be fined not less than $100 nor more than $500.

SEC. 22. That if one or more persons who are competent to witness shall charge, on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, presenting that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this act by manufacturing, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing alcoholic liquor, shall request said corporation counsel or any of his assistants duly authorized to act for him to issue a warrant, said attorney or any of his assistants shall issue such warrant, in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him to at once thoroughly search said described room, house, building, or other place, and the appurtenances thereof, and if any such be found, to take into his possession and safely keep, to be produced as evidence when required, all alcoholic liquors and all the means of dispensing the same, also all the paraphernalia or part of the paraphernalia of a barroom or other alcoholic-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of alcoholic liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such alcoholic liquor or the means for dispensing the same, or the paraphernalia of a barroom or other alcoholic-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of alcoholic liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of this act.

SEC. 23. That any person who shall, in the District of Columbia, in any street, or public or private road, alley, or in any public place or building or in or upon any street car, any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any alcoholic liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

SEC. 24. The payment of the special tax required of wholesale or retail liquor dealers by the United States by any person or persons other than manufacturers or druggists licensed under section 16 of this act, within the District of Columbia, shall be prima facie evidence that such person or persons are engaged in keeping and selling, offering and exposing for sale alcoholic liquors contrary to the provisions of this act, and a certificate from the collector of internal revenue, his agents, clerks, or deputies showing the payment of such tax, and the name or names of persons to whom issued, and the names of the person or persons, if any, associated with the person to whom such tax receipt is issued, shall be sufficient evidence of the payment of such tax and of the association of such persons for the selling and keeping, offering and exposing for sale of liquors contrary to the provisions of this act in all trials or legal inquiries.

SEC. 25. All houses, boathouses, buildings, clubrooms, and places of every description, including drug stores, where alcoholic liquors are manufactured, sold, vended, or furnished contrary to law (including those in which clubs, orders, or associations sell, barter, distribute, or dispense intoxicating liquors to their members, by any means or device whatever, as provided in section 20 of this act) shall be held, taken, and deemed common and public nuisances. And any person who shall maintain, or shall aid or abet, or knowingly be associated with others in maintaining such common and public nuisance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties prescribed in section 11 of this act, and judgment shall be given that such house, building, or other place, or any room therein, be abated or closed up as a place for the sale or keeping of such liquor contrary to law, as the court may determine.

SEC. 26. The United States district attorney for the District of Columbia, or any citizen of the District of Columbia, may maintain an action in equity in the name of the United States to abate and perpetually enjoin such a nuisance as defined in the preceding section. The injunction shall be granted at the commencement of the action, and no bond shall be required. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt by a fine of not less than $100 nor more than $500 and by imprisonment in the District jail or workhouse for not less than 30 days nor more than 6 months, in the discretion of the court.

SEC. 27. That when any violation of this act is threatened, or shall have occurred, or is occurring, the doing of, or the continuance or repetition of the unlawful act, or any of like kind by the offending party may be prevented by a writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances; in like manner the writ of injunction may be employed to compel obedience to any provision of this act.

SEC. 28. If a tenant of a building or tenement uses such premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which he holds, and shall cause the right of possession to revert to the owner or lessor, who may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided for the forcible detention thereof.

SEC. 29. Anyone who knowingly permits any building owned or leased by him or under his control, or any part thereof, to be used in maintaining a common nuisance hereinbefore described in section 26 of this act, after being notified in writing of such use, neglects to take all reasonable measures to eject therefrom the person so using the same, shall be deemed guilty of assisting in maintaining such nuisance.

SEC. 30. That no property rights of any kind shall exist in alcoholic liquors or beverages illegally manufactured, received, possessed, or stored under this act, and in all such cases the liquors are forfeited to the District of Columbia and may be searched for and seized and ordered to be destroyed by the court after a conviction when such liquors have been seized for use as evidence, or upon satisfactory evidence to the court presented by the corporation counsel that such liquors are contraband.

SEC. 31. Every wife, child, parent, guardian, or employer, or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, such wife, child, parent, or guardian shall have a right of action, in his or her own name, against any person who shall, by selling or bartering intoxicating liquors, have caused the intoxication of such person, for all damages actually sustained, as well as for exemplary damages; and a married woman shall have the right to bring suit, prosecute, and control the same, and the amount recovered the same as if unmarried; and all damages recovered by a minor under this act shall be paid either to such minor or to his or her parents, guardian, or next friend, as the court shall direct.

SEC. 32. If any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, and while in charge of or operating any automobile or horse vehicle in the District of Columbia shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than $25 nor more than $300, and in default in payment of said fine shall be imprisoned in the District Jail or workhouse for not exceeding three months, or both fine and imprisonment, in the discretion of the court.

SEC. 33. It shall be the duty of the Commissioners of the District of Columbia to enforce the provisions of this act. They shall detail qualified members of the police force to detect violations of the act, if any, and to report promptly all knowledge or information they may have concerning such violations, together with the names of any witnesses by whom they may be proven to the corporation counsel; but it shall be the duty of all members of the police force to detect violations of the act and to promptly report any information or knowledge concerning the same to the corporation counsel, together with the names of witnesses, by whom such violations may be proven; and the corporation counsel shall bring such alleged violators of the law to trial with all due diligence.

If any such officer shall fail to comply with the provisions of this section, he shall upon conviction be fined in any sum not less than $100 nor more than $500; and such conviction shall be a forfeiture of the office held by such person, and the court before whom such conviction is had shall, in addition to imposition of the fine aforesaid, order and adjudge the forfeiture of his said office. For a failure or neglect of official duty in the enforcement of this act any official herein referred to may be removed by court action.

SEC. 34. That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

When, however, it appears to the Commissioners of the District of Columbia that it will be in the interest of more effective enforcement of the provisions of this act, they may request the United States district attorney for the District of Columbia to prosecute persons charged with offenses against the law, and when so requested by said commissioners the said district attorney shall proceed before the grand jury and in the Supreme Court of the District of Columbia to prosecute such offenders in manner now prescribed by law for the prosecution of persons charged with violations of the laws against crime in the District of Columbia.

SEC. 35. That if for any reason any section, paragraph, provision, clause, or part of this act shall be held unconstitutional or invalid, that fact shall not effect or destroy any other section, paragraph, provision, clause, or part of the act not in and of itself invalid, but the remaining parts of sections shall be enforced without regard to that so invalidated.

SEC. 36. That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and words of the masculine gender shall be deemed to include the feminine, as the case may be.

SEC. 37. That sections 11 to 34, both inclusive, of this act when put in operation by a vote of the qualified electors of the District shall remain in force until the Commissioners of the District shall declare that the majority of the qualified voters of said District have voted in favor of the licensed sale of spirituous, vinous, or malt liquors in said District, when said sections shall cease to be operative unless they are put into force and effect by a subsequent vote of said electors.

SEC. 38. That when an election has been held under the provisions of this act, subsequent elections may be petitioned for and held hereunder, but not sooner than three years from the date of the last preceding election.

SEC. 39. That the managers, clerks, returning officers, and registrars shall be entitled to $3 per diem each for their services in conducting the said election. The expenses and all claims arising under the provisions of this act shall be paid out of the District treasury, on proper proof, from money in the Treasury not specially otherwise appropriated.

SEC. 40. That any manager, clerk, returning officer, or registrar, or any voter or other person, who is guilty of misconduct, fraud, or corruption in the performance of any duty required of him under the provisions of this act or in the exercise of his right to vote, or in connection with the lawful holding of said election, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or shall be imprisoned in the District Jail or workhouse for a period of not more than one year, or both, in the discretion of the court.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. Is the Senator from Alabama desirous of discussing his amendment at this time?

Mr. UNDERWOOD. I did propose to do so.

Mr. BORAH. I have an amendment to offer to his amendment, but I would just as soon offer it after the Senator gets through with the discussion as to offer it now.

Mr. UNDERWOOD. I will say to the Senator from Idaho that, so far as the portion of my amendment for a referendum is concerned, I have no pride of opinion about it. If any Senator can offer an amendment which will make it more reasonable in its terms or can insure a fairer election than can be secured under the terms which I have offered, I shall be glad to accept such amendment. I have no desire to fight such a proposition. I am only striving to give the people of the District of Columbia an opportunity to vote on this question. I am prepared to agree to any proposition that will safeguard the election. I think the proposals which I make do safeguard the election, but if they can be perfected I have no fight to make on such a proposition.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. UNDERWOOD. I do.

Mr. THOMAS. Mr. President, discussion on this amendment, I think, is very necessary to a proper understanding of the question. The question itself is one of prime importance and I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Husting	Norris	Smith, Mich.
Beckham	James	Oliver	Smoot
Borah	Johnson, Me.	Overman	Sterling
Brady	Jones	Page	Swanson
Catron	Kenyon	Penrose	Thomas
Chamberlain	Kern	Phelan	Thompson
Chilton	Kirby	Pittman	Tillman
Colt	Lane	Poindexter	Townsend
Curtis	Lee, Md.	Reed	Underwood
Dillingham	Lodge	Saulsbury	Vardaman
Fernald	McCumber	Sheppard	Wadsworth
Gallinger	McLean	Sherman	Walsh
Gore	Martin, Va.	Shields	Watson
Harding	Martine, N. J.	Smith, Ariz.	Williams
Hitchcock	Nelson	Smith, Ga.	

Mr. KIRBY. I desire to announce the absence of my colleague, the Senator from Arkansas [Mr. ROBINSON], on account of illness. The announcement may stand throughout the day.

I also desire to announce that the Senator from South Dakota [Mr. JOHNSON] is absent on official business.

Mr. WALSH. The absence of my colleague [Mr. MYERS] is due to his illness.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. BORAH. I suggest to the Senator from Alabama that the amendment which I have in mind—and I make the statement so that the Senator may use his own pleasure about having it submitted now or later—provides for a wider vote upon this question in the District, including female as well as male voters.

Mr. UNDERWOOD. I think that is a question which the Senate should determine, but I prefer that such amendments shall be offered after I have made my presentation of the case.

Mr. THOMAS. Mr. President, if my memory serves me aright, the Senator from Indiana [Mr. KERN] offered such an amendment some days ago, and I think that such an amendment is on the Secretary's desk.

Mr. BORAH. It is immaterial to me who offers it. My amendment was submitted on March 3, 1916; but if the Senator from Indiana has offered such an amendment, it is immaterial to me which one is voted upon.

Mr. THOMAS. Of course, it is immaterial to me. I was laboring under the impression that perhaps the Senator was not advised of the fact, in giving notice of an amendment which he was going to offer, that the Senator from Indiana [Mr. KERN] had presented such an amendment several days ago.

Mr. UNDERWOOD. Mr. President, I desire first to comment on the provisions of the substitute that I have offered to the Sheppard bill. The first paragraph fixes the right of suffrage and provides for the number of petitioners and manner of calling for the referendum. It states:

That upon the application of 25 per cent of the male taxpayers over 21 years of age, resident citizens of the District of Columbia, by petition in writing signed in person by such resident citizens, addressed to and filed with the Commissioners of the District of Columbia, asking that an election be held in such District for the purpose of submitting to the qualified voters thereof the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed therein, they shall within 30 days after the presentation of such petition order an election to be held in such District within 40 days from the time of making such order to determine the question of whether or not the manufacture and sale of spirituous, vinous, or malt liquors shall be licensed in compliance with existing law, or whether the sale of spirituous, vinous, or malt liquors within the District of Columbia shall be prohibited under the terms prescribed in this act.

The referendum conforms to the laws that have been adopted in most of the States in reference to submitting the question of the sale of liquor to the citizens of a local community, a county, or a State. The only manner in which I have changed the usual form is that I have prescribed that the petition shall be by the male taxpayers over 21 years of age, instead of by the male resident citizens; and I wish to explain to the Senate why I have made this change.

Mr. MARTINE of New Jersey. Mr. President, as I understand, then, the Senator's amendment provides for a property qualification.

Mr. UNDERWOOD. No; not exactly. It provides for a property qualification for those who petition for an election. My main purpose in presenting the case in this way, however, was not to provide for a property qualification.

Mr. MARTINE of New Jersey. Well, pardon me; would the word "taxpayers" imply that a man who paid a poll-tax would be entitled to sign the petition?

Mr. UNDERWOOD. It would, but there is no poll-tax in the District of Columbia.

Mr. MARTINE of New Jersey. No; I understand that exactly. That is just my point. That would permit only men who were property holders to sign the petition?

Mr. UNDERWOOD. It would.

Mr. MARTINE of New Jersey. So there is a property qualification?

Mr. UNDERWOOD. Only for those who sign the petition for the submission of this question; but I will explain to the Senator, as I was about to explain to the Senate, why I adopted this method. In the District at the present time there is no organized election machinery, no registration of voters, and no method of determining who are the resident citizens of the District. Therefore, if we followed the usual terms of a law of this kind, and said that this petition should be signed by one-fourth of the resident citizens of the District of Columbia, there would be no way in which the Commissioners of the District of Columbia could ascertain who those resident citizens are. There is, however, a complete list of the taxpayers of this District accessible to the commissioners.

Mr. SHEPPARD. Mr. President, will the Senator permit a question?

Mr. UNDERWOOD. Certainly.

Mr. SHEPPARD. Would the Senator tell us how many taxpayers there are?

Mr. UNDERWOOD. I can approximate it, if the Senator will allow me to proceed for just a moment.

The sentiment of this community on the question of holding an election would probably be represented as fully and completely by confining the right to petition to taxpayers as if the entire resident citizenship of the District were permitted to sign. If this amendment is adopted all the resident citizens will be given the right to vote on the question itself. I did not think it was necessary or even of sufficient importance to require a registration of the resident citizens of the District of Columbia prior to determining the question as to whether or not there should be an election. I have avoided that expense and that trouble by providing that the petition shall be signed merely by the taxpayers of the District.

This particular question does not appear to me to be material. It is merely a matter of convenience. If one-fourth of the taxpayers of this District are not in favor of submitting what is here known as the Sheppard bill to a vote of the resident citizens of the District, then certainly there is no real sentiment in this District for the bill. If there is a real sentiment in this District for the Sheppard bill, certainly they can obtain the signatures of one-fourth of the taxpayers. Limiting this petition to the taxpayers will avoid confusion and possibly fraud. It absolutely settles who can sign the petition, and therefore I think it is the best method, if we are going to adopt an amendment to provide for a submission of this question to the voters of the District.

The Senator from Texas asked as to the number of taxpayers in the District of Columbia. For another purpose I had inquiries made at the tax office in the District, and I ascertain that the number of taxpayers in the District was about 50,000, which would probably represent somewhere between one-third and one-half of the voting population of the District.

Section 2 of the bill provides:

That all male resident citizens of the District of Columbia who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been residents of the District of Columbia and the voting precinct in which they reside for more than one year prior to the date of the holding of said election, shall constitute the qualified voters at said election. The managers of the said election shall be the sole judges of the qualifications of the voters.

Mr. President, in this amendment I have adopted broad terms for the qualification of these voters. So far as I am personally concerned, I would be willing to make the terms to be prescribed for the qualification of voters in the District conform to those prescribed in my own State; but I realize that I have not the power to fix the right of suffrage in the District of Columbia upon terms that would conform to the views of my own people. If we are to fix the right of suffrage in the District it must conform to the views of a majority of the constituencies of the country, as expressed by their representatives on the floor of the Senate.

I have been criticized by some of the leaders of the Antisaloon League because I have not attempted to eliminate the negro element in the District of Columbia from voting on this amendment. Some have gone so far as to say that I should have limited the right of suffrage solely to the white citizens of the District of Columbia. Of course, if I had followed that suggestion and written in this bill that the only persons entitled to vote in the election should be white citizens of the District of Columbia, I would have been immediately met with the charge that I was trying to commit a fraud on the people of the District of Columbia who favored prohibition, because they would have said that I had knowledge of the fact that the fifteenth amendment to the Constitution of the United States prohibited discrimination on account of race, color, or previous condition of servitude in determining the franchise in an election within the boundaries of the United States.

I have heard some gentlemen state that they did not believe that the terms of the fifteenth amendment applied to the District of Columbia. Of course, I recognize that there are some provisions in the Constitution of the United States that do not apply to the District of Columbia; but those great principles which protect the rights and the liberty and the property of the citizens of the United States undoubtedly apply to the people living within the District of Columbia as well as the people living within the several States. In fact, there are decisions to that effect. On one occasion a case went from the District of Columbia to the Supreme Court of the United States involving the question as to whether a citizen of the District of Columbia was entitled to a trial by jury, and the Supreme Court held that a citizen of the District of Columbia was entitled to a trial by jury just as any other citizen of the United States. The laws with relation to taxation apply to the District of Columbia as well as to the several States, and in my judgment if we adopted an amendment limiting this vote to the white resident citizens of the District of Columbia the clause relating to the franchise in the bill would be declared unconstitutional, and with that clause eliminated from the bill the whole bill would go down. Therefore I believe that when the members of the Antisaloon League criticized my conduct for offering a bill that was not limited to the white resident citizens of this District they were appealing to race prejudice and not stating honest convictions as to how this bill should be drawn.

It is proposed by Senators here to amend this bill so as to allow females as well as males to vote on this question. That is a question for the Senate to decide. I am not attempting to determine the terms on which citizens of the District should vote. Whether the referendum is amended or not in that respect, I shall vote for it.

It is also proposed to put a property and an educational qualification in the bill. So far as I am personally concerned, I should be very glad to agree to an amendment of that kind, but I do not think it would be effective. It is the law in my own State that no one shall vote except those who can read and write and have paid a poll tax of $1.50. An amendment to that effect would be entirely acceptable to me, but it may not be to the Senate of the United States; and therefore I wish the Senate to determine that question separately instead of involving it in the main proposal.

My desire is to have this question determined by those best qualified and in the interest of the best people of the District; but what effect would such proposed modifications have on this bill and on the electorate in the District of Columbia?

The reports of the Bureau of the Census for 1910, the latest available, show that there are 75,765 white males of voting age—21 and over; 27,621 negroes in the same class; and 375 males of all other nationalities, as Japanese, Chinese, and so forth, making a total male population of 21 years and over of 103,761 in the District of Columbia. No figures for the same ages for illiterates are available, but the same census report shows that the number of illiterate males 10 years old or over for 1910 was: White, 1,311; negro, 4,015; a total of 5,326.

A certain proportion of those illiterates, of course, are under 21 years of age and would not have the right to vote. As to what that proportion would be, I have no means of ascertaining,

but I assume that it would be about one-third. So you can see that if the illiterates 21 years and over are two-thirds of those given by the Census report there would be less than 4,000 illiterates to vote in the District out of a total vote of 103,000, which could not very seriously affect the result of the election.

Now, as to the taxpayers——

Mr. POMERENE. May I ask the Senator for what year those figures are given?

Mr. UNDERWOOD. These figures were taken from the census report for 1910. Of course, they have changed since that time because of the increased population, but the approximate result has not changed materially.

I find from inquiry at the District Building that the number of taxpayers in the District of Columbia is approximately 50,000. The number of negro taxpayers is estimated by the District tax assessor at 5,000. The total number of delinquent taxpayers in the District of Columbia is estimated at 8,000, of which number 240, or 3 per cent, are negroes. It is readily shown why this condition exists. There is no poll tax or street tax in the District of Columbia; merely a property tax. The negro owners of property in the District of Columbia are small owners of the frugal, industrious class of negroes, or they would not own property, and they largely pay their taxes. As the record shows, there are only 240 of them who are delinquent in their taxes.

On the other hand, there are about 7,500 white persons in the District of Columbia who do not pay their taxes. Therefore, in my judgment, were a property qualification added to this bill it would probably exclude more people of intelligence, character, and virtue than it would of ignorance and vice.

Mr. WILLIAMS. Will the Senator from Alabama pardon me for a moment?

Mr. UNDERWOOD. Certainly.

Mr. WILLIAMS. Why does the Senator call this a property qualification? The proposed amendment does not suggest that the voter shall have property. It merely provides that already having property he shall be honest enough to pay his taxes upon it. It fixes no property qualification. It does not in the slightest degree apply to the man who has no property at all, but it provides that those who have taxable property in the District shall pay the tax before they vote. Men who do not own any property will not be affected by it. The only thing that the amendment goes to is the honesty of the man as an elector, that he shall not be a tax dodger.

Mr. UNDERWOOD. The Senator is correct in his statement that it would not operate as a property qualification for voting; it would merely exclude from the electorate certain owners of property who had not paid their taxes. I have no criticism of the proposed amendment. I am merely replying to charges that have been made against me because I did not propose the amendment, and I am attempting to show, and I think the facts do show, that if I had included such an amendment I would not have improved the character or standing of the electorate in the District of Columbia, but would rather have had the opposite effect, because I assume that the white man who owns property in the District of Columbia is an educated citizen, a moral citizen, and an intelligent man, for, as a rule, you find that in any community the property owners fill those qualifications. So far as the negroes are concerned, I think you will find the best part of the negro electorate among those who own property rather than those who do not own property.

I only say this in defense of the position I have taken in drafting this bill. I do not believe that if the proponents of the Sheppard bill had offered a referendum they would have materially changed the provisions that I have proposed for an electorate in the District.

Section 3 provides for the notice of election, the time of calling and the terms under which it shall be called. It is not necessary for me to comment on that section.

Sections 4 and 5 relate to the machinery of the election and to the appointment of managers and clerks.

Section 6 relates to the manner in which the question of the sale or the prohibition of the sale of liquor shall be submitted to the voters of the District of Columbia.

Section 7 relates to the ballot, poll lists, and tally sheets, and to rules and regulations which the District Commissioners may adopt in reference to the holding of the election.

Section 8 relates to the opening of the polls, the poll lists and tally sheets, and the returns of the election.

Section 9 relates to the canvassing and declaration of the result by the commissioners.

Section 10 provides for the putting of the Sheppard bill into effect in the event a majority of the voters of the District declaring in favor of it, and provides that the present law shall remain in effect if a majority of the voters of the District do not favor the Sheppard bill.

Section 11 is the beginning of the Sheppard bill. The only difference between section 11 of the substitute offered by me and section 1 of the Sheppard bill is that the Sheppard bill provides that this law shall go into effect on the 1st day of November, 1917, and section 11 of this bill provides that it shall go into effect 30 days after the declaration of the result by the commissioners, if the result is favorable to the Sheppard bill.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. UNDERWOOD. I do.

Mr. KENYON. I ask for information as to section 10. It provides that the act shall become operative and remain in effect until a subsequent election, held for the purpose, and so forth. Assuming, for instance, that the referendum resulted in the adoption of the act, does the Senator provide in any way for a vote that may be taken at any subsequent time upon petition?

Mr. UNDERWOOD. I do.

Mr. KENYON. Or if the act is adopted when there could be another vote?

Mr. UNDERWOOD. I do; but it is in a subsequent section.

Mr. KENYON. The Senator will reach that later?

Mr. UNDERWOOD. I will.

From section 11 to section 34 you will find the Sheppard bill just as it was agreed to by the Senate up to last Saturday night, and perfected by the Senator from Texas.

Then, section 35 takes up my part of the bill, the referendum part, and it answers the question that has just been asked me by the Senator from Iowa.

Section 35 provides—

> That sections 11 to 34, both inclusive, of this act, when put in operation by a vote of the qualified electors of the District, shall remain in force until the Commissioners of the District shall declare that the majority of the qualified voters of said District have voted in favor of the licensed sale of spirituous, vinous, or malt liquors in said District, when said sections shall cease to be operative unless they are put into force and effect by a subsequent vote of said electors.

In other words, I propose a strictly local-option bill for the District of Columbia with the so-called prohibition features in it covered by the Sheppard bill.

I wish to say in passing that, except as to the qualifications of the electors, the referendum features of the bill were copied from an Alabama statute that was written on the statute books by the prohibition advocates of my State before we had State-wide prohibition in Alabama. I had better read section 36 before going further, which provides:

> That when an election has been held under the provisions of this act, subsequent elections may be petitioned for and held hereunder, but not sooner than three years from the date of the last preceding election.

In other words, if the Sheppard bill is submitted to the people of the District of Columbia under this referendum and the people of the District of Columbia refuse to accept the Sheppard bill at that time and continue the licensed sale of liquor in the District of Columbia, at the end of three years those who desire prohibition in this District will have the opportunity to present another petition to the District Commissioners and have another vote on this question to determine whether they want licensed saloons or whether they want to abolish licensed saloons in the District. On the other hand, if the first vote under this referendum should be in favor of the Sheppard bill and the wiping out of the licensed sale of liquor in the District of Columbia, and the people of the District of Columbia try it for three years and find it is not operative, find that it does not produce good morals, find that it does not improve temperance conditions in the District, as has been the effect of these laws in some places, then the people of the District, who must live under the law, will have a right to file a petition with the District Commissioners and have an opportunity to pass on the question as to whether they want the Sheppard bill to continue as the law.

Section 37 provides for the payment of the expenses of the election, the managers and clerks.

It has been said that there are not sufficient provisions in this bill to provide for a fair election. I want a fair election. There is nothing which can be accomplished for the good of the people of this District or for the freedom of the people of the District of Columbia unless you provide for a fair election, and I think the provision I have incorporated as section 38 of the bill does provide for a fair election. But if gentlemen desire to improve the bill in that respect they will meet with my hearty cooperation.

Section 38 reads as follows:

> That any manager, clerk, returning officer, or registrar, or any voter or other person—

It seems to me that that is as broad as you can state the case—

who is guilty of misconduct, fraud, or corruption—

That covers the entire situation—

in the performance of any duty required of him under the provisions of this act or in the exercise of his right to vote, or in connection with the lawful holding of said election, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or shall be imprisoned in the District jail or workhouse for a period of not more than one year, or both, in the discretion of the court.

It seems to me that any possible fraud or corruption is included within that paragraph of the bill. I know that it is the modern practice in writing legislation to particularize, define and spread your statute all over the face of the law books of the land, but I am one of those who believe that when you say what you mean the courts will so interpret it, and those statutes which in a few words cover the entire field involved are broader in their scope to protect your law and more effective when it comes to the trial court for its enforcement. When I say in this bill, after enumerating the election officers, "any voter or other person who is guilty of misconduct, fraud, or corruption in the performance of any duty required of him under the provisions of this act, or in the exercise of his right to vote, or in connection with the lawful holding of said election, shall be guilty of a misdemeanor," I think I have covered the whole scope of election frauds. If he sells his vote, he is guilty of corruption; if he repeats at the polls, he has committed a fraud in the election, and so on. You can go through the whole gamut of crimes and frauds that may be committed in elections, and you will find them all embraced by this clause. So far as repeating is concerned, the provisions of this amendment require a registration of the voters in precincts by the District Commissioners, which of itself will be a protection against fraud.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. UNDERWOOD. I do.

Mr. STERLING. I should like to ask the Senator from Alabama a little question of detail in regard to the elections under this act. It is provided not that the issue shall be an issue between license and prohibition exactly, but that the issue shall be whether the manufacture and sale of liquor shall be licensed in compliance with existing law or whether the sale of spirituous, vinous, or malt liquors within the District of Columbia shall be prohibited under the terms prescribed by this act. The question, to my mind, is, How would the issue really be submitted to be made intelligible to the voters at such an election? In such an event, can you make the issue plain unless you print the act itself on the ballot in order that the voters may determine what are the provisions of the act?

Mr. UNDERWOOD. I do not think you could print the entire act on the ballot and have it intelligently understood. I have no doubt, if submitted, every provision in this act will be printed and distributed in the newspapers and discussed in public speeches. My definition of how it shall be submitted is to state the facts, and that is all you can do. The Sheppard bill is not a prohibition bill, as I think I can demonstrate a little later on. It is a bill to prohibit the licensed sale of liquor in the District of Columbia. That is exactly the way I describe it—nothing more and nothing less. The Senate had before it on Saturday and this morning a prohibition bill which was defeated by an overwhelming vote. The Senator from Texas, representing the Antisaloon League, who are the advocates of this measure, did not vote for it himself.

Mr. SHEPPARD. Mr. President——

Mr. UNDERWOOD. I am not criticizing the Senator for not voting for it.

Mr. SHEPPARD. Let me say to the Senator I am not the representative of the Antisaloon League or any other organization.

Mr. UNDERWOOD. I am not charging the Senator with being so.

Mr. SHEPPARD. However, I have the highest respect for that organization.

Mr. UNDERWOOD. I do not want to misrepresent the Senator, but I will ask him a question: Has not the Senator from Texas advised with and cooperated with the representatives of the Antisaloon League in presenting this measure before the Senate?

Mr. SHEPPARD. I have advised with them and I have advised with Senators on this floor. Differences of opinion developed among leaders of the Antisaloon League just as they developed here.

Mr. UNDERWOOD. I have no desire to make any reflection whatever upon the Senator from Texas, but I desire to say now—if I am not stating it correctly, I hope the Senator from Texas will correct me—the bill he has presented at this desk, which I have incorporated in my referendum, represents the legislation that is desired by the Antisaloon League for the District of Columbia at this time.

Mr. SHEPPARD. I do not think that states the case entirely. I would not be authorized to say that it represented all the legislation they desire.

Mr. UNDERWOOD. I said the legislation that they desire at this time on this subject.

Mr. SHEPPARD. I believe that is a fact.

Mr. UNDERWOOD. That is what I mean.

Mr. SHEPPARD. There are Antisaloon Leaguers who favor the Smoot bill.

Mr. UNDERWOOD. I realize that, but I am talking about the representatives of that organization.

Mr. President, I do not propose to discuss at this time, but will do so a little later, the merits of the proposition. I wish first to answer the statement which has been made that the Congress of the United States has not the power under the Constitution of the United States to submit this question to a vote of the people of the District of Columbia; in other words, as to whether a referendum to the people of the District of Columbia is constitutional or not.

Section 8, Article I, of the Constitution of the United States grants to the Congress of the United States the power:

To exercise exclusive legislation, in all cases whatsoever, over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States.

That is the District of Columbia. The Supreme Court of the United States in defining the extent of this power in the case of the Capitol Traction Co. against Hofman, One hundred and seventy-fourth United States Supreme Court Reports, page 5, says:

The Congress of the United States, being empowered by the Constitution "to exercise exclusive legislation in all cases whatsoever" over the site of the National Government, has the entire control over the District of Columbia for every purpose of government, national or local. It may exercise within the District all legislative powers that the legislatures of the States might exercise within the States.

Under that decision the Congress of the United States has all the powers than can be exercised by the legislature of any State. What limitations are there upon the power of a State legislature? There are two: First, the limitations of the Constitution of the United States; second, the limitations placed on it by the constitution of that particular State. Outside of those limitations there are no powers of legislation that the legislatures of the States can not exercise. Of course, the Congress of the United States is limited in no way by the constitutions of the several States. The only limitation upon the power of Congress to act is the Constitution of the United States itself.

There is no direct limitation in the Constitution of the United States against Congress legislating on a question of this kind. Of course, there are some limitations. There is a limitation on our legislating in reference to suffrage, bounded by the fifteenth amendment to the Constitution of the United States; there is a limitation on our right to legislate with reference to trial, bounded by the provision in the Constitution of the United States which guarantees to the citizens of this country trial by jury; but there is no direct limitation on this question. The only question that can be raised with reference to the power to act is the question as to whether or not we have the power to delegate to the people of the District of Columbia the right to determine this question and to put the legislation into effect.

I do not contend for one minute that the Congress of the United States has the right to delegate its legislative power; but I do contend, and I think the decisions of the Supreme Court of the United States amply sustain the proposition, that the Congress of the United States has the power to create legislation, to make it complete, and then to leave the determination as to when it shall go into effect contingent upon the happening of a certain event. We repeatedly do that in many other classes of legislation, and the Supreme Court of the United States has repeatedly sustained our right to do so.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. WILLIAMS. The Senator from Alabama surely has not forgotten the fact, but has only forgotten to mention the well-recognized fact, that for a long time the District of Columbia was governed as a Territory, with an executive officer who was called a governor and a legislative body which was called, I believe, a council, and that the same constitutional authority which we have over the District of Columbia we have over

the Territories; yet from the earliest period of our history we have passed acts to provide for the government of Territories through other bodies than ourselves, retaining to ourselves, of course, a veto power. For years and years this District was governed in almost every particular, not by Congress at all, but by a governor and council, except, as I state, we reserved the power to veto such actions, just as we did in the case of the Territories.

Mr. UNDERWOOD. The Senator from Mississippi is undoubtedly correct about that, and I intended to refer to the question of the delegation of power later on.

Mr. WILLIAMS. If the Senator will pardon me, while I am on my feet—because it is quite interesting historically, if not otherwise; I do not know whether or not his attention has been called to it, but my attention was called to it this morning by the Senator from Indiana——

Mr. BORAH. Mr. President, we on this side wish to hear the colloquy which is going on on the other side of the Chamber.

Mr. WILLIAMS. I was observing that this reference I am about to make is quite interesting historically, if not otherwise, and comes in here very well. My attention this morning was called to the fact that on January 13, 1849—

Mr. Lincoln gave notice of a motion for leave to introduce a bill abolishing slavery in the District of Columbia by consent of the free white people of the District of Columbia, with compensation to owners.

Later on, at the second session of the Thirtieth Congress, January 10, 1849, John Wentworth, of Illinois, same Congress, introduced a bill abolishing slavery in the District of Columbia.

Mr. Lincoln thereupon read an amendment which he intended to offer, if he could obtain the opportunity, as follows:

I shall not go into it or read it all, but it was to leave the question to the white people of the District of Columbia on a referendum, just as is proposed in connection with this whisky legislation. It is true Mr. Lincoln went further in that bill than anybody is proposing to go in this, because he also provided that there should be indemnity to the slave owners, and nobody is offering any indemnity in this referendum proposition to the liquor dealers.

That, however, does not touch the main question. The main question which I wanted the Senator from Alabama [Mr. UNDERWOOD] to emphasize in this connection is, that so great an emancipationist as even Abraham Lincoln did not think that Congress ought to emancipate slaves in the District of Columbia without consulting the people of the District of Columbia, and that he offered in public that amendment.

That is not all, if the Senator from Alabama will pardon me. Later, in the joint discussion which took place in Illinois between Stephen A. Douglas and Abraham Lincoln, Abraham Lincoln said that he would not favor the passage of an act of Congress to abolish slavery within the States—I am not quoting him literally—because Congress had no such constitutional power. Mr. Douglas, who was a very skillful debater, thinking to get Lincoln into a corner, said:

But where Congress has the constitutional power, as in the District of Columbia, would the gentleman vote for a bill abolishing slavery there?

Mr. Lincoln answered, in substance:

I would be glad to see slavery abolished in the District of Columbia, but I think it ought to be done with the consent of the people of the District.

Mr. UNDERWOOD. Mr. President, digressing for a moment from my argument to sustain what the Senator from Mississippi has said, I will observe that before the War between the States the question of the government of this District was a much-mooted question in Congress. There was a city government granted at one time; at another time, a District government, with a legislature and a governor. A number of the Presidents of the United States recommended in their messages to Congress that so far as it was possible to give the people in the District of Columbia representation in their local government it should be done. President William Henry Harrison made a direct recommendation of that kind; President Abraham Lincoln made recommendations of that kind; President Andrew Johnson made a recommendation of that kind. In fact, I have never known it to be contended before the present hour by any man or by any set of men that we did not have the power to give the people of this District the opportunity to pass on questions of their own government or that we could not delegate governmental powers to them.

Mr. VARDAMAN. Mr. President, will the Senator pardon me for an interruption?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. VARDAMAN. I agree with the able Senator from Alabama that Congress has the power to pass this bill; that it is not a violation of the Constitution; but will the Senator give me the reason why the power was taken from the District of Columbia after this District was once vested with the power to legislate for itself? The reasons that moved the people of the District to surrender the right of local government are worthy of consideration now.

Mr. UNDERWOOD. I was not in Congress at that time; in fact, I was only a child of tender years, and I have not investigated the debates on the questions that were under consideration away back in the early seventies, when the right of self-government was taken away from this District. Therefore I am not prepared to answer the Senator's question at this time. I am only discussing the question as to why the people of this District should not further have their freedom taken away from them.

Mr. President, in the exercise of the power of Congress to control legislation in the District of Columbia there have been delegations of that power to the citizens of the District at different times.

By an act of May 3, 1802, Congress incorporated the inhabitants of the District of Columbia, providing for a city council, consisting of two chambers, to be elected annually by the residents of the city. This corporation was given power to tax, to pass all minor regulations for the good government of the city, such as the preventing of the introduction of contagious diseases, building regulations, and so forth.

By the act of 1812, amending the charter of the city, many powers not previously granted were given to the corporation in relation to the improvement of streets, police regulations, and so forth. The power to sell improved property for taxes was also given. This form of self-government in municipal affairs was continued for nearly 51 years, with some slight changes from time to time.

When it was felt that no more territory ought to be held under the exclusive legislation given to Congress over the District, it was decided to recede to the State of Virginia that land which she had ceded for the District. Congress accordingly passed the act of July 9, 1846, making the recession of the Virginia part of the District, with the provision that it should not be in force until the assent of the people of the town and county of Alexandria should be obtained. This being procured, President Polk issued a proclamation on the 7th of September, 1846, that the act was in full force and effect.

Mr. KENYON. Mr. President, what the Senator read, as I gather it, was not a submission to the people of the District of Columbia, but a submission to the people of the town and county of Alexandria.

Mr. UNDERWOOD. It was a submission to a part of the people of the District of Columbia, because at that time the people of the city of Alexandria and of Alexandria County, as it was called, were in the District of Columbia, and Congress, before they put the law into effect receding the territory to the State of Virginia, submitted to the residents of that portion of the District of Columbia directly affected the question as to whether they desired to remain in the District or to go back into the State of Virginia. They were the only people directly affected by the recession, and to them was given the right of passing on it.

Mr. KENYON. The inhabitants of the other portion of the District did not pass on the measure, did they?

Mr. UNDERWOOD. No; they were not directly affected. This shows, however, that the Congress exercised the right of submitting to the people of this District the determination as to whether or not a law passed by the Congress affecting local conditions of government should go into effect.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. BORAH. It seems to me that the authorities sustain the proposition that Congress, for instance, could pass a law, make the law complete, and do all things which Congress could be called upon to do to complete the legislation, and make the operation of the law depend upon a certain fact, which fact was to be ascertained by some condition designated by the Congress and promulgated, such as the instance cited; but can Congress itself stop midway in the act of legislation with an incomplete and unfinished law and delegate to somebody else to say whether or not it should ever become a complete law?

Mr. UNDERWOOD. It is not necessary to go that far in this argument, because this bill does not go that far. This bill does exactly what the Congress did with reference to the recession of the territory on the Virginia side of the Potomac River back to the State of Virginia. The Sheppard bill is a complete piece of legislation, as complete as the Senator from Texas and those desiring its passage can make it.

Mr. BORAH. But, Mr. President, the Senator will not contend that, if his amendment should be adopted, the Sheppard law would be a complete piece of legislation, because it would not be legislation at all, and would not become effective as legislation until some other body passes upon the question of whether or not it shall take effect.

Mr. UNDERWOOD. No; until some other body passes upon the question as to whether it shall go into effect—the time when it shall go into effect. Now, there is no distinction whatever between the effect of the amendment I have offered and the legislation that was passed by Congress and sustained receding Alexandria County, which was then a part of the District of Columbia. What was that legislation? It provided for a recession of certain territory in Virginia back to the State of Virginia. Was it an absolute recession of that territory? No; it was a conditional recession of that territory upon the happening of an event. What event? Upon a majority of the citizens of Alexandria City and the citizens of Alexandria County saying they were in favor of the recession. What is this proposal which I make in my amendment? There is a complete piece of legislation that is proposed to be enacted by the Congress, to wit, the Sheppard bill. The referendum proposes that, on the happening of an event, to wit, an election in the District, in which a majority of the citizens shall declare themselves in favor of the Sheppard bill, within 30 days after that event it shall become effective.

Mr. BORAH. But the Senator will agree with me, will he not, that this never would be a law—a complete act of legislation—until that vote was taken?

Mr. UNDERWOOD. Certainly not, until the happening of the event; and the Senator will agree with me also, I think, that the city of Alexandria and Alexandria County would still be in the District of Columbia if the people over there had voted against the recession. It did not become a complete piece of legislation until that vote was taken.

Mr. BORAH. I have not had the opportunity to examine that, and, of course, if the Senator is correct as to the facts and conclusions, it is a very strong precedent in support of his position, but there is a distinction made in all the authorities, or practically all of them, between what is called an "event" or "the happening of an event," and that of an election which puts into operation or nullifies the entire law.

Mr. UNDERWOOD. I will say to the Senator that I am coming to the authorities in a moment. There are some exceptions; but almost uniformly the courts have held that the legislatures of the several States can submit local-option laws to the people of a State or to counties or to local communities in a State leaving them to determine whether or not the law shall go into effect. There are a few cases on the other side that were passed on in the early days of local-option legislation, when there was a strong sentiment against local option and when the courts were disposed to lean against local option that decided that the legislature could not delegate the power. There are one or two cases of that kind; but where there are one or two such cases decided in the early history of the question of submitting matters of this kind to the people there are forty or fifty cases, modern cases, that sustain the proposition entirely; and I shall be glad to call the Senator's attention to them.

Mr. GALLINGER. Mr. President, does the Senator distinguish between temperance laws and other laws? As an illustration, at the last session of Congress in an appropriation bill we placed a tax upon what is known as intangible property in the District of Columbia. There is a very wide difference of opinion on that question in the District. Would the Senator think that that question could have been well submitted to the people of the District?

Mr. UNDERWOOD. I do think so. I voted with the Senator on that question.

Mr. GALLINGER. Yes.

Mr. UNDERWOOD. I believe that when we attempt to put the strong hand of this great Government about the necks of these people and oppress them it is wrong.

Mr. GALLINGER. I am very glad to have the Senator say that; that is, I am very glad that the Senator broadens his position with reference to submitting this matter to a popular vote.

Mr. UNDERWOOD. I do not mean to contend that so long as the Congress of the United States exercises the power of government in the District of Columbia we should submit every question to a vote of the people, but I do believe that on great fundamental questions as, for instance, whether there shall be a change in their system of taxation or whether there shall be a change in their excise law—great fundamental questions which involve the rights of property and the freedom of the people—these people ought to have a right to say what shall be done in the government they have to live under.

Mr. GALLINGER. If that is to be the policy, we shall have a good many elections in the District of Columbia in the next five years.

Mr. UNDERWOOD. Not necessarily so many. Certain policies can be defined.

Now, Mr. President, as pointed out by the Senator from Mississippi [Mr. WILLIAMS] a few moments ago, I find that in the Thirtieth Congress, when the question of the abolition of slavery was being agitated, Abraham Lincoln suggested to the House of Representatives that the question as affecting the District of Columbia be submitted to the people of the District. A bill was accordingly prepared providing for the gradual emancipation of the slaves, with a proviso that before being enforced the measure should be submitted to the approval of the people of the District. That bill, however, never reached the final stage of action.

By the act of February 21, 1871, Congress again delegated to the legislative assembly of the District, a body to be elected by the people of the District, the power to make all laws generally for the good of the District not inconsistent with the provisions of the Constitution, and to provide for the appropriations for the District government, to be withdrawn from the Treasury, all laws made by them, however, being subject to repeal by Congress.

That was not only done, but it was sustained by the Supreme Court. If we have the power to create a legislative body in the District of Columbia to make laws for the people of the District, have we not the power to submit to the resident citizens of the District of Columbia the question as to what time they desire to put into effect a specific law which we have written? It seems to me there can be no doubt about that conclusion.

The Supreme Court has twice had occasion to pass upon the constitutionality of such acts, and has each time held that Congress was acting within its power. In 1888, in Stoutenburgh *v.* Hennick (129 U. S., 141), the authority of Congress to constitute the District of Columbia a body corporate for municipal purposes was brought before the Supreme Court for adjudication in connection with an act of the legislative assembly created under the act of 1871 relating to taxation. Mr. Chief Justice Fuller, after stating the case, delivered the opinion of the court as follows:

> It is a cardinal principle of our system of Government, that local affairs shall be managed by local authorities, and general affairs by the central authority and hence, while the rule is also fundamental that the power to make laws can not be delegated, the creation of municipalities exercising local self-government has never been held to trench upon that rule. Such legislation is not regarded as a transfer of general legislative power, but rather as the grant of the authority to prescribe local regulations according to immemorial practice, subject, of course, to the interposition of the superior in cases of necessity.
>
> Congress has express power "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia, thus possessing the combined powers of a general and of a State government in all cases where legislation is possible. But as the repository of the legislative power of the United States, Congress in creating the District of Columbia "a body corporate for municipal purposes" could only authorize it to exercise municipal powers, and this is all that Congress attempted to do.

But in the exercise of those municipal powers it gave it the power to exercise them over the very question that we have involved in this act.

In Welch against Cook, Ninety-seventh United States, page 542, the Supreme Court, in passing on the right of the Congress to delegate to the District government the right to exempt certain classes of people from taxation, said:

> It is not open to reasonable doubt that Congress had power to invest and did invest the District government with legislative authority.

If it could invest the District government with legislative authority, has it not the power to invest the people of the District with the power to determine when a piece of legislation shall go into effect?

Whether the submission of the question of prohibition to the citizens of the District is exceeding the power of Congress to delegate legislative functions has never been positively passed upon by the Supreme Court, and it is not necessary for them to pass on it, in line with the decisions I have already read. That Congress may make the time at which a law is to take effect depend upon subsequent events, and not violate the Constitution as delegating legislative powers, is, however, now well settled.

Here is an early decision, and one in point:

In the case of the brig *Aurora* (7 Cranch, 382) the question was as to whether a certain section of the act of March 3, 1799, was in violation of the Constitution, as delegating legislative powers to the head of an executive department of the Govern-

ment. The question involved was whether Congress could make the revival of a law—which had ceased to be in force—depend upon the existence of certain facts to be ascertained by the President and set forth in a proclamation by him. The court said:

> We see no sufficient reason why the legislature should not exercise its discretion in reviving the act of March 1, 1809, either expressly or conditionally, as their judgment should direct. The nineteenth section of that act, declaring that it should continue in force to a certain time and no longer, could not restrict their power of extending its operation without limitation upon the occurence of any subsequent combination of events.

In other words, the Congress left it to the determination of the President of the United States as to whether or not this particular act should be revived. Under the terms of this amendment it is proposed to leave it to the District Commissioners to make proclamation as to whether the Sheppard bill shall go into law upon the happening of the event—to be determined by an election—of the approval of the majority of the people of the District of Columbia.

Mr. SUTHERLAND. Mr. President, I have been very much inclined to agree with one branch of the Senator's argument, that under the provision of the Constitution which vests in Congress the unrestricted power to govern the District this referendum is proper; but I think the authorities which the Senator is citing do not justify the position which he is now taking.

The Supreme Court has held repeatedly that Congress might provide that a piece of legislation enacted by it should go into effect upon the happening of a certain event, the happening of that event to be determined by some agent like the President of the United States. But the difference between that case and this is that the law does not go into operation upon the happening of an event, but it goes into operation according to the will of somebody, and that will is not the will of Congress.

Mr. UNDERWOOD. No——

Mr. SUTHERLAND. Just a moment. The making of a law is an expression of the will, and the body to which that power is committed under the Constitution is Congress. In making a law the law must express the will of Congress. Congress may say that its will shall go into operation upon the happening of some event, when some fact occurs; but here the law goes into effect when the majority of the people have declared it to be their will that it shall go into effect. It seems to me that that is very different from the happening of an event.

Mr. UNDERWOOD. As I state, I think there are decisions on both sides of the constitutional question involved. I think I have shown clearly from the Supreme Court decisions and from the acts of Congress heretofore that we have a right to delegate our legislative power to the District or the District government for certain purposes.

Mr. SUTHERLAND. That is another question.

Mr. UNDERWOOD. Yes; that is a different question. But if the Senator will allow me, I think I can cite him numerous decisions to sustain the proposition that you can submit this question, decisions showing that the event upon which a law should go into effect can be an election—a determination of the will of the people—to be declared by some specific authority, in the present case by the District Commissioners.

Mr. SUTHERLAND. If the Senator will permit me, I have had occasion in times past to examine into this question. My recollection is that the vast majority of the cases decided by the supreme courts of the various States have been to the effect that the legislature of a State, under the provision of the Constitution separating the powers, had no authority to submit a law of this kind to a vote of the people of the whole State; that they might enact the law and then provide that certain localities in the State might adopt it and make it applicable to their particular localities, but that it could not be submitted to a vote of the entire people of the State, because the effect of that was to substitute the will of the people of the whole State for the will of the legislature when the Constitution had vested the power in the latter.

Mr. UNDERWOOD. As I stated a while ago, there are some cases on the other side of this question. They were largely cases that were influenced by a sentiment then existing against local-option or prohibition laws. I am sure that the Senator from Utah does not concur with the reason of those decisions. The reason of the law is the life of the law. The reason of any decision is the life of that decision, and it is not sound in reason to say that it is not a delegation of legislative authority, and therefore constitutional, to pass a local-option law submitting to the people of a political subdivision of a State the right to say whether they shall put such a law into effect or not, and then, on the other hand, to argue that if you submit the question as to whether a whole State shall go dry or not to all the people of that State such an act is unconstitutional, because it is a delegation of the legislative power. It is not sound. You can not draw a distinction between the two. You are going to put into effect in a county a law that affects its people, and you say that that is not a delegation of legislative power, but merely the fixing of an event on which the law shall go into effect, to wit, an election, and yet when you go to put it into effect for a whole State, only enlarging the territory, you say that then you are giving the people the right to exercise a legislative function instead of defining the happening of an event declaring when it shall go into effect.

Mr. SUTHERLAND. I did not care to follow that matter beyond the suggestion I made to the Senator, but I want to suggest to him this view, and see what he thinks of it:

The power Congress has to govern the District of Columbia comes from the clause which the Senator has read. It is impossible to imagine language more comprehensive than that. I suggest to the Senator that that language confers an original power upon Congress to govern the District of Columbia as full and complete as that which exists in the people of a State to govern the State—to frame their own constitution for the government of the State.

Mr. UNDERWOOD. Undoubtedly.

Mr. SUTHERLAND. It is as full and complete, as far as the District of Columbia is concerned, as that exercised by the Parliament of Great Britain. It has no limitations at all upon it.

Mr. UNDERWOOD. The only limitations it has upon it are those fundamental limitations designed to preserve the liberties and the rights of the people.

Mr. SUTHERLAND. Certainly. Those are inhibitions imposed upon the right of Congress to legislate at all upon some given matter.

Mr. UNDERWOOD. Certainly.

Mr. SUTHERLAND. But in that clause there is no separation of the powers. There is no separation of the legislative, executive, and judicial powers; so that originally Congress possesses all of those powers for the purpose of dealing with the District as fully as the people originally, and before they framed their constitution, had in dealing with their States; and Congress may therefore devolve upon anybody it pleases the judicial power which is reposed in it, the executive power which is reposed in it, and the legislative power which is reposed in it. It may devolve it upon any agency it pleases, and if it has the power to devolve this authority upon a local legislature it has, it seems to me, the power to devolve it directly upon the people of the District, or to devolve it upon a commission, or to devolve it upon a single agent, if it pleases to do so, because its power is plenary.

Mr. UNDERWOOD. I do not think there is any doubt about that.

Mr. SUTHERLAND. It seems to me the Senator has sufficiently established his case when he has shown that the entire original power rests in the Congress of the United States to deal with the District of Columbia.

Mr. UNDERWOOD. I agree with the Senator about what he said. I think the case that I read from the Supreme Court of the United States is in absolute accord with that view. But, as the question was in dispute, and as some Members of this body had indicated to me that they had some doubts on the matter, I wished to put in the RECORD a full statement of the power of Congress to deal with the question.

In the case of Field *v.* Clark (143 U. S. Supreme Court Repts., 649) the question arose as to the constitutionality of that section of the McKinley Tariff Act of 1890 which provided for the imposition, in a named contingency—to be determined by the President, and manifested by his proclamation—of duties on certain articles which the act had placed in the free list. The court said:

> He [the President] had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the lawmaking department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, * * * should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed. Again, "The true distinction," as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, "is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made."

Now, mark you, the Supreme Court of the United States is adopting as part of its opinion this statement by Judge Ranney from the Supreme Court of Ohio, which makes it a part of the opinion of the Supreme Court of the United States; and it clearly draws the distinction between conferring an authority or discretion as to the exercise of legislative authority and determining when a legislative act should take effect.

Now, what is done under this amendment? The legislation in reference to this matter is complete. Every line and word of the Sheppard bill, if passed, is agreed to. It is merely a question of delegating to somebody the power to determine when it shall go into effect.

Mr. BORAH. Mr. President, does the Senator regard this legislation complete in the sense that it is a law, effective, and that Congress has simply chosen some one to execute the law?

Mr. UNDERWOOD. The Supreme Court in this case was speaking of the reciprocity feature of the McKinley Act.

Mr. BORAH. Yes.

Mr. UNDERWOOD. Was that a complete law?

Mr. BORAH. Exactly; it was complete.

Mr. UNDERWOOD. Certainly it was complete; but it did not take effect until the happening of a particular event, to be determined by the President of the United States.

Mr. BORAH. Precisely. Congress passed an act. It was a complete law. It was signed; and the Supreme Court clearly distinguishes there that the President was simply executing a law.

Mr. UNDERWOOD. But he determined when it should be executed, and whether or not it should be executed.

Mr. BORAH. No; the Congress determined when it should be executed by naming a specific fact, and the President was authorized to ascertain that fact; and when he ascertained the fact the law operated or did not operate, dependent upon the ascertainment of the fact.

Mr. UNDERWOOD. Certainly; and that is exactly what is going to be done here if this law is passed.

Mr. BORAH. Oh, no.

Mr. UNDERWOOD. If this law is passed, it will be passed by the two Houses of Congress and signed by the President.

Mr. BORAH. The Senator——

Mr. UNDERWOOD. If the Senator will allow me, it will be put into effect upon the happening of an event, to wit, an election.

Mr. BORAH. Precisely.

Mr. UNDERWOOD. Suppose we wrote into the law that "this law shall be effective if a majority of the people of the District of Columbia are in favor of it." That is practically what we write into it.

Mr. BORAH. Under the decision of the Supreme Court there it would have been void.

Mr. UNDERWOOD. Oh, no.

Mr. BORAH. I think if the Senator will read that opinion again he will see that the Supreme Court stated distinctly that if the President had had anything whatever to do with making effective or ineffective the act of legislation it would have been void.

Mr. UNDERWOOD. The Senator from Idaho has not grasped the decision. Of course, the language of Judge Ranney approved by the Supreme Court, was in relation to a State law, and was not under the broad terms under which we legislate, as suggested by the Senator from Utah; but bringing it down to the question of a referendum, if there was anything further to do in a legislative way in determining the conditions under the law, then Judge Ranney said that it would not be operative. But there is nothing to be done. The people of the District of Columbia, under this submission, will not have an opportunity to change one line, one paragraph, or one word of the Sheppard bill. When they pass on it, the Sheppard bill will be a complete law.

Mr. SUTHERLAND. Mr. President, does the Senator from Alabama think that Congress could have passed the McKinley law and provided that it should go into effect if the President of the United States thought it was a good law, depending upon his will with reference to it?

Mr. UNDERWOOD. Of course when you are considering a question of taxation, and are not dealing with the broad powers that are given to the Congress of the United States to govern this District, as suggested by the Senator from Utah, there might be in my mind some question; but there evidently has not been any question in the mind of the Congress of the United States in this particular case, because they did leave it to the President of the United States to put the reciprocity treaty of the McKinley bill into effect.

Mr. SUTHERLAND. But it did not depend upon the discretion of the President.

Mr. UNDERWOOD. Absolutely.

Mr. SUTHERLAND. No; if the Senator will pardon me, it depended upon the existence of a fact wholly outside of the will of the President, which the President was authorized to ascertain. Now, if the law had provided that it should go into effect if the President determined that it should, and that it should not go into effect if the President determined the contrary, the Senator would not contend that it would be a valid law.

Mr. UNDERWOOD. If the Senator goes that far and says it was not the President that determined the fact, that it was the happening of an event, a fact to be determined by somebody else, then it was the determination by a foreign government of the fact. It is still left to a fact to be determined, discretionary with somebody; and if it was not the President of the United States, then it was a foreign government.

Mr. SUTHERLAND. No.

Mr. UNDERWOOD. Why, certainly it was. What was the event? The reciprocity treaties, under the tariff bill, were to be put into effect by the President of the United States with certain concessions when foreign governments made certain concessions to us. Is not that so?

Mr. SUTHERLAND. Yes; that is so.

Mr. UNDERWOOD. Now then, there was the happening of an event, a discretion; and it was not put into effect until, by treaty, the foreign governments agreed with the President of the United States that they would make certain concessions in regard to their tariff laws if we reduced our customs tariff. So that there was a discretion in somebody—if not in the President of the United States, in the foreign government—that put the law into effect.

Mr. SUTHERLAND. There was a discretion in the foreign government as to whether they would do the thing or whether they would not.

Mr. UNDERWOOD. Certainly.

Mr. SUTHERLAND. But there was no discretion vested in the foreign government to say whether this should be the law or should not be the law.

Mr. UNDERWOOD. Why, certainly not; but the fact remains that the law did not become operative until a certain condition, over which Congress had no control, existed.

Mr. SUTHERLAND. It was not an exercise of their will in regard to the taking effect of the law.

Mr. UNDERWOOD. I never contended that there has been a discretion, and there is no discretion with the people of the District of Columbia as to whether or not they want to change the Sheppard bill. The only question with them is the question as to whether or not they will accept it. There is no legislative discretion in it. There is no judgment that can be passed on it. As the senior Senator from Georgia [Mr. SMITH] suggests, there is no discretion with the people of the District of Columbia as to whether this shall become the law. We pass the law, and the President signs it, and it is a law. The discretion resting with them is as to whether or not they shall make the law operative at a certain time; that is all.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Texas?

Mr. UNDERWOOD. I do.

Mr. SHEPPARD. If the Senator will allow me to make a suggestion, your amendment makes it discretionary with a small part of the people to say whether or not the law shall be voted on.

Mr. UNDERWOOD. That does not affect its constitutionality, whether we say a small part or a large part. We might leave it to one man, or we might leave it to every man, woman, and child in the District of Columbia, irrespective of age. That would not affect its constitutionality, if it is constitutional, if it is left to the determinaion of any of them.

Mr. SHEPPARD. Your amendment does not order the referendum. It makes the referendum dependent on the will of a certain number of people as to whether or not the bill shall be voted on.

Mr. UNDERWOOD. That might go in an argument as to whether or not that was the proper way to submit it, but certainly the Senator from Texas would not advance that statement as an argument as to the constitutionality of the question. If we can delegate to one man the power to determine when it shall go into effect, we can delegate it to all, or if we can delegate it to all we can delegate it to one.

Mr. SHEPPARD. But this is not as to whether it shall go into effect. It is delegating the power to say whether the bill shall be voted on by the people or not.

Mr. UNDERWOOD. Well, that is the same proposition. That is starting it into effect. There is no distinction whatever.

I have a decision here of Moers against the City of Reading, Twenty-first Pennsylvania State Reports, page 188. The language of the court was:

Half the statutes on our books are in the alternative, depending on the discretion of some person or persons to whom is confided the duty of determining whether the proper occasion exists for executing them. But it can not be said that the exercise of such discretion is the making of the law.

That is the whole proposition here, and, as this judge has said, to have the legislation this Congress passes rest in the discretion of some one as to whether you are going to put it into effect or not.

So in Locke's appeal, Seventy-second Pennsylvania State Reports, page 491, the court said:

To assert that a law is less than a law, because it is made to depend on a future event or act is to rob the legislature of the power to act wisely for the public welfare whenever a law is passed relating to a state of affairs not yet developed or to things future and impossible to fully know.

Again, the proper distinction, the court said, was this:

The legislature can not delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend.

Then again, that the "subsequent event" approved of in the preceding cases includes the popular will has been held in the following cases, the language approved by the courts being:

While the legislature can not delegate its power to enact laws, it may provide that whether or not a law enacted shall be operative may be made to depend on the popular will.

The cases which sustain that proposition you will find in Leger against Rice, Federal Cases, No. 8210; Hobart against Butte County, Seventeenth California, page 23; Robinson against Bidwell, Twenty-second California, page 379.

I have a list of 15 other cases here which I will ask to have printed in the RECORD and not take the time of the Senate to read.

The cases referred to are as follows:

Guild *v.* City of Chicago, 82 Ill., 472.
Lytle *v.* May, 49 Iowa, 224.
Charles *v.* Rogers, 81 Ky., 43.
Wales *v.* Belcher, 20 Mass., 508.
Maggard *v.* Pond, 93 Mo., 606.
State *v.* Noyes, 30 N. H.
Noonan *v.* Hudson Cty., 51 N. J. Law (22 Vroom), 454.
Johnson *v.* Rich, 10 N. Y., 33.
Smith *v.* McCarty, 56 Pa. St., 359.
State *v.* Copeland, 3 R. I., 33.
L. & N. Ry. Co. *v.* Davidson, 33 Tenn. (1 Sneed), 637.
State *v.* Parker, 26 Vt., 357.
Rutter *v.* Sullivan, 25 W. Va., 427.
State *v.* O'Neill, 24 Wis., 149.

Mr. UNDERWOOD. The Supreme Court of Massachusetts, in One hundred and sixtieth Massachusetts, page 591, in response to an order of the Massachusetts House of Representatives for an opinion regarding the constitutionality of submitting the question of suffrage for women to popular vote, make the following statement of the law in Massachusetts regarding local option (dicta):

There has been some conflict of authority upon the constitutionality of what are called local-option laws, which have been principally laws regulating the sale of intoxicating liquors, but they have been held to be constitutional by a majority of the courts which have considered them. They have been held to be constitutional in this Commonwealth. (Commonwealth *v.* Bennett, 108 Mass., 27.) In that case it is said: "It has been argued in other cases which have been brought before the court since the argument of the present case that these statutes are unconstitutional, because they delegate to cities and towns a part of the legislative power. But we can see no ground for such a position. Many successive statutes of the Commonwealth have made the lawfulness of sales of intoxicating liquors to depend upon licenses from the selectmen of towns or commissioners of counties, and such statutes have been held to be constitutional. (7 Dane. Abr., 43, 44; Commonwealth *v.* Blackington, 24 Dick., 352.) It is equally within the power of the legislature to authorize a town by vote of the inhabitants or a city by vote of the city council to determine whether the sale of particular kinds of liquors within its limits shall be permitted or prohibited. This subject, although not embraced within the ordinary power to make by-laws and ordinances, falls within the class of police regulations which may be intrusted by the legislature by express enactment to municipal authority."

Mr. President, I think I have cited authorities of the Supreme Court and other courts of the United States clearly showing, first, that the Congress of the United States has power under the Constitution to delegate certain legislative powers to the District of Columbia; second, that Congress has the power to enact a law to take effect upon the ascertainment and declaration of a certain event; and, third, that the weight of authority and the reason of the decisions are to the effect that the ascertainment of the will of the people is the happening of an event within the meaning of the majority of the decided cases.

The proponents of this measure would not for one moment confront the Supreme Court of the United States with the proposition that a local option law was unconstitutional. It may be that in some States where they have State-wide prohibition they are unwilling to trust the people; it may be that where they think they have the power to act without the consent of the people they are willing to arrogate to themselves that power; but in a large number of the Commonwealths of this country, in Commonwealths to-day that embrace a majority of the people of the United States, the proponents of this bill are fighting for exactly what I am requesting the Congress of the United States to do in reference to the District of Columbia.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. VARDAMAN. I think the Senator from Alabama has established beyond question by the Supreme Court decisions the right of Congress to pass this bill in the way that he has proposed. I never had any doubt of it myself. I have, however, very serious doubts about it being the best for the city of Washington and the people of the United States that this power shall be exercised by the people of Washington. Since the Senator has proven by precedent that his amendment does not violate the Constitution, I wish the Senator, who has given very thorough study and investigation to these questions, would state the reason why the right of self-government was taken from the citizens of Washington. The same incompetent material with which the designing and unscrupulous white men made the government of Washington odious to the American people in the past is present here to-day. I should like to have the Senator answer that objection.

Mr. UNDERWOOD. The Senator does not make himself clear to me or he is asking again the question he asked a few minutes ago, and I stated that I was not informed and had not investigated it.

Mr. VARDAMAN. Does the Senator know that two white men were disfranchised in order to get rid of one negro in the government of this city; that negro rule here had become a stench in the nostrils of the people of the United States, and in order to get rid of it the white people of Washington surrendered the right of self-government, which the Senator is endeavoring to give them by his amendment.

Mr. UNDERWOOD. I will say to the Senator from Mississippi that I cherish the rights, the liberties, and the freedom of my people as he does his people. His people have been threatened with negro domination in the past, and that is what he means. He will not rise in his seat now and say that for the purpose of protecting the people of Mississippi against the negro votes he is willing to surrender the legislative power of the State of Mississippi to the Congress of the United States.

Mr. VARDAMAN. Oh, certainly not.

Mr. UNDERWOOD. Certainly not; but that is what you ask for the District of Columbia.

Mr. VARDAMAN. I will tell the Senator what I am in favor of. Congress never had the power to govern Mississippi. I would not be in favor of submitting a question of this character to the negroes of Mississippi.

Mr. UNDERWOOD. Oh, it has been exercised. The Senator is complaining that it was taken away from them for a particular reason.

Mr. VARDAMAN. I said the people of the District of Columbia voluntarily surrendered it; they asked that it be taken away.

Mr. UNDERWOOD. I do not know whether they did or not; it has been taken away from them.

Mr. VARDAMAN. I want to say to the Senator, in answer to his question, that the Senator would not submit this question to the negroes and the white voters of Alabama if he had the power to do so.

Mr. UNDERWOOD. I would submit it to the electorate of my State. I am no modern local optionist. I have had a conviction on this question ever since I was a boy. I believe in local option. The prohibitionists of my State believed in it because it was the rule of the people, but when they passed by and wanted to rule my people with a power which was not authorized by the local communities I parted company with them. I favored local option when we had no restriction on the suffrage of Alabama, and I have no doubt the Senator from Mississippi did the same—that he stood for a local-option law in Mississippi before the Georgia amendment limiting the suffrage in his State was passed.

Mr. VARDAMAN. Certainly I did, and we won in spite of local option, until they got to a point where local option would not work, and then, like your State, we voted State-wide prohibition. And a great work was accomplished for the people when we did it.

Mr. UNDERWOOD. That is exactly where my friend from Mississippi and I differ. We do not differ on the question of what we have done or what we are willing to do. If there was no limitation on the franchise in the State of Mississippi to-day and the question of temperance by way of local option came up, I believe the Senator from Mississippi would submit it to the electorate of his State.

As far as I am concerned, as I have said, I am glad to get as intelligent and as virtuous an electorate to determine this question as is possible, but I do say that because there may be limitations on the ascertainment of that electorate no man who believes as the Senator from Mississippi believes and I believe has the right to rob the American people of their freedom without the determination of the question by the people of the State.

Mr. VARDAMAN. Why does the Senator insist upon a referendum in this matter only? Is not the question of taxation and are there not other matters of as much importance?

Mr. UNDERWOOD. I am sure that my friend from Mississippi must have been out of the room since I have been making this speech, because that question was brought up some time ago by the Senator from New Hampshire [Mr. GALLINGER]. I stated to him that I concurred with his views, that if we are not going to give these people some form of self-government and the benefit of passing on the great fundamental principles which involve their liberties, their property rights, their happiness, there ought to be some submission of all those questions to them, especially a question involving taxation.

Mr. VARDAMAN. I heard the Senator's reply to the Senator from New Hampshire. But in that reply he did not answer the question of why a matter of such vital importance to the welfare of the citizen as the question of taxation should not be submitted—that nobody thought of submitting it to a vote of the District while one which proposes to cure a condition of manifest detriment to the District should be submitted?

Mr. GALLINGER and Mr. POMERENE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Alabama yield, and if so to whom?

Mr. UNDERWOOD. Allow me to answer the question. I have been more or less a busy man since I have been in the Congress of the United States. I may have been derelict in my duty to the people of the District, a constituency that I do not directly represent, in not submitting a proposal on certain fundamental questions that were of vast importance to them, but I want to say that in the last decade I have had about all the work that one man could do. I never served on the District Committee and these questions have not come directly within the jurisdiction of my legislative acts, but if I was derelict in that respect in the past, why should I be derelict in the future? Does the Senator from Ohio desire to ask me a question?

Mr. POMERENE. Not to ask the Senator from Alabama a question but to suggest that there is a bill now on the calendar conferring upon the residents of the District the right to elect a Delegate to the House of Representatives, so that the people of the District may at least have a still, small voice, even if they do not have a right to vote on questions relating to the District. I hope when that bill comes up it will have the support of the distinguished Senator from Mississippi.

Mr. VARDAMAN. I wish to answer the Senator. I will not, because I do not think the people of the District of Columbia have any more right to a voice in the government of this Capital than the citizens of one of the States. Washington is the Capital of the Nation—belongs to the Nation—and by the National Legislature should be governed. I deny that the people of Washington are without representation in Congress. Every Senator and Representative in Congress represents the people of Washington, and they are in honor bound to do the people of Washington absolute justice, and to enact wise and just laws for the government of this city.

Mr. POMERENE. If I may be permitted, I sometimes marvel at the mental state of some Senators who are insisting with all the vehemence and ability they can command for every right for the people of their own States, and then try to deny the same rights to 350,000 people in the District of Columbia, just as good people as live in the State of Mississippi or in the State of Ohio. I have been a good deal interested at times to see the emotion which is displayed on the floor of the Senate because some Hawaiians and some Porto Ricans and some Filipinos do not have the right to vote, and we lose sight of the 350,000 free American citizens here in the District.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. UNDERWOOD. I yield.

Mr. GALLINGER. I am not going to discuss the question of having the District of Columbia represented. I am against giving the people here a Delegate without a vote. If they are going to have representation, I want them to have representation in both Houses of Congress with a vote.

But I rose, Mr. President, to state the question I propounded to the Senator from Alabama. I asked him if he differentiated between local-option laws and other laws, and I made the suggestion that if he did not the law we passed last year taxing the people of the District on intangibles might, with equal propriety, have been submitted to the people of the District of Columbia. The Senator said he agreed to that.

Mr. UNDERWOOD. I do.

Mr. GALLINGER. If that law had been submitted to the people of the District, I venture to say that nine hundred and ninety-nine out of every thousand would have rejected it, because they do not want to have additional taxes. If we follow the same principle, we will find that we are passing laws here at every session which would be rejected by the people of the District beyond a question. So I think it is rather a dangerous proposition to say that we should feel constrained to submit those laws to a majority vote of the people of the District of Columbia.

Mr. UNDERWOOD. I do not agree with the Senator about that at all. Of course, as long as the Congress of the United States is paying half the bills of the District, or paying a portion of the bills of the District, the Congress of the United States for the whole people of the United States are entitled to a voice in this matter as to how much taxes shall be raised and how they shall be expended; but on the particular proposition the Senator has referred to the facts show that there was sufficient money being raised at the time the law was enacted to support the District government according to the way we were running it, and they did not need any more taxes. Congress by a law changed the manner of raising that money from a way that I think was satisfactory to the people of the District to a way that was probably unsatisfactory. If all the money was being raised that was needed to run the District government, I think the wishes of the people of the District of Columbia as to how they desired to be taxed should be primary and not the wishes of the Congress of the United States or the people of some other State.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from California?

Mr. UNDERWOOD. I do.

Mr. WORKS. The Senator has referred to the limitation on the franchise in Mississippi. I should like to ask if there is any limitation on the franchise in his own State, and if so, what it is?

Mr. UNDERWOOD. I will be glad to tell the Senator. There is a limitation on the franchise in the State of Alabama. It is limited in the first place to males. In the next place a man must be of sound mind. In the next place he must not have been convicted of a crime involving moral turpitude. In the next place he must be 21 years of age. In the next place he must be able to read and write; and in the next place he must pay poll tax of $1.50 a year up to the time he is 45 years of age.

Mr. WORKS. I suppose the Senator believes in the right and justice of that limitation?

Mr. UNDERWOOD. I do.

Mr. WORKS. Suppose the franchise were granted to the people of the District of Columbia, does not the Senator think there should be a similar limitation, considering the conditions that prevail here?

Mr. UNDERWOOD. I have no objection to doing that. The Senator was not here when I discussed that question or I am sure he would not have asked the question.

Mr. WORKS. I am sorry I missed that portion of the Senator's address.

Mr. UNDERWOOD. I discussed that question thoroughly. I pointed out that out of 103,000 male citizens here 21 years of age and over only about 4,000 of them were illiterate, and that of the taxpayers of the District there were about 8,000 who failed to pay their taxes who were white and only two hundred and forty-odd who were colored. I do not see that the adoption of those provisions in the District of Columbia would materially affect the franchise, but if the Senate wants to do so I have no objection in the world to having the provision put in this bill that only those who can read and write shall vote in this election, or that they should pay their taxes before they vote.

Mr. WORKS. Does that condition prevail in a similar proportion in the State of Alabama between the whites and blacks?

Mr. UNDERWOOD. No; I do not think it does.

Mr. SMITH of Georgia. Can the Senator tell us what proportion of the white and what proportion of the colored population pay any taxes at all?

Mr. UNDERWOOD. In this District?

Mr. SMITH of Georgia. Yes.

Mr. UNDERWOOD. No; I can not tell that, because I have not the figures; but I can state, because I got the information from the District office, that among the colored population for year before last, I think, the figures were—there were only 240 who failed to pay their taxes.

Mr. SMITH of Georgia. Yes; but to find any comparison we would have to know the number of taxpayers of each race, also. It may transpire that there are very few of the 30,000 colored people who pay any taxes at all.

Mr. UNDERWOOD. That is probably true.

Mr. SMITH of Georgia. That is why I asked the Senator about the limitation. I say the limitation as to taxes in this District would have very little effect upon the negro population of the District of Columbia.

Mr. WORKS. Can the Senator give us about the proportion of illiteracy in his State as between the white and colored population?

Mr. UNDERWOOD. No; I can not, because I have not the figures.

Mr. THOMPSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. UNDERWOOD. I do.

Mr. THOMPSON. The Senator has said that he is willing to limit the franchise or the eligibility of electors. I should like to know if he is favorable to extending the franchise to the women of the District who have the same eligibility as the men?

Mr. UNDERWOOD. I will answer the Senator's question very candidly. I have not voted for woman suffrage. The people I represent are not for woman suffrage. That being the case, if the amendment is offered here I shall vote against it, but if it is made a part of the bill I shall vote for the referendum. On this particular question I have no serious objection whatever to the women of the District voting, and I do not think it will affect it in one way or another. I really have no serious objection to limiting it to this particular proposition, although I shall probably vote against the amendment when it is offered.

Mr. President, I am glad to be interrupted; I am glad to have an opportunity to fully and freely discuss this question; but I want to come down to the real question that was asked here a while ago as to why we should submit this question to the people of the District of Columbia. It has been answered time and time again by the proponents of this measure. They have appealed to State legislation, they have appealed to constituencies far and wide throughout this Union, for an opportunity to allow the people of the United States or particular localities in the United States to vote on the question as to whether certain territory should be wet or dry, as they express it.

I want to read you a statement from one who is high in authority in the Antisaloon League, who are proposing the Sheppard bill. The following excerpts are from the address of Mr. P. A. Baker, Columbus, Ohio, national superintendent of the Antisaloon League, in reference to county local-option bill 345, made at a meeting held in the senate chamber at Columbus, Ohio, on the 22d day of January, 1908, John C. Drake, chairman of the committee. Before this temperance committee of the Senate of the State of Ohio Mr. Baker, in favoring a local-option bill, one to submit this question to local communities in the State of Ohio, his own home State, said:

> Why this extreme anxiety on the part of these people? If the people of the rural counties in the State of Ohio do not want the saloon, ought they not to have the American right of saying that they do not want it? If the people of Cincinnati and Hamilton County want it, if the people of Cuyahoga County want it, if the people of Lucas County want it, if the people of Franklin County want it, let them have it; but let the people of Delaware and every other county in this State who, by the right of ballot, say they do not want it, let them have their say.

That is the position of the head of the Antisaloon League. I asked the Senator from Texas a few moments ago as to whether this bill which he proposes met with the approval of this organization, whether or not it was not reported here at their request and suggestion, and he concurred in that statement.

Mr. SHEPPARD. No; I did not say that it was reported at their request and suggestion.

Mr. UNDERWOOD. Well, that they concurred in the legislation and agreed to it.

Mr. SHEPPARD. That is very different.

Mr. UNDERWOOD. Now, here is the head of that organization not only declaring in favor of local option, but he said before this committee of the Legislature of Ohio that if the people of Cincinnati did not want prohibition, they should not have it; but that if the people of Delaware County wanted it, you should give them their say and let them have it. What are we asking here but that same proposition?

If this is a high moral issue, it is not an issue of expediency; if it is a high moral issue that Mr. Baker is proposing in Ohio, then it is equally a high moral issue and on the same plane, that he is proposing in Washington. If it is honest and just, according to Mr. Baker's view, to offer this proposition for the decision of the people of the counties of Ohio, it is equally honest and just to propose it for the people of the District of Columbia. But that is not all.

I take the statement I am going to read from a copy of the 1909 Yearbook of the Antisaloon League. This is from the real authority, the book promulgating the principles of the Antisaloon League. What do they say with reference to local option? They say:

> Local option is another word for Americanism. It is essentially an instrument of free government and has been passed upon a thousand times and in a thousand ways as a real part of our governmental system.

That comes with the authority of the Antisaloon League. That was in the Yearbook of 1909. Here is what they state in their Antisaloon League Yearbook for 1908:

> Local option on the liquor question simply provides for the placing of the saloon question in the hands of the voters of any given local community, such as a district, a county, a city, a village, or a township. It is unquestionably true that local option has proven to be the best method thus far of securing the largest possible area where the sale of liquor is prohibited, and the best possible enforcement of the prohibitory law.

That is the statement of the Antisaloon League. I concur in that statement, and I challenge the men who are fighting this proposition to-day to show that the statement is not true. What does it say? It says:

> It is unquestionably true that local option has proven to be the best method thus far for securing the largest possible area where the sale of liquor is prohibited, and the best possible enforcement of prohibitory law.

Why? Because when you have local option, you have the rule of the people; you have free government. When you submit the question of prohibition or of temperance laws to a people and they vote for it, they enforce it; but the history of all such legislation has proven that when you force prohibition down the throats of an unwilling people, it is never enforced; that the "blind tiger," in all its riot, takes the place of the saloon, and that contempt of law is erected by force of arms in place of respect for law.

I have a number of statements from gentlemen high in the councils of the Antisaloon League; aye, in the councils of temperance movements, on this subject sustaining the position I am taking. I will not occupy the time of the Senate in now reading them all, but I shall ask the privilege to insert at least some of them in the RECORD.

The PRESIDENT pro tempore. Without objection, permission to do so is granted.

The matter referred to is as follows:

[William J. Bryan, in an interview in the Baltimore News, May, 1908.]

> "In answer to questions about my record on the subject, I have stated that, so far as my personal habits go, I am a teetotaler, never having used liquor as a beverage; but in 1890 I voted against the State prohibition amendment because I thought the license system we had, with local option, was better suited to the conditions we had to meet in our State."

—

The following paragraphs are excerpts from the speech of Wayne B. Wheeler before the Monday evening session of the house committee on liquor traffic and temperance, and the senate committee on temperance at Columbus, Ohio, January 20, 1913:

> "Then, too, we have been for a number of years getting a little more closely to the idea of letting the people rule upon questions that interest them. Take that tendency of the times and ask yourself how much people's rule there is in this proposition, not to let them have one word to say about the kind of a license officer that is to grant the license and administer this policy there in the county where they live. I say to you that there is no home rule in it whatever.
>
> "Suppose for instance some chief executive wanted to use it in this way and appoint officers who would administer it contrary to its real spirit, say, or to the sentiment of the community; suppose that one of these days you would elect a man governor of the State absolutely opposed in principle to the whole liquor traffic who would appoint a board on down through—down into Hamilton County, for instance—and they would appoint the county officers there absolutely opposed to the whole system. I want to say to you, you would have a whole lot of trouble right in Hamilton County. Suppose they would refuse on some ground or other to give you a single license down there, you would say you would bring a mandamus suit; but you could not bring it with probably the showing that they might make against them for having violated the law or something; you would have, at least, a system there which would not be administered according to its spirit. But you let that officer be elected in your county or chosen in accordance with the average sentiment of that county; he is going to be more nearly responsive to the demands of the people and what they think is fair play than the man will who is appointed to it if he is not in sympathy with your system, and that is where the whole thing

is going to hinge in coming years if you put it in the hands of the State board to choose the local officers."

The following are excerpts from the address of Wayne B. Wheeler, now national superintendent of the Antisaloon League, in re House bill No. 73 (Ward local-option bill) in the committee rooms of the house of representatives, Columbus, Ohio, on the 2d of February, 1904, Chairman Briggs, before the temperance committee of the House of Representatives of the Legislature of Ohio:

"In cities like Cleveland, Columbus, and Cincinnati, where a majority of the sentiment of the city is not in favor of voting the saloons out of the whole city, yet there are large portions of the city, the residence districts, where the voters do not want the saloon, and we feel that it is just as fair for them to have the right to say whether or not there should be saloons in their residence wards as it is for the people in the village or in the smaller cities to say whether they want them in their whole municipality. In other words, it is simply home rule on this question. Under present conditions a man can go straight from the penitentiary right out into the residence districts of this city or any other city of Ohio, buy a lot or lease a lot, and start a saloon in the residence district, thus destroying the value of property from 20 to 40 per cent, ruining it for residence purposes, as many people would not want to live there at all with a saloon next to them, and yet the owners of the property around about are absolutely without relief. We feel that that is unfair; that it is un-American in a place where a majority of the people do not want to have the saloon; that they have to put up with it, and over their protest that saloon is established there; and that they have no remedy at law. This gives them relief when they want relief, and I think that every member of this committee realizes that the bill is not forced upon the people and the legislature in advance of public sentiment. If we were asking you to close one saloon of this State arbitrarily, without the voice or the sentiment of the people, it would be a different proposition than that which we present to you to-night. We simply ask for a measure which gives the people protection when they want it. We readily concede that you can not make people good by law. But we do believe it is sane legislation, which gives the people protection from evil when they want that protection."

Mr. UNDERWOOD. I hold in my hand an extract from the address of the Rev. J. S. Rutledge, district superintendent of the Antisaloon League of Cleveland, Ohio, before a committee of the House of Representatives of the General Assembly of Ohio, Charles A. Brannock, chairman, in 1902. This is what the district superintendent of the Ohio Antisaloon League said. I do not question his honesty or his sincerity. I believe that what he said in Ohio he would say here, for the same question is involved before the Congress of the United States in this hour that was involved before the Legislature of Ohio in that hour. Here is what he said:

I am thoroughly democratic—not partisan, however—in my American spirit. I think that this is a Government of the people. I believe it must be by the people and for the people, and that government which does not properly represent the people is not a fair government under our jurisdiction here. I do not need to expand upon that. So that I am in favor of a law that will give the people of the State of Ohio the greatest possible opportunity of local management and local representation.

He was speaking in favor of a local-option law such as I am favoring in the Senate of the United States to-day. Here is a man high in the councils of the organization, who says it is democratic and a high principle of Americanism to give the people a chance to pass on this question.

As I have before stated, I have been in favor of that view when there were but few prohibition counties in the State of Alabama; when there was strong opposition from those who sold liquor to a question of this kind being submitted to the people. I believed in it because I believed it was a right of free government; because I believed it was the right of a free people to have such laws on the statute books as they desired for the protection of their local communities. I even went so far as to vote for the Webb-Kenyon bill, preventing the shipment of liquor into "dry" territory where the people had decided they did not want liquor. I have not changed my views. Those were my views when there was no prohibition in Alabama. Alabama to-day has prohibition by legislative enactment; but I have not changed my views and do not propose to change them, for they are fundamental; they go to the real question that every self-respecting America-loving citizen of this country should recognize, namely, the freedom of action of the people of this country. That is the principle that our forefathers fought for; it is the principle that the people of this country have maintained since the foundation of this Government—the right to have laws on their statute books that met with their approval.

This is not a government of men; this is a government of law. Under that government of law you are entitled to have reflected in the law the will of the American people, the will of the people who are going to be governed by the law, and for whose government particularly the law has been passed; and when you write on the statute books of your country a law for the government of a particular portion of the people that does not reflect their views and their sentiments, you are not governing them by law; you are governing them by the despotic power of man; you are taking away from them the rights and the liberties that their fathers fought for and maintained in the Revolutionary War. You would not do so on any other question; you could not for one minute get your consent to overthrow these great principles of government if it were not that a religious propaganda has gotten behind a political organization for the purpose of the accomplishment of a result which that organization and that propaganda believe to be for the good of humanity.

I do not question their motives; I know the people who are attempting to drive this legislation on the people of the District of Columbia with the power and force and will of the Congress of the United States are acting from a good motive; they are doing it because they believe the law will be a benefit; but tell me, you proponents of this legislation, is there a darker day in all the history of Europe than St. Bartholomew's Day, when at the point of the sword thousands of innocent women, children, and men were murdered for what the men who were committing the murders believed was a good cause and the cause of God? Religious fanaticism, it is true; but the men who did the bloody work believe they were right.

More than that, this idea of driving people to do what somebody else thinks is right, what somebody else thinks is moral, has debauched the world with more crimes than any other despotic action by dominant government. Even in as late a day and as enlightened a time as the era when William Shakespeare wrote his plays men's lives and liberties were endangered, threatened, and destroyed in old England if they refused to accept the Protestant faith, instead of the faith of some other church. For centuries legislation was enacted to force by the dominant power of government control of the spiritual life of men, and it was not until our great Government was established and it was written in the pages of the Constitution of the United States that a man might worship his God according to the dictates of his own conscience, that efforts to control the spiritual life of men by force and by law were abandoned and given up, until to-day in all the civilized countries of the world no man for a moment would proclaim that the spiritual life of other men should be governed by his will or by his dictates, although I have no doubt there are men living within the bounds of the United States who would enact laws of that kind to-day if they had the power and the Constitution did not guard us against them. But although we have abandoned as a relic of barbarism and a relic of the Dark Ages of the past the effort to control by law the spiritual life of men, we are attempting to do the same thing and control their physical life under the claim that their spiritual welfare needs it.

I presume I have been abused as much as any man in America because I reserve the privilege to stand at my desk and advocate exactly the same principle that Mr. Baker, the superintendent of the Antisaloon League, stands for in the State of Ohio, but it concerns me but little whether I am abused or whether I am praised, if my action meets with the approval of my own convictions and my own conscience.

I do not contend that prohibition has not at some time and in some places worked for temperance, has not worked for better government, has not worked for higher ideals and greater morality in the community. It has; but what I do contend is that the whole history of this legislation demonstrates beyond cavil that when you have attempted to put prohibition by the force of law on a community which was not ready for it, or was not then willing to take it, instead of accomplishing temperance you have brought about the opposite; instead of licensing the regulation of the liquor traffic, you have brought about riot in the alleys and in the dark places; you have brought about the unlicensed sale by "blind tigers" in violation of law, as it would not be enforced by the community. I have seen in the State of Alabama, under a law such as it is desired to place on the statute books now, in communities which were not willing or ready to take it, "blind tigers" running as open saloons. You have seen them in many States in the United States. I could name other States from which come some Senators who are voting to put this sumptuary legislation on the people of the District of Columbia, whether they are willing or not, where similar conditions prevail. They know in their own States, where prohibition legislation obtains, that there are wide-open "blind tigers" selling without restriction of law to men, women, and children at all hours of the day and night, Sundays and election day, and every other day. Do you tell me that this is a higher state of morals and better for the community than a restricted sale of liquor, prohibiting its sale to minors, not allowing it to be sold on Sunday, and fixing the hour at night when the saloon must close?

You know as well as I do that it is not better for a community, and you know as well as I do that any law that you pass, and any law that you put on the statute books, in the last analysis must come to the jury box for its enforcement. It

may be asked, "Will the jury violate its oath; will a jury go against the testimony and acquit a man who has been proven to be guilty?" I do not say a jury should by right or by honesty of purpose do so, but I do say that juries do that, have done it, and will continue to do it when you write laws on the statute books against the approval of the people you seek to govern. You know that when, in old England it was a crime punished by death for a man to steal a chicken, juries refused to convict, and I think that juries in your State and in my State would refuse to convict and hang a man for stealing a chicken to-day.

To enforce this law the Senator from Texas is not going to the extreme of hanging; but, believing that severe pains and penalties must be put on the people of the District of Columbia to enforce the law, he has written in the proposed statute penalties that are entirely contrary to the ordinary penalties that Congress writes to enforce law. Is it more immoral for a man to sell a drink of whisky or to steal? For stealing the law provides that the punishment shall not be over a certain fine—I do not remember the amount, but say a thousand dollars—or confinement not over so many months in jail—I do not remember the term, but say a year—or both, in the discretion of the court, leaving it to the court to determine the gravamen of the offense. Not so when you come to force a law on what you believe is an unwilling people. You must inflict them with severe pains and penalties. Under the terms of this law, if you put it on the statute books, some boy in this District, probably of good family, good raising, good people, with life ahead of him, may in a wild moment, a thoughtless moment, sell half of a bottle of liquor to some companion without intending to run a "blind tiger," without intending to traffic in the business, without intending to violate the law. I know of cases of this kind in my own State—merely having the liquor in possession and selling half of it to a companion in a thoughtless moment, not realizing what the law is. The court convicts him. There is no discretion in the judge as between him and the man who is trying to make money out of the liquor traffic—none whatever. Under the law that you are putting on the statute books you put a fine of $300 against that child and send him to the county workhouse for not less than 30 days to associate with robbers and thieves and highwaymen, and to come out of there with "felon" branded on his forehead and imbedded in his soul, because you think you need extreme penalties to make an unwilling people obey your law.

Mr. President, it concerns me not, so far as I am personally concerned, whether you sell liquor in the District of Columbia or whether you do not. The Senate has recognized that the drinking of liquor is not a moral question. If it were a moral question you would prohibit it entirely. You prohibit theft; you prohibit arson, rape, and murder. You do not compromise with it. You prohibit it, because it is a moral question. But this morning you had an opportunity to prohibit absolutely the manufacture, sale, and possession of liquor in the District of Columbia, and almost by a unanimous vote you rejected the amendment of the Senator from Utah [Mr. SMOOT] embodying that proposition.

What does the Senator from Texas propose? Not prohibition; no. He is proposing an antisaloon bill; in part, an antimanufacturing bill. I do not question his wisdom in doing this. He knows, and those behind him know, that the District of Columbit is not prepared for prohibition legislation now, no matter what it may be in the future; that if you should attempt to put prohibition legislation on the people of the District now, it would mean merely a riot and a fight against the law. The only thing that the Senator from Texas is asking you to do is to legislate a method, not a principle. He says in his bill that any citizen of the District of Columbia can send outside of the District and purchase as much liquor and alcohol for his own consumption in his own home as he desires. He is prohibited from selling it, but he can use it in his own home. Of course, if it were a crime to drink liquor the Senator from Texas would not compromise with crime. The Senator from Texas and those behind him are not compromising with crime. They are determining a method—that is all that is involved in this bill—as to whether you can bring about a more temperate condition by a licensed sale or by prohibiting the sale inside the District entirely and allowing it to be sold to the citizens of the District from the outside. That is all that is involved in this bill, except that it wipes out the manufacture of alcohol in the District and confiscates certain property here without paying for it.

So I say that the issue presented in this bill is not a moral one; it is a question of expediency. Now, who is best able to determine that question—you, representing constituencies away from here, or the people of the District of Columbia, who must live under the law?

Now, no matter what may be charged against me, I am not making any effort in this matter except the effort that the leaders of this same Antisaloon League made for years in my own State and are making in the State of Ohio and the State of Pennsylvania and the State of New York and the State of Maryland and the State of New Jersey and numbers of other States in the Union, and proclaiming it to be the righteous and the proper thing to do—that is, that the people of these States may have an opportunity to march toward temperance and not be driven toward temperance.

Mr. WARREN. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. UNDERWOOD. I do.

Mr. WARREN. In line with what the Senator has just said, I understand that the Antisaloon League in my State is asking that the legislature about to assemble shall provide for referring it to the people and letting them first pass upon the matter; and I am advised the members of the legislature will consider that proposition.

I realize, as every thinking and reading man in public and private life must realize, that the question involved in the pending bill is in the forefront for settlement by the American people, either by legislation enacted by the various legislative bodies representing the States or the Nation, or by direct mandate of the people through expression at the polls.

A glance at recent legislation and at the result of recent elections makes it evident that the country desires to move in the direction of the settlement of the so-called prohibition question. In fact, prohibition exists in the State of Wyoming now in all parts except in the incorporated cities and towns, but our people believe that State-wide prohibition should be submitted to the voters, and more particularly so because for twenty-odd years they were restricted in their voting privileges, and they feel sympathy for the residents of the District of Columbia. They believe, as I do, that the District of Columbia ought to be represented in this body, and in the other body, with a Member each; that by all means this particular matter ought to go before the people of this District.

The rights of the residents of the District are to be passed upon by legislators, not one of whom has been selected by these residents to represent them in regard to the question at issue or any other. The proposed legislation would affect their mode of living, their social life, and whatever may be done as to other matters, this matter should go before the people and be voted on before the Congress should undertake to control them absolutely and completely in regard to it.

Mr. NORRIS. Mr. President, will the Senator from Alabama permit me to ask the Senator from Wyoming a question?

Mr. UNDERWOOD. I yield.

Mr. NORRIS. I should like to ask the Senator from Wyoming if in that contest in Wyoming the liquor men are working very hard to have the question submitted to the people of Wyoming for a vote? Are they doing the same there as they are here?

Mr. WARREN. I do not know what they are doing here, but I want to say to the Senator that if there is any work of that kind in Wyoming I do not know of it.

Mr. NORRIS. Then, I suppose the liquor men and the temperance men are united, and there will be no contest in Wyoming.

Mr. WARREN. I do not know about that.

Mr. UNDERWOOD. Mr. President, I think the question that my friend from Nebraska has just asked the Senator from Wyoming is very much the key to the position that is taken by many in the determination of this question, and that is a personal issue dependent on the personal equation of who is for or who is against a measure and not on fundamental truths as to whether the measure is right or wrong. I do not doubt for a moment that without influence, without a lobby behind it, without pressure and threat of political disaster for men who vote against it, this bill would have no chance whatever of passing the Congress of the United States unless the people of the District of Columbia were first given the opportunity to vote on it; and it makes not much difference to me where the personal equation comes from, I stood for local option in Alabama when many of the men who sold liquor, in fact most of them, were against it and were dominant in the State. I stand for local option to-day in my State and stand for it in other States in the Union, and I stand for it for the District of Columbia, regardless of who stands on either side of the question.

Does it make it any more moral for a man to vote for local option in Ohio, where he finds Mr. Baker, the superintendent of the Antisaloon League, favoring local option, and the man

who sells liquor against it, than it does to vote for it in the District of Columbia, where he may find Mr. Baker against local option because he thinks he has the power to govern this people without their consent? Now, that is all there is to it.

I think it is a very small equation for any man to attempt to decide great moral questions of right or wrong by the determination of who stands on one side of it or who stands on the other side. Mr. President, the determination of a great moral question in that way is the determination of a coward, not of a patriot.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. UNDERWOOD. I do.

Mr. NORRIS. I should like to say that I agree with the Senator in the statement he has just made, but I would not go as far as he does in characterizing those who vote that way as the Senator has characterized them.

Mr. UNDERWOOD. I have not made any personal criticisms.

Mr. NORRIS. The characterization does not apply to me, of course.

Mr. UNDERWOOD. Certainly not.

Mr. NORRIS. But, for instance, just the other day one of the Senators who thought he was going to be away when this matter was voted on announced in the Senate that he was going to vote in favor of the referendum, the Senator's proposition on this liquor question, because he felt obligated to do so by the action of his own State. He did not express himself one way or the other, but his vote in this body was determined by what he conceived to be an instruction from his State.

Mr. UNDERWOOD. A very courageous and a very manly statement; and yet on that same day I heard another Senator make the statement here that he understood how a Senator could hesitate to vote on a particular question because he knew that in that Senator's State there was an organization standing for it, and it was very dangerous for any Senator to stand against an organized body, because they punished him for what he did, while those who agreed with him and were unorganized would not follow it up.

Mr. BRANDEGEE. Mr. President, if the Senator will yield——

Mr. UNDERWOOD. I yield.

Mr. BRANDEGEE. I did not get the idea of the remarks referred to that the Senator from Nebraska did. I understood the Senator from Ohio [Mr. HARDING], when he stated why he should vote for a referendum on this question, to state that it was because he had told his people during the campaign where he stood and how he would stand on that question if he came here into the Senate, and not because his people had voted a certain way at all.

Mr. NORRIS. Mr. President, if the Senator will pardon me——

Mr. UNDERWOOD. Certainly.

Mr. NORRIS. I think the Senator from Connecticut states it practically correctly. I do not believe there is much contention in that, although the Senator from Ohio did say, as I understood, that the platform on which he stood there was to the effect that these questions should be submitted to the people, and that it was decided in that election; the prohibitionists were defeated when it was submitted to the people, and that he believed, therefore, in submitting this question to the people of the District. I agree with the Senator from Alabama in the statement that a man should follow his convictions on the question, although I am not criticizing the man who takes the other view, and I think the Senator from Alabama goes almost too far in characterizing those who do.

Mr. UNDERWOOD. I do not criticize the man who takes the other view from that I take from the standpoint of principle. No; I admire him for taking his position. I am not unduly criticizing the man who yields to pressure on a great public question; but I say that position is not to be admired.

Mr. President, I have occupied a great deal more of the time of the Senate in discussing this question than I intended to occupy. I do not know that what I have said will have any effect on a vote in this body. I merely want, in conclusion, to point out and ask the Members of the Senate to consider that the bill I have offered is not against temperance. It is along the road of temperance legislation that has been advocated by the chief advocates of temperance for many years. It is to give the opportunity for the people to walk to it in the light of day and not be driven by oppression in the nighttime. That is all that I advocate, Mr. President. It is an opportunity for expression on the part of a people who have been deprived of their right of representation in a government, deprived of any voice, who are being controlled by the Government of the United States as despotically as a Czar of Russia controlled the people of that country before the establishment of the Duma, their parliamentary body—people without representation, people without a voice, people whose property will be confiscated, and people who may be given a very much worse condition of public morals if this law goes on the statute books and is unenforced than they will have under present legislation. It must be remembered that the enforcement of the law will not rest in the hands of the judge and the marshal, but will rest in the jury box, in the hands of a jury drawn from these same people. I say, give them the opportunity now and in the future to go along this road if they think it right. Appeal, if you will, to their conscience, their intelligence, their brains, but at least give them the right of self-government. Give them the freedom which the great fundamental law of this land, the Constitution of the United States, guarantees to the balance of us.

Mr. WILLIAMS. Mr. President, a great deal of nonsense has been uttered in the history of the world on both sides of the question of yielding individual conviction to the conviction of others. As a rule the man who talks about his own individual opinions being perfectly sacred and incapable of being yielded to anybody in the world is just a selfish egotist. It depends upon what pressure a free citizen in a free government yields to as to whether he is right or whether he is wrong. If he yields a private opinion concerning a question of expediency and feasibility to the opinion of the school to which he belongs, to the opinion of his State, or to the opinion of his people or his nation, he frequently shows both wisdom and modesty. If he stands out, forming a party by himself, and talks about the "sacredness of his convictions"—generally, by the way, the egotist calls them "convictions" and the gentleman calls them "opinions"—then, if his course were generally followed, he would introduce into society a condition of anarchism that would do away with all government.

This is a representative Government and not a misrepresentative Government, and there is no attack to be made in any valid way upon the man who yields an individual opinion to the opinion of his State. You are not members of a parliament; you are Members of a Congress. The very meaning of the word "congress" is a convening, a coming together of the delegates of States. When we started we started with the idea that this was in one branch of the National Legislature a government of States, and in the other branch a government of the people.

There are just two lines of demarcation between the right of representation and the right of individual conviction. When a man reaches either one of those he must assert his individuality. No man has a right to surrender an opinion founded, in his opinion, upon fundamental morality in order to be representative of a community or a people; and no American representative has the right to surrender an opinion founded upon his construction of the Constitution in order that he may be representative. In the first event he is untrue to God, and in the second event he is untrue to the only thing that an American citizen swears to maintain, which is the Constitution and not the Government. In that particular we differ from every other people that ever established a government or swore allegiance. Nor has he the right to accept the opinion of a court rather than his own opinion in carrying out his sworn observance of the Constitution.

Does this bill present a question of morality or a question of constitutionality, either? Everybody knows it presents neither. I started my political life in opposition to prohibition, in opposition to any sort of attempt upon the part of government to fetter a man's private life. There is no morality involved in it, no question of constitutional power; and I stand here and dare say that I consider myself instructed by the State of Mississippi, my sovereign and my master in all questions involving neither absolute immorality nor unconstitutionality, to vote for prohibitory legislation. I am going to take that back. It is not prohibitory at all. None of you are prohibitionists. None of you ever had the courage to be. You stand here and talk of prohibition as if it were a moral question, and you make it geographical morality by saying that if a man sells me a drink in the State of Mississippi, or, if this bill passes, in the District of Columbia, he is a felon, but if he sends it to me from Boston or St. Louis, equally a seller, he is not. That is geographical morality, if it is any sort of morality at all. And, then, you stand for quantitative morality. A man may sell me a quart a month, but he can not sell me any more. In the first case he is a law-abiding citizen, and in the second a criminal. That is quantitative morality with a vengeance. And so you go through with the whole thing. Sometimes it is a which-side-of-the-bar morality. Is there any difference between the man who stands on that side of the bar and sells me a drink, so far as that individual act is concerned, and me, who stands upon the other side

of the bar buying the drink? And yet there is no one of you who dares make it a crime to buy a drink. Why? Why, you would affect Supreme Court Judges, august Senators, Members of this august body, Cabinet members, some generals, and a few admirals. You would interfere with gentlemen in their private pleasures, instead of merely interfering with tradesmen in their pursuit of business.

I get a little tired of it, as far as I am concerned. I have seen it go on year by year, come up to a certain point, and then the next year go a little bit further, until after a while you never knew where it was going to stop; and I am ready now to vote for the whole thing. I am ready to vote for an amendment to this bill to put a fine of not less than $300 and imprisonment of not less than six months upon any man who buys or sells a drink in the District of Columbia. I want to see the thing brought to an issue, because until it is brought to an issue you will never find out how many people are going to rebel against it in a free Government.

The Senator from Utah [Mr. SMOOT] tells me, sotto voce, that I ought to have voted for his amendment. I replied in the same way that I would have voted for it if I had been here.

Mr. President, in a matter affecting the daily life and habits of living of the people in their very homes there can, in my opinion, be no question at all of the political wisdom and the morality and the constitutional right of submitting a law involving these things to the people themselves thus affected. Mississippi is a prohibition State. I consider myself as a representative instructed by her will in a matter which should overbalance my will. But Mississippi never said to me that I should deprive the people of the District of Columbia of the power and the right to sit in judgment themselves upon this question, in judgment upon which the people of Mississippi sat for themselves. Mississippi would have resented a claim upon the part of a Texan or Californian or a man from Utah or a man from New Hampshire to tell her whether she should or should not be governed by certain laws with regard to this particular subject matter. It is not one of the subjects matter delegated by the people in the Federal Constitution to the Federal Government. A great deal of the argument that has taken place here has just lost sight of why this particular power over the District of Columbia was placed in the Constitution amongst the powers of Congress:

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States—

And so forth.

Those words "exclusive legislation" were not put in there with any reference to whether Congress must exercise a given power itself or whether the people of this District should by some governmental provision which Congress should pass exercise it. It was put there because Virginia and Maryland were about to cede to the Federal Government 10 miles square for a seat of government, or because some States might do it, and the exclusive jurisdiction was placed in Congress in order to put an end to all possible questions of the jurisdiction of the State making the cession, so that after Virginia should cede, or after Maryland should cede, which means merely to part with and dispose of, the cession should be total and complete, and the power of the Federal Government over the territory thus ceded should be exclusive of those or any other States.

The word "exclusive" was put in to indicate that it should be exclusive of the State; and lawyers rise here all day long and chop words and split hairs and lose all recollection of the history and therefore of the reason for the constitutional provision.

This exclusive legislation was to vest the government of this District in the Federal Government and divest it entirely from the ceding States. That was the only reason for the use of the word "exclusive." It did not mean that certain things of a governmental character should be exclusively done by Congress. Very early in the history of the country when men were still living who sat in the Constitutional Convention this idea was unheard of. This District of Columbia was governed for years just like the Territory of Arizona was governed, or the Territory of Mississippi, by a man vested with executive power called a governor and by a sort of council vested with legislative power; and the question neither arose nor could arise to men who knew why the District had been erected.

Now, why was it that they wanted a particular district that a State should have no authority over it, legislative, judicial, or executive? Because we in America first started this idea of a dual sovereignty, dealing upon the same citizens but with regard to different subjects matter, and it was necessary that in the Capital of the Federal Government there should be no conflict of jurisdiction between these two sovereignties, and therefore the jurisdiction of the Federal sovereignty was made exclusive.

All day we have heard arguments about "delegating legislative authority." I agree with the Senator from Alabama [Mr. UNDERWOOD] that under certain conditions there may be what looks like a delegation of legislative authority by a State legislature. It is not a real delegation of the authority, but it provides that certain things shall become law provided the people within a certain district say so. All the people have to do is to say yes or no. They do not enact the law. The Senator is perfectly right about that. But it was not necessary to go that far with regard to this District.

This District can be governed in any way that Congress says. There is no doubt about the fact that Congress could pass the Sheppard bill right now without any referendum to the people of the District. There is also no doubt about the fact that we can pass it right now with a referendum to the people of the District. It is not a question of constitutional power at all. It is a question of popular right. Because you have the power are you going to exercise it without consulting the people who are chiefly interested in their habits and homes in the exercise itself, or are you not?

Now, then, I think the next most important thing after providing that these people shall be consulted in a manner which comes right home to them, just as, in my opinion, I think they ought to be consulted about their schools and about a dozen other things which come right home to them, is to find the proper electorate. My quarrel is not with the bill itself, except that I do not think the bill is sufficiently drastic. I think while you are making the issue you ought to pass a prohibition bill and say so, and face it. It will be as much a personal and individual inconvenience to me as to almost any of you, but I am willing to stand up and be honest and square and make a crime of buying intoxicants. The sin or crime is neither in the buying or the selling per se; it is in the effect of the thing bought and sold after its consumption. Put a judge of the Supreme Court, put a member of the Cabinet, put a Senator in jail for it! Make it a felony, so as to evade that clause of the Constitution which says you can not arrest a Member of Congress while he is here "except for a felony or a breach of the peace," or make it a breach of the peace. Be square about it. Bring it home to you and me, and be brave about it!

My only objection to the Sheppard bill is that it does not go far enough. It is not a real prohibition bill.

Mr. MARTINE of New Jersey. I wish to inquire if the Senator from Mississippi was here, and if so, why he did not vote for the substitute presented by the Senator from Utah [Mr. SMOOT].

Mr. WILLIAMS. I just explained to the Senator from Utah that I was not here. I got out of bed and came up here via one of the departments with the hope of being able to vote for it.

I want a proper electorate. This substitute bill reads:

That all male resident citizens of the District of Columbia who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been residents of the District of Columbia and the voting precinct in which they reside for more than one year prior to the date of the holding of said election—

Shall become the electorate. I want to give notice of the following amendment, which I will ask the Senate to vote upon at the proper time. I ask the Secretary to take it down.

In line 8, page 2, strike out the word "male," and after the word "election" in line 14 on page 2 insert these words:

And who can read and write and who have paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia.

They shall constitute the qualified voters. My object in that is this: In the first place, without giving any allegiance to female suffrage, for I have none to give, there are certain questions that women ought to have a vote upon everywhere, and they are the questions that peculiarly affect the home. The regulation of public schools is one of them; the sale of liquor is another; questions which involve the policing of their towns, questions of sanitation which go to the home life. However long extended or shortly abbreviated the list of such questions might be, this is one of them, and women ought always to have a vote upon the question whether or how whisky or other liquors should be sold in their district. Striking out the word "male" will accomplish that purpose. Inserting the language that I have read after the word "election" will accomplish several purposes. First, it will give us at the seat of the National Government, as an example for all the States, an educational qualification, to wit, that a man must at least be intelligent enough to read and write before he can vote. It may be said that it is a man's misfortune if he can not read and write, but if a man is over 21 years of age and has lived in this country

for three years the fact that he can not read and write argues stupidity and not misfortune. It argues either a lack of ambition to go forward in the world or it argues a lack of intelligence to learn the very simplest thing. You deprive him of nothing by the qualification. You merely say to him, "If you want to vote, go and learn how to read and write. You can do it if you are a man of average intelligence in six months. You can do it if you are a man of more than average intelligence in half as long a time. But at any rate we fix as a qualification of suffrage something which you can obtain and which will be an advantage to you when you do attain it. We deprive you of nothing. We add to your character and your usefulness something of more worth to you than it is to the public itself."

The next language is:

And who have paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia.

That does not require men to have property in order to be voters; it merely requires those having property to be honest, and to be honest with the government under which they live. It merely disqualifies a tax dodger, the most dishonest of all men. It is not the man who simply swindles another individual, but who swindles the very government which protects him. So I should like to see that added to the bill.

Mr. President, a great deal of what I have said was rather irrelevant to the subject matter, but I do hope sure enough, and I am seriously speaking to my friend from Texas and to others for whose intelligence and character I have very high regard—I do hope that the very utmost point which gentlemen want to go to in this legislation will be at some particular moment frankly avowed and confessed, so that society can line up on one side of it or the other. I do hope that this little thing of taking 10 bites at one cherry will stop, because it is a great deal more nagging than it is to eat up the whole cherry at once and be done with it. It is a great deal less trouble to humanity generally, and it is a good deal less trouble to a man, to be soundly whipped than it is to be nibbled at for a week at a time. So I hope at some time you may put in the shape of a bill that which is your ultimate goal, the point beyond which you do not intend to go, and then let us get through with it one way or the other—getting through to a final result of fixed policy is a good thing.

I tell you it is dangerous not to do that. You remember the history of the immorality that came about as a result of the overthrow of the puritanical power in Great Britain. First from one little thing to another the Puritans went, interfering with what men rightfully or wrongfully thought were their rights—wrongfully generally, just as in this case—until they got men into a state of revolt, not against a particular wrong thing that was being done but against every legislative attempt to make them do right, and everything called by the name of religion or morals went by the board for a while. It took a long time afterwards to get things gathered together in a common-sense way.

Now, do not begin with this and come back here next year and go a little bit further, and come back the next Congress and go to the Smoot bill, and then come back five years from now and go to the Williams amendment, making it an absolute crime to buy a drink. Do it all at one time. If you are not going to do it on this bill do it in the next Congress, anyhow, and let the people to be affected see how far you are going, so that they may make up their minds whether they want to go with you or part company with you.

I am not joking about this. It sounds like a piece of irony. It is not. It is reason; it is founded on the soundest morality. You can nag men into a condition where they will oppose the best thing you can think of. Take this very case. No man of common sense in the world regards it as of the slightest importance to his moral character or intellectual development that he should be able to buy a drink. He may want it. He may resent your interference as some one interfering with his opinion, but if he has any sense at all he knows that it never did him a bit of good to buy it or drink it and that doing without it can not do him a bit of harm. Come right out and tell him so right at the jump and be done with it and argue it out with him; sooner or later you might convince him. But if you approach him in a Jesuistic way, a little bit this year and a little bit more next year, and a little bit more the next, nibbling as you go, after a while he not only can not be convinced that he is not being deprived of a very valuable personal liberty, but he can not be convinced that you are honest and sincere. He gets in a frame of mind where he thinks you are doing it for political purposes; that you are doing it to be popular; that you are doing it to serve yourself at home and make yourself strong, whereas if you stood right square out in the beginning for the whole proposition you would be in the long run stronger.

I should like to see the white race subjected to the experiment for 10 years of absolutely doing without alcohol at all for any purpose or from any source except poisoned alcohol in the arts, which no man would want to drink.

You tell me sometimes that it is good for medicine. It is not. I had a man come to me once and say, "I never take a drink except medicinally; I take it as medicine." "Oh, well," I said, "I have got no patience with you. It is a very enlivening beverage, but it is the poorest medicine in the world. I have tried it for nearly everything that it was prescribed for, and it never did me any good for anything."

I should like to see this experiment tried with the white race. The Arabs tried it; the Turks tried it. It did not make either of them any greater than we are, better morally, smarter intellectually, or stronger physically; but I am inclined to believe that that was because we were a stronger and smarter and more moral race anyhow, and that this thing had nothing to do with it; and that if they had not tried it as a part of the Mohammedan religion, prescribed for them in the Koran, the difference between them and us morally and mentally and physically would have been even greater than it is now.

I know that alcohol, like many other things, while harmful to the individual, may be very useful to the race in the way of cutting out the physically unfit, and leaving the race to be bred up by the physically fit, or the mentally fit, or the nervously fit; but I am not one of those who believe that the law of the survival of the physically fit and the extinction of the physically unfit, is a law which God meant for humanity; it is a law that He meant for the other animals, where physique alone was the important consideration.

I should really like to see the experiment tried, and I should like to be alive at the beginning of it and alive at the end of it, to see what effect it would have upon this great white race of ours, which stands in the fore files of time, carrying first in the hands of one of its subbranches and then in the hands of another the torch of civilization and enlightenment and virility and courage to the uttermost parts of the world, with an eye to scrutinize the inscrutable, to question the Omnipotent, standing as the chief representatives of God Himself and God's purposes on earth, as we believe.

The sooner you bring it to an actual experiment and trial the better for everybody. I have made up my mind to cross the Rubicon. I did it some time ago. I never expect to be again a candidate for the Senate in Mississippi. I may live to the point where I will have good enough sense not to want any office. I do not know that my past career shows that I am capable of that degree of intellectual growth, but perhaps I may be. However, it can not count with me politically; none of it can help or hurt me. Mississippi does not care an iota what I do with regard to this bill; Mississippi would care some, I think, if I put over on an unwilling people, without even consulting them, something which I wanted, but which they did not want.

I am prepared to believe that if you will let the women vote and properly restrict the electorate that this District will vote for prohibition, or, rather, will vote for this bill, which is the first step forward in the line of prohibition.

I think another thing about this sort of legislation—and while I am about it I am going to get it all off my mind—I think that Abraham Lincoln was right when he said we ought not only to consult the District of Columbia about their willingness to abolish slavery, but that we ought to indemnify the slaveholders for the property loss. And I think our English cousins are right. When they make laws of this sort they calculate the loss of property to the man affected by them and pay him a reasonable price for it. That is honest, too. Why, I knew the State of Mississippi once to do this, Senators, just to show you how far this sort of legislation can go: Long years ago she passed a law to provide for a lottery, and a man paid $50,000 into the State treasury to have the privilege of that lottery. Then the next legislature that met abolished the lottery law, and Mississippi kept his $50,000.

I knew Mississippi to do this once: To pass a pint liquor law, and after five men in my own town had paid their annual license for one year in advance, to repeal that law without returning the license money and indict each one of those five men for selling under it. They got out because they plead that they did not know the legislature had repealed the law, and the judge was easy upon them; but they had paid their licenses for a property privilege a year in advance, and the minimum one of them had gotten of enjoyment of the license was, I believe, two weeks out of it, and the maximum about two months. That sort of thing is not honest, I do not care how highly moral it is—geographically moral, quantitatively moral, this-side-or-that-side-of-the-bar moral—it is not plain, old-fashioned English honesty. If

you have given a fellow a thing of value for a price and you take the thing of value away from him, you ought to give him back the price, no matter how contemptible you think the calling may be which you by your law invited him to pursue and for which he paid you a price.

I thank the Senate for its attention, and I will call up the amendment on another occasion. I do not desire to call it up this evening, because it is late; but I will call it up when we reach the proper place. I desire to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIAMS. When will the amendment I have offered to the second section of the substitute be in order? Is the substitute to be read by paragraphs for amendment?

The PRESIDENT pro tempore. The substitute, as the Chair understands, has been read and the amendments will come up under Rule XVIII, as the Chair understands. There is now an original bill and a motion to strike out and insert, and the amendments to the original bill are first in order.

Mr. WILLIAMS. I thought amendments to perfect the substitute would be first in order.

Mr. UNDERWOOD. I understand that the amendments to the original bill have already been passed upon and that the bill has been perfected.

The PRESIDENT pro tempore. The Chair is not aware of that fact. If that is the case, then amendments to the substitute are in order.

Mr. UNDERWOOD. I think amendments to the substitute would be in order.

Mr. GALLINGER. And yet other amendments to the original bill can be offered and will have precedence over amendments to the substitute.

The PRESIDENT pro tempore. The Chair is of that opinion.

Mr. WILLIAMS. If that is the opinion, I will offer the amendment.

STOCK-RAISING HOMESTEADS (S. DOC. NO. 641).

Mr. SMITH of Arizona submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Page 3, line 12, after the word "areas," insert the following: "of the character herein described"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out all of section 9 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows:

Page 9, line 22, after the word "lands" add the following: "*Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses."

And the Senate agree to the same.

On page 2, line 22, after the word "appeal" add the following: "but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands."

M. A. SMITH,
C. S. THOMAS,
REED SMOOT,
Managers on the part of the Senate.
SCOTT FERRIS,
EDWARD T. TAYLOR,
IRVINE L. LENROOT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SUTHERLAND. Mr. President, I should like to have the report go over and be printed. It was impossible to understand from hearing it read just what changes are contemplated. I hope the Senator from Arizona will not insist upon going on with it now.

Mr. SMITH of Arizona. I simply ask that the conference report be printed and go over.

The PRESIDENT pro tempore. The report will lie on the table and be printed.

STATUE OF JAMES BUCHANAN.

Mr. WILLIAMS, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 145) authorizing the erection on the public ground in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, reported it without amendment and submitted a report (No. 881) thereon.

Mr. LEE of Maryland. I ask that Senate joint resolution No. 93, being Order of Business 152, which is a joint resolution of the same title and character, be taken from the calendar and postponed indefinitely and that the joint resolution just reported by the Senator from Mississippi [Mr. WILLIAMS] be substituted therefor.

The PRESIDENT pro tempore. Without objection, that action will be taken.

REPORT OF THE PHILIPPINE COMMISSION (H. DOC. NO. 1774).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the Philippine Commission for the fiscal year ended December 31, 1915, together with the reports of the Governor General and the secretaries of the four executive departments of the Philippine government, and the second annual report of the governor of the Department of Mindanao and Sulu for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *December 18, 1916.*

REPORT OF GOVERNOR OF PORTO RICO (H. DOC. NO. 1773).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the Governor of Porto Rico for the fiscal year ended June 30, 1916, together with the reports of the heads of the several executive departments of the Porto Rican government for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *December 18, 1916.*

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 324. Joint resolution authorizing the payment of the salaries of the officers and employees of Congress for December, 1916, was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 19, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1916.

APPOINTMENTS IN THE ARMY.

QUARTERMASTER CORPS.

Brig. Gen. Henry G. Sharpe, Quartermaster Corps, to be Quartermaster General with the rank of major general for the period of four years, beginning September 16, 1916, vice Maj. Gen. James B. Aleshire, retired from active service September 12, 1916.

Col. Abiel L. Smith, Quartermaster Corps, to be brigadier general in the Quartermaster Corps for the period of four

years, beginning September 21, 1916, vice Brig. Gen. Henry G. Sharpe, appointed Quartermaster General.

Col. Thomas Cruse, Quartermaster Corps, to be brigadier general in the Quartermaster Corps for the period of four years, beginning December 9, 1916, with rank from that date, vice Brig. Gen. Carroll A. Devol, retired from active service October 31, 1916.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocates with the rank of major from September 16, 1916.

Capt. Irvin L. Hunt, Nineteenth Infantry, to fill an original vacancy.

Capt. Dennis P. Quinlan, Cavalry, unassigned, to fill an original vacancy.

Capt. Arthur W. Brown, Infantry, unassigned, to fill an original vacancy.

Capt. Kyle Rucker, Fourteenth Cavalry, vice Maj. Walter A. Bethel, promoted.

CHAPLAIN.

Rev. Charles O. Purdy, of Missouri, to be chaplain with the rank of first lieutenant from December 4, 1916, to fill an original vacancy.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from the date set opposite each name.

Homer Samuel Warren, of Illinois, September 6, 1916.

Franklin Townsend Bower, of Pennsylvania, September 16, 1916.

Edgar Erskine Hume, of the District of Columbia, September 16, 1916.

Joseph de Roulhac Moreno, of the District of Columbia, September 16, 1916.

Willis Power Baker, of New York, N. Y., September 16, 1916.

Louis Frank Boyd, of New York, N. Y., September 16, 1916.

Asa Bartholow Carmichael, of Washington, September 16, 1916.

Sewell Munson Corbett, of Virginia, September 16, 1916.

John Francis Corby, of Pennsylvania, September 16, 1916.

Louis Anatole La Garde, jr., of the District of Columbia, September 16, 1916.

Harrison John McGhee, of Pennsylvania, September 16, 1916.

Samuel Reily Norris, of California, September 16, 1916.

Robert Eunice Parrish, of Pennsylvania, September 16, 1916.

Herbert De Witt Porterfield, of Iowa, September 16, 1916.

Penrose Herr Shelley, of Pennsylvania, September 16, 1916.

James Stevens Simmons, of Pennsylvania, September 16, 1916.

Shannon Laurie Van Valzah, of Oregon, September 16, 1916.

Luther Thomas Buchanan, jr., of North Carolina, September 27, 1916.

Joseph Madison Greer, of Arizona, September 27, 1916.

Henry Louis Krafft, of Illinois, September 27, 1916.

Louis John Regan, of New York, September 27, 1916.

James Francis Roohan, of New York, September 27, 1916.

Cyrus Boynton Wood, of Kentucky, September 27, 1916.

Dean Flewellyn Winn, of Georgia, September 29, 1916.

Albert Walton Kenner, of the District of Columbia, October 4, 1916.

George Patrick Gill, of Illinois, October 9, 1916.

Herbert Clarence Neblett, of Virginia, October 26, 1916.

Frank La Mont Cole, of Idaho, November 20, 1916.

Bernard Johan Beuker, of Michigan, late first lieutenant in the Medical Reserve Corps, December 5, 1916.

Henry Brooks, of Texas, December 5, 1916.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

To be captains.

Capt. Edmund S. Sayer, Eleventh Infantry, with rank from March 11, 1911.

Capt. Frank B. Kobes, Thirty-fifth Infantry, with rank from July 1, 1916.

Capt. Walton Goodwin, jr., Thirty-third Infantry, with rank from July 1, 1916.

Capt. George C. Lawrason, Tenth Infantry, with rank from July 1, 1916.

Capt. Robert C. Richardson, jr., Infantry, detached officers' list, with rank from July 1, 1916.

To be first lieutenants in the Cavalry Arm, with rank from July 1, 1916.

First Lieut. William H. Simpson, Sixth Infantry.

First Lieut. Leon M. Logan, Sixth Infantry.

First Lieut. Sheldon H. Wheeler, Infantry (Signal Corps).

First Lieut. Arthur A. White, Thirty-sixth Infantry.

First Lieut. Thomas G. Peyton, Twelfth Infantry.

First Lieut. Junius H. Houghton, Nineteenth Infantry.

First Lieut. Douglas J. Page, Twenty-sixth Infantry.

First Lieut. James N. Caperton, Twentieth Infantry.

First Lieut. Charles C. Smith, Twenty-third Infantry.

First Lieut. Harrison Herman, Twenty-eighth Infantry.

First Lieut. John F. Goodman, Fourth Infantry.

First Lieut. William W. Dempsey, Thirtieth Infantry.

First Lieut. Robert R. D. McCullough, Thirty-sixth Infantry.

First Lieut. Elon A. Abernethy, Thirty-seventh Infantry.

FIELD ARTILLERY ARM.

To be majors, with rank from July 1, 1916.

Maj. Lucius R. Holbrook, Cavalry (Quartermaster Corps).

Maj. Andrew Moses, Coast Artillery Corps (General Staff Corps).

Maj. Harrison Hall, Coast Artillery Corps.

To be captains.

Capt. George V. H. Moseley, Cavalry, detached officers' list, with rank from September 22, 1905.

Capt. Charles M. Bundel, Infantry, detached officers' list, with rank from October 26, 1906.

Capt. Charles D. Herron, Tenth Infantry, with rank from November 2, 1906.

Capt. Robert C. Foy, Cavalry, detached officers' list, with rank from January 25, 1907.

Capt. James P. Robinson, Coast Artillery Corps, with rank from January 25, 1907.

Capt. Howard L. Landers, Coast Artillery Corps, with rank from January 25, 1907.

Capt. Edward M. Shinkle, Coast Artillery Corps (major, Ordnance Department), with rank from March 11, 1911.

Capt. John R. Kelly, Tenth Infantry, with rank from November 11, 1914.

Capt. Harry B. Jordan, Cavalry (major, Ordnance Department), with rank from June 12, 1916.

Capt. Adam S. Casad, Coast Artillery Corps (major, Ordnance Department), with rank from June 12, 1916.

Capt. Jacob A. Mack, Coast Artillery Corps, with rank from July 1, 1916.

Capt. Otto L. Brunzell, Twentieth Infantry, with rank from July 1, 1916.

Capt. Pierre V. Kieffer, Coast Artillery Corps, with rank from July 1, 1916.

Capt. Maxwell Murray, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

To be first lieutenants.

First Lieut. Thurman H. Bane, Sixth Cavalry, with rank from September 23, 1913.

First Lieut. John T. Kennedy, Cavalry, detached officers' list, with rank from December 8, 1914.

First Lieut. Thomas J. Johnson, Twenty-seventh Infantry, with rank from December 8, 1914.

First Lieut. Edwin M. Watson, Infantry, detached officers' list, with rank from September 10, 1915.

First Lieut. Joseph A. Rogers, Infantry, detached officers' list, with rank from January 22, 1916.

First Lieut. Charles T. Griffith, Infantry, detached officers' list, with rank from February 21, 1916.

First Lieut. Philip Hayes, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. Franz A. Doniat, Infantry (captain, Ordnance Department), with rank from July 1, 1916.

First Lieut. Carl A. Baehr, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. John M. McDowell, Eighth Infantry, with rank from July 1, 1916.

First Lieut. Raymond E. Lee, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

First Lieut. Jason McV. Austin, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William A. Pendleton, jr., Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Whitmon R. Conolly, Infantry, detached officers list, with rank from July 1, 1916.

First Lieut. Gustav H. Franke, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

First Lieut. Hubert G. Stanton, Coast Artillery Corps (Ordnance Department), with rank from July 1, 1916.

First Lieut. William E. Larned, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. Charles L. Byrne, Fifth Infantry, with rank from July 1, 1916.

First Lieut. John P. Lucas, Cavalry, detached officers' list, with rank from July 1, 1916.

First Lieut. Roscoe C. Batson, Tenth Infantry, with rank from July 1, 1916.

First Lieut. Alvan C. Sandeford, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. Ira T. Wyche, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. Lewis H. Brereton, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Edward A. Millar, jr., Fifth Cavalry, with rank from July 1, 1916.

First Lieut. Clyde J. McConkey, Cavalry, unassigned, with rank from July 1, 1916.

First Lieut. Albert M. Jones, Fourteenth Infantry, with rank from July 1, 1916.

First Lieut. Robert S. Oberly, Coast Artillery Corps (Ordnance Department), with rank from July 1, 1916.

First Lieut. Leon R. Cole, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Paul L. Ferron, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

First Lieut. George E. Arnemann, Twenty-eighth Infantry, with rank from July 1, 1916.

First Lieut. Clarence D. Lang, Sixteenth Cavalry, with rank from July 1, 1916.

First Lieut. Isaac Spalding, Cavalry, detached officers' list, with rank from July 1, 1916.

First Lieut. Harry J. Malony, Infantry, unassigned, with rank from July 1, 1916.

First Lieut. Robert F. Hyatt, Cavalry, detached officers' list, with rank from July 1, 1916.

First Lieut. Archibald V. Arnold, Twenty-sixth Infantry, with rank from July 1, 1916.

First Lieut. Earl B. Hochwalt, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

First Lieut. Francis T. Armstrong, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Hamilton Templeton, Twenty-eighth Infantry, with rank from July 1, 1916.

First Lieut. William R. Gruber, Infantry, detached officers' list, with rank from July 1, 1916.

First Lieut. William A. Copthorne, Coast Artillery Corps, detached officers' list, with rank from July 1, 1916.

First Lieut. Eugene T. Spencer, Cavalry, detached officers' list, with rank from July 1, 1916.

First Lieut. Falkner Heard, Cavalry, detached officers' list, with rank from July 1, 1916.

COAST ARTILLERY CORPS.

To be major.

Maj. John B. Christian, Seventeenth Cavalry, with rank from July 1, 1916.

To be captains.

Capt. Sebring C. Megill, Thirteenth Cavalry, with rank from July 3, 1916.

Capt. Henry H. Pfeil, Ninth Field Artillery, with rank from July 1, 1916.

Capt. Walter W. Merrill, Seventh Field Artillery, with rank from July 1, 1916.

Capt. Frank Moorman, Infantry, detached officers' list, with rank from July 1, 1916.

INFANTRY ARM.

To be first lieutenants with rank from July 1, 1916.

First Lieut. Theodore R. Murphy, Coast Artillery Corps.

First Lieut. Philip Coldwell, Cavalry, unassigned.

COAST ARTILLERY CORPS.

Second Lieut. Joseph J. Teter, Coast Artillery Corps, to be first lieutenant from July 1, 1916, vice First Lieut. Edgar H. Thompson, promoted.

NOTE.—The above-named officer was nominated to the Senate for said promotion on July 11, 1916, under the name Joseph J. Teeter, and his nomination was confirmed on July 14, 1916. This is submitted for the purpose of correcting an error in the name of the nominee.

QUARTERMASTER CORPS.

Second Lieut. John Q. A. Brett, paymaster's clerk, Quartermaster Corps, to be first lieutenant in the Quartermaster Corps, with rank from August 29, 1916.

CAVALRY ARM.

Maj. George P. White, Seventh Cavalry, to be lieutenant colonel from September 13, 1916, vice Lieut. Col. Robert L. Howze, Cavalry, unassigned, detailed in the General Staff Corps.

Maj. Louis C. Scherer, Cavalry, detailed in the Quartermaster Corps, to be lieutenant colonel from September 21, 1916, vice Lieut. Col. Ralph Harrison, Cavalry, detailed in the Adjutant General's Department.

Maj. Robert J. Fleming, Tenth Cavalry, to be lieutenant colonel from September 21, 1916, vice Lieut. Col. Louis C. Scherer, Cavalry, detailed in the Quartermaster Corps.

Capt. Pierce A. Murphy, First Cavalry, to be major from September 6, 1916, vice Maj. James G. Harbord, Cavalry, transferred to the detached officers' list.

Capt. Frederick T. Arnold, Cavalry, unassigned, to be major from September 13, 1916, vice Maj. George P. White, Seventh Cavalry, promoted.

INFANTRY ARM.

First Lieut. Harry W. Gregg, Nineteenth Infantry, to be captain from June 18, 1916, vice Capt. James M. Love, jr., Twelfth Infantry, detached from his proper command.

NOTE.—The above-named officer was nominated to the Senate on July 10, 1916, and his nomination was confirmed on July 14, 1916, for promotion with rank from July 1, 1916, to fill an original vacancy.

This is submitted for the purpose of correcting an error in the date of rank of the nominee, as the result of the dismissal of First Lieut. John S. McCleary, unassigned, who was nominated to the Senate on July 3, 1916, and whose nomination was confirmed on July 10, 1916, for promotion to the grade of captain but dismissed without promotion.

Second Lieut. Herbert J. Lawes, Fourth Infantry, to be first lieutenant from July 1, 1916, to fill an original vacancy.

NOTE.—The above-named officer was nominated to the Senate on July 10, 1916, for said promotion, under the name of Albert J. Lawes, and his nomination was confirmed on July 14, 1916.

This is submitted for the purpose of correcting an error in the name of the nominee.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Felix Emmanuelli, Porto Rico Regiment of Infantry, to be captain from July 20, 1916, vice Capt. Miles K. Taulbee, appointed major.

First Lieut. Louis S. Emmanuelli, Porto Rico Regiment of Infantry, to be captain from July 21, 1916, vice Capt. Orval P. Townshend, appointed lieutenant colonel.

NOTE.—The above-named officers were nominated to the Senate for promotion on September 7, 1916, and their nominations were confirmed on September 7, 1916. This is submitted for the purpose of correcting an error in the date of rank of each of the nominees.

PROVISIONAL APPOINTMENTS IN PORTO RICO REGIMENT OF INFANTRY.

To be second lieutenants, with rank from date of appointment:

Manuel Benigno Navas, of Porto Rico, vice Second Lieut. Urbino Nadal, promoted September 6, 1915.

Enrique Manuel Benitez, of Porto Rico, to fill an original vacancy.

Vicente Nicolas Diaz, of Porto Rico, to fill an original vacancy.

Andres Lopez, of Porto Rico, to fill an original vacancy.

Ramon Salvador Torres, of Porto Rico, to fill an original vacancy.

Modesto Enrique Rodriguez, of Porto Rico, to fill an original vacancy.

Ernesto Francisco Colon, of Porto Rico, vice Second Lieut. Adolfo J. de Hostos, promoted June 3, 1916.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. John H. Blackburn to be a lieutenant commander in the Navy from the 10th day of August, 1916.

The following-named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:

Earl P. Finney,
William D. Puleston,
Charles W. Densmore,
David Lyons,
Owen Hill,
Joseph F. Daniels,
Walter E. Whitehead,
Gaston DeP. Johnstone,
Frank Rorschach,
Kirby B. Crittenden,
Stephen C. Rowan,
Walter S. Anderson,
Henry D. Cooke,

Samuel M. Robinson,
Leo Sahm,
William W. Smyth,
Ralston S. Holmes,
Ernest Friedrick,
Fred H. Poteet,
William J. Giles,
Ralph A. Koch,
Lamar R. Leahy,
Milton S. Davis,
Charles C. Moses,
Sam C. Loomis,
Charles A. Blakely,
Macgillivray Milne,
Wilbur R. Van Auken,
Harold R. Stark,
John S. Arwine, jr.,
Austin S. Kibbee,
Martin K. Metcalf,
Lindsay H. Lacy,
John S. Abbott,
Thomas H. Taylor,
Frank H. Sadler,
Charles E. Smith,
Frederick V. McNair, jr.,
Charles Belknap, jr.,
Daniel T. Ghent,
John Grady,
David McD. LeBreton,
Nathaniel H. Wright,
Husband E. Kimmel,
Robert A. Dawes,
Paul E. Dampman,
Clyde S. McDowell,
Charles C. Soule, jr.,
Lawrence P. Treadwell,
William H. Toaz,
Halsey Powell,
Forde A. Todd,
Chester L. Hand,
Aubrey K. Shoup,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr.,
Roscoe F. Dillen,
James W. Hayward,
Bradford Barnette,
David W. Bagley,
Walter A. Smead,
Arthur C. Kail,
Clarence E. Wood, and
Max M. Frucht.

Lieut. (Junior Grade) Jacob L. Hydrick to be a lieutenant in the Navy from the 1st day of July, 1916.

Lieut. (Junior Grade) Louis F. Thibault to be a lieutenant in the Navy from the 13th day of August, 1916.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

Baxter H. Bruce,
George H. Laird,
John B. Earle,
Harold V. McKittrick,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington,
Harlow T. Kays,
Robert C. Giffen,
Richard E. Cassidy,
Clarence N. Hinkamp,
Ralph C. Parker,
Leslie E. Bratton,
Ezra G. Allen,
Emanuel A. Lofquist,
Elmer W. Tod,
Reuben R. Smith,
Samuel L. Henderson,
Homer H. Norton,
Alfred H. Miles,
Harold H. Ritter,
James Parker, jr.,
Charles F. Pousland,
George N. Barker,
Louis J. Gulliver,
Newton L. Nichols,
Francis A. L. Vossler,
Cortlandt C. Baughman,
Richard B. Coffman,
Jonas H. Ingram,
Louis C. Scheibla,
Schuyler F. Heim,
Patrick N. L. Bellinger,
Newton H. White, jr.,
Seymour E. Holliday,
Forney M. Knox,
Samuel A. Clement,
Richmond K. Turner,
Alexander M. Charlton,
John W. Rankin,
Henry F. D. Davis,
Kirkwood H. Donavin,
Oscar Smith, jr.,
Herbert A. Jones,
Henry T. Markland,
William R. Smith, jr.,
William W. Turner,
Joseph J. Broshek,
Frank J. Wille,
Haller Belt,
Eugene E. Wilson,
Abel T. Bidwell,
Rensselaer W. Clark,
Walter K. Kilpatrick,
Elwin F. Cutts,
Edward J. Foy,
Harry B. Hird,
Nelson W. Pickering,
Harry A. Badt,
Clyde G. West,
George H. Emmerson,
Norman R. Van der Veer,
David C. Patterson, jr.,
Francis W. Rockwell,
Sydney M. Kraus,
Charles G. Ross,
Howard H. Crosby,
William C. Owen,
Francis T. Chew,
Francis Cogswell,
James McC. Irish,
John B. Staley,
Arthur S. Carpender,
Robert A. Burg,
William D. Brereton, jr.,
Harrison E. Knauss,
Clarence C. Thomas,
William R. Munroe,
Schamyl Cochran,
Albert M. Penn,
Robert O. Baush,
Paul H. Bastedo,
John C. Hilliard,
Philip Seymour,
Frank R. Berg,
Andrew D. Denney,
Charles M. Yates,
Stuart O. Greig,
James C. Van de Carr,
John C. Cunningham,
Jabez S. Lowell,
John F. Shafroth, jr.,
Ernest W. McKee,
Dallas C. Laizure,
Jules James,
John F. McClain,
John R. Beardall,
Rufus King,
Timothy J. Keleher,
Howard B. Mecleary,
Maurice R. Pierce,
William W. Wilson,
Victor D. Herbster,
David F. Ducey,
Donald T. Hunter,
Edmund W. Strother,
William H. Pashley,

Fred T. Berry,
William R. Purnell,
Frederic T. Van Auken,
Marshall Collins,
Kinchen L. Hill,
Kenneth Heron,
Thomas C. Kinkaid,
Lee P. Warren,
Charles M. James,
Selah M. LaBounty,
Harry G. Donald,
John L. Schaffer,
Leland Jordan, jr.,
Edward G. Blakeslee,
John H. Everson,
Worrall R. Carter,
Robert R. M. Emmet,
John C. Jennings,
Henry B. Le Bourgeois,
Paul J. Peyton,
William A. Hodgman,
Cleveland McCauley,
Robert E. Rogers,
Leslie C. Davis,
Harry H. Forgus,
Franklin P. Conger,
Raymond G. Thomas,
Aquilla G. Dibrell,
Henry D. McGuire,
Edward H. Connor, and
William B. Cothran.

Lieut. (Junior Grade) William T. Smith to be a lieutenant in the Navy from the 13th day of June, 1916.

Ensign Theodore H. Winters to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

Herman E. Keisker,
Glenn B. Davis,
Stewart F. Bryant,
Robin B. Doughtry,
Walter Seibert,
Richard H. Knight,
George L. Greene, jr.,
Thomas Shine,
George D. Hull,
James E. Brenner,
Paul Hendren,
Benjamin H. Lingo,
Alfred H. Donahue,
John D. Jones,
Walter Cochran,
Henry F. Floyd,
Robert D. Kirkpatrick, and
Harold P. Parmelee.

Ensign Joseph Y. Dreisonstok to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

Chief Boatswain George G. Robertson to be an ensign in the Navy from the 5th day of December, 1916.

Gunner Fred W. Connor to be an ensign in the Navy from the 5th day of December, 1916.

Gunner Roman J. Miller to be an ensign in the Navy from the 5th day of December, 1916.

Col. Littleton W. T. Waller to be a brigadier general in the Marine Corps from the 29th day of August, 1916.

Col. George Barnett (now Major General Commandant) to be a brigadier general in the Marine Corps from the 29th day of August, 1916.

Col. Joseph H. Pendleton to be a brigadier general in the Marine Corps (subject to examination required by law) from the 29th day of August, 1916.

Col. John A. Lejeune to be a brigadier general in the Marine Corps from the 29th day of August, 1916.

Col. Eli K. Cole to be a brigadier general in the Marine Corps (subject to examination required by law) from the 29th day of August, 1916.

Lieut. Carlos Bean to be a lieutenant commander in the Navy from the 29th day of August, 1916.

Lieut. Roscoe C. Davis to be a lieutenant commander in the Navy from the 29th day of August, 1916.

Lieut. (Junior Grade) Roy P. Emrich to be a lieutenant in the Navy from the 12th day of April, 1916.

Ensign Palmer H. Dunbar, jr., to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Hugh L. White to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Roy Dudley to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Laurence Wild to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Solomon H. Greer to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Henry M. Briggs to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Hartwell C. Davis to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign James H. Strong to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Hardy B. Page to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Oliver L. Downes to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Lloyd H. Lewis to be a lieutenant (junior grade) in the Navy from the 8th day of December, 1915.

Ensign Stuart E. Bray to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Jerome A. Lee to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Ensign Joseph H. Hoffman to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 26th day of August, 1916:

Julian C. Brantley, a citizen of North Carolina,
Franklin T. Bower, a citizen of Delaware, and
Irving W. Jacobs, a citizen of Massachusetts.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 29th day of August, 1916:

Philip F. Prioleau, a citizen of Florida, and
Albin H. Cecha, a citizen of Nebraska.

Edward K. Lee, a citizen of Maryland, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 18th day of September, 1916.

Edward H. Sparkman, jr., a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 29th day of September, 1916.

Andrew J. Sullivan, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 2d day of October, 1916.

Edward A. Brown, a citizen of Virginia, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 19th day of October, 1916.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 4th day of November, 1916:

Sterling P. Taylor, jr., a citizen of the District of Columbia, and
Aaron Robinson, a citizen of Maryland.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 7th day of November, 1916:

Emil J. Stein, a citizen of Illinois,
Mortimer T. Clement, a citizen of South Carolina,
Alma C. Smith, a citizen of Missouri,
Kenneth E. Lowman, a citizen of South Carolina,
Louis H. Clerf, a citizen of Washington,
Ezra E. Koebbe, a citizen of Michigan,
Earl C. Carr, a citizen of Missouri, and
Joseph H. Durrett, a citizen of Alabama.

Assistant Naval Constructor Allan J. Chantry, jr., to be a naval constructor in the Navy from the 30th day of October, 1916.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1916:

Archibald E. Fraser,
Fred D. Kirtland, and
William J. Forrestel.

POSTMASTERS.

ALABAMA.

Henry B. Hall to be postmaster at Courtland, Ala. Office became presidential October 1, 1916.

Walter R. Harris to be postmaster at Moulton, Ala. Office became presidential October 1, 1916.

Leila C. Jones to be postmaster at Lincoln, Ala. Office became presidential October 1, 1916.

Frederick W. McCormack to be postmaster at Leighton, Ala. Office became presidential October 1, 1916.

James E. Robinson to be postmaster at Clanton, Ala., in place of B. M. Roberts, resigned.

Jesse G. Turner to be postmaster at Slocomb, Ala. Office became presidential October 1, 1916.

Ora B. Wann to be postmaster at Madison, Ala. Office became presidential October 1, 1916.

ALASKA.

Fred B. Wood to be postmaster at Anchorage, Alaska. Office became presidential October 1, 1916.

ARKANSAS.

Hollis S. Bass to be postmaster at Monette, Ark. Office became presidential October 1, 1916.

Albert B. Couch to be postmaster at Lake City, Ark. Office became presidential October 1, 1916.

Arthur L. France to be postmaster at Gillett, Ark. Office became presidential October 1, 1916.

Joe L. Goodbar to be postmaster at Charleston, Ark. Office became presidential October 1, 1916.

William B. Gould to be postmaster at Glenwood, Ark. Office became presidential October 1, 1916.

William L. Greer to be postmaster at Horatio, Ark. Office became presidential October 1, 1916.

Florence F. McKinzie to be postmaster at Wilson, Ark., in place of Camille Bringle, resigned.

Mamie Pattillo to be postmaster at Mountain Home, Ark. Office became presidential October 1, 1916.

Grover C. Raper to be postmaster at Bauxite, Ark. Office became presidential October 1, 1916.

Nora A. Toler to be postmaster at Sheridan, Ark. Office became presidential October 1, 1916.

CALIFORNIA.

George W. Black to be postmaster at Elk Grove, Cal., in place of A. P. Bettersworth, resigned.

Nora E. Boyd to be postmaster at Highland, Cal., in place of R. A. Boyd, deceased.

Elmer A. Nordyke to be postmaster at Geyserville, Cal. Office became presidential October 1, 1916.

Donald B. Robb to be postmaster at Gridley, Cal., in place of Joseph L. Osborn, resigned.

COLORADO.

Harry M. McKinney to be postmaster at Yuma, Colo., in place of Bruce Russell, resigned.

Ernest Osier to be postmaster at Walden, Colo. Office became presidential October 1, 1916.

Robert H. Weir to be postmaster at Otis, Colo. Office became presidential October 1, 1916.

CONNECTICUT.

John S. Champlin to be postmaster at South Coventry, Conn. Office became presidential October 1, 1916.

Durward E. Granniss to be postmaster at New Preston, Conn. Office became presidential October 1, 1916.

Edward F. Schmidt to be postmaster at Westbrook, Conn. Office became presidential October 1, 1916.

FLORIDA.

James P. Jones to be postmaster at Auburndale, Fla. Office became presidential October 1, 1916.

Charles A. Miller to be postmaster at Crystal River, Fla. Office became presidential October 1, 1916.

James O. Milton to be postmaster at Macclenny, Fla. Office became presidential October 1, 1916.

Arthur L. Stevens to be postmaster at Waldo, Fla. Office became presidential October 1, 1916.

GEORGIA.

Dollie Allen to be postmaster at Ellaville, Ga. Office became presidential October 1, 1916.

Don T. Barnes to be postmaster at Canon, Ga. Office became presidential October 1, 1916.

Scott Berryman to be postmaster at Bowman, Ga. Office became presidential October 1, 1916.

Edward J. Bible to be postmaster at Mount Berry, Ga. Office became presidential October 1, 1916.

Shedrick J. Faulk to be postmaster at Jeffersonville, Ga., in place of Mary L. Carswell, removed.

Kate Harris to be postmaster at Leesburg, Ga. Office became presidential October 1, 1916.

Susie McAllister, to be postmaster at Fort Gaines, Ga., in place of T. C. Peterson. Incumbent's commission expired June 7, 1916.

John N. Mangham to be postmaster at Zebulon, Ga. Office became presidential October 1, 1916.

James A. Stone to be postmaster at Wrens, Ga. Office became presidential October 1, 1916.

Will P. Tate to be postmaster at Trion, Ga. Office became presidential October 1, 1916.

Elisha A. Meeks to be postmaster at Nicholls, Ga. Office became presidential October 1, 1916.

IDAHO.

George Alley to be postmaster at Bancroft, Idaho. Office became presidential October 1, 1916.

Olive R. Biggs to be postmaster at Buhl, Idaho, in place of Claude V. Biggs, resigned.

ILLINOIS.

Polona H. Callaway to be postmaster at Tallula, Ill. Office became presidential October 1, 1916.

J. D. Downer to be postmaster at Downers Grove, Ill., in place of Bert C. White, resigned.

Andrew J. Gillogly to be postmaster at Sidell, Ill., in place of T. B. Williams. Incumbent's commission expired January 18, 1916.

Anthony R. Gorman to be postmaster at Raymond, Ill., in place of W. L. Seymour. Incumbent's commission expired July 29, 1916.

Hugh Hall to be postmaster at Litchfield, Ill., in place of Zeno J. Rives. Incumbent's commission expired July 30, 1916.

P. H. Langan to be postmaster at Odell, Ill., in place of W. D. Abbaduska. Incumbent's commission expired February 13, 1916.

Philip Maher to be postmaster at Elmwood, Ill., in place of Frederick D. Jay, deceased.

William F. Peterson to be postmaster at Brownstown, Ill. Office became presidential October 1, 1916.

Charles P. Regan to be postmaster at Capron, Ill. Office became presidential October 1, 1916.

Alta A. Rose to be postmaster at Atwood, Ill., in place of C. C. Hamilton. Incumbent's commission expired April 24, 1916.

Theodore J. Schweer to be postmaster at Beardstown, Ill., in place of Frederick E. Schweer, deceased.

James H. Spiker to be postmaster at Bushnell, Ill., in place of C. A. Duntley. Incumbent's commission expired January 11, 1916.

Traverse R. Wright to be postmaster at Seaton, Ill. Office became presidential October 1, 1916.

INDIANA.

Claude L. Carpenter to be postmaster at Pleasant Lake, Ind. Office became presidential October 1, 1916.

Silas R. Chaney to be postmaster at Bryant, Ind. Office became presidential October 1, 1916.

Jason W. Clark to be postmaster at Rossville, Ind. Office became presidential October 1, 1916.

Lola Fern Dolan to be postmaster at Avilla, Ind. Office became presidential October 1, 1916.

John D. Holland to be postmaster at Waveland, Ind. Office became presidential October 1, 1916.

John A. Jennings to be postmaster at Rome City, Ind. Office became presidential October 1, 1916.

Lawson La Master to be postmaster at Sellersburg, Ind. Office became presidential October 1, 1916.

Harvey R. Mills to be postmaster at Camden, Ind. Office became presidential October 1, 1916.

Mary L. Sage to be postmaster at Milroy, Ind., in place of James R. Sage, resigned.

George W. Stout to be postmaster at Hamilton, Ind. Office became presidential October 1, 1916.

Evert M. Stroud to be postmaster at Carmel, Ind. Office became presidential October 1, 1916.

Jennette R. Winkelmann to be postmaster at Austin, Ind. Office became presidential October 1, 1916.

Frederick J. Werner to postmaster at Orland, Ind. Office became presidential October 1, 1916.

IOWA.

Estey C. Baggs to be postmaster at Hornick, Iowa. Office became presidential October 1, 1916.

Harry E. Erickson to be postmaster at Linn Grove, Iowa. Office became presidential October 1, 1916.

Harold I. Kelley to be postmaster at Early, Iowa, in place of Joseph M. Kelley, removed.

Edward F. McGorrisk to be postmaster at Arnolds Park, Iowa. Office became presidential October 1, 1916.

Charles E. Perdue to be postmaster at Pierson, Iowa. Office became presidential October 1, 1916.

Henry W. Pitstick to be postmaster at Boyden, Iowa. Office became presidential October 1, 1916.

Eugene Reardon to be postmaster at Auburn, Iowa. Office became presidential October 1, 1916.

Emma O. Wellemeyer to be postmaster at Harris, Iowa. Office became presidential October 1, 1916.

KANSAS.

John Carden to be postmaster at Meriden, Kans. Office became presidential October 1, 1916.

James R. Day to be postmaster at Dexter, Kans. Office became presidential October 1, 1916.

George F. Dillon to be postmaster at McLouth, Kans. Office became presidential October 1, 1916.

James Fairhurst to be postmaster at Winchester, Kans. Office became presidential October 1, 1916.

Samuel S. Irwin to be postmaster at Kincaid, Kans. Office became presidential October 1, 1916.

Orville O. Lavender to be postmaster at Valley Center, Kans. Office became presidential October 1, 1916.

Robert B. Leedy to be postmaster at Neosho Falls, Kans. Office became presidential October 1, 1916.

Elvah R. Lemon to be postmaster at Portis, Kans. Office became presidential October 1, 1916.

Everett W. Nelson to be postmaster at Vermillion, Kans. Office became presidential October 1, 1916.

J. B. Riddle to be postmaster at Wichita, Kans., in place of John H. Shields, deceased.

Rufus A. Rogers to be postmaster at Selden, Kans. Office became presidential October 1, 1916.

Michael Ryan to be postmaster at Scranton, Kans. Office became presidential October 1, 1916.

Vera E. Smith to be postmaster at Palco, Kans. Office became presidential October 1, 1916.

Adam J. Thielen to be postmaster at Dorrance, Kans. Office became presidential October 1, 1916.

KENTUCKY.

Charles A. Bell to be postmaster at Bedford, Ky. Office became presidential October 1, 1916.

Beverly L. Bradshaw to be postmaster at Tompkinsville, Ky. Office became presidential October 1, 1916.

St. Elmo Coblin to be postmaster at Campbellsburg, Ky. Office became presidential October 1, 1916.

Mary L. Gay to be postmaster at Fleming, Ky., in place of John D. Hartman, resigned.

Thomas B. Nall to be postmaster at Vine Grove, Ky. Office became presidential October 1, 1916.

LOUISIANA.

John H. Allen to be postmaster at Plain Dealing, La. Office became presidential October 1, 1916.

Lester L. Bordelon to be postmaster at Marksville, La., in place of L. L. Bordelon, resigned.

James H. Leech to be postmaster at Mer Rouge, La. Office became presidential October 1, 1916.

Patrick C. McLemore to be postmaster at Lenzburg, La. Office became presidential October 1, 1916.

Ulysses J. Marcotte to be postmaster at Cottonport, La. Office became presidential October 1, 1916.

James C. Parker to be postmaster at Merryville, La., in place of Andy W. Bryan, resigned.

Marian E. Thomas to be postmaster at Grand Cane, La. Office became presidential October 1, 1916.

Willis A. White to be postmaster at Melville, La., in place of Herbert M. Gordon, removed.

MAINE.

Edward H. S. Baker to be postmaster at York Harbor, Me. Office became presidential October 1, 1916.

George L. Baker to be postmaster at Bingham, Me., in place of Albert F. Donigan, resigned.

Mary S. Bartlett to be postmaster at Belgrade Lakes, Me. Office became presidential October 1, 1916.

Clarence E. Cole to be postmaster at Bryant Pond, Me. Office became presidential October 1, 1916.

Alice I. Curtis to be postmaster at Freeport, Me., in place of M. V. Curtis, deceased.

William C. Myrick to be postmaster at East Machias, Me. Office became presidential October 1, 1916.

Ida P. Stone to be postmaster at Oxford, Me. Office became presidential October 1, 1916.

William J. Tower to be postmaster at South West Harbor, Me. Office became presidential October 1, 1916.

Edgar T. Whitehouse to be postmaster at Unity, Me. Office became presidential October 1, 1916.

MARYLAND.

Charles A. Barnes to be postmaster at Silver Spring, Md., in place of Oliver B. Clark, resigned.

Katherine E. Brice to be postmaster at Betterton, Md. Office became presidential October 1, 1916.

Ella V. Cronin to be postmaster at Perryman, Md. Office became presidential October 1, 1916.

William E. Hurlock to be postmaster at Hurlock, Md., in place of W. Jasper Harper, deceased.

John F. Wiley to be postmaster at White Hall, Md. Office became presidential October 1, 1916.

MASSACHUSETTS.

Joseph A. Mahan to be postmaster at Natick, Mass., in place of L. E. Pulsifer. Incumbent's commission expired July 24, 1916.

John F. Malone to be postmaster at Southwick, Mass. Office became presidential October 1, 1916.

Frederick H. Mulcahy to be postmaster at Gardner, Mass., in place of George L. Minot. Incumbent's commission expired July 18, 1916.

Frank M. Tripp to be postmaster at Marion, Mass., in place of Frank M. Tripp. Incumbent's commission expired January 11, 1916.

MICHIGAN.

L. Ross Adamson to be postmaster at Rudyard, Mich. Office became presidential October 1, 1916.

Ira D. Black to be postmaster at Camden, Mich. Office became presidential October 1, 1916.

George M. Dokey, jr., to be postmaster at Beulah, Mich. Office became presidential October 1, 1916.

Gertrude A. Enlow to be postmaster at Covert, Mich. Office became presidential October 1, 1916.

Escaville E. Patterson to be postmaster at Edwardsburg, Mich. Office became presidential October 1, 1916.

Herman W. Reinecke to be postmaster at New Baltimore, Mich. Office became presidential October 1, 1916.

A. Thorne Swift, to be postmaster at Harbor Springs, Mich., in place of Russell A. Lee, resigned.

Eva A. Wurzburg to be postmaster at Northport, Mich. Office became presidential October 1, 1916.

MINNESOTA.

Anna E. Baker to be postmaster at Brownton, Minn. Office became presidential October 1, 1916.

Henry Hendrickson to be postmaster at Hoffman, Minn. Office became presidential October 1, 1916.

Bessie H. Johnson to be postmaster at Echo, Minn. Office became presidential October 1, 1916.

N. Elmie Lewis to be postmaster at Bertha, Minn. Office became presidential October 1, 1916.

Wallace O. Merrill to be postmaster at Silver Lake, Minn. Office became presidential October 1, 1916.

Daniel J. Sullivan to be postmaster at Ellendale, Minn. Office became presidential January 1, 1916.

MISSISSIPPI.

John Hill Allgood to be postmaster at Brookville, Miss., in place of Georgia A. McCuen. Incumbent's commission expired July 16, 1916.

Robert E. Barham to be postmaster at Crenshaw, Miss. Office became presidential October 1, 1916.

Otis E. Brannon to be postmaster at Kilmichael, Miss. Office became presidential October 1, 1916.

Rosa W. Burton to be postmaster at Alligator, Miss. Office became presidential October 1, 1916.

Bertha C. Davis to be postmaster at Nettleton, Miss. Office became presidential October 1, 1916.

Elisha E. Jack to be postmaster at Scooba, Miss. Office became presidential October 1, 1916.

Olivia M. Jenkins to be postmaster at Shuqualak, Miss. Office became presidential October 1, 1916.

Emma E. Marshall to be postmaster at Fernwood, Miss. Office became presidential October 1, 1916.

Mary F. May to be postmaster at Dlo, Miss. Office became presidential October 1, 1916.

Alfred W. Thompson to be postmaster at De Kalb, Miss. Office became presidential October 1, 1916.

Sarah A. Tyner to be postmaster at Bay Springs, Miss. Office became presidential October 1, 1916.

H. R. Ward to be postmaster at Enterprise, Miss, in place of William G. Edwards, deceased.

Frances G. Wimberly to be postmaster at Jonestown, Miss. Office became presidential October 1, 1916.

MISSOURI.

Maud B. Barker to be postmaster at O'Fallon, Mo. Office became presidential October 1, 1916.

Edward Beall to be postmaster at Eolia, Mo. Office became presidential October 1, 1916.

Alberta S. Brim to be postmaster at Green Ridge, Mo. Office became presidential October 1, 1916.

Mae M. Brown to be postmaster at Hurdland, Mo. Office became presidential October 1, 1916.

Perry Chipman to be postmaster at Ewing, Mo. Office became presidential October 1, 1916.

Grady C. Darby to be postmaster at Essex, Mo. Office became presidential October 1, 1916.

Joseph E. J. Everett to be postmaster at Osbon, Mo. Office became presidential October 1, 1916.

John A. Farmer to be postmaster at Linn Creek, Mo. Office became presidential October 1, 1916.

John A. Fields to be postmaster at Powersville, Mo. Office became presidential October 1, 1916.

Robert L. Goodson to be postmaster at New Cambria, Mo. Office became presidential October 1, 1916.

George P. Gordon to be postmaster at Waverly, Mo. Office became presidential October 1, 1916.

Edgar D. Gracey to be postmaster at Galena, Mo. Office became presidential October 1, 1916.

Cordelia F. Lusby to be postmaster at Wentzville, Mo. Office became presidential October 1, 1916.

A. B. Harris to be postmaster at Leeton, Mo. Office became presidential October 1, 1916.

Oren McCrory to be postmaster at Fair Play, Mo. Office became presidential October 1, 1916.

Anna Marolf to be postmaster at Lowry City, Mo. Office became presidential October 1, 1916.

E. M. Moore to be postmaster at Benton, Mo. Office became presidential October 1, 1916.

Oscar L. Perkins to be postmaster at Union Star, Mo. Office became presidential October 1, 1916.

William M. Piatt to be postmaster at Bernie, Mo. Office became presidential October 1, 1916.

John J. Salmon to be postmaster at Chilhowee, Mo. Office became presidential October 1, 1916.

Louis H. Smith to be postmaster at Stewartsville, Mo. Office became presidential October 1, 1916.

Walter P. Steger to be postmaster at Calhoun, Mo. Office became presidential October 1, 1916.

David W. Thompson to be postmaster at Hume, Mo. Office became presidential October 1, 1916.

William H. Wilks to be postmaster at Caruthersville, Mo., in place of L. E. Phlieger, removed.

John B. Williams to be postmaster at Silex, Mo. Office became presidential October 1, 1916.

Martha A. York to be postmaster at Hayti, Mo., in place of Simeon E. Juden, resigned.

MONTANA.

Carolyn B. Arnold to be postmaster at Absarokee, Mont. Office became presidential October 1, 1916.

George E. Crater to be postmaster at Gildford, Mont., in place of George B. Crater, resigned.

W. R. Crockford to be postmaster at Sweetgrass, Mont. Office became presidential October 1, 1916.

A. M. Johns to be postmaster at Wilsall, Mont. Office became presidential October 1, 1916.

Cornelius N. McGree to be postmaster at Hysham, Mont. Office became presidential October 1, 1916.

E. H. Miller to be postmaster at Melstone, Mont., in place of Andrew Fleming, resigned.

Tilda R. Reuter to be postmaster at Westby, Mont., in place of Tilda R. Stageberg, name changed by marriage.

James E. M. Vig to be postmaster at Big Sandy, Mont., in place of Jefferson D. English, resigned.

NEBRASKA.

Ludvik Klimes to be postmaster at Verdigre, Nebr. Office became presidential October 1, 1916.

Charles E. Wilkins to be postmaster at Waterloo, Nebr. Office became presidential October 1, 1916.

NEW HAMPSHIRE.

Henry D. Allison to be postmaster at Dublin, N. H. Office became presidential October 1, 1916.

Harriette H. Hinman to be postmaster at North Stratford, N. H. Office became presidential October 1, 1916.

Warren W. McGregor to be postmaster at Bethlehem, N. H. Office became presidential October 1, 1916.

Leon F. Perkins to be postmaster at Bradford, N. H. Office became presidential July 1, 1916.

NEW JERSEY.

Edward F. Lonergan to be postmaster at Millburn, N. J., in place of G. C. Kessler. Incumbent's commission expired January 11, 1916.

Joseph P. Quin to be postmaster at Hillsdale, N. J. Office became presidential October 1, 1916.

Susie S. Smith to be postmaster at Maywood, N. J. Office became presidential October 1, 1916.

Horace G. Stonaker to be postmaster at Riverton, N. J., in place of C. L. Flanagan. Incumbent's commission expired April 15, 1916.

NEW MEXICO.

Clinton E. Byrne to be postmaster at Des Moines, N. Mex. Office became presidential October 1, 1916.

Olive Jones to be postmaster at Cloudcroft, N. Mex. Office became presidential October 1, 1916.

C. L. Loughridge to be postmaster at Gallup, N. Mex., in place of B. A. Wetherell, resigned.

NEW YORK.

Willis Baker to be postmaster at Gilboa, N. Y. Office became presidential October 1, 1916.

Gertrude D. Butler to be postmaster at Croton Falls, N. Y. Office became presidential October 1, 1916.

Henry J. Chichester to be postmaster at East Moriches, N. Y. Office became presidential October 1, 1916.

May C. Force to be postmaseter at Chestertown, N. Y. Office became presidential October 1, 1916.

George E. Hufcut to be postmaster at Castorland, N. Y. Office became presidential October 1, 1916.

Thomas P. Mattison to be postmaster at Bemus Point, N. Y. Office became presidential October 1, 1916.

Edwin C. Miller to be postmaster at Morris, N. Y. Office became presidential October 1, 1916.

Michael Murray to be postmaster at Rosebank, N. Y., in place of George F. Cornell, resigned.

George C. Ross to be postmaster at West Sayville, N. Y. Office became presidential October 1, 1916.

Apollos A. Smith to be postmaster at Paul Smiths, N. Y. Office became presidential October 1, 1916.

William H. Spain to be postmaster at Mahopac, N. Y. Office became presidential October 1, 1916.

Frank L. Terrell to be postmaster at East Quogue, N. Y. Office became presidential October 1, 1916.

Wilbur J. Wagner to be postmaster at Parksville, N. Y. Office became presidential October 1, 1916.

Charles O. Williams to be postmaster at Central Bridge, N. Y. Office became presidential October 1, 1916.

NORTH CAROLINA.

William S. Carawan to be postmaster at Columbia, N. C. Office became presidential October 1, 1916.

C. G. Conner to be postmaster at Rich Square, N. C. Office became presidential October 1, 1916.

Fuller T. Currie to be postmaster at Pinehurst, N. C. Office became presidential October 1, 1916.

Charlie G. Foushee to be postmaster at Ramseur, N. C. Office became presidential October 1, 1916.

William Z. Gibson to be postmaster at Gibson, N. C. Office became presidential October 1, 1916.

J. Lawrence Harrington to be postmaster at Aulander, N. C. Office became presidential October 1, 1916.

Margaret W. Mann to be postmaster at Swanquarter, N. C. Office became presidential October 1, 1916.

Otho G. Turbyfill to be postmaster at Huntersville, N. C. Office became presidential October 1, 1916.

NORTH DAKOTA.

Elizabeth I. Connelly to be postmaster at Hurdsfield, N. Dak. Office became presidential October 1, 1916.

Joseph C. Evans to be postmaster at Beulah, N. Dak. Office became presidential October 1, 1916.

Sydney W. Douglas to be postmaster at Pembina, N. Dak. Office became presidential October 1, 1916.

Bessie G. George to be postmaster at Van Hook, N. Dak. Office became presidential October 1, 1916.

J. J. Hess to be postmaster at Sentinel Butte, N. Dak., in place of F. W. Peterson, resigned.

Theodore F. Huston to be postmaster at Deering, N. Dak. Office became presidential October 1, 1916.

Thomas J. Kavanagh to be postmaster at Carpio, N. Dak. Office became presidential October 1, 1916.

Joseph N. Nelson to be postmaster at Inkster, N. Dak. Office became presidential October 1, 1916.

Grace Norred to be postmaster at Killdeer, N. Dak. Office became presidential October 1, 1916.

Archibald J. Palmer to be postmaster at Halliday, N. Dak. Office became presidential October 1, 1916.

Kathryn Savage to be postmaster at Braddock, N. Dak. Office became presidential October 1, 1916.

John A. Schieb to be postmaster at Kensal, N. Dak., in place of Gladys Thompson, resigned.

Frank K. Shearer to be postmaster at Dazey, N. Dak. Office became presidential October 1, 1916.

Wendell D. Smith to be postmaster at Forbes, N. Dak. Office became presidential October 1, 1916.

Max H. Strehlow to be postmaster at Kindred, N. Dak. Office became presidential October 1, 1916.

William Stewart to be postmaster at Dogden, N. Dak. Office became presidential October 1, 1916.

John C. Zeller to be postmaster at Watford City, N. Dak. Office became presidential October 1, 1916.

OHIO.

Voy J. Boots to be postmaster at Williamsport, Ohio, in place of Frederic C. Betts, resigned.

Harley R. Grandle to be postmaster at Leesburg, Ohio, in place of R. W. Grandle, deceased.

Carl B. Johannsen to be postmaster at Put In Bay, Ohio. Office became presidential October 1, 1916.

John M. Hamilton to be postmaster at Shiloh, Ohio. Office became presidential October 1, 1916.

Clifford H. Robertson to be postmaster at Lore City, Ohio. Office became presidential October 1, 1916.

Harry M. Walden to be postmaster at Coolville, Ohio. Office became presidential October 1, 1916.

Maud Walker to be postmaster at New Madison, Ohio. Office became presidential October 1, 1916.

John L. Wilson to be postmaster at Marengo, Ohio. Office became presidential October 1, 1916.

Sylvester L. Yochum to be postmaster at Camden, Ohio, in place of George M. Sizelove, resigned.

OKLAHOMA.

W. L. M. Burton to be postmaster at Shamrock, Okla. Office became presidential October 1, 1916.

Walter R. Franklin to be postmaster at McLoud, Okla., in place of George Stowell. Incumbent's commission expired July 13, 1916.

Henry S. Howell to be postmaster at Mill Creek, Okla. Office became presidential October 1, 1916.

M. F. Landon to be postmaster at Lehigh, Okla., in place of H. W. Warrick, resigned.

Clifford P. Martin to be postmaster at McCurtain, Okla. Office became presidential October 1, 1916.

Cora M. Murdock to be postmaster at Oilton, Okla. Office became presidential October 1, 1916.

Lillian M. Newhouse to be postmaster at Prague, Okla., in place of George C. Barber, deceased.

J. P. Renfrew to be postmaster at Alva, Okla., in place of L. W. Moore. Incumbent's commission expired January 24, 1916.

Charles H. Roosevelt to be postmaster at Verden, Okla. Office became presidential October 1, 1916.

C. C. Speakman to be postmaster at Wellston, Okla., in place of S. J. Thompson, resigned.

Robert H. Speck to be postmaster at Vici, Okla. Office became presidential October 1, 1916.

Millie D. Swift to be postmaster at Bigheart, Okla. Office became presidential October 1, 1916.

J. W. Westbrook to be postmaster at Ada, Okla., in place of M. W. Ligon, removed.

Vida E. Woolverton to be postmaster at Redrock, Okla. Office became presidential October 1, 1916.

PENNSYLVANIA.

Isaac H. Albright to be postmaster at Cochranville, Pa. Office became presidential October 1, 1916.

David H. Caldwell to be postmaster at Manor, Pa., in place of John P. Wilson. Incumbent's commission expired August 20, 1916.

George F. Carr to be postmaster at McAdoo, Pa. Office became presidential January 1, 1916.

Frank Clancy to be postmaster at Conneautville, Pa., in place of James E. Rupert. Incumbent's commission expired August 23, 1916.

Edward R. Dissinger to be postmaster at Mount Gretna, Pa. Office became presidential October 1, 1916.

Joseph L. Infield to be postmaster at Fredonia, Pa., in place of Philip F. Roof, deceased.

Mary A. Jefferis to be postmaster at Wynnewood, Pa. Office became presidential October 1, 1916.

Katharyn McClellan to be postmaster at Marienville, Pa. Office became presidential October 1, 1916.

Joseph C. McCormick to be postmaster at Marion Center, Pa. Office became presidential October 1, 1916.

Ezekiel S. McElhatten to be postmaster at Shippensville, Pa. Office became presidential October 1, 1916.

John J. McCoy to be postmaster at Crum Lynne, Pa. Office became presidential October 1, 1916.

Chester A. Moore to be postmaster at Howard, Pa. Office became presidential October 1, 1916.

Harry F. Moyer to be postmaster at Robesonia, Pa. Office became presidential October 1, 1916.

Joseph J. Moylan to be postmaster at Waymart, Pa. Office became presidential July 1, 1915.

Edward F. Poist to be postmaster at McSherrystown, Pa. Office became presidential October 1, 1916.

Sylvester W. Smith to be postmaster at Center Hall, Pa. Office became presidential October 1, 1916.

Daniel H. Sutton to be postmaster at East Butler, Pa. Office became presidential October 1, 1916.

J. Hayes Turner to be postmaster at Lincoln University, Pa. Office became presidential October 1, 1916.

Robert P. Whitman to be postmaster at Schwenkville, Pa., in place of John H. Rahn, deceased.

Murray D. Zechman to be postmaster at Sinking Spring, Pa. Office became presidential October 1.

PORTO RICO.

Hortensia R. O'Neill to be postmaster at San German, P. R., in place of Hortensia R. O'Neill. Incumbent's commission expired July 30, 1916.

Julio Ramos to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired August 24, 1916.

Simon Semidei to be postmaster at Yauco, P. R., in place of Simon Semidei. Incumbent's commission expired July 30, 1916.

RHODE ISLAND.

James F. Grant to be postmaster at Barrington, R. I. Office became presidential October 1, 1916.

Caleb E. Moffitt to be postmaster at Esmond, R. I. Office became presidential October 1, 1916.

SOUTH CAROLINA.

William B. Blakeley to be postmaster at Andrews, S. C. Office became presidential October 1, 1916.

George A. Bassellieu to be postmaster at Meggett, S. C. Office became presidential October 1, 1916.

Lewis B. Freeman to be postmaster at Paris Island, S. C. Office became presidential October 1, 1916.

John A. Patjens to be postmaster at Mount Pleasant, S. C. Office became presidential October 1, 1916.

Hattie J. Peeples to be postmaster at Varnville, S. C. Office became presidential October 1, 1916.

Grover L. Smith to be postmaster at Springfield, S. C. Office became presidential October 1, 1916.

SOUTH DAKOTA.

Henry F. Cook to be postmaster at Northville, S. Dak., in place of Charles W. Elsom, removed.

Bernard Laverty to be postmaster at Hitchcock, S. Dak., in place of George A. Poe, removed.

John A. Stransky to be postmaster at Pukwana, S. Dak. Office became presidential October 1, 1916.

TENNESSEE.

S. H. Allen to be postmaster at Petersburg, Tenn., in place of I. S. Davidson, resigned.

Charles R. Brumley to be postmaster at Mascot, Tenn. Office became presidential October 1, 1916.

Leon Caraway to be postmaster at Big Sandy, Tenn. Office became presidential October 1, 1916.

Willis H. Claxton to be postmaster at Stanton, Tenn. Office became presidential October 1, 1916.

Thomas Lee Fowlkes to be postmaster at Ridgely, Tenn. Office became presidential October 1, 1916.

J. B. Gilbert to be postmaster at Huntingdon, Tenn., in place of E. A. Morgan. Incumbent's commission expired August 8, 1916.

Henry E. Hudson to be postmaster at Whitwell, Tenn. Office became presidential October 1, 1916.

Mary Coker Parker to be postmaster at Mont Eagle, Tenn. Office became presidential October 1, 1916.

York A. Quillen to be postmaster at Bullsgap, Tenn. Office became presidential October 1, 1916.

Clyde E. Smith to be postmaster at Rutledge, Tenn. Office became presidential October 1, 1916.

James B. Sugg to be postmaster at Adams, Tenn. Office became presidential October 1, 1916.

Mary A. Varnell to be postmaster at Altonpark, Tenn. Office became presidential October 1, 1916.

Perry B. West to be postmaster at Lafayette, Tenn. Office became presidential October 1, 1916.

TEXAS.

Hiram A. Bachman to be postmaster at Throckmorton, Tex. Office became presidential October 1, 1916.

Paul P. Bates to be postmaster at Glazier, Tex. Office became presidential October 1, 1916.

W. E. Boykin to be postmaster at Lufkin, Tex., in place of Crockett Campbell. Incumbent's commission expired June 12, 1916.

Alice Brown to be postmaster at Ralls, Tex. Office became presidential October 1, 1916.

Ward W. Gillette to be postmaster at Benjamin, Tex. Office became presidential October 1, 1916.

Joe Green to be postmaster at Ratcliff, Tex., in place of S. D. Ratcliff, deceased.

J. W. Jackson to be postmaster at Elgin, Tex., in place of John L. Burke. Incumbent's commission expired August 23, 1916.

James W. Kennedy to be postmaster at Jayton, Tex. Office became presidential October 1, 1916.

Charles H. Latham to be postmaster at Eden, Tex. Office became presidential October 1, 1916.

Betty Matthews to be postmaster at Mathis, Tex. Office became presidential October 1, 1916.

Vernon McIntyre to be postmaster at Marathon, Tex. Office became presidential October 1, 1916.

J. A. Noland to be postmaster at Crawford, Tex. Office became presidential October 1, 1916.

Josephine W. Roche to be postmaster at Georgetown, Tex., in place of F. T. Roche, deceased.

McIver Smith to be postmaster at Texline, Tex. Office became presidential October 1, 1916.

Frances L. Spikes to be postmaster at Wheeler, Tex. Office became presidential October 1, 1916.

James D. Stevens to be postmaster at Carlton, Tex. Office became presidential October 1, 1916.

Thomas R. Warr to be postmaster at Mount Calm, Tex., in place of F. W. Kirkland, resigned.

John P. Williamson to be postmaster at Iredell, Tex. Office became presidential October 1, 1916.

Ruby L. Wood to be postmaster at Kirkland, Tex. Office became presidential October 1, 1916.

UTAH.

Anna M. Long to be postmaster at Marysvale, Utah. Office became presidential October 1, 1916.

Abraham O. Smoot to be postmaster at Provo, Utah, in place of James Clove, removed.

VERMONT.

Antonio Bonazzi to be postmaster at Plainfield, Vt. Office became presidential October 1, 1916.

Riley W. Densmore to be postmaster at West Burke, Vt. Office became presidential October 1, 1916.

Albert B. Roberts to be postmaster at Dorset, Vt. Office became presidential October 1, 1916.

W. Ray Whitney to be postmaster at Franklin, Vt. Office became presidential October 1, 1916.

VIRGINIA.

Samuel F. Akers to be postmaster at Emory, Va. Office became presidential October 1, 1916.

John A. Brockenbrough to be postmaster at Warsaw, Va. Office became presidential October 1, 1916.

Henry C. Browning to be postmaster at Meadowview, Va. Office became presidential October 1, 1916.

Mrs. Mack K. Cunningham to be postmaster at Fort Myer, Va. Office became presidential October 1, 1916.

Charles E. Fahrney to be postmaster at Timberville, Va. Office became presidential October 1, 1916.

Amos K. Graybill to be postmaster at Nokesville, Va. Office became presidential October 1, 1916.

Richard M. Janney to be postmaster at Gloucester, Va. Office became presidential October 1, 1916.

Joseph R. McGavock to be postmaster at Max Meadows, Va. Office became presidential October 1, 1916.

Gordon P. Murray to be postmaster at Hollins, Va. Office became presidential October 1, 1916.

John W. Roberts to be postmaster at Windsor, Va. Office became presidential October 1, 1916.

George A. Samsell to be postmaster at Stephens City, Va. Office became presidential October 1, 1916.

Rosamond C. Sawyer to be postmaster at Virginia Beach, Va. Office became presidential October 1, 1916.

Paul Scarborough to be postmaster at Franklin, Va., in place of R. H. Cobb, deceased.

Benjamin A. Williams to be postmaster at Courtland, Va. Office became presidential October 1, 1916.

WASHINGTON.

Averill Beavers to be postmaster at Kennewick, Wash., in place of Eleanor Staser, resigned.

William R. Brown to be postmaster at Charleston, Wash. Office became presidential January 1, 1915.

Jesse R. Storey to be postmaster at Renton, Wash., in place of W. F. Brown, deceased.

WEST VIRGINIA.

Jesse Craver to be postmaster at Boomer, W. Va. Office became presidential October 1, 1916.

Alexander Lester to be postmaster at Omar, W. Va. Office became presidential October 1, 1916.

J. P. Peck to be postmaster at Mabscott, W. Va. Office became presidential October 1, 1916.

Hiram C. R. Stewart to be postmaster at New Cumberland, W. Va., in place of R. M. Brown. Incumbent's commission expired July 29, 1916.

WISCONSIN.

J. E. Dennis to be postmaster at Downing, Wis. Office became presidential October 1, 1916.

William A. De Smidt to be postmaster at Cedar Grove, Wis. Office became presidential October 1, 1916.

Theresa Heinen to be postmaster at Random Lake, Wis.

Victor E. Layer to be postmaster at Adams, Wis. Office became presidential October 1, 1916.

Mark V. Murphy to be postmaster at Bear Creek, Wis. Office became presidential October 1, 1916.

WYOMING.

Albert J. Schils to be postmaster at Cokeville, Wyo. Office became presidential October 1, 1916.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 18, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude and praise to Thee, our Father in heaven, for the overtures of peace advanced by one of the belligerent nations and its allies. And we most fervently pray that they may be received in good faith and bring together not only the leading powers of the nations engaged in war but those of all nations, that all differences may be amicably adjusted and peace restored. And grant, O most merciful Father, that the conference of nations may establish a permanent basis upon which all national and international differences may be settled by the wiser and saner methods of arbitration, that war may be relegated to the past as a relic of barbarism, and that peace may reign supreme forever and ay, through Him who taught us love and good will to all men. Amen.

The Journal of the proceedings of Saturday, December 16, 1916, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

DECEMBER SALARIES OF CONGRESSIONAL EMPLOYEES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 324) authorizing payment of the salaries of officers and employees of Congress for December, 1916.

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and of the House of Representatives, including the Capitol police, their respective salaries for the month of December, 1916, on the day of adjournment of the present session for the holiday recess; and the Clerk of the House is authorized to pay on the same date the Members, Delegates, and Resident Commissioners their allowance for clerk hire for the said month of December.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

PATENTS TO CERTAIN INDIANS IN WASHINGTON.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, which has passed the Senate with certain amendments, and I ask that the Senate amendments be disagreed to and that the House request a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table H. R. 8092, with Senate amendments——

Mr. MANN. To discharge the Committee of the Whole House on the state of the Union.

The SPEAKER. To discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. STEPHENS of Texas, Mr. CARTER of Oklahoma, and Mr. CAMPBELL.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day. The Clerk will call the first bill on the Calendar for Unanimous Consent.

ISSUES OF SECURITIES BY COMMON CARRIERS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think it is very evident to all gentlemen interested in this bill that it is not one which should be considered on the Unanimous-Consent Calendar if there is any other way of getting at it.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. ADAMSON. I hope it is not necessary to do that.

The SPEAKER. It is necessary to do that under the rule.

Mr. ADAMSON. I will ask unanimous consent that notwithstanding the rule the bill remain on the calendar.

The SPEAKER. The gentleman can put it back on the calendar.

Mr. ADAMSON. I know; but if the House is willing I can request that it remain on the calendar without prejudice.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Now?

Mr. RAYBURN. Now.

The SPEAKER. The gentleman from Texas [Mr. RAYBURN] asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, this bill, H. R. 563, that has just been objected to—and I do not criticize anybody for objecting to its present consideration—was introduced in this House in 1913, was reported to the House, and passed the House in 1914. Out of all the membership present voting upon it at that time only 12 men in the House voted against it. It was deemed at that time to be very necessary. It has been deemed since that time to be very necessary by the people who have been interested in real regulation of railroads in this country. It contains two principal provisions. One is to follow the recommendations of the Hadley Commission, to give greater publicity to the acts of common carriers in this country. The other is that before railroad companies hereafter shall make new issues of stocks and bonds they shall come before the Interstate Commerce Commission and receive the approval of that commission.

In 1915 the railroad attorneys of this country got busy and they began to agitate a general investigation of all matters pertaining to railway regulation in the country. They interested some mighty good men in their proposition. They interested some Senators; they interested some Members in the House. When that resolution, known as the Newlands resolution, was considered by the Committee on Interstate and Foreign Commerce of the House I objected to it there, and I would have brought my objections to this floor had I not been necessarily out of town at the time it was considered here. I said then—and that prediction has come absolutely true—that that resolution amounted to nothing except to stay all railroad legislation in this House. When it was proposed that that committee should report back here on January 8 I said that it would not be ready to report at that time, but would come back to this House asking for more time. That has happened. A resolution has been introduced into this House to extend the time of that committee. What has that committee done? In July of this year that committee was authorized by this House to go into a general investigation of the railroad question in this country.

And what have they done? In seven months they have heard one witness fully—not more than three others partially—and adjourned until after the 4th of March, 1917. I make this statement for the simple reason of calling the attention of the Members of this House who are friends of real railroad legislation in this country, who want to do something, when this resolution comes up for consideration not to administer another dose of chloroform to all the legislation that we seek to get through in this and succeeding Congresses. If you give this Newlands committee all the time it wants it will be five long years before they are ready to report, because the prime movers of the bill and resolution are against any kind of new legislation with reference to the railroads of this country.

This resolution has some other provisions in it that will surprise you when you read it. It even goes to the extent of saying that the same House committee that was appointed in July, 1916, shall remain the House committee so long as this committee shall live, even though some members of the committee will not be Members of the next Congress. [Laughter.] I want to say, and I choose this opportunity to call upon the friends of railroad legislation in this House, people who are friends of State commissions in this country, who have done so much along this line, friends of any regulation whatever, to join me when this resolution comes up not to give a longer life to this chloroform resolution, but smother it when it comes up for consideration. [Applause.]

CLASSIFICATION OF COTTON.

The SPEAKER. The Clerk will report the next bill on the Unanimous-Consent Calendar.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce, to prevent deception therein, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this is a very important bill, and will probably soon be considered on the call of committees. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

GRANT OF PUBLIC LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15156) granting public lands to the State of Oklahoma.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that that bill be passed over without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that that bill be passed over without prejudice. Is there objection?

There was no objection.

SERUMS, TOXINS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

PATENT OF LANDS IN UTAH CONTAINING GILSONITE, ETC.

The next business on the Calendar for Unanimous Consent was the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimouse consent to pass the bill without prejudice. Is there objection?

There was no objection.

SIOUX TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4371) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

Mr. DILLON. Mr. Speaker, I make the same request in regard to the next bill, H. R. 10774.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

IMPORTATION OF VIRUSES, SERUMS, TOXINS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person, firm, or corporation to prepare, sell, or exchange, or offer for sale or exchange in the District of Columbia, or in the Territories, or in any place under the exclusive jurisdiction of the United States, or to ship or deliver for shipment from any State or Territoryr to any other State or Territory or to the District of Columbia, or from the District of Columbia to any State or Territory, or to import from any foreign country into the United States, or to export from the United States into any foreign country, any contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for the prevention or cure of diseases of man.

SEC. 2. That no person, firm, or corporation shall prepare, sell, exchange, or ship, or offer for sale, exchange, or shispment, or import or export as aforesaid, any virus, serum, toxin, or analogous product intended for the prevention or cure of diseases of man, unless (a) the said virus, serum, toxin, or analogous product shall have been prepared, in compliance with regulations prescribed by the Secretary of the Treasury, at an establishment holding an unsuspended and unrevoked license for the manufacture, barter, and sale of such virus, serum, toxin, or product, issued by the Secretary of the Treasury as hereinafter authorized, or unless (b) each package of such virus, serum, toxin, or analogous product is plainly marked with the descriptive name and laboratory number of the article contained therein, the name, address, and license number of the manufacturer, and the date up to which the contents will, with reasonable certainty, yield their specific results, or in case the standard of potency for the contents has been fixed by the Secretary of the Treasury, unless it is plainly marked with the strength of the contents in accordance with the standard so fixed: *Provided*, That the Secretary of the Treasury may, in his discretion, permit the importation or carriage of any virus, serum, toxin, or analogous product, although the same is not prepared in a licensed establishment and the packages of the same are not properly marked, when the same is furnished without charge to physicians, hospitals, or institutions of learning solely for scientific purposes.

SEC. 3. That no person shall falsely label or mark any package or container of any virus, serum, toxin, antitoxin, or product aforesaid, prepared or propagated in a licensed establishment, or alter any label or mark on any such package or container so as to falsify such label or mark.

SEC. 4. That any officer, agent, or employee of the Treasury Department, authorized by the Secretary of the Treasury for the purpose, may, during all reasonable hours, enter and inspect any establishment licensed under this act, and licenses shall be issued upon condition that the holders of the same will permit inspections of their establishments.

SEC. 5. That the Secretary of the Treasury is hereby authorized to make and promulgate from time to time such regulations as may be necessary to prevent the preparation, sale, exchange, or shipment as aforesaid of any contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for the prevention or cure of diseases of man, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, applicable to the prevention and cure of diseases of man, intended for sale, exchange, or shipment as aforesaid.

SEC. 6. That all inspections of establishments and examinations of viruses, serums, toxins, and analogous products made under authority of this act shall be made by the Public Health Service, and if it shall appear that any such product imported from abroad is contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enforce the provisions of this act and of such rules and regulations as may be made by authority thereof; to issue, suspend, and revoke licenses for the maintenance of establishments aforesaid, and to designate standards of purity and potency for viruses, serums, toxins, and analogous products applicable to the prevention and cure of diseases of man.

SEC. 8. That no person shall interfere with any officer, agent, or employee of the Treasury Department in the performance of any duty imposed upon him by this act or by regulations made by authority thereof.

SEC. 9. That any person who shall violate, or aid or abet in violating, any of the provisions of this act shall be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 10. That the act approved July 1, 1902, entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes," and all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Georgia is recognized for one hour.

Mr. ADAMSON. Mr. Speaker, I have no disposition to consume the time of the House unnecessarily. This proposition is to secure purity of these drugs, and has been recommended to our committee and to the Congress for several terms. If I am not mistaken, my distinguished friend from Illinois [Mr. MANN] had something to do with the effort to make it a law when he was the chairman of the Committee on Interstate and Foreign Commerce. I have introduced it twice at the earnest recommendation of the department, and it seems to me that very few things can be more important than securing the purity of the drugs on which we rely for our health. I shall insert here the report of the committee, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Treasury Department, as will appear by the letter attached and which is made a part of this report:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 6, 1916.

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st ultimo, inclosing copy of bill (H. R. 199) to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes, and requesting an expression of the views of the department concerning this bill.

The object of the proposed bill is evidently to remedy the defects of the existing law for the control of the interstate and international traffic in biologic products intended for the prevention and cure of diseases of man. As the use of this important kind of preparations becomes more and more general, it is obvious that all necessary precautions must be taken to safeguard the public health from dangers from this source.

Section 1 would provide authority for the prohibition of the sale, importation, exportation, and interstate shipment of contaminated, dangerous, and harmful serums, toxins, and analogous products intended for the prevention or cure of diseases of man.

Section 2 would prohibit the importation and interstate shipment of unlicensed viruses, serums, toxins, and analogous products. At present the law forbids importation and interstate shipment of the products in question only when they are intended for sale. It does not cover cases where the sale has been completed before importation or shipment. This is a serious defect, and the mischief which the law was designed to guard against can not be prevented as long as an unlicensed manufacturer is able to distribute his products with impunity, provided the sales are completed before shipment. The defect mentioned is not only dangerous to the public, but is also in reality a discrimination against reputable licensed establishments which comply with the law. It is thought this defect will be remedied by prohibiting the shipment of products generally, unless they are prepared in licensed establishments.

Section 2 contains also a proviso that the Secretary of the Treasury may, in his discretion, permit the importation or carriage of any products furnished without charge to physicians, hospitals, or other institutions solely for scientific purposes. This will guard against unnecessary restrictions in particular cases and will not discourage scientific research.

Section 5 confers authority on the Secretary of the Treasury to make the necessary regulations to carry the act into effect.

Section 6 provides that inspections of establishments and examinations of the products propagated therein shall be made by the Public Health Service, as has been the practice ever since the present law has been in operation. This section also provides for the disposal of contaminated, dangerous, and harmful products that may be imported.

The other sections of the bill contain provisions similar to those now in force, and section 7, in addition, authorizes the Secretary of the Treasury to fix standards of purity and potency.

In order to provide more effective supervision over biologic products, it is respectfully recommended that in the interest of the public health this bill be enacted into law.

Respectfully,

W. G. MCADOO, *Secretary.*

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. The department has certain authority under existing law. Will the gentleman explain to the House wherein the new provisions differ from the existing statute?

Mr. ADAMSON. That would be a rather hard task for me to enter upon.

Mr. STAFFORD. I do not wish to impose any difficult task upon my friend, particularly in view of the approaching Christmas holidays, and I shall withdraw the inquiry.

Mr. ADAMSON. The existing provisions have been held by the department to be entirely inadequate, and these have been formulated with great care and due consideration, and the last section provides that all other provisions be repealed and that this shall constitute the law, if this be enacted into law. Whatever the others may be, this language would be the law if Congress should enact it.

Mr. ESCH rose.

Mr. ADAMSON. Perhaps my friend from Wisconsin [Mr. ESCH] can satisfy his colleague by telling him something of the details, ramifications, and imperfections of the present law.

Mr. STAFFORD. I am quite sure that my colleague will not be *fearful of* undertaking such a task and will be only too willing to do so.

Mr. ADAMSON. I would be very glad to hear the gentleman.

Mr. ESCH. Mr. Speaker, the question was asked wherein this bill differs from existing law. Will the gentleman from Georgia yield to me?

Mr. ADAMSON. I certainly yield with pleasure.

Mr. ESCH. This bill gives to the Secretary of the Treasury the power of fixing the standard of potency of these various drugs and viruses, a power which is not contained in the existing law. It also provides for regulation of transportation of interstate commerce, and also respecting importations from abroad of these viruses and serums. Then there is a provision that where these viruses, and so forth, are for physicians, hospitals, and institutions of learning, and are solely for scientific purposes, the Secretary of the Treasury may permit the importation, although they may not be prepared in a licensed establishment or properly marked, if they are furnished without charge.

In section 5 there is a radical change from existing law in that the Secretary of the Treasury is given sole power to make and promulgate from time to time such regulations as may be necessary to prevent the preparation, sale, exchange of any contaminated viruses, and so forth.

Mr. STAFFORD. Which, I take it, means through the Public Health Service?

Mr. ESCH. Yes; but under the existing law a board consisting of representatives from the Army and Navy and the Public Health Service make those rules and regulations. Section 6 is also new matter providing for the inspection of establishments, the examination of viruses, and so forth, and then there is a provision that if it shall appear that any such product imported from abroad is contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. The existing law made no such provision.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes; in the time of the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia has the floor.

Mr. ADAMSON. Mr. Speaker, I am quite willing to divide my time with the gentleman from Wisconsin [Mr. ESCH].

Mr. TOWNER. The provisions of this act have reference only to the diseases of man.

Mr. ESCH. Exactly. There is a bill on the calendar providing for the regulation of viruses and serums applicable to the diseases of domestic animals. We have no jurisdiction over that subject matter.

Mr. TOWNER. That will come up and be considered from another committee—the Committee on Agriculture?

Mr. ESCH. It has already been considered, and the bill is on the calendar.

Mr. MANN. I will state to the gentleman that it is possible that that may be considered on the first Wednesday in January.

Mr. TOWNER. I would like to have the gentleman from Wisconsin explain to the House why it is that this power is given to the Secretary of the Treasury?

Mr. ESCH. The Public Health Service is under the jurisdiction of the Treasury Department, and as this is within the jurisdiction of the Secretary of the Treasury we gave him that power.

Mr. TOWNER. As a matter of fact, it would be largely controlled by recommendations from the Health Department?

Mr. ESCH. Yes.

Mr. MANN. Mr. Speaker, will the gentleman from Georgia yield for a question?

Mr. ADAMSON. With pleasure. I wish first to thank my colleague from Wisconsin for his explanation of the bill.

Mr. MANN. I want to ask a question with reference to the language of the bill. I do not remember whether this language follows the language of the existing law. Section 2 provides that no person shall sell, exchange, import, and so forth, any virus—

Unless (a) the said virus, serum, toxin, or analogous product shall have been prepared—

in a licensed establishment, and then follows "or unless (b)" each package is plainly marked with a descriptive name, and so forth. I did not suppose that it was intended to have those in the alternative, and it seemed to me that the word "or" ought to be "and," that the intention was to have all of these serums prepared in a licensed establishment and then marked.

Mr. ESCH. I have the original law here, if the gentleman from Georgia will yield. The original law uses the words "nor (b) unless," and the bill we are now considering uses the word "or."

Mr. MANN. Yes; but "nor (b) unless" is not alternative. That is an additional requirement. This is purely alternative, and it seemed to me that the word "or" ought to be the word "and."

Mr. ADAMSON. If the gentleman will permit, the way I understand the department views it is that they were willing to allow the liberty to a man to take the responsibility, as they do under the pure-food law, of making direct representation.

Mr. MANN. Evidently not; because the language under the word "or" is that it must contain the descriptive name and laboratory number of the article and also the address and license number of the manufacturer, and the date, and so forth. That plainly contemplates not only serums from licensed establishments, but requires they be—

Mr. ESCH. It should be "nor."

Mr. ADAMSON. It would not permit him to put it up and place it on the market without a license.

Mr. MANN. That is the purpose.

Mr. ADAMSON. I have no objection to that.

Mr. MANN. But being a criminal statute in a way, there ought to be——

Mr. ADAMSON. That appears to be consistent, and I have no objection to it.

Mr. ESCH. Why not insert the "nor" in the place of "or," and then have the law as it is now? Mr. Speaker, I offer an amendment. Page 2, line 14, strike out the word "or" and insert the word "nor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 14, by striking out the word "or" and inserting the word "nor."

Mr. ADAMSON. I think that ought to be made, Mr. Speaker.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

OTTAWA INDIAN TRIBE OF BLANCHARDS FORK AND ROCHE DE BŒUF.

The next business on the Calendar for Unanimous Consent was the bill (S. 138) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am not opposed to the bill, but I would like to have a couple of amendments adopted. One is to strike out part of line 11 and all of lines 12 and 13. I can see no reason why this little claim should be advanced on the docket of the Court of Claims or the Supreme Court. I also have a further amendment limiting the amount of attorney's fees to 10 per cent of the amount of the judgment that may be rendered in these cases. With those two amendments, I have no objection to the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill goes off the calendar.

COMMISSION TO STUDY SOCIAL INSURANCE AND UNEMPLOYMENT.

The next business on the Unanimous Consent Calendar was (H. J. Res. 250) to provide for the appointment of a commission to prepare and recommend a plan for the establishment of a national insurance fund and for the mitigation of the evil of unemployment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LONDON rose.

Mr. MANN. If the gentleman wants to be heard——

Mr. LONDON. Mr. Speaker, I ask unanimous consent that this resolution be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this joint resolution be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

AVIATION IN THE COAST GUARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15736) to provide for aviation in the Coast Guard.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, I do not see the gentleman from Virginia, and my understanding is that this provision has already become the law and has been incorporated in the naval bill. I ask that the bill go over for the present without prejudice.

Mr. MANN. Why not strike it off the calendar?

Mr. ADAMSON. I may be in error, and I would like to see the gentleman from Virginia first.

Mr. MANN. If it was not provided for in the naval bill, it is not likely to be provided further.

The SPEAKER. The gentleman from Georgia asks unanimous consent to pass over this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

PAYMENTS OF ASSESSMENTS FOR BENEFITS FOR OPENING STREETS, ETC., DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15460) to provide for the payment of assessments for benefits for the opening of streets, avenues, roads, and alleys in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I ask to have the bill passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CIVIL WAR VOLUNTEER OFFICERS' RETIRED LIST.

The next business of the Calendar for Unanimous Consent was the bill (H. R. 386) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, I object.

The SPEAKER. The bill goes off the calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that on this bill I may insert the following statement of mine in the RECORD.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

Civil War Volunteer officers' retired list.

GENERAL LAW AS TO THESE OFFICERS.

Lieutenant general	$11,000
Major general	8,000
Brigadier general	6,000
Colonel	4,000
Lieutenant colonel	3,500
Major	3,000
Captain	2,400
First lieutenant	2,000
Second lieutenant	1,700

I will quote from table of estimates prepared by Col. C. R. E. Koch, now deceased:

Generals and colonels	144
Lieutenant colonels	216
Surgeons (rank of major) Paymasters (rank of major) Majors (rank of major)	360
Assistant surgeons (rank of captain) Chaplains (rank of captain) Captains (rank of captain)	2,520
Adjutants (rank of first lieutenant) Quartermasters (rank of first lieutenant) First lieutenants (rank of first lieutenant)	2,304
Second lieutenants	1,656
	7,200

Quoting further from estimates prepared by Col. Koch, deceased: "Leaving net cost first year of law's operation, from December 31, 1915, $3,642,390."

Estimated loss by death from December 31, 1915, to October 31, 1916, 663; 11 every five days—8 per cent.

This is a reduction of cost of	$19,390
The estimated loss by death for the year beginning Nov. 1, 1916, 8 per cent	26,656
	46,046

Estimated cost for continued payments, $3,596,434.

Pension Office report of October 31, 1916, gives 353,034 as the number of Civil War invalids on the rolls. 1.54 per cent, 663, from 7,200 estimated volunteer officers living October 31, 1916, 6,537

The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary; it shall be payable quarterly and shall not exceed, in the case of any surviving officer, three-fourths of the initial active pay now received by a captain in the United States Army.

Generals, colonels, lieutenant colonels, surgeons, paymasters, and majors, would be three-fourths of captain's pay of $2,400, $1,800.

Assistant surgeons, chaplains, and captains would be one-half of captain's pay of $2,400, $1,200.

Adjutants, quartermasters, and first lieutenants would be one-half of first lieutenant's pay of $2,000, $1,000.

Second lieutenant would be one-half of $1,700, $850.

Should the H. R. 386 amendment be adopted, "On page 4, line 17, strike out the word 'captain' and insert in lieu thereof the words 'second lieutenant,'" it would reduce the ratings of the generals down to and include the majors to three-fourths that of a second lieutenant, $1,700—$1,275. It does not change the ratings of captains, adjutants, assistant surgeons, chaplains, second lieutenants, quartermasters, and first lieutenants from the provision of S. bill 392.

HOURS OF SERVICE OF RAILROAD EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9216) to amend sections 2, 3, 4, and 5 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the title of the bill.

Mr. ADAMSON and Mr. COADY rose.

The SPEAKER. Is there objection?

Mr. WINSLOW. Mr. Speaker, I object.

Mr. ADAMSON. My understanding is that this has been fully incorporated in another bill which has already become a law, and I ask unanimous consent that the committee pass it over without prejudice until the author can return to the House.

Mr. STAFFORD. Does the gentleman mean that the increase of wage bill incorporated this provision of law?

Mr. ADAMSON. I do not know that there is any such law.

Mr. MANN. If it had been incorporated in that bill, why not pass it over?

Mr. ADAMSON. I think in the other bill it is completely covered. I ask that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

MISBRANDED ARTICLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10496) to prohibit the manufacture, sale, or transportation in interstate commerce of misbranded articles, to regulate the traffic therein, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

YUMA (ARIZ.) AUXILIARY RECLAMATION PROJECT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14825) to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. STAFFORD. Mr. Speaker, I do not wish to have the bill stricken from the calendar. When the bill was last reached, at the request of the author the bill went over without prejudice. I ask unanimous consent now that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

UNCLAIMED BANK DEPOSITS, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16070) to dispose of unclaimed bank deposits in the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed over without prejudice. Is there objection. [After a pause.] The Chair hears none.

BALANCE DUE LOYAL CREEK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9326) to pay the balance due the Loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. VENABLE. Mr. Speaker, reserving the right to object, this bill carries an item of $600,000 for the payment of these Indians, which, according to my view and the view of the minority, is indefensible and unjustifiable under the facts, law, equities, or natural justice. I think the merits of the measure ought to come before the Members for their consideration, and for that reason I object.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Mississippi [Mr. VENABLE] objects, and the gentleman from Oklahoma [Mr. HASTINGS] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SALE OF COAL DEPOSITS TO REPUBLIC COAL CO.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation.

The SPEAKER. Is there objection?

Mr. MAYS. Mr. Speaker, reserving the right to object, I have objected to the consideration of this bill several times because the bill sought to transfer to the Milwaukee Railroad Co. more land than the law provides may be transferred to any association or corporation, and for the other reason that there was no safeguard in the bill providing that the Milwaukee Railroad Co. should not enter the commercial market with the coal produced on this land. But I understand the gentleman having in charge the bill will offer an amendment which, if it is passed, will remedy those objections. And for that reason I will not object.

Mr. HILLIARD. Mr. Speaker, the reason does not satisfy me, and I object.

The SPEAKER. The gentleman from Colorado objects, and the bill is stricken from the calendar.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

FLANDREAU BAND OF SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13165), authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

Mr. DILLON. Mr. Speaker, I ask unanimous consent that the bill be retained on the calendar without prejudice.

The SPEAKER. The gentleman from South Dakota asks that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

RECLAMATION OF CERTAIN ARID LANDS IN NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2519) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (S. 649) making appropriations for expenses incurred under the treaty of Washington.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I shall have to object, but I have no objection to the bill being passed over without prejudice. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be posed over without prejudice. Is there objection?

There was no objection.

CLAIMS OF THE STATE OF NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3654) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of North Carolina.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I will make a similar request as to this bill.

The SPEAKER. The gentleman from Wisconsin asks unanimouse consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

RETIREMENT PAY OF JUDGES OF UNITED STATES DISTRICT COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11152) to provide retirement pay in certain cases for judges of the United States district courts in the Territories.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar.

COL. DAVID DU B. GAILLARD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15076) granting to the widow of Col. David Du B. Gaillard authority to place, in his memory, a tablet in the Memorial Amphitheater at Arlington, Va.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MEEKER. Mr. Speaker, would not the gentleman be willing that this bill should go over without prejudice?

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the gentleman from Missouri [Mr. MEEKER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

NATIONAL PARK AT GUILFORD COURT HOUSE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8229) to establish a national military park at the battle field of Guilford Court House.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. STEADMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

UNITED STATES DISTRICT ATTORNEY FOR THE DISTRICT OF RHODE ISLAND.

The next business called on the Calendar for Unanimous Consent was the bill (H. R. 10110) to increase the salary of the United States district attorney for the district of Rhode Island.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. CALLAWAY. I object.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

Mr. STAFFORD. That bill is not on the calendar. It has been called out of order.

The SPEAKER. How is it called out of order?

Mr. STAFFORD. This is to increase the salary of the United States district attorney for the district of Rhode Island.

The SPEAKER. The Clerk will call the next one.

ABANDONMENT OF PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12035) to provide for the abandonment of

Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois objects and the gentleman from Kentucky asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 235) to authorize the President of the United States to convey to the foreign Governments participating in the Panama-Pacific International Exposition the grateful appreciation of the Government and the people of the United States.

The title of the joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the joint resolution is stricken from the calendar.

LANDS OF WINNEBAGO AND OMAHA INDIANS, NEBRASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11161) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, how about Senate bill 6116?

Mr. STEPHENS of Nebraska. What is the number?

Mr. MANN. Union Calendar 332, Senate bill 6116. Is it not the same thing?

Mr. STEPHENS of Nebraska. That is the same bill that the amendment is intended to affect.

Mr. MANN. If the subject is going to be considered at all, there is no use in considering the House bill when we have the Senate bill on the same subject here.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that Senate bill 6116 be considered in lieu of House bill 11161.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that Senate bill 6116, Union Calendar 332, be considered in lieu of House bill 11161. Is there objection?

There was no objection.

The SPEAKER. The gentleman asks unanimous consent also that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

An act (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

Be it enacted, etc., That all of the lands in the State of Nebraska belonging to the members of the tribe of Winnebago Indians held under patents of allotments, and upon which the 25-year trust period shall have expired, or shall expire, and which trust period shall have been or shall be extended as provided by law, shall be, and the same are hereby, made subject to appraisement and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereinafter enacted.

SEC. 2. That all of the lands in the State of Nebraska belonging to the members of the tribe of Omaha Indians now held under trust patents of allotments issued in 1885 or subsequent thereto, and upon which the 25-year trust period shall have expired, and which trust period shall have been extended, as provided by law, shall be, and the same are hereby, made subject to appraisement and assessment for the purposes of taxation and subject to taxation for local, school district, road district, county, and State purposes, as provided by the laws of the State of Nebraska now in force or to be hereinafter enacted: *Provided*, That any of the lands described in section 1 and section 2 of this act, so long as the same shall be held under trust patents, shall not be subject to levy and tax sale, as provided under the laws of the State of Nebraska for the collection of such taxes; but if such tax shall not be paid within one year after the same shall become due and payable, as provided by the laws of the State of Nebraska, then the list of such unpaid and delinquent taxes on the lands of the Winnebago Indians and Omaha Indians, as above provided, shall be certified by the county treasurer of the county in which such lands are situated to the Secretary of the Interior, who shall be authorized to pay the same from any funds belonging to the Indian allottees owning such lands so taxed and arising from the rentals thereof or under his control; and in the event that no such funds shall be in the possession or under the control of the Secretary of the Interior, he shall certify that fact to the said county treasurer, which certificate shall operate as a full release and discharge of the tax assessed against the land of the Indian so without funds.

With a committee amendment, as follows:

On page 2, line 2, strike out the word "hereinafter" and insert the word "hereafter," and, in line 13, strike out the word "hereinafter" and insert the word "hereafter."

The SPEAKER. The gentleman from Nebraska is recognized for five minutes.

Mr. STEPHENS of Nebraska. Mr. Speaker, I understand there is no objection to the measure.

Mr. STAFFORD. Does the gentleman think it is worth while to send this bill back to the Senate for these little technical amendments, to change the words "hereafter" and "hereinafter"?

Mr. STEPHENS of Nebraska. I do not know.

Mr. STAFFORD. Why not disagree to the amendments proposed and have the bill enacted at this time?

Mr. MANN. The amendments are essential.

Mr. STAFFORD. I think "hereinafter" is of just the same effect as "hereafter."

Mr. MANN. Oh, no. The word "hereinafter" would refer to this bill. Does the Senate bill read "hereinafter"?

Mr. STEPHENS of Nebraska. It does not in the copy I have.

Mr. STAFFORD. In the copy I have it reads "hereinafter" with a committee amendment "hereafter."

Mr. MANN. It ought to be changed.

Mr. STAFFORD. All right.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the corresponding House bill (H. R. 11151) was laid on the table.

INDIAN DEPREDATION CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6876) to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915 (38 Stats., p. 791), be, and the same is hereby, amended as follows:

SEC. 2. Strike out all of the second proviso of the said amendatory act approved January 11, 1915, and insert the following:

That all claims heretofore filed under said act of March 3, 1891, and which have been dismissed by the court for nonprosecution, or want of proof of citizenship, or the alienage of the claimant, shall, upon proof heretofore made or to be hereafter made that the claimants in such cases were not at the date of their losses citizens of the United States be reinstated and readjudicated in accordance with the provisions of this act.

SEC. 3. That all motions to reinstate in accordance with the provisions of this act shall be filed within two years from the date of the passage hereof.

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MANN. I think we ought to have a statement with reference to this bill. We have had a great many controversies here in reference to these claims for Indian depredations. I do not want even this bill to go through without some statement on the record in addition to what is in the bill itself. It is evident that the intention of Congress was not very clearly expressed before, because this is an act to amend an act, and we do not know what it does do.

Mr. TILLMAN. Mr. Speaker, I ask that the matter may be passed over for a few moments. The gentleman from Texas [Mr. STEPHENS] is the author of the bill, and he is familiar with its provisions. I know nothing about it further than is stated in the report. The report of the committee is unanimous in favor

of the measure, and I am informed that a similar bill has passed the Senate.

Mr. MANN. Mr. Speaker, we have had a long controversy in Congress in reference to these Indian-depredation claims. A great many of them were filed and dismissed for various reasons, one that the tribes were at war and were not in amity with the United States; and some years ago we reached a practical agreement between gentlemen on both sides of the Chamber that we would authorize the reinstatement of claims where the only reason for their dismissal was that of alienship, lack of citizenship. We attempted to do that, with the understanding that we would not enact legislation opening the door for all other claims. Now, it seems that in that legislation which we did enact, endeavoring to remove the disability of alienship, the language did not cover all of those cases. As I understand this bill, it is simply for the purpose of authorizing the reinstatement of cases where the bar was the fact that the claimant was not a citizen of the United States.

Mr. TILLMAN. It would seem that that is the object of the measure.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. TILLMAN, a motion to reconsider the last vote was laid on the table.

FISH-CULTURAL STATION IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11245) to authorize the establishment of an auxiliary or field fish-cultural station on the Klamath River, in the State of California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think the gentleman from California [Mr. RAKER], the author of this bill, succeeded in killing his proposition the other day by inserting it as an amendment to the omnibus fish-hatchery bill. If so, the gentleman ought not to take two chances. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, in the absence of the gentleman I ask that the bill be continued on the calendar.

Mr. MANN. Oh, no. A man ought to take one chance. He can not ride two horses going in different directions at the same time.

Mr. TAYLOR of Colorado. I do not know anything about that, only the gentleman from California is not here, and I thought we might leave the bill on the calendar until he comes into the room.

Mr. MANN. Evidently he did not expect the bill to remain on the calendar or he would be here.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill go over without prejudice. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10926) to amend an act approved June 8, 1906, entitled "An act to amend section 1 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. VINSON. I ask unanimous consent that the bill be passed over without prejudice.

Mr. STAFFORD. As I understand, the provisions of this bill were incorporated into law in the last District of Columbia appropriation bill.

Mr. VINSON. Not all of them. There were some provisions made with reference to the police force, but the provisions contained in this bill have never been incorporated into law yet.

Mr. STAFFORD. The salary increase provisions were incorporated, just as carried in this bill?

Mr. VINSON. This bill goes further than that and regulates the length of time before the salaries become available, as provided for. I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman asks that the bill be passed over without prejudice. Is there objection?

There was no objection.

DONATION OF POWDER-HOUSE LOT AT ST. AUGUSTINE, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3699) to donate to the city of St. Augustine, Fla., for park purposes, the tract of land known as the powder-house lot.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

Mr. SEARS. Will the gentleman withhold his objection?

Mr. STAFFORD. I will reserve it.

Mr. SEARS. I trust the gentleman will not object to the bill. This is a very small matter. The Government has owned 11 acres of this property since 1849 and 3½ acres since 1899. The property is lying there idle. This bill only asks that it be used by the city for park purposes in order that the people visiting St. Augustine may have a place of amusement. The bill provides that if they cease to use it for park purposes it reverts to the Government. The city will improve the property. There are no buildings on it and no improvements have been made. Recently there was a fire in the hospital at St. Augustine. They are planning to build a new one. If this land remains in the hands of the Government there will be no trouble, but if the Government should dispose of it, sell it to individuals, there will be no way for ingress or egress at the hospital. They are going to construct a new hospital, and the site will depend largely on the passage of this bill. I trust the gentleman from Wisconsin will not object.

Mr. STAFFORD. Mr. Speaker, I can not understand why the Government, owning property which it has ceased to use for governmental purposes, should donate it to any municipality. In the future there will be numerous instances where homes for disabled soldiers and Army posts are no longer needed for the purpose of the National Government, and if municipalities or other institutions desire them they should pay a reasonable value, just as they do to-day when the Government disposes of an old post-office building that is no longer required for the needs of the service. We dispose of those to municipalities at a reasonable value, and that should be the rule in this instance. I have no objection to the city of St. Augustine obtaining this property, but they should pay for it. Therefore I object.

Mr. SEARS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SURPLUS UNALLOTTED LANDS, BLACKFEET INDIAN RESERVATION, MONT.

The next business on the Calendar for Unanimous Consent was the bill S. 793, an act modifying and amending the act providing for the disposal of the surplus unallotted lands within the Blackfeet Indian Reservation, Mont.

The SPEAKER. Is there objection?

Mr. MANN. I object. I will ask to have it passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AVIATION CORPS, WAR DEPARTMENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17020) making an appropriation for the benefit of the Aviation Corps of the Department of War and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. STAFFORD. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $75,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of the Aviation Corps of the Department of War, and that the same be expended for such purpose under the direction of the Secretary of War.

SEC. 2. That so much of section 4 of the act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes," as reads as follows: "United States post office at Ripon, Wis., $75,000," and that so much of the section headed "Treasury Department, public buildings, sites, and construction" of the act approved July 29, 1914, entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal

year 1914 and for prior years, and for other purposes," as reads as follows: "Ripon, Wis., post office: For site and commencement, $10,400," be, and the same are hereby, repealed.

Mr. STAFFORD. Mr. Speaker, I move to strike out the first section. Mr. Speaker, considerable publicity was given to the action of the municipality of Ripon a year ago at the time when the country was considering preparedness, by its action in asking that the authorization of $75,000 in the public building act providing for a post office in that city should be rescinded and the money utilized for preparedness purposes.

There we had a concrete instance of money being foisted by the National Government under the pork-barrel public-building bill policy upon a municipality which agreed that there was no need for it whatever. There are other instances which might be cited similar to that of Ripon, of needless authorizations. For my own home city the last public building act carried an appropriation of $100,000 for a post-office site. The Treasury officials that had the administration of the $100,000 did not know whether it was for the establishment of a new post office or whether it was for the purpose of establishing a terminal post office in connection with the railroad station, or what not. They were in the dark. There has been some agitation for years in Milwaukee for a west-side post office. Some years back, about 25 years ago, we erected a very good post-office building, somewhat on the confines of the business district, a location which was not very convenient to the business interests, but there it is.

It has been the policy of the Post Office Department to have but one post-office building in a municipality until the Postal Service reaches that stage when it is no longer large enough to take care of the needs of the Postal Service. It is the experience of persons connected with the postal administration that it is more economical to have postal affairs administered from one central office than it is to have it divided up in numerous stations proximate to the main office.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. In a moment. I am not opposed to Government public buildings. We have adopted the policy here during the last Congress of having special bills brought in for authorizations for public buildings. Those bills were considered upon their merits, and every bill—and as I recollect there have been some dozen of them reported from the Committee on Public Buildings and Grounds—has passed through this House, because there were many who realized that in order to check this abuse of pork in public-building legislation it was advisable to allow individual bills to come in and be considered on their merits, and if they had merit they would stand on their own feet. I now yield to the gentleman from Indiana.

Mr. COX. Mr. Speaker, that is very interesting. Had there been any bills introduced for these sites and appropriations, and if so, who introduced them?

Mr. STAFFORD. Yes; a bill had been introduced by my colleague, but this was during the term I was not here. Some years ago when this question was first agitated in the city of Milwaukee a committee called upon me, and in a frank statement I explained to that committee the situation as I had known postal conditions by reason of my service of six or eight years upon the Post Office Committee. I told them that the Congress had not voted for the establishment of any additional post office in any city where the present post office was able to meet the needs of the Postal Service save in two cities—in Chicago and New York—and then they were not post offices. In New York some 10 years ago we authorized in the Post Office appropriation act an item to rent space from the New York Central Railroad in property adjoining the Grand Central Station. We also, in that same bill, authorized the rental of space for a postal station in conjunction with the Pennsylvania Railroad Station. In Chicago we have had up for consideration, and rightly so, the need of additional ground for a large west side post office, because the present quarters are entirely inadequate to meet the postal needs. That matter has been receiving the attention of the Representatives from Chicago for a good time, and it is a project that has great merit.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BENNET. I just want to state to the gentleman that he is mistaken in respect to the Pennsylvania station. We paid $1,700,000 for space from the surface of the earth extending down 20 feet and the right to forever support any building upon the ground beneath that. We did not rent anything.

Mr. STAFFORD. I was speaking from recollection.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. My impression was that we had authorized in the same bill the leasing of property in connection with the Grand Central and Pennsylvania stations. The gentleman, coming from New York, of course would know better than I.

Mr. BENNET. With reference to the Grand Central Station the gentleman is correct. With reference to the Pennsylvania station he was incorrect.

Mr. STAFFORD. I thank the gentleman for the information.

Mr. HOWARD. Mr. Speaker, the history of this public-building program is very interesting, but what we want to know is this: What does the gentleman think about this Ripon bill? We would like to know what he wants done with the bill.

Mr. STAFFORD. Mr. Speaker, the gentleman who represents the district in which Ripon is located is not present. It has never been my good fortune to visit this little community.

Mr. HOWARD. Does the gentleman want this to go to the aviation corps or not?

Mr. STAFFORD. This community of Ripon is noted as a college town in the Middle West. I think we should take the municipality of Ripon at its word and accept their offer—that is, to the extent of doing away with the authorization for the building, but not to the extent of utilizing this money for aviation purposes, and for this reason: During the consideration of the legislative bill the representative of the Signal Corps Service stated that he considered there was a compulsion upon him to expend every dollar of the $13,000,000 that had been voted for aviation purposes in the Army appropriation bill last year. He could not find sufficient aeroplanes to be purchased to cover that enormous amount of $13,000,000, so he has adopted the policy, which to me seems to be rather extravagant and unbusinesslike, of offering to every manufacturing concern in the country that manufactures motors a contract to develop some kind of a motor that will be suitable for aeroplanes. I think that the head of any business corporation who was attempting to establish a great service like the aeroplane service would not distribute millions of dollars in establishing virtual experiment stations in every manufacturing plant throughout the country. I know of his doing that in two establishments in my own city, and perhaps it will result in some good, but I would say that if a business man were in charge of the expenditure of $13,000,000 in an industry which is in a more or less experimental state he would not distribute that in experimentation in every machine shop throughout the country, but would be willing to center the experimentation in a few plants.

But this distinguished officer who has charge of the expenditure of the $13,000,000 says that the Congress has called upon the War Department to expend that money, and they are making their best efforts in every way possible to expend the money. I do not think there is any justification for experimentation being carried on in every machine shop wherever they are willing to accept the Government money. In view of the fact that we voted $13,000,000 to the Aviation Service in the last Army act, I think we can well afford to save this $75,000 in this particular item, and I think the municipality of Ripon, in view of that appropriation having been made, since they made that offer, will be willing to have the $75,000 returned to the Public Treasury.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. Mr. Speaker, I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Especially in view of the growing deficit, which is multiplied every day, and which is multiplying, I might say, at almost the rate of a hundred thousand dollars an hour while Congress is in session, I think that that community will approve having the $75,000 go into the General Treasury.

Mr. PAGE of North Carolina. Does the gentleman propose to offer an amendment?

Mr. STAFFORD. I offered an amendment to the bill, striking out the language of section 1, so as to save this $75,000, which was needlessly authorized.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, by direction of the Committee on Appropriations I present the bill making appropriations for the District of Columbia for the fiscal year ending June 30, 1918 (H. Rept. No. 1228), and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill. The bill is ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

AVIATION CORPS OF WAR DEPARTMENT.

Mr. QUIN. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] is in error about some portions of this matter. The Congressman representing that district, my colleague [Mr. REILLY], came before the Committee on Military Affairs with a petition representing the sentiments of the citizens of that city requesting that the money already provided for the establishment of this public building should be utilized in developing interest in and the equipping of an Aviation Corps. At that time, you remember—it was at the last session of Congress—the national-defense act was in process of passing this branch of the Congress. The citizenship of that city displayed more patriotism than any other city in the United States because, of all the different cities of this Republic that had buildings allotted and money authorized, this city of Wisconsin was the only one to ask that the money be used to develop the national-defense act.

Mr. BLACK. Will the gentleman yield for a question?

Mr. QUIN. I will.

Mr. BLACK. Was the establishment of this Aviation Corps requested by the Aviation Department of the War Department?

Mr. QUIN. I do not know what steps have been taken, except at that time the War Department agreed with the Committee on Military Affairs of this House that this would be a wise thing to do.

Mr. BLACK. With reference to this particular project?

Mr. QUIN. Yes, sir. They took into consideration none of them, of course.

Mr. BLACK. Does the gentleman have any communication from the War Department on that line?

Mr. QUIN. No; but I know what happened before the committee. The committee agreed to respond to the request of the citizens of Ripon and authorized the passage of this bill. It was reported out. I was requested by the chairman to report it to the House. The bill is here now——

Mr. SLOAN. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. SLOAN. How much less money under this bill would be expended in Ripon if this measure is carried out than would have been expended if the old project had been carried out? I only wanted to find out how great a sacrifice this city is making.

Mr. QUIN. I will say to the gentleman from Nebraska if Congress were to expend this money for aviation instead of a public building that the citizenship of this city is going to do everything else. They themselves are going to develop the aviation business. They are going to furnish the young men who would risk their lives to go up in these flying machines.

Mr. SLOAN. I guess the gentleman did not understand me. If the original project for a building had been carried out, what would have been the amount of money expended on that project at Ripon?

Mr. QUIN. Exactly the same.

Mr. SLOAN. Seventy-five thousand dollars?

Mr. QUIN. That is my understanding of it. The public building was to be a $75,000 project.

Mr. SLOAN. So far as the amount of money expended in the city is concerned, there would not be any sacrifice to them?

Mr. QUIN. I contend it would, because this aviation business would call on their own purses. It would call on the resources of the citizenship of that community, and certainly it would take many of their young men to go into the business. You will remember there was great stress in this country because of the lack of aviators, and the evidence before the Committee on Military Affairs showed that we did not have any Aviation Corps worth speaking of; and the citizens of that community were willing to develop an aviation corps in that section of the country and to train men under the direction of the War Department, which seemed to the Committee on Military Affairs, at least, to be a very worthy project. The transfer of this $75,000 from a public building to the building up of an aviation corps not only seemed to be a most useful purpose, but a most patriotic one on the part of those citizens.

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I move to strike out the last word for the purpose of asking some questions with regard to this bill. Although a member of the Committee on Military Affairs, I was not present at the time this bill was reported out, being at that time otherwise engaged.

Mr. QUIN. I yield to the gentleman from Wisconsin [Mr. REILLY], who will answer the gentleman.

Mr. TILSON. I should like to ask where is there anything in this bill requiring that any amount of money or any part of this $75,000 be expended in Ripon, Wis.?

Mr. REILLY. Mr. Speaker, in answer to the gentleman I will say that the original appropriation for Ripon was $75,000. A year ago or two years ago——

Mr. MANN. The gentleman means the original authorization?

Mr. REILLY. The original authorization; the gentleman is correct. Two years ago the appropriation bill carried an appropriation for a site of $10,000. Now, that is really all that is appropriated for a public building in the city of Ripon, but in order that the whole matter would be wiped out and this money appropriated for aviation purposes, as the citizens desired, I simply drew the bill to cover the whole subject matter of present appropriations and the authorization of the bill as originally drawn.

Mr. TILSON. The gentleman's bill seems to wipe out the appropriation for the public building all right, but where in the bill does it require this same amount of money to be spent in Ripon, Wis.?

Mr. REILLY. It does not require any amount of money at all to be spent in Ripon. This bill not only wipes out the appropriation, but also repeals the law authorizing the appropriation, and provides that the said sum be devoted to aviation purposes.

Mr. TILSON. That is what it seems to do. Then, what becomes of the contention that the same amount of money is going to be spent in Ripon under this bill if it passes, as under the bill which it repeals?

Mr. REILLY. I will say, Mr. Speaker, that if this bill is passed there will not be any money spent in Ripon until the House authorizes another public building for that city.

Mr. TILSON. To what different or better purpose could this $75,000 here appropriated be put than if it were appropriated in the Army appropriation bill?

Mr. REILLY. The idea of that was as stated by the gentleman from Mississippi [Mr. QUIN]. At the time this bill was first introduced the House had passed the Army appropriation bill, and the appropriation for the Aviation Board was about $3,000,000, although the Senate afterwards increased the amount to $15,000,000. The people of Ripon were willing to wipe out their chances for a public building at the time and depend on the future, providing the money be specifically devoted to aviation purposes. In other words, they were anxious that the more pressing demands of the national defense be met and considered before the claims of their city for a public building.

Mr. TILSON. Then it is the desire to use this sum, in addition to the sum elsewhere appropriated, for aviation purposes, and not that it be specifically spent in Ripon, Wis.?

Mr. REILLY. Oh, no; there is no money to be spent in the city of Ripon under the terms of this bill.

Mr. BLACK. Will the gentleman yield?

Mr. REILLY. Yes.

Mr. BLACK. Is it not a fact that the War Department got what they were asking for that purpose, anyway, in the regular Army appropriation bill?

Mr. REILLY. I believe the War Department did get under the final bill that was passed all the appropriation it asked for.

Mr. BLACK. Then, does the gentleman think it advisable to go ahead and supplement that with the $75,000?

Mr. REILLY. The action taken by the people of Ripon is unique and unusual, and I believe Congress can do nothing better than to commend such a patriotic move by the citizens of that place, and one way to commend such action is by passing this bill. A year ago this time, or a few months later, when there was a great demand on the Public Treasury for expensive appropriations for Army and Navy purposes, these people of Ripon, who thought at that time that they had $75,000 appropriated for a public building, were willing to waive their right to that appropriation and wipe out their public-building authorizaton bill in order that the sum thus appropriated might be devoted specifically to the public defense. Now, that is the reason for this bill.

I realize there has been a great deal of money appropriated for aviation purposes in both the Army and the Navy, and it might seem useless to pass this law under such circumstances. But the only reason I ask Congress to pass this bill is because of the fact that the citizens of Ripon have exemplified a patriotic spirit that ought to be commended.

The amendment of the gentleman from Wisconsin [Mr. STAFFORD] would in a measure defeat the wishes of the citizens of Ripon. I hope that amendment will not prevail.

Mr. HOWARD. Mr. Speaker, I hate very much to differ with my good friend from Wisconsin [Mr. REILLY] about anything, but this is the funniest situation I have ever seen in the House

in the six years I have been here. We are dealing here with a $75,000 item like a lot of Fiji Islanders would deal with a basket full of clamshells. It seems that in 1913 we passed a public-building bill in which the citizens of Ripon, Wis., through their most able and insistent Representative, secured an appropriation of $75,000 for a public building. And then all at once everybody in this country decided that the hobgoblins were going to get them, and we went in and spent everything in sight and out of sight for the Army and Navy. And still there is more to come. We have staring us right square in the face, like a spotlight, a deficiency of $284,000,000 at the end of the next fiscal year.

It has to be raised from some source or other and by some method, and usually the method adopted by Congress heretofore has been to wring that sum out of the pockets of the folks back home. Rich and poor, high and low, all share that burden together.

Now, here is $75,000. This is a sort of deferred patriotism on the part of the citizens of Ripon. They are patriotic and I admire them for their patriotism; but they say, "We want to take $75,000 out of the Public Treasurry and spend it for aviation, and we are willing to wait a year, if you will do that, or two years, for another appropriation of $75,000 with which to erect a public building." I hope that the fairness and commonsense of this situation will present itself forcibly to you, gentlemen, and that the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] will prevail for this reason, that the Secretary of War, Mr. Baker, the man whose recommendation we are supposed to follow, says, in referring to this bill:

> The amount referred to ($75,000) can be put to very good use in the purchase of equipment for the Aviation Section of the Signal Corps, but the needs of the Aviation Section are fully covered in the appropriations recommended by the Senate committee in the act making appropriations for the support of the Army, fiscal year 1917; hence the passage of this present bill will be unnecessary.

He says of course it could be used; that they can use it. Of course, they can use it. They could use $10,000,000,000 if you would make it available, and I do not hesitate to say for a minute that they would use it under present public excitement. But here the Secretary of War says, "We do not need it; we are amply provided for." But here are the good citizens of Ripon in their excitement and in their patriotism asking for this when the Secretary of War is telling us that the War Department has no use for it.

Gentlemen, let us cover this $75,000 back into the Treasury. We are going to need it before this Congress is over. We are going to need it worse before the next Congress is over.

Mr. GORDON. Do not argue that with the Republicans. They are stuffing the appropriation bills so far as they can. [Laughter.]

Mr. HOWARD. Well, in my opinion no man is going to spend money indiscriminately without thinking of a day of reckoning. Whether he is a Republican or a Democrat, an Independent or a Socialist or a Progressive, or whatever he is, he is going to hear from it back home. You need not try to get around that. This is a wasteful, useless, foolish throwing away of $75,000 of the folks' money, and if you adopt the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD], that money goes back into the Treasury and is covered back there into the general fund of miscellaneous receipts, and the people get it back into their pockets, thanks be to the patriotic people of Ripon! [Applause.]

Mr. MANN. Mr. Speaker, when the Committee on Public Buildings and Grounds was making up the public-building bill which finally became a law in 1913, our distinguished friend, the gentleman from Wisconsin, made representations to that committee——

Mr. REILLY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. REILLY. I was not in Congress at that time. It was my predecessor that made the representations.

Mr. MANN. It was your predecessor that I had reference to, although I had not yet named the man. He made representations as to the great need of a post-office building at Ripon, Wis. The Committee on Public Buildings and Grounds was finally forced to believe that the post-office business of the country could not properly be transacted, that there would be a failure in the dispatch and handling of post-office matters, if they did not construct a new building at Ripon, Wis. Evidently the people at Ripon were not familiar with the activities of their Member of Congress, because when they heard that a public building had been authorized at the sweet little town of Ripon, Wis., they looked aghast and said, "What? Is this Nation so rich that it throws money to the birds, and builds a building here where we do not need it?" And they were right. They did not need it.

In the consideration of the Army appropriation bill the Committee on Military Affairs brought in a bill providing for an appropriation of half a million dollars for aviation. The House increased the amount to $2,500,000, or some such amount. There was a considerable agitation of the subject in the country, and the patriotic people of Ripon, Wis., who knew that they did not need a public building there and who believed that the country did need an extension of its Aviation Service, gave to the press a good advertisement, one of the best that has ever gone along the wires, that Ripon, Wis., was willing to abandon the proposal for a public building there if the money could be turned over to the Aviation Service ,and our esteemed friend, the gentleman from Wisconsin [Mr. REILLY], accepted the bluff and introduced a bill.

Well, it had a good effect. One of the great effects of that bill was that the Senate agreed to an amendment increasing the appropriation for the Aviation Service by over ten millions. That ought to satisfy Ripon. [Laughter.] The little, paltry $75,000 which they did not have, which never had been appropriated to them, which they were willing to give up the prospect of obtaining, was nothing compared with the $10,000,000 which was added by the Senate and which we agreed to, making a total appropriation of $13,000,000, where it had originally been proposed at half a million dollars—a reasonable increase of 2,600 per cent. [Laughter.]

Now, all the information we have in reference to the people of Ripon is that they think they do not need a public building. I agree with them. I am willing to accept their statement as to that. But how can they ask us now to appropriate money which never had been appropriated to them, in addition to the $13,000,000 which we appropriated last summer, and the Lord only knows how much it will be this winter, for the Aviation Service?

The SPEAKER pro tempore (Mr. LLOYD). The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I ask for five minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. It only cumbers up the books to make this appropriation in this way. It will probably lessen the amount that the Aviation Corps will receive, because if we take little side bites like this we will get less in the Army appropriation bill, where it belongs.

To me the most instructive lesson about this is not the great patriotism of the citizens of Ripon, Wis., although I admire their patriotism, but the fact that we were led before to authorize the appropriation of money for a public building there which was not needed. If it was needed it is not the business of the people of Ripon to interfere with it. They do not run the post office. They are not the ones primarily interested in the great handling of the mail. They are only a small part of that. The post-office building was not needed there, they say. Likewise we might say that now, with a deficit, according to present income and expected outlay, of $300,000,000 for the next fiscal year—we might say properly to a whole lot of these other small towns—and large ones, too—which do not need the expenditures of the public money for buildings there, that they may go without for a little while. And yet only on Saturday last the distinguished chairman of the Committee on Rules [Mr. HENRY] introduced a rule into the House to make in special order the consideration of the omnibus public-buildings bill—another raid on the Treasury.

Who is to pay the bill? Here is a city that is honest enough to say, "We do not need the money." Let us take them at their word and keep the money where we need it—in the Treasury—and keep it there until it is appropriated in the proper manner.

Mr. REILLY. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has put the people of Ripon in a wrong light by making a statement which in my opinion the record does not justify. There is absolutely nothing in the petition filed in this House or in any statement made by any person entitled to speak for Ripon that the city of Ripon does not need a post office. That question was not raised. It was not considered by the citizens of Ripon when they asked Congress to take from them the appropriation already given for a public building. The point is this: The people of Ripon, regardless of the fact whether or not they need a post office, desire to make a sacrifice in the interest of governmental economy, and to contribute their mite toward the cutting down of national expenditures.

Now, it is true they only had $10,000 at that time. But if that petition had not come in the Secretary of the Treasury

would have incorporated in the appropriation bill for last year a total sum necessary to complete the Ripon building, as is the regular course of proceeding in the Treasury Department; or, at least, if it had not been incorporated in the appropriation bill for last year it would have been in the bill for this year.

But now as regards the question of a bluff. I do not believe there is any ground for thinking that the people of Ripon were bluffing when they asked Congress to devote the funds intended for a building in their city to the national defense. They asked Congress to wipe out entirely all legislation for a public building in their city, and there is no question of a deferred patriotic act about it at all; because whether or not Ripon will get a public building in the future will depend entirely upon what future Congresses may wish to do regarding such a structure in that town. Mr. Speaker, while last year there was a very large sum appropriated for aviation purposes when this bill was introduced, the appropriations for this year for the Army and Navy have not yet been made, and I do not see that it is going to mix matters up, I do not see that it is going in any way to interfere with the development of the Aviation Service at this time to make the appropriation provided for in this bill. The situation as to this bill is most extraordinary; the citizens of a city of 5,000 people, with post-office receipts many times more than those of half the cities included in the public-building bill that will come before this Congress, have patriotism enough and self-sacrifice enough to say to Congress, "Take away our public building. We will not ask for any appropriation at this time, and we will allow the money to be spent for other and more pressing purposes." Such an idea in this day and age of raids on the Public Treasury is something that ought to receive the commendation of Congress and not the ridicule of Congressmen. It would be a great thing if other cities of this land, much smaller than Ripon, would come here and say, "We, too, will defer the pleasure of having a public building in view of the large expenditure needed for the national defense." If such were the case we would not have a public-building bill in this session of Congress.

Mr. TAGGART. Will the gentleman yield?

Mr. REILLY. I yield to the gentleman from Kansas.

Mr. TAGGART. What rent does the Government pay at Ripon?

Mr. REILLY. I do not know, but I do know that the city has a much larger population and postal receipts than many cities in the United States that have costly public buildings.

Mr. TAGGART. I did not mean to embarrass the gentleman at all——

Mr. REILLY. I do not remember just the amount of rent paid.

Mr. TAGGART. The rent paid might indicate that it would be a real economy for the Government to construct a building of its own.

Mr. REILLY. If you are governed by the question of economy, in the matter of constructing post offices, you will wipe out 90 per cent of the public buildings appropriated for in past Congresses.

Mr. SHERLEY. Will the gentleman yield for an inquiry?

Mr. REILLY. Yes.

Mr. SHERLEY. Why does the gentleman want to reappropriate the money for the Aviation Service?

Mr. REILLY. In answer to my colleague from Kentucky, I will simply say that I am endeavoring to carry out the wishes of the citizens of Ripon.

Mr. SHERLEY. Was not that at a time when there had not been appropriated the amount that was appropriated later? Last year we appropriated a little over $13,000,000 for aviation for the Army. I have just finished a hearing on the matter so far as it relates to fortifications, and this $75,000 carried in this bill is a drop in the bucket compared to what the department has on hand unexpended and what it is going to ask and probably receive from the Congress. Why muddy up the whole business with a little bit of an appropriation at this time, when it is not now needed and there is no reason for it?

Mr. REILLY. In answer to the gentleman I will say that the only excuse is the unique and commendable expression of public sacrifice on the part of the citizens of Ripon.

Mr. SHERLEY. I am willing to consent to the sacrifice and to keep the money in the Treasury, but I see no reason for an appropriation of this kind.

Mr. REILLY. In response to the gentleman, I will say that I am here to-day to present the wishes of the citizens of Ripon, and if the amendment of the gentleman from Wisconsin [Mr. STAFFORD] is carried, as I trust it will not be, the bill should not pass, as it will not, in its amended form, express the complete wishes of the citizens of Ripon. I believe Congress can do nothing better at this time than to commend and put the stamp of its approval on the patriotic conduct of the citizens of Ripon in trying to curtail governmental expenditures in this day of enormous demands upon the Public Treasury.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Wisconsin [Mr. STAFFORD] to strike out section 1.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. REILLY. Mr. Speaker, I move to strike out the enacting clause of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin moves to strike out the enacting clause.

The question being taken, on a division (demanded by Mr. SHERLEY and others) there were—ayes 33, noes 49.

Accordingly the motion was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question being taken, the Speaker pro tempore announced that the noes appeared to have it.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BORLAND. I move a call of the House.

Mr. MANN. There will be an automatic call of the House.

The SPEAKER pro tempore. The question is on the passage of the bill. Those in favor will say aye, those opposed no, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 89, answered "present" 3, not voting 112, as follows:

YEAS—229.

Abercrombie	Edwards	Kent	Rowland
Adair	Ellsworth	Kiess, Pa.	Rucker
Adamson	Elston	Kincheloe	Saunders
Anderson	Emerson	Kinkaid	Schall
Anthony	Fairchild	Kitchin	Scott, Mich.
Ashbrook	Farr	La Follette	Sherley
Aswell	Ferris	Langley	Sherwood
Ayres	Fess	Lehlbach	Shouse
Barkley	Fields	Lewis	Siegel
Bell	Fitzgerald	Longworth	Sinnott
Bennet	Focht	Loud	Sisson
Black	Fordney	McArthur	Slayden
Booher	Foss	McClintic	Sloan
Bowers	Foster	McCracken	Smith, Idaho
Britt	Frear	McFadden	Smith, Minn.
Browning	Freeman	McKenzie	Smith, Tex.
Brumbaugh	Fuller	McKinley	Snell
Buchanan, Ill.	Gandy	McLaughlin	Snyder
Buchanan, Tex.	Gardner	McLemore	Stafford
Butler	Garrett	Madden	Steele, Iowa
Byrns, Tenn.	Glynn	Magee	Stephens, Tex.
Callaway	Good	Mann	Sterling
Campbell	Gould	Mapes	Stone
Cannon	Gray, Ala.	Matthews	Sulloway
Capstick	Gray, Ind.	Mays	Sweet
Caraway	Green, Iowa	Miller, Pa.	Swift
Carter, Mass.	Greene, Mass.	Moon	Switzer
Chandler, N. Y.	Greene, Vt.	Moore, Pa.	Tavenner
Charles	Gregg	Morgan, Okla.	Taylor, Ark.
Chiperfield	Hadley	Mott	Temple
Clark, Fla.	Hamilton, Mich.	Mudd	Thomas
Coady	Hamilton, N. Y.	Nicholls, S. C.	Thompson
Collier	Hardy	Nichols, Mich.	Tillman
Connelly	Harrison, Va.	Nolan	Tilson
Conry	Hawley	North	Timberlake
Cooper, Ohio	Hayes	Oakey	Towner
Cooper, W. Va.	Heaton	O'Shaunessy	Treadway
Costello	Hernandez	Overmyer	Vare
Cox	Hollingsworth	Padgett	Vinson
Crago	Hopwood	Page, N. C.	Volstead
Crisp	Houston	Paige, Mass.	Walker
Crosser	Howard	Parker, N. J.	Walsh
Curry	Howell	Parker, N. Y.	Ward
Dale, Vt.	Huddleston	Platt	Wason
Dallinger	Hughes	Powers	Watkins
Danforth	Hull, Iowa	Pratt	Watson, Pa.
Davis, Tex.	Hull, Tenn.	Rainey	Webb
Dempsey	Humphrey, Wash.	Raker	Williams, Ohio
Denison	Hutchinson	Ramseyer	Wilson, Ill.
Dies	Jacoway	Rauch	Winslow
Dill	Johnson, Ky.	Rayburn	Wood, Ind.
Dillon	Johnson, S. Dak.	Reavis	Woods, Iowa
Doolittle	Johnson, Wash.	Ricketts	Woodyard
Doughton	Kearns	Roberts, Mass.	Young, N. Dak.
Dowell	Keating	Roberts, Nev.	Young, Tex.
Dunn	Keister	Rodenberg	
Dupré	Kelley	Rogers	
Edmonds	Kennedy, Iowa	Rowe	

NAYS—89.

Alexander	Gallagher	Littlepage	Russell, Mo.
Allen	Garland	Lloyd	Sears
Almon	Garner	Lobeck	Shallenberger
Austin	Godwin, N. C.	McAndrews	Sims
Bailey	Goodwin, Ark.	McDermott	Steagall
Barnhart	Gordon	McKellar	Stedman
Borland	Harrison, Miss.	Martin	Steenerson
Browne	Hastings	Miller, Del.	Stephens, Miss.
Burnett	Hayden	Montague	Stephens, Nebr.
Carlin	Heflin	Morrison	Stout
Carter, Okla.	Helgesen	Moss	Sumners
Casey	Helm	Murray	Taggart
Church	Helvering	Neely	Taylor, Colo.
Cooper, Wis.	Henry	Nelson	Venable
Cramton	Hilliard	Oldfield	Wheeler
Dent	Hood	Oliver	Williams, T. S.
Dewalt	Hulbert	Olney	Williams, W. E.
Dickinson	Igoe	Park	Wilson, La.
Dixon	James	Quin	Wingo
Doremus	King	Randall	Wise
Esch	Lee	Reilly	
Evans	Lesher	Rouse	
Flood	Linthicum	Rubey	

ANSWERED "PRESENT"—3.

Blackmon	Glass	London

NOT VOTING—112.

Aiken	Dyer	Kahn	Phelan
Bacharach	Eagan	Kennedy, R. I.	Porter
Barchfeld	Eagle	Kettner	Pou
Beakes	Estopinal	Key, Ohio	Price
Beales	Farley	Konop	Ragsdale
Benedict	Finley	Kreider	Riordan
Britten	Flynn	Lafean	Russell, Ohio
Bruckner	Gallivan	Lazaro	Sabath
Burgess	Gard	Lenroot	Sanford
Burke	Gillett	Lever	Scott, Pa.
Byrnes, S. C.	Graham	Lieb	Scully
Caldwell	Gray, N. J.	Liebel	Sells
Candler, Miss.	Griest	Lindbergh	Shackleford
Cantrill	Griffin	Loft	Slemp
Carew	Guernsey	McCulloch	Small
Cary	Hamill	McGillicuddy	Smith, Mich.
Cline	Hamlin	Maher	Smith, N. Y.
Coleman	Hart	Meeker	Sparkman
Copley	Haskell	Miller, Minn.	Steele, Pa.
Cullop	Haugen	Mondell	Stiness
Dale, N. Y.	Hensley	Mooney	Sutherland
Darrow	Hicks	Moores, Ind.	Tague
Davenport	Hill	Morgan, La.	Talbott
Davis, Minn.	Hinds	Morin	Tinkham
Decker	Holland	Norton	Van Dyke
Dooling	Humphreys, Miss.	Oglesby	Watson, Va.
Driscoll	Husted	Patten	Whaley
Drukker	Jones	Peters	Wilson, Fla.

So the bill was passed.

The following pairs were announced:

Mr. EAGAN with Mr. GUERNSEY.
Mr. EAGLE with Mr. HASKELL.
Mr. ESTOPINAL with Mr. HAUGEN.
Mr. FARLEY with Mr. HICKS.
Mr. STEELE of Pennsylvania with Mr. HILL.
Mr. TAGUE with Mr. HINDS.
Mr. GALLIVAN with Mr. HUSTED.
Mr. GARD with Mr. KAHN.
Mr. GRIFFIN with Mr. KREIDER.
Mr. HAMILL with Mr. LAFEAN.
Mr. HAMLIN with Mr. MCCULLOCH.
Mr. TALBOTT with Mr. MEEKER.
Mr. HOLLAND with Mr. MILLER of Minnesota.
Mr. KETTNER with Mr. MONDELL.
Mr. KEY of Ohio with Mr. MOONEY.
Mr. LAZARO with Mr. MOORES of Indiana.
Mr. LEVER with Mr. MORIN.
Mr. VAN DYKE with Mr. PETERS.
Mr. LIEBEL with Mr. PORTER.
Mr. WATSON of Virginia with Mr. RUSSELL of Ohio.
Mr. WHALEY with Mr. SCOTT of Pennsylvania.
Mr. MAHER with Mr. SELLS.
Mr. POU with Mr. SLEMP.
Mr. BEAKES with Mr. DRUKKER.
Mr. BRUCKNER with Mr. COPLEY.
Mr. BURKE with Mr. CARY.
Mr. RAGSDALE with Mr. BENEDICT.
Mr. JONES with Mr. BRITTEN.
Mr. PHELAN with Mr. KENNEDY of Rhode Island.
Mr. DECKER with Mr. SANFORD.
Mr. KONOP with Mr. STINESS.
Mr. SABATH with Mr. NORTON.
Mr. BLACKMON with Mr. DYER.
Mr. HENSLEY with Mr. TINKHAM.
Mr. RIORDAN with Mr. BACHARACH.
Mr. SCULLY with Mr. BARCHFELD.
Mr. SHACKLEFORD with Mr. BEALES.
Mr. CALDWELL with Mr. COLEMAN.
Mr. CANDLER of Mississippi with Mr. DARROW.
Mr. CANTRILL with Mr. DAVIS of Minnesota.
Mr. CAREW with Mr. FOCHT.
Mr. SMALL with Mr. FREEMAN.
Mr. DALE with Mr. GILLETT.
Mr. SMITH of New York with Mr. GRAHAM.
Mr. DOOLING with Mr. GRAY of New Jersey.
Mr. DRISCOLL with Mr. GRIEST.
Mr. OGLESBY with Mr. SMITH of Michigan.
Mr. PATTEN with Mr. SUTHERLAND.

Mr. BLACKMON. Mr. Speaker, I am paired with the gentleman from Missouri, Mr. DYER. I voted "aye." I wish to withdraw that vote and answer "present."

The name of Mr. BLACKMON was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The doors were opened.

On motion of Mr. MANN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore (Mr. LLOYD). The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14973) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I think I shall object to the bill.

Mr. TAGGART. Will the gentleman reserve his objection?

Mr. MANN. I have reserved it.

Mr. TAGGART. Mr. Speaker, this bill is simply to amend two sections of the employers' liability act of April 22, 1908. Under the act an employee who brings an action against a railway company for injuries received while in discharge of his duty will not be held guilty of contributory negligence if the railway company at the time was violating, as the act says, "any statute." The Supreme Court held in the Horton case, Two hundred and thirty-third United States, that that expression "any statute" relates only to any Federal statute, and the only amendment in that respect is to put in three words, the words "State or Federal," so that it will read: "The violation of any State or Federal statute."

The only other amendment of any importance is to leave out of the act the doctrine of the assumption of risk. An employee will not now be held to assume the risk of his employment if the railway company at the time of the injury was violating a statute, which the Supreme Court says must be a Federal statute. The amendment is to leave that entirely out and abolish the doctrine of the assumption of risk so that the defense of assumption of risk will not be available as against an action brought by an employee of a railroad company engaged in interstate commerce.

The only other amendment is a new section which simply provides that in any suit brought against a railway company that is engaged in interstate commerce it shall be presumed, prima facie, that the employee who brings the suit was at the time of the injury himself engaged in interstate commerce. It would be extremely difficult for an employee to prove that he himself might be engaged in interstate commerce. The new section puts the burden on the company to deny that the employee was engaged in interstate commerce.

So that the three points in difference in this bill and the act are first: Contributory negligence having been now partially abolished as a defense in this that it may diminish the amount of damages, will not be available at all as a defense if the railway company was violating a State or Federal statute. The second one is that the doctrine of the assumption of risk shall not be applied to any case where the employee brings suit for damages against a railroad company in interstate commerce. In short, as I said, it abolishes the doctrine of the assumption of risk which many authors have condemned and many jurists have denounced as cruel and inhuman.

The third one is simply to relieve the plaintiff of the burden of proving the character of the commerce he is engaged in, which in some cases might be so burdensome as to cost more than the case was worth, whereas the information is immediately available and well known to the railroad company.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think I should fully agree with the gentleman from Kansas [Mr. TAGGART] and the committee in reference to the proposed addition to the statute which proposes to make it prima facie evidence that the carrier was engaged in interstate commerce when an injury occurred to an employee; but we have a law now that provides that if the railroads violate the act of Congress which

provides for safety devices, and so forth, they are responsible wherever they injure one of their employees. It is thought now to add to that that if they violate a State law the same thing shall hold. I can not quite understand why we, having full power over the safety devices of the railroads, should say that we will punish the railroad company for violating a State law upon the subject. If there is additional legislation needed we can enact it. I do not think there ought to be one rule for a railroad employee in the State of Illinois, another in the State of Iowa, another in the State of Nebraska, and another in the State of Colorado simply because a railroad runs through those States, that rule fixed by us.

Mr. TAGGART. The liability, as the gentleman of course knows, is not and can not be founded on any State statute. The State statute simply may be introduced in evidence as showing that the railroad company violated its duty with respect to the safety of employees.

Mr. MANN. Not at all.

Mr. TAGGART. In accordance with the law of that State. For instance, we do not demand by Federal statute that a certain kind of track shall be maintained, and that it shall be up to a certain standard, but the State is at full liberty to insist upon a certain standard of safety and safety devices, and of tracks and machinery, and of inspection of machinery. If the railroad company violates that, why should it not be proper to go into the court with the statute and with proof that at the time the employee was injured the railroad company was disregarding the law of the State through which its train was passing, and that the employee had a right to rely on the fact that the law of that State would be scrupulously obeyed, and that he did not assume the risk of its violation?

Mr. MANN. He can do that now. There is nothing to prevent that. What the gentleman seeks to do is to make a technical violation of any State law upon the subject absolute proof of negligence on the part of the railroads—not prima facie, but conclusive.

Mr. TAGGART. I do not think the bill so reads.

Mr. MANN. The tendency is to centralize the legislation concerning railroads, because the roads run through a great number of different States, and the tendency is for Congress to assume the control over those matters where we have the jurisdiction. This bill seeks to relegate to the States the control which we do exercise and which we should exercise and probably should exercise to a greater degree than we do.

Mr. TAGGART. This does not stop Congress from going ahead and making any regulation it pleases with reference to interstate commerce, and, as the gentleman said, it does not interfere with the State making any regulation it pleases with respect to safety in that State and holding the railroad company responsible for it; but what did Congress mean when it said the violation "of any statute"? That was the old law.

Mr. MANN. It meant United States statute.

Mr. TAGGART. That is what the Supreme Court found.

Mr. MANN. That is what was meant when it was passed.

Mr. TAGGART. We are trying to make the meaning of Congress explicit.

Mr. MANN. It is explicit now.

Mr. TAGGART. It was not so understood evidently by those who voted for it.

Mr. MANN. I think it was fully understood by those who voted for it.

Mr. TAGGART. When a law says that the violation of any statute shall prevent a railroad company from making the defense of contributory negligence or assumption of risk, it seems to me any statute might be invoked and brought into court and shown to the court, even if it be a State statute. We passed a bill through the House here at the last session of Congress that fixed the measure of expenditures in elections in the different States of Members of the House and Senate according to the State statutes. This does not assume to legislate for any State.

Mr. MANN. No; this assumes to abandon the jurisdiction of Congress over these matters, and have a different rule in each of the 48 different States of the Union. I do not think it is the proper thing to do.

Mr. TAGGART. The gentleman, of course, remembers that that amendment that was enacted in 1910 gives the State court jurisdiction to administer that very statute?

Mr. MANN. Yes.

Mr. TAGGART. The State courts take judicial notice of the statutes of their own States, and the way we have it now a State court can not avoid judicial notice of the statute of its own State, and when it administers that statute what will it say if the railway company was violating a statute of the very State in which it is sitting? Of course, I do not wish to argue with the gentleman.

Mr. MANN. It seems to me the gentleman is arguing himself out of court.

Mr. TAGGART. We are trying to remedy the defect that the Supreme Court found in the statute and amend it.

Mr. MANN. I do not think that there is any such defect in the statute. I helped to pass a number of these safety-device bills, and the main purpose of putting this provision into the law was to force the railroad companies to adopt the safety appliance.

Mr. TAGGART. Leaving that out, has the gentleman any objection to that part of the statute which abolishes the assumption of risk?

Mr. MANN. Well, that is very much the same thing——

Mr. TAGGART. Suppose we take out the State statute feature, preserving the language of the statute almost as it is now, but leaving it so that the doctrine of the assumption of risk shall not hereafter apply?

Mr. MANN. Well, we have jurisdiction over matters over which Congress has authority. We have the authority to require the railroad companies to equip themselves with safety appliances. We have already abolished the assumption of risk where the damage occurs through the failure of the railroad companies to adopt the appliances which we have required. I do not think we have any further jurisdiction over that.

Mr. TAGGART. The assumption of risk is abolished now where a railroad company is violating a Federal statute of any kind at the time the employee is injured.

Mr. MANN. I understand; and I say the two propositions are similar.

Mr. TAGGART. Well, does the gentleman object or not object?

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

COMMUNITY FORUMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14819) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent——

Mr. EMERSON. Mr. Speaker, I withdraw the request temporarily.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the Clerk will read the bill. This bill is on the Union Calendar.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the Committee on the District of Columbia gave way the other day. I think the intention was to bring up this bill, which is an important measure, and I think it ought to be considered in the committee, and I therefore object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. LLOYD. Let it go over, then.

Mr. MANN. We have already given unanimous consent for the consideration of it.

Mr. OAKEY. Mr. Speaker, I would ask that it be passed over, then.

The SPEAKER pro tempore. The House has already given unanimous consent for the present consideration of the bill.

Mr. MANN. Objection has been made to the consideration of the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. And it is in order to move that the House go into Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14816, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14816) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That, upon written application so to do, signed by not less than 20 adult persons residing in the vicinity of any public school building in the District of Columbia, all of said persons being parents of children enrolled as pupils in said public school, the board of education shall define and fix the territorial limits within which adult persons must reside to entitle them to participate as members in the organization which may be formed, as hereinafter provided, to use said public school building as a community forum, and shall announce, through publication in one daily newspaper in the District of Columbia, the date and hour of a meeting to be held in said public school building, which date and hour shall be not less than one week nor more than two weeks after the filing of the application, and shall make all necessary arrangements and regulations for the comfort and convenience and good order of the assembly of adult persons for said meeting, and shall direct the superintendent of schools or the principal of the school in which the meeting is to be held to call the meeting to order and to serve as clerk until it shall have been decided by a majority of those present and, by residence in the territory described by the board of education, qualified to vote that the public school building is not to be used as a community forum, or until the organization of adult persons to use the public school building as a community forum shall have been properly constituted as hereinafter provided.

SEC. 2. That if the proposal to use the public school building as a community forum is approved at the meeting provided for in section 1, the adult persons, by residence in the territory described by the board of education qualified so to do may proceed to organize and elect necessary officers and prescribe and adopt by-laws and regulations for the conduct of the meetings of said community forum. The by-laws and regulations as adopted shall show that the primary object of the organization is public education through the open representation and orderly free discussion of public questions, and nothing contained in the by-laws and regulations shall limit the attendance or membership of adult persons otherwise than as provided in section 1. The by-laws and regulations shall authorize and provide for the principal of the school building or a person nominated by the principal to serve as executive secretary of the organization.

SEC. 3. That when an organization of adult persons shall have been formed and by-laws and regulations adopted, as provided in the preceding sections, it shall be the duty of the board of education to make all necessary arrangements and provisions for the weekly, biweekly, or monthly meetings of such organizations at such times as the organization may designate for its meetings. Amendments to the by-laws and regulations not in conflict with the provisions of section 2 of this act may be made from time to time as the organization may deem necessary. No public-school room shall be used under the provisions of this act during such hours as it is in use for the instruction of pupils, and the board of education may make such other regulations as it may deem necessary to protect the physical property from abuse.

SEC. 4. That whenever a public-school building shall have been established as a community forum under the provisions of this act, and upon request to the board of education so to do by the majority of the adult persons present and qualified to vote at any regular meeting, the said board shall designate such building as a community center for the organized training and recreation of the young people of the community, including such activities as may be requested by the said adult organization and approved by the said board, and shall make all appropriate and necessary arrangements for the convenient and proper use of the building for community center meetings and activities at such times as the said adult organization may request and the said board approve. The executive secretary provided for in section 2 of this act shall serve as director of community center meetings and activities and shall be responsible to the board of education for rendering this service. The said executive secretary shall be provided with two assistants, one male and one female, who shall under the said executive secretary be charged with organizing and directing the community center meetings and activities provided for in this section.

SEC. 5. That the executive secretary authorized by this act for each public-school building established and used as a community forum or as a community forum and community center under the provisions of this act shall be entitled to compensation at the rate of $4 for secretarial service rendered at and in connection with each meeting of such community forum and at the same rate for directoral service rendered at and in connection with each meeting of such community center, and the two assistants herein authorized for each building used as a community center shall receive for their services compensation at the rate of $2 for each meeting of such community center: *Provided*, That not more than $4 shall be paid any executive secretary, and not more than $2 shall be paid any assistant for services rendered under the provisions of this act in any one day, and that compensation shall be paid only for services actually rendered at and in connection with meetings of community forums and community centers.

SEC. 6. That it shall be the duty of the board of education to provide, out of appropriations of public funds authorized for the public schools of the District of Columbia, light, heat, janitor service, and such other incidental expenses as may be necessary to enable the comfortable and convenient use of public-school buildings as community forums and community centers under the provisions of this act; and hereafter the board of education shall include in its annual estimates of appropriations for the public schools such sum or sums as may be required for the payment of compensations and expenses authorized by this act. To provide until June 30, 1917, for the payment of expenses and compensations authorized by the act, including additional compensation for janitors and for extra janitor service when necessary, there is hereby appropriated the sum of $15,000, one-half out of any moneys in the Treasury not otherwise appropriated and one-half from the revenues of the District of Columbia.

SEC. 7. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. OAKEY].

Mr. OAKEY. Mr. Chairman, I believe that this is a good bill and ought to become a law. Of course, it is readily seen it is simply another opportunity of education. I had the pleasure of hearing the distinguished Speaker of this House say the other night, quoting, I believe, Emerson, that America was another word for opportunity. This public-forum bill is intended to be written for a community opportunity, for a municipal opportunity. I believe, Mr. Chairman, that the forum of the cross-road grocery store, established in our fathers' time, was a great advantage to the education, enlightenment, and information of the various communities of our land. I believe that the old New England habit of town meetings was one of our greatest and best institutions, where the people of each community could assemble and discuss their difficulties, their troubles, and their problems. If there is any place, it seems to me, in America where such an institution as proposed by this bill would be of great advantage this is the place, this is the municipality, this is the community. We are spending a great deal of money. We are giving a great deal of thought, and I believe wisely, toward making this Capital City of our Republic worthy of a congregation of 100,000,000 people. We are endeavoring to beautify it in every possible way, to render it a monument not only of beauty but in every way fitting for our great Capital home. Naturally many public questions originate in the Capital City, naturally such a city is inhabited, at least a large part of the time, by men and women who inaugurate great public questions, institute great plans for the welfare and consideration of our people. This bill, my colleagues, simply asks that under proper organization, under proper restriction, the men and women of Washington shall have the opportunity to use their schoolhouses for public education, for public instruction, to get together and consider the welfare, the well-being, and the uplift, if you please, of each community. I believe that not only in Washington, but in every community of America such a thing, properly restricted and handled, can not help but advance the public welfare. I hope this bill will pass.

Mr. FOCHT. I would like to ask the gentleman a question before he sits down.

Mr. OAKEY. I yield to the gentleman.

Mr. FOCHT. I would like to inquire, with a view to the enlightenment of the House, as to what restriction there is with reference to the use of the public schools on Sunday for these forum meetings?

Mr. OAKEY. I do not think the question of Sunday is embodied in the bill at all.

Mr. FOCHT. Then they would be open for use on Sunday afternoons for various political meetings and other entertainments as might be permitted to be held there?

Mr. OAKEY. Under the restrictions of the organization of the community which would consider that. Of course they would not be open for political meetings on Sunday.

Mr. FOCHT. They could do so, as they have in New York and elsewhere, and up in some New England States, where they have had riots on Sunday afternoons.

Mr. OAKEY. I know of no New England State that has had a community forum where political matters are considered on Sunday.

Mr. FOCHT. I could bring you an account of a riot that occurred up there within the year on Sunday, which was thoroughly discussed in the committee meeting, although the gentleman may not have been present. Would you object to having this bill amended so it would exclude Sunday?

Mr. OAKEY. I certainly would not.

Mr. FOCHT. You do not object to it?

Mr. OAKEY. I do not.

Mr. FOCHT. Would the chairman of the District Committee object to excluding Sunday?

Mr. JOHNSON of Kentucky. Yes; I would; because I think there are many questions which can be discussed on Sunday without violating the sanctity of that day, and the limitations in the bill are ample.

Mr. FOCHT. You heard the protest before the committee of religious and other bodies against having the schools opened up for public use. You were there, and are the chairman, and therefore you know that there is a strong sentiment against it. Consequently, I feel constrained to say that I shall have to oppose the bill unless you restrict it in the manner in which I have indicated.

Mr. OAKEY. It would be very unfortunate to have the gentleman from Pennsylvania oppose it; but, of course, we have to face such calamities. [Laughter.] He quotes New England, and seems to be familiar with that section. I remember very well only a short time ago when he was trying to illustrate to

the House how difficult it was to find in some communities people who spoke the English language, and he was unfortunate enough to cite the city of New Haven, when I told him that I had direct information that they still spoke English in Yale University. And now he cites New England as holding public riots on Sunday. I have lived there for some time and I have never heard of it. My friends, I believe that the New England town meeting was a great institution, simple and plain as was its conduct, where as neighbors sometimes, as political foes at other times, religiously opposed, we got together and discussed our public problems, our public questions, to the enlightenment and advancement of each community.

Mr. MAPES. Will the gentleman yield?

Mr. OAKEY. I certainly will yield to my colleague on the committee. However, first permit me to state that the chairman calls my attention to section 4, which explicitly states:

The said board shall designate such building as a community center for the organized training and recreation of the young people of the community, including such activities as may be requested by the said adult organization and approved by the said board, and shall make all appropriate and necessary arrangements for the convenient and proper use of the building for community-center meetings and activities at such times as the said adult organization may request and the said board approve.

Mr. JOHNSON of Kentucky. And that leaves it under the control of the board?

Mr. OAKEY. That leaves it under the control of the board as to the character of the meetings and the days on which they shall be held.

Mr. LLOYD. Mr. Chairman, that leaves it to the board, as I understand it, with reference to its use as a community center, not as a community forum. As a community forum it is under the control of the organization; as a community center it is under the control of the board.

Mr. JOHNSON of Kentucky. That is true.

Mr. MAPES. The only change in this bill, then, over the operation under the present law, which was passed March 4, 1915, is to authorize communities to open the buildings on Sunday, is it not?

Mr. OAKEY. Oh, no. It is the right of this community organization, when the conditions of the bill are complied with, to insist upon the opening of these schools for regularly organized meetings of this association. It is not whether it is Sunday or Saturday night.

Mr. MAPES. To carry out the suggestion, or the thought, perhaps, of the gentleman from Pennsylvania [Mr. FOCHT], on March 4, 1915, a law was enacted and approved authorizing the board of education to open the school buildings for certain purposes, and those buildings have been opened by the board of education upon the request of people of different communities for different purposes universally, except in the one refusal to open the buildings on Sunday. Is not that correct?

Mr. OAKEY. I am not informed as to the correctness of that statement. I am perfectly surprised if it is so, because in my experience and thought upon the subject the Sunday question has not been proposed in any way whatsoever. This bill is to give a community forum, under proper organization and restriction, the right to use these buildings for educational, sanitary, and helpful purposes.

Mr. MAPES. I will say to the gentleman that that was the testimony before the committee, but perhaps he was not there at that particular time.

Mr. WALSH. Will the gentleman yield?

Mr. OAKEY. Yes. I am delighted to yield to the gentleman from Massachusetts.

Mr. WALSH. I would like to ask the gentleman from Connecticut if his committee received any information as to the nature and kind of public questions which would be discussed for the purpose of public education in these gatherings? What sort of questions will these people who want to inaugurate this system want to discuss?

Mr. LLOYD. May I answer the question?

Mr. OAKEY. The gentleman from Missouri [Mr. LLOYD] will answer the question.

Mr. LLOYD. The testimony before the committee was that it was the purpose to use them for anything they desired, and they can have any speakers they choose and speak on any kind of subject. It is an open forum for the discussion of any public question.

Mr. FOCHT. At any day?

Mr. LLOYD. At any day.

Mr. WALSH. Whether educational or otherwise?

Mr. LLOYD. Yes, sir.

Mr. OAKEY. Of course, the organization has it under control. They will not invite them.

Mr. WALSH. How can you keep them out, according to the provisions of section 2?

Mr. MEEKER. Mr. Chairman, will the gentleman yield for a question?

Mr. OAKEY. I can not yield to two men at the same time.

Mr. MEEKER. Does the gentleman believe that the right of free speech still exists in America?

Mr. OAKEY. I hope so.

Mr. MEEKER. And so do I.

Mr. OAKEY. And I hope that our public schools are the places for that.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. OAKEY. Yes.

Mr. PAGE of North Carolina. Of course, the gentleman is familiar with the agitation for these forums in the various school centers of the District. Does not the gentleman know that the experiment in holding these forums during the last fiscal year and during the last session of Congress showed that they were all held on Sunday afternoon, and that there has not been one projected for any other day in the week? Or in other words, that the distinct purpose of those having this legislation in charge is to have these meetings held on Sundays?

Mr. OAKEY. I do not think that that is true, sir. I think that they were held for other purposes.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. OAKEY. Yes.

Mr. CROSSER. The fact is, if the gentleman from North Carolina will permit me——

Mr. PAGE of North Carolina. I am seeking information.

Mr. CROSSER. I have spoken at these meetings on several days in the week other than Sunday, and the chairman of the Committee on the District of Columbia has attended them.

Mr. OAKEY. The distinct purpose, as brought out by those interested in education in Washington—many of them connected with the schools—was the exact opposite of that—that they were to be used every day in the week and for educational purposes entirely.

Mr. PAGE of North Carolina. I did not catch all the answer that the gentleman from Ohio [Mr. CROSSER] gave to my question, that he addressed these forum meetings on other days than Sunday, and so did the chairman of the District of Columbia Committee. Perhaps those meetings were held on those days in deference to the views of other gentlemen; but others of us were invited and did address them on Sunday afternoon.

Mr. JOHNSON of Kentucky. I have never addressed one, but I have attended them.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. OAKEY. Yes.

Mr. KING. I would like to ask the gentleman if there was any particular activity on the part of the single land taxers in the District of Columbia in behalf of these forums before the committee?

Mr. JOHNSON of Kentucky. I can answer the question for the gentleman from Connecticut and say the subject was not mentioned, so far as I can recall.

Mr. OAKEY. It may be that the single land taxers will get in and meet in them; probably the prohibitionists will; probably the Socialists will. Possibly our colleague, Brother LONDON, will address Socialist meetings. But, my friends, these things are proposed under this bill to be under proper restriction of the local organization, and they can not help but redound to the enlightenment and advancement of the best thought of this community.

Mr. EMERSON. Mr. Chairman——

Mr. JOHNSON of Kentucky. Does the gentleman from Ohio desire me to yield to him?

Mr. EMERSON. Yes. I would like to have 10 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman 10 minutes.

Mr. EMERSON. Mr. Chairman, at the outset I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, in support of the resolutions that I have introduced into this House I now desire to address the House and to call the attention of the Members to the most serious problem that now confronts the American people.

THE HIGH COST OF LIVING.

Four years ago the Democratic Party in its platform called the attention of the country to the fact that the high cost of living was a serious problem in every American home.

If it was a serious problem then, how much more serious it is now. In fact, Mr. High Cost of Living is holding sway now as

he never did before. The prices of food products have advanced in many instances more than 50 per cent over what they were four years ago. With our great rural population migrating to the cities it is going to be a very serious problem in the future, unless the Congress of the United States does something to relieve the situation.

After a careful study of the situation, I believe there are several causes that enter into our present unfortunate situation as regards food prices:

First. Cold-storage warehouses, that receive and hold the necessary food products for higher prices, thus keeping these products away from the market. Some legislation should be enacted by Congress to render this impossible. Laws should be enacted that would require these cold-storage warehouses to report to the Government the time of receiving food products; also the kind of food products received and the quantity. Laws should be enacted that would prevent the holding of these necessary food products for a long period of time, thus forcing the placing of such food products upon the market after holding them for a reasonable time.

Second. Large quantities of wheat and other food products are now optioned and held for foreign markets. These food products are now in warehouses in this country and subject to the laws of this Nation. It is the duty of Congress first to use these food products for the benefit of the people of this country. The first duty of the Government of the United States is to the people of the United States, and not to some foreign government or people.

Third. The wrong ideal is held up to the American youth.

The ideal that is held up to the American school boy and girl is the glare of the lights of the great city.

The American schoolgirl has ambitions to shine in the social world.

The American schoolboy has ambitions to shine in the great financial world.

There should be some encouragement by Congress, and even by the legislatures of the several States, to encourage the "back-to-the-farm" idea.

The idea of most men who have lived in the city for many years is to go back on the farm. I have as many demands for information concerning agricultural subjects from people who live in the large city of Cleveland as I do from people who live in the country districts.

If this idea prevails in the later years of our lives, why should it not be encouraged in the youth?

I strongly favor the use of the public lands for this purpose. Take, for instance, persons suffering with lung trouble, who are a burden and expense to society, the Government should provide some place in some western State where the climate is favorable for these unfortunate people to go, and where they could work out of doors and not only improve their health but actually be a help to society.

Make them producers instead of consumers.

The poorer classes the Government should aid by establishing them in homes, with a parcel of land to work.

Immigrants should be encouraged to go to the farm instead of remaining in the cities that are now overcrowded.

One good thing this Congress will do is to pass the vocational-education bill, and I hope that agriculture in its higher and more remunerative form will be encouraged.

More money is made upon the farm, if it is managed right, than is made by over 90 per cent of the people who live in the city.

Fourth. The real great cause of the high cost of living can be settled when we enact legislation concerning the subject of transportation, and I refer to the subject of the transportation of food products. There are in parts of the United States thousands of bushels of apples that are rotting on the ground and never will reach the market. There are thousands of bushels of potatoes that will never reach the market. Why is this necessary? Why is it possible with the prices of potatoes and apples as high as they are?

As an illustration, I desire to compare the price of eggs the same month and year according to the report of labor statistics in some of our large cities.

January, 1915:	Cents.
Baltimore	30
Boston	50
Chicago	37
El Paso	35
Salt Lake City	45
Washington	50
Seattle	32
Newark, N. J.	60
New Haven	32
New York	56
Los Angeles	32
Louisville	30
Kansas City	25

These figures are per dozen.

I also wish to submit the price of potatoes, in accordance with the same report in January, 1915, in different sections of the United States:

North Atlantic division	$0.84
South Atlantic division	.91
North Central division	.78
South Central division	.93
Western division	1.40
United States	.91

These figures show conclusively that transportation could at least go a long way in solving the high cost of living.

Congress must enact some legislation making it possible for the man in the city to send out into the country and have his food products shipped in to him by parcel post.

I wish to submit, at this point, a letter from Frank S. Krause, of Cleveland, Ohio, who has studied this question as much as any person in this country.

Letter from Frank S. Krause, of Cleveland, Ohio:

NOVEMBER 24, 1916.

Congressman EMERSON, *Washington, D. C.*

DEAR EMERSON: I started on the 22d to dictate a letter covering the contents of this one, but press of business prevented its going forward until now.

On the evening of the 22d we formed what I consider the nucleus to a national campaign for a remedy of the conditions of prices and supply of necessities. It took the form of an organization to be known as the Government Control of Necessities Club, and its officers are as follows:

Frank S. Krause, president; J. W. Ruthenberg, vice president; H. S. Wood, director; T. J. Jackman, director; Grover Hasford, legal adviser.

The name of the club sets forth clearly its object, and it is our belief that the greatest present benefit possible to the largest number of people must come from clear-headed application by the Government. It covers not alone the control of cold storage and other store houses, but necessities in general.

Our idea also embodies Government assistance in districts where overwhelming crops happen by supplying packages and help so that every iota may reach some district where they were less fortunate.

Government control of cold-storage food warehouses means the gaining of the confidence of the farmer, and they will soon learn as individuals or as groups to pack there at that time unmarketable at a profit products direct to the storage house, receiving a certificate therefor, which would enable them to make sales when the market is right.

Under these conditions everything would be saved and a normal price maintained. The advantage to the Government itself would be that any time the President of the United States desired to know just what necessities we possess he could do so from a central point at Washington or elsewhere by getting a report from his men in charge. These men in a way would for the Government be the builders of the greatest foundation for preparedness that ever was thought of, for with plenty upon which to subsist the matter of other preparations is very simple.

I hope you get my idea, and it is broadly this: It will do away with foodstuff gambling, protect the people against uneatable and unhealthy food; it will equalize by distribution and give equal chance to everyone to get his share; and, above all, it will carry out the dream of the inventor, Charles Tellier, that everything good of the world could be had everywhere in the world no matter where produced. Pages might be covered with the advantage of this move to the people, but I think the aforegoing is sufficient to create thought.

I would be pleased to keep you informed from time to time and trust you will put your best efforts forward at Washington along this line.

Respectfully, yours,

FRANK S. KRAUSE.

Cooperation between the producer and the consumer should be encouraged by the Government in every way possible.

Every agency of the Government should be used to bring the producer and consumer more closely together.

The market house does this to a great extent, but all farmers can not go to market. Those who live near the market can easily haul their produce to market; but the farmer who lives a long way from the market, and especially where the roads are bad most of the year, can not so easily bring his produce directly to the consumer. Good roads have done a great deal to bring the farmer and city man more closely in touch with each other.

But the greatest agency the Government has to bring these remote farmers in touch with the consumer in the city is our Parcel Post System.

A system could be worked out whereby the city man could write the country postmaster and be placed in touch with a list of farmers whose names have been left with the postmaster who have produce to sell. Newspapers could be used for this purpose. In a short time communication would be easy between the people in the city and those in the country.

The middle man, who gets the larger part of the profit, would soon be a relic of other days, as things would soon adjust themselves along these lines.

The zone system could be enlarged or abolished, the cost of transporting could be reduced, and the size of the parcel increased.

I wish at this point to submit a short article from the Alfalfa Journal on the egg situation:

$2,500,000 EGG LOSS.

From a quarter to half of the eggs laid in the Middle West during the summer time are a total loss, amounting to $2,500,000 loss for the

State of Missouri alone. This may easily be saved under ordinary farm conditions, according to the test recently made at the Missouri Agricultural Experiment Station. Eggs should be given practically as good care and careful marketing as butter, although they do not show the effects of poor handling quite as plainly.

Also a report on the condition of the cattle in this country:

[From report issued by the United States Secretary of Agriculture.]

Year.	Number of cattle per 100 population.	Number of sheep per 100 population.	Number of swine per 100 population.	Pounds fresh beef exported by United States.	Pounds fresh beef imported by United States.	Number of cattle lost by disease and exposure.
1900	89	81	85	329,078,609	.....	1,477,329
1910	67	57	65	75,729,666	.....	2,385,544
1911	65	57	70	42,510,731	.....	1,996,152
1912	61	55	69	15,264,320	.....	2,497,581
1913	58	53	63	7,362,388	.....	1,956,851
1914	57	50	60	6,394,404	180,137,183	1,737,387
1915	58	50	65	170,440,934	184,490,759	.....

Year.	Beef slaughtered.	Veals slaughtered.	Pounds beef eaten by each person.	Pounds veal eaten by each person.
1900	12,978,000	5,831,000	96	10.7
1909	13,611,422	6,515,976	91.7	8.2

If a foreign foe had landed upon our soil, the Government would easily and hastily enact legislation to resist their advance. Why should not the Government, which is the people, now enact legislation to prevent this continued increase of the high cost of living? And here I desire to submit a report of the Bureau of Labor Statistics on the subject of the increase in food prices in the last five years.

The following table shows the average money prices and the relative prices of the same 26 articles on June 15 of each year from 1912 to 1916:

Average money retail prices and relative retail prices of food on June 15 of each year, 1912 to 1916.

[The relative price shows the per cent that the average price on the 15th of June in each year was of the average price of the year 1915.]

Article.	Unit.	Average money price June 15—					Relative price June 15 (average for the year 1915=100)—				
		1912	1913	1914	1915	1916	1912	1913	1914	1915	1916
Sirloin steak	Pound	$0.237+	$0.258−	$0.260+	$0.260+	$0.286−	93+	101−	102+	102−	112+
Round steak	do	.205−	.223−	.234+	.232+	.257+	90+	98+	103+	102	113+
Rib roast	do	.194	.200	.204	.202	.224	97+	100+	102−	101+	112−
Chuck roast	do	.....	.....	.171−	.164+	.180+	.....	.....	106−	102	112−
Plate boiling beef	do	.....	.....	.125+	.123−	.134+	.....	.....	103−	101	110−
Pork chops	do	.191+	.209+	.218−	.207+	.232−	94−	103−	107−	102−	114+
Bacon, smoked	do	.246−	.276−	.273+	.273+	.292+	90−	101+	100+	100−	107
Ham, smoked	do	.243−	.271+	.266−	.258+	.292−	94−	105−	103+	100−	113+
Lard, pure	do	.148−	.158+	.154−	.151−	.172−	100+	107	104+	102+	116
Hens	do	.200−	.219−	.221−	.210+	.244−	96−	105+	106−	101+	117−
Salmon, canned	do	.....	.....	.....	.200	.202	.....	.....	.....	100−	101−
Eggs, strictly fresh	Dozen	.261+	.275−	.278+	.265−	.295−	78−	82−	83−	79−	88
Butter, creamery	Pound	.339−	.353−	.339−	.349+	.367+	94+	98+	94−	97−	102−
Cheese	do	.....	.....	.....	.233+	.245−	.....	.....	.....	101−	106−
Milk, fresh	Quart	.087+	.090	.090	.089+	.090	97−	100−	100+	99+	100
Flour, wheat	½ barrel bag	.873−	.803−	.793−	1.033+	.933+	87+	80+	79−	103+	93+
Corn meal	Pound	.030+	.028+	.030−	.031+	.031+	96−	91−	95+	100+	100−
Rice	do	.....	.....	.....	.091−	.091−	.....	.....	.....	100+	100+
Potatoes	Peck	.438−	.268+	.339+	.254+	.429−	191−	117−	148+	111−	187
Onions	Pound	.....	.....	.....	.040−	.054+	.....	.....	.....	116	157−
Beans, navy	do	.....	.....	.....	.076−	.096−	.....	.....	.....	98−	124
Prunes	do	.....	.....	.....	.133−	.130+	.....	.....	.....	100+	98+
Raisins, seeded	do	.....	.....	.....	.126−	.127−	.....	.....	.....	100−	101+
Sugar, granulated	do	.063+	.053+	.051+	.069+	.087+	96−	81−	78−	105+	132−
Coffee	do	.....	.....	.....	.302−	.302−	.....	.....	.....	100+	100−
Tea	do	.....	.....	.....	.551+	.551+	.....	.....	.....	100−	100+
All articles combined		.....	.....	.....	.....	.....	96−	96+	98+	98	109+

A comparison of prices on June 15 from year to year shows an increase in the price of all food combined of 14 per cent from June 15, 1912, to June 15, 1916. There was approximately no change from June 15, 1912, to June 15, 1913; 2 per cent from June 15, 1913, to June 15, 1914; no change from June 15, 1914, to June 15, 1915; and a jump of 11 per cent from June 15, 1915, to June 15, 1916.

Potatoes declined 2 per cent from June 15, 1912, to June 15, 1916, being the only article which was not higher on June 15, 1916, than on the same date five years earlier. Flour, corn meal, prunes, and coffee were the only articles lower in price on June 15, 1916, than on the same date one year earlier, although corn meal and coffee were but slightly lower.

Meats advanced in the year from June 15, 1915, to June 15, 1916, from 7 per cent for bacon to 16 per cent for hens. Other articles which made marked advances during this period were beans, 27 per cent; sugar, 26 per cent; onions, 35 per cent; and potatoes, 68 per cent.

A nation that does not protect its people in their food supply can not expect the people to protect it in the time of danger. Underfed nations are always weak nations, and this Nation should see at least that the younger generation that is now growing up and will soon take our places is well fed, well clothed, and well housed. This is especially true if we are to hold our heads erect among the nations of the earth.

But food products are not the only articles that have advanced, but the price of coal has also advanced.

I wish to read a short article on this subject from the Public:

While a shortage in supply and consequent high prices of some things may be explained by the European war, the explanation does not apply to others. The war could not have affected the coal situation, for instance. Coal is not imported from Europe nor exported to any great extent. The coal fields are in the United States. A shortage in supply means some interference either with work at the mines or with transportation. Monopolization of coal fields and means of transportation makes such interference possible. Upon monopoly must be placed the responsibility for the suffering, inconvenience, and loss sure to result from the high price of coal.

I hope and trust that the Members of this House, who are the representatives of all the people of the United States, will see that some legislation is enacted at this session of Congress to relieve the present situation, so that the reduction of prices of food products, as far as the Government is concerned, may be made possible. I wish here to submit a letter sent out by the National Live Stock Shippers' Protective League, which shows that they at least realize what effect transportation has on the prices of meat:

NATIONAL LIVE STOCK SHIPPERS' PROTECTIVE LEAGUE,
Union Stock Yards, Chicago.

HONORABLE SIR: I hand you herewith copy of resolution that was passed at the meeting of the executive committee of the National Live Stock Shippers' Protective League held in Chicago November 14, 1916.

It is evident to our association that there is grave danger to the live-stock industry should the power of regulating all rates be concentrated in the hands of the Federal commission. This was shown conclusively in the decision of the Shreveport case, in which, as you know, the Interstate Commerce Commission ordered intrastate rates on live stock increased to the level of interstate rates, which, in that case, would result in the rates being higher than the carriers had themselves proposed.

The injustice of this decision is evident, inasmuch as the movement of live stock to Shreveport from Texas is practically nil and should not, in our estimation, govern the enormous movement of live stock within the State of Texas. The same situation may exist at other places.

It is therefore our hope, and we urge upon you as representative of your people, especially those interested in the movement of live stock and its products, that a law be enacted so as to define and limit the powers of the Interstate Commerce Commission so as not to interfere with the rates on intrastate commerce.

Respectfully,
NATIONAL LIVE STOCK SHIPPERS' PROTECTIVE LEAGUE,
EDWARD F. KEEFER, *Secretary.*

I wish to conclude my remarks by reading an article on the price of butter:

[From the World, Tuesday, Dec. 5, 1916.]

THREE ILLINOIS MEN EVERY WEEK SET PRICE OF BUTTER FOR THE UNITED STATES—CAREFULLY PROTECTED BY LEGAL SAFEGUARDS, ON ONE SALE OF 25 TUBS OF 60 POUNDS EACH WEEKLY, THEY ESTABLISH THE AVERAGE ANNUAL COST OF 60,000,000 POUNDS OF THE PRODUCT VALUED AT $18,000,000, APPROXIMATELY—PREMIUM PAID BY A FEW CHICAGO DEALERS, BASED ON THE ELGIN STANDARD, TO A FEW CREAMERIES THE BANE OF THE TRADE, SAYS REFORM MEMBER OF THE ELGIN BOARD.

[The World presents below the second installment of the results of its investigation of the food situation in the West, the first installment of which, dealing with speculation in grains and meats in Chicago, was published yesterday. This second chapter shows that three men in weekly sessions at Elgin, Ill., fix the basic price of butter throughout the United States. It shows also that these quotations are based on a single sale of 25 tubs of butter each containing 60 pounds. By this system is fixed the average yearly price for the annual sales of 60,000,000 pounds of butter having a wholesale valuation of approximately $18,000,000.]

[By S. S. Fontaine.]

CHICAGO, *December 4.*

Three men travel every Saturday morning from Chicago to Elgin, Ill., 39 miles on the Chicago, Milwaukee & St. Paul Railway. There at noon in the assembly room of the Elgin Board of Trade they fix the weekly quotation for Elgin creamery butter. The telegraph and cable carry their decree to every merchandising center in the country and to every market in the civilized world to which the export trade of the country extends, and it forms the basic prices for all grades of table butter until these food arbiters meet again.

CAREFULLY HEDGED ABOUT TO AVOID COLLISION WITH LAW.

So carefully have these men hedged themselves about with legal safeguards that investigators of the Department of Justice and representatives of the United States district attorney at Chicago, who have for weeks maintained a close espionage upon their deliberations and the system by which they arrive at their valuations, have been unable so far to find any evidence that there has been any violation of the Sherman antitrust law.

The investigation, moreover, has revealed no legal proof apparently that there has not been observed to the letter the permanent injunction handed down April 28, 1914, by United States District Judge K. M. Landis in the suit of the Government against the Elgin Board of Trade prohibiting that institution—

"From appointing or authorizing the appointment of any officer, agent, or committee of said Elgin Board of Trade, whether of one or more persons, to fix or suggest the price of butter;

"From maintaining a quotation committee or any other committee or agency of said Elgin Board of Trade or its membership which shall fix a price or prices of butter;

"From quoting or publishing any price or prices of butter purporting to be 'market prices,' 'Elgin prices,' or the prices obtaining upon the board of said defendant corporation, unless and except such prices be those which have actually obtained upon said board in bona fide sales of butter.

"From fixing or determining by contract, combination, or agreement the bids or offers which members of said Elgin Board of Trade shall make with respect to purchases or sales of butter in advance of the making of said bids or offers.

OTHER PROHIBITIONS.

"From requiring, compelling, or demanding by board rule, by-law, or otherwise that the members of said Elgin Board of Trade use the quotations or prices of butter which are made by means of transactions upon said Elgin Board of Trade as a basic price in contracts for the purchase or sale of butter in interstate commerce.

"From making fictitious or washed or pretended sales or purchases of butter for the purpose of misleading any person or persons as to the actual price at which butter is being sold upon said Elgin Board of Trade, or which are intended to be used in any way as a basis for the making of quotations of prices on said Elgin Board of Trade.

"From making or participating in or knowingly permitting on said Elgin Board of Trade at any time any sale or purchase of butter that is not a bona fide transaction in which the seller in good faith intends to deliver the commodity and the purchaser in good faith intends to accept and pay therefor.

"From making or participating in or knowingly permitting to be made any sale or purchase of butter on said Elgin Board of Trade in pursuance of any combination or conspiracy by or between any two or more persons or corporations to raise or lower or affect the price of butter on said Elgin Board of Trade, and thereby to raise or lower or affect the price of butter in interstate commerce.

"From making or causing to be made any offer to buy or sell butter on said Elgin Board of Trade at a price which has been agreed upon by any two or more of the members of said board or by any one or more of said members and any other person or persons prior to the making of said offer."

BOARD REORGANIZED.

After the issuance of this decree the entire official personnel of the board was changed at the succeeding annual election, Charles H. Potter of the reform element replacing as president John Newman, who had held that position for nearly a quarter of a century; Frederick Grell supplanting G. H. Gurler as vice president, and W. W. Sherwin and L. L. Taylor succeeding as treasurer and secretary J. P. Mason and Colwin W. Brown, respectively. These men, with the addition of E. C. Hawley and Frederick R. Moles, have since formed the board of directors.

Singularly enough, it was almost wholly through the efforts of and information furnished by Frederick R. Moles, the last mentioned of these men, with whom an interview is given below, that the Government was able to obtain the evidence of collusion in price fixing by which it won its suit.

In obedience to the injunction the Elgin Board of Trade amended its charter and abolished its price committee, substituting therefor the present system, by which an informal committee of members, consisting of three or more—three being necessary for a quorum—meet every week and fix the quotation on an actual sale of butter. These members volunteer for the task. In theory the committee may embrace the entire membership of the board, consisting of 275 men—creamery men, agents, brokers, and dealers—but in practice it consists generally of the three men, seldom the same, who journey each week from Chicago for their self-appointed task.

Preparatory to their deliberations the secretary of the Elgin board of trade posts on the call board the amount of butter offered for sale at a minimum price and the amount for which there is a bid at the maximum price. A transaction is invariably effected at a level between these prices satisfactory to the producer and the bidder, and this sale, apparently bona fide, so far as the observations of the Federal authorities go, constitutes the basis upon which every wholesale and retail dealer in every city and every hamlet in the country fixes the price upon which butter goes into consumption. Elgin creamery butter, extra, grading at least 93 per cent of a possible 100 per cent of flavor, body, color, salt, and packing. This being the standard from which all other creamery products are graded downward from the following scale, which is a sample report of an Elgin board of trade inspector, giving the minimum requirements of Elgin creamery extra.

THE ELGIN BOARD OF TRADE,
BUTTER INSPECTOR'S DEPARTMENT,
Elgin, Ill.

I hereby certify that I have inspected the following lot of butter, with the following result:

Flavor	45 per cent less 2	43 points
Body	25 per cent less 2	23 points
Color	15 per cent less 1	14 points
Salt	10 per cent less 1	9 points
Package	5 per cent less 1	4 points
Totals	100 per cent	93 points

APPARENTLY MEETS REQUIREMENTS.

To the extent as outlined above the system now in use meets apparently all the requirements of the law and the injunction, but in practice the sale of 25 tubs, each containing a maximum of 60 pounds, fixes the price week in and week out for the 60,000,000 pounds of so-called Elgin creamery butter, having a wholesale valuation of $18,000,000, annually produced, according to the records of the Elgin board of trade—and all other grades as well.

That this investigation may be eminently fair, the representative of the World obtained the records of the weekly sales on the board during the season of the maximum butter production in the Elgin district—June and July. During these two months of last summer the greatest number of sales made at the weekly price-fixing session, were as follows:

Saturday, June 17	175 tubs
Saturday, July 1	250 tubs
Saturday, July 8	275 tubs
Saturday, July 15	175 tubs

So taking this total, reached in a season when the creamery men of the Elgin district send their maximum output to the market, only 875 tubs passed through the price-fixing medium of the board of trade, while the minimum total of receipts in Chicago is about 124,000 tubs a month.

During October last the maximum weekly sales on the Elgin board of trade exceeded 25 tubs only once, when on Saturday, October 28, the aggregate amount contracted for on the call board was 50 tubs.

Here we have the main objection to the system in practice at Elgin, assuming that there is no collusion whatever between any of the parties in interest in these small weekly sales. It will be seen that, taking them at their maximum, they constitute an infinitesimal unit upon which to fix the price of millions of pounds of butter that go into annual consumption.

HOW THE METHOD CHANGED.

Gradually abuses crept into the method of fixing the quotations until the Government found by its investigation that these prices were being arbitrarily arranged and that they bore only a remote relation to the operations of the law of supply and demand. Then came the injunction.

"The greatest detriment to the butter trade in general and the bane of all honest dealers," said Mr. Moles yesterday to the World representative, "is the practice of a few Chicago dealers of paying premiums to a few creameries which have exceptional facilities for manufacturing butter and shipping it to market. This premium, based on the Elgin standard, really fixes the basis for the general buying of cream and butter fat throughout the United States.

"The reason why this premium paying should be prohibited is that it is misleading to the butter consumer in general and unfair to 95 per cent of the butter producers. The quotations thus fixed are too high for the quality produced in general.

"As a matter of fact, the whole system is wrong. To fairly establish a market value all of the butter actually coming into the market daily should be reported in pounds or tubs at prices it is actually sold for.

"For instance, the quotation at the week's close for creamery extra is 42½ cents and the daily receipts in Chicago were approximately 6,000 tubs. A very small percentage of this grades an extra, and remittance upon that premium basis is actually made to only a few creameries, but the price thereof actually establishes the value for butter throughout the country. This causes an artificial price to the consumer, because he is led to believe that all good table butter is worth the maximum quotation, whereas 95 per cent of it is actually selling in the wholesale trade below that price. The actual quotations to-day in the trade, but not published for the consumer, for as good butter as most people ever have on their tables range from 35 to 42 cents a pound."

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. DILLON. Has the gentleman any suggestion of remedies?

Mr. EMERSON. My suggestion is that we use the parcel-post system as a foundation. The Government should use every agency in its power to help the people of this country in reducing this present high cost of living. I feel that temporarily the Government should abolish or enlarge the zone system, or reduce the rate, or by some law take the products in one part of the country, where they are plentiful, and send them to another part of the country, where they are scarce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all debate on this bill be concluded in one hour.

Mr. MANN. I think we can get through in one hour, but I do not think we ought to close the debate in one hour.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman from Ohio [Mr. CROSSER] 10 minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. CROSSER] is recognized for 10 minutes.

Mr. CROSSER. Mr. Chairman and gentlemen of the committee, the theory upon which this Government was founded is that government derives its just powers from the consent of the governed. It is important, therefore, that we should have a sound public opinion. The passage of this bill would do much to establish a really sound, healthy public opinion.

That is the main purpose of this bill. There is nothing about it which would shock any man who has sound common sense and is in sympathy with our American institutions; nothing whatever. It simply proposes that these buildings known as public-school buildings shall be made use of as nearly as possible to the fullest extent. At the present time they are used about 5 or 6 hours a day out of the total 24.

It seems to me that if from no other standpoint than that of plain common sense economy the public could make better use of their buildings than that. This bill simply proposes to permit the adult population of this particular community, the District of Columbia, to hold meetings and discuss any subject they see fit to discuss, so long as they do not advocate violently overthrowing the Government. I frankly say there is no limitation upon the subjects which we propose may be discussed, and I am glad there is not.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. CAMPBELL. I noticed yesterday at the public forum meeting a woman advocated the abolition of the cookstove. [Laughter.] Does the gentleman from Ohio think that a discussion of that sort will overturn the Government itself? [Laughter.]

Mr. CROSSER. I will answer the gentleman in this way, that any forum, any number of people, any community getting together and organizing as this bill proposes they may organize, before they hold any meeting, if they are really interested in the question of whether or not the cookstove is to be abolished, I say by all means let them discuss it.

Mr. JOHNSON of Kentucky. It may have a bearing on solving the problem of high cost of living.

Mr. CROSSER. The chairman suggests that it might help to solve the problem of the high cost of living.

Mr. OAKEY. I think the abolition of some of the cookstoves in Washington would not be a bad thing. [Laughter.]

Mr. CAMPBELL. This cookstove that the woman wanted to abolish was in the home.

Mr. CROSSER. Gentlemen, the proposition that the people shall be limited to the discussion of this subject or that subject in the meetings held in the public-school buildings of this city outside of school hours is one that I did not suppose would ever be seriously made in the Congress of the United States. I would not expect to find the objection made by the most obscure official in the land, that we should say that they must confine their discussions to this subject or that subject, while the people might prefer to discuss some other subject.

Mr. BENNET. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. BENNET. Then does the gentleman uphold the action of the American embassy in Paris in refusing to Charles Edward Russell permission to go to the front in France because he criticized the President of the United States?

Mr. CROSSER. I do not think I understand the gentleman's question.

Mr. BENNET. On the 6th of September Charles Edward Russell wrote to the secretary of the American embassy in Paris, France, asking permission, as the representative of 295 newspapers, to go to the front in France. He and another newspaper man asked simultaneously for the ordinary formal permission to go to the front. The other newspaper man was given his permit, but because Mr. Charles Edward Russell had exercised his right to criticize the President of the United States the American embassy refused him that permission. Does the gentleman think it strange that under an administration that denies the right of criticism——

Mr. CROSSER. I do not know that that has the slightest thing to do with this public forum bill.

Mr. BENNET. If the administration lays down a principle like that, is it not perfectly natural to find others attempting to limit the right of public discussion?

Mr. CROSSER. What other people may do or be compelled to do because of their official position, I do not know. I am talking about the principle involved in this bill.

Mr. BENNET. That is exactly the principle of it—an attempt to limit public discussion.

Mr. CROSSER. I stand here to advocate the proposition that any man ought to be given the right in this country to discuss any proposition which does not mean the overthrow by violent means of our present Government.

Mr. BENNET. I want to ask the gentleman if he agrees with that idea of this administration of the law? I have no doubt the gentleman knows Mr. Charles Edward Russell.

Mr. CROSSER. I know him.

Mr. BENNET. He wrote a letter to the Paris edition of the New York Herald, in which he criticized the action of the President of the United States in sending his congratulations to the then Emperor of Austria upon his birthday. He said he did not think that the character of the Emperor of Austria was such that the Chief Executive of a Government like ours ought to congratulate him on anything, and because Mr. Russell had exercised the right of free speech Mr. Bliss, in charge of the American Embassy at Paris, denied him the right to go to the front as a representative of American newspapers.

Mr. GARDNER. Is that the worst he could find to say about President Wilson? I could have helped him.

Mr. BENNET. That was enough, it seems.

Mr. CROSSER. I do not undertake to say what the administration of President Wilson has said or done on that subject——

Mr. BENNET. Yes; but the gentleman criticizes other gentlemen here because they wish to limit the right of free speech, and I call his attention to the fact that they are simply following an example set them in high places.

Mr. CROSSER. Well, I am speaking about what we ought to do, and not about what others may have done. If the gentleman knows of some violation of the right of free speech with which I am not acquainted, well and good. I say whether or not that be true, we ought to have absolutely free speech so long as it does not permit the advocacy of violent means for the overthrow of our Government.

Mr. BENNET. May I ask the gentleman another question?

Mr. CROSSER. Yes.

Mr. BENNET. This bill proposes, in a rather aristocratic way it seems to me, to let an organization composed of 20 adults—that is what it is boiled down to—establish one of these public forums.

Mr. CROSSER. Oh, no.

Mr. BENNET. Oh, yes.

Mr. CROSSER. Go ahead with your question.

Mr. BENNET. Does not the gentleman think it would be far better to provide, as they do in the city of Chicago and in the city of New York, that any persons or any organization only limited by the precedence of their applications, may use the school buildings for purposes of public discussion? Here you turn over a school building to 20 people——

Mr. CROSSER. They do not turn it over to 20 people.

Mr. BENNET. Oh, yes; they do.

Mr. CROSSER. If the gentleman will listen for a moment what is really proposed is that on the written application of 20 people the question as to whether or not a community forum shall be organized is then submitted to the public of the section of the city in question; that is all. The 20 people do not have the right to organize it. On the application of the 20 people the question is submitted to a vote of the people of that section, and 500 or 1,000 people may attend and vote down the 20 people, and there will be no organization. It simply proposes to give to these 20 people the right of petition, so to speak, to the Board of Education, to have the question submitted to the people of that district, whether or not there shall be a community forum established and a community center established. That is all there is to it; nothing more than we have in our State, where 10 per cent of the people may petition and have submitted to the people the question whether the constitution of the State of Ohio shall be changed. It would be just as reasonable to say that the 10 per cent of the people signing that petition could change the constitution of the State of Ohio, when as a matter of fact it requires a majority of those voting on the proposition to say whether the proposed change shall be submitted, as it would be to say that these 20 people could establish the proposition that they should have a community center and a community forum.

Mr. BENNET. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. BENNET. I do not think the gentleman honored me with his attention while I was asking my question.

Mr. CROSSER. Yes; I did.

Mr. BENNET. Why all this machinery? If they want to hold a meeting on a public subject, they do not have to organize a community forum. All they have to do is to provide that there shall be no admission fee charged, and by simply filing an application they can hold a meeting for the consideration of any subject they please. Why all this red tape, why a secretary and assistant secretary and salaries?

Mr. CROSSER. They must have some such organization as we have provided in this bill.

Mr. BENNET. No; in Chicago one night they hold a Bohemian sangerfest——

Mr. CROSSER. Who authorizes them to do that?

Mr. BENNET. Any resident in the city of Chicago under the law.

Mr. CROSSER. Who gives them the authority to hold their meeting?

Mr. BENNET. The park board. What I am criticizing in this bill is that it makes it exclusive and provides unnecessary machinery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. I yield the gentleman five minutes more.

Mr. CROSSER. I want to say in reply to the gentleman from New York that so far from making this exclusive it gives the broadest kind of a latitude possible; it allows any man in the neighborhood who is so inclined to come in and take part in the discussion, and to help determine whether or not they are to have a forum or not; and whether or not it is for the discussion of anarchism or socialism or health laws, they may make application to the secretary and have a day set aside for their meetings.

Mr. MANN. Can a boxing club get in?

Mr. CROSSER. Well, I probably made that a little too broad.

Mr. MANN. I am asking for information, because there is one place in the bill where it says that the object is public education through the open representation and orderly free discussion of public questions.

Mr. CROSSER. I think I was a little too broad in what I first said.

Mr. BENNET. I recollect that Mr. Willard and Mr. Johnson had an orderly and free discussion of a public question in Cuba some time ago.

Mr. CROSSER. I think I stated it a little too broadly when I said that a boxing club might get in. There is no limitation put on the questions they may discuss. The real truth about the opposition to the bill is that it comes from people who have decided that you shall have a certain kind of religion, observe the first day of the week, and who have decided that nobody else shall discuss questions which do not meet with their approval. It is going back to the old blue laws which your ancestors and some of mine upheld to some extent.

Mr. SMITH of Idaho. Those meetings are held at the expense of the participants while these are to be held at the expense of the Government.

Mr. CROSSER. Now, I can not yield further. It seems to me that it is going back to a condition of barbarism—to provide that we must only think as so-and-so wants us to think. We can not go to any church except such as Tom, Dick, or Harry may specify; we can not on Sunday discuss a political subject, no matter how religious in its nature a man like Mr. LONDON or others may think it to be when these powers that be say no.

Now, it is true that at the present time we may possibly have discussions on some subjects in schoolhouses, but only after the board of education says that we may do so. The board of education has found it convenient in certain cases to refuse the privilege to discuss public questions on the first day of the week. Some gentlemen here have commented that most of the meetings have been held on the Sabbath day. That is true for the very good reason that men engaged in business pursuits and men who have to work week days from early morn till late at night can not go to participate in discussions except on the Sabbath day. For that reason Sunday is the day best adapted for the discussion of public questions by these men. Certainly if they are citizens they ought to be allowed to develop themselves to the highest possible degree for the duties of citizenship.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I think the one principle involved in this bill is indeed desirable and wholesome. I want to say now I am in no sympathy with some of our good friends from the blue-laws country who would like to make even a man's soul salvation by law if they could. That is coming to be rather popular in this Government. How far we are going in that direction before we are through, nobody at the present can tell. We are doing our best to legislate everybody into heaven. But, so far as one feature of the bill is concerned, it seems to me it is not quite as it might be for the best interests of those who would constitute the organization in that forum. Even though it is only $2 or $4 for a meeting, I would like to see the people who want to hold the meetings pay the fiddler if they are going to dance. I am not quite in sympathy with the Government providing $4 for a secretary for some group who might desire to hold that meeting. It seems to me the friends of the bill—and I am friendly to the bill—should be willing to put that little obligation upon those who are interested in that propaganda. I think it is not so much the amount of money as the principle involved. Regarding the use of the school buildings for public discussion, I found some few years ago in a series of investigations in the city of St. Louis that aside from some small halls that were erected for such purpose to be rented there were no community centers. The taxpayers had erected the great buildings; they were the property of the people; but the people could not get into them. I think that, so far as the District of Columbia is concerned, the citizens of this District should be willing to assume that small cost of providing the expenses of their meetings, and it is only fair and right that they should pay for their own dance and for whatever fiddler they choose at that particular time.

So far as the Sunday afternoon or the Sunday feature of it is concerned, I think that should be repugnant to every man who believes in a free America, when it comes to the affairs of government. We are interjecting too much into our governmental system our own ideas as to what men must do as regards their own conduct, and it would be indeed a most regrettable thing if the Members of the American Congress should hark back to the days when you accepted your religion and everything else from the powers of the State and put into such a bill as this, which is intended primarily for the purpose of opening up our public buildings for public discussions of public questions, any suggestion whatever that a group of citizens in the District of Columbia shall be so restricted.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. CAMPBELL. Does the gentleman from Missouri believe that any considerable number of the people would avail themselves of the opportunity to discuss public questions upon the Sabbath day in the schoolhouses or public buildings in the District of Columbia? Just one political organization would avail itself of the opportunity.

Mr. MEEKER. Be that as it may, they may all have the opportunity so far as I am concerned. If they do not wish to take advantage of it, that is their lookout. I think I am not in sympathy with the political organization to which the gentleman refers, but I am perfectly willing that that organization should talk itself out all it pleases.

Mr. CAMPBELL. So am I, but I am not willing that they should hold the meetings at public expense in a public building on the Sabbath day.

Mr. MEEKER. I am suggesting that change. There is nothing said that the other parties can not hold meetings.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. FESS. I think the bill says only the citizens of the community so desiring to form the forum shall do so.

Mr. MEEKER. Yes.

Mr. FESS. Would that embrace all of the citizens?

Mr. MEEKER. Twenty, I think, is the provision of the bill.

Mr. JOHNSON of Kentucky. Twenty or more; there is no limit as to number.

Mr. FESS. Suppose twenty would call for an expression of the people, and twenty only would come out?

Mr. MEEKER. Yes.

Mr. FESS. They would have the forum?

Mr. MEEKER. Yes.

Mr. FESS. It would not be the vote of the citizens, but just the vote of the people whose chose to vote upon it?

Mr. MEEKER. That is the same on any of your referendums or constitutional changes. If only 50 per cent of your citizenship vote, then that settles it.

Mr. RAKER. After the forum has been organized, is it not a fact that every adult man and woman in the District can become a member of it?

Mr. MEEKER. He thereby is a member of it—the very fact that he lives in that community makes him a member. It seems to me that the attitude of some of the people who are members of the powers that be in the city of Washington toward the citizens of the District of Columbia is positively pusillanimous.

We treat these people as if they were wards, and here is a little bit of a start toward letting them have a little something to do in a very small way—to even talk about public affairs in a public building, and we are afraid to trust them even to that extent.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. KING. Why is the colored race discriminated against in the first section and not permitted to participate in these community forums? I refer to lines 6, 7, and 8.

Mr. MEEKER. The gentleman refers to the language:

> Or persons who, if parents, would be entitled to enroll their children in said school.

Mr. KING. Yes.

Mr. MEEKER. Would not the colored people hold their forums in the colored schools?

Mr. KING. They would be required to hold their forums in the colored schools and the whites in the white schools, but no colored people would be permitted to participate in the question of whether a certain schoolhouse in their locality, if it be a white school, should be used as a community forum, even though they may pay taxes there.

Mr. JOHNSON of Kentucky. They would go to their own schoolhouses, just like their children do.

Mr. KING. If you are in favor of free speech, why not permit them to come in and discuss the question individually?

Mr. MEEKER. It is not a question of the men who talk, but of the men who organize the forum.

Mr. HAMILTON of Michigan. Is a colored man permitted to sign this application?

Mr. JOHNSON of Kentucky. He is, to establish a forum at his own school.

Mr. HAMILTON of Michigan. For any school?

Mr. JOHNSON of Kentucky. Only for his own school.

Mr. HAMILTON of Michigan. Does it say so?

Mr. JOHNSON of Kentucky. Yes.

Mr. HAMILTON of Michigan. Where?

Mr. JOHNSON of Kentucky. On the first page, lines 7 and 8.

Mr. HAMILTON of Michigan. That expressly excludes them.

Mr. JOHNSON of Kentucky. No; it includes them.

Mr. HAMILTON of Michigan. I understood it differently.

Mr. MEEKER. As I understand it, anyone in that school community who is a patron of the school can constitute the forum, but as to who speaks in the forum there is nothing said about that at all.

Mr. KING. They would have to send their children to that school in order to become qualified to be of the 20?

Mr. MEEKER. Yes.

Mr. BORLAND. Is not that perfectly right, when we have appropriated for schools for colored people? The white people are not permitted to organize a forum in a colored school.

Mr. MEEKER. No. I think there is no restriction as to who may speak in the forum. It is simply who organizes it. I hope that some member of the committee, before we come to a vote on this bill, will explain why it is that the Government is called upon to pay even this small sum of $4 to some secretary for these meetings.

Mr. RAGSDALE. Will the gentleman permit me?

Mr. MEEKER. Yes.

Mr. RAGSDALE. Does the gentleman think it is right to enact legislation to require the taxpayers of the District of Columbia to be taxed to create institutions of learning and then permit any people who temporarily reside here and who pay no taxes to come in against the wishes of the board and take charge of these school buildings?

Mr. MEEKER. Would the gentleman amend this bill by requiring them to be taxed?

Mr. RAGSDALE. That is what this bill provides. Is that right?

Mr. MEEKER. If this is Government property; yes.

Mr. RAGSDALE. Does the gentleman think it is right to turn over Government property, for which the people of the District are taxed to create and maintain here, to nontaxpaying individuals?

Mr. MEEKER. Is the gentleman willing to vote for a referendum on the prohibition issue in the District?

Mr. RAGSDALE. If the gentleman would confine it to white people and to males; yes.

Mr. MEEKER. I am glad to hear it.

Mr. RAGSDALE. Is the gentleman?

Mr. MEEKER. Yes.

Mr. RAGSDALE. Is the gentleman willing to make that restriction?

Mr. MEEKER. I am willing for any referendum.

Mr. RAGSDALE. That is what I thought the gentleman would be for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, may I inquire how much time I have left?

The CHAIRMAN. The gentleman from Kentucky has eight minutes remaining.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the remainder of my time.

Mr. MAPES. Mr. Chairman and gentlemen, I think it would be well for the Members of the House to understand what the bill provides, what the present law is, and what the occasion for this bill is. The last Congress enacted a law, which was approved on the 4th of March, 1915, giving the board of education very broad authority to open the school buildings of the District. That law provides——

Mr. RAGSDALE. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum——

Mr. MAPES. Mr. Chairman, can I be taken off my feet for that purpose?

The CHAIRMAN. Yes. The Chair will count. [After counting.] One hundred and five Members are present—a quorum.

Mr. MAPES. Mr. Chairman, as I was about to say, we have a law on the statute books now which seems to me to go as far as we need to go in this matter—at least as far as we ought to go until the board of education and the people of the District have had an opportunity to work it out. As I was saying when the point of no quorum was raised, there has been a law on the statute books since the 4th of March, 1915, which reads as follows:

> That the control of the public schools in the District of Columbia by the board of education shall extend to, include, and comprise the use of the public-school buildings and grounds by pupils of the public schools, other children, and adults, for supplementary educational purposes, civic meetings for the free discussion of public questions, social centers, centers of recreation, playgrounds. The privilege of the use of said buildings and grounds for any of said purposes may be granted by the board upon such terms and conditions and under such rules and regulations as the board may prescribe.

Mr. BENNET. Will the gentleman yield?

Mr. MAPES. I will.

Mr. BENNET. This report says that this bill is the unanimous expression of the Committee on the District of Columbia. Is the gentleman in accordance with that view?

Mr. MAPES. I will answer that in just a moment. This is the second bill on this subject which was introduced. The first bill was referred to the subcommittee on education, of the Committee on the District of Columbia, of which I am a member. We had extensive hearings on that bill. After those hearings the subcommittee was never called together to consider the bill, but this bill was introduced. It was never referred to, or considered by, the subcommittee, but was reported out, I believe, at the last meeting of the District Committee at the last session of Congress. I was not present at the meeting. I do not know who was there, although I know several who were not. The hearings we had were on a different bill. That bill made no provision whatever for the control of the physical property of the schools, amounting to several millions of dollars, by the board of education. The control of the property was taken entirely out of the jurisdiction of the board of education and left to these community forums, with no responsibility on the part of anyone. Now I call your attention to the operation of this law which was enacted in 1915. In the hearings on the other bill the president of the board of education, Mr. Blair, said:

> Now, we have been, with the utmost freedom of which we are capable, using all our public-school buildings for public purposes, under the terms of this act and under the supplementary educational purposes clause; and I have prepared a statement showing the community use of public-school buildings as it obtains to-day.

Then he goes on and tells the uses which have been made of the buildings under permission given by the board of education since this law went into effect:

> The white schools have been used by mothers' clubs and other parent-teacher associations, 48 times; citizens' associations, 9 times; other civic and community associations, 54 times. Membership represented by above associations, 9,286.
>
> Colored schools: Mothers' clubs and other parent-teacher associations, 35 times; citizens' associations, 7 times; other civic and community associations, 4 times. Membership represented by above colored associations, 3,355.
>
> Total for all schools: Mothers' clubs and other parent-teacher associations, 83; citizens' associations, 16; other civic and community associations, 58. Membership represented by above associations, 12,641.

Mr. FESS. Will the gentleman yield?

Mr. MAPES. I will yield.

Mr. FESS. Does that mean the number of associations that use the buildings under the present law?

Mr. MAPES. That means, I think, the number of different meetings that have been held, and not that there were that many different associations; but the buildings have been opened to everyone who requested it, except in one case.

Mr. FESS. In other words, under the present law there is not much restriction?

Mr. MAPES. The chairman of the board of education testified that the board had not refused the use of the public buildings to any community or refused any request that was made to it, except the request made by the Grover Cleveland community to hold meetings Sunday afternoon. They held meetings for two Sundays. They made all the arrangements to hold some of them before securing the consent of the board of education, and the board allowed them to go ahead with those, but refused to grant permission to hold any more on Sunday afternoons, for the reason, as Mr. Blair said, that the school board did not think it was the sentiment of the people of the District, taken as a whole, that their school buildings should be thrown open Sunday afternoons for all sorts of meetings.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. CAMPBELL. The meetings held do not include any political meetings held on Sunday afternoons. And does the gentleman believe that that omission on the part of the board of education to let these school buildings for that purpose laid the foundation for the campaign that resulted in the preparation and report on this bill?

Mr. MAPES. The testimony before the committee by the proponents of this legislation was that the occasion for the introduction of this bill, and the only occasion, I think—at least, that was the testimony of some of them—was the refusal of the board of education to throw open the Grover Cleveland school building on Sunday afternoon.

Mr. CAMPBELL. What kind of meetings were they that were held in the Grover Cleveland School? Were they political meetings?

Mr. MAPES. I am not familiar with the nature of them. I think they were discussing economic questions, and I believe some Members of the House of Representatives appeared and addressed the meetings.

Mr. LLOYD. Mr. Chairman, there was no purely political question discussed at any of these meetings, was there?

Mr. MAPES. I am not able to answer that.

Mr. LLOYD. They were social and economic and moral.

Mr. MAPES. I think the gentleman from Missouri knows.

Mr. LLOYD. As far as I know anything of the meetings that were held at the Grover Cleveland School and afterwards in the Public Library, not any of them were what you might term political.

Mr. CAMPBELL. I am quite familiar with the political organizations that hold their meetings on Sunday afternoons, and they say they are not political but social and for the uplift of the people of the community generally. One of them was held in Baltimore, and a woman who addressed that meeting advocated the abolition of the cook stove in the home.

Mr. LLOYD. I was referring to what happened last year. I am sure that in the meetings last year there were no purely political questions considered.

Mr. CAMPBELL. It was not a purely political question at all, but it is a rather rotten one.

Mr. RAGSDALE. Whatever may have transpired as to the last meeting, there is nothing in this law that prevents there being political discussions in the future.

Mr. MAPES. There is no limitation in this law.

Mr. STEENERSON. Is not the effect of this bill to take the control of the school buildings and the property of the District out of the board of education and turn it over to this self-constituted and self-elected forum?

Mr. MAPES. I will say to the gentleman that in my opinion the first bill did that very thing. It was very loosely drawn, and I opposed that bill largely on that account. This present bill, it seems to me, might be clearer and more definite in that particular, might leave the control of the buildings to the board of education a little more definitely than it does. If it would do that, I would have no serious objection to the passage of the bill, although I do not think it is at all necessary in view of the present law.

Mr. STEENERSON. If the former bill was more vague or obscure than this is, I am sure it was a masterpiece. This takes the control of the schoolhouses and property of the District of Columbia from the board of education and turns it over to the forum.

Mr. JOHNSON of Kentucky. I will say that Dr. Van Schaick, the president of the board of education, a Christian minister, is in favor of the bill.

Mr. STEENERSON. It does not make any difference who favors it.

Mr. JOHNSON of Kentucky. He is president of the board of education, and this bill does not take it out of his hands.

Mr. MAPES. He has been the president for the last few months only. When the hearings on this subject were held in the summer Mr. Blair was president. But, if the gentleman from Minnesota [Mr. STEENERSON] will permit, on page 3, at the bottom of the page, there is an attempt to cover the objection which he raises, although, as I have said, I think the language might be more definite. It reads:

> The board of education may make such other regulations as it may deem necessary to protect the physical property from abuse.

Mr. STEENERSON. Oh, yes; but it provides specifically that the forums shall control the buildings when they are using them for these purposes.

Mr. MAPES. Except under that limitation.

Mr. STEENERSON. I would like to ask if there is any limitation in this bill against their being turned over and used for religious purposes?

Mr. MAPES. No limitation at all.

Mr. STEENERSON. So that they might draw these salaries, amounting to $15,000 a year, and we would be contributing by taxation to religious services?

Mr. MAPES. If the community desires it.

Mr. RAGSDALE, Mr. MADDEN, and Mr. WALSH rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. MAPES. I reserve the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. RAGSDALE], who is a member of the committee, will be recognized.

Mr. RAGSDALE. Mr. Chairman, in my opinion no greater invasion of the rights of the taxpayers of the District of Columbia has been attempted, in so far as their educational system is concerned, than has been attempted in this particular bill. When we speak of the rights of the people of the District of Columbia, when we refer to what opportunity ought to be given them as a matter of right to settle this question, the first move that we make in this bill is to take away from them some of their rights.

We do not say in this bill that if a majority in any particular section nearly associated with the building geographically are opposed to the establishment of one of these social centers that they shall have any rights in the matter, but we say that a majority of the people of the District of Columbia shall have no voice in the establishment or development of this institution. We do not say that any particular section in the District of Columbia where they propose to establish one of these social centers shall have any voice in it other than those in favor of it; and whenever any legislation denies anybody who is opposed to a thing the right to be heard, and looks only to that side that is in favor of an institution, it is manifestly unfair.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Ohio?

Mr. RAGSDALE. No; I am sorry I can not yield. I will give the gentleman time later.

Mr. CROSSER. I have had my time.

Mr. RAGSDALE. I do not propose to be interrupted in my argument here from time to time by the gentleman. When I get through I will answer any question that may be propounded.

I say whenever any legislation proposes to deny a right to all except on one side of a proposition, it is manifestly unfair legislation.

This bill does not propose to say that the people adjacent to a school building shall get up two petitions, and that whichever one has the majority of the people in that community, their wishes shall control. This bill does not say that those who pay taxes in the District of Columbia are the only ones that shall have the right to be heard. This does not say that they shall be citizens of the District of Columbia. It says that when "20 adult persons"—not citizens—"residing in the vicinity of any public-school buildings in the District of Columbia, all of said persons being parents of children enrolled as pupils in said public school, or persons who if parents would be entitled to enroll their children in said school, the board of education shall define and fix the territorial limits within which adult persons must reside to entitle them to participate as members in the organization which may be formed, as hereinafter provided."

Now, here is an organization that is created by 20 people—an organization of 20 people, not one of whom need be an American citizen. Of not one of them is it required that they have any status in this country. If they are residents of the community, that is all that is required. Then they may form a social center proposition here under this law. That is my construction of it. If I am wrong I hope that somebody will show me that I am wrong. Here are 20 people who can come in here, or move in here from any other country in the world, and become temporary residents of the District of Columbia, and the only limitation imposed upon them is that they shall be adults, and that their children shall have the right to go to school, or that they must be persons who if parents would be entitled to enroll their children in the school.

Now, if a man is born abroad and he comes here as a temporary resident of the District of Columbia, he can send his children to school here. Therefore it does not require him to be a citizen of this country. Twenty foreigners, with no American citizenship, with no obligations of any kind to the people of the District of Columbia or to its form of government or to the General Government as a whole, may come in here and take away from the taxpayers of the District of Columbia the right to regulate and control the buildings which the people here are taxed to construct, control, and maintain. Would you stand for that in your own community? Is there a man here who would advocate legislation of this kind in the community from which he comes?

Mr. LLOYD. Right there, Mr. Chairman, will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. LLOYD. Mr. Chairman, I am sure the gentleman wishes to state the matter exactly and fairly. What he says, I think, is true with reference to the 20 persons.

Mr. RAGSDALE. Yes, sir.

Mr. LLOYD. But those 20 persons when they present their petitions to the school board do not organize at all. They merely fix the limit. After the school board has fixed the limit of the district any qualified person may vote at that meeting.

Mr. RAGSDALE. Qualified in what way?

Mr. LLOYD. That the public school shall not be used as a community forum. They determine those in that district who are entitled to send children to that school, who are entitled to participate in that meeting; and when they are entitled to participate in that meeting they have the right to determine whether there shall be a forum meeting or not.

Mr. RAGSDALE. All right. Therefore, if 20 people living near a school building sign a petition and attend a forum meeting, those 20 people, if nobody else went there, could organize a forum meeting, even if every one of them was a foreigner, and they could take charge of the building. Is not that correct?

Mr. LLOYD. That is correct.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. BENNET. Is the gentleman a member of the Committee on the District of Columbia?

Mr. RAGSDALE. I am.

Mr. BENNET. I notice this report says that the bill was unanimously reported.

Mr. RAGSDALE. This bill was reported, I think, when I was engaged in my campaign in South Carolina. I have always been opposed to it, and I wrote a letter which I sent from South Carolina stating that there were no influences that could make me support it.

Mr. BENNET. Then this is not, in fact, a unanimous report?

Mr. RAGSDALE. No. In so far as it applies to me, it is not correct, because I am not in favor of the bill, and never have expected to be in favor of it.

Now, I want to ask these gentlemen who are going to vote on this proposition if anyone in your own community would go before his people and advocate the erection of handsome buildings at the enormous cost of such buildings as have been erected in the District of Columbia, as, for example, the Central High School, that stands in front of my home, and which, I understand, is one of the largest and handsomest structures of its kind in the world, would anyone of you go to your home people and advocate taxing them to erect a structure of that kind and put in that law a provision to the effect that any 20 foreigners could come and reside within a certain radius of that particular school and divest your legally constituted trustees of all their authority over that building and have any gathering they wanted in that building? I ask you, would you do it in your own community? If not, is it fair to do it here, where the people have no vote? You tax your people at home in part for these educational institutions, to build them and to maintain them, and when you create these institutions by this taxation and maintain them by the taxation of your own people in part and of the people of the District of Columbia, I ask you if it is fair under these conditions to take the property you have created with the money you have forcibly taken from them under the power you have in this Government and then turn it over to a lot of irresponsible people, who may be here this week and gone next week, and let them take these buildings here and utilize them for purposes to which the taxpayers who created them are absolutely opposed?

Mr. BENNET. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. BENNET. In the judgment of the gentleman, has the board of education exercised its present power unreasonably?

Mr. RAGSDALE. On the contrary, if you will look into the hearings they will disclose the fact that the only contest between the people who are behind this measure and the board of education has been the question whether or not these buildings should be utilized on Sunday rather than on week days. The hearings developed the fact that every single request that has been made for the utilization of these school buildings in the District of Columbia, in so far as their use on week days was concerned, has been granted, but that the board of education objected to the use of these buildings for secular matters, for political debates, and things of that kind on Sunday, and that was the only exception that they made to the use of the buildings under any circumstances.

Mr. BENNET. Does the gentleman mean to have it understood that persons desire to have political debate on Sunday afternoon?

Mr. RAGSDALE. The bill itself provides——

Mr. BENNET. I know what the bill provides, but I refer to the applications that have been made.

Mr. RAGSDALE. They did not state that specifically, but there was no limitation on the subjects to be discussed. They wanted to take these educational institutions and utilize them for their own purposes—and they were not religious purposes—on Sunday, and the board very properly objected to that; and the answer to the board in its desire to use these educational institutions for educational purposes, and to close them on Sunday and allow the school teachers to have a day of rest, was the introduction of this bill, which provides for the compulsory attendance of a part of the school force and for the utilization of these school buildings for secular matters on the holy Sabbath.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. RAGSDALE. Why, certainly.

Mr. BENNET. In regard to the Sunday proposition, on page 153 of the hearings Miss Wilson stated:

> Some of those points are absolutely at issue. The Sunday question is not involved in any way in the bill.

Mr. RAGSDALE. Yes; but let me read from another page of the hearings.

Mr. GORDON. Will the gentleman yield for a question?

Mr. RAGSDALE. I can not answer both gentlemen at once. I am trying to find something here to read to the gentleman from California (Mr. RAKER).

Mr. MAPES. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. MAPES. The gentleman will recall that other witnesses testified that the occasion which brought forth this bill was the failure to open the schools on Sunday.

Mr. RAGSDALE. On page 24 of the hearings, if the gentleman will turn to that page, he will find that I asked Miss Wilson this question:

> The only instance in this District is where you wished to use the building on a Sunday, and the school board refused permission for its use on Sunday. At all other times you have been permitted to use it?

To that question Miss Wilson replied:

> The first time that a community forum was called the very first question that came up was when they should meet, and that question was decided by the school board and not by the people. Now, that is simply typical of what may come up and what will come up. And, no matter whether you think that it is possible or may come up again or not, the principle should be established, to my mind, that a majority of the people should decide.

Then I asked her:

> But as it is now, the only time that it has been refused to you is for use on a Sunday afternoon?

Miss Wilson replied:

> The only time that the question ever came up, and the first time, as between the people and the board of education, the board of education did not carry out the wishes of the people.

I asked her:

And that particular time was as to the use of the school buildings on Sunday?

She replied:

Yes.

I asked her:

And for no other time?

And Miss Wilson replied:

Yes.

Mr. MEEKER. Why should the State object to a political discussion in a schoolhouse on Sunday when the church has political discussions on Sunday?

Mr. RAGSDALE. Why should the State deny the right of the board of trustees to run an educational institution when it does not deny the right to the board of trustees of a church to run it, when it does not deny the right to the board of directors of a bank to run it, and when it does not deny the right to the board of directors of a railroad to run it? Why do you not turn over to an irresponsible rabble your telephone system, your railroad system, your postal system, and every other organized system? Why do you go and strike at the educational system, which means more to your homes, to your children, to everything that is good in your community? Why do you strike at that first and turn it over to an irresponsible rabble of un-American persons, who know nothing of our form of government and who care less? [Applause.]

Mr. CROSSER. Did any of these un-American people appear before the committee?

Mr. RAGSDALE. No; I do not think they did. They had more potential political influence that they brought forward. The un-Americans would not have counted for anything.

Mr. CROSSER. The nonvoting people are the only ones that would have anything to do with the forum; no persons in the District can vote.

Mr. RAGSDALE. The bill does not say residents; it says, "residing in the community." It does not say that they shall vote. Everybody who knows this bill, who has studied the bill, knows that it is a clear effort to take away from the board of education of the District of Columbia their right to control these institutions of learning because they will not vote to use them on Sunday for political or any other improper purposes. Everybody who has studied the situation, and everybody who went to the meetings, everybody who has read the hearings, knows that if the board had permitted them to use these educational institutions for a forum on Sundays there never would have been a bill of this kind introduced into the House.

Mr. HUSTED. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. HUSTED. How many organizations, in the gentleman's opinion, could be created in any one district?

Mr. RAGSDALE. Only one.

Mr. HUSTED. That would deprive every other citizen of the privilege of forming a forum in that district.

Mr. RAGSDALE. Yes; they would have to belong to this particular organization. Now, I would like to call attention to one star witness who came before the committee.

Mr. MANN. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. MANN. Why does the gentleman say that only one community forum can be organized for a certain building?

Mr. RAGSDALE. Because the bill provides that.

Mr. MANN. Not at all; there is no such provision.

Mr. RAGSDALE. The bill says that upon written application so to do signed by not less than 20 adult persons residing in the vicinity of any public-school building in the District of Columbia, and then it goes on and provides that they shall be organized, but it does not provide for any more, and as the provisions are limited to this organization, how can you get any other?

Mr. MANN. The bill provides that the board of organization can fix the territorial limits. They may fix a limit of a block, and there may be another block, and still another block, and there may be 40 blocks. Of course, they could not all hold meetings in the same room at the same time, but there is nothing in the bill which limits the authority of the board of education to grant permission to various forums to meet in the same school building.

Mr. RAGSDALE. It provides that when the organization is formed the board of education shall make all necessary arrangements and provision for the weekly, biweekly, or monthly meetings of such organization at such times as the organization may designate for its meetings. There is no provision for the use of more than one such gathering.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. PAGE of North Carolina. There is nothing to prevent, however, every adult person in that community joining this one organization?

Mr. RAGSDALE. No.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. MOORE of Pennsylvania. If these forums are organized, they could hire halls for their meetings, could they not?

Mr. RAGSDALE. Certainly.

Mr. MOORE of Pennsylvania. Why should the Government be expected to pay $15,000 a year for rent of buildings for private organizations?

Mr. RAGSDALE. I think it is absolutely wrong that the Government should be required to do it.

Mr. MOORE of Pennsylvania. Would it not be taking $15,000 out of the Treasury and giving it voluntarily to these associations for paying the rent which they ought to pay on their own account? Is not that the fact?

Mr. RAGSDALE. According to my view it is worse than that. It is not a question of dollars and cents, but we create a board of education who accept the duties devolving upon them to do something for the district in which they reside. One of the responsibilities with which they are charged is the proper care of educational institutions which we have furnished by taxation of all the people. These boards generally take a great deal of pride in the public institutions; they give their time to them, inspect them, and go around to see that proper conditions exist at the schools. Now, in the face of their objection to that which they believe is inimical to the best interest and welfare of the schools, they are divested of authority and it is put in the hands of 20 unknown, irresponsible beings the only qualification of whom is that they must reside within certain territorial limits adjacent to the public school and that their children could attend the school.

Mr. MOORE of Pennsylvania. Is it not a fact that if this bill is passed we put the public schools in competition with private halls which are erected by private invested capital for the purpose of rental?

Mr. RAGSDALE. Certainly.

Mr. BORLAND. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. BORLAND. The gentleman speaks about Sabbath meetings. What is the objection to political meetings on Sunday? What is the real objection?

Mr. RAGSDALE. I think that whenever any set of people who are engaged in politics for a living or otherwise——

Mr. BORLAND. Or otherwise.

Mr. RAGSDALE. I am going to answer your question—desire to have a Sunday meeting, they ought to go to the proper local authorities and secure permission to have it. How would you, Mr. BORLAND—in the city from which you come, against your protest and the protest of the ministers in your immediate community, and of the best citizens of your community—like to have 20 irresponsible people or 20 people of any type hold a political meeting right-across the way from the church—in the face of this opposition?

Mr. BORLAND. If they are patrons of the school I have no right to limit their religious views.

Mr. RAGSDALE. I am not talking about any religious views.

Mr. BORLAND. They are supporters of that school.

Mr. RAGSDALE. The gentleman and I ought not to talk about religious views. Let us talk about politics. We are better qualified for that. [Laughter.]

Mr. HUSTED. As I understand it, if these meetings were held on Sunday this bill provides that a school-teacher would have to attend those meetings on Sunday?

Mr. RAGSDALE. Yes.

Mr. HUSTED. And I further assume that three of these organizations could be created in one of these school districts, and if they were allowed to hold two meetings a week, why would not those three organizations practically preempt that school building to the exclusion of everybody else who might want to use it for a public meeting?

Mr. RAGSDALE. There is no question that the minute these organizations are effected, the minute their powers come into play under this bill, the school trustees and the taxpayers of the community, in anything that comes in conflict with them for Sunday use or other than the regular use of the building for educational purposes, are absolutely divested of authority.

Mr. BENNET. Is there anything in this bill that prevents these 20 men from going to the Central High School district and organizing one forum, and then a month after that moving into

some other school district and getting up another petition and organizing another forum, and so on, until that little coterie is in control of every school building in the city of Washington?

Mr. RAGSDALE. I do not think there is anything in this bill which prohibits that, and the fact is that one of the chief workers for this bill was brought here, as I understand it, from another city for the purpose of bringing about this organization. He was given a place over here in the department of education, and when I asked him what his salary was he told me that it was $1 per year. That is to be found in these hearings here. His name is Ward. He was brought here specifically for the purpose of pulling off this school-forum propaganda. That was his particular work. He was given a commission as a United States officer, and he was allowed to use the frank in the Department of Education, and he was given a room and there engaged to send out his propaganda, although paid the salary of only $1 per year by the Government for his services. When I asked him whom he served—the Government who paid him this princely salary of $1 per year or the people who paid him his real salary—his answer was that "the man who pays the piper has the right to call the tune." Therefore we find that some unknown party is paying Mr. Ward a salary, and that this same man Ward is drawing $1 from the Government and admittedly serving some other interest, in preference to that of the Government, in putting forward this school-forum propaganda.

Mr. KING. And is it not a fact that he is a member of the single land-tax organization and is paid out of Cincinnati? Does the gentleman know that?

Mr. RAGSDALE. I do not know that, but I have heard some talk about it.

Mr. BENNET. Is there any provision in this bill for discontinuing these forums once they have been organized? In other words, if 20 people, citizens or otherwise, once attach a particular forum to a particular school, that is perpetual, is it not?

Mr. RAGSDALE. In so far as this legislation is concerned. Of course the House in the future would have the right to amend any legislation; but other than that it would be effectual.

Mr. BENNET. It would take an act of Congress to dissolve that forum?

Mr. RAGSDALE. That is my understanding of it.

Mr. GARDNER. Does the gentleman mean to say that if 20 of these single taxers got together in each one of these school districts in the city of Washington, you could not get them out without an act of Congress?

Mr. RAGSDALE. There is absolutely no power in this bill to do it otherwise. The board of trustees, in so far as they have authority over this particular institution, is absolutely divested of all rights and powers over it and it is put in the hands of this bunch in perpetuity. Now, I represent a people who are taxed along with the other people of this country. I have no sympathy with this idea of making a dog of the District of Columbia and trying any kind of vague, wild, harum-scarum kind of ideas on the dog. I do not approve this idea of putting bad legislation upon the people of the District of Columbia because they have no right to vote, because they have no voice in legislation, having no representative here.

This is a great city, the most beautiful city I have ever seen. My people love this city as the Capital of our country. My people want the District of Columbia, and the people in it, to have every single right that there is consistent with good government. They are willing to be taxed to a reasonable extent for the perpetuity of the best institutions here. They are not willing to undertake to allow people to come in here and with no responsibility absolutely control the institutions which they have been taxed to create and which they are now being taxed to maintain. The whole idea is absolutely antagonistic to everything in which I have been raised to believe. We believe in our schools, we love our schools, but we want nobody other than the properly constituted authorities in control of our schools. [Applause.]

Mr. KEATING. Will the gentleman yield?

Mr. RAGSDALE. I will.

Mr. KEATING. The gentleman has referred to irresponsibles who are taking control——

Mr. RAGSDALE. Who could take control.

Mr. KEATING. I want to ask the gentleman if he feels that the United States Commissioner of Education is in league with these irresponsible people?

Mr. RAGSDALE. I want to say the Commissioner of Education has commissioned a man in his office at a dollar a year for the purpose of carrying on this propaganda. I think much less of him since I learned he gave that commission for that purpose.

Mr. KEATING. The gentleman thinks he is in the conspiracy——

Mr. RAGSDALE. I would not say this is a conspiracy; that is the gentleman's language.

Mr. KEATING. The gentleman appreciates it was the gentleman's language, but I was trying to state the gentleman's views in understandable language.

Mr. RAGSDALE. My views in understandable language are these: That Mr. Ward was sent here——

Mr. KEATING. I am not talking about Mr. Ward.

Mr. RAGSDALE. Well, I am, and it is my time and therefore if the gentleman wants to understand, he must take it in my time.

Mr. KEATING. I will bear with the gentleman in his own peculiar way.

Mr. RAGSDALE. That is very kind; it is a consideration the gentleman extends to so few, that I am surprised.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me?

Mr. KEATING. Permit the gentleman to answer the question which I have propounded, please. The gentleman is so courteous, I want him to proceed.

Mr. GARDNER. After the Alphonse and Gaston proceedings——

Mr. RAGSDALE. I am sure it will not embarrass the gentleman.

Mr. KEATING. It will not embarrass me except when it comes from the gentleman.

Mr. RAGSDALE. I am sure anything coming from me to the gentleman would be embarrassing.

Mr. KEATING. Courtesy will be the most surprising thing.

Mr. RAGSDALE. Then I am surprised the gentleman is asking for consideration out of my time.

Mr. KEATING. I am not surprised at the treatment I am getting from the gentleman when I asked the question.

Mr. RAGSDALE. Nor am I surprised that the gentleman should ask anything to which he did not expect to get a reply. [Applause.]

Mr. KEATING. Will the gentleman, under the circumstances, answer the question?

Mr. RAGSDALE. Now, if the gentleman will kindly propound the question—which one?

Mr. KEATING. The question which I asked originally was, the gentleman suggested certain irresponsibles——

Mr. ADAMSON. Mr. Chairman, I protest against this sanguinary conflict and reckless use of the personal pronoun.

Mr. KEATING. We have not used the personal pronoun. What I want to know is this: According to this report the bill has received the indorsment of the United States Commissioner of Education.

Now, in all reason does the gentleman mean to say that this Commissioner of Education has indorsed a plan which would turn the schools of Washington over to a crowd of irresponsibles?

Mr. RAGSDALE. I want to say this, that I do not care who has indorsed it, however much respect I may have for him, from the President of the United States down. The bill speaks for itself, and says that any 20 residents of a community under certain conditions there can take charge of a building and use it on Sundays and other days for secular purposes, divesting the proper authorities from the control of that building. And if the Commissioner of Education lends himself to the plan, I am only sorry that he should take the position; but it does not alter my position as a Member of this Congress at all.

Mr. GARDNER. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. GARDNER. I want to see if I understand the gentleman correctly. Suppose that the National Saloon Keepers' Association were to get possession of each one of these forums, and it would pack a meeting in regard to the referendum, where they put out a lot of money among the colored voters of the District, does the gentleman mean to say there is no power by which they could be dispossessed of the control of the schoolhouse?

Mr. RAGSDALE. Nothing except a further act of Congress.

Mr. GARDNER. That is an astounding statement.

Mr. RAGSDALE. It is not more astounding than the bill. [Laughter.]

Mr. KELLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. RAGSDALE. I yield.

Mr. KELLEY. I should like to inquire of the gentleman whether if this bill is enacted into law it will divest the school board entirely of authority to allow others to use the school buildings besides the organized forum?

Mr. RAGSDALE. No. They would have the right to grant the privileges they now have, except where the school forum wishes to utilize them, so that they can utilize the school build-

ings in opposition to the wishes of the board, while others not belonging to the school forum would have to come in and get consent of the board. In other words, a set of citizens living near a school building would have to belong to the school forum or they would have no rights in the building except by the consent of the board of trustees; but the minute you join the school forum you belong to a social, political institution which can go around at will, unless it interferes with the educational handling of the school building, and utilize it in any way they think wise.

Mr. BENNET. Will the gentleman yield?

Mr. RAGSDALE. Certainly.

Mr. BENNET. Inasmuch as this bill states for its primary object the use of the public buildings as community forums, would it not be perfectly possible for one of those community forums to stage a rather interesting fistic encounter, if they wanted to do so, on the days when they were not being used for public education or orderly free discussion?

Mr. RAGSDALE. Well, I think possibly the commissioners might be induced to get the police to stop that as a breach of the peace.

Mr. BENNET. Could they do so?

Mr. RAGSDALE. I think so; yes. They could prevent a breach of the peace, for the pounding of each other's hides is a breach of the peace. I doubt very much if you could call that an educational purpose.

Mr. BENNET. It is physical culture.

Mr. MANN. Will the gentleman yield just for another suggestion?

Mr. RAGSDALE. Yes.

Mr. MANN. I had hoped that we could finish this bill to-night. We have a long and arduous day before us to-morrow, and I think it is the intention to meet early in the morning, hoping that we will be able to finish all the roll calls on the legislative bill to-morrow. Will the gentleman be willing to yield the floor temporarily in order that a motion may be made for the committee to rise?

Mr. RAGSDALE. I shall be very glad to do so. Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14816) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes, and had come to no resolution thereon.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the beauty of American politics is that we accept the results and retain friendly personal relations. Mr. Wilson has been reelected President of the United States. I did not contribute in that direction. But to-day, I am informed and believe, is the anniversary of a very important day in his life, and I wish to felicitate him and Mrs. Wilson on the happy union which occurred one year ago [applause] and to wish for them a continuance of that happiness and a long and pleasant life. [Applause.]

STOCK-RAISING HOMESTEADS.

Mr. TAYLOR of Colorado, from the Committee on Public Lands, submitted for printing, under the rule, the conference report on the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1231).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 5, and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, and 10, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Page 3, line 12, after the word "areas," insert the following: "of the character herein described"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out all of section 9 of the bill; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all line 22, after the word "lands," add the following:

"*Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length, and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses."

And the Senate agree to the same.

On page 2, line 22, after the word "appeal," add the following: "but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands."

SCOTT FERRIS,
EDWARD T. TAYLOR,
IRVINE L. LENROOT,
Managers on the part of the House.

M. A. SMITH,
C. S. THOMAS,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee:

Amendment No. 1: Senate recedes. This amendment dispensed with the requirement of residence and improvements, which modified the general homestead law. This had never been done in any preceding legislation except in lands that could not be supplied with water even for domestic use.

Amendment No. 2: House recedes with an amendment. This amendment, No. 2, relates to additional entries and requires the original entryman to first enter contiguous lands if any there be, before he can enter noncontiguous land. The amendment added to amendment No. 2 provides that the character of land must be as herein described.

Amendment No. 3: Senate recedes. This amendment dispenses with residence.

Amendment No. 4: Senate recedes.

Amendment No. 5: Senate recedes. This amendment permits all former entrymen to have another entry irrespective of character of land formerly entered.

Amendment No. 6: Senate recedes for same reason set forth in amendment No. 5.

Amendment No. 7: House recedes. Amendment does not change purpose of act, and Senate amendment was deemed preferable.

Amendment No. 8: House recedes.

Amendment No. 9: Senate recedes with an amendment striking out section 9.

Amendment No. 10: House recedes.

Amendment No. 11: House recedes with an amendment. The House provision was too restrictive; the Senate amendment too broad. The substitute amendment will protect both the stock interests and the homesteader.

On page 2 the proviso deals with method of initiating right of entry. All through the proposed legislation the House and Senate have struggled to adjust their differences as to methods of entry, additional entries, and residence. The adoption of the amendment harmonizes the differences, prevents fraud, speculation, and aids in the administration of the law.

There was no difference of opinion between your conferees as to the advisability of extending the 640-acre unit to the dry, arid, nontimbered, nonirrigable, nonmineral lands of the West.

SCOTT FERRIS,
EDWARD T. TAYLOR,
IRVINE L. LENROOT,
Managers on the part of the House.

BRIDGE ACROSS DELAWARE RIVER.

Mr. ADAMSON. Mr. Speaker, there is a little Senate bridge bill on the Speaker's desk, with a similar House bill on the calendar. I would like to have the Senate bill laid before the House.

The SPEAKER. The Chair lays before the House the bill S. 7095, which the Clerk will report.

The Clerk read the bill as follows:

An act (S. 7095) extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

Be it enacted, etc., That the time for the completion of the bridge now in course of construction across the Delaware River, which the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, were authorized to construct, maintain, and operate by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912, be, and the same is hereby, extended for a period of three years from the 24th day of August, 1916: *Provided*, That in all other respects said bridge shall be completed and shall be maintained and operated in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, a similar House bill (H. R. 18085) will be laid on the table.

There was no objection.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GRIFFIN, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

HOUR OF MEETING TO-MORROW 11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. MANN. Would it be too early to meet at half past 10?

Mr. FITZGERALD. The Committee on Appropriations has a meeting at 10.30 to-morrow to report a deficiency bill.

Mr. KITCHIN. I suggest that it be 11 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that the House meet at 11 o'clock to-morrow morning?

There was no objection.

PAINTING OF THE BATTLE OF GETTYSBURG.

Mr. STEDMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8223) to purchase a painting of the Battle of Gettysburg.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and the gentleman from North Carolina moves that the House do now adjourn. The Chair will request the gentleman from Illinois to withdraw his point of no quorum and the gentleman from North Carolina to withhold his motion to adjourn until the Chair can lay before the House a message from the President.

Mr. MANN. I will withdraw it.

Mr. KITCHIN. I withhold my motion, Mr. Speaker.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

REPORT OF GOVERNOR OF PORTO RICO (H. DOC. NO. 1773).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was ordered printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I transmit for the information of the Congress the report of the Governor of Porto Rico for the fiscal year ended June 30, 1916, together with the reports of the heads of the several executive departments of the Porto Rican government for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *December 18, 1916.*

REPORT OF PHILIPPINE COMMISSION (H. DOC. NO. 1774).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was ordered printed and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the report of the Philippine Commission for the fiscal year ended December 31, 1915, together with the reports of the Governor General and the secretaries of the four executive departments of the Philippine government, and the second annual report of the governor of the Department of Mindanao and Sulu for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *December 18, 1916.*

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1788. An act for the relief of Thomas M. Jones.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Tuesday, December 19, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, transmitting an urgent deficiency estimate of appropriation required by the War Department for the support of dependent families of enlisted men of the Army and National Guard during the fiscal year 1917 (H. Doc. No. 1759); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting reports of the bureaus and offices of the War Department showing exchanges of typewriting machines and other labor-saving devices made during the fiscal year 1916 (H. Doc. No. 1760); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting letter from the Chief of Engineers with a statement prepared from data received from officers in charge of the different engineering districts, showing name, time employed, and compensation of civilian engineers employed between July 1, 1915, and June 30, 1916 (H. Doc. No. 1761); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of Commerce, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1916 (H. Doc. No. 1762); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

5. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army with copies of reports on a preliminary examination and survey, respectively, of Mobile Harbor and Bay, Ala. (H. Doc. No. 1763); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of the Smithsonian Institution, transmitting information regarding purchase of typewriting machines and exchanges made in part payment therefor by the Government branches under the direction of this Institution during the fiscal year 1916 (H. Doc. No. 1764); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of War, transmitting a deficiency estimate of appropriation for the support of dependent families of enlisted men of the Regular Army and of the National Guard in the service of the United States (H. Doc. No. 1765); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting information relative to deficiency estimate of appropriation for the United States mint at Philadelphia (H. Doc. No. 1766); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Interior, transmitting report of engineer of the Indian Service and of the Reclamation Service on the Wind River, Wyo., project (H. Doc. No. 1767); to the Committee on Indian Affairs and ordered to be printed, with illustrations.

10. A letter from the Secretary of War, transmitting a tentative draft of a bill to reimburse officers, soldiers, and civilian employees of the Army and their families and dependents, and military organizations, for losses sustained as a result of the hurricane which occurred in Texas on August 16, 17, and 18, 1915 (H. Doc. No. 1768); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War, dated the 12th instant, submitting statements of all money arising from proceeds of public property received by the War Department during the fiscal year ended June 30, 1916 (H. Doc. No. 1769); to the Committee on Expenditures in the War Department and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce, submitting the following claims for damages, which have been considered, adjusted, and determined to be due the claimants by the Commissioner of Lighthouses (H. Doc. No. 1770); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an urgent deficiency estimate of appropriation in the sum of $140,000 for printing and binding for the War Department for the fiscal year 1917 (H. Doc. No. 1771); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent deficiency estimates of appropriation required by the War Department for the service of the fiscal year 1917 (H. Doc. No. 1772); to the Committee on Appropriations and ordered to be printed.

15. A letter from the President of the United States, transmitting report of the governor of Porto Rico for the fiscal year ended June 30, 1916 (H. Doc. No. 1773); to the Committee on Insular Affairs and ordered to be printed.

16. A letter from the President of the United States, transmitting report of the Philippine Commission for the fiscal year ended December 31, 1915 (H. Doc. No. 1774); to the Committee on Insular Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 191) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, reported the same with amendment, accompanied by a report (No. 1229), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (S. 3681) for the relief of the owners of the steamship *Esparta*, reported the same without amendment, accompanied by a report (No. 1230), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PAGE of North Carolina. A bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. TEMPLE: A bill (H. R. 19120) to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land; to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 19121) to provide for the reimbursement to the emigrant Cherokees by blood for lands allotted to the negro freedmen (Cherokees) from the lands granted to the emigrant Cherokees by blood under treaty of 1835; to the Committee on Indian affairs.

By Mr. ROGERS: A bill (H. R. 19122) to amend the act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad"; to the Committee on Foreign Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 19123) to provide for the election of the governor and secretary of the Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 19124) to relieve the railroads in Porto Rico and Hawaii from the provisions of the safety-appliance acts, requiring the use of power brakes on cars used exclusively for the transportation of sugar cane; to the Committee on the Territories.

By Mr. AUSTIN: A bill (H. R. 19125) to reclassify the grades and fix the salaries of railway postal clerks; to the Committee on the Post Offices and Post Roads.

By Mr. DENT: A bill (H. R. 19126) authorizing the President of the United States to exchange land set aside for military purposes in the Territory of Hawaii for private land; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 19127) directing the Secretary of War to ascertain the amount of money expended by the State of Texas between January 1, 1866, and December 31, 1876, inclusive, and report the same to Congress for its consideration; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 19128) providing for the construction of bridges and culverts under reclamation projects out of the reclamation fund; to the Committee on Irrigation of Arid Lands.

By Mr. HOWARD: A bill (H. R. 19129) to make immediately available for the use of the State of Georgia in paying expenses incurred by said State in connection with the joint encampment held at Augusta, Ga., July 22 to 31, 1914, certain sums appropriated for arming and equipping the militia of said State; to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Resolution (H. Res. 411) asking the Secretary of War for certain information relating to the removal of the old Pennsylvania Sixth Street Depot; to the Committee on the District of Columbia.

Also, resolution (H. Res. 412) asking the Secretary of the Interior for certain information regarding damage done the United States by the wrongful use of the Mall and the streets of the city of Washington by the Baltimore & Potomac Railroad Co.; to the Committee on the District of Columbia.

By Mr. MANN: Resolution (H. Res. 413) authorizing the payment of additional compensation to the Chaplain of the House; to the Committee on Accounts.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 325) authorizing the Secretary of the Interior to appraise lands of the Osage Tribe of Indians, Oklahoma, and for other purposes; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 19130) granting an increase of pension to Mary Suhr; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 19131) granting an increase of pension to William R. Vanhoozer; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19132) for the relief of the legal representatives of Samuel D. Lapsley; to the Committee on War Claims.

Also, a bill (H. R. 19133) granting an increase of pension to Robert J. Clement; to the Commitee on Pensions.

By Mr. DILL: A bill (H. R. 19134) for the relief of John G. Clark; to the Committee on Claims.

By Mr. DRUKKER: A bill (H. R. 19135) granting an increase of pension to Alice J. Stoddard; to the Committee on Invalid Pnesions.

By Mr. ESCH: A bill (H. R. 19136) granting an increase of pension to Elijah A. Hearn; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19137) granting a pension to Jonathan McKay; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 19138) granting an increase of pension to Enos Chamberlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19139) granting a pension to Herbert Bernholz; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 19140) granting an increase of pension to Enoch C. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19141) granting an increase of pension to Joseph E. Burkhart; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 19142) granting a pension to Josephine Hoffman; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 19143) granting an increase of pension to Willis G. Craddock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19144) granting an increase of pension to Ideral Vanfleet; to the Committee on Invalid Pensions.

By Mr. LIEB: (H. R. 19145) granting an increase of pension to Thomas J. Lamar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19146) granting an increase of pension to Thomas J. Westfall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19147) granting an increase of pension to Hampton Langley, known as Hampton Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19148) granting an increase of pension to Sarah Battle; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 19149) granting an increase of pension to Julia Keeney, widow of Woodford W. Keeney, deceased; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19150) granting a pension to William R. Botkin; to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 19151) granting an increase of pension to Watson F. Bisbee; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 19152) to award a medal of honor to Henry H. Maxim, private, Company G, Twelfth Maine Infantry; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 19153) granting an increase of pension to Melissa A. Danley; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 19154) granting a pension to Lou Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19155) granting a pension to James Besheres; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19156) granting a pension to Martha M. Buchanan; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 19157) granting a pension to Ida M. Zimmerman; to the Committee on Pensions.

By Mr. MURRAY: A bill (H. R. 19158) granting a pension to George Robinson; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 19159) granting a pension to Deborah H. Gilbert; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 19160) granting a pension to Nora D. Groves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19161) granting a pension to Albert J. Phillips; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 19162) granting an increase of pension to Elizabeth J. Herrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19163) granting an increase of pension to Turner Bartley; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 19164) granting a pension to Rollin L. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19165) granting a pension to Esther M. Beebe; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 19166) granting an increase of pension to Martha Couchman; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 19167) granting an increase of pension to William J. McCormick; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19168) granting an increase of pension to William R. McAllister; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19169) granting an increase of pension to Sarah Ellen Everich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19170) granting a pension to Minerva C. McMillan; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 19171) granting a pension to George Wolf; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19172) granting an increase of pension to Eugene B. Eastman; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 19173) granting an increase of pension to Lemuel Kingsbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19174) granting a pension to Mary J. Berlin; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19175) granting a pension to Charles F. Mow; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 19176) granting an increase of pension to James L. Strange; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 19177) to remove the charge of desertion from the military record of Clarence C. Taft; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 16152, for the relief of George Butterbaugh; to the Committee on Invalid Pensions.

By Mr. BROWNING: Memorial of various terminal railway post-office clerks for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Edward Montlock, of Milwaukee, Wis., in favor of the Tague bill, House bill 17805; to the Committee on the Post Office and Post Roads.

Also, petition of John Pritzloff Hardware Co., against exchange on country checks; to the Committee on Banking and Currency.

Also, petition of Carpenters' Union No. 1748, Milwaukee, Wis., against high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Milwaukee Reliance Boiler Works and Lindeman & Hoverson, of Milwaukee, Wis., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Board of Directors of the Troy Chamber of Commerce, relative to widening and deepening of the Narrows of Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial of employees of the various terminal railway post offices, relative to increase in salary; to the Committee on the Post Office and Post Roads.

Also, petitions of the Illustrated Companion, Paragon Plaster Co., and Dahlstrom Metallic Door Co., of the State of New York, relative to 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, memorial of National Society of Daughters of the American Revolution, relative to purchase of Monticello; to the Committee on Appropriations.

Also, petition of Joshua Connell, of Brooklyn, N. Y., favoring Nolan minimum-wage bill; to the Committee on Labor.

Also, petition of National Association of Bureau of Animal Industry Employees, favoring passage of House bill 16060, the Lobeck bill; to the Committee on Agriculture.

By Mr. ELSTON: Memorial of Citizens Committee of Berkeley, Cal., relative to Federal storage and distribution of foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mrs. W. T. Cleveden, of Berkeley, Cal., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the Oakland (Cal.) post office for an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Memorial of various terminal railway post-office employees for an increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of board of directors of the Troy (N. Y.) Chamber of Commerce favoring appropriation for the widening and deepening of the narrows of Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial of Brotherhood of Calvary Baptist Church, Washington, D. C., favoring prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Dorman & Co., of Freeport, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of post-office employees of Mendota, Ill., for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of United Mine Workers of America, Local Union No. 1722, Oglesby, Ill., for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of Boston Branch of Railway Mail Association favoring salary increase; to the Committee on the Post Office and Post Roads.

By Mr. GLYNN: Petition of 20 members Woman's Foreign Missionary Society of Shelton Congregational Church, of Shelton; 35 people of Torrington; Woman's Foreign and Home Missionary Society of Waterbury; Woman's Christian Temperance Union, of 33 members, of Torrington; and Young People's Society of Christian Endeavor of 33 people, of Torrington, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 18474, to pension Lewis J. Moore; to the Committee on Pensions.

By Mr. HAYES: Petitions of post-office clerks of Ventura County, San Jose, Oxnard, Pacific Grove, and Salinas, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Evidence in support of House bill 18617, granting pension to Albert McAllister; to the Committee on Pensions.

Also, petition of Henry R. Fitten and 18 other post-office employees of Bellaire, Ohio, for increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of sundry postal employees, asking for increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. LIEB: Petition of the railway mail clerks, post-office clerks, letter carriers, and rural-delivery carriers, of Evansville, Ind., to Congress to grant them an increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill for relief of Sarah Battle; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for the relief of Thomas J. Lamar; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for relief of Thomas J. Westfall; to the Committee on Invalid Pensions.

By Mr. LOUD: Papers to accompany House bill for relief of Watson F. Bisbee; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: Petition of employees of post offices of Altus and Mangum, Okla., asking increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of Eddy & Eddy Manufacturing Co., California Tanning Co., Charles S. Lewis & Co., Alvey Manufacturing Co., and Koerber-Brenner Co., all of St. Louis, Mo.; also Farm Supply Co., of Lebanon, Mo., and E. G. Trimble, of Kansas City, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of Louis W. Hilker and Bottlers' Union, Local No. 187, both of St. Louis, Mo., in favor of an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Papers to accompany a bill for the relief of James Beshens; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for the relief of Lou Stewart; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for the relief of Martha M. Buchanan; to the Committee on Invalid Pensions.

By Mr. NORTH: Petition of postal employees of Indiana, Pa., asking for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Memorial of Woman's Christian Temperance Union and 33 people of Methodist Episcopal Church, of Rockport, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of National Housewives League of New York, indorsing the Stephens-Ashurst bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petitions of employees of the post offices of Neenah, Oshkosh, and Ripon, Wis., asking for increase of salary; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of Valentine & Co., of New York, in re pneumatic-tube service in post office service; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Calvary Baptist Church, of Washington, in re prohibition legislation for the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Board of Directors of the Troy (N. Y.) Chamber of Commerce, in re harbor improvements in New York State, as recommended in House Document No. 1387 of Sixty-second Congress, third session; to the Committee on Rivers and Harbors.

By Mr. ROWLAND: Memorial of the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, relative to sale, etc., of liquors; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Two petitions of sundry postal employees, asking for increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of Board of Temperance of the Methodist Episcopal Church, asking passage of certain prohibition laws; to the Committee on the Judiciary.

Also, petition of Live Stock Association of America, asking for the repeal of the oleomargarine tax; to the Committee on Ways and Means.

By Mr. TOWNER: Petition of W. L. Ferris and 200 other citizens of Shenandoah, Iowa, favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Memorial of Conshohocken Branch, No. 1275, United Association of Post Office Clerks, asking for the passage of House bill 17806; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *December 19, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, give us such a sense of the Divine greatness and power and glory that we may always approach Thee with reverence and godly fear. We bless Thee that in the revelation of the great plan of life that Thou has given to men there is no conflict between the facts of Thy kingdom and the facts of human life, that there is no conflict between the forces that make for the establishment of the everlasting kingdom and the forces that are for the welfare and the uplift and the refinement and the highest achievement of life in this world. We know that only through the refinement of spirit can we have the far-reaching vision of the things of God, and that the pure in heart see Thee, the great God of us all. So we pray that Thou wilt give to us that vision of spiritual things that will illumine our minds and hearts and lead us in the discharge of the duties of this day. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore [WILLARD SAULSBURY, a Senator from the State of Delaware] took the chair.

The Journal of yesterday's proceedings was read and approved.

DEPENDENT FAMILIES OF ENLISTED MEN (H. DOC. NO. 1759).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a deficiency estimate in the amount of $8,500,000 for the support of dependent families of enlisted men in the Army, which was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL FOREST RESERVATION COMMISSION (S. DOC. NO. 643).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the annual report of the National Forest Reservation Commission for the fiscal year ended June 30, 1916, which, with the accompanying papers, was referred to the Committee on Forest Reservation and the Protection of Game and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS (S. DOC. NO. 642).

The PRESIDENT pro tempore laid before the Senate a communication from the Cheif Clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co. *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

SENATOR FROM NEW MEXICO.

Mr. CATRON. I present the credentials of A. A. JONES, duly chosen by the qualified electors of the State of New Mexico a Senator from that State to represent that State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917, which I ask may be received.

The PRESIDENT pro tempore. The credentials will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, A. A. JONES was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency our governor, William C. McDonald, and our seal hereto affixed at Santa Fe, this 7th day of December, in the year of our Lord 1916.

[SEAL.] WILLIAM C. McDONALD,
Governor.

By the governor:

ANTONIO LUCERO,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7095) extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

The message also announced that the House had passed the bill (S. 6116) providing for the taxation of lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 199. An act to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes;

H. R. 6876. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915; and

H. R. 17020. An act making an appropriation for the benefit of the Aviation Corps of the Department of War, and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1788) for the relief of Thomas M. Jones, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Society of Colonial Wars of the District of Columbia, praying for the enactment of legislation to protect the flag of the United States, which was referred to the Committee on the Judiciary.

Mr. GRONNA. I submit a memorial and ask that it be read and printed in the RECORD with the name of the first signer.

There being no objection, the memorial was read and referred to the Committee on Foreign Relations, as follows:

Senator A. J. GRONNA:

DEAR SIR: We, the members of the Cleveland Farmers' Club, hereby petition you to protest against the proposed embargo on foodstuffs for the following reasons:

1. That the farmer on account of the short crop is not receiving a high enough price to make up for the shortage.

2. That the farmer should receive an increased price for the products which he sells when he has to pay an increased price for everything he buys.

3. That we believe the proposed embargo, if passed, would result in decreased acreage, and, of course, decreased supply.

W. E. CAMPBELL,
(And others).

Mr. KENYON (for Mr. WEEKS) presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. WEEKS) presented a memorial of Local Union No. 482, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Somerville, Mass., remonstrating against the high cost of living, which was referred to the Committee on the Judiciary.

He also (for Mr. WEEKS) presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation to regulate the price of coal, which were referred to the Committee on the Judiciary.

Mr. KERN presented petitions of sundry citizens of Indiana, praying for the establishment of a national park among the sand dunes of northern Indiana, which were referred to the Committee on Public Lands.

He also presented a petition of the Sladalberts Catholic Congregation, of South Bend, Ind., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. OVERMAN (for Mr. SIMMONS) presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. FERNALD presented petitions of sundry citizens of Maine, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of Local Branch No. 555, Letter Carriers' Association, of Cheyenne, Wyo., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Chambers of Commerce of San Jose, Mayfield, Sunnyvale, Mountain View, and Santa Clara, all in the State of California, praying for the establishment of an aviation base in the Santa Clara Valley, Cal., which was referred to the Committee on Military Affairs.

CHANGE OF REFERENCE—FORAGE CROPS.

Mr. MARTIN of Virginia. Senate bill 7343 appropriating the sum of $5,000 to be expended by the Secretary of Agriculture in cooperative work in forage-crop investigations in the State of Washington was referred to the Committee on Appropriations. It should have gone to the Committee on Agriculture and Forestry. I ask that the Committee on Appropriations be relieved from the further consideration of the bill and that it be referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, that course will be taken.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (H. R. 5386) for the relief of James Campbell, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 5318) for the relief of Frederick Chateau, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 583) relating to the disposal of coal and mineral deposits in Indian lands, reported it without amendment, and submitted a report (No. 882) thereon.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (H. R. 7763) for the relief of Stephen J. Simpson, reported it without amendment, and submitted a report (No. 883) thereon.

He also, from the same committee, to which was referred the bill (S. 7157) for the relief of Sarah De Witt, reported adversely thereon, and the bill was postponed indefinitely.

Mr. JOHNSON of Maine, from the Committee on Pensions, submitted a report (No. 885) accompanied by a bill (S. 7486) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 365. Celia A. Blodgett.
S. 1190. William W. Olmsted.
S. 1629. John W. Hendrickson.
S. 1754. Aaron C. Rodocker.
S. 1761. John J. Schliessmann.
S. 1762. Richard Mitchell.
S. 2210. Blanche F. Nash.
S. 2280. John Mayfield.
S. 2571. William W. Prine.
S. 2572. John H. Jarrett.
S. 2616. William Richey.
S. 2739. Mary P. Ross.
S. 2942. Isaac R. Johnson.
S. 2946. Columbus Walton.
S. 3014. Sada Gleeson.
S. 3123. Severn L. Parks.
S. 3204. Ellen Rush.
S. 3282. George A. Blose.
S. 3300. Elizabeth Lander.
S. 3321. George D. Smith.
S. 3326. William J. Crocker.
S. 3576. Peter Sheplar.
S. 3632. La Fayette Piatt.
S. 3688. Cornelius T. Ham.
S. 3725. Joseph C. Patterson.
S. 3914. Mathias Eyer.
S. 4005. Emily P. Hubbard.
S. 4150. William H. Cleland.
S. 4291. James K. Wesley.
S. 4393. Henry M. Bryant.

S. 4395. Samuel D. Sherman.
S. 4652. Elmore Y. Chase.
S. 4678. John E. Madison.
S. 4685. John Elliott.
S. 4696. William C. Pope.
S. 4714. Leona B. Haucke.
S. 4734. Jacob W. Perkins.
S. 4747. Levi J. Richardson.
S. 4753. Neils Attleson.
S. 4847. Frederick A. Churchill.
S. 4904. James B. Thornton.
S. 4959. John N. McClure.
S. 4994. James T. Piggott.
S. 5034. Thomas J. Harrison.
S. 5134. Henry H. Niles.
S. 5252. Ephraim Smith.
S. 5357. Edgar P. Lewis.
S. 5363. Solomon Terpenning.
S. 5409. Charles Reed.
S. 5530. John C. Cook.
S. 5557. Joseph A. Miller.
S. 5662. John Stouffer.
S. 5714. James S. Sisson.
S. 5804. John Unferfate.
S. 5812. George R. Gibney.
S. 5877. George M. Kimble.
S. 5997. Charles N. Chatto.
S. 6003. Wylie Brown.
S. 6060. Charles Asa Clark.
S. 6064. Louis A. Allor.
S. 6171. Edwin D. Sweet.
S. 6173. George O. Whitman.
S. 6174. Alexander Faries.
S. 6175. Thomas B. Williams.
S. 6196. Lemuel Evans.
S. 6238. John Walker.
S. 6253. William H. Bradley.
S. 6268. Charles R. Stuart.
S. 6271. Eliakim Byard.
S. 6307. Jasper Trimble.
S. 6340. George G. Tuell.
S. 6341. Matilda A. Bickford.
S. 6345. Bailey Mitchell.
S. 6365. Robert H. Keller.
S. 6367. Sylvester Clark.
S. 6386. George W. Ward.
S. 6394. Francis J. Cousens.
S. 6399. Simon Ridenour.
S. 6403. Jefferson Foncannon.
S. 6413. Angelia T. Mosier.
S. 6418. Nathan J. Way.
S. 6419. Enoch Jones.
S. 6420. John W. Torrance.
S. 6438. Charles Ainsworth.
S. 6442. Charles Gilmore.
S. 6456. William J. Love.
S. 6457. Benjamin Tackitt.
S. 6458. Grace Elizabeth Brown.
S. 6474. Boadicea E. Dinsmore.
S. 6480. Henry B. Burgh.
S. 6490. Henry C. Tulleys.
S. 6500. Ephraim J. Allen.
S. 6527. Edwin Rogers.
S. 6530. George Banghart.
S. 6534. Lucy E. Sturdevant.
S. 6535. Toyger Peterson.
S. 6536. Royal E. Dake.
S. 6537. Frederick W. Mase.
S. 6539. Ruth A. McMillan.
S. 6565. Sarah Wright.
S. 6591. John Lamberson.
S. 6697. Frank T. Bolton.
S. 6600. Frances I. Wallace.
S. 6607. Edward Neugent.
S. 6611. Jeremiah B. Davis.
S. 6620. John S. Stearns.
S. 6640. Henry W. Gash.
S. 6660. Ferdinand Davis.
S. 6663. John Cooper.
S. 6694. John Hudson.
S. 6695. Henry Dolton Selby.
S. 6700. John L. Fisher.
S. 6706. Andrew M. Vanover.
S. 6713. Lewis Mensch.
S. 6728. Samuel Holliday.
S. 6732. Horace N. Holbrook.
S. 6741. John K. Mayo.
S. 6742. Robert F. Hedrick.
S. 6743. Calvin Sharpnack.
S. 6756. Charles E. Collins.
S. 6759. John R. Sparrow.
S. 6761. Reynold D. W. Campbell.
S. 6762. James M. Treat.
S. 6763. Louisa A. Atherton.
S. 6764. Ezekial P. Rowell.
S. 6766. Aura V. Thurston.
S. 6767. Henry G. Mitchell.
S. 6779. John W. Sperry.
S. 6780. Luther B. Johnson.
S. 6784. Edward F. Griswold.
S. 6787. Henry H. Frampton.
S. 6809. William F. Wilson.
S. 6838. Charles Edgar Mason.
S. 6860. Jonas H. Upton.
S. 6861. David Galbreath.
S. 6871. John Cook.
S. 6876. Joseph S. Morgan.
S. 6879. Watkin Countryman.
S. 6899. Anna E. Tenney.
S. 6907. Theodore Gerrish.
S. 6915. Charles P. Betts.
S. 6940. William R. Browning.
S. 6945. Jennie Jammison Beamer.
S. 6959. Mary J. Crandell.
S. 6967. Charles Washington.
S. 6984. Hugh Stevens.
S. 6987. Adna H. Bowen.
S. 6997. Paul Strause.
S. 7010. John L. Skinner.
S. 7012. William W. Nally.
S. 7018. Andrew Goodwin.
S. 7021. Henry Thompson.
S. 7024. Jacob R. Stillwagon.
S. 7025. William S. Rowe.
S. 7030. Thomas L. Irwin.
S. 7033. Maurice M. Kaighn.
S. 7034. Stephen P. Colby.
S. 7044. Job Wilbur.
S. 7050. Minnie J. Hodge.
S. 7053. Martin Pool.
S. 7059. Margaret Stevenson.
S. 7060. Samuel C. Clossin.
S. 7061. Isaac R. Atlee.
S. 7062. Thomas Brown.
S. 7064. John R. Simpson.
S. 7093. Theodore Longfellow.
S. 7096. Kate M. White.
S. 7100. Joseph C. Predmore.
S. 7101. James S. White.
S. 7144. Josephine E. Ure.
S. 7145. William Beauchamp.
S. 7153. Mettie Sanders.
S. 7158. Sidney M. Smith.
S. 7162. Joseph Chapman.
S. 7181. John C. Mayer.
S. 7182. William F. Wahl.
S. 7188. John Stevens.
S. 7212. Timothy Welch.
S. 7213. Charles F. Smith.
S. 7214. George Maybury.
S. 7216. Moses E. Lowell.
S. 7218. Levi G. Foss.
S. 7227. Ida M. Paine.
S. 7233. George F. Boothby.
S. 7235. Thomas King.
S. 7237. Anna C. Stahel.
S. 7250. Reason D. Evensizer.
S. 7277. Charles F. Penley.
S. 7284. Barber B. Durgin.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 18181) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war reported it with amendments and submitted a report (No. 884) thereon.

PAY OF EMPLOYEES.

Mr. MARTIN of Virginia. I send to the desk House joint resolution 324, which has passed the House of Representatives and has been informally considered by the Senate Committee on Appropriations. The joint resolution I am sure will have

the support of every Senator. It simply provides that on the day of adjournment for the holiday recess the clerical force shall be paid then the amount that would be payable on the 1st day of January. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution (H. J. Res. 324) authorizing payment of the salaries of officers and employees of Congress for December, 1916, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMERCE COURT.

Mr. CHILTON. By direction of the Committee on the Judiciary I ask that the bill (S. 6843) to amend an act entitled "An act to create a Commerce Court, and to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, being Order of Business 717 on the calendar, be recommitted to the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Judiciary Committee.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7477) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33; to the Committee on Indian Affairs.

By Mr. FLETCHER:

A bill (S. 7478) to regulate radio communication; to the Committee on Commerce.

A bill (S. 7479) granting an increase of pension to Lavina A. E. Rogers (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7480) granting an increase of pension to Aletha E. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7481) for the relief of Simon Bollinger; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 7482) granting an increase of pension to James R. Eaton (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey (for Mr. O'GORMAN):

A bill (S. 7483) granting a pension to Elizabeth Du Hamel; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7484) to divide the State of Arizona into two judicial districts; to the Committee on the Judiciary.

By Mr. SWANSON:

A bill (S. 7485) to permanently renew patent No. 24917; to the Committee on Patents.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILL (H. R. 18453).

Mr. McCUMBER submitted an amendment proposing to appropriate $10,000 for the erection of an assembly hall at the Wahpeton Indian School, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to accept the application of Richard Daeley to enter lot 8, section 31, township 147 north, of range 30 west of the fifth principal meridian, Cass Lake (Minn.) land district, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. STERLING submitted an amendment proposing to appropriate $15,000 for general repairs and improvements to the present building at the Indian Boarding School for Girls, Springfield, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $7,500 for repairing and improving the road leading from the asylum for insane Indians to the city of Canton, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $12,000 for acquiring the Hawaiian Volcano Observatory, at Kilauea Volcano, Hawaii, and to establish in Hawaii, California, and elsewhere volcano recording under the Weather Bureau, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $4,140 to pay Thomas W. and Alice M. Kellar for ground taken and damages on account of condemnation proceedings in square No. 2838 in the city of Washington, D. C., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

AMERICAN EXPORT TRADE.

Mr. FLETCHER submitted the following concurrent resolution (S. Con. Res. 28), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report entitled "Cooperation in American Export Trade," issued by the Federal Trade Commission, be printed as a Senate Document, and that 6,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Federal Trade Commission.

LANDS IN WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POINDEXTER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PITTMAN, Mr. LANE, and Mr. CLAPP conferees on the part of the Senate.

INDIAN LANDS IN NEBRASKA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska, which were, on page 1, line 13, to strike out "hereinafter" and insert "hereafter." On page 2, line 11, to strike out "hereinafter" and insert "hereafter."

Mr. HITCHCOCK. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 199. An act to regulate the importation of viruses, serums, toxins, and analogous products, to regulate interstate traffic in said articles, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 6876. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891," approved January 11, 1915, was read twice by its title and referred to the Committee on Indian Depredations.

H. R. 17020. An act making an appropriation for the benefit of the Aviation Corps of the Department of War, and repealing the provisions of certain acts relating to the acquisition of a site and the erection of a public building at Ripon, Wis., was read twice by its title and referred to the Committee on Military Affairs.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 1082.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Brandegee	Clapp	Curtis
Bankhead	Bryan	Clark	Dillingham
Beckham	Catron	Colt	Fernald
Borah	Chamberlain	Culberson	Fletcher
Brady	Chilton	Cummins	Gallinger

Gore	Kirby	Penrose	Sterling
Gronna	La Follette	Phelan	Sutherland
Harding	Lane	Poindexter	Swanson
Hardwick	Lee, Md.	Pomerene	Thomas
Hitchcock	McCumber	Reed	Thompson
Hollis	McLean	Saulsbury	Townsend
Hughes	Martin, Va.	Sheppard	Underwood
Husting	Martine, N. J.	Sherman	Vardaman
James	Nelson	Shields	Wadsworth
Johnson, Me.	Norris	Smith, Ariz.	Walsh
Johnson, S. Dak.	Oliver	Smith, Md.	Warren
Jones	Overman	Smith, Mich.	Watson
Kenyon	Owen	Smith, S. C.	Williams
Kern	Page	Smoot	Works

Mr. PHELAN. I desire to state that the Senator from Nevada [Mr. PITTMAN] is detained in a committee meeting.

Mr. THOMAS. I wish to announce the necessary absence of my colleague [Mr. SHAFROTH] on account of illness. I will let this announcement stand for the day.

Mr. FLETCHER. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL] is still confined to his room by illness, and also that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness. I will let this announcement stand for the day.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is absent to-day on account of illness in his family.

Mr. KIRBY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON] on account of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I wish to announce that the Senator from Illinois [Mr. LEWIS] is detained at home through illness.

The PRESIDENT pro tempore. Seventy-six Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Texas [Mr. SHEPPARD] to take up Senate bill 1082.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the sale and manufacture of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. SHEPPARD. Mr. President, I present a telegram, which I send to the desk and ask that it be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

WASHINGTON, D. C., *December 18, 1916.*

Senator MORRIS SHEPPARD,
United States Senate, Washington, D. C.:

Resolutions unanimously adopted December 18, 1916, by the Disciples and Baptist Ministerial Association of Washington, D. C., representing more than 14,000 members and nearly as many adherents:

"1. *Resolved*, That we earnestly oppose the proposed referendum amendment to the pending bill before the Senate of the United States providing for the prohibition of the legalized liquor traffic.

"2. *Resolved further*, That we appeal to the Congress of the United States, and especially to the Senators and Representatives from the dry States, to give their aggressive support to the Sheppard bill in order that the present opportunity so long fought and prayed for by the good men and women of the District of Columbia to give to the Nation a clean, moral, law-abiding, Christian Capital City may be no longer deferred."

WALTER S. DUNLOP, *Chairman.*
F. PAUL LONGHORNE, *Secretary.*

Mr. THOMPSON. Mr. President, I am exceedingly anxious for the passage of the pending bill, for I know of no better Christmas present that could be given to the people of Washington and to the people of the Nation than the passage of this bill. Ever since I have been in the Senate I have been interested in prohibition for the District of Columbia and in prohibition throughout the Nation, for I came here from a prohibition State, where that issue has been one of the most vital from the time of the adoption of our State constitution. We have had, perhaps, longer and better experience with prohibition than has any other State in the Union. It became a part of our constitution as far back as 1880 and has ever since remained such. The opposition to prohibition have never been able to even have the subject resubmitted to the people of my State for a vote.

In the Sixty-third Congress I introduced Senate bill 6865 and in the Sixty-fourth Congress Senate bill 1352, providing for prohibition in the District of Columbia. These bills are fashioned largely after the Kansas law, with which I am more familiar than with the laws of any other State. The amendment offered by the Senator from Utah [Mr. SMOOT] contains many of the provisions of those bills, and they are a little more drastic, perhaps, than is the bill introduced by the distinguished Senator from Texas [Mr. SHEPPARD].

I, therefore, believing in the laws of my State and the prohibition of the manufacture and sale of intoxicating liquors for any purpose, voted for the Smoot amendment. I would, of course, champion legislation such as is embodied in my own bills, but I am firmly of the opinion, after consultation with my fellow Senators, that those bills are more drastic than it would be possible to pass for the District of Columbia, or for the Nation, at the present time. I am therefore heartily in favor of the bill now pending, offered by the distinguished Senator from Texas.

I want to answer, first, the argument offered by the opposition—by the distinguished Senator from New Jersey [Mr. MARTINE] and by some of the other Senators—that prohibition is a failure; that is, that it does not prohibit; and that it is economically and morally wrong. I think those are the principal charges that the opposition make relative to legislation of this kind, and I also think that, after 30 years of experience with this problem in my State in various capacities, I am able to say something that may clear the mind even of the distinguished Senator from New Jersey relative to this issue.

Mr. MARTINE of New Jersey. Mr. President, will the Senator from Kansas yield to me for just one moment?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. THOMPSON. I do.

Mr. MARTINE of New Jersey. Since the Senator from Kansas has made reference to me and to the immaculate and spotless State of Kansas, I ask him what he has to say to this: According to information gathered from statistics there was in Topeka—I believe that is in Kansas, is it not?

Mr. THOMPSON. I think so.

Mr. MARTINE of New Jersey. Topeka, which had a population of 40,000 inhabitants, approximately——

Mr. THOMPSON. The population is a little more than that, I think.

Mr. MARTINE of New Jersey. A little more possibly now; but during the month of September, 1913, there were imported into the city of Topeka 90,062 gallons of whisky, to say nothing of beer. How does the Senator account for that if Kansas is a prohibition State?

Mr. THOMPSON. Mr. President, I will simply answer the distinguished Senator in this way: I know not where he gets his figures——

Mr. MARTINE of New Jersey. I get them from the official returns.

Mr. THOMPSON. But I wish to say that you can prove practically anything you want to by statistics. There is an old saying that "figures never lie, but sometimes liars figure." However, the statement that is made as to the shipment of liquor into the State has nothing whatever to do with the question of its unlawful manufacture or sale. That is the question in our State. There is no law in my State prohibiting the shipment of liquor nor the personal use of liquor, but after 36 years' administration of this law we have advanced from a condition where there were saloons of the worst character, passed through the era of "speak-easies, joints, and blind tigers," which are things of the past, down to the present time, when there is not a place in the State where it is commonly known that intoxicating liquor is sold as a beverage. We have seen no necessity for any law prohibiting the shipment of liquor into the State or its personal use in the household. A law of that kind would be superfluous.

Mr. REED and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kansas yield; and if so, to whom?

Mr. THOMPSON. I yield to the Senator from Missouri.

Mr. REED. I want to ask the Senator from Kansas how long it is since the breweries of Missouri regularly delivered in their wagons beer from house to house in the city of Kansas City, Kans., the largest city in the State of Kansas?

Mr. THOMPSON. In answer to the question of the Senator from Missouri, I will say that is one of the problems that has disturbed the people of Kansas a great deal, and I have introduced a bill, which is before the Committee on the Judiciary of which the distinguished Senator from Missouri is a member, which bill has never been favorably reported, to prohibit absolutely the shipment or the delivery of beer from Missouri or from the border in any way, shape, or form. We have been battling against that evil ever since the establishment of the prohibitory law, and expect to keep it up until even Missouri can not ship liquor or send it over in a wagon or an automobile and sell it unlawfully to the people on the streets of Kansas City or elsewhere in my State.

Mr. REED. Mr. President——

Mr. THOMPSON. We have been vigorously enforcing our laws against this outrage and trying to remedy that condition for the last four or five years, and have finally succeeded in practically eliminating the practice. I am going to be frank, open, and fair about this matter. We have not had absolute prohibition in Kansas for all the 36 years it has been on our statutes.

Mr. MARTINE of New Jersey. Then, prohibition has not prevailed there.

Mr. THOMPSON. But we have in the last 10 or 12 years enforced the law vigorously; and I challenge the Senator from Missouri, or any other Senator, to point out to me any place anywhere in the State of Kansas where liquor is knowingly unlawfully sold for beverage purposes.

Mr. REED. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. Yes, sir.

Mr. REED. First, the Senator states that he has a bill to prohibit the shipping or hauling of beer or liquor from Missouri to Kansas, and that that bill is before the Judiciary Committee, of which, as he truthfully states, I am a member, and that the bill has not been reported. He seeks thereby to leave the impression that I am in some way responsible for the failure to report out the bill. Now, I want to ask the Senator two questions. *First*, I ask when did his bill reach the Judiciary Committee?

Mr. THOMPSON. Mr. President, I will say to the Senator that I introduced the bill early in the session, and I think the Senator is a member of the subcommittee—at least I think I received a letter to that effect——

Mr. REED. Well, you introduced the bill at this December session?

Mr. THOMPSON. Early in the first session.

Mr. REED. Do you know what day?

Mr. THOMPSON. No; but I can look it up.

Mr. REED. Do you know when it reached the Judiciary Committee?

Mr. THOMPSON. I will be glad to look that up.

Mr. REED. Now, I want to ask the Senator another question. I am going to look it up since this insinuation is made. I ask whether the Senator has ever appeared before the Judiciary Committee or asked any action whatsoever on his bill?

Mr. THOMPSON. Mr. President, I have spoken to the chairman of the subcommittee several times relative to the matter.

Mr. REED. And you just said I was the chairman of the subcommittee.

Mr. THOMPSON. No; the Senator is mistaken. I have not said that he was chairman of the subcommittee; but I do know that he is a member of some of the subcommittees of the Judiciary Committee before which some of my bills are pending. I do not know that he is the chairman of the subcommittee.

Mr. REED. Oh, yes, Mr. President. The Judiciary Committee has no regular subcommittees, as the Senator would know if he were familiar with the work of that committee. Subcommittees are created at every meeting, for special purposes, and when they have discharged those special purposes cease to exist. So the fact that I am on subcommittees does not indicate that this bill is before any subcommittee of which I am a member. I am a member now of probably 10 or 15 subcommittees.

Mr. THOMPSON. Mr. President——

Mr. REED. But I want to say——

Mr. THOMPSON. Will the Senator permit me to ask him a question?

Mr. REED. Now wait until I get through with this.

Mr. THOMPSON. I think I have the floor, Mr. President.

Mr. REED. Will you not permit me to finish?

Mr. THOMPSON. I permitted you to ask me a question, but not to make a speech.

Mr. REED. But I want to correct a statement, and if I am not permitted to correct it now pleasantly, I will correct it in a much more forcible manner in a few moments.

Mr. THOMPSON. I care not how forcibly you correct it right now.

Mr. REED. Well, that is what I want to do right now. I say that, if I am a member of any such subcommittee as the Senator refers to, I have no knowledge of it, and the Senator has never in the world mentioned the fact to me nor asked me to take any action. When he does so, I am prepared to say now that I am in favor of any bill that is drawn in a manner in conformity with law and that has common sense in it, of course, that will prohibit the shipment of liquor into "dry" territory. If the Senator has a bill of that kind, he will have no difficulty in getting it reported out. Now, we have disposed of that matter. The Senator said he wanted to ask me a question.

Mr. THOMPSON. That was the question I was going to ask the Senator, if he would be favorable to my bill?

Mr. REED. I do not know. I do not know whether your bill is soundly drawn, but I will be favorable to a bill that soundly expresses the principle to which I refer.

Mr. THOMPSON. I am glad to know that the Senator will contribute his able experience in that direction to my bill.

Mr. REED. We were on a theme, the matter of the sale of liquor in Kansas. Is it not true to-day that, by common consent, agreement, and arrangement, liquor is regularly delivered in Kansas City, Kans., by the brewers and distillers from house to house; that they haul it in their wagons through the streets of Kansas City, Kans., with practically the same regularity as they do through the streets of Kansas City, Mo.?

Mr. THOMPSON. Mr. President, I am glad to say that is not true; there is no agreement or arrangement of that character. We have been bothered a great deal by things of this character in the past, but have practically stopped that sort of business by proper court proceedings.

Mr. REED. Is it not done?

Mr. THOMPSON. The breweries of Missouri, in open violation of the law, sometimes do that thing; and we are endeavoring in every way to fight that evil. I am very glad to know that even the people of Kansas City, Mo., from whence the distinguished Senator from Missouri now hails, have recently decided by a vote on prohibition in a way that will aid Kansas materially in the enforcement of its valued law in the future.

Mr. REED. What law does the Senator refer to?

Mr. THOMPSON. The prohibition law submitted in the State of Missouri at the last election. If I am reliably informed by the returns from the newspapers, prohibition carried in the city of Kansas City or in Jackson County, the county in which Kansas City is located.

Mr. REED. That is true.

Mr. THOMPSON. And I understand that there was a majority for State-wide prohibition throughout the State, leaving out only the city of St. Louis.

Mr. REED. It is true that——

Mr. THOMPSON. I do not care to carry on a controversy with the Senator relative to this matter.

Mr. REED. Well, I can readily see why the Senator does not want to be pinned down to any concrete facts. I will talk about it later.

Mr. THOMPSON. The Senator can ask me any question and I shall be very glad to answer it; but I am glad that the good people of the State of Missouri are fast falling into line for this great reform, which is vital to the civilization of the Nation. The breweries of Missouri have given us more trouble in the enforcement of our prohibitory law than all the other people on the face of the earth, and I hope the time will soon come when that condition will not prevail.

While I am talking on this question I will state that I have here an article from the Joplin Journal, in the Senator's own State, relative to how prohibition has operated in Kansas. It is headed "Prohibition killed Kansas." I should like to send it to the desk and have the Secretary read it, so as to let us know how the people of Missouri feel toward this beneficient law which has been enacted and enforced in my State except for the imposition of the breweries from the State of Missouri.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Joplin Journal.]

PROHIBITION KILLED KANSAS.

The grape industry is not the only thing ruined by the prohibition in Kansas. In fact, prohibition has killed about every industry in Kansas, excepting the raising of wheat and corn, alfalfa, and fruit, and live stock, and potatoes, and peas, and cabbage, and garden sass, and chickens, and ducks, and geese, and horses, and mules, and blooded cattle. It busted up quite all of our flourishing saloons and beer gardens and paralyzed many of our prominent gamblers. It absolutely killed the bartenders' union. Where once the thriving saloon sent the clamorous odor of its prosperity out upon the sidewalks and clear across the street we find nothing but shoe stores, dry goods stores, meat markets, clothing stores, grocery stores, and other sordid activities of an unhappy people. Where once you saw the long strides of men on Saturday night going joyfully into the rooms where the doors were locked securely, where there was sawdust on the floor and a merry crowd at the mahogany bar treating all around, and a man could get his salary check cashed and spend it all right on his boon companions and go enthusiastically home and break up furniture and give his wife a black eye, instead of all these manifestations of a prosperous and thirsty citizenship, as in our saloon days, we see men go quietly into butcher shops and grocery stores and then go home lugging great bundles of supplies for their wives and children—beefsteak for supper, Sunday dinner, etc. Ah, what a sad result of the banishment of saloons. Prohibition has left little of Kansas except her fields, and factories, and schools, and stores, and pens of fat cattle, and her sober and happy and prosperous people.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. THOMPSON. I yield.

Mr. MARTINE of New Jersey. I should like to ask whether that is an editorial or a paid advertisement for the Antisaloon League of Kansas?

Mr. THOMPSON. That is an editorial appearing in the Joplin Journal, a Missouri newspaper.

Mr. MARTINE of New Jersey. The Senator is sure that it is not a paid-for article?

Mr. THOMPSON. I feel sure that it is not.

Mr. MARTINE of New Jersey. How does the Senator know, let me ask?

Mr. THOMPSON. Well, I think it is not. I know of no one who has paid for it.

Mr. MARTINE of New Jersey. Well, I do not know.

Mr. THOMPSON. I think they have profited somewhat by a little bit of the good results of prohibition just spreading over into the State of Missouri, all along the line.

Mr. President, before proceeding further I wish to call attention to a certain propaganda against this bill conducted by the National Wholesale Liquor Dealers' Association of this country and to certain telegrams and communications which have been sent to various people of my State in an effort to defeat this legislation. In this connection I want to call attention also to the way in which this effort has been received by the people of my State who have been operating for so many years under this law. I send to the desk copies of a couple of telegrams, one from the National Wholesale Liquor Dealers' Association to Charles E. Gehring, of the New York Hotel Review, who, I understand, is at the head of the hotel association, where they expect to get some sympathy even in prohibition States, and Mr. Gehring's reply to the telegram, which I should like to have read as part of my remarks.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CINCINNATI, OHIO, *January 28, 1916.*

Mr. CHAS. E. GEHRING,
New York Hotel Review:

Senate Judiciary Committee has reported out favorably bill to make the District of Columbia dry. Will you please assist by sending telegrams to the officers of every hotel men's association in the United States, urging them to take immediate action to have thousands of telegrams and letters sent to the United States Senators from their States urging them to vote and work against this bill? Request the hotel men to have telegrams sent also to merchants from whom they purchase supplies. Please use utmost endeavors and draw on us up to $100 to pay for expense of your telegrams. Wire us what it will cost to have you send a letter to every hotel in the United States along same lines. Many thanks for your cooperation. Wire us what you are doing.

NATIONAL WHOLESALE LIQUOR DEALERS' ASSOCIATION OF AMERICA.

MR. GEHRING'S REPLY.

NEW YORK, *January 30, 1916.*

NATIONAL WHOLESALE LIQUOR DEALERS'
ASSOCIATION OF AMERICA,
Cincinnati, Ohio:

Telegrams have gone out to every hotel association of record in the United States to-day. Will mail you copy. A letter to every hotel man individually in the United States would cost, for postage, letterheads, envelopes, duplicating, filling in, addressing, and mailing, complete, approximately $350. While a big task, we are prepared for the good of the cause to proceed forthwith if deemed advisable by you. You will have our undivided cooperation to the exclusion of matters of paramount importance until fight is won.

CHARLES E. GEHRING,
New York Hotel Review.

Mr. THOMPSON. A telegram was sent to Mr. J. M. Bradbury, proprietor of the Madison Hotel, Madison, Kans.; and he wrote me February 5, 1916, as follows:

Hon. W. H. THOMPSON,
Washington, D. C.

DEAR SIR: Inclosed please find a letter I have received which has been sent out broadcast to all the hotel men. I am not with this party, and believe a great majority of the hotel men in Kansas are for the bill. Push it through if possible. We are here solid for the bill. You can see what the liquor men are doing. This is an insult to the hotel men as a class.

Trusting the bill will go through, I remain,
Yours, very truly,
J. M. BRADBURY.

Here is one of the letters from Mr. Gehring, written to Mr. W. F. Briggs, proprietor of the hotel at Pratt, Kans., and another one written to Mr. James Murphy, at Newton, Kans., proprietor of a hotel there. These were returned to me, the one to Mr. Briggs with this comment:

Make her as dry as hades.

[Laughter.]

I should like to send that letter to the Secretary's desk and have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the communication.

The Secretary read as follows:

NEW YORK CITY, *February 10, 1916.*

Mr. W. F. BRIGGS, *Pratt, Kans.*

MY DEAR SIR: The Senate Judiciary Committee in Washington has reported out favorably the bill to make District of Columbia dry. Do you realize the tremendous importance and effect of this bill if passed and signed? Immediate action on your part only can defeat the measure.

Will you please deluge your Senators with an avalanche of telegrams and letters urging their staunchest and most powerful opposition? Every one of your employees and every merchant you trade with should send a telegram or letter, or both, at once to your Senators.

Will you please urge every member of your association to enlist in this most important battle at this very moment being waged against you? Please do not delay. Immediate action is the watchword.

If this bill passes, the National Senate will be on record for national prohibition. Don't overlook this!

I am writing you at the suggestion of the hotel men of Washington and the District of Columbia, and trust that you will come to their aid, whether or not your State is "dry." If you are opposed to prohibition, confiscation, and the other un-American practices which follow in the wake of this agitation, won't you please put your shoulder to the wheel and have your friends and employees do likewise? Write your letters to-day, please.

Yours for true liberty,
CHAS. E. GEHRING,
Managing Editor Hotel Review.

Mr. REED. What is the date of that?

The SECRETARY. The date is February 10, 1916.

Mr. THOMPSON. Mr. President, with that letter evidently there has been inclosed to me the envelope which was transmitted with it, all printed "Hon. W. H. THOMPSON, Senate Chamber, Washington, D. C.," and evidently stamped and ready to send out. He returned that letter to me with the comment I have mentioned.

The letter from Mr. Murphy, calling my attention to this propaganda, is as follows:

NEWTON, KANS., *March 4, 1916.*

Hon. W. H. THOMPSON,
Senate Chamber, Washington, D. C.

DEAR SIR: In regard to the inclosed circular, which I had been instructed to send you by the Hotel Men's Association, would like to say that I am very much opposed to the sale of liquor in any community or in any State, and I sincerely hope that the United States Senate will go on record as being in favor of national prohibition. This is contrary to what the Hotel Men's Association are advocating; but, as I have already stated, I am bitterly opposed to the sale of intoxicants in any form, and will spend money to that end.

Yours, truly,
J. W. MURPHY.

Mr. President, a number of years ago—about 1910, as I remember—the brewery interests of the country were circulating literature over the Nation when prohibition was ripe in various other sections of the country, and particularly in the State of Illinois and in the city of Chicago, willfully slandering the State of Kansas as to the enforcement of this law, and our people as to how we conducted ourselves in the administration of the law. It reached such a point that the governor of our State, to refute those slanderous charges, wrote to practically every district judge of the State, every mayor, and every police officer, and received something like 200 letters showing how the law was enforced, and how it operated in every section of the State. This governor—Gov. W. R. Stubbs, who opposed me in the senatorial contest four years ago—took the letters with him to Chicago and made a notable address there in the Great Northern Theater on March 27, 1910. I desire to call attention to various letters that were written by those in official positions having charge of the enforcement of this law, to the governor at that time, and which were later collected by the Kansas State Temperance Union, and then let us see whether the foreign breweries are correct in their charges, or the men on the ground who hold high official positions and are intrusted with the responsibility of the enforcement of the law.

I desire first to call attention to a letter from the chief justice of our State, Hon. W. A. Johnston, which was written March 24, 1910, to the governor:

I will say that, judging from litigation before our court, the prohibitory law was enforced at first with some difficulty. Public opinion and greater experience, however, appears to have overcome that difficulty, and the law, although transgressed occasionally, is now effectually enforced, and with no more opposition or difficulty than any other law prohibiting and punishing ordinary offenses.

The closing of the saloons and the joints has had an excellent effect upon the morals and material interests of the people of the State. Among the consequences of prohibition are better homes, happier families, higher standards of intelligence and education, and, of course, a great reduction in crime. No statement or proof is needed to support the claim that these results follow the closing of saloons and the effective enforcement of the prohibitory law. They are the natural and inevitable results, and these have been realized in Kansas.

Yours, very truly,
W. A. JOHNSTON,
Chief Justice of the Supreme Court of Kansas.

I also wish to call attention to a letter from that brilliant editor William Allen White, who is the author of many books of note, including A Certain Rich Man and many articles of prominence. The most recent that I can remember is Who Killed Cock

Robin, published in a late number of Collier's. This is what he states under the heading "Emporia, Kans., October 22, 1909."

The letter is rather lengthy, Mr. President, and I will simply ask that it be printed as a part of my remarks.

The PRESIDENT pro tempore. If there be no objection, it is so ordered.

The letter referred to is as follows:

EMPORIA, KANS., *October 22, 1909.*

MY DEAR SIR: I have your very kind letter of the 1st asking me something about prohibition in Kansas. I have grown from childhood to the age of 42 years in Kansas, and I probably am greatly prejudiced in its favor. As a young man, from the time I was 16 years old until I was 22, I never saw an open saloon. I know of thousands of children in the State who never saw a saloon. The law was adopted in 1881 and has been enforced ever since. Of course it is enforced better now than it ever was before because a generation has grown up under the law that knows nothing else. The State never was as clean as it is to-day. The liquor law is enforced as well as the law against horse stealing, which does not mean that there are not more or less thieves in the jails for horse stealing and that there are not more or less men in the jails for selling liquor. These laws are violated and will be violated until the end of time.

If there were no violations of the law, the law would not be needed. It happens just now that during the month of August our jails are empty. There is not an able-bodied man or woman in the poorhouse. We have never had any trouble at all to keep our town and county and State going. The town of Emporia is being paved from one end to the other with brick and asphalt without a dollar's worth of liquor money in it. The revenues of Kansas for nearly 30 years have been raised without liquor licenses, and we have built the best system of schools in the world. Taxes are low because the average workingman owns his own home, and thus the taxes are spread out upon thousands of working people who are thrifty, honest, and hard working rather than upon hundreds of landlords who are taxed to maintain the criminal costs in the courts. The average district court criminal docket of Lyon County is five or six cases. And it costs no more to enforce the prohibitory law than it does any other law on the statute books. The taxes last year were as follows:

	Mills.
County tax	3.5
City tax	6.48
School tax	5
	14.98

There were 100 cases in city police court from January 1 to September 1. Of these 17 were for drunkenness and 2 for bootlegging. The rest were for crap shooting, violating gas fitters' ordinance; 19 were for throwing manure in alleys, and other minor charges. I trust that I have answered your questions, and if there is anything further that I can say, kindly let me know.

Truly and sincerely, yours, W. A. WHITE.

Mr. THOMPSON. I desire also to call attention to a letter written by Hon. F. D. Coburn, secretary of the State board of agriculture for many years, and who has the distinction, perhaps, of being the only man in my State, and in any other State I have ever heard of, who refused an appointment to the United States Senate in order to hold that distinguished position as the head of our agricultural department, and a man who has been favorably mentioned at various times in Republican administrations for the high position of Secretary of Agriculture.

Hon. F. D. Coburn, secretary of the State board of agriculture, says:

Prohibition was never before so popular in Kansas as now, after a 30 years' trial. Its effects upon all phases of society's welfare have been helpfully wholesome and the aforetime noisy threats of resubmission are no longer heard, even in whispers.

"Prohibition is in the very air; its invincible hosts on the way are being augmented by reinforcements at every crossroads. Ably led, the forces of rebellion made a long and stubborn resistance to our national authority, but their banners trailed in defeat at Appomattox before the blue-coated legions of Grant. The forces behind the saloon are in rebellion against society and morality and are facing their Appomattox, for which Chicago may be but another name.

This is written in connection with the Chicago campaign.

I desire also to call attention to a letter from the mayor of my old home town, Garden City, relative to the enforcement of the law there, in which he says:

GARDEN CITY, KANS., *March 22, 1910.*

Hon. W. R. STUBBS,
Governor of Kansas, Topeka, Kans.:

Replying to yours of the 19th relative to the liquor business in our city, will say that there is not a saloon or joint in the city and has not been for 25 years. That there is not a business house vacant in the town and we are compelled to build. Real estate is higher than ever before, and our streets are well lighted. Little or no drunkenness on our streets, and our taxes are not burdensome. Our city never collected one dollar of taxes from a saloon or joint keeper during all its history.

ZEPH ROBERTS, *Acting Mayor.*

In this connection I desire also to call attention to a letter from the marshal of the same town, which I will simply have made a part of my remarks without reading, written by Mr. A. Lincoln Logan, city marshal.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

GARDEN CITY, *March 21, 1910.*

Hon. W. R. STUBBS,
Governor State of Kansas, Topeka, Kans.

DEAR SIR: I received your inquiry to-day in regard to enforcement of the prohibitory law, and in reply will say that I have been deputy marshal here since May 24, 1909, and was appointed city marshal January 13, 1909.

I find that crime and disorder diminish accordingly with the strict enforcement of the prohibitory law, or even by the employment of officers that are known to favor the strict enforcement of the law. Where there is no secret detective force, as is the case here, actual convictions are hard to secure. Garden City has a population of perhaps 4,500 persons and there is but the one city marshal. Have had only one drunk before the police judge in four weeks, and would also state that when the sugar mill closed here in January, throwing perhaps 400 men out of employment, not a single arrest was necessary for any city ordinance or State law. No extra police or extra help has been required through this time.

Hoping that the above will be satisfactory, I remain,

Yours, respectfully,

A. LINCOLN LOGAN,
City Marshal.

Mr. THOMPSON. I have here a letter from the mayor of Winfield, Kans., in the southwestern section of the State, that I desire to have made a part of my remarks, and one from Salina, Kans., in the north central section of the State, and from the mayor of Wellington, from Independence, from Parsons, Hiawatha, Fort Scott, Emporia, Ottawa, Concordia, and Beloit, coming practically from every section of the State, which I ask to have included in my remarks.

The PRESIDENT pro tempore. Without objection, the letters will be included in the Senator's remarks.

The letters referred to are as follows:

WINFIELD, KANS., *March 22, 1910.*

Gov. W. R. STUBBS, *Topeka, Kans.:*

In reply to your telegram will state that I believe that there is less liquor sold in Winfield than there has been at any time in my knowledge of the town, which has been about 32 years. We have an occasional bootlegger that will sell bottles of liquor from his pocket, but the first man that gets drunk gives him away and causes his arrest. In that way we elliminate the bootlegger. Joints are things of past in our city. As to vacant property, we have none; on other hand, we have erected about 75 residences each year for past two years. Property values have increased at least one-third and rentals at least one-fourth. Bank deposits past two years have increased 33⅓ per cent. Laboring men are all employed and invest their money in necessaries of life and purchase homes for themselves and betterment of their families. At least 90 per cent of our people favor prohibition laws in State; in fact, you can hardly find anyone that would want to go back to the old system.

CHAS. M. WALLACE, *Mayor.*

SALINA, KANS., *March 22, 1910.*

W. R. STUBBS, *Topeka, Kans.:*

For several years after prohibition amendment was adopted Salina collected fines from joints. Quite a revenue was derived, but it was all expended in court costs and care of criminals and destitute poor, made so from the effect of the liquor traffic. No relief for the taxpayer was had under this system. Every municipal election was fought on the issue of wet or dry and no thought given to the business interest of city. This plan has been abandoned. No man can now be elected to office who is known to be in sympathy with the liquor business. The results are very gratifying. We have time to give attention to the business interests of the city. It is very rare a drunken man can be seen on our streets. The laborers are buying and building homes, and Saturday nights the streets are crowded with them and their families enjoying the benefits of an industrious life. Public improvements are going forward as never before. No empty rooms or buildings in the city. Building permits this month aggregate $80,000. Over $2,000,000 on deposit in our banks and the town full of boys grown to manhood who have never seen an open saloon. I look for national prohibition within 10 years' time.

C. B. KIRTLAND, *Mayor.*

WELLINGTON, KANS., *March 22, 1910.*

Hon. W. R. STUBBS, *Topeka, Kans.:*

Wellington has not had a saloon for 25 years, nor an open joint for 10 years. There has been more material prosperity and a greater increase in population than ever before in the history of the city. No decent citizen, no person worth having as a citizen, would permit a saloon or joint to run or even open in their city.

GEO. H. HUNTER.

INDEPENDENCE, KANS., *March 22, 1910.*

Gov. STUBBS, *Topeka, Kans.:*

This is one of the cities of Kansas that strictly enforces the prohibitory law of the State. We have no empty storerooms. No empty houses. Real estate has not decreased in value. Taxes are not burdensome. Crimes and misdemeanors are scarce and all conditions are better because of said enforcement.

F. C. MOSES, *Mayor.*

PARSONS, KANS., *March 22, 1910.*

Gov. W. R. STUBBS, *Topeka, Kans.:*

Since prohibition our arrests for crime have been reduced over 50 per cent. Decrease in the sale of liquor has been over 75 per cent. No increase in taxes. No vacant business houses in our city. Real estate has doubled in the past four years.

J. L. WAITE, *Mayor.*

BELOIT, KANS., *March 21, 1910.*

Hon. W. R. STUBBS, *Topeka, Kans.*

MY DEAR GOVERNOR: Answering your letter of the 19th instant, as to the charges made by the liquor and brewery interests in the Chicago fight for prohibition, in which they charge that prohibition in Kansas has worked great havoc with our business and caused more drunkenness and crime than prevailed under the open saloon.

You say they charge also that more liquor is being sold in Kansas than ever before; that it makes taxation burdensome; that our business houses are vacant; and that it has reduced the value of real estate all over the State.

Now, so far as Beloit and Mitchell County are concerned these charges are not true, but on the other hand are absolutely false. Since I was elected mayor of Beloit nine years ago there has not been an open saloon in our town. The wholesale liquor dealers and brewers of Kansas City and St. Joseph, Mo., by their Richard Roe & John Doe C. O. D. Express Co. shipments made us lots of trouble, but they can't do it any more, under the present law. Now and then a bootlegger causes us some trouble yet, but we get him first or last, and he don't bootleg any more. Now for the truth of their charges. Nobody's business has been wrecked or gone to havoc except it be the saloon man. There are no vacant business houses in our town, but we are building many new and larger ones to-day. Real estate has more than thribbled in value in the last six years, both in the city, and the country surrounding it; our banks are full to overflowing with the people's money. Drunkenness is almost unknown in our city; the man now to get drunk must go to Kansas City, or St. Joseph, Mo., or send his money there and have it shipped to him here, and that's most too much trouble for so little gain. Our city taxes may be a trifle higher since we quit licensing the saloons, but nobody complains; our people prefer prohibition as we now have it to-day, no matter how high you put the license.

Yours, very truly, W. M. MITCHELL, *Mayor.*

—

HIAWATHA, KANS., *March 21, 1910.*

W. R. STUBBS,
Governor, Topeka, Kans.

DEAR SIR: We have not had any saloons in Hiawatha for 35 years and would not have them under any conditions. Our tax is as low as any other State with saloons; our sidewalks are better than in many other cities; our homes are better kept than in many cities, and all without the saloon license; very little bootlegging, and what there is is very soon picked up and punished. We have not one business house empty, everything full, and all doing well, and not any empty residence houses, and not any poor from the saloon business, as we have the best fed and housed and clothed people in any State where they have the rum trade; we have better schools and churches and society than any country where they have saloons, and property is not running down in price, but on the boom; city property is high and farms close in sell very high; one sold last month for $350 per acre, not very well improved. That does not look as if things are running down very fast, and I know by talking with our people that 90 per cent are solid for prohibition.

Yours, very respectfully, J. T. GRIMES, *Mayor.*

—

FORT SCOTT, KANS., *March 22, 1910.*

Gov. W. R. STUBBS, *Topeka, Kans.:*

Every business house occupied by from 10 to 15 saloons under nonenforcement of the prohibitory law now occupied by legitimate mercantile business; new business houses built and none vacant. Rents have advanced materially. Public expense of sustaining poor families reduced one-fourth or more. Percentage of crime reduced materially and cost of policing city diminished proportionately. My judgment is the people of Fort Scott would vote 3 to 1 against opening saloons here after being without them and their revenue.

W. F. BROOKS, *Mayor.*

—

EMPORIA, KANS., *March 17, 1910.*

W. R. STUBBS,
Governor State of Kansas, Topeka, Kans.

DEAR SIR: Replying to your message of March 11, 1910, will say that the city of Emporia is in better shape at present than it has ever been. About 100 houses were built last season, and practically there are no vacant houses in town at present, rents are as high as they have ever been, and when residence property changes hands it brings nearer what it cost to build than it ever has. There is very little crime and almost no drunkenness. We do not pick up a drunk once a month. The bank deposits are at a very high state, and the people are generally prosperous. I believe that 90 per cent of the people favor prohibition and its enforcement.

Yours, truly, FRANK MCCAIN, *Mayor.*

—

OTTAWA, KANS., *March 20, 1910.*

W. R. STUBBS,
Governor, Topeka, Kans.

DEAR SIR: In reply to your inquiry, will say that drunkenness has diminished 25 per cent, and I know we have at least 50 per cent less cases in police court growing out of liquor than we had before the prohibitory law was strictly enforced. While I have been an officer here for four years, I have given this question very close attention. Our people are highly in favor of the prohibitory law and its enforcement.

Yours, very truly, F. T. BRUNER,
Chief of Police.

—

CONCORDIA, KANS.

W. R. STUBBS,
Governor, Topeka, Kans.

DEAR SIR: Replying to your letter of inquiry, 19th instant, as to increase or decrease of drunkenness, will say that in my 11 years' work with the sheriff's office and police force here drunkenness has decreased 75 per cent and crimes usually brought about by drink have decreased in about the same proportion. To explain: In February, 1898, our county jail had in it 11 prisoners, 7 charged with felony. During the three years and four months which I had charge of the jail, beginning at above date, the average number confined therein was 5, since which time the average has fallen to 1, the jail being empty one-half the time. In 1899 the average Saturday sales of booze, as reported by the three joint keepers, was $150 each, or $450 by all of them. It is safe to say that sales by drug stores and other sources amounted to $50 more.

—

BELOIT, KANS., *March 20, 1910.*

Hon. W. R. STUBBS,
Governor, Topeka, Kans.

DEAR SIR: In reply to yours of the 19th, will say that in my opinion the percentage of drunkenness and crime has decreased fully 90 per cent under the strict enforcement of the prohibition law. I have occupied the office of city marshal for the past 16 years and am therefore in a position to make a close estimate; our chief trouble here is from liquor that is shipped in by private parties.

Very respectfully, yours,

SAMUEL BANKS.

Mr. THOMPSON. As far as Kansas is concerned the question of prohibition is absolutely settled. There is no political party there which can place in its platform even a hint at a resubmission of the question and hope for success at the polls. Only two years ago a distinguished man of ability, who has many virtues and had been generally successful politically, got it into his head that a resubmission of the proposition, after 35 years, would be popular as an issue in a race for governor of the State. As you know, there are a great many people who believe that this question, like every other question, ought to be submitted to the people for their consideration at various times; and although many people believe that who would finally vote for prohibition if it was resubmitted, voted for this candidate for governor on a resubmission issue, out of a vote of 528,206, including those who simply believed in the submission of the question, as well as those who were opposed to prohibition, all the votes that could be mustered for resubmission during that campaign from every political party—and there were four or five parties in the field at that time—were 47,201, less than 9 per cent of the vote at that election.

As I said in the beginning, I want to be absolutely fair and frank and tell the whole truth about this matter. It is true that we did not have absolute prohibition in Kansas during all these years, for, greatly to our shame and chagrin, in the early existence of the law there were but few people who felt that it could be enforced strictly to the letter. It is true the saloon was put out of business, but there were many well-meaning and law-abiding people who felt that after all, perhaps, this liquor business was a necessary evil and had to exist in some form or another, and they more or less winked at a violation of the law behind closed doors, in "speak-easies," and "blind tigers," and "joints." But that day has passed. That condition existed more or less throughout the State, principally in the large cities, however, until the memorable crusade of Carrie Nation with her little hatchet along about 1900, or 15 years ago. By the forcible use of the hatchet, as you remember, she entered the barrooms operated behind closed doors and broke the mirrors and the glasses and the beer bottles and things that were in sight. She announced the doctrine that it was not unlawful to resort to unlawful means to destroy an unlawful business.

No matter how much we may criticize that doctrine, this forcible crusade brought the attention of the thinking people of Kansas to the unlawful business, those who did not have it pointed out to them before, and it then became an issue as to whether the lawless element of the State was greater than the State itself; and on that issue with the honest, earnest, and law-abiding people which I claim for the State of Kansas, you may well know the result. Instead of permitting the officials to wink at the loose enforcement of the law as in the past, they called the officers on the carpet and asked for a vigorous enforcement of the law, and against every man who failed they instituted proceedings in court and removed him from office, or waited until they got a chance at him at the polls. So we got officials in every department charged with that duty to enforce the law strictly to the letter.

For the benefit of the business men, the only men of high standing whom I have found in the city of Washington who fear prohibition for the District, claiming that it would be ruinous to the business interests of the city, that there never was a greater business mistake made in the world. We learned from actual experience that the more vigorously we enforce this law the greater was our prosperity in Kansas. They seem to forget that the many hundreds of dollars spent for liquor unnecessarily by people who can not spare it will be spent in the dry goods stores, the grocery stores, and for things of necessity which they have to offer, and that they will receive the money instead of the saloon, which has been receiving it for these many years in this city and District.

On that point I wish to call attention to the fact that after 35 years of experience with this law, Kansas, on January 1, 1916, paid the last dollar of its State indebtedness. But few

States in the Union are so well favored. When the saloon was in force our State was indebted nearly $2,000,000, and in January last we paid the last cent of this indebtedness. Instead of being one of the poorest States in the Union financially, as formerly rated, we have gradually advanced until now we are the richest State per capita in the entire United States. We have in the banks in Kansas, I know from a recent statement of December 12, 1916, over $290,000,000, deposited by the people of my State, being an average deposit for every man, woman, and child of over $170. In addition to this, practically every bank in my State has an account with the banks of Kansas City, Mo., where millions of dollars go every year. It is safe to say that, including the deposits in Kansas City, Mo., belonging to the people of Kansas, we have to our credit $500,000,000, or at least $300 per capita—greater than can be claimed by any other State in the Union.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Will the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. Certainly.

Mr. REED. The Senator referred to a bill he had introduced which was before the Judiciary Committee. I wish to ask the Senator if it is the bill entitled "An act to amend section 242?"

Mr. THOMPSON. That is, relative to labeling articles?

Mr. REED. Yes, sir.

Mr. THOMPSON. That is one of the bills.

Mr. REED. Is that the one the Senator said I was on the subcommittee to consider?

Mr. THOMPSON. No. I think you were on the subcommittee upon the joint resolution.

Mr. REED. For a constitutional amendment?

Mr. THOMPSON. I think so.

Mr. REED. To clear it up, there never has been a subcommittee appointed.

Mr. THOMPSON. I have a letter to that effect.

Mr. REED. The joint resolution the Senator introduced is identical with a joint resolution that was introduced by some half dozen other Senators. There was never a subcommittee appointed on the Senator's joint resolution.

Mr. THOMPSON. I am not charging any dereliction of duty to the Senator or making any insinuation against him.

Mr. REED. The Senator said I was holding up his bill, and his statement ought to be now withdrawn.

Mr. THOMPSON. I withdraw the insinuation, Mr. President, if there was such. I did not mean to say anything to the discredit of the Senator from Missouri in any way. I am glad to know that he is favorable to the bill to which he has called my attention, for I know I will have his help now.

Mr. REED. I have not committed myself to your bill. I said that I was favorable to the principle.

Mr. THOMPSON. I will be glad to have the Senator's help on the subcommittee. I shall try to get him appointed on the subcommittee.

Mr. REED. I thank the Senator, but I suppose the Judiciary Committee will be able to attend to that, and I shall not need the Senator's distinguished and able assistance; but——

Mr. THOMPSON. The Senator is more fortunate than I am. I do need his assistance to get this bill out of the Judiciary Committee.

Mr. REED. The Senator will allow me to finish my sentence.

Mr. THOMPSON. Did the Senator find my resolution for national prohibition while he was searching around the committee?

Mr. REED. I found your resolution for an amendment of the Constitution prohibiting the sale of liquor. That is the one that was introduced December 10, 1915, over a year ago, and no subcommittee has been appointed on that, evidently for the reason that it is identical with some five or six, or perhaps more, resolutions introduced by other Senators, and upon some of which subcommittees were appointed. However, on none of those am I a member of a subcommittee. So that I may not be misunderstood, I will state that I am favorable to the proposition of stopping the shipment of liquor into dry territory to be disposed of contrary to and in violation of the laws of that dry territory. That may and may not be a very different thing from saying that I am for the Senator's particular proposition, because I have not examined that particular proposition, and I do not know just what it is.

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. Will the Senator from Kansas yield to the Senator from Wyoming?

Mr. THOMPSON. Gladly.

Mr. CLARK. In the absence of the chairman of the Committee on the Judiciary, and in order to clear up the situation a little at least, it may be proper to say that the Judiciary Committee has not been neglecting the various bills to which the Senator has referred, but, on the contrary, has given the whole subject matter careful and studious attention from time to time. I will say to the Senator now that a special meeting of that committee has been called for the present week to consider this identical subject and no other. So it shows that at least the Judiciary Committee is exhibiting some activity along the line.

Mr. THOMPSON. I thank the Senator for his suggestion that progress is being made in the consideration of this matter by the committee. I am very glad indeed to know it. If I have said anything which indicates that the committee has been derelict in its duty in any way, I will withdraw that statement gladly.

I am glad to know that I have the cooperation of the distinguished Senator from Missouri in a matter which is vital to my State, and I hope that he will be a member of any subcommittee that will have consideration of that bill.

Now, Mr. President, I have extended these remarks longer than I anticipated when I took the floor. I have called attention to a great many things in a financial way simply to answer the charges which are made that economically prohibition is a failure, for I think I can safely say that measured by dollars and cents it is the best investment that the people of Kansas have ever made. If I were to be asked the question what law we are more firmly wedded to than all others upon our statute books—I am speaking now of those things which are malum prohibitum, that are made crimes by law—I would unhesitatingly answer the prohibitory liquor law, for I believe it will be the last one, if it comes to repealing of laws, that our people would give up.

Dollars and cents do not mark the greatest benefit. It is true that nowadays almost everything is measured in dollars and cents; if it pays, then it is said to be a good thing; if it does not pay, it is not a good thing; but I believe, after all, the greatest benefit of prohibition to my State is the fact that we have over a half million boys and girls in the State who have never seen a saloon, or at least have never had an opportunity to visit one. I hope they never will. We have now "dry" territory to the west of us and to the south of us, and, thank Heaven, Nebraska to the north of us just recently voted for prohibition; Missouri is fast falling in line, and we hope that before many years pass we shall not be surrounded by any of what are termed "wet States."

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. THOMPSON. I yield.

Mr. OWEN. I merely wish to suggest to the Senator from Kansas that the prohibition States now extend from Texas to Canada.

Mr. THOMPSON. I am glad to have the suggestion of the Senator from Oklahoma. When Missouri is included we shall all be satisfied.

If I were asked what law has been the greatest educational benefit to my State, I would have to answer the prohibitory liquor law. When that law went into effect the illiteracy of the State was 49 per cent. It has decreased since that time to less than 2 per cent—the lowest of any State in the Union, excepting one.

Mr. MARTINE of New Jersey. How many years——

The PRESIDING OFFICER. Senators must address the Chair before interrupting a speaker. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. THOMPSON. I do.

Mr. MARTINE of New Jersey. How many years has the prohibition law of Kansas been in effect?

Mr. THOMPSON. For about 36 years. We expend annually $12,000,000 for educational purposes. We now have 27,000 pupils in our own colleges.

Mr. REED. Mr. President, I want to ask the Senator from Kansas if I heard him aright——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. I yield to the Senator.

Mr. REED. Did the Senator from Kansas state that before the prohibitory law was passed in Kansas the illiteracy was 49 per cent?

Mr. THOMPSON. My understanding is that prior to 1880 the illiteracy was 49 per cent.

Mr. REED. Oh, there never was a community in America which was so ignorant as that—not even in Kansas.

Mr. THOMPSON. That may be; but that is my understanding of the records. I have seen the statement printed at various times, and the books published by the Antisaloon League give this figure. I am glad now to say that at the present time the illiteracy is less than 2 per cent. If I have made a mistake in my statement, I shall be glad to correct it if the Senator from Missouri will call my attention to it. I have, however, seen that statement in various statistics and in various publications and speeches which have been made upon this subject, and have used it with the understanding that it was admitted to be correct. I do know that we have now 27,000 students in the colleges of our own State, which is the largest college attendance in proportion to population in the Union. The statistics show that there are 54 counties without an idiot, 87 counties without an insane inmate, and 96 counties without an habitual drunkard. Tell me that prohibition does not prohibit—with 96 out of 105 counties without an inebriate or an habitual drunkard. I regret to say that the few drunkards we have are along the borders of Missouri and Nebraska, and now there will not long be many on the Nebraska side and I hope there will not long be many on the Missouri side.

Then, as to our health, if I may boast of that, we have the lowest death rate of any State in the Union—7½ per 1,000 annually.

Mr. REED. I want to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. I yield.

Mr. REED. I want to ask the Senator how he knows that? I notice, in looking through the Statistical Abstract, that Kansas does not even report to the Federal Government as to its vital statistics. It is one of the two or three States that evidently have no vital statistics.

Mr. THOMPSON. It probably had no deaths.

Mr. REED. It is impossible that such a blessing as that should have fallen upon the country, that all Kansans should live forever.

Mr. THOMPSON. Some live longer than they ought to, perhaps.

Mr. REED. That is a fact which is generally admitted outside of Kansas.

Mr. THOMPSON. Yes, sir; but I am reliably informed by those who make the statistics that they were so astonished that they checked up two or three different times to ascertain whether or not that was really true. Of course, that might not be considered by some people as worthy of consideration, but I think it is. While other things may have contributed to all these good results, it is fair to say that prohibition has done something toward that end.

Mr. President, in closing I wish simply to say that in a country like this, that is acknowledged to be the greatest and richest country in the world, with the greatest natural resources of any country, where there is a single man, woman, or child anywhere under the Stars and Stripes suffering for the necessaries of life, there must be something wrong somewhere. I wish, sir, simply to offer the suggestion that if the hundreds of millions of dollars that are unnecessarily expended every year for intoxicating liquor were devoted to useful purposes, the time would come when there would not be suffering anywhere, and those who are now homeless and suffering for the necessaries of life would have plenty. If we eradicate the liquor traffic not only in the District of Columbia, but in the Nation, we shall have struck down the greatest enemy to the country and the worst enemy to humanity, and will have taken the longest step that we have ever taken toward bringing about comfort, prosperity, patriotism, and happiness everywhere.

Mr. REED and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. Mr. President, I shall take only a moment. I do not intend to discuss the prohibition question. I asked the Senator from Kansas in rather a jocular spirit this morning if it were not true that beer and whisky were regularly delivered in the city of Kansas City, Kans., openly at the present time?

Mr. THOMPSON. Mr. President, will the Senator submit to a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Yes.

Mr. THOMPSON. The Senator's question involved the further statement that it was knowingly done and with the consent of some official authority?

Mr. REED. Well, I do not care to cavil about the form of the question. The Senator has made that the occasion of a sort of attempted diatribe about Missouri and Missouri people, and he has had some very loosely constructed figures and statements introduced into the RECORD. I think that there is no looser statement than the one he made about his own State, that before the prohibitory law was passed in Kansas, which was only a few years ago, the degree of illiteracy was 49 per cent; that is to say, that nearly one-half of the population could not read or write. Of course, that is not possible. There never was a State in the Union populated by white people, as Kansas is, where any such lamentable condition as that existed. So also the statement that the degree of illiteracy is now the lowest of any State in the Union is equally loose and needs careful revision.

However, I do not stand here to attack the State of Kansas. Her schools are good schools; her colleges and universities are good colleges and universities. As long as I have known of Kansas intimately this has been true, and I have known of Kansas, through living in the immediate neighborhood, for nearly 30 years.

I do not know what effect the prohibitory law may have had in Kansas as a whole, but I want to say to the Senator that no man can candidly claim that there was any real enforcement of that prohibitory law for many, many years after it was passed. I remember a good many years ago trying a case in a court, which was presided over by the Senator's distinguished father, I think, in a small town in Kansas.

Mr. THOMPSON. Hiawatha.

Mr. REED. At Hiawatha. It seemed to me that there was not a lawyer at the bar who was not a common drunkard, and they had prohibition there, but it did not prohibit.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Yes.

Mr. THOMPSON. The Senator will acquit me of that. He knows I had not been admitted to the bar at that time. That was in 1891, when I first became acquainted with the Senator from Missouri, and we have been good friends ever since.

Mr. REED. The Senator was not at that time a lawyer, and I am stating this to cast no aspersions upon the Senator's State or town. I had a good deal of business for a good many years in Kansas, and I say now, without desiring to reflect upon the Senator's State, that there were more drunkards to the square acre in Kansas than in any place I ever was, and that, too, under a prohibitory law.

Mr. THOMPSON. Would the Senator object to stating how many years ago that was?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. My travels back and forth there——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. REED. Oh, no; I yield.

Mr. THOMPSON. The time to which the Senator refers was 25 years ago, was it not?

Mr. REED. Oh, no; not that far back. Formerly I frequently had legal busines in the State of Kansas.

Mr. OWEN. May I suggest——

Mr. REED. I will ask the Senator to wait until I have concluded this sentence. That business dropped off very largely something like 12 or 15 years ago, and I have not been there very much since. I am going to state this case fairly before I get through, so that I do not think the Senator from Kansas can object to it; but the facts ought to be stated. Did the Senator from Oklahoma desire to ask me something?

Mr. OWEN. I merely desired to remove the doubt as to whether the period referred to by the Senator from Kansas, when the Senator from Missouri was practicing law in Kansas, was 45 years ago or 55 years ago?

Mr. REED. Well, hardly that long ago. It was about the period when the Senator from Oklahoma was rising to national fame; and I presume that is not more than 20 years back.

I only know from reading the press that up to very recently—and, I think, up to the present time—liquor was regularly delivered in the largest city of Kansas by the breweries of Missouri or elsewhere from house to house, just as it was delivered in Kansas City, Mo.; and the press have stated that it was by agreement and arrangement, and that there was to be no interference with it. I think, however, to state it fairly, it was claimed that this was done in interstate commerce and was within the law, the liquor being transported across the State line. But we can not escape the conclusion that there were people there still drinking it or they would not have been buying it.

Now, since the Senator has had occasion to refer to Missouri as though it were some dark and benighted spot existing just outside the golden sunshine that glorifies Kansas——

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. When I finish the sentence. I desire to offer a few observations on that question. I now yield to the Senator.

Mr. THOMPSON. I hope the Senator will acquit me of making any charge against the good people of the State of Missouri. I have made none. I have the very highest admiration for the people of Missouri generally. A great many of them, especially in Kansas City, Mo., went there from Kansas. The only charge I have made is against the brewery interests of that State as the only ones who have given us any trouble in the enforcement of our prohibitory law. They are the only people I have referred to as the element that comes across and helps to violate the laws of the State and then get back home unharmed.

Mr. REED. Mr. President, there are two elements that cross the State line. There is the brewery agent from Missouri with his load of beer going to Kansas to sell drinks, and there is a large, constant, and never-decreasing stream of Kansans coming across from Kansas to Missouri to get a drink. It is mutual. They have the thirst over there, and there are a few institutions in Missouri that have the wherewithal to satisfy their thirst.

Mr. THOMPSON. Does not the Senator think it rather hard to keep tempting us in that way all these years? Why not put down the business?

Mr. REED. "Tempting us!"

The PRESIDING OFFICER. Senators will not interrupt a Senator when he is speaking without permission from the Chair.

Mr. REED. Interruptions are entirely agreeable to me. "Tempting us!" Poor children, without sufficient stamina or manhood so that they can maintain themselves in the face of temptation.

Mr. THOMPSON. Well, we have been able to take care of ourselves fairly well regardless of the temptation.

Mr. REED. Tempting a Kansan! Leading a Kansan astray! Why, out in that State the Kansas fellow jumps up and kicks his heels together three times before he alights, and declares that he is "the bad man from Bitter Creek," and that he knows more and can do more than any other individual on God's earth. He ought not to be whining around about temptation. They are a smart and a capable people, a very independent people, a people very hard to manage; but the cold truth about the situation ought to be told. I have not the figures, but they are sending into Kansas to-day, not alone from Missouri but from every point in the United States where liquor is made, liquor in astounding quantities, and it is being sent there to be drunk up, and it is consumed; and I will make the assertion now that you will find as many drunken men in any city in Kansas as you will find in any city of the same size in Illinois, in Arkansas, in New York, or in Missouri. When the Senator says there are 90 counties in his State in which there is not a drunkard that is like his figures of 49 per cent of illiteracy before prohibition took effect.

The Senator's State has not become purer and better than other places. I recall that when we drove the public gambling houses—I hope the Senator will wait to hear this—out of Missouri, they took refuge in Kansas City, Kans., and ran openly in violation of the law for over 15 years and flourished as the green bay tree, and sent their agents to sell their lottery tickets surreptitiously across the State line. Virtue may make its home in Kansas, but it is not the exclusive inhabitant of that delightful territory.

Mr. THOMPSON. Mr. President, if the Senator wants to tell all about it, he certainly is free to admit that that condition does not exist in Kansas City, Kans., now. We are enforcing the law there. The gambler and the saloon go together, hand in hand.

Mr. REED. No.

Mr. THOMPSON. And when we do away with the saloon we are through with the gambler.

Mr. REED. Until about five or six years ago, or perhaps seven years ago, they had innumerable whisky and beer joints in Kansas City, Kans. They openly defied the law in the city of Leavenworth. The hotel bars and saloons were as open there as they were in the State of Missouri, and drunkenness was a very prevalent disease, or habit, or whatever it is called. Five or six years back they elected a man attorney general of the State who undertook to enforce these laws. He had a desperate time in accomplishing his undertaking, but he prosecuted the "joints." The open saloon, I think, he absolutely eradicated. Finally the law was so enforced that open gambling was stopped, and I think they have a very fair condition of public and private morals in the State of Kansas; but they have as much drunkenness, in my opinion, in that State to-day as they have in the State of Missouri, and I think a little more.

The Senator has spoken about Missouri. I have always been a believer in the doctrine, first, that you can not successfully enforce any law unless the moral sentiment of the community is back of it, and that the only way to get good results is to create the moral sentiment and then enact the law. I may or may not be mistaken in that view. Accordingly, however, I have been a believer in the doctrine of local option, because when the people of a local community really desire to expel the saloon and are back of a law which they themselves helped to enact it has nearly always been proved that the law can be enforced.

There is another reason, which I do not urge in favor of the saloon but which I simply state as a fact: That a saloon in a small neighborhood may be a very much greater nuisance than it would be in the business district of a large city, because it more immediately affects the life and the comfort and peace of the small community. Those two considerations, taken together, have convinced many people who, like myself, are opposed to intemperance and would like to see the day when there is not a single victim of intemperance on the earth that the best way to get results is to proceed along the line of permitting local communities to prohibit the sale of liquor within their borders; and proceeding upon that line the temperance forces have been able in my State to have local option adopted in all but a very few of the counties except where there are large cities, and even in those counties the parts outside of the cities have been voted dry. Thus these people are able to protect themselves against what they consider an evil. When you come to the question of the city, I am in favor of the city exercising exactly the same right. When it has exercised it, then its mandate ought to be obeyed.

The difference is one of viewpoint. One man, having succeeded in carrying prohibition in his community, thinks that it is his duty to carry it to the State. Other men think it is then their duty to force their views and opinions upon the people of other States. It has invariably happened when this is done that evil has resulted. The prohibitory law in Kansas undoubtedly was enacted before there was a sufficient sentiment to support it, and accordingly they had an intolerable, a fearful condition in Kansas for many years. When public opinion overtook the law, then they had, as they have now, quite a different condition. How long it will continue I can not say; perhaps always.

But the Senator from Kansas must not overlook the fact that Kansas can not be taken as an example for all parts of the country, and for the very patent reason that Kansas is absolutely an agricultural State. The largest city in Kansas does not exceed forty to forty-five thousand in population.

Mr. THOMPSON. Mr. President, those figures should be corrected, I think. Wichita has some sixty-five to seventy thousand, and Kansas City, Kans., 100,000. The Senator remembers that.

Mr. REED. I think the Senator is correct and that I have understated the population of those cities. I was thinking of Topeka as the largest town. Kansas City, Kans., is larger than Topeka, and Wichita is larger than the capital, Topeka. The probabilities are that the largest city in Kansas has approximately 100,000 people, but the State is essentially an agricultural State, and a good State. The conditions there, however, and the conditions that exist in a State like that represented by the Senator from New Jersey [Mr. MARTINE], or the State of New York, are different. The conditions that obtain in Kansas are not the conditions that obtain in the District of Columbia.

I am perfectly willing to let the people of the District of Columbia or the city of Washington vote upon this proposition, and if they vote for it let it be enacted into a law. But no greater mistake was ever made, in my judgment, in any moral movement, than to undertake to drive it along at such a rate that public sentiment is arrayed against it. Always there ought to be care taken not to addle the egg in your haste to hatch it.

The Senator has spoken about the morality of Kansas, the schools of Kansas, and the money of Kansas. Comparisons are odius, but Kansas is not a whit ahead of Nebraska, not a whit.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Yes.

Mr. THOMPSON. The Senator is aware that Nebraska has just passed favorably on State-wide prohibition.

Mr. REED. Exactly; but I am talking about conditions. The fact that Nebraska on the 7th day of November passed a

prohibitory law has nothing to do with its previous condition. That law has not been in force, if indeed it is in force to-day. I do not think it is in force. They still have open saloons. So I am comparing this wet State with the State of Kansas, and I say that in every respect it will rank favorably with Kansas, and that is no reflection upon Kansas. But the fact that I state points the fallacy of arguments that attribue a condition to one cause when it is the result of thousands of causes.

So, too, the State of Kansas is not one whit ahead of the State of Missouri, which the Senator seemed to speak of with such contempt. Nay, it is not comparable with the State of Missouri in many respects. Its morals are no better and not so good. Its credits are not so sound nor so well taken. Its courts do not stand so high. Comparisons are odious. The State of Kansas is no better in any one of these respects to which the Senator has called attention than the great State of Texas, neither has her increase in population or wealth been so rapid as that of the great State of Texas. Her women are no better looking, and her men no braver and no more patriotic.

All these questions ought to be settled according to the facts and not according to the excited imagination of men who attribute everything on earth to one reason.

If I were asked to tell the principal reason for the prosperity of Kansas, I would have no difficulty in citing the reason and in proving it. The State of Kansas, of course, to begin with, was populated by ordinary American citizens, except a few extraordinary ones who went there under the excitement of a great international contest which was impending. They settled upon these great prairies; they had many years of adversity; they had droughts; they had bad crops; they had grasshoppers; and they had other troubles which fell upon them through no fault of the people. But for some reason or other God Almighty has sent generous rains to the State of Kansas for the past 10 or 12 years.

The arid region has been shrinking up and the agricultural region has been extended farther and farther to the west until to-day and for the last 10 or 12 years at least the Kansas farmer has been practically sure of his crops. Those great fields of corn have stretched away until they touch the horizon's brim and their golden wheat fields wave in the sun and have brought to the farmer bounteous results. Just in proportion to the wheat and corn crop of Kansas has Kansas prospered. Whenever she has had a bad crop she has had hard times. Whenever she has had a good crop she has had good times. Her people have been frugal and industrious and improved the happy conditions which God Almighty has sent to Kansas, and they are prosperous to-day.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. In a moment. I am not so ungenerous as to take away from God Almighty His share of credit for prosperity in Kansas.

Mr. THOMPSON. The Senator will then admit, even after all this argument, it was water after all that helped out our people, not liquor?

Mr. REED. Yes; water helped you out. I do not say that liquor ever did you any good. I have always thought the worst combination on earth was a Kansan and a quart of Bourbon. It seemed to me he never did know how to take a drink.

Mr. THOMPSON. We never had sufficient experience.

Mr. REED. He had a thirst that apparently was like the thirst of the earth in the arid counties of the West; it could not be satisfied. It drinks all that falls upon it and opens its mouth and cries for more. If there ever was a place on the earth where they did need to regulate the habits of the people it was in Kansas.

Now, the State of Oklahoma has always had a kind of prohibition, legal prohibition. It has more drugs than any other place except Kansas that I know of, but Oklahoma does not owe its prosperity to that. Before I leave Oklahoma let me not be understood to reflect upon that State. To my mind it is the magic State of the Union. It does have some people who drink liquor and prohibition does not seem to have stopped it. That is all that I am intimating. But Oklahoma had some years of wonderful prosperity. Then she had some years of very hard times. Apparently this last year business and enterprise have again revived. Seek for its cause. Just as long as Oklahoma had enough rain and had big crops her granaries were filled; when the railroad trains were bearing the wealth that had been produced by her soil to the East and bringing back gold to Oklahoma she had prosperity. Just the minute the heavens looked down cloudless and the vault resembled a sheet of blue steel, the sun burned into the soil, vegetation shriveled, and Oklahoma had bad times. It was not prohibition; it was rain, or lack of rain; it was weather. Yet I do not claim that this settles the question against prohibition. But let us talk about these things as they are.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. LANE. I have enjoyed listening to the discussion by the Senator from Missouri in his reference to Kansas. Missouri was always on the back of Kansas. That was the case in the early history of that Territory in the old days of John Brown and Jim Lane, who was a very distant relative of mine. Kansas had to bear with them or fight them.

But as to the experience of States which have gone dry, and I say it in all seriousness without any joking, in the State of Oregon conditions are far better on the average with the people for the reason of its having gone dry. The men who had spent their money for liquor, who burned up their wages on Saturday nights in barrooms, took it home when the State went dry and bought shoes for the little children who had formerly almost gone barefoot, took home food for their wives to eat and clothing for them to wear.

The merchants in every county throughout the State state freely that their bills are better paid and that they do more legitimate business and have less trouble to collect their bills than they did when we had the license system of selling liquor. There is no doubt of it.

It rains in the western part of Oregon regularly every year. There is an average of 44 inches, plenty of it, and in some places we have to put in tiling to get rid of it, so weather has nothing to do with it; the result has been as an economic improvement. There is not a doubt in the world that the people are more prosperous and the communities throughout the State and the wives and children and the little homes are better off because the State is "dry."

Mr. STONE. When did the State of Oregon go dry?

The PRESIDING OFFICER. Does the Senator from Missouri yield to his colleague?

Mr. REED. Certainly.

Mr. LANE. We had local option. It has been going dry for about 10 years.

Mr. STONE. I say the State.

Mr. LANE. Several years ago; about four years ago.

Mr. STONE. I was in the State a year ago last summer and in Portland I saw open saloons at the hotels.

Mr. LANE. There was an exception in favor of hotels at one time, but the barrooms have been closed now.

Mr. STONE. These were barrooms.

Mr. LANE. In hotels?

Mr. STONE. Yes, sir; they are the only ones I saw.

Mr. LANE. We had a law in Oregon which permitted saloons to run at full blast. That was changed at the election two years ago, and if the Senator——

Mr. STONE. I am not entering into any controversy; I was asking for information, for it was only a little over a year ago when I was in Oregon, and in browsing about in the great and beautiful city of Portland I happened to observe that there were saloons. I did not think anything about it; I just supposed it was common there, as it was in other places; but I saw them; in fact, I peeped into one or two of them just to see what was going on.

Mr. LANE. Last year?

Mr. STONE. Last year. Let me see, I want to be accurate about it. It was the year of the World's Fair at San Francisco.

Mr. LANE. That was last year. The Senator then did better than even the officers of the law, for the State was dry then. No saloons were in existence.

Mr. STONE. There were friends of the Senator and men who have a right to be present in the Senate Chamber who accompanied me on one or two occasions. I am giving no names, but that is what occurred. Those saloons were there. If they were there a year ago or a little more, and the Senator says now that everybody is happier and more prosperous and doing better, and I am not disputing it, I am just wondering how in so short a time my friend, the distinguished junior Senator from Oregon, being here, spending his time in Washington, attending with great assiduity and value to his country to the services imposed upon him, would know just how many people were paying their debts, more or less, than they did before, and all that sort of thing.

Mr. LANE. Now, Mr. President, the State went dry——

The PRESIDING OFFICER. Does the junior Senator from Missouri yield further to the Senator from Oregon?

Mr. REED. I yielded for a question. I did not want to lose the floor. The Senator has occupied some time, but I do not want to deny him the privilege of concluding.

The PRESIDING OFFICER. The junior Senator from Missouri yields further to the Senator from Oregon.

Mr. LANE. After the genial and whole-souled remarks of my esteemed friend, the senior Senator from Missouri, I will say that the State went dry in 1916. This is the end of the year 1916.

Mr. REED. Let me ask the Senator when the law went into effect.

Mr. LANE. In 1916.

Mr. REED. How soon after the election?

Mr. LANE. It went into effect immediately following the passage of the law. The next year, 1915, then——

Mr. REED. So there has been only one year for this prosperity to spring up.

Mr. LANE. Prosperity did not spring up, but the result was the paying of debts to merchants. I had that information from them directly, from the larger merchants of the city of Portland and reports from other portions of the State. In 1916 the State went what they call bone dry; that is, something after the manner of the bill introduced by the Senator from Utah [Mr. SMOOT]. Prior to that time anyone could import 2 quarts of whisky each month and a certain amount of beer, I do not know how much. So if the Senator was there during the year 1915 and he was procuring whisky, he was entitled to import a couple of quarts, I suppose; but there were no saloons.

Mr. REED. The Senator ought to quote my colleague accurately. He did not say that he procured liquor; he said he saw open bars.

Mr. LANE. If he saw open barrooms they were conducted contrary to law, for it is against the law.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Maryland?

Mr. LEE of Maryland. With the permission of the junior Senator from Missouri, I should like to offer an amendment to the pending bill and have it printed and lie on the table.

The PRESIDING OFFICER. It will be printed and lie on the table.

Mr. REED. I really desire to conclude my remarks.

The PRESIDING OFFICER. The Senator from Missouri declines to be further interrupted.

Mr. REED. No; I do not want to take the Senator from Oregon off the floor, but I want to admonish him that I should like to conclude.

The Senator from Kansas said that the prohibition law worked so well in Kansas there was not a single idiot or insane person in some of the counties of the State. That is another remarkable statement. Wild statements of that kind do no good. They have had prohibition in Kansas, I have forgotten how long, but I think for 20 years.

Mr. MARTINE of New Jersey. The Senator from Kansas said for 30 years.

Mr. REED. Here is the Statistical Abstract the United States Government puts out giving the number to the 100,000 of population who are in insane hospitals, which, of course, does not include all the insane. I notice that in Kansas there are 88.4, whereas in the wicked State of Florida there are only 51.6. In the State of Georgia, which up to the time these statistics were prepared was a wide-open State, there were only 81.1. In the State of Idaho, which was not dry until long after this book was printed, 74.4. In the State of Indiana, 82; the State of Louisiana, 54; the State of Mississippi, 52.9; the State of Nebraska, 60.6; the State of Texas, 46.7; Tennessee, 45; South Dakota, 57; South Carolina, 57; Utah, 59; and Wyoming, 37.9, to 100,000 of population.

Of course, the Senator from Kansas would say that figures do not lie, but liars figure. But liars are not confined to those who figure. Here are the official tables prepared by the United States Government. If they be not true, I do not know where we would go for our authority. Now, all this is to the point that the question which is now before the Senate ought to be settled just according to its merits. I would be the last man on the floor of the Senate to claim that drinking liquor is a benefit to a man, to claim that the saloon is a moral institution, to assert that whisky or beer is an essential to civilization and progress; but, on the other hand, it would be equally wrong and it is equally wrong for men to affirm that all ills humanity suffers from grow out of this one thing. People are in the habit of finding a scapegoat. Old Adam blamed it on the woman. "The woman beguiled me and I did eat." If Adam had been a prohibitionist in his day and wanted to prohibit women circulating in the Garden of Eden, if that had been his theory, he would have proven his case conclusively by his charge against Eve. And yet the fact is old Adam would never have eaten the apple if he had not had the old Adam in him. It was the weakness of the man, not the generosity of the woman, that caused Adam to put his teeth into the forbidden fruit.

Every man who has committed crime almost invariably looks around to find somebody or something to blame it on. One man blamed it upon fast horses, forgetting that the horse was not to blame, but that it was only his foolish self when he went to the race track and bet his money on the wrong horse. It was a defect of his own judgment and his own morals, not the horse that was to blame. Another man blames his downfall to cards, but the cards were inanimate things; they could do no man harm. But a poor, weak, miserable individual could take those inanimate things and employ them to his own harm. He was to blame, not the cards. Another man looking around for an excuse for his own evil deeds or shortcomings or failures charges it to liquor. Yet the real culprit was the man himself.

The truth is that the reason why these various causes for human downfall are assigned is that some human being wants an excuse for his own weakness, and if you were to take these various causes away—not in all cases, but in many cases—the individual will develop some other defect.

Nevertheless, while I state that side of the case I frankly say that many a man might have gone through the world and not ruined himself financially if it had not been for the fast horse, and it may have been an argument to take the fast horse away from the man who would not ruin himself in order to protect the poor, weak fellow who does. And so it is with liquor. There may be a sound and logical argument for taking it away, abolishing it, in order that men who have these weaknesses shall be protected, but it is utterly a mistake to assume that all the ill there is in this world can be charged to any one of these causes.

So, in my own humble judgment, recognizing liquor as a thing that is frequently used by people in a way to injure themselves, recognizing the right, whenever the moral sentiment of a community is in favor of its abolition, of that community to be permitted to abolish the evil, and believing that no law can be adequately and properly enforced unless there be a moral sentiment back of it, I have always adhered to the doctrine of letting the people express the opinion of the community to which they belong; and then if the people determine in favor of prohibition, let it be prohibition. Let it not be any of these miserable makeshifts for prohibition. Let it not be a law that permits two quarts to be sent to a man every month, and which will allow that individual to get outside of the two quarts all at once and get drunk in his own home and break up the furniture and beat his wife. That sort of drinking, to my mind, may be worse than drinking in a saloon.

Neither let it be the miserable makeshift of this bill which I have already spoken of, a makeshift bill that permits alcohol to be made in unlimited quantities within the District of Columbia and shipped to any part of the United States, with a pretended limitation which I have undertaken in other remarks to demonstrate will amount to nothing, a limitation to the effect that the alcohol shall not be sold to be used as a beverage, when everyone knows that alcohol is never employed as a beverage. So the limitation amounts to nothing, and the alcohol can be sold and employed as a raw material in making whiskies or any other kinds of liquors that people do use as a beverage.

I believe, sir, in the doctrine that a community has the right to express its opinion, and then I believe in the doctrine of protecting that community. I do not think that it has the right to say to the people of the State of Idaho or Colorado, represented by my two distinguished friends who I see opposite me, you have the right to prohibit the sale and use of liquors within your State, and then under a Federal law to practically nullify the laws of those States by permitting the liquor to be shipped in there contrary to the laws the people of those States enact.

Now, we have been progressing in this country very splendidly along the lines of temperance and sobriety every year, as witness the advance of the movement. There are many men and many women who have devoted their lives to the great propaganda of temperance who believe that hasty and inconsiderate action may be in the end detrimental to the cause.

I have taken very much more time than I expected to take. I really rose simply to call the attention of the Senator from Kansas to the fact that he was getting on rather dangerous ground in employing his time in abusing the States lying around about him.

Mr. OWEN. Mr. President, I wish to make a few comments upon the proposed amendment of the Senator from Alabama [Mr. UNDERWOOD] to Senate bill 1082, proposing a substitute therefor. The substitute in effect is a referendum to a certain number of classified voters in the District of Columbia.

Mr. President, I have for many years strongly favored the initiative and referendum as a policy of government, of permitting the people of the various States by initiative petition to initiate the laws they do want, and by referendum permitting them to have the right to exercise a veto on laws which they do not want, which have been passed by their Representatives in the legislative branch. The purpose of the initiative and referendum, broadly, is to make more representative our representative Government and to compel those who appear as the representatives of the people to really and in truth represent the people.

In this case the Congress of the United States is representing the people of the United States in declaring a policy with regard to a small tract of land, less than 10 miles square, on which the Capital of the Nation is located. The people of the United States, who are represented by Senators on this floor, have voted with regard to the question of prohibition in 2,543 counties, and there remain only 355 counties where intoxicants are yet permitted to be sold.

Mr. GALLINGER. Mr. President, will the Senator from Oklahoma restate those figures?

Mr. OWEN. There are 2,543 counties in the United States which have voted on the question of prohibition, and only 355 counties remain; and the 355 counties include Utah and Florida, which recently upon the question of prohibition elected State legislatures and State governors overwhelmingly committed to the policy of prohibition. All of the Southern States now, except Louisiana and Texas in part, are committed absolutely to prohibition, and very much the larger part of Texas is committed to it.

I call attention to this, because the Senate of the United States in its representative capacity ought in good faith, I think, to recognize as a national policy the declaration of nine-tenths of the people of the United States.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield.

Mr. GALLINGER. The Senator from Oklahoma gave us the comparison by counties. In my State we have never taken a vote on this subject by counties, but we take it by what are termed in New England towns and cities. Aside from three or four of the cities, almost the entire State of New Hampshire has voted "no license." So that action would add something to the force of the Senator's argument.

Mr. OWEN. It would add to the force of my observation; but out of 48 States, here are all except 11 States—37 States of this Union—which have declared in favor of the policy of prohibition. If the Senate of the United States desire to represent the will of the people of the United States, they are bound to establish prohibition at the National Capital, just as the Senate found it necessary to do so within the confines of the Senate and as the House of Representatives found it necessary to do so in the confines of the House of Representatives.

The proposal to refer this matter to a referendum I regard as unfriendly to the act. It is proposed by one who, as I understand, is unfriendly to the act. This referendum, if it were permitted, would leave the voter subject to the use of money corruptly by the liquor interests of the surrounding territory, which is now domiciled within the confines of this city.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I yield to the Senator.

Mr. KENYON. If there should be a referendum at all on this subject along the lines of the Senator's argument, should it not be a referendum to the people of the entire Nation?

Mr. OWEN. I think it should be a referendum to the people of the entire Nation, because the District of Columbia is the seat of the government of the people of the United States. I feel that the people of the United States have given an imperative mandate to the Senate of the United States in this matter, and I shall govern myself accordingly.

Mr. GALLINGER. Mr. President, will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. I have hurriedly examined this proposed substitute. I find that in several instances the language is used "the qualified voters of said precinct." Does the Senator from Oklahoma know how we are going to ascertain who are the qualified voters of the District of Columbia?

Mr. OWEN. There are no such qualified voters. The act itself must state the qualifications, and make them qualified voters before they will come within the description of "qualified voters."

Mr. GALLINGER. But I do not find any such designation in the proposed substitute.

Mr. TOWNSEND. That is found in the second section of the proposed substitute.

Mr. GALLINGER. Then, perhaps I am mistaken about that. Oh, yes; I have found the language to which the Senator from Michigan refers.

Mr. OWEN. I am opposed, Mr. President, to the referendum for the reasons which I have stated. They are controlling with me and, therefore, I do not deal with the details.

Mr. GALLINGER. There is a qualification in section 2 of the proposed substitute which is rather a loose one, but it is better than none. Now, I want to ask the Senator from Oklahoma, who has taken great interest in securing a corrupt-practices act for the country, if there is anything in our statutes which would prevent the use of money in elections in the District of Columbia?

Mr. OWEN. In my judgment there is no adequate protection. The law of conspiracy, which might prevail, will not be available if an individual does not appear in conspiracy with others. The law of conspiracy therefore is no adequate protection.

Mr. GALLINGER. Of course we in New England know that when we have attempted to get "no license" legislation how freely money has poured in from Boston and New York from men who were engaged in the liquor traffic. It seems to me that the District of Columbia would be peculiarly subject to that bad influence if this matter were submitted to the people here for their ratification.

Mr. OWEN. Mr. President, I fully agree with what the Senator from New Hampshire says in that respect. I would go further, and say that where we have 37 States of this Union committed to prohibition, and their efforts to carry out their laws are nullified by the corrupt practices of individuals remaining in this traffic in the States which have not yet prohibited it, the Congress of the United States ought to cooperate with the 37 States, and make it a criminal offense to transport across the State line of a prohibition State any liquor from the nonprohibition States.

Mr. SMITH of Michigan. If Congress has the power to do so.

Mr. OWEN. Congress has the power to do so; and it ought to exercise it.

Mr. THOMAS. Mr. President, the State which I in part represent in this body enacted a prohibition amendment to its constitution in 1914, to become effective on the 1st day of January, 1916. It has therefore been in operation nearly 12 months. Of course that is a comparatively short period of time upon which to base a permanent impression of the good or evil involved in its operation, but it is perhaps sufficiently long to justify me in laying before the Senate some of the results, not perhaps of prohibition, but for the period in which it has been effective, upon the material and moral condition of the Commonwealth.

I was much impressed not only during that but in previous campaigns for prohibition with some of the practical arguments or assertions that were made in opposition to it. Consequently I cast my vote against the amendment. Had it been an amendment confined strictly to the abolition of the saloon, I would without question have supported it, but I felt that it would be well for us, inasmuch as we had adopted some other experiments in legislation in advance of the experiences of other States, prudence required that we wait and see the effect of the practical operation of prohibition in States which had preceded us in adopting it before finally crystalizing it into our own constitution.

Some of those arguments or assertions, Mr. President—and perhaps I should call them "assertions" rather than "arguments"; "predictions" possibly might be a still better term—were that prohibition would result in a general business depression in all lines of commercial and industrial activity; that it would result in throwing thousands of people out of work and leaving many of the store and business buildings of our large cities vacant, practically creating an atmosphere of surrounding depression that would not be at all conducive to our growth or to our well-being with tourists and travelers; that the drinking of liquor bore no relation to crime; and that there would be

more crime and more arrests for crime under prohibition than under license.

To that was added the assertion that the revenues necessary for the transaction of the State's affairs and for the payment of the expenses of local administration would be largely reduced as a result of prohibition, thus requiring an increase in our rates of direct taxation in order to meet the disbursements necessary in the discharge of public business.

Whatever else may be said, Mr. President—and there were some other assertions—I think enough has occurred to justify the conviction that none of the prophesies to which I have called specific attention have materialized in practice. On the contrary, the development of the State during the year 1916 in all the elements of material and moral growth and well-being practically stands without precedent in our previous history.

This may be, and probably is, largely due to the prevailing prosperity, and therefore founded, of course, upon other conditions than prohibition. It may be also largely due to an indirect consequence of the war, by means of which easterners are beginning to visit and become familiar with their own country, not through preference but through necessity, because the tourist travel in the Rocky Mountain region last year outdistances and outclasses all previous records, and indicates that the people of the United States will derive one unexpected benefit from the holocaust in Europe, and that is a more intimate and familiar acquaintance with the beauties, the attractions, and the wonders of their own Republic.

There has been no general business depression in Colorado since prohibition went into effect; on the contrary, as I have stated, we have enjoyed more prosperity, and wider extended and more widely diffused prosperity, than we have ever known. That is verified in many ways; for example, by the weekly reports of Dun and Bradstreets on every line of business, by the bank clearings in the city of Denver, which is the metropolis of the State, and which have practically doubled, and by the unprecedented industrial activities throughout the State.

We have practically no empty stores in Denver. The places which were hitherto devoted to the liquor business have either been converted into places of legitimate amusement and recreation, where what are called "soft drinks" are sold or other lines of business have been substituted for them. After an absence of some 10 or 11 months from my home, I observed, upon returning last October, that there were fewer unoccupied buildings in the business part of the city than when I left my home in November of 1915; that the crowds upon the streets seemed to have increased; that the hotel lobbies were as full, if not more full than ever, of both transients and citizens; and that the general round of activities was quite as satisfying and quite as promising as before. Of course these observations might not in themselves be convincing since the conditions might be the result of transient causes of which, as a virtual stranger, I had no knowledge.

Now, one of the side arguments, so to speak, or assertions which was made in the campaign of the "wets," in 1914, was that without the opportunity of purchasing stimulants of all kinds everywhere, the tourist traffic, which is very considerable in our country, would practically disappear. It was argued that unless the average visitor coming to the State could secure intoxicants at his own sweet will be would instead of coming to Colorado go elsewhere, and that, as a consequence, we would drive away from the State a very desirable influx of travelers, carrying with it the revenues which always attend upon their incursions. That has not only not been verified by events, but, as I stated a few moments ago, the tourist traffic of the State has not only doubled but has virtually quadrupled within the last 11 or 12 months, and all of the beneficent results of that character of travel have been multiplied in proportion.

Regarding the question of its effect upon the people, I may say that of those who opposed prohibition in 1914 I think I am within bounds when I affirm that 60 per cent of them would to-day, if the question were again presented for consideration, vote for, instead of against, prohibition. Mr. President, the prohibition wave which has swept over this country during the past few years has as its actuating cause not the moral but the material aspect of the question. Of the immorality of excesses in strong drink there never was much question; there can hardly be said to be two sides to the proposition; but the advocates of prohibition, upon humanitarian grounds, have beaten their wings against the doors of the opposition for years in the vain effort to break them down, and it was only when the materially beneficial effect of abstention became apparent from its practical operation that a majority of the public ranged itself upon the side of prohibition.

The question was before my State a number of times before it finally succeeded. Formerly the material and practical benefit of prohibition was scarcely emphasized; or, if so, the argument did not command approval. We had, as the country remembers, and as we have occasion bitterly to regret, a widely extended industrial strike in Colorado in 1913–14. The coal camps, as they were called, were in insurrection, and the southern part of the State virtually, therefore, was in a condition of actual warfare. One of the first acts of the governor, after taking possession of the so-called infected districts, was to close all the saloons in the coal counties and to keep them closed by the strong arm of military power. Notwithstanding the industrial turmoil, which menaced law and order in every direction, the beneficial effect of that order upon the industrial classes, upon the commercial classes, upon the women and the children in those coal camps and in the cities—I was about to say more than offset the losses and the horrors of the strike itself, but that perhaps would be going too far. It unquestionably, however, minimized them very materially, and directed the attention of the industrial interests of the State to the practical business benefits and industrial improvements consequent upon the close of the saloon. Hence the employers and the great employing companies, prompted by purely selfish business considerations of the tremendous advantages of the new over the old régime, joined the ranks of the prohibitionists, and carried their cause to success in 1915; and the local benefits so apparent in these so-called infected counties, producing this accession to the ranks of the prohibitionists, seems to have justified the application of prohibition to the entire State.

Now, I do not wish to be misunderstood. I draw a distinction between "prohibition," as the term is used, and that "dry condition," which is supposed to be its equivalent. The two things, to my mind, are entirely dissimilar. Colorado is prohibition; it is not dry; and no State will be dry or can be dry so long as prohibition laws and constitutional amendments contain exceptions, through the gates of which liquor can be introduced and consumed as a beverage; indeed, I do not believe, if those gates were wholly closed, until the appetite and characteristics of mankind shall have profoundly changed that there can be such a thing as the successful prohibition to the individual of the use of intoxicants. But the prime outstanding beneficial feature of prohibition in Colorado is the abolition of the saloon, an institution that is a curse to any community, State, and Nation, particularly when it is practically without restriction, as it generally is through the political power which it always wields. It is a trap for the unwary; it leads the unthinking and the youthful into indiscretions and induces habits and companionships which are apt to prove destructive. They are an unmitigated curse in every particular to the communities where it exists. So that the abolition of the saloon, or, if you please, the driving of it from the ground floor, is an incalculable benefit wherever prohibition effects that consequence. When the saloon, if it exists at all, must take refuge behind closed doors, and in second or third stories or in basements; it may be pernicious, but the injurious consequences of its existence are largely minimized by reason of the fact that it is no longer public and no longer immediately accessible.

Politicians are always prone to indorse those things which seem to be successful or the indorsement of which may lead to success. That may, Mr. President, be an ambiguous compliment to the politician, but it is human nature nevertheless, and a phase of human nature, the operation of which we recognize everywhere, not excepting legislation in the Senate of the United States. The fact that prohibition is practically successful in my State is perhaps emphasized as strongly as in any other way by the circumstance that both the great parties in 1916, for the first time in our political history, unequivocally indorsed the proposition. They did so because an amendment to the constitution was then proposed, declaring beer not to be an intoxicant in the meaning of the prohibition clause of the constitution, the object, of course, being apparent; that is to say, to exempt beer and all malt liquors from the prohibitive effect of the amendment. That proposed modification was repudiated by both the great parties and rejected by the people by a majority, as I recall, of about 85,000. If it is true that in politics we recognize and act upon the thing which leads to success, the highest possible tribute that can be paid to the result of prohibition in the State from which I hail is shown and reflected in the action of the two great political parties of the State.

Of course, in the great cities there is always a larger proportion of antiprohibitionists than are found in the rural and remote districts. I think that may be accepted as a generally true statement, except in mining communities. Hence the city of Denver, like other great cities, was at all times the State

stronghold of the "wets." Whenever the prohibition question was submitted to a vote of the people its opponents could confidently rely upon the overwhelming adverse majority of cities like Denver and Pueblo, whatever the result in the outside counties might be. This is reflected in the vote of Denver since 1910, at which time that city voted "wet" by a majority of 17,000, in 1912 by 22,000, in 1914 by 8,500, in 1915, upon a so-called home-rule amendment, by 3,500; but in 1916 the majority vote of the city and county of Denver against the so-called "wet" amendment was 10,960. In the State the majority against prohibition in 1912 was 40,000; the majority for the amendment in 1914 was 11,500; the majority for prohibition in 1916 was 85,789.

Mr. President, I can perhaps summarize what I have to say regarding specific evidences of benefit to our State, and thereby impose myself for a briefer space of time upon the Senate, by quoting from an article upon the subject published in one of the papers of my city during the present month, the 12th day of December, and which is the summary of what I am told was a careful ascertainment of the actual facts, so that they could be properly and truthfully presented for consideration. I give these statistics by reading directly into the RECORD the statement of the paper itself:

Taxes have decreased.
Finances of the municipality never were so good.

The license taxes which the city of Denver relied upon very largely for its revenues, and which, I think, constituted far more than one-third of its actual revenues, of course now have to be supplied elsewhere, and they have come from two directions—partly in the increase of taxation through the raising of rates, but more largely through the decrease of expenses, consequent perhaps upon other reasons than prohibition, but due, nevertheless, to something, and coincident with the period of time during which prohibition has been in effect.

Business is better than it ever has been.

There is a sign in my city over the entrance to one of the most extravagantly decorated saloons of the old era. It reads: "Buy shoes instead of booze." It is filled with a stock of shoes. None of the ornamental fixtures had been removed, and they were crowded with merchandise, which attracts by the novelty of its display.

Every man who wants work can get it.
There are fewer vacant houses and stores than ever before.
Building permits, especially for the last six months, show a decided gain, particularly in the matter of small homes.
Collections are 40 per cent better.
Savings accounts in Denver banks have broken all records.
Hotels, whose proprietors predicted they would be driven out of business within three months, are planning extensions, and two new million-dollar hostelries are assured within a year.
Divorce suits filed show a decrease of 40 per cent.
Arrests, for all causes—

Of course this is within the city—

Have decreased 31 per cent.
Arrests for drunkenness have decreased 59 per cent.
Arrests for vagrancy have decreased 55 per cent.
The cost of maintaining the city jail has decreased 28 per cent.
The cost of maintaining the county jail has fallen 27 per cent.
The number of murders, suicides, and burglaries has fallen off at an astonishing rate. There have been only two murders in Denver in 1916.

Prior to that time, Mr. President, the number of tragedies of that sort occurring in my city was far greater than I would care to acknowledge.

One of these was so clearly a case of self-defense against a demented man that the jury reached a verdict of not guilty in less than 20 minutes. The other case has not come to trial. At least a dozen murders a year formerly was Denver's average.
Police Chief Hamilton Armstrong says crime is decreasing at a phenomenal rate. He attributes this to prohibition.
District Attorney John A. Rush stated in open court recently that the work of his office has decreased 50 per cent since the city went dry.
Every newspaper in Denver has cut its staff of police reporters from one-half to two-thirds.

NOT SO MANY PRISONERS.

The State penitentiary has one-fourth fewer prisoners than formerly, and about February 1 will close one whole wing of its chain of buildings.

Then follow statistics showing that some 317 persons have been arrested for what is popularly known as "bootlegging."

It is said that an attempt has been made to discredit these figures, and that the corrections have been sent broadcast throughout the United States in bulletins—

In which official reports of Frederick R. Knight, police court clerk, were so cleverly garbled that the casual reader got the impression arrests for drunkenness had increased heavily under prohibition.
Just before Denver went dry saloon interests predicted that property occupied by saloons would remain vacant, as the locations were fit for nothing but saloons; that saloon men, brewery workers, and others dependent upon the liquor trade would move away from Colorado, causing houses to become empty and real estate values to depreciate; that ice plants, which were supposed to rely upon the saloons as their best customers, would reduce their output at least 50 per cent, consequently laying off many workmen; that merchants in every line would encounter the worst times in the history of the city; that taxes would be heavily increased to make up the loss of the $341,000 annually paid by saloons in licenses.

Then follows a statement of what has actually happened, to which I have already adverted, but which I think will perhaps bear repetition:

The best of the saloon locations were rented even before the bars moved out. Proprietors of other businesses had their fixtures built in advance; saloons closed and moved out Saturday night; new concerns installed fixtures and stock Sunday, and opened for business Monday.
Merchants in all lines are commenting on the increased business during 1916. Their customers pay their bills promptly, they say. Denver is not a manufacturing city and therefore is not affected by any abnormal increase in business that can be attributed to the war.
Nearly every big merchant tells of accounts owing so long he had "written them off the books"; since the saloons closed the men who owed these bills have drifted, unsolicited, into the stores and commenced to pay up on the installment plan.
The Denver Gas & Electric Light Co., which serves as something of a barometer for financial conditions in the city, reports its collections are 40 per cent better since prohibition.

While at home I discussed this subject, Mr. President, with several leading business men of my city whom I knew to be opposed to prohibition in 1914. With one exception, all these gentlemen informed me that they had been agreeably disappointed as to the practical results of prohibition in the city and county of Denver; that their business had increased; that payments were made more regularly and more promptly; and one of them emphasized the fact that the accounts in the savings banks had practically doubled in number, and, if I remember rightly, in amount as well.

As a man who once opposed prohibition, and who feared that some of the evil consequences predicted of its adoption might be verified, I am obliged in the face of these conditions to announce a change of view, and assert that if the experiences of my own State for this short time are a standard, instead of injuring in any way—materially, morally, industrially, or economically, even temporarily—the interests of a great city, its progress and its growth, those interests and progress and growth will be accelerated, and accelerated along lines that must commend themselves to every man who believes that civilization, comfort, and prosperity are essential to human happiness.

Mr. President, I do not pretend to believe that prohibition or any other change as the result of legislation can bring about that perfection in human affairs for which we should all strive, but which we can never hope to reach. I do not regard it as a panacea for all human ills, nor, as I have said, as something which will expel the drink habit from the habitations of mankind. But that the abolition of the saloon is one of the things which from a moral and practical standpoint is desirable I believe is established and demonstrated not alone by the experiences to which I have adverted in my own State but by those of every other State where the system has been tried.

I confess to much sympathy with that view which protests against legislation that must result in confiscating the goods of others which have been acquired for the prosecution of a business recognized and encouraged by the law. In other words, while the business of saloon keeping and the manufacturing of liquors is not the highest occupation in the world, while it is one that justly incurs the reproach of our people, we must recognize that it is and has been a legitimate calling, one which has been not only tolerated but encouraged by legislation and by communities; one for which there has been a demand, and which is one of the justifications for its existence. It is not right, it is not just, it is not fair, it is not American, to adopt a system of laws which, going into immediate effect, must necessarily result in the virtual confiscation of the goods of the saloon keeper. I do not think that is right.

That condition was met in my State by providing for a postponement of the time when the prohibition amendment should become operative. It was enacted in November of 1914. It went into effect on the 1st of January, 1916, giving 13 months to all those possessed of property, of leaseholds, or other acquisitions essential to the carrying on of the business either to dispose of them or to convert their occupations into other pursuits. I have no doubt that some injustice was done there, that some confiscation or destruction of property values resulted. I know that immediately after the amendment went into effect the bartenders and those previously employed in the breweries had a mass meeting in the city of Denver. They appointed committees to wait upon the governor and to demand employment as compensation for the jobs that had been taken away from them. I sympathized with that movement very largely. I felt, and I still feel, that there was upon the State a duty—a moral duty, at least—of looking after and doing something for these unfortunates. Nothing was done, however. Time passed. The movement disappeared. It resolved itself into nothingness, and the conclusion which I necessarily drew was that the demand for labor at that time was so active and so widespread that no

necessity existed requiring the State to make extraordinary efforts in the way of securing other lines of employment for these people.

Mr. President, I have detained the Senate longer than I intended, but I felt that it might help to clarify the situation here to give some of the brief experiences of my State, and particularly of my city, under the active operation of prohibition, as an offset to the same assertions, the same arguments, and the same predictions which are being advanced here as the result of the establishment of a similar condition of affairs in the Nation's Capital.

Mr. MARTINE of New Jersey. Mr. President, I have here an article that I clipped from the New York Herald of December 17, showing whither we are drifting if we adopt the prohibition amendment. It refers to the city of Boston, which has an election to-day, I believe, on this question. I desire to send this to the desk and ask to have the Secretary read it. The Senator from Kansas [Mr. THOMPSON] a little while ago stated how business prospered under prohibition in his State. I want to give to the Senate an evidence of the judgment of the Boston people; and I am assured that the gentleman whose name is mentioned therein is a gentleman of the highest type and character. I conferred with the Senator from Massachusetts [Mr. LODGE] as to his standing in the community, and he said it was par excellence.

Mr. SMOOT. The Senator desires this read from the desk as a part of his remarks?

Mr. MARTINE of New Jersey. Yes; I should like to have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New York Herald of Dec. 17, 1916.]

REAL ESTATE MEN JOIN IN LIQUOR FIGHT IN BOSTON—ASSERT $10,000,000 YEARLY RENTALS ENDANGERED BY "DRY" CAMPAIGN.

BOSTON, MASS.

Real estate owners have joined with the liquor interests in the fight to keep Boston from voting its saloons out of existence on Tuesday. Circulars calling upon them to work for license have been sent to all members of the Real Estate Exchange by the president of the organization, Mr. Francis R. Bangs, and it is known that many wealthy real estate men have contributed liberally to the already large fund that has been raised by the brewers and liquor dealers.

"Your directors feel that it is their duty to call your attention to a grave danger that threatens the real estate interests in Boston," Mr. Bangs says in his circular.

"It is a critical situation, for the reason that a few thousand votes might turn the scale either way," he warned, and asserted that $10,000,000 in gross rentals will be endangered if the city goes dry.

"Large amounts of capital employed in the liquor business would be rendered useless, wasted, or withdrawn. More than 10,000 people would be thrown out of employment, and not only put to great hardships themselves, but their landlords and all other persons with whom they deal would suffer.

"Apart from the foregoing considerations, which primarily affect real estate," the circular concluded, "it is obvious that great damage would be done to general business and to the standing of the city in relation to other cities of equal size if Boston should be put in the list of no-license municipalities."

Most of the Boston newspapers have been editorially urging the retention of licensed saloons, and thousands of circulars are being sent among the voters by the liquor advocates. The liquor dealers in large front-page advertisements in the Boston newspapers also denied responsibility for vicious attacks on the Rev. "Billy" Sunday that have appeared in a recently established newspaper and in circulars sent all over the city.

Mr. MARTINE of New Jersey. Mr. President, I beg to say further that Senators proclaim in loud terms and tones as to the results of prohibition in their States. I have noted here the fact that in the case of Topeka, Kans., as I stated this morning, the statistics show that in the month of September, 1913, 90,062 gallons of liquor were imported into that city. It has a population of about 40,000.

In Portland, Me., in the year 1913 the arrests for drunkenness were 4,006.

In the city of Greensboro, N. C., a prohibition State, 5,279 gallons of liquor were imported in December, 1913, being 195 gallons per day.

In the case of Tennessee I have not the figures.

I state further that I have gathered from the statistics that these dry, prohibition States are not the El Dorado of the world. Prohibition has not brought all peace, nor all happiness, nor all quiet. Prohibition has not prevented crime, but crime goes on just the same.

The number of persons in penal institutions in the State of Maine in the year 1913 was 5,252; in Iowa, 13,108; in Kansas, 3,878; in Virginia, 12,534; in West Virginia, 6,033; in Georgia, 12,981; in Texas, 10,399; in Arizona, a dry State, 6,841; in Washington, 10,198; and in Oregon, 6,431.

The percentage per 100,000 of persons committed to penal institutions in the wet State of New York was 502; in New Jersey, a wet State, 402; in Delaware, half dry and half wet, 983; in South Carolina, dry, 498; in Tennessee, dry, 456; in Texas, dry, 267; in Florida, half wet and half dry, 1,312; in Alabama, 412; in Montana, that was pictured here in such glowing terms the other day, 3,348; in Arizona, 3,348; in Utah, 481; in Oregon, 956; and in Colorado, of which the Senator has just spoken, 609.

It seems to me that these figures very seriously and flatly contradict the statements that have been made by our friends on the prohibition side.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. Yes.

Mr. GALLINGER. In connection with the article with reference to the city of Boston, that city is to-day voting on the question——

Mr. MARTINE of New Jersey. I realize that. I so stated.

Mr. GALLINGER. Boston is to-day voting on the question as to whether or not it shall be a so-called "dry" or "wet" city——

Mr. MARTINE of New Jersey. Yes, sir.

Mr. GALLINGER. Terms that I think are absurd to use in this connection. I will ask the Senator if he thinks it was a very valuable contribution to this discussion to put in the RECORD the fact that the liquor interests and the owners of real estate where the saloons are located have raised a large fund for the purpose of influencing the action of the——

Mr. MARTINE of New Jersey. I will ask the Senator——

Mr. GALLINGER. I hope the Senator will let me finish the sentence—for the purpose of influencing the action of men who are supposed to be able to formulate a correct judgment on public questions?

Mr. MARTINE of New Jersey. I will answer the Senator. I presented that, as I stated, in contradiction to the statement of the Senator, who declared that business interests and all had been promoted. I introduced these figures to show the very fact therein stated, that the business interests would be very seriously detrimented and deterred. I stated, furthermore, in connection with my remarks that I had consulted with the senior Senator from Massachusetts [Mr. LODGE] as to the character and stability and truthfulness of the gentleman whose name was presented—I have forgotten now what it was—and the Senator from Massachusetts assured me that he was a gentleman of the highest character.

Mr. GALLINGER. Oh, I have no doubt of that.

Mr. MARTINE of New Jersey. In answer to the Senator's final proposition as to whether there was money raised to defend these men and the business in which they were directly and financially interested, I do not question it. No man does question it. Neither will the Senator deny the fact that the prohibitionists have raised large sums of money to press their theory and their claims.

Mr. GALLINGER. I never——

Mr. MARTINE of New Jersey. There is no more evil on one side than evil on the other.

Mr. GALLINGER. If the Senator has knowledge as to the prohibitionists raising money to corrupt the franchise, I know of no such instance.

Mr. MARTINE of New Jersey. I do not say "corrupt"; neither can the Senator say that this is corrupt.

Mr. GALLINGER. It is the only way they could do it, inasmuch as the election occurs to-day, and this dispatch is only a few days old. That is what they raised the money for, just as they do everywhere, and the Senator knows it.

Mr. MARTINE of New Jersey. Well, that is very nice as a broad and general assertion without any proof. There is no doubt money is raised. In every election that I have ever known of since I was 18 years old there has been money raised. God knows that the Senator from the State of New Hampshire, as a member of the great Republican Party, can not here with good grace cry out against the raising of money. You have flooded the country with money for all sorts of propaganda that was dominated over by your Republican creed; and in the last controversy——

Mr. GALLINGER. I have not flooded anybody with money. I have not had money to flood anybody with.

Mr. MARTINE of New Jersey. Well, I was not talking of the Senator. I have a very kindly regard for the Senator. Aside from a few of his idiosyncrasies, I think he is one of the most lovable persons in the world. [Laughter.]

Mr. GALLINGER. Well, Mr. President, the matter of idiosyncracies must answer for itself.

Mr. MARTINE of New Jersey. I have no qualification, I will say to the Senator——

Mr. GALLINGER. The Senator will not allow me to utter a sentence. I asked the Senator once before to restrain his impetuosity. Once I had to appeal to the Presiding Officer to

protect me from the Senator as he approached my desk with outstretched arm. [Laughter.]

Mr. MARTINE of New Jersey. Whatever I might have done in the past, my impetuosity at least has been harmless to the Senator from New Hampshire.

Mr. GALLINGER. Yes.

Mr. MARTINE of New Jersey. There is something like 60 feet between us, and there is nothing but wind to-day intervening. [Laughter in the galleries.]

The PRESIDENT pro tempore. The Chair must admonish the occupants of the galleries that if there is any disorder he will order them cleared.

Mr. GALLINGER. The Senator is always entertaining, and sometimes is amusing, and he never disturbs me in the least degree, notwithstanding his aggressiveness and his apparent desire to pick a quarrel with somebody. [Laughter.]

Mr. MARTINE of New Jersey. Oh, never!

Mr. GALLINGER. Now, Mr. President, the Senator may take his seat just for a moment, if he pleases.

Mr. MARTINE of New Jersey. The Senator will hear you, but he will not take his seat until he has yielded the floor.

Mr. GALLINGER. Well, the Senator can do just what he pleases about that.

Mr. President, the Senator has presented to this body something with which most Americans are familiar, and that is the fact that whenever the attempt is made to regulate the liquor traffic—even to regulate it—the liquor dealers raise an immense sum of money for the purpose of preventing the legislation of which they do not approve.

In the letter that came from Boston, signed by a reputable gentleman, the Senator says—I do not know who it was—it is stated that a large loss is to accrue in rentals; that is, the rentals of buildings to the liquor sellers of Boston. Those gentlemen strike hands with the liquor dealers to raise large sums of money to control the election that is taking place to-day in Boston. That is a fact that I wanted to have appear in the RECORD as a fact. We will see what the result will be. Very likely, with the aid of a large sum of money, Boston will remain in what is called the wet column. I presume that will be the fact, although I hope it will not; but it will go down into history that this fund was raised for the purpose of influencing the votes of the people as it shall be expressed at the polls to-day in that great city.

Mr. BORAH obtained the floor.

Mr. MARTINE of New Jersey. Mr. President, I want to answer the statement made by the Senator from New Hampshire directed to myself.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. MARTINE of New Jersey. Let me say just a few words, and then I will yield the floor.

Mr. BORAH. Very well.

Mr. MARTINE of New Jersey. The Senator from New Hampshire charges that I am desirous of trying to pick a quarrel. Those were his words. God knows no man in this body dislikes to quarrel more than I do. That is just contrary to my whole disposition. Heaven knows the Senator from New Hampshire is the last man I would like to quarrel with. I have no desire to quarrel with anybody.

Mr. GALLINGER. That was not said seriously on my part. I said the Senator appeared to desire it.

Mr. MARTINE of New Jersey. Oh, I would appear in the wrong rôle. My heart is not in it. I am not quarrelsome, but I do answer that it is very plain that those who are raising money are doing it in a legitimate effort to prevent the destruction of their business. On the other side, I say without fear of contradiction, and I think the Senator is too practical a politician in all these years not to know it, that prohibitionists have raised money to press their propaganda, whatever the question might be. I am pressing this. I am in earnest in everything I do. That which I like I love and that which I dislike I hate, and I am very positive and prompt in saying so.

But my controversy is not with any individual. My controversy is not with the Senator from New Hampshire or the Senator from Texas or the Senator from Kansas, but my controversy is with the proposition that is being proposed here, and that is interference with personal rights and personal liberties. The great progress this country has made has been upon a broader line, a broader base, a broader and more American system, and I hold that this proposition is narrow, contemptible, and un-American. I say that advisedly. The Senator speaks of Colorado. I do not know how earnestly Colorado has become a prohibition State. It was not so the last time I was there. I desire to say to you that it was very open on the street corners, and so it was in very many other places, and so it was in Georgia, and so it was in South Carolina.

Mr. SMITH of Georgia. I should like to ask the Senator if he ever found a place that was prohibition against him.

Mr. MARTINE of New Jersey. I am not more specious in my plea nor better looking than the distinguished Senator who represents Georgia, but just as an ordinary citizen, under the hospitality of a public domicile owned by the Senator from Georgia, I am told, I saw it floating freely.

Mr. BORAH. Mr. President, I had intended to submit some remarks upon the amendment which is proposed by the Senator from Alabama, but I understand that there is a possibility of getting a vote, and if a vote can be arranged for and the debate would only be continued through my efforts, I desire to submit the question, as far as I am concerned, without taking up the time of the Senate. In other words, if the Senate is ready to vote so as to dispose of this matter this afternoon, I should like to have a vote taken.

Mr. UNDERWOOD. As far as I am concerned, I would not like to put off the vote until late this afternoon because a great many Senators would be away. If the Senator from Texas is willing to have the vote taken on my amendment now, I am willing to have the roll called.

Mr. SMITH of Michigan. Let us do that.

Mr. BORAH. A great many Senators want to get away for the holidays, and that is the reason why I made the suggestion.

Mr. SHEPPARD. Two or three amendments have been introduced to this amendment and they have not yet been voted on. I suppose they will be first in order.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from Mississippi [Mr. WILLIAMS] to the substitute of the Senator from Alabama [Mr. UNDERWOOD].

Mr. SMOOT. I wish to ask the Senator from Kansas [Mr. THOMPSON] if he intends to offer his amendments to the original bill. I have on my desk copies of the two amendments that he presented to the Senate and asked to have printed. I wish to know of him whether he is going to offer them or not.

Mr. THOMPSON. I wish to offer an amendment to the original bill and also an amendment to the substitute. As I understand it, the amendment can be offered now to the substitute, as the original bill is a part of the substitute.

Mr. SMOOT. Of course under the rule the original bill is to be perfected before amendments are offered to the substitute. I understood that the bill itself had been perfected, but before any other amendments were offered I wanted to ask the Senator from Kansas whether he intended to offer his amendment to the bill.

Mr. THOMPSON. I do not want to offer it, but I understand that I can offer the amendment to the substitute because it contains the original bill.

Mr. HUGHES. Mr. President——

The PRESIDENT pro tempore. The Chair recognized the Senator from Idaho [Mr. BORAH] and understands that the exchange of views on the subject of a vote has been going on while he has the floor. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield to the Senator.

Mr. HUGHES. I was just going to submit a unanimous request that we vote on the Underwood amendment. That is what the Senator wants to vote on and what everybody wants to vote on, and I ask that we vote upon it at 4 o'clock.

Mr. BORAH. That is perfectly satisfactory to me.

Mr. HUGHES. We do not need a roll call for that agreement, because it is a vote on the amendment. If we can have unanimous consent to take the vote on it, we will get that much out of the way.

Mr. BORAH. The Senator from Mississippi [Mr. WILLIAMS] has an amendment pending to the Underwood amendment.

Mr. HUGHES. It will be offered and voted upon in the meantime, I will say to the Senator, and that will bring us to a vote speedily on the substitute.

Mr. BORAH. I am perfectly willing to yield the floor for the purpose of proceeding with a vote upon the amendment of the Senator from Mississippi to the amendment of the Senator from Alabama. If the debate is to cease, as I said, I do not want to be instrumental in continuing it. Then, as soon as that vote is taken, we can proceed to vote upon the amendment of the Senator from Alabama.

Mr. WILLIAMS. I hope that course will be adopted.

Mr. UNDERWOOD. I should like to suggest to the Senator from Mississippi that as there are some Senators in the Office Building who probably would want to vote, would it not be well to make the point of no quorum so that they can be called in.

Mr. HUGHES. May we have unanimous consent to vote immediately upon the appearance of a quorum on the amendment of the Senator from Mississippi to the amendment of the Senator from Alabama?

Mr. SMITH of Georgia. We do not have to call for a quorum.

Mr. HUGHES. We do not have to call for a quorum in order to get unanimous consent to vote on an amendment, but that is required simply for an agreement to vote on a bill. If we get unanimous consent to vote on the amendment, we will have made that much progress. My experience is that after a quorum is called we do not make any progress.

The PRESIDENT pro tempore. The Chair did not understand whether the Senator from Alabama suggested the absence of a quorum or made a suggestion to the Senator from Mississippi.

Mr. UNDERWOOD. I am willing to agree, if the Senator from Mississippi desires to make a request for a quorum, that as soon as a quorum appears his amendment shall be voted on. But that is of course within the power of the Senator from Mississippi. I do not care to make the point of no quorum myself.

Mr. SMITH of Georgia. Mr. President, I have desired to express my opposition to the amendment of the Senator from Alabama, occupying not over 10 minutes in my statement. I have been waiting for some time. I shall not take over 10 minutes and perhaps not over 5 minutes.

Mr. HUGHES. Does the Senator want to include that in the unanimous-consent agreement?

Mr. SMITH of Georgia. I made that statement before unanimous consent was asked for. I would be glad to see a vote taken at 4 o'clock.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia for 10 minutes?

Mr. SMITH of Georgia. I will not ask the Senator to do that.

Mr. VARDAMAN. With the consent of the Senator from Idaho, I will say if the discussion is to be opened again why not fix a definite time for voting on the bill, say at half past 5 o'clock, or not later than half past 5 o'clock to-day? There are other Senators, not myself, who wish to say something, but will forego that in order to bring about a vote. If the Senator from Georgia speaks, other Senators may be drawn into the discussion. We are very anxious to dispose of the matter this afternoon, and if it can be generally agreed that we shall vote at 5 o'clock we can dispose of it.

Mr. KENYON. I should like to ask the Senator from Mississippi if he means to vote on the bill and all amendments this afternoon?

Mr. VARDAMAN. Yes; that is what I want.

Mr. KENYON. I am in the same position as the Senator from Mississippi. I wanted to speak on the bill, but I am perfectly willing to waive it if we can take a vote on the amendments and on the bill and dispose of it this afternoon.

Mr. VARDAMAN. All I desire is to fix an hour at which we may vote on amendments and on the bill. I do not care to go to the trouble of having the roll called if it can be understood by the Senate that we will vote, say, at half past 4 or 5 o'clock.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. Mr. President, I ask unanimous consent, and I think this will suit everybody, that not later than 5.30 the Senate shall proceed to vote upon the substitute and all amendments to the substitute and then upon all amendments to the bill and upon the bill.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS. Would not that require under the rule a roll call?

Mr. WILLIAMS. Of course.

The PRESIDENT pro tempore. It does.

Mr. UNDERWOOD. Mr. President, I want to say that some Senators who are in favor of the substitute have to leave the Chamber at half past 5 this evening who will be here in the morning. If we can have an immediate vote, I am willing; but if not, I am willing to agree to a time to-morrow—1 o'clock or 2 o'clock—at such an hour to-morrow as can be agreed upon; but I am not willing to agree to vote at half past 5 o'clock this evening; I can not agree to half past 4 o'clock, when I know there would be some Senators absent who are here now.

Mr. SHEPPARD. I ask unanimous consent that we vote immediately.

Mr. UNDERWOOD. I have no objection to that.

Mr. HUGHES. There is where we are. We can not vote on the amendment of the Senator from Alabama until after we vote on the amendment of the Senator from Mississippi. I have asked unanimous consent to have the vote taken, which can be agreed to without a roll call, that we proceed to vote immediately on the amendment of the Senator from Mississippi. We can then ask for consent to vote immediately on the amendment of the Senator from Alabama.

Mr. SMITH of Georgia. If the Senator from Texas asks for an immediate vote I will withdraw my purpose to make some remarks in opposition to the amendment of the Senator from Alabama and consent to the immediate vote.

Mr. SMITH of Michigan and others. Regular order!

The PRESIDENT pro tempore. The Chair understands the request of the Senator from New Jersey to be that the Senate agree to an immediate vote upon the pending amendment, and that agreement can be made without a roll call.

Mr. JONES. That would not prevent the offering of an additional amendment?

The PRESIDENT pro tempore. It would not. Is there objection to an immediate vote being taken on the amendment of the Senator from Mississippi [Mr. WILLIAMS] to the substitute proposed by the Senator from Alabama [Mr. UNDERWOOD]? The Chair hears none.

Mr. SHEPPARD. Let the amendment be read.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 8, strike out the word "male." On page 2, line 14, after the word "election," insert "and who can read and write and who have paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia," so that the section will read:

SEC. 2. That all resident citizens of the District of Columbia who are over the age of 21 years, of sound mind, and have not been convicted of an offense involving moral turpitude, and who have been residents of the District of Columbia and the voting precinct in which they reside for more than one year prior to the date of the holding of said election, and who can read and write and who have paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia, shall constitute the qualified voters at said election. The managers of the said election shall be the sole judges of the qualifications of the voters.

Mr. HARDWICK. I raise a point of order that the question ought to be divided, it involving two separate and distinct propositions.

The PRESIDENT pro tempore. The Chair thinks the point is well taken.

Mr. HARDWICK. I request that it be divided, then.

The PRESIDENT pro tempore. It contains undoubtedly two propositions. The question then is on the first amendment proposed by the Senator from Mississippi.

Mr. GALLINGER. Which is?

The PRESIDENT pro tempore. The Secretary will state it.

The SECRETARY. On page 2, line 8, strike out the word "male."

Mr. UNDERWOOD. On that question, in order that absentees may be notified and may be here, I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD. Let the amendment be stated again.

The PRESIDENT pro tempore. The roll call has been begun, the Chair will state.

Mr. PENROSE and others. Regular order!

The Secretary resumed the calling of the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], who is absent. If I were permitted to vote, I would vote "nay."

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote and not being able to obtain a transfer, I am constrained to withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. The Senator from New York has left a memorandum stating that he is against the bill itself and in favor of the Underwood referendum. I am for the bill and against the referendum, but I do not know how the Senator from New York woud vote on the amendment pending, so I withhold my vote.

Mr. McLEAN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MYERS]. On this question I am at liberty to vote, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON], and vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I wish to announce that my colleague [Mr. SIMMONS] is absent on account of illness and that he is paired with the junior Senator from Louisiana [Mr. BROUSSARD].

Mr. CHILTON (when the name of Mr. SMITH of South Carolina was called). The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family. He asked me to state to the Senate that upon this proposition he is in favor of the referendum, but wants it confined to male whites of the District of Columbia. I do not know how to pair him or transfer his pair on the question.

Mr. THOMAS (when Mr. SHAFROTH's name was called). My colleague [Mr. SHAFROTH] if present on this amendment would vote "yea."

Mr. TILLMAN (when his name was called). I wish to give my reason for my vote.

Mr. GALLINGER. Not now.

Mr. TILLMAN. Not now, but in a few minutes. I vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT] which I transfer to the Senator from South Carolina [Mr. SMITH], and vote "yea."

The roll call was concluded.

Mr. CLARK. I have a general pair with the senior Senator from Missouri [Mr. STONE] who is absent. I therefore withhold my vote. If he were present and I at liberty to vote, I should vote "yea."

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Tennessee [Mr. LEA];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted, but I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I wish to say that I am relieved from the obligations of the pair on this question, and I therefore allow my vote to stand.

Mr. CLAPP. Since my name was called I have been relieved of my pair and I now desire to vote. I vote "yea."

Mr. CATRON (after having voted in the affirmative). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. As he has not voted and does not seem to be present, I withdraw my vote.

The result was announced—yeas 54, nays 15, as follows:

YEAS—54.

Ashurst	Hollis	Nelson	Sterling
Borah	Hughes	Norris	Sutherland
Brady	Husting	Oliver	Thomas
Chamberlain	Johnson, Me.	Page	Thompson
Clapp	Johnson, S. Dak.	Penrose	Tillman
Colt	Jones	Pittman	Townsend
Cummins	Kenyon	Poindexter	Vardaman
Curtis	Kern	Pomerene	Walsh
Dillingham	Kirby	Saulsbury	Warren
Fernald	La Follette	Sheppard	Watson
Gore	Lane	Sherman	Williams
Gronna	Lee, Md.	Smith, Ariz.	Works
Harding	McCumber	Smith, Mich.	
Hitchcock	McLean	Smoot	

NAYS—15.

Bankhead	Culberson	James	Swanson
Beckham	du Pont	Martin, Va.	Underwood
Brandegee	Fletcher	Martine, N. J.	Wadsworth
Bryan	Hardwick	Overman	

NOT VOTING—27.

Broussard	Lea, Tenn.	Owen	Simmons
Catron	Lewis	Phelan	Smith, Ga.
Chilton	Lippitt	Ransdell	Smith, Md.
Clark	Lodge	Reed	Smith, S. C.
Fall	Myers	Robinson	Stone
Gallinger	Newlands	Shafroth	Weeks
Goff	O'Gorman	Shields	

So Mr. WILLIAMS's amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The second amendment of the Senator from Mississippi [Mr. WILLIAMS] will be read by the Secretary.

The SECRETARY. On page 2, line 14, after the word "election," insert:

And who can read and write, and who have paid all taxes and assessments due from them and unpaid by them to the Federal Government and the government of the District of Columbia.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired generally with the senior Senator from Oklahoma [Mr. OWEN]. If he were present, I would vote "nay" on this proposition. He being absent, I withhold my vote.

Mr. CHILTON (when his name was called). I make the same announcement as to my pair as I did before. If permitted to vote, I should vote "nay."

Mr. CLARK (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. GALLINGER (when his name was called). I repeat the fact that I am paired with the senior Senator from New York [Mr. O'GORMAN], who is absent. For that reason I withhold my vote.

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I again announce that my colleague [Mr. SIMMONS] is absent on account of illness in his family and that he is paired with the junior Senator from Louisiana [Mr. BROUSSARD]. I will let this announcement stand for the day.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Colorado [Mr. SHAFROTH], and will let that transfer remain for the balance of the day. I vote "yea."

Mr. WALSH (when his name was called). I make the same announcement of the transfer of my pair as announced on the recent vote and vote "yea."

The roll call was concluded.

Mr. SMITH of Georgia (after having voted in the affirmative). I have a memorandum which has been furnished me with reference to the attitude of the Senator from Massachusetts [Mr. LODGE] on the Williams amendment. He desires it known that if he were here he would vote for it; that he wished to be paired in favor of the amendment. I really paired him against it, but it makes no difference unless some Senator can pair him for it.

Mr. SMITH of Michigan. I rise to inquire if the junior Senator from Missouri [Mr. REED] has voted?

The PRESIDENT pro tempore. He has not.

Mr. SMITH of Michigan. Then I withhold my vote as I have a pair with that Senator. If I were permitted to vote, I should vote "nay."

The result was announced—yeas 44, nays 25, as follows:

YEAS—44.

Ashurst	Fletcher	Kirby	Smith, Ga.
Bankhead	Gore	Lee, Md.	Sterling
Beckham	Gronna	Martin, Va.	Sutherland
Brady	Hardwick	Newlands	Swanson
Brandegee	Hitchcock	Norris	Thomas
Bryan	Hollis	Overman	Underwood
Chamberlain	Hughes	Pittman	Vardaman
Culberson	James	Saulsbury	Wadsworth
Cummins	Johnson, Me.	Sheppard	Walsh
du Pont	Johnson, S. Dak.	Shields	Warren
Fernald	Kern	Smith, Ariz.	Williams

NAYS—25.

Borah	Kenyon	Oliver	Thompson
Clapp	La Follette	Page	Townsend
Colt	Lane	Penrose	Watson
Curtis	McCumber	Poindexter	Works
Harding	McLean	Pomerene	
Husting	Martine, N. J.	Sherman	
Jones	Nelson	Smoot	

NOT VOTING—27.

Broussard	Goff	Owen	Smith, Md.
Catron	Lea, Tenn.	Phelan	Smith, Mich.
Chilton	Lewis	Ransdell	Smith, S. C.
Clark	Lippitt	Reed	Stone
Dillingham	Lodge	Robinson	Tillman
Fall	Myers	Shafroth	Weeks
Gallinger	O'Gorman	Simmons	

So the amendment of Mr. WILLIAMS to the amendment was agreed to.

Mr. KERN. Mr. President, I offer the amendment which I send to the desk to the substitute amendment which has been proposed by the Senator from Alabama [Mr. UNDERWOOD].

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. After section 37 of the substitute amendment proposed by Mr. UNDERWOOD it is proposed to insert the following four sections, to be designated, respectively, as sections 37a, 37b, 37c, and 37d:

SEC. 37a. Whoever for the purpose of influencing or controlling the vote of any person entitled to vote at such election shall pay or offer or promise to pay to any such voter any sum of money or who shall deliver or promise to deliver to such voter anything of value, or who shall promise such voter any position or office or employment of any kind, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than $100 nor more than $1,000, and imprisoned not less than 3 nor more than 12 months.

SEC. 37b. Whoever shall vote or attempt to vote more than once at such election, or whoever shall advise, counsel, or attempt in any way to induce any person to so vote more than once, shall be guilty of a misdemeanor, and be fined not less than $100 nor more than $1,000, and imprisoned not less than 3 nor more than 12 months.

SEC. 37c. Whoever shall contribute or pay out any money to be used for any purpose in connection with said election, except for printing and publishing facts and arguments relating to the same, or for the necessary expenses of public meetings called for the purpose of considering and hearing discussed the issues involved in such election, shall be guilty of a misdemeanor and fined not less than $500, to which may be added imprisonment for a period of not exceeding one year.

SEC. 37d. Any manager, clerk, or returning officer, or any other person who shall destroy, change, mutilate, or falsify any paper, record, or return required by this act to be kept or made out, or who shall do any act the effect of which will be to defeat the will of the voters of said District as expressed at said election, shall be guilty of a misdemeanor and on conviction shall be fined in any sum not less than $100 nor more than $1,000, and be imprisoned in the District Jail or workhouse for not less than six months nor more than one year.

Mr. UNDERWOOD. If I have a right to do so under the rules of the Senate, I am willing to accept that amendment.

The PRESIDENT pro tempore. The Chair will rule that the Senator has a right to modify his amendment until after a vote shall have been taken upon it.

Mr. UNDERWOOD. Then, I accept the amendment to my amendment offered by the Senator from Indiana.

Mr. THOMPSON. I desire to offer a slight amendment to the substitute offered by the Senator from Alabama, which I have submitted to him. My amendment to his amendment might as well be acted upon now.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 5, at the end of line 4 of the substitute, it is proposed to add the following:

And shall order that all bars, saloons, and other places where intoxicating liquors are sold in the District of Columbia shall be closed on the days of elections for any of the purposes prescribed by this act.

Mr. UNDERWOOD. Mr. President, I understand the amendment offered by the Senator from Kansas is for the purpose of closing all barrooms and saloons on election day, and I am willing to accept the amendment to my amendment.

Mr. JONES. I desire to ask what the last words of the amendment—"for any of the purposes prescribed by this act"—mean?

Mr. THOMPSON. Where a vote is taken upon anything prescribed in the act.

Mr. JONES. They ought to be closed entirely.

Mr. THOMPSON. That is, for any purposes under the act.

Mr. UNDERWOOD. I understand the proposition of the Senator from Kansas is to close the saloons on election day, the day the vote is to be had under this act, and I am willing to agree to that.

Mr. JONES. I should like to have the words "for any of the purposes prescribed by this act" stricken out.

Mr. THOMPSON. That is entirely satisfactory to me.

Mr. UNDERWOOD. Let the amendment be again stated, Mr. President.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The SECRETARY. On page 5, at the end of line 4 of the substitute proposed by the Senator from Alabama, it is proposed to insert:

And shall order that all bars, saloons, and other places where intoxicating liquors are sold in the District of Columbia shall be closed on the days of elections for any of the purposes prescribed by this act.

Mr. THOMPSON. I desire to modify my amendment in line 5, after the word "elections," by striking out the words "for any of the purposes prescribed by this act." The prohibition will then apply to any other election day.

Mr. UNDERWOOD. I suppose it would apply to any election day in the District of Columbia. I have no objection to that, and I accept the amendment to my amendment.

Now, Mr. President, I ask unanimous consent, if there are no further amendments to be offered to my substitute——

Mr. CURTIS. Mr. President, on yesterday the Senator from Alabama [Mr. UNDERWOOD] stated that his substitute included the Sheppard bill as it was completed up to Saturday night. On Monday morning the Senator from North Dakota [Mr. GRONNA] offered an amendment including the words "or gift" after the words "import for sale," which was agreed to by the Senate. I notice that is left out of the Senator's substitute. The word "gift" where it appears in the bill as amended last Saturday is also left out. I ask the Senator from Alabama if he will not consent to insert in his substitute, on line 2, page 7, the words "or gift," so that the bill will contain the amendment agreed to Monday morning?

Mr. UNDERWOOD. I will say to the Senator from Kansas that the amendments which I have accepted relate to the referendum which I propose. I have not attempted to change the Sheppard bill. If the Senator from Texas [Mr. SHEPPARD], who is the proponent of the original Sheppard bill, desires to place those words in the substitute I shall not object; but I have not attempted to alter, and do not propose to attempt to alter, the Sheppard bill. The amendments which I have accepted relate to the referendum.

Mr. CURTIS. Mr. President, I should like the attention of the Senator from Texas having charge of the bill. The Senator from Alabama has just stated that if the Senator from Texas is willing to have the bill amended so as to insert the words "or gift" after the words "import for sale," the same being the amendment agreed upon last Monday, that he would be satisfied to accept it, so far as he is concerned.

Mr. SHEPPARD. As I understand, only the words "or gift" are added after the words "import for sale." The words "or gift" should be added after the words "import for sale."

The PRESIDENT pro tempore. Does the Senator from Texas submit that as an amendment to his bill?

Mr. SHEPPARD. The Senator has offered the amendment to the original bill.

Mr. CURTIS. I suggest to the Senator that the amendment was agreed upon yesterday morning, and I think it ought to be in the bill, as the substitute is supposed to embody the Sheppard bill.

Mr. SHEPPARD. I will say that the words "import for sale or gift" have been incorporated in my bill.

Mr. UNDERWOOD. The Senator from Texas did not hear my colloquy with the Senator from Kansas. The Senator from Kansas asked me to accept an amendment, and I said to him that I disclaimed any responsibility for the original Sheppard bill, that if the friends of the bill were willing to accept the amendment as a part of the bill I was willing to accept it as a part of the substitute.

Mr. SHEPPARD. As I stated to the Senator from Kansas, I think the amendment ought to be confined to the words "import for sale or gift."

Mr. CURTIS. That is right.

Mr. UNDERWOOD. I am willing to accept it that far if the Senator from Texas takes the responsibility of accepting the suggestion made by the Senator from Kansas.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment as it is now modified.

The SECRETARY. The first amendment accepted by the Senator from Texas [Mr. SHEPPARD] appears on page 7, line 2, of the last print of the bill, after the words "import for sale," to insert the words "or gift."

Mr. GALLINGER. Mr. President, I suggest that the Senator from Texas can not accept amendments without the question being submitted to the Senate.

The PRESIDENT pro tempore. The Chair will state that this amendment was to the original bill.

Mr. GRONNA. Mr. President, I desire to say to the Senator from Texas that the amendment referred to by the Senator from Kansas [Mr. CURTIS] was inserted in the bill by a vote of the Senate on yesterday, and it was to the original bill.

Mr. SHEPPARD. I so stated.

Mr. UNDERWOOD. I have accepted the amendment as indicated by the Senator from Texas. What I desire to submit is a referendum provision to the bill that he has proposed in the Senate as agreed to. I do not take the responsibility of changing the Sheppard bill, but I accept the suggestion under those conditions as a part of my substitute.

Mr. HITCHCOCK. Mr. President, I would like to inquire what that is designed to accomplish. Would that prevent an individual from importing liquor for household use and then prohibit him from giving it to his guests?

Mr. CURTIS. It would not. It is intended to prohibit the importation of intoxicating liquors for sale or gift for beverage purposes in violation of this act.

Mr. HITCHCOCK. Let me make a violent supposition and suppose the Senator from Kansas should import a case of beer from Milwaukee. Would he then be violating the law if he served it to his guests?

Mr. CURTIS. He would not, if he did not do it with intent to evade the law. [Laughter.] The Supreme Court of Kansas has passed upon that question and has held that the owner of intoxicating liquor who has purchased it in good faith has the right to give it to his guests without violating a statute similar to this.

SEVERAL SENATORS. Question!

Mr. SHEPPARD. I wish to say to the Senator from Alabama that in the same line, line 2, page 7, after the word "manufacture," the words "for sale or gift" should be added.

Mr. UNDERWOOD. The Senator is responsible for his own bill, and if he desires that change made, I will consent to it.

Mr. JONES. Mr. President, I desire to offer an amendment to section 2 of the referendum portion of the substitute. I will merely say, in a word, that there are many residents of this District who have maintained their voting residence in the States from which they come. Those persons ought to be permitted to vote on this question, and that is the purpose of the amendment which I offer.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 2 it is proposed to strike out the words "resident citizens," in line 8, page 2, and to insert the word "residents"; and after the word "election," in line 14, page 2, to insert the words "whether they maintain or have maintained a voting status elsewhere or not."

Mr. VARDAMAN. Mr. President, I should like to ask whether under that amendment a man may come to Washington, take up his residence here for a month, and vote at this proposed election?

Mr. SMITH of Georgia. Oh, no; under the bill he must have resided here 12 months. It covers the nearly 40,000 citizens of other States who are compelled to reside here by reason of the civil-service rules and their official position, and who are just as much entitled to vote on this question as resident citizens, and have more rights under the Constitution.

Mr. THOMPSON. I have a further amendment to offer.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington.

Mr. CLARK. Mr. President, I should like to ask the Senator from Washington a question. In the bill as it now stands are there any property qualifications for voters or qualifications in regard to tax paying?

Mr. JONES. The amendment of the Senator from Mississippi [Mr. WILLIAMS], which has been adopted, does not require people to have property, but simply requires when taxes have been assessed against the property that the taxes shall be paid; that is all.

Mr. POMERENE. Mr. President, I should like to ask the Senator from Washington a question. As I understand his amendment, it will allow men and women who now claim their residence in other States to vote here, provided they have resided here 12 months?

Mr. JONES. It entitles them to vote on this particular proposition if they have lived here for 12 months.

Mr. POMERENE. Just a moment further. Is the Senator able to state what effect voting here in the District would have on the right of a citizen of a State to vote in his own State?

Mr. JONES. I take it that, under the language which I have submitted here, it would not affect his right in his own State.

Mr. POMERENE. The right to vote in the States is controlled by the laws of those States and not by the laws of the District.

Mr. JONES. That is true.

Mr. POMERENE. So that the amendment in that behalf would not affect the residential rights of men in their own States?

Mr. JONES. I do not think it would.

Mr. SMITH of Georgia. This amendment—and I have prepared and intended to offer a similar one—would simply allow Government clerks and officials in Washington who retain their citizenship at home, but who by reason of their holding office here live here and have their families here, to participate in this election relating to a municipal regulation.

Mr. GALLINGER. Mr. President, I will state that I believe the adoption of such an amendment would disfranchise a good many people in their home States. The question of politics arises in States and cities when men come to vote, and when a charge is made that a man has voted in the District of Columbia, I doubt very much whether he would be allowed to vote at home.

Mr. JONES. I want to suggest to the Senator that they do not have to vote if they do not want to run that risk.

Mr. GALLINGER. They do not have to vote, but they are invited to do so, and I simply wanted to point out the danger there is of disfranchising men in the several States if they vote in the District of Columbia.

Mr. SMITH of Georgia. Mr. President, it can not possibly disfranchise them. We propose to adopt this provision in such shape as distinctly to say that they do not claim citizenship here. We strike out any claim of citizenship here and let them vote here when they are simply residents by reason of their office, retaining their citizenship at home.

Mr. GALLINGER. I have had some experience in trying to get men on voting lists in my own State, and I know how technical both parties are when perhaps a single vote will determine an election, and I say that, in my judgment, if these men vote here, they will be disfranchised in many instances.

Mr. POMERENE. Mr. President, I have the same thought in my mind as that expressed by the Senator from New Hampshire [Mr. GALLINGER]. I do not have the Ohio statute before me at the present time, but I do know that when it comes to determining the question as to whether or not a man who presents himself at the ballot box has a right to vote in his precinct in Ohio the fact as to whether or not he has voted in another State is very often determinative of his right.

Mr. GALLINGER. Certainly.

Mr. POMERENE. And I have not any doubt but the exercise of the right to vote in this District would seriously jeopardize his right to vote in his home State.

Mr. WORKS. Mr. President, this provision entirely excepts the question of citizenship. Furthermore, this is really a Federal question, and any citizen of the United States ought to be permitted to vote upon it, because it affects the interests of the Capital of the Nation. Certainly no one can be disfranchised in his own State for voting upon any proposition of that kind.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator from Washington whether the language he proposes confines the voting privilege to citizens of the United States?

Mr. JONES. It confines it to residents of the District of Columbia, male and female, of the age of 21 years, and so forth.

Mr. BRANDEGEE. I have not the bill before me, and that is the reason I asked the question.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Washington that it might be well to make the provision read "resident citizens of the United States."

Mr. JONES. I accept that.

Mr. BRANDEGEE. I think there should be some such provision.

Mr. JONES. I accept that suggestion.

Mr. SMITH of Georgia. If we use the words "resident citizens of the United States," that will show even more clearly that the purpose is to permit a vote here on this question without affecting their status as citizens of the respective States.

Mr. JONES. I accept that suggestion.

The PRESIDENT pro tempore. One moment, so that we may keep the RECORD straight. The Chair understands that the Senator from Washington has accepted the suggestion of the Senator from Georgia and modifies his amendment in that respect.

Mr. CLARK. Mr. President, before that is accepted, that is exactly the point I wanted to inquire about. What does the Senator from Georgia mean definitely by the expression "a citizen of the United States"?

Mr. SMITH of Georgia. I mean just what the term implies, a person who in a State would be allowed under the laws of the State to vote. If he were foreign-born, he would have to be naturalized.

Mr. CLARK. That was not the point to which I directed attention. The point to which I wish to direct attention is, What is a citizen of the United States? Of course, there is no such thing as a voting citizen of the United States, and, therefore, if the amendment is to be made, the word "citizen" ought to be so defined as to carry a voting qualification.

Mr. SMITH of Georgia. I think we have fixed the voting qualifications in this bill.

Mr. CLARK. We have not fixed the voting qualifications of citizens of the United States. The voting qualifications of each citizen is fixed by the State in which he resides.

Mr. NELSON. Mr. President, I think a constitutional amendment prescribes the qualifications of a citizen of the United States as one born in the United States or duly naturalized.

Mr. SMITH of Georgia. That is what I understand. I thank the Senator from Minnesota. That is my view of the matter.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 2, line 8, of the substitute, after the word "citizens," insert the words "of the United States and," so that it will read "that all resident citizens of the United States and of the District of Columbia"——

Mr. JONES. No; that is not the amendment. The amendment strikes out the words "resident citizens" and inserts the words "residents, citizens of the United States." The words "residents who are citizens of the United States" would perhaps be better, and I suggest it be changed in that way.

The SECRETARY. On page 2, line 8, it is proposed to strike out the words "resident citizens" and insert the words "residents, citizens of the United States."

Mr. JONES. After the word "residents," insert the words "who are citizens of the United States."

The SECRETARY. "Residents who are citizens of the United States."

Mr. JONES. In line 14 there is a further amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 14, following the amendment heretofore agreed to, it is proposed to insert the words "whether they maintain or have maintained a voting status elsewhere or not."

Mr. WALSH. Mr. President, I desire to make a suggestion to the Senator from Washington. It occurs to me that very much confusion may arise by the use of the words "resident citizens." I think residence is universally the test of the right to vote, and, strictly speaking, all of these people to whom we desire to extend the right to vote by this amendment—and I am with the Senator from Washington upon that—vote in the States from which they come, because they are residents not of the District of Columbia, but of those States; and they are not, as it seems to me, appropriately described at all as "resident citizens of the District." They are resident citizens of the States from which they come, and in which they claim the right regularly to vote.

Mr. JONES. The word that I used was "residents."

Mr. WALSH. I understand.

Mr. JONES. If the Senator can suggest anything that he thinks will cover the matter I shall be very glad to accept it. I thought that I would save time. This matter will go to another body, and I suggest that it can be taken care of all right.

Mr. WALSH. I was going to suggest to the Senator that the language "citizens of the United States domiciled within the District for the period of 12 months prior to such election" would express the idea, I think, better than the language used.

Mr. JONES. I would suggest that probably it would be well to let this matter go, and then it can be taken care of in the other body.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Washington to the substitute offered by the Senator from Alabama.

Mr. SUTHERLAND. Mr. President, I should like to have that portion of the section read as it will appear if the amendment is adopted.

The PRESIDENT pro tempore. The Secretary will state the section as amended, or that portion of it.

The Secretary read as follows:

That all residents who are citizens of the United States and of the District of Columbia who are over the age of 21 years, of sound mind, and have been not convicted of an offense involving moral turpitude——

Mr. SUTHERLAND. That is sufficient for my purpose. It seems to me the language would be very much confused by that provision. As I understand it, it provides that all residents who are citizens of the United States and of the District of Columbia—that is, citizens of the District of Columbia——

Mr. JONES. No; the words "of the District of Columbia" ought to be stricken out.

Mr. SUTHERLAND. What the Senator intends to do is to provide that all persons who are domiciled in the District of Columbia, and who are citizens of the United States, shall be permitted to vote, irrespective of the fact that they have a voting status in some other place?

Mr. JONES. Yes; and if I can have that language, I——

Mr. SUTHERLAND. Why not say that?

Mr. JONES. I would be glad to have that said, but I am trying to save as much time as possible in getting to a vote, and not to strike out any more of the bill than is necessary; that is all.

Mr. SUTHERLAND. The Senator from Montana is exactly correct about it.

Mr. JONES. I agree to that.

Mr. SUTHERLAND. When we provide that residents of the District of Columbia shall be permitted to vote, we thereby exclude from voting the very persons whom the Senator desires to have vote, because a person can not be a resident in two places. A person may be domiciled in Washington and have a residence in the State of Washington or in the State of Utah.

Mr. JONES. The Senator and I are agreed, if he will suggest the language.

Mr. SUTHERLAND. I suggest, as the Senator from Montana [Mr. WALSH] has substantially already suggested, that it be made to read "That all persons domiciled in the District of Columbia, who are citizens of the United States, over the age of 21 years," and so forth.

Mr. JONES. That is all right. I accept that.

The SECRETARY. It is proposed to amend the language so that it will read:

SEC. 2. That all persons domiciled in the District of Columbia who are citizens of the United States—

And so forth.

Mr. SUTHERLAND. It will then be necessary to change the word "residents" farther down, in line 11, so that it will read "who have been so domiciled in the District of Columbia."

The SECRETARY. It is proposed to strike out, on line 11, the words "residents of," and insert "so domiciled in," so that that part will read:

And who have been so domiciled in the District of Columbia.

SEVERAL SENATORS. For what length of time?

Mr. SUTHERLAND. For more than one year.

Mr. JONES. That is already in the section.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Washington, as now agreed upon, to the amendment of the Senator from Alabama.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, on page 1, in line 2, I move to strike out the word "male." I offer that as an amendment.

Mr. UNDERWOOD. I understood that that had been adopted. Has it not?

Mr. BORAH. No; it was in section 2, on page 2, that that was adopted.

Mr. UNDERWOOD. Oh, well, as the Senate has already fixed the suffrage with males and females, I am perfectly willing to accept the suggestion of the Senator from Idaho and let the same provision extend to the petition. I accept that.

The SECRETARY. On page 1, line 2, before the word "taxpayers," it is proposed to strike out the word "male."

The amendment to the amendment was agreed to.

Mr. BORAH. On page 4, after the word "his," in line 1, I move to insert "or her."

Mr. UNDERWOOD. I accept that.

The SECRETARY. On page 4, line 1, after the word "his," it is proposed to insert "or her," so that it will read:

The ballot issued in said election shall have printed thereon such phraseology as will enable each voter to express intelligently and clearly his or her choice on the issue to be voted upon.

The amendment to the amendment was agreed to.

Mr. BORAH. On the same page, line 8, after the word "he," I move to insert "or she."

The SECRETARY. On page 4, line 8, after the word "he," the second word in the line, it is proposed to insert "or she."

Mr. UNDERWOOD. I accept that.

The amendment to the amendment was agreed to.

Mr. BORAH. And on the same page, on line 11, after the word "his," I move to insert the words "or her."

Mr. UNDERWOOD. I accept that.

The SECRETARY. On page 4, line 11, after the word "his," it is proposed to insert the words "or her."

The amendment to the amendment was agreed to.

Mr. BORAH. And in line 12, after the word "his," I move to insert the same words, "or her."

Mr. UNDERWOOD. I accept that.

The SECRETARY. On line 12, after the word "his," it is proposed to insert the words "or her."

The amendment to the amendment was agreed to.

Mr. WORKS. Mr. President, I move to amend by striking out, on page 2, lines 15 and 16, the words "The managers of the said election shall be the sole judges of the qualifications of the voters."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 1, lines 15 and 16, it is proposed to strike out the following words:

The managers of the said election shall be the sole judges of the qualifications of the voters.

Mr. BRANDEGEE. Before agreeing to that, Mr. President, I should like to know who is to determine the qualifications.

Mr. WORKS. I do not know; but certainly the managers of the election ought not to remain the sole judges, the exclusive judges. It is possible that the courts might be called upon to determine that question at some stage, and I think it is not wise to make them the sole judges.

Mr. BRANDEGEE. The way the bill is being framed somebody ought to judge, of course.

Mr. UNDERWOOD. Mr. President, when a voter presents himself at the polls and his vote is contested somebody has to determine whether or not he is entitled to cast his vote. This proposition is perfectly fair. I do not see how anyone who favors prohibition can object to it, because two of the commis-

sioners of the District, I understand, are prohibitionists. They will appoint these judges, one on each side of the question, and they will pass on the question as to whether or not the contested vote should be cast. If we strike this out of the bill, then we do not leave it for anybody to determine as to whether a vote shall be cast or not, whether it is a legal vote. So I hope the amendment will be voted down.

Mr. WORKS. Mr. President, the trouble about it is that this provision makes the managers the sole judges. Usually where a vote is challenged the voter is required to make affidavit of his qualifications, and that, of course, permits his vote. But the question may arise later on as to his qualifications if there should be any contest of the election, and certainly that door ought not to be closed.

Mr. UNDERWOOD. This bill provides that the District Commissioners may adopt such rules and regulations for the conduct of this election as they may prescribe. They can provide in their rules and regulations for the taking of an oath; but at the election somebody must determine whether the voter shall vote. I do not know how it is in other States, but in my State the judges of election determine that. This is not a final determination. It is the determination under the qualifications prescribed in this bill.

Mr. HARDWICK, Mr. SUTHERLAND, and Mr. THOMPSON addressed the Chair.

Mr. WORKS. Well, Mr. President, the commissioners could not make any rules or regulations in violation of the express terms of the bill that these managers shall be the sole judges.

Mr. HARDWICK. Mr. President, if the Senator will yield to me for just a moment——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Georgia?

Mr. WORKS. Yes.

Mr. HARDWICK. I think I can make a suggestion which will avoid this trouble. It is to strike out the word "sole."

Mr. UNDERWOOD. All right. I am perfectly willing to consent to that.

Mr. HARDWICK. They must be the primary judges.

Mr. UNDERWOOD. I will consent to strike out the word "sole," leaving it to read that they shall be the judges of the qualifications of the voters.

Mr. SUTHERLAND. Mr. President, I do not think the Senator from Alabama ought to consent to striking out the word "sole." As I understand the rule which prevails in the various States, it is that the judges of election in the first instance constitute the sole judges of the qualifications of the voters who present themselves. If a man comes to the polls to vote, and his vote is challenged, he has the right under some statutes to make an affidavit, to swear to the facts which constitute his qualifications, and then the judges determine whether or not he shall cast his vote. If they determine against him, that is the end of the matter so far as the right of a person to vote is concerned. If, however, the judges under some circumstances deny the right to vote to a man who has such a right, then he has his action at law. That is the remedy which he has.

Mr. UNDERWOOD. I agree with the Senator from Utah; but I do not think and did not think that to strike out the word "sole" affects the matter one way or the other, so I let it go out.

Mr. WORKS. Mr. President, while the election officers may determine whether or not the proposed voter shall cast his vote, they have no right to determine conclusively what his qualifications are. This provides not only that they shall undertake to determine whether or not he shall cast his vote, but that they are the sole judges of his qualifications, which I understand to mean the exclusive judges. It will cut off any inquiry in the future. Certainly the Senator from Utah does not maintain that that ought to be done.

Mr. UNDERWOOD. I consent to the amendment on those terms. If the referendum is adopted, I have no doubt that between the two Houses this question will be straightened out.

The PRESIDENT pro tempore. The Secretary is unable to determine just the terms of the amendment which is proposed to be offered, and is accepted.

The SECRETARY. It is proposed to strike out the word "sole" on page 2, line 16, before the word "judges."

Mr. UNDERWOOD. That is correct.

Mr. WORKS. That is correct.

The amendment to the amendment was agreed to.

Mr. THOMPSON. Mr. President, I have one other amendment to the original bill. I have submitted it to the Senator from Texas [Mr. SHEPPARD], and he is willing to accept it. Before the vote is taken I should like to offer it.

Mr. UNDERWOOD. I should like to get a vote on this referendum. The Senator can take up that matter later. If we go into the amendment of the Sheppard bill again, we will not get a vote this afternoon.

Mr. THOMPSON. Mr. President, I should like to know whether I will have a right to offer this amendment at a later time if the substitute is adopted?

The PRESIDENT pro tempore. The Senator will have an opportunity in the Senate to amend anything done as in Committee of the Whole. The question now before the Senate is the adoption of the substitute, as amended, offered by the Senator from Alabama.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SUTHERLAND. Mr. President, before the vote is taken, just one other suggestion with reference to the phraseology. On line 12 of page 2, in line with the amendments which have already been made, the words "in which they reside" should be stricken out and the words "of their domicile" should be inserted. I suggest that amendment.

The SECRETARY. On page 2, lines 12 and 13, after the word "precinct," it is proposed to strike out the words "in which they reside" and in lieu thereof to insert "of their domicile."

Mr. UNDERWOOD. As I understand, that is to make the bill conform to what has already been done, and I accept it.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. UNDERWOOD] as amended. The yeas and nays have been called for and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I am assured that the senior Senator from Illinois [Mr. LEWIS] would vote as I will vote. I therefore transfer my pair to him and vote "yea."

Mr. CHILTON (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL], who is not present. I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. GALLINGER (when his name was called). I again announce my pair with the senior Senator from New York [Mr. O'GORMAN]. If the Senator from New York were present, he would vote "yea" and I would vote "nay."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. OVERMAN (when Mr. SIMMONS's name was called). Making the same announcement as previously made as to my colleague, I am requested by him to state that if he were present he would vote "nay."

Mr. WALSH (when his name was called). Making the same transfer of my pair as on the former vote, I vote "nay." I wish to announce that the absence of my colleague [Mr. MYERS] is due to illness. If he were present, he would vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia. Mr. President, I have been requested to state that the senior Senator from Massachusetts [Mr. LODGE], with whom I have a pair, which I transferred to the Senator from Colorado [Mr. SHAFROTH], were he present, would vote for this amendment. The Senator from Colorado would vote against it.

Mr. KERN. I have been requested to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA] on account of illness in his family. If the Senator from Tennessee were present, he would vote "nay."

Mr. SMITH of Michigan (after having voted in the negative). I did not hear the announcement of the Senator from Georgia. Was it concerning the senior or the junior Senator from Massachusetts?

Mr. SMITH of Georgia. The senior Senator.

Mr. SMITH of Michigan. Has the junior Senator from Massachusetts voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SMITH of Michigan. I have a pair with him on this question, and I therefore withdraw my vote. If at liberty to vote, I should vote "nay."

Mr. MARTINE of New Jersey. I arise to announce that the junior Senator from Illinois [Mr. LEWIS] is absent owing to illness and that were he present he would vote for the amendment offered by the Senator from Alabama.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from Tennessee [Mr. LEA].

The roll call resulted—yeas 38, nays 38, as follows:

YEAS—38.

Bankhead	Hardwick	Newlands	Stone
Brandegee	Hitchcock	Oliver	Sutherland
Bryan	Hollis	Page	Tillman
Catron	Hughes	Penrose	Underwood
Clark	James	Pittman	Wadsworth
Colt	Johnson, Me.	Pomerene	Warren
Culberson	Kern	Reed	Watson
Dillingham	La Follette	Saulsbury	Williams
du Pont	Lee, Md.	Smith, Ariz.	
Harding	Martine, N. J.	Smith, Md.	

NAYS—38.

Ashurst	Gore	Nelson	Sterling
Beckham	Gronna	Norris	Swanson
Borah	Husting	Overman	Thomas
Brady	Johnson, S. Dak.	Phelan	Thompson
Chamberlain	Jones	Poindexter	Townsend
Clapp	Kenyon	Sheppard	Vardaman
Cummins	Kirby	Sherman	Walsh
Curtis	Lane	Shields	Works
Fernald	McCumber	Smith, Ga.	
Fletcher	Martin, Va.	Smoot	

NOT VOTING—20.

Broussard	Lea, Tenn.	Myers	Shafroth
Chilton	Lewis	O'Gorman	Simmons
Fall	Lippitt	Owen	Smith, Mich.
Gallinger	Lodge	Ransdell	Smith, S. C.
Goff	McLean	Robinson	Weeks

The PRESIDENT pro tempore. On the amendment of the Senator from Alabama as amended the yeas are 38 and the nays are 38. The amendment is therefore rejected. The bill is still as in Committee of the Whole and open to amendment.

Mr. THOMPSON. Mr. President, I have one other amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 17 of the bill, after line 2, it is proposed to insert a new section, to be known as section 13a, and to read as follows:

That the treating or giving of intoxicating liquors to any minor by any person other than the father, mother, or guardian of such minor, or a physician for medical purposes, shall be unlawful; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished therefor as provided in section 1 of this act for unlawfully selling intoxicating liquors.

Mr. SHEPPARD. I have no objection to that amendment.

Mr. SMOOT. Mr. President, I will say to the Senator that this is the first time the question of treating has come into this bill. It does not stop at the treating of minors by the father or the mother or the guardian or the physician, but it goes on to say that the gift to minors by the guardian, the father, the mother, or the physician is lawful. It seems to me there can be nothing that will make the bill more ridiculous than if that proposition is accepted and made a part of this so-called prohibition bill .

Mr. GALLINGER. Mr. President, I will ask the Senator from Kansas to strike out the words "treating or." It is incomprehensible to me that the father or mother is going to treat the son. Then it will cover simply the giving of intoxicating liquors.

Mr. THOMPSON. Very well; I will consent to that. I will simply say to the Senator from Utah that this is the language of the Kansas statute on the same subject.

Mr. SMOOT. That does not make any difference as to the remarks which I have made.

Mr. THOMPSON. It has met with success in the administration of the law in Kansas, and I hope it will here.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the words "treating or," so that it will read:

That the giving of intoxicating liquors to any minor by any person—

And so forth.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Kansas as modified. [Putting the question.] By the sound the noes seem to have it. [A pause.] The noes have it, and the amendment is rejected.

Mr. REED. Mr. President, I rose before the vote was announced to make an inquiry.

The PRESIDENT pro tempore. The Chair did not so understand, but will now hear the Senator.

Mr. REED. I want to know whether the Chair has decided upon the amendment.

The PRESIDENT pro tempore. The Chair has decided that the amendment was rejected.

Mr. REED. I ask that that particular part of the language be read as it now stands in the bill.

The PRESIDENT pro tempore. The amendment was not adopted.

Mr. REED. I want to have the language of the bill to which this amendment was offered read.

The PRESIDENT pro tempore. The Secretary will state the section.

The SECRETARY. It is a new section, to be known as section 13a, that was offered.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and subject to amendment. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. UNDERWOOD. On account of there being a tie vote on the question of the referendum, I desire to reserve the amendment so that we may have a vote in the Senate on my amendment. If it had been otherwise I would not do so. I desire to ask the Senator from Texas if he is not willing to agree to an adjournment. I am willing to agree to a time to vote to-morrow.

Mr. SHEPPARD. I do not feel that I would be justified in agreeing to an adjournment.

Mr. UNDERWOOD. I am sure the Senator understands that we can not get a vote this evening.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. Certainly.

Mr. REED. It is necessary to have a short executive session in order that numerous appointments may be referred to proper committees and be passed upon before the holidays. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Missouri.

Mr. VARDAMAN and Mr. GRONNA called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote.

Mr. GALLINGER (when his name was called). I again announce my pair with the senior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. He is not present, and I withhold my vote.

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. CATRON (after having voted in the affirmative). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. LEWIS] and allow my vote to stand.

The result was announced—yeas 32, nays 41, as follows:

YEAS—32.

Bankhead	Hardwick	Lee, Md.	Reed
Brandegee	Hitchcock	Martine, N. J.	Saulsbury
Bryan	Hollis	Newlands	Smith, Ariz.
Catron	Hughes	Oliver	Smith, Md.
Clark	Husting	Penrose	Stone
Colt	James	Phelan	Thomas
Culberson	Johnson, Me.	Pittman	Underwood
du Pont	La Follette	Pomerene	Wadsworth

NAYS—41.

Beckham	Harding	Norris	Swanson
Borah	Johnson, S. Dak.	Page	Thompson
Brady	Jones	Poindexter	Townsend
Chamberlain	Kenyon	Sheppard	Vardaman
Clapp	Kern	Sherman	Walsh
Cummins	Kirby	Shields	Watson
Curtis	Lane	Smith, Ga.	Williams
Dillingham	McCumber	Smith, Mich.	Works
Fernald	McLean	Smoot	
Fletcher	Martin, Va.	Sterling	
Gronna	Nelson	Sutherland	

NOT VOTING—23.

Ashurst	Gore	O'Gorman	Simmons
Broussard	Lea, Tenn.	Overman	Smith, S. C.
Chilton	Lewis	Owen	Tillman
Fall	Lippitt	Ransdell	Warren
Gallinger	Lodge	Robinson	Weeks
Goff	Myers	Shafroth	

So the Senate refused to proceed to the consideration of executive business.

Mr. LEE of Maryland. In view of the Senator from Alabama having reserved the right to offer his amendment in the Senate, I desire to give notice of an amendment to his amendment. I reserve the same right. I submit the amendment and ask to have it printed in the RECORD.

The amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Add at the end of section 4 of the Underwood substitute:

"At the said registration each person registering and so desiring shall be allowed to designate the national party to which he or she belongs, and the initial letter or letters of such party shall be put down in an appropriate column opposite the name of each person so designating his or her party for the purpose of showing the voter's party affiliation, and at an appropriate time prior to the conventions of the various parties for nominating candidates for President and Vice President of the United States, upon the written request of 25 per cent of the voters in any national party so registered and so designating their national party, the Commissioners of the District of Columbia shall hold a primary election for delegates from the District of Columbia to all the national conventions under the terms of this act of the national parties that may have so many as 5 per cent of the total number of voters voting upon the issue to be voted upon under this act, and that such candidates for election as delegates to such conventions as shall in writing notify the said commissioners of their candidacy shall be voted upon in such primary, and those candidates in each party having the largest number of votes and to the number of delegates allowed to the District of Columbia in the several party conventions shall be certified as elected to the proper officials of such conventions by the Commissioners of the District of Columbia; and after the first general registration provided for in this act the Commissioners of the District of Columbia shall retain custody of the registration books and shall give notice of times when persons desiring to register and designate their party affiliations or to change their party affiliations may do so at the office of the Commissioners of the District of Columbia. Voting and candidacy in such primary elections shall be confined to the members of each party, and no registration or changing of affiliation shall be permitted save at a date or dates not less than six months prior to the date of the national convention of any party affected."

Mr. REED. I offer the following amendment. On page 2, lines 5, 6, and 7, I move to strike out the words "for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes" and to insert in lieu thereof:

No alcoholic or other prohibited liquors shall be exported from the District of Columbia into any State or Territory of the United States.

Mr. UNDERWOOD. If the Senator from Missouri will allow me to interrupt him, I think we can reach an agreement to vote on the bill.

Mr. President, I have no desire whatever to delay a vote or final action on this bill. If there had not been a tie vote in the Senate, I would have allowed the bill to go through without further objection. The Senate has itself expressed no conclusion except a conclusion on the parliamentary situation. Some days ago I might by my own vote have delayed action on this bill and put some other bill in its place. I want to say to the Senator from Texas that I have no desire in the world to postpone action or to hinder the passage of the bill if he demonstrates that a majority are in favor of his proposition.

Mr. SHEPPARD. If the Senator will pardon me, he said he wanted a vote this afternoon.

Mr. UNDERWOOD. I did.

Mr. SHEPPARD. And on that account Senators on the other side refrained from speaking, having understood that he and I agreed to a vote this afternoon on the bill and amendments.

Mr. UNDERWOOD. On my amendment.

Mr. SHEPPARD. On the amendment and on the bill.

Mr. UNDERWOOD. No; it was on my amendment that I was asking for a vote. What I agreed to was a vote on my amendment.

Mr. SHEPPARD. I did not so understand it.

Mr. UNDERWOOD. That is what I understood. I was not concerned about the bill. Now, we have a tie vote in the Senate. The Senate ought to express its will. I think we will expedite the passage of the bill by reaching an agreement to vote on this amendment and all other amendments and the bill to-morrow at an hour to be fixed. I am willing to make that agreement and hope that the gentlemen in favor of the bill will agree to an hour to-morrow. I would say 1 or 2 o'clock, whichever is most agreeable. I ask unanimous consent——

Mr. POINDEXTER. I object, Mr. President.

Mr. BORAH. Is the Senator submitting a proposed agreement?

Mr. UNDERWOOD. I desire to submit a proposition. I desire to ask unanimous consent that at 1 o'clock to-morrow the Senate shall proceed to vote upon the substitute proposed by myself and all pending amendments and on the bill.

Mr. POINDEXTER. I object.

SEVERAL SENATORS. Say 5 o'clock

Mr. GALLINGER. Objection has been made.

Mr. UNDERWOOD. I would rather not agree to as late an hour as 5, because at that hour a great many Senators are away. I will agree to 4.

Mr. LEE of Maryland. Make it 4 o'clock.

The PRESIDENT pro tempore. The Senator from Washington [Mr. POINDEXTER] has made an objection, so that a roll call for a quorum would be productive of no result. The Chair will order a roll call, however, if the Senator presses his request for unanimous consent.

Mr. GALLINGER. An objection has been made.

The PRESIDENT pro tempore. An objection having been made a roll call is not necessary.

Mr. REED. Did the Senator object to 4 o'clock?

Mr. POINDEXTER and others. Regular order!

The PRESIDENT pro tempore. The Senator from Missouri is entitled to the floor.

Mr. REED. I had just concluded offering an amendment. I ask the Secretary to read it.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Missouri.

The SECRETARY. On page 2, lines 5, 6, and 7, after the word "liquors," in line 5, strike out the words "for beverage purposes or for any other than scientific, medicinal, pharmaceutical, mechanical, sacramental, or other nonbeverage purposes," and in lieu insert:

No alcoholic or other prohibited liquors shall be exported from the District of Columbia into any State or Territory of the United States.

Mr. REED. Mr. President, I am not offering this amendment as a matter of delay. It is the amendment which I offered in substance yesterday morning. It was stated at that time that the amendment as drawn would affect liquors sold within the District as well as liquors sold outside of the District, and would bar the sale within the District of liquors used for medicinal purposes. At the time it was suggested that I should withdraw the amendment and allow the Senator from Alabama to offer his substitute. I did so and the time from that hour to this has been occupied with the consideration of the substitute. This is the first opportunity I have had to present this amendment.

Mr. President, I will state the sole effect of the amendment. Under the bill as it stands alcohol can be manufactured in the District of Columbia and sold in unlimited quantities in any State of the Union unless the local laws prohibit it. There is in the bill the language that it can not be sold outside of the District for beverage purposes, but I have already called attention to the fact that large quantities of alcohol are manufactured within the District, and that the sale of that alcohol outside of the District is not limited by the words "for beverage purposes," because alcohol is never used for beverage purposes; it is a raw material which enters into many kinds of drinks, and it is a raw material from which whisky is made.

Mr. STONE rose.

Mr. REED. Does my colleague desire to interrupt me?

Mr. STONE. If my colleague will permit me, it seems to me so perfectly patent and clear that it is in the interest of the business before the Senate and the general business of the Senate that this matter should be postponed until to-morrow——

Mr. GALLINGER. The Senator might add in the interest of the Western Union Telegraph Co.

Mr. STONE. Possibly so. Senators are leaving the Chamber, as will be seen, and in a little while we shall be without a quorum; and if we can get to an agreement to vote at some hour to-morrow, why continue this controversy when we shall be presently without a quorum? I was about to move, if it is agreeable to the Senator in charge of the bill, that the Senate proceed to the consideration of executive business, and I make that motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 20, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 19, 1916.

UNITED STATES CIRCUIT JUDGE.

Kimbrough Stone, of Kansas City, Mo., to be United States circuit judge for the eighth circuit, vice Elmer B. Adams, deceased.

UNITED STATES DISTRICT JUDGE.

Duval West, of San Antonio, Tex., to be United States district judge, western district of Texas, vice Thomas S. Maxey, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate December 19, 1916.

UNITED STATES ATTORNEY.

William F. Wolfe to be United States attorney for the western district of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 19, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our Heavenly Father, help us, we beseech Thee, to fulfill the longings, hopes, and aspirations of our hearts by resisting the allurements of sin and yielding to the demands of our better self, that we may satisfy our conscience, merit the full confidence of our fellow men, and enjoy the sweet and holy communion with Thee which is Life Eternal, the fruits of which are peace, joy, and righteousness in the Holy Ghost; and all praise be Thine, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONDITIONS RELATING TO INTERSTATE AND FOREIGN COMMERCE.

Mr. ADAMSON. Mr. Speaker, I desire to bring to the attention of the House a very important matter, and being unable to assert that it is a privileged matter I ask unanimous consent for three minutes to make a statement about it.

The SPEAKER. The gentleman asks unanimous consent for three minutes to make a statement. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, the Members of the House will remember that last July Congress enacted a joint resolution raising a joint special committee to investigate conditions of transportation, expecting that that committee would work during the approaching recess of Congress; but the recess did not approach as early as we expected. The session was protracted into the fall, and the committee found themselves unable to accomplish much. They worked 14 days, I believe, before the meeting of the present session; but all the members of that committee from the two Houses are interested in legislation and are compelled to be present in their own committees and at the sessions of their respective Houses, and they have found it impossible to do justice to that investigation without neglecting their legislative duties. Therefore they have determined to ask the Congress, before proceeding any further, to extend the time in which that committee have to report, and they have instructed me to present to the House a resolution to that effect. In conformity with that instruction, I have introduced House joint resolution 323, extending the time from the second Monday in the approaching January until the succeeding year in which that committee may report. I ask unanimous consent for the present consideration of that joint resolution, discharging the committee to which it has been referred.

The SPEAKER. The Clerk will report it by title.

The Clerk read the title of the joint resolution (H. J. Res. 323) to amend a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916.

The SPEAKER. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question.

Mr. ADAMSON. With pleasure.

Mr. RAYBURN. Does the gentleman really think that from the beginning this committee was necessary?

Mr. ADAMSON. Mr. Speaker, I assume that that question was concluded when Congress last summer determined to raise the committee for that investigation. I do not want to impeach the wisdom of the two Houses of Congress in ordering the investigation. We have done our best under that order to investigate. We have worked diligently, and we have not finished the work. If it was ever necessary, it is necessary yet.

Mr. RAYBURN. How long does the gentleman think it would take a committee of this character to investigate all the propositions contained in the Newlands resolution, with any degree of satisfaction, or to give any information which would be valuable to the country or to the House?

Mr. ADAMSON. We discussed that very question in the committee at the last meeting, and some of the members of the committee thought 60 days, and I thought 30 days. I believe in 30 days of real work we can complete the hearings.

Mr. RAYBURN. The committee has been organized for six months.

Mr. ADAMSON. It was organized before Congress adjourned, but you know the members of that joint subcommittee are also active members of their respective committees and of the House, more or less, and that it is impossible for us to be in two places and to do two things at once. I myself have a sort of a one-track, narrow-gauge mind, and I can not do more than one important thing at a time. We found that during the session of Congress we could not do justice to the subject.

The SPEAKER. Is there objection?

Mr. RAYBURN. I object.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 19178) to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes (H. Rept. 1232), which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order.

LEAVE TO PRINT.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. About what, just for information?

Mr. ALLEN. On the instability of human institutions.

Mr. MANN. What is that?

Mr. ALLEN. In other words, on the attempt to abolish the Subtreasury at Cincinnati.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the conservation of our natural resources.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on the conservation of our natural resources. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MCCRACKEN, until January 12, on account of important business.

To Mr. CAREW, for the remainder of this week, on account of a death in his family.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that my colleague [Mr. ANDERSON] be excused on account of sickness.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that his colleague [Mr. ANDERSON] be excused on account of sickness. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. BYRNS of Tennessee, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the legislative bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 18542) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 6. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees

of the Library of Congress, the Botanic Garden, and the executive and judicial establishments, who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. MANN. Mr. Chairman, I reserve a point of order on the section.

Mr. KEATING. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

Mr. MANN. Mr. Chairman, I do not know whether it is the desire of the committee to consider this section under the rule or as it stands in the bill. I should suppose they would want to consider it under the rule although they voted against the rule.

Mr. BYRNS of Tennessee. We will consider it under the rule.

Mr. MANN. Not unless it goes out on a point of order. The rule authorizes an amendment to be offered and this is the original language. If the original language of the bill does not go out on a point of order the rule has no application whatever. I have reserved a point of order.

Mr. FITZGERALD. We are not going to make a point of order.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. No, Mr. Chairman; I withdraw the point of order.

Mr. STAFFORD. I will reserve a point of order for the time being.

Mr. COX. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. There is no amendment. Section 6 was read and the gentleman from Wisconsin has reserved a point of order. Does the gentleman from Wisconsin make the point of order?

Mr. STAFFORD. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment to the original section in the bill.

The CHAIRMAN. The Chair will state to the gentleman there is no original section in the bill.

Mr. MANN. I desire to offer an amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment as a new section:

Page 142, line 15, insert the following, a new section, as section 7:
"That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to the employees of the Library of Congress, the Botanic Garden, and the executive and judicial establishments, who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The Chair sustained the point of order. Under the ruling, has not section 6 gone out?

The CHAIRMAN. Yes; but this is offered as a new section—section 7.

Mr. MOORE of Pennsylvania. Will not that leave a hiatus?

The CHAIRMAN. That can be changed later on.

Mr. CANNON. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The Chair will state that while a member of the Committee on Appropriations has the prior right, the Chair did recognize the gentleman from Colorado [Mr. KEATING] to offer an amendment.

Mr. CANNON. I am a member of the committee, and I offer an amendment to the amendment of the gentleman from Tennessee.

Mr. BUCHANAN of Illinois. Mr. Chairman, I submit that when the gentleman from Colorado took the floor to offer an amendment there was no member of the committee asking for recognition by the Chair.

Mr. FITZGERALD. Nobody is entitled to offer an amendment at present. The gentleman from Tennessee has offered an amendment and is entitled to the floor under the five-minute rule. I suggest that we endeavor to make some arrangement for debate and have the proposed amendments submitted in advance so that Members will know what we propose to discuss and what they will be called to vote upon. We can arrange the time and take the vote after the discussion is over.

The CHAIRMAN. The Chair wishes to state that he should have recognized the gentleman on the committee, but had already recognized the gentleman from Colorado [Mr. KEATING]. The gentleman from Tennessee has now offered an amendment and is entitled to the floor.

Mr. KEATING. Mr. Chairman, I think that the suggestion of the gentleman from New York [Mr. FITZGERALD] is a good one.

Mr. FITZGERALD. How much time is desired to discuss these questions?

Mr. CANNON. I would like a little time on an amendment I propose to offer to the amendment offered by the gentleman from Tennessee.

Mr. MANN. I do not see how we can arrange time now.

Mr. FITZGERALD. If Members will indicate what their amendments are, we can arrange for it.

Mr. MANN. It is now 25 minutes past 11 o'clock, and we will probably not do any more than to finish this bill to-day. This is the last section of the bill. I do not think you can get much idea of how much time is necessary or desired until debate has run for a while.

Mr. FITZGERALD. Members would know what the different propositions are that they are called upon to vote on.

Mr. MANN. But there is no way of limiting the number of amendments.

Mr. FITZGERALD. We frequently do it by agreement.

Mr. STAFFORD. I suggest one hour on a side.

Mr. MANN. Oh, we can not get through this by half past 1 o'clock.

Mr. FITZGERALD. I am not suggesting any limit of time, but trying to find out how much time is wanted.

Mr. MANN. I think you had better run for a while.

Mr. FITZGERALD. We might ascertain how many amendments there are.

Mr. MANN. You can not, because some Member may offer an amendment later growing out of the situation. After the House has listened for a considerable length of time to this matter I think it will be disposed to close it up.

Mr. CANNON. Mr. Chairman, when would it be in order to offer an amendment to the proposition submitted by the gentleman from Tennessee [Mr. BYRNS]?

The CHAIRMAN. As soon as the gentleman from Tennessee has yielded the floor on his amendment it will be in order to offer an amendment to the amendment.

Mr. CANNON. We are operating under the five-minute rule?

The CHAIRMAN. We are.

Mr. AUSTIN. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor, and then the Chair has promised to recognize the gentleman from Colorado.

Mr. MANN. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the gentleman from Tennessee to discuss his amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not care to discuss this amendment at length now, and certainly not until after some of the amendments which certain Members have indicated they propose to offer have been presented. The committee felt, in view of the general sentiment which seems to exist, that some recognition ought to be taken of the fact that there is now and has been an unprecedented increase in the cost of living. The committee could not expect to bring in a proposition which would meet the views of every individual Member. There were various suggestions made in the committee, some involving a slightly greater increase, some involving a less increase. The matter was discussed and considered for several days in the committee, and after a very thorough discussion and consideration of all the questions arising, both as to the necessity for an increase and as to the condition of the Treasury, the committee finally agreed on the proposition reported in the bill, which has been re-presented as an amendment.

I submit to the gentlemen of the House that it is a fair and liberal increase under all of the circumstances and conditions. There is a sentiment existing in many portions of the country in favor of increases of the wages paid to employees, but I dare say there are few, if any, cases, certainly none which have been brought to my attention, where a greater increase has been allowed than 10 per cent, and the Department of Labor has reported that the usual rule in those cases where increases have been allowed is 10 per cent, among those factories and large

employers in the various textile mills in New England and other portions of the country, and I wish to call the attention of Members to the fact that in all those mills nearly all of the employees receive less than $1,200 per annum. This committee has recommended that, in so far as the employees of the Government in this bill are concerned, there shall be an increase during the year 1918 of 10 per cent of the salary or wages paid to those employees who draw less than $1,200 a year and 5 per cent to those who draw from $1,200 to $1,800 per year. Gentlemen must not forget the fact that when we undertake to establish a rule or precedent in this bill the same rule and precedent will be invoked when other appropriation bills come before the House. You must not forget the fact that this bill covers less than one-twentieth of the employees of the whole United States Government, and that in establishing this rule and precedent for less than one-twentieth of the employees of the Government you will later on be confronted with the question of whether or not you will be equally fair and equally liberal with the *other* nineteen-twentieths of the employees of the Government. I am speaking in round numbers and terms. It is impossible even with this amendment to determine accurately exactly what this amendment will mean in the way of an increase in the expenditures of the Government, due to the fact that many of the employees are employed under lump sums, and for an indefinite length of time; but as can best be determined the increase which would be brought about by the amendment proposed will mean from $1,500,000 to $2,000,000 for the employees in this bill alone, and, as I have just suggested, the same rule will be invoked as to all of the other employees of the Government. So, you see that in establishing a rule of precedent here in this bill you may, if you adopt some of the propositions which will be presented later on in the day, and which I have heard privately discussed, establish a precedent that will increase the expenditures of the Government from fifty to one hundred millions of dollars, or even more.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I want to ask the gentleman whether or not the same reasons that impelled the raising of the wages of the clerks under $1,200 by 10 per cent would not extend to the employees of the House and the Senate, who are compelled to live here in the District, and whether the committee recognized the fact that this bill carried appropriations for employees of the House and Senate, and whether the committee would not be willing to include the employees of the House and Senate in those entitled to the 10 per cent increase?

Mr. BYRNS of Tennessee. That was considered in the committee, but there is this distinction between the Capitol employees and the employees in the departments of the Government. This Congress will adjourn in March next. It is true the bill does not go into effect until July 1, 1918, but the next session of the House will not begin until next December. That session will probably be completed by June or July of the following year, or at the latest August. In other words, the employees of the Capitol are actually on duty about 12 out of the 24 months of the term, and therefore there is a distinction between the services performed by the Capitol employees and those who work in the departments from one year to another. As the gentleman knows, during the recesses of Congress the employees are given vacations, and probably half of them—I know in some particular cases that many—remain here while the other half go home or go about other business.

Mr. BORLAND. I think there is a large number of them who are unable to engage in any other business. Some of them are here, and those who go home are home only for a brief time, and possibly when they go home and come back it is in the end an expense instead of an advantage; so that it does seem to me that the same rule that would apply to clerks in the departments would apply to the employees of the Senate and House, and I desire to submit that proposition to the House.

Mr. BYRNS of Tennessee. The gentleman will be able to discuss that when it is considered. I do not want to discuss this matter at length now, as I said, but I hope to be given the opportunity to say something else on the subject later on, after some of these amendments are offered. But I do want to repeat that the committee having this bill under consideration gave this matter the most serious and most deliberate consideration, and the committee was unanimously of the opinion that the increase proposed was most liberal, especially when you take into consideration the fact, as the chairman of this committee stated yesterday, that we are facing a great deficit in the Treasury next year. The papers upon yesterday and to-day called the attention of Congress and the country to the fact that unless something is done, unless some measure is adopted which will increase the taxes and burdens of the people, it will become necessary to issue bonds next year.

Now, I have always been in favor of those who labor. I belong to that class myself, and I have never failed to cast my vote in favor of legislation looking to their welfare and to their interests; but, gentlemen, in passing upon this measure to-day we should think of the laboring man back home who will have to pay such increases as you place upon this bill and other appropriations. This money can not come out of the air; it does not grow upon trees; somebody has got to pay it; and those who will pay it are the laboring men back home and all over this country—the farmers and the business men. I think we should be fair to those who pay as well as to those who receive, and in our desire to serve the one we should not forget the other. Therefore, Mr. Chairman, I hope this amendment will be adopted without amendment.

Mr. CANNON. Mr. Chairman, I offer the following amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 142, line 16, after the word "provide," insert "during the remainder of the fiscal year 1917 and."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve the point of order.

Mr. CANNON. Will the gentleman from New York state his point of order?

Mr. FITZGERALD. The pending amendment provides for increase of compensation during the fiscal year 1918, for which this bill makes appropriation. If it were proposed to increase the salary of some one place in the bill and an appropriation were carried to do so, it would not be seriously contended that a provision would be in order appropriating enough money to increase the compensation of that place during the remainder of the current fiscal year. The gentleman from Illinois will not make that contention. If that be true as to one it would be true as to two, and it would be true as to all positions in the bill. This bill makes appropriation for the executive, legislative, and judicial departments of the Government for the fiscal year ending 1918. The compensation for places during that year is provided, and this provision is not inconsistent with the purposes of the bill. It merely provides a scale of increase during the period for which the appropriations are made. The gentleman proposes to introduce a matter that is not germane, in that it would enact legislation proposing increases of compensation during the balance of the current fiscal year. I submit it is clearly subject to the point of order.

Mr. CANNON. Mr. Chairman, I think it is not subject to the point of order. I refer to Rule IX, paragraph 3, page 293, of the manual:

To appropriation of the revenue for the support of the Government as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies—to the Committee on Appropriations.

So that the jurisdiction of that committee to report to the House for its consideration is covered by that rule without regard to which general appropriation bill the amendment might be offered.

Mr. FITZGERALD. If the gentleman will yield?

Mr. CANNON. Certainly.

Mr. FITZGERALD. In order to report a deficiency that is in order it must be authorized by law.

Mr. CANNON. Oh, the special rule authorizes the legislation.

Mr. FITZGERALD. But it must be authorized by law. There is no authority for any increase of compensation for the balance of the current fiscal year.

Mr. CANNON. No authority. If the point of order was made upon this provision and sustained, that brings us to the consideration of this provision the same as if no point of order had been made.

Mr. FITZGERALD. That is true; but the amendment must be germane to be in order.

Mr. CANNON. Precisely; and it is germane.

Mr. FITZGERALD. Oh, no.

Mr. CANNON. Oh, well, the gentleman says, "Oh, no." I would be glad indeed if the gentleman would point out anything in the rule that prohibits the Committee on Appropriations from reporting upon a sundry civil bill or any other general appropriation bill a deficiency for the present fiscal year.

Mr. FITZGERALD. I admit that deficiency appropriations are in order on this bill, but a deficiency appropriation can not be in order unless the service or compensation is already authorized by law. The gentleman from Illinois is proposing to legislate fixing the compensation. The compensation for these places is fixed by law for the current year.

Mr. CANNON. Precisely.

Mr. FITZGERALD. And the appropriation has been made——

Mr. MANN. And has been fixed by law for the next fiscal year.

Mr. FITZGERALD. The appropriation has been made to the extent of the law, and there can not be any deficiency.

Mr. CANNON. The gentleman, it seems to me, fails to realize what the rule provides.

Mr. FITZGERALD. Oh, no; I do not.

Mr. CANNON. Very well. I disagree with the gentleman. This amendment is authorized by the special rule. The original proposition is not authorized by law. It seems to me it is perfectly plain that the very object of the rule was to enable us to consider this amendment offered by the gentleman from Tennessee, notwithstanding that it is not authorized by law. Very true this is not authorized by law, but it provides by this amendment to affect the same employees that are affected by the original amendment as offered by the gentleman from Tennessee. I do not know that it is necessary, if I may be indulged for a moment, to show the propriety of this amendment. If without amendment the gentleman from Tennessee succeeds in having the amendment agreed to, the increase of pay to the employees does not begin until the 1st of July next. God knows what the price of wheat, corn, and meats will be on the 1st day of July. We do not know when the war in Europe will close. It may be that the salaries proposed by the amendment by the gentleman from Tennessee will buy 25 or 50 per cent more of the necessities of life than the salaries would buy during the remainder of this fiscal year.

In my judgment, the rule makes this amendment in order. And even without the rule I believe this amendment to be germane. It treats of the same parties and the same officials that the amendment of the gentleman from Tennessee [Mr. BYRNS] covers.

Mr. MANN and Mr. BENNET rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Tennessee, of course, is only under the special rule, and would not be in order, as the Chair rules, to strike out of the bill because it is an appropriation not authorized by law. The amendment offered by the gentleman from Tennessee [Mr. BYRNS] provides for an increase in the compensation during the fiscal year 1918. If an item in the bill in some place provided for an appropriation for the fiscal year 1918 for a particular officer who was authorized by law, and there was a deficiency for this year, it would be in order to offer an amendment on this bill.

Now, the other appropriating committees frequently bring in bills providing that appropriations shall be immediately available. That language is always subject to a point of order because the other appropriating committees do not have jurisdiction over deficiencies, but the Committee on Appropriations does have jurisdiction over deficiencies, and an item making immediately available an appropriation carried in one of the bills reported from the Appropriations Committee, offered by the gentleman from Tennessee. I think it proper to call the attention of the Chair to the rule and also to a colloquy which took place in the House when the rule was proposed.

When the gentleman from Texas [Mr. HENRY] reported this rule from the Committee on Rules I asked him the distinct question whether an amendment of this character would be in order under the rule reported from that committee. Of course, while his opinion does not control the Chair, still it was upon his statement that the House acted. He said that such an amendment under the rule would be in order. I call the attention of the Chair to the rule:

Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918.

Is the Committee on Rules trying to fool the House—I think not—by bringing in a rule stating that no amendment shall be in order beyond the fiscal year 1918? Are they endeavoring to fool the House into the belief that under that an amendment would be in order providing for any time between now and the end of the fiscal year 1918? I do not believe the Committee on Rules would be guilty of endeavoring to fool the House by bringing in such a rule. Here is a rule reported from the committee and adopted by the House which provides that no amendment shall be in order relating to the time after June 30, 1918. Certainly that, by implication, provides that an amendment any time prior to that time would be in order, as expressly stated by the gentleman from Texas [Mr. HENRY], who reported the rule. But the amendment is germane. If a similar item had been in the bill relating to the next fiscal year, any deficiency relating to the item would be in order on this bill or any other bill reported from the Committee on Appropriations.

The CHAIRMAN. The Chair is ready to rule.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. The Chair would like to hear the gentleman from Mississippi. [Laughter.]

Mr. SISSON. Mr. Chairman, after the remark which the Chairman just made, it is very much like the justice of the peace, who by vocation was a blacksmith, who heard all the testimony in a case, and told the lawyers who had examined the witnesses, "Now, you have a pretty good crowd here. Get up now and make your argument. I have got to go and do some work. Open up this drawer and you will find my written judgment. Do not lose this opportunity to make a speech."

So, inasmuch as the Chair has stated that he is ready to rule, I am rather in that attitude. Of course, there is no intimation as to which side of the question he is to rule on, and the gentleman now addressing the Chair is also in this unfortunate position, namely, that the gentleman occupying the Chair is a member of the Committee on Rules which reported the bill, and perhaps is in a better situation to understand what the Rules Committee had in mind at that time.

But I wanted to call the Chair's attention to the fact that this whole resolution provides for appropriation for a certain fiscal year. There is no item in the bill, no item in the amendment now offered, except for the fiscal year which is specifically set forth in the resolution, stating that this rule is for the purpose of making an item for the year, which the committee offered for the year 1918, in order. There is nothing in the rule, no line or syllable in the rule or in the body of the resolution, that provides for any other year than the fiscal year 1918.

Mr. MANN. Does the gentleman seriously contend that there is nothing in this bill applying to any fiscal year except the fiscal year 1918?

Mr. SISSON. Nothing in this rule, I say. In other words, if you take the wording of the rule——

Mr. MANN. What the gentleman said was "the bill."

Mr. SISSON. But take the rule——

Mr. MANN. I was speaking of the bill.

Mr. SISSON. The rule applies to the bill. The language of the rule is this——

Mr. MANN. I understand.

Mr. SISSON. I understand, but since the gentleman raised the question, I wanted him to understand what is in my own mind. It says:

That to provide during the fiscal year 1918 for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of compensation less than $1,200.

That is for the year 1918. The resolving portion of the resolution, on page 2, limits it so that you can not get beyond the year 1918. But the appropriation here——

Mr. MANN. We are observing that, too.

Mr. SISSON. But the appropriation here in this bill does not cover the item for 1917. We are legislating only for 1918. Now, you might put upon this bill, if you please, items providing for salaries and fix the salaries, if you please, but it would be germane for all time to come until that salary was changed; but you are not doing that now. The only thing we are doing is making provisions for the salaries that shall be drawn during the year 1918. That is the specific appropriation. Now, the fact that you say that you shall not go beyond 1918 is a limitation only as to the future. It does not in anywise affect the law which this bill affects, to wit, that of appropriations commencing for the year 1918, and making appropriations for the year 1918 the rule only contemplates it would not go beyond the year 1918, and can not antedate that year. That is my contention under the rule.

The CHAIRMAN. The Chair thinks that the object of the special rule is to provide for these increases for certain classes of employees for the fiscal year 1918, and that if the proviso in the special rule cited by the gentleman from Illinois [Mr. MANN], namely—

Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 18542—

were not in the special rule, an amendment would not be in order that would have extended it beyond the fiscal year 1918. It would not, in that event, be germane to this section. There

is quite a difference, in the opinion of the Chair, between an amendment making an appropriation immediately available and in an amendment that provides for increasing the appropriation during the remainder of the year 1917. The Chair can not agree with the argument of the gentleman from Illinois [Mr. MANN] that there is any deficiency to be taken care of in this amendment. It proposes, on the other hand, to increase an appropriation and change existing law. The amendment, in the opinion of the Chair, is not germane to the provision and sustains the point of order.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair.

Mr. BORLAND. Mr. Chairman, I move to lay the appeal on the table.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MANN. Mr. Chairman, I ask for tellers. I do that so that the Chair will not be put to the embarrassment of counting.

Mr. FITZGERALD. The gentleman from Illinois asks for tellers.

The CHAIRMAN (Mr. GLASS). The gentleman from Illinois asks for tellers.

Tellers were ordered, and the Chairman appointed Mr. MANN and Mr. BYRNS of Tennessee to act as tellers.

The committee divided; and the tellers reported—ayes 96, noes 79.

The CHAIRMAN. The decision of the Chair is sustained. [Applause.]

Mr. KEATING and Mr. BORLAND rose.

The CHAIRMAN (Mr. HARRISON). The gentleman from Missouri is a member of the committee. The gentleman from Colorado will be recognized later.

Mr. KEATING. I had the assurance of the Chair, as the Chair knows, that I would be recognized, and I feel under all the circumstances that the Chair should make good on the proposition.

The CHAIRMAN. The Chair will state that under the practice here the members of the committee will have the prior right.

Mr. KEATING. Is it possible, Mr. Chairman, that when a Member has been struggling for the floor for the better part of an hour a member of the committee, who has an eleventh-hour inspiration, can come in and take him off the floor? Can the thing continue without limit?

The CHAIRMAN. The Chair would state to the gentleman that it does seem to be unfair, but he will recognize the gentleman in a moment.

Mr. SISSON. I believe it is the rule of the committee and not simply a practice.

Mr. BORLAND. It is not in the discretion of the Chair. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 142, line 18, after the word "employees," insert the words "including the Capitol police and employees of the Senate and House of Representatives."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on that.

Mr. BORLAND. Mr. Chairman, I do not think the point of order is well taken, because the rule under which the original amendment was offered provides that it shall extend only to employees covered by this bill. An amendment which included employees not covered by this bill would be subject to a point of order, but these employees are covered in this bill, and in no other bill.

The CHAIRMAN. The Chair would like to ask the gentleman this question: Are these employees that the gentleman proposes to include in this section provided for in this bill?

Mr. BORLAND. They are provided for in this bill. There is no question about that.

The CHAIRMAN. The Chair would like to hear the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, the amendment offered simply applies to the employees covered in the bill. I think it is specifically stated in the rule that it shall apply only "to the employees of the Library of Congress, the Botanic Garden, and the executive and judicial establishments who are appropriated for in this act specifically and under lump sums or whose employment is authorized herein." The rule reported by the Committee on Rules and adopted by the House provides—

That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 18542.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BORLAND. Mr. Chairman, I only want to say this, that it seems to me that the same reasoning which applies to a raise of 10 per cent to employees drawing less than $1,200, on account of living conditions here in Washington or on account of living conditions throughout the country at the present time, would apply with the same force to the employees of the House, with the same force to the Capitol police, and to the watchmen and doorkeepers and others who must live here in Washington and under the same conditions of living.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GORDON. These employees covered in the amendment will all have a vacation from the 4th of March until the 15th of December on half pay.

A MEMBER. Full pay.

Mr. GORDON. That is so much worse. Why do you say this would apply to these clerks in Washington that would apply to these appointees?

Mr. BORLAND. I will answer the gentleman. This bill is for the fiscal year 1918. It has nothing to do with the 4th of March. It goes into operation on the 1st day of July, 1917. It embraces the long session of Congress, beginning in December, 1917, and extending probably, as we know, during the balance of that fiscal year. During the time from the 1st of July until the convening of Congress most of these employees will be engaged. A large number of them certainly will be engaged. The men in the folding room, the men in the various clerical offices here, the Capitol police, all of them will be engaged. There will be scarcely any vacation, and so far as I am able to ascertain, the expenses of these men in going back and forth to and from their homes for a short vacation are a part of their expenses, and they do not get any opportunity to engage in other business. The vacation, in other words, does not result in any addition to their pay.

Mr. SIMS. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Tennessee.

Mr. SIMS. Does this amendment cover those employees in the House Office Building who are under the Superintendent of the Capitol, who are carried on the pay rolls of the Secretary of the Interior?

Mr. BORLAND. I intended that it should cover them.

Mr. SIMS. It ought to.

Mr. BORLAND. And if the gentleman is not clear about it, let him offer an amendment to cover it.

Mr. SIMS. Oh, I want the gentleman to cover it.

Mr. BORLAND. My impression is that the description "employees of the House and Senate" embraces them all.

Mr. SIMS. These gentlemen to whom I refer are on the pay roll of the Secretary of the Interior.

Mr. BORLAND. If they are on the pay roll of the Secretary of the Interior they are embraced in the main proposition. Now, what we are trying to embrace is those who are not on the pay rolls of any of the executive departments, but who are on the pay rolls of the legislative department.

Mr. SIMS. That is my understanding.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Rhode Island.

Mr. O'SHAUNESSY. I agree with the gentleman from Missouri, and I want to ask him if his amendment includes the folders in the House Office Building?

Mr. BORLAND. It does. It covers all of these low-paid employees.

Mr. BURNETT. Will it include the messengers to committees?

Mr. BORLAND. I think so.

Mr. BURNETT. I think it is very just that they should be included. I have a messenger who gets only $60 a month, a white man, a very competent man, and I am going to lose him unless something is done to increase his salary.

Mr. BORLAND. That only emphasizes what I have to say, It is a question of simple justice. I concur with the committee in believing that if we give an increase at all in the pay of the great army of Government employees, we ought to be very moderate in the increase. We ought not to be swept off our feet by some proposition to increase them 25 or 33⅓ per cent, or some such increase that we can not justify according to the increase of industrial wages throughout the country; but when

we give an increase of even 10 per cent, I think we ought to be perfectly uniform about it, and I think it ought to embrace all the employees who receive these low salaries, and whose conditions of employment are similar. Therefore, I think we ought to adopt this, in common fairness, if we adopt any provision increasing the salaries of employees.

Mr. MANN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MANN. Is the gentleman absolutely certain that under his amendment all would be included?

Mr. BORLAND. I am not absolutely certain, but I would like to make it certain that the increase would be uniform.

Mr. MANN. I think the gentleman from Pennsylvania [Mr. MOORE] proposes to offer an amendment which would make that absolutely certain. This bill divides itself into various branches under the titles "Legislative," "Executive," and "Judicial."

Mr. BORLAND. Yes.

Mr. MANN. The amendment offered by the gentleman from Tennessee uses the language "executive and judicial establishments." If you add "legislative," then you include everybody covered by the bill; but when you attempt to cut out the general term "legislative" and to specify certain things, I do not know whether you cover them all or not. The gentleman from Pennsylvania proposes to offer an amendment to strike out the words "Library of Congress, the Botanic Garden, and the" and to insert "legislative," so that it would apply to the employees of the legislative, executive, and judicial establishments who are appropriated for in this bill. That covers everybody whose salaries come within the limits covered by the proposition.

Mr. BORLAND. If the gentleman will yield, I suppose it would be a good thing to say that this increase shall apply to all employees appropriated for in this act.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that the time of the gentleman from Missouri [Mr. BORLAND] be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. You will find on the second page of the bill the heading "Legislative." That covers every appropriation for the legislative establishment of the Government. You will find on page 28 the heading "Executive." That covers all the appropriations for the executive establishments of the Government. You will find on page 137 the heading "Judicial." That is the heading that covers all the appropriations under the judicial establishment, and the three combined cover all. Now, that is a simpler way to do it, I think, and not leave it a matter of construction as to whether certain employees under the Superintendent of the Capitol are covered, and so forth.

Mr. BORLAND. Would that cover the Capitol police?

Mr. MANN. They are all appropriated for under the legislative establishment.

Mr. BORLAND. I personally have no objection to that amendment. I want to cover exactly what the gentleman from Illinois has outlined. I think we ought to make this raise uniform within those limits of salary.

Mr. MANN. I think whatever we do to-day ought to apply to all the employees of the Government, here and elsewhere.

Mr. BARKLEY. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Kentucky.

Mr. MOORE of Pennsylvania. If the gentleman will yield, I wish to ask him whether he has any objection to accepting an amendment, which I shall send to the desk to be read for information. The idea is to cover all of those that would be affected by the bill.

Mr. BORLAND. I will yield to the gentleman.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Pages 142 and 143, after the words "employees of the," in line 24, strike out the words "Library of Congress, the Botanic Garden, and the" and insert in lieu thereof the word "legislative."

Mr. MOORE of Pennsylvania. That would make it comprehensive and cover everyone that is to be covered in this bill.

Mr. BARKLEY. Would not that be broad enough to cover the various committees of the House and the Senate and the clerks of Members whose compensation has already been increased?

Mr. MOORE of Pennsylvania. It covers all those receiving not more than $1,800 and not less than $1,200.

Mr. BARKLEY. It covers employees whose compensation has been increased under previous action.

Mr. MOORE of Pennsylvania. I think not; it would apply as in other cases.

Mr. MANN. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MANN. The clerks to Members are not employed under the legislative establishment, but are the employees of Members.

Mr. BARKLEY. But it would cover clerks to committees.

Mr. MANN. Undoubtedly.

Mr. BORLAND. Mr. Chairman, I am going to ask leave to modify my amendment on the lines suggested and carefully analyzed by the clerk of the committee. I want to move to amend so as to strike out the words in line 24, page 142, after the word "employees," extending down to the word "establishment," in line 2, page 140. That strikes out all reference to the Library of Congress, Botanic Garden, executive, and judicial. And it would read: "*Provided*, That this section shall only apply to the employees who are appropriated for in this act specifically and under lump sums or whose employment is authorized therein." That amendment is absolutely clear.

Mr. MOORE of Pennsylvania. That covers everybody intended to be covered in the executive and judicial departments?

Mr. BORLAND. Yes; it covers what the gentleman has in mind.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. BORLAND: Pages 142 and 143, after the word "employees," in line 24, page 142, strike out the words "of the Library of Congress, the Botanic Garden, and the executive and judicial establishments," so as to make the line read as follows: "This section shall apply only to the employees who are appropriated for in this act specifically and under lump sums," etc.

Mr. FITZGERALD. Mr. Chairman, the committee should understand why the employees of the Senate and House were not included in the recommendation by the Committee on Appropriations. It was due to the fact that the compensation of employees of the two Houses of Congress is not only liberal but very generous and much in excess of that paid for similar services in any department of the Government or in private life. An employee who is engaged in the business of operating an elevator in the Capitol or the House Office Building receives $1,200 a year. In private establishments in the city they receive $60 a month, and $720 a year as a rule in the executive departments of the Government. The page boys employed on the floor of the House receive $75 a month. Compensation for other services is on a similar scale.

I do not criticize the scale, because it is something inherent in the conduct of legislative bodies. The employment is not of a permanent character; it is what may be termed somewhat hazardous in that it is apt to terminate unexpectedly and without much notice. And so the custom exists in every legislative body of the United States to compensate upon a generous scale their employees. When it is proposed to give an increase to take care of temporary conditions those facts can not be ignored.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. The salaries for the employees around the Capitol have been carried for a number of years at practically the same amount?

Mr. FITZGERALD. A great many of them.

Mr. MANN. Congress having now acted on the idea that these salaries were proper at that time, if an emergency does exist does not the emergency hit these employees just as hard as it does any other employees?

Mr. FITZGERALD. They are as well off relatively and much better off than anybody else relatively.

Mr. MANN. Considering the fact that many will go out in the cold before long, does not the gentleman think that this should apply to them?

Mr. FITZGERALD. I do not think that many will go out at the close of this Congress. It is a matter that affects Members on this side of the House by whom they are appointed. If any of the employees of the Capitol are dissatisfied because of the compensation they are receiving and no longer desire the places, if I am given an opportunity I can bring a regiment of applicants, competent persons, who are not only willing but very anxious to fill the places. What I have said, Mr. Chairman, is simply in explanation of the action of the committee in eliminating these employees. It was the desire of the committee to try and meet as far as could be the needs of employees of the Government under existing conditions.

Consideration had to be given to many things. I have just had a computation made by competent persons, and their estimate is that if a provision similar to the one carried in this bill is incorporated in every appropriation bill it will require $25,000,000 to meet the added expense to the Government. It seems to me that that is as far as we are justified in going under the present circumstances. While I am willing to be

just, I am not willing to be lavish in attempting to take care of the situation.

Mr. COOPER of Wisconsin. Mr. Chairman, I received a letter this morning which seems to me to contain a most effective argument in favor of the general proposition properly to increase the wages of Government employees. This letter was written by the postmaster in a city of about 15,000 people in my district, and, with the permission of the House, I shall now read it:

DECEMBER 16, 1916.

MY DEAR MR. COOPER: I wish to write you about a circumstance that has happened here and the condition that exists. We have here at this building a janitor who receives $55 per month. He is 55 years of age and has a family. He is a handy man, is a pretty fair mechanic. He does many odd jobs of repairs that if he did not do would cost the Government a considerable amount to have done. He has had sickness in his family, and has been ailing himself because of a nervous disorder, induced, I think, by his financial condition. Yesterday he would have destroyed himself had the gun which he was about to use not been taken away from him—

Mr. Chairman, I ask for order. It is true that this is merely the case of a janitor who is being paid $55 a month; but, nevertheless, he is entitled to have his case presented here inasmuch as he is only one of quite a large class of Government employees who are trying to exist—forced to exist—in these times of extravagant prices on what are practically starvation wages. For the benefit of gentlemen who apparently did not wish to hear the letter I shall repeat some of what I have read:

Yesterday he would have destroyed himself had the gun which he was about to use not been taken away from him. This man can not reasonably support himself, or even support himself at all, on $55 a month.

I do not write you to urge any legislation, but simply to acquaint you with a condition that exists here and, I think, in many other places.

As a citizen I have to say that, in my judgment, the Government ought to pay a living wage to even its most humble employees, and, further, in my judgment, such legislation ought to be enacted as would permit or require the payment in these times of high prices of a larger amount to janitors.

I beg to remain,
Yours, very sincerely, ——— ———.

Then follows the signature of the postmaster.

This is the richest Government in the world, Mr. Chairman, and in times like these it is not justified in compelling an employee with wife and children dependent upon him for support, for whom he is obliged to buy food and fuel and clothing and to pay physicians, as this sick man has been, to try to exist on $55 per month. Gentlemen have repeatedly said that the Government must be just before it is generous. Mr. Chairman, it must be just before it is niggardly. [Applause.] I have not a constituent, I am thankful to say, but who, if it should become necessary for the Government to raise money by bonds in order properly to pay janitors in these times, will not consent to the issue of bonds.

As I have before said on this floor, the Government ought not to determine its duty by what private employers sometimes do in the matter of wages, but it ought to make itself a model employer, as it is abundantly able to do, and always pay all of its employees a living wage. [Applause.]

Mr. PAGE of North Carolina. Mr. Chairman, the amendment offered by the gentleman from Missouri [Mr. BORLAND] and now under discussion may or may not be understood clearly by the membership of the House. The purpose of the amendment is to include in this increase of pay the employees of the two branches of Congress; no one else. Every other person appropriated for in the legislative, executive, and judicial appropriation bill is provided for in the amendment offered by the gentleman from Tennessee [Mr. BYRNS]. I want to call the attention particularly of the majority side of this House to the fact that these men hold their positions largely as patronage at their hands. They are paid a wage sufficient to induce them, many of them, to come from your districts to the Capital to accept this job. There is not a single man of you who has one of these places at your disposal who can not to-day fill the place of any man you have named five times over by men who are beseeching you for the place. [Applause.] And yet you stand here seriously considering squandering the public money in order that these men who work little more than half the time, may have a bonus paid to them on a wage that they are not only glad to have, but that 40 other men are standing at your elbow to take away from them, if you shall designate them.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. BORLAND. I will ask the gentleman whether that is not exactly true of every other employee in the bill whose pay is raised? Is not that exactly the fact in the case of all these employees?

Mr. PAGE of North Carolina. Except that possibly the person out of employment who would take the place of the employee in the Government service can not take it because of the civil-service obstacle that is in his way; but that is not true in the case of these employees.

Mr. BORLAND. Is there not a big civil-service waiting list now?

Mr. PAGE of North Carolina. Oh, certainly; and I might argue that, in support of the moderate increase that has been provided in the amendment offered by the gentleman from Tennessee. I have no hesitation in saying, and it can be proven by the most reliable figures that have been tabulated in respect to a comparison between the wages paid clerical employees by the Government and those salaries paid in private employment for like service, and in every instance a fair comparison will show that the very people for whom we are providing an increase of 5 or 10 per cent under the amendment offered by the gentleman from Tennessee are receiving greater pay than are men who are performing not only a like service but who work much longer hours in private employment.

The gentleman from Wisconsin [Mr. COOPER] alludes to the "richest Government on earth." How long would we be so if we pursued the course marked out by some gentlemen? The gentleman is consistently willing that we should increase these wages, even if we issue bonds to meet the increased amount. This is temporary, but we must pay for it by additional taxation.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. I can not yield just now.

Mr. COOPER of Wisconsin. The gentleman wants to be fair?

Mr. PAGE of North Carolina. I want to be fair.

Mr. COOPER of Wisconsin. Will the gentleman yield now?

Mr. PAGE of North Carolina. Certainly.

Mr. COOPER of Wisconsin. I feared it possible that the gentleman might put that construction upon my remarks. I limited that specifically to the increased wages of janitors.

Mr. PAGE of North Carolina. It would not take many bonds to do that.

Mr. COOPER of Wisconsin. I said my constituents, if they had to do it in order to pay these poor men more than $55 a month——

Mr. PAGE of North Carolina. I accept the gentleman's statement, because I value the time more than my statement. I want to say this one thing further in connection with this matter: Other gentlemen have alluded to this as being the "richest Government on earth." You can not get your money except out of the people by taxation, and I want to say there are gentlemen in this House, some on this side and more on the other side, who have voted for every expenditure that has been proposed, but who refused to vote for the bill raising the amount necessary to pay it, and I say that in good faith, whatever may be your political affiliation, you can not afford to vote obligations upon the Government and then refuse to vote for the money that is necessary to pay them; and that is what you are doing here in this proposition. [Applause.]

Mr. RAINEY. Mr. Chairman, I belong to that committee which is charged with the duty of suggesting bills to this House to pay the tremendous expenses of this Government. The London Economist five or six weeks ago contained a most interesting article estimating the amount of the budgets of the warring nations after the present awful war is ended. If the war ends one year from the 1st of next March, England will have an annual budget thereafter of $1,200,000,000, according to this publication. Germany will have a budget of $1,300,000,000; Austria-Hungary will have a budget of $1,400,000,000; Russia, with a budget always the largest in the world, will have a budget of $1,600,000,000. I wonder if gentlemen who compose this body realize that for the year mentioned by the London Economist, for the fiscal year 1918, the expenses of this Government—and we have been in no war—will be $1,655,000,000, the largest budget in all the world, a larger budget than any nation in the world was ever compelled to meet. Increase the salaries of all these Government employees 10 per cent and you add to the expenses of this Government $60,000,000 every year. How are you going to meet it? The cry all over this country is, "Cut out the 'pork'!" and by "pork" they mean appropriations for public buildings; by "pork" they mean appropriations for rivers and harbors; by "pork" they mean appropriations for this Government's distribution of vegetable seed, and that is all. The average annual expenditure for public buildings for the last two decades amounted to $9,000,000. We spend $25,000,000 or $30,000,000 on rivers and harbors every year. Cut this out, cut both out, cut out the $250,000 which is expended for vegetable

seed each year and you would have half of what these 500,000 Government employees are seeking to saddle on this country. I am not willing to see our rivers and harbors permitted to fill up nor to discontinue entirely the expenditure of money for Government buildings in order that Government employees may have their demands on the Treasury satisfied. The real pork-barrel propositions with which this country is confronted are the demands of these Government employees on the Treasury. We have a deficiency staring us in the face. Gentlemen need not deny it.

The deficiency in 1918 will amount to nearly $280,000,000. How are you gentlemen going to meet that when the time comes? Is the country going dry? Those who advocate nation-wide prohibition are boasting of the fact that Pennsylvania and Nevada are now the only really wet States in the Union. I am not discussing the moral question, but I am discussing the condition which will confront us when this country does go dry. If that should happen during the next year—an impossible premise, though—we will be called upon by taxation to collect from some source or other $237,000,000 more in money each year thereafter. In other words, we are confronted right now in this country with the possibility of being compelled in the near future to levy more than $500,000,000 of new taxes. How are you going to do it? Restore the rates of the Payne-Aldrich bill? That is the proposal many of you make. You can not, to save your life, frame a tariff bill which will yield over $350,000,000 a year. Restore those oppressive rates and you will add to the present tariff law $100,000,000 in tariff taxes. If you restore this obnoxious stamp tax, you have only $33,000,000 more. Can you get it from taxing the large incomes more? Why, you have in this method of taxing reached the very highest notch. We tax large incomes now as much as any other civilized nation in the world ever attempted to tax them in time of peace. You are face to face with the necessity of lowering the income exemption——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the gentleman from Illinois proceed for five minutes? [After a pause.] The Chair hears none.

Mr. RAINEY. We are face to face with the proposition of lowering the income exemption to $1,000, and even if you do that also you will not raise this enormous sum of money. You can not progress here by proceeding along the line of least resistance. You can not conceal your head in the sand and flounder around here helplessly listening to the demands of 500,000 Government employees who want their salaries raised.

I wish we could raise their salaries. I wish we could pay everybody more money. I wish this janitor mentioned by the gentleman from Wisconsin [Mr. COOPER] could get more money than he is receiving now. Is he getting any more or any less than janitors receive for similar service in other sections of this country and in private employment? If he is getting less, he ought to have more; if he is getting more, he ought to have less. That is the way to adjust these matters. How much is he getting? He is getting $55 a month, perhaps also apartments in which to live, with the tips that go with services of that kind in a great city—$660 per year. That is not a large amount, but it is $100 more than the average rate of wages paid in the gentleman's district, the gentleman who suggests now the monstrous proposition that we issue bonds for the purpose of paying the current expenses of this Government in order that these salaries may be raised.

Mr. SIMS. May I ask the gentleman a question?

Mr. RAINEY. Yes, sir.

Mr. SIMS. I fully agree with what the gentleman says, but is it not a fact that the estimates for military and naval expenditures this year are $300,000,000 more than they were last year?

Mr. RAINEY. That is exactly true.

Mr. SIMS. And all the world talking peace and permanent peace.

Mr. RAINEY. And when we discuss lowering those expenditures for the Army and Navy, from every metropolitan paper in this country comes the charge that we are guilty of treason against this Government. You can not lower those estimates.

Mr. DALLINGER. I would like to ask the gentleman from Illinois if he did not vote on the fish hatcheries bill——

Mr. RAINEY. Yes; I did.

Mr. DALLINGER (continuing). Carrying $800,000?

Mr. RAINEY. I voted for the fish-hatcheries bill. They add largely to the wealth of this country. I voted for those hatcheries because they help provide food for the 100,000,000 people who live in this country. [Applause.] We have one river in Illinois which, under the fish-hatchery system conducted there, yields every year per acre for all the land in its bed which is covered with water, $15. Is not that an industry worthy of being taken care of? Is any private individual going to hatch out fish and turn them out for fishermen to catch, when they mature, in our streams in order to reduce the high cost of living in this country?

These Government positions do not go begging. Last year we had 185,000 applicants for these places. Six times as many people took every examination as there were jobs to distribute. They are desirable places. I wish it were possible to pay them more money. I wish it were possible to pay every wage earner in this country more money—every man who works upon a small salary more money. In this country there are 6,600,000 men who work all day long amid clanking machinery, in the close air of great factories, who received on an average in 1909—the last year for which reliable statistics are available—$519 per year. If their salaries have been increased since then by 20 per cent, which is hardly possible, they would get less now than this janitor gets. The farmers of this country who produce foodstuffs for this Nation enjoy an average income of less than $600 per year, and that includes what their wives and children are able by their labor to contribute.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. Employees here in the District of Columbia work seven and a half hours a day, some of them, and some of them work eight hours a day—none of them more than that—and they receive an average compensation of $1,200 per year. Two millions of these wage earners in our factories, who get an average wage of less than $600 per year, work over 10 hours a day, and only 500,000 of them work 8 hours or less. The remaining 6,100,000 work 10 hours and more than that every day.

How much time are they allowed each year on full pay for sick leave? They do not get 30 days. How much time are they allowed for vacations on full pay? They do not get 30 days. All these Government employees get 30 days' sick leave and 30 days' vacation on full pay all the time. These Government positions are desirable ones. They are sought after. You need not fear that they are not going to be filled. The humanitarian side of the question, of course, appeals to all of us. We would like to give them more money if we could, but this money in the Treasury does not belong to us. The Republican side usually votes for every charge on the Treasury, and gets enough votes on the Democratic side to carry it through. The money you are spending does not belong to you. It belongs to the 100,000,000 people who are being taxed to place it there. It does not flutter down from heaven to fill up these vaults of the Treasury. It is there as a result of a system of taxation. We are not here for the purpose of generously giving it away. We are here as trustees of this enormous fund for the people who sent us here, to protect their rights, and not to give it away to Government employees who want their salaries increased. The time has not come to increase salaries, as many gentlemen in this House think they ought to be increased. But the time will come when everyone of us will be compelled to go home and face our constituents. You can not escape responsibility because you sit on that side of this aisle and say that we on this side are responsible because we have control of this House, and Democrats can not escape responsibility, either. This trust fund must be administered conscientiously and not given away. Of course, these employees want their salaries raised. We know they do. They hold every day meetings in this city, here where $46,000,000 in Government funds are distributed every year in salaries, here where there are 42,000 Government employees. They hold their meetings here every day, creating a public sentiment, a tremendous sentiment among themselves, for this increase. And it is announced that a petition to contain 500,000 names is about to be presented to this Congress, asking that we boost these salaries until we make an additional charge on the Treasury on account of this subject alone of $60,000,000 per year.

Already here in this committee—and I am unwilling to believe the propositions will ever pass the House—you have increased your allowances. You have given yourselves session stenographers at $75 a month, and you have increased your allowance for clerical hire to $2,000. You insist these additions are necessary, because you have to pay some of these expenses out of your pockets. Of course we all do that. But those of you

who represent country districts, how many third-class postmasters have you got who do not pay something out of the pittance that the Government gives them to conduct the Government's business and employ additional help in their offices? Why, nearly every one of them does, and we are not here demanding that their allowances be increased. And if you increase your allowances here you will simply take the lid off the Treasury of the United States and invite every Government employee to come in here and help himself.

The time has come when the taxpayers of this country, the men who meet these enormous burdens, ought to be consulted. Every day bill after bill is introduced into this House for the purpose of getting money out of the Treasury. But I can count on the fingers of one hand the bills which Members introduce here in a whole session of Congress for the purpose of getting money into the Treasury. What we need in this country is some method of getting money into the Treasury, not so many heroic, patriotic methods of getting money out. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I can not quite agree with all of the argument of my colleague [Mr. RAINEY] against the Byrns amendment. I think the Byrns amendment ought to be agreed to, and that the pending amendment ought also to be agreed to.

Just for a moment let us see what the situation is in the country. Since the war in Europe began we have imported more than a thousand million dollars of gold. That of itself would add considerably to the cost of articles and help very materially to make prosperity in the country, because no country in the history of the world ever yet has imported great quantities of gold without prosperous times following the importation. We are exporting immense quantities of munitions of war, foodstuffs, cotton, and so forth, at very high prices, at prices which benefit us, so far as the Nation is concerned, because they are prices which are paid by the foreigner for the articles which we export. The result is that the country is enjoying prosperous conditions; business is doing well; labor is in demand. There is almost an extravagant riot of speculation going on in some parts of the country as the result of these prosperous conditions. But the very result hits most people in the country hard. A few enjoy the splendid benefits of the prosperity, but the man who works for a salary finds that if he had a steady job before, the prosperity of the country ruins his personal prosperity. Instead of all receiving the benefit, those who work are at a disadvantage unless their wages be enlarged.

Most of the private companies and persons who are employers in the land have either willingly or unwillingly been required to advance the wages of their employees. The demand for labor itself would cause that, whether the employers desired it or not. Many of the large corporations have, in addition to raising the wages of their employees, given a bonus at the end of the year or at the end of some time to their employees.

Now, we stand in a peculiar position. It is dependent upon us whether we will at all increase the compensation of Government employees, or whether we will determine that the prosperity which may come to all other people in the country shall be calamity to those who are employed in the service of the Government of the United States. [Applause.] That is what we have to determine. They can not receive the benefit of the prosperity except through our influence. Shall we make it a calamity to them because it spells prosperity to everybody else?

I take it that whatever we do on this bill ought to be followed on the other appropriating bills providing for governmental service. Whatever rate we fix here we ought to fix in other bills, providing for the same classes of service with the same increase of pay. If we do not increase compensation here on this bill, we ought not to increase compensation on the other bills. If we add 10 per cent here to the pay of those who receive less than $1,200 a year, we ought to add 10 per cent to all the other Government employees, because the calamity or the prosperity is not coextensive with the limits of the District of Columbia. The same conditions exist throughout the Union. We must determine now, in order not to play favorites, whether we will increase and to what extent we will increase the pay of Government employees; and we ought to carry that through the various other appropriations which are to come.

Now, I fail to understand the reasoning of those gentlemen who believe that we ought to increase the pay of everybody in the Government service below a certain salary except those that we personally know, who do the personal work for us in the House and the official work here; that we ought to increase the pay of all the Government clerks in Washington and the Government clerks in the post offices and other branches of the Government service throughout the Union everywhere, except the janitor who does the work in our own employ. I fail to understand that reasoning. If we are to be generous—I do not say generous, because I do not think we ought to be generous—but, in any event, if we would be reasonably just, then we ought to apply that to those who work for us here as well as the others, and not draw the line.

I do not believe that we ought to make a great increase in the pay. I commend the committee, which, having a very difficult task before it, finally brought in the proposition which was brought in. I am inclined to think at present that the percentage of increase they propose may be a proper percentage for us to follow all through the Government service. I do not favor extravagant appropriations. We may have the burden on this side before long—probably will [applause on the Republican side]—of raising the money. We know that the other side has always proved incompetent to transact such business. [Applause on the Republican side.] We know that they do not know how to raise money for the Government. We believe that if we have the power we will have the knowledge and the statesmanship to do it properly. I think we will have, and that we can afford to be just to those who work for the Government, as much so as to those who work for private employers, and that we ought here to determine a reasonable increase in pay and apply it to all employees of the Government in the classes covered as we may cover them in any proposition that we may adopt here and now. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, there are other amendments to follow, and I ask unanimous consent that all debate upon the pending amendment be now closed.

Mr. AUSTIN. I object, Mr. Chairman.

Mr. BYRNS of Tennessee. How much time does the gentleman want?

Mr. AUSTIN. I have been trying all the morning to get the Chairman's eye, and I object to closing the debate on this amendment until I have had an opportunity to discuss it.

Mr. BYRNS of Tennessee. To my certain knowledge the gentleman has an amendment which I know he proposes to offer a little later.

Mr. AUSTIN. I have been on my feet very often, trying to get recognition all the morning, and I do not propose to be cut off.

The CHAIRMAN. The Chair will state that there are several gentlemen trying to get recognition, but he can not recognize them all at the same time. He is doing the best he can.

Mr. KEATING. Can we not dispose of the Borland amendment?

Mr. BYRNS of Tennessee. I think we ought to dispose of this amendment and then take up the main proposition. Mr. Chairman, I ask unanimous consent that all debate upon the pending amendment be closed in 10 minutes, 5 minutes to go to the gentleman from Tennessee [Mr. AUSTIN] and 5 minutes to the gentleman from Oklahoma [Mr. FERRIS].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate upon this amendment be limited to 10 minutes, 5 of which shall be allotted to the gentleman from Tennessee [Mr. AUSTIN] and 5 to the gentleman from Oklahoma [Mr. FERRIS]. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman and gentlemen of the committee, I want to address myself for a few minutes to the manner in which we can raise this needed money, in answer to the argument of the gentleman from Illinois [Mr. RAINEY].

Just prior to the adjournment of the last session of Congress two speeches were made on this floor when the revenue bill was under consideration, one by the Speaker of this House and the other by the ranking Republican member of the Committee on Ways and Means. As I now recall the speech made by Speaker CLARK he stated that he had served on the Ways and Means Committee for 15 or 16 years, and that he could take the schedules in the tariff bill and write a tariff measure which would produce a sufficient amount of money to meet all the Government requirements. The ranking Republican member of the Committee on Ways and Means [Mr. FORDNEY] stated during the same debate that if the Payne-Aldrich tariff rates were now in force, with the present large importations of foreign goods into this country we would collect enough money at our customhouses to meet all the running expenses of the National Government without a resort to direct taxation.

Our present tariff duties average about 10 per cent, the lowest in the world. If you double the existing tariff rates you can raise a sufficient amount of money to take care of all these appropriation bills. So there is your remedy and your method for meeting this proposed increase in salaries.

We have not had a rearrangement or readjustment or general increase in Government salaries for half a century. We

have increased the salaries of the judges of the Supreme Court, we have increased the salaries of every United States circuit and district judge, we have increased the salaries of the President and the members of the Cabinet. Ten years ago, on account of the increase in the cost of living, the Members of this House increased their own salaries 50 per cent. The United States Steel Corporation has already increased the wages of its 200,000 employees to the extent of $30,000,000, and on Saturday last the American Bell Telephone Co. announced an increase of $3,000,000 for its employees. Other corporations throughout the country have increased wages. Everybody admits the increased cost of living. What fair, just, and reasonable argument can be made against increasing the salaries of the efficient and deserving Government officials? Why, the gentleman from Illinois [Mr. RAINEY] in a 15-minute speech argued against the increase of Government salaries, and yet when the eight-hour proposition was before this House last session, which, according to the officials of the railroad companies, meant an increase in wages of 25 per cent, he voted for it. If that increase is to be met, freight rates will be advanced, and in the end the people are to pay for the increase.

This increase reported by the Committee on Appropriations is a delusion and a snare. It means a daily increase of 21 cents for a $1,600 clerk, a daily increase of 18 cents for a $1,400 clerk, 20 cents a day for a $900 clerk, 25 cents a day for a messenger at $840, and 21 cents a day increase for an assistant engineer, a watchman, or janitor, or skilled laborer. For a fireman on a salary of $660 it means a daily increase of 19 cents; for a messenger at $600 a year, 18 cents a day; for a charwoman at $360 a year 10 cents a day; and for one at $240 a year, 7 cents a day. The last increase will pay the price of a loaf of bread.

The weekly increase of a clerk at $1,600 a year will be $1.50 a week or $6 a month. For a $1,400 clerk it will mean a weekly increase of $1.25, or a monthly increase of $5. For a $900 clerk it will mean a weekly increase of $1.87, a monthly increase of $7.50. For an $840 messenger it will mean a weekly increase of $1.75 and a monthly increase of $7. For an assistant engineer, a watchman, a janitor, a skilled laborer, all receiving the same wage, it will mean a weekly increase of $1.50, a monthly increase of $6. For a fireman paid $660 annually it will mean a monthly increase of $5.50 or a weekly increase of $1.37, while a $600 messenger will get a monthly raise of $5 or a weekly increase of $1.25. A charwoman paid $360 would obtain a monthly advance of $3 or 75 cents per week. The lowest-paid charwoman, who now receives $240 for a year's work, will get the magnificent increase of $2 per month or 50 cents per week.

I have worked out this proposed increase under the pending bill to show that this so-called salary increase to meet the high cost of living is practically a delusion, and would be a reflection rather than a credit on this great lawmaking body in doing its duty toward the honest, capable, deserving officials of this great Government. [Applause.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized for five minutes.

Mr. FERRIS. Mr. Chairman, I yield back the time. I will say what I want to say later.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question being taken, on a division (demanded by Mr. BYRNS of Tennessee) there were—ayes 75, noes 61.

Mr. BYRNS of Tennessee. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BYRNS of Tennessee and Mr. BORLAND.

The committee again divided; and the tellers reported—ayes 121, noes 65.

Accordingly the amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KEATING: On page 142, after the word "of," in the eighteenth line, strike out "10" and insert "20"; and, in line 20, strike out the figure "5" and insert "10."

Mr. BYRNS of Tennessee. Mr. Chairman, I wonder if it is possible to limit the debate upon this amendment? How much time does the gentleman from Colorado want?

Mr. KEATING. I want about 15 minutes, but there are several gentlemen here who want to discuss it, I imagine.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that all time on the pending amendment be limited to 40 minutes.

Mr. KEATING. That is not sufficient. If the gentleman will bear with me, this involves an increase in rates.

Mr. MANN. But there may be somebody else that may propose an increase of rates, and we ought to get through with this bill to-day.

Mr. KEATING. Oh, we will get through with it.

Mr. MANN. Not at this rate.

Mr. BYRNS of Tennessee. Then, Mr. Chairman, I will ask that all time on the pending amendment be limited to one hour.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment be limited to one hour. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I think a word with regard to the origin of this amendment would be in order at the very beginning. This amendment was agreed upon by a committee representing the various organizations into which the Federal employees have grouped themselves, working in conjunction with a volunteer committee of Members of Congress, of which the gentleman from Minnesota [Mr. VAN DYKE] was chairman. The effect of the amendment is to increase the wages of employees who are receiving less than $1,200 20 per cent, and to increase the wages of those receiving from $1,200 up to $1,800 10 per cent, and it provides no increase for those who receive wages above $1,800.

Mr. GORDON. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. GORDON. Was the committee that met and determined the action that the House will take composed of Members of Congress or unofficial persons?

Mr. KEATING. I will say to the gentleman from Ohio that he may possess his soul in peace. No body of citizens presumed to meet and dictate the action of this House, but a committee representing the Federal employees met, as they had a perfect right to do, and suggested to Congress and the Members thereof certain increases of salary rendered necessary by a state of affairs well known to exist.

Mr. GORDON. The gentleman said they agreed on this schedule.

Mr. KEATING. They agreed upon it, and I agreed upon it; but I did not attempt to bind the gentleman from Ohio. I would not assume to do that.

Mr. GORDON. I thank the gentleman very much.

Mr. KEATING. The amendment doubles the rates provided for in the amendment submitted by the Committee on Appropriations. Let me repeat: The 20 per cent increase is for employees who draw salaries up to but not including $1,200, and 10 per cent from $1,200 up to and including $1,800, but no increase beyond $1,800.

Mr. EVANS. Will the gentleman yield?

Mr. KEATING. I will.

Mr. EVANS. Ten per cent on a salary of $1,700 is an increase of $170. That carries the salary above $1,800.

Mr. KEATING. The increase would include a salary of $1,800, but would not apply to any salary which at the time of the passage of the law was above $1,800.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. SMITH of Idaho. A clerk receiving $1,100 gets an increase of 20 per cent, and he would receive more than the clerk who receives $1,200 would get by an increase of 10 per cent.

Mr. KEATING. I have no doubt that here and there such results would be achieved, but I think in any method of percentage increase you may adopt you can work out such results. Only a few will be affected.

Now, as to the amendment, it increases the salaries for one year, the fiscal year of 1918. It does not increase the salaries for 1917 or 1919.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I have 15 minutes.

Mr. SHERLEY. The gentleman is mistaken, Mr. Chairman. The time was limited to an hour and left in control of the Chair. I would be glad if the gentleman from Colorado gets additional time, but I do not want the Chair to be misled.

Mr. KEATING. I did not intend to mislead the Chair.

Mr. SHERLEY. Of course not.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask that the time of the gentleman from Colorado be extended 10 minutes.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Illinois asks unanimous consent that the time of the gentleman from Colorado be extended 10 minutes. Is there objection?

There was no objection.

Mr. KEATING. The increase applies to the year 1918 and not to any other year. The need for the increase is just as urgent for 1917 as it will be for 1918, and therefore if you grant this increase you are practically granting a bonus covering two years—1917 and 1918.

Now, I wish to quote from a report by the Secretary of Commerce, his last annual report, to show the need of this increase. The Secretary says:

The following compilation has interest in connection with the facts relating to the cost of living of Government employees in Washington. The present scale of wages for clerks in the Government service, grouping them into four classes and fixing a salary of $1,800, $1,600, $1,400, and $1,200, respectively, per annum for each of these classes, was fixed by the act of Congress approved April 22, 1854 (10 Stat., 276; sec. 167, Rev. Stat.), and has not been changed since that time. For the subclerical grades the rates of compensation were fixed by the acts of Congress approved July 23, 1866 (14 Stat., 207; sec. 167, Rev. Stat.), and July 12, 1860 (14 Stat., 250; sec. 160, Rev. Stat.).

For 60 years the rates of compensation to clerks have remained stationary and for about 46 years to the subclerical grades. The available figures on file in the Bureau of Labor Statistics, based upon wages in selected industries, all of which, however, were not uniform for the entire period covered, but which can be accepted as typical, show an increase in daily average wage of 137.4 per cent from 1854 to 1915. In other words, daily wages in 1915 were 2¼ times as much as in 1854. These figures were taken from Senate Report No. 1394, Fifty-second Congress, second session, Report of Senate Finance Committee on Wholesale Prices, Wages, and Transportation, which, on page 176, gives the average wage increase to 1891; Bulletin No. 77 of the Bureau of Labor Statistics, which, on page 7, gives the average wage scale from 1891 to 1907; and Bulletin No. 194 of the Bureau of Labor Statistics, which, on page 20, gives the average wage scale from 1907 to 1915.

Mr. FITZGERALD. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. FITZGERALD. I wish to call attention to the fact that there have been changes in this way—that places at higher salaries have been created which people have been put into that were formerly not in the $1,800 class. The Secretary did not know that fact when he incorporated those remarks into his report.

Mr. KEATING. Clerks have been promoted from one grade to another, I know. The Secretary's statement does not mean that a clerk who went into the service in 1854 is to-day, if he is in the service, at the same salary.

Mr. FITZGERALD. I do not mean that. What I mean is that there have been places created at salaries of $2,000, $2,200, and $2,250 which are occupied by men who formerly never received more than $1,800.

Mr. KEATING. I am glad to have the explanation. Now, the Secretary goes on and gives some interesting figures on the increase in cost of living during that same period:

The reports on cost of living show that for the same period, 1854 to 1915, the increase has been 14.1 per cent. These figures are based on wholesale prices, and it is a fair assumption that the retail-price increases will very closely approximate those of the wholesale-price increases. Bringing the price figures up to the latest date for which they are available, the month of September, 1916, by using figures relating to retail prices of food, the increase over 1854 is 32.4 per cent. In other words, the increase from the average for 1915, to September 15, 1916, in price of food commodities as a group is greater than the increase of the average price for the whole period from 1854 to 1915. The increase during the nine months ended September 15, 1916, over the average price for the year 1915 is approximately 16 per cent.

For the last few years the figures showing wage increases are based on the union wage scale. It is a well-known fact that in many industries to-day wages in excess of the union scale are being paid.

Interesting in connection with this study are some pertinent figures shown by the General Review of Crop Conditions on October 1, 1916, issued by the Bureau of Crop Estimates of the Department of Agriculture. From this report it appears that the index figure of prices paid to the producers of the United States for principal crops on October 1, 1916, is about 27.6 per cent higher than a year ago, 19.9 per cent higher than two years ago, and 23.8 per cent higher than the average of the last eight years on the same date. This report shows that the corn crop is estimated to be 11 per cent below the yield of last year; wheat, 40 per cent; oats, 20 per cent; barley, 22 per cent; rye, 15 per cent; white potatoes, 16 per cent; and apples, 14 per cent. The index figures of meat animals on September 15, 1916, show prices paid to producers of about 23.7 per cent higher than the figures of a year ago; 10.5 per cent higher than two years ago; and 2.5 per cent higher than the average of the last six years on the same date. All these facts point to a still higher charge for food supplies.

Rather startling are the figures compiled by the Bureau of Labor Statistics relative to wheat and flour for the period from May to September, 1916. The report on this subject shows that the average retail price of flour increased from $7.62 per barrel in May, 1916, to $9.39 per barrel in September, 1916, and press reports since that time indicate that the retail price of flour has gone to $12 per barrel.

From the above statements it clearly appears that wages in all branches of industries have more than kept pace with the increased cost of living, but that no increase has been made in the wage scale of Government employees, notwithstanding the fact that since 1854 the daily task of all wage earners has been steadily decreasing, while the Government employee has received increased hours, with no consequent increase in compensation to offset, in a measure, the increased living cost.

That living costs in the last few years have gone up to an unprecedented extent is not shown by Government reports alone. The Annalist states that in the year ended September 30, 1916, the increase in a selected group of commodities, arranged to represent a theoretical family's food budget, has gone from 135 to 185, or an increase of about 37 per cent. The percentage of increase in food commodities shown by the Annalist compares with the official figures of the Bureau of Labor Statistics compiled to June 30, 1916.

The Secretary assumes that the cost of living increased from 1854 to 1915, 14.1 per cent, and from 1915 until his latest estimate was made, which was September 15, 1916, the increase was 16 per cent. In other words, according to the Secretary, the increase in the cost of living in the period covering a little more than a year, during these war times, was greater than the increase in cost of living from 1854 to 1915. I think the Secretary's figures on the increase in the cost of living are ultra-conservative. I believe they are entirely too low, but they demonstrate that the increase in wages which I suggest is anything but radical.

I want to call the attention of the House to another official report. The other day we increased the appropriation for the Children's Bureau, very properly so. One of the most interesting reports submitted by the Children's Bureau has to do with infant mortality in Johnstown, Pa., and Manchester, N. H., and deals particularly with the effect of high wages upon infant mortality. Of the babies with fathers earning less than $450 a year, 1 in 4 died, while, in that same vicinity, where the fathers earned more than $1,050 per year only 1 baby in 16 died.

I call attention to the fact that there are scores and hundreds of fathers in the Government service earning $450 a year. We want to increase their wages, but we are also seeking to increase the wages of the fathers who earn $1,050 a year.

This report goes on to point out that where the mother has to go out to work the increase in infant mortality is startling, and, of course, where the father fails to earn a living wage the mother must assist in making up the deficit. I might give the figures, if time permitted, but it is sufficient to know that when you deprive the father of a living wage you crush the life out of the baby. I want now to quote another great governmental authority upon the effect of increased wages upon the health and happiness of a people. I suppose the most famous authority on sanitation in the world is Surg. Gen. Gorgas, of the Army. In an address delivered before the fifteenth annual conference of health officers in New York City, and issued by the American Medical Association, Gen. Gorgas makes this statement concerning the results achieved at Panama:

The eradication of yellow fever and the control of certain other diseases at Habana and Panama was undoubtedly due to the special sanitary measures taken against these diseases. But these special features could have no effect on the general health conditions. For the last 15 years I have given a great deal of thought to this matter. What did we do to cause the great general improvement in health conditions which took place shortly after our arrival at both places, and which has since continued?

At Panama, shortly after our arrival, we increased the wages of the common laborer from 11 cents an hour to 20 cents an hour. This was nearly four times the wages of the laborer in the surrounding countries.

If we paid the citizen of a foreign country four times the wages he got at home, we naturally had to increase largely the pay of American citizens whom we wished to get to come to the Isthmus. This caused a steady increase in wages all along the line.

This large increase of wages caused a great general improvement in all living conditions—more room to live in, better food, and better clothing. I am satisfied that to this improvement in social conditions, caused by our high wages, we owe principally our extraordinary improvement in general health conditions.

It is a health officer's duty to urge forward these measures in his community which will control individual diseases; but my long experience has taught me that it is still more his duty to take that broader view of life which goes to the root of bad hygiene and do what he can to elevate the general social conditions of his community. This, my experience has taught me, can best be accomplished by increasing wages. Such measures tend at the same time to alleviate the poverty, misery, and suffering which are occurring among the poorest classes everywhere in modern communities.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. SLOAN. I want to call attention to the fact that $1,800 is the lowest salary not affected by the gentleman's amendment, but in case the salary is $1,700 a year the amendment would so affect it that the $1,700 man would receive $70 more than the $1,800 man.

Mr. KEATING. The $1,800 man receives an increase under this amendment.

Mr. LANGLEY. And there is no such salary as $1,700.

Mr. KEATING. I presume not. The fact is that you may imagine a situation where some clerk now in a lower grade would be given a higher salary than a clerk now in a higher grade, but I do not believe it would work out in that way.

The practical effect would be that the poor fellow down below the $1,200 limit would get a 20 per cent increase, and I do not think it is sufficient in many instances. I wish we could make a much greater advance in the salaries of those who might be referred to as the "submerged" portion of the Government employees—the poor devils referred to by the gentleman from Wisconsin [Mr. COOPER], the men who are drawing $40 and $50 and $55 per month; and the unfortunate charwomen, who scrub the floors of our public buildings for the munificent remuneration of $240 a year.

Some gentleman asks why they retain these positions, why can not they quit, why can they not go and get another job? There is no particular reason why they can not quit, except the

fear that clutches the heart of men who know that if they give up one job they may not be able to secure another job. That is the reason they do not throw up these positions.

It is no answer to an argument for an increase in salary to say that you can get another man to take the place of the poor fellow who is receiving a salary that will not sustain life. So far as this Government is concerned, it should lay down the rule that every employee must have a living wage. [Applause.]

Mr. COX. Mr. Chairman, the Committee on Appropriations embraced section 6 in the legislative, executive, and judicial appropriation bill proposing an increase of 10 per cent in salaries of all Government employees whose salaries are less than $1,200 per year and an increase of 5 per cent of all salaries from $1,200 to $1,800 per annum. The proposed amendment offered by the gentleman from Colorado [Mr. KEATING] proposes an increase of 20 per cent on all salaries below $1,200 per annum and an increase of 10 per cent on all salaries between $1,200 and $1,800 per annum.

The Committee of the Whole House the other day increased the salaries of clerks to Members from $1,500 to $2,000 per year. This discussion has taken rather a wide latitude on the question of increases of salaries at this time. At this time, in addition to later registering my vote against it, I want to protest against the amendment increasing the salaries of clerks to Members from $1,500 to $2,000 per year. There is no doubt about the proposition that 95 per cent of the private secretaries of every one of us are now getting more money than they can get in private establishments to save their lives. If not, why are they here? Why are they willing to sacrifice their time and energy in working for us when they could get better and higher salaries by working for private institutions?

The Committee of the Whole House recently incorporated in this bill a provision voting an additional clerk at the rate of $75 per month during the time Congress is in session. I am equally opposed to this. I do not believe Members can justify themselves in voting for either of these propositions. I do not believe they will do it when it comes to a yea-and-nay vote on these two propositions. This proposed increase in salaries of private secretaries from $1,500 to $2,000 per year, additional stenographers at the rate of $75 per month while Congress is in session, together with the proposed increase of salaries of all clerks up to $1,800 per year, appropriated for in this bill, and working in the city of Washington or elsewhere may well be characterized as a "salary grab" pure and simple. This is all it is, and it should be looked upon and treated as such by those who must finally pay the bill, as well as those who receive the proposed benefits.

Mr. Chairman, I have heard many Members upon the floor of the House time and time again talk about the poor, unfortunate farmer, saying he is the man who bears the burden of taxation, and I quite agree with them on this proposition, and later I will demonstrate the truth of these statements and then see whether or not the friends of the farmer, when the roll is called upon all these increases in salaries, will vote as they have talked.

I have heard it stated on the floor of the House time and time again that the Government should be a "model employer." No one has undertaken to define what the phrase "model employer" means. Does it mean that the Government as an employer should pay higher wages than private employers? If this is what those mean who use the phrase, then they are answered, because the Government does pay its employees much higher wages than the private employer. This is answered by the facts in the case; beyond question our Government pays to its employees much higher salaries than any other Government upon the face of the earth pays to its employees. The salary of our Government employee ranges from 25 to 50 per cent per year higher than the salaries paid by any other Government to their employees. I make this statement after due and careful investigation from books and reports found on file in the library.

Without fear of successful contradiction, I undertake to say that the Government pays from 15 to 30 per cent higher wages to its employees than is paid private employees. Take the salary paid to our private secretaries—$1,500 per year. Thousands upon thousands of traveling men now traveling for private employers do not get as much as $1,500 per year. Thousands upon thousands of bright, active young attorneys, graduates of our leading law colleges, are now receiving less than $1,500 per year. Thousands upon thousands of bright, active young men, graduates of medical schools, now receive less than this sum per annum. Yesterday, coming up on the car from the Treasury Department, I asked the conductor how much he was paid. He answered me, "From 23 to 27 cents per hour, working 10 hours per day." The conductor and the motorman must work in the open, exposed to all kinds of inclement weather, and work day and night, without a single day's layoff in the whole 365 days in each year.

All the clerks and employees working for the Government in the city of Washington have 30 days' leave of absence with full pay each year. In addition, they have 30 days' sick leave of absence with full pay. They have a full Saturday afternoon off during the months of June, July, August, and part of September. They have seven full holidays with pay. All told, the employees working for the Government in the city of Washington work approximately 257 days out of the 313 working days of the year. These same employees here in the city of Washington are now moving heaven and earth, bringing all pressure they can upon the President to get him by an Executive order to establish the half holiday all the year round with full pay. Not so with the private employee working in the city of Washington. He does not get 30 days' leave with full pay or 30 days' sick leave with full pay or his half holiday. He must put in 313 days per year, less the seven national holidays.

I want to briefly quote from a farmers' bulletin which I have, for the benefit of my farmer friends of the House whom I have heard talking so long and so loud and so pitifully, bewailing the unfortunate condition of those living in the country.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. COX. I can not yield. I would if I had time. I would be glad to do so. It is Farmers' Bulletin 746. On page 6 of the bulletin, under the title "Earnings of different classes of workers," "annual average for farmers, cash, farm supplies, $600." This means the income earned by the farmer and his family. The family averages five persons. This would mean an average income for each member of the farmers' family of $120 per year, an exceedingly small amount. Mark you, that out of this $600 earned by the farmer and his family he must buy his supplies, keep his family, pay his taxes, insurance, doctor bills, and all the usual expense connected with the keeping of a family. The farmer knows no holidays except Sunday. He and his family work each day in the year at something. He does not observe the eight-hour day, but works from daylight until dark. He has no 30 days' leave of absence with pay, no 30 days' sick leave of absence with pay. He has no Saturday afternoons off for three months in the year. He is the man who with his family is compelled to work in the open, in the rain, sleet, snow, and sunshine under any and all conditions favorable or unfavorable.

The Government employees in the city of Washington, including our private secretaries, at least 90 per cent of them work in the most favorable conditions seven hours per day in splendidly equipped Government buildings, well lighted, heated, ventilated, with sanitary conditions as nearly perfect as possible. I trust my farmer friends will remember these conditions when they come to vote upon the proposed increase of salaries, when they come to vote upon this salary-grab measure.

The CHAIRMAN (Mr. GORDON). The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. HOPWOOD. Mr. Chairman, reserving the right to object, will that interfere with those of us who desire to be heard upon this question if this five minutes be granted?

Mr. COX. Not on the other side.

Mr. HOPWOOD. I am on the other side, and therefore will not object.

The CHAIRMAN. If there are no objections, the gentleman can proceed.

There was no objection.

Mr. COX. Again quoting from the farmers' bulletin:

Wage earners on street railways, $674 per year; in iron and steel works, $610 per year; in factories, $460 per year; in telephone companies, $438 per year.

SALARIED EMPLOYEES.

In factories, $1,188; on street railways, $1,122; patrolmen, $1,052; Federal employees, $948; in telephone companies, $843; clergymen, $663.

As the gentleman from Illinois [Mr. RAINEY] so well and forcibly stated a moment ago, there are not less than 4,000,000 wage earners in the country to-day drawing the small salary of $470 per year. There are upward of five and one-half million wage earners and toilers who earn less than $600 per year. Enough? No! I wish it were possible for private employers to increase all the salaries of their employees, but I presume that a majority of the employers of labor in this country are paying to their employees all they can afford to pay. The news-

papers of the city of Washington, day in and day out since Congress convened, have waged an unrelenting fight for the increase of salaries of Government employees. I undertake to say that many of the employees of the newspapers here in the city of Washington are getting far less than the lowest paid employee working for the Government. In my opinion it would be quite interesting reading, as well as instructive and entertaining, if these newspapers would publish the names of all of their employees and the salaries paid each. Why do not they do it? The merchants, bankers, hotel people, restaurant men, and all others in the city have enlisted in this fight to increase the salaries of clerks in the Government, and yet it is conceded that employees here in Washington are getting from 20 to 50 per cent higher salaries than these same people are paying to their employees in private life.

Since returning to Washington I had occasion to go up on an elevator in one of the largest hotels in the city. I asked the elevator man what wages he was drawing and how many hours he was required to work. He replied, "Thirty-five dollars per month, with hours ranging from 8 to 10 and 12." I recently went up on an elevator in one of the large department stores here in the city and asked the elevator man the same question. He answered me "he was getting $30 per month, and working from 8 to 12 hours per day," while the Government pays its elevator men $720 per year for 8 hours' labor, and if the subject could be properly investigated this would be substantially true in all the various occupations of labor here in the District; but it is to the financial interests of the newspapers, the merchants, bankers, hotel and restaurant men, and others living in the city to get the salaries of these clerks increased, because it means more money to them, more money will be expended in the city. Yet they do not pay one cent of the additional taxes imposed upon the people because of these proposed increased salaries, not a penny. Every cent of this additional increase will be paid by the people of the United States. Their interest in seeking to have the salaries increased is not a human interest but a selfish interest. Their agitation for an increase of salary is designed solely to benefit themselves without regard to the burden it will impose upon those who pay the taxes.

Mr. TEMPLE. Will the gentleman yield for a question?

Mr. COX. I can not yield.

Mr. TEMPLE. I would just like to know the date of that bulletin?

Mr. COX. It is dated July 6, 1916. Those who care to carefully investigate the subject of salaries paid by our Government as compared to the salaries paid by other governments will find that we are paying approximately 50 per cent higher salaries to our employees than any other government pays. Those who care to investigate and who will take time to investigate the salaries paid by the Government to its employees with the salaries paid by private establishments to their employees in the same identical line of work will find that the Government is paying its employees upon an average from 15 to 30 per cent higher wages than private employers pay.

Briefly, I want to call the attention of the House to a bulletin issued by the Bureau of Education, No. 31, issued in 1915. On page 18 of the bulletin will be found a compilation of salaries paid by both private and public institutions, as follows:

RURAL TEACHERS, FARM LABORERS, AND RURAL MAIL CARRIERS.

The average annual wage of farm laborers in 1913 was $257. The average for rural school-teachers appears to range only slightly higher—exact figures are not obtainable. It is interesting to compare with these two classes of workers the rural mail carriers, who receive an average salary of $1,115. In Alabama the figure for male farm laborers was $173 in 1913, while rural mail carriers received $1,052; the average salary for all teachers in the State for 1914—including teachers in the large cities—was $446 for male and $369 for female, while for rural teachers in two counties selected at random it was $310. In Arkansas the counties selected reported $273 as the average annual salary of teachers; male farm laborers average $204, and mail carriers on rural routes $1,043. California, one of the best-paying States for teachers, shows $804 for teachers in two counties, as compared with $421 for farm laborers and $1,046 for rural carriers. Colorado pays $309 to farm laborers, $1,060 to rural mail carriers, and $306 to teachers in independent districts. The rural counties in Connecticut pay an average of $449—not quite half the pay of the mail men. Iowa pays her rural teachers in at least two counties less than farm laborers—$326 as compared with $368; rural mail carriers in this State average $1,081. Massachusetts averages $455 to rural teachers for four counties; male farm laborers receive $306, and rural mail carriers $1,031. North Carolina (26 counties) paid her rural teachers an average of $160, as compared with $191 for farm labor, and $1,034 for rural mail carriers. In Oregon, on the other hand, teachers are paid an average of $605 (two counties), as compared with $372 for male farm labor and $1,056 for rural mail carriers. In Pennsylvania the average teacher's salary for the entire State is $744 for males and $550 for females, as compared with $1,057 for rural mail carriers. In Tennessee (46 counties) the average salary for rural teachers was $223, as compared with $190 for male farm laborers, and $1,051 for rural mail carriers.

Mr. Chairman, this bulletin is very interesting, especially when considered in the light of the argument made by the advocates for increased salaries to Government clerks. It establishes the fact beyond peradventure that Government clerks and Government employees are paid out of all proportion above private employees or other kinds of public employment. This bulletin asserts that the average annual wage of farm laborers in 1913 was $237 in the United States, and that the average for rural-school teachers appears to range only slightly higher.

In Alabama the average price paid to farm laborers was $173 in 1913. The average salary for all school-teachers in the State of Alabama for 1914 was $446 for male teachers and $369 for female teachers, while the average price paid to rural-route carriers was $1,052.

In Arkansas the average wage paid farm laborers was $204, and the average wage paid to school-teachers in counties reporting was $273, while the average salary paid to rural carriers was $1,043.

Take North Carolina. In 26 counties the average paid to her rural-school teachers was $160 and the average paid her farm laborers was $191, while the average paid the rural-route carriers was $1,034. Take the great State of Massachusetts, noted for its progress and intellectual activities as well as humaneness. The average paid to rural-school teachers was $455 and to farm laborers $306, and the average paid to rural-route carriers was $1,031. These figures are very significant, if not startling. These figures meet and refute the argument of those who contend that Government employees are underpaid as compared to private employees. It requires a great deal more study, more knowledge, more information on the part of school-teachers to equip themselves for their profession and to enable them to secure a license to teach school than is required of the average civil-service employee before they can successfully stand a civil-service examination. I adhere to the doctrine and commend the argument that the Government should be a model employer. I insist it is a model employer in each one and all of its departments. It pays its employees higher than any other employer; its employees work shorter hours than 90 per cent of other employees. Its employees are better housed, work in better sanitary conditions than private employees. Its employees have more holidays with full pay than any other class of employees in the United States.

Mr. Chairman, this is not a pleasant task for me to assume; but if I interpret my duty aright as a Representative of the people, I must stand on the one hand between those who are to receive, and on the other between those who must pay the bills. I must stand between those who are to receive the benefits on the one hand and those who must have their taxes increased in order to pay these benefits on the other.

I must be just before I am generous. I can not be just to those who pay the tax, and at the same time vote millions out of the Treasury, every dollar of which must be raised by taxation in some form. I may be wrong in my sense of duty; I may not see things from the proper viewpoint, but my sense of duty and my viewpoint compels me to take a stand with the already overburdened taxpayers of the Nation who are crying out on every hand against the onerous increased burden of taxes.

Many thousands of bills are introduced every session of Congress to take money out of the Treasury which mean taxes, and a very small number of bills are introduced proposing to put money in the Treasury. Mr. Chairman, if all these proposed increases in salary to Government clerks and employees and private secretaries go through, and become law, and the same provision proposing similar increases of Government salaries are placed on other appropriation bills, it will mean a charge upon the Treasury of not less than $25,000,000 for the ensuing fiscal year. The price is too high for me to pay. I refuse to vote it.

I am willing to pay the debt, and take the consequences whatever may befall me politically or otherwise. The Secretary of the Treasury informs Congress that in 1918 there will be no escaping a Treasury deficit of $300,000,000. This means that we have got to issue Government bonds or cast about and find some other thing or piece of property on which to place a tax. Instead of constantly increasing the burdens of taxation the wise thing to do, the just thing to do, the economic thing to do is for Congress to cease making so many useless appropriations.

Mr. Chairman, I concede that the cost of living is high, but we should remember that the high cost of living is hitting the wage earners, the toilers, the farmers; in fact, everybody just as hard and just as severe as it is hitting Government employees, and it is unfair to impose a tax upon those underpaid private and public establishments in order to increase the salaries of Government employees upon any ground, legally or morally. It will not be defended by the taxpayers when they come to vote in the next election. They will hold Members of Congress responsible for it, as they ought to.

This proposed increase of salary to Government employees and the proposed increase of salary of our private secretaries should meet a stern defeat when the roll is called upon these measures. I shall vote against it and abide the judgment of the people who have commissioned me to represent them in Congress. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHERLEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 324. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1916.

The message also announced that the Senate had insisted upon its amendments to the bill H. R. 8092, entitled "An act confirming patents heretofore issued to certain Indians in the State of Washington," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PITTMAN, Mr. LANE, and Mr. CLAPP as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HOPWOOD. Mr. Chairman, I favor the amendment offered increasing the wages 10 and 20 per cent instead of 5 and 10 per cent, and my reason is briefly this: That in every other department of industry in our country the wages have already been increased more than that. In the coke regions in Pennsylvania wages have been increased. I cut a clipping yesterday out of a local paper to this effect, namely, that there had been a 10 per cent increase for 40,000 men in the coke region. This 10 per cent comes upon two other increases during the past year—one last February of 10 per cent, one later on, I think in July, of 5 per cent, and now another of 10 per cent, making 25, or, rather, by taking the percentages on the preceding percentages, making 27 per cent of increase during the year.

Now, one of the gentlemen who was arguing against this matter said that "we must take into consideration the men back home." The men back home are making more money than they ever made before, because of the peculiar conditions at this time, and they have been making that sort of money for the past two years, while the man on salary, either in the Government employ of any other employ, unless his salary has been raised, is the worst-fixed man in this country to-day. The prosperity instead of benefiting him is detrimental. Without any increase in salary, he is compelled to pay from 60 to 100 per cent more for living expenses.

I cut another clipping from the same paper, which is headed "$108.89 two weeks' pay."

It says:

Talking of fat pay envelopes—

Says a news item from Connellsville on Monday—

coal miners are particularly favored these days. Semimonthly pays of $80, $90, to $100 are not uncommon. Some are faring even better. At Davidson plant of the H. C. Frick Coke Co. August Fink last week drew $108.89 for his two weeks' work. To do this he loaded one hundred and twenty-one 40-bushel wagons, mined all his own coal by use of a pick, and set his own timbers. At Coalbrook William Richey mined and loaded 137 wagons of 37 bushels each, his pay amounting to $102.13. At neither plant are machines used for mining. Recently two workers at Trotter made big records for a day's work, but this was for loading only, the mining being done by machine.

So, when you talk about taking care of people back home, they are being taken care of a great deal better than we are taking care of the Government employees. The great corporations of the country, when prosperity comes to them and when prices are advanced for their product, always automatically raise the wages of their employees. But the Government seems to have adopted a flate rate of pay, paying men so much per month or per year, and they pay it year after year, good times and bad, high prices or low, whether living costs 100 per cent more now than it did when the wages were fixed. It pays them the same wage now as it did 40 or 50 years ago when the present scale was adopted. It is a ridiculous and an outrageous thing to do.

They talk about the farmer getting $600 a year only. He is getting nearly $2 a bushel for his wheat. He is getting 60 or 80 per cent more than he ever was getting before—more than when that 1909 schedule was made up that was referred to by one of the opponents of this advance. In riding over my county one day recently I was with a man who had 700 bushels of potatoes to sell, and he said, "What do you think I was offered for my potatoes?" I said, "I do not know." He said, "One dollar and seventy-five cents at my barn." That is about 75 cents more than he ever was paid for them before.

Mr. SLOAN. Will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. SLOAN. In what part of the wheat-raising section of this country are the farmers getting anything near $2 a bushel for wheat?

Mr. HOPWOOD. I do not know what they are getting. I know the market prices. There is no doubt he is getting well up to that, because the farmer is smart enough these days to get all that is coming to him.

Mr. SLOAN. On what market is wheat $2 a bushel now?

Mr. HOPWOOD. It was close to $2.

Mr. SLOAN. It was; but in the market at Chicago it is only $1.60 after you carry it to Chicago.

Mr. HOPWOOD. Do not you people in the West get pretty near that at your own market?

Mr. SLOAN. Oh, no; there are some freight rates.

Mr. HOPWOOD. I think it is selling in Pennsylvania at the mills at about the market quotation. They may have better markets than you have in the West.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HOPWOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOPWOOD. Mr. Chairman, I heartily agree with the gentleman from Missouri [Mr. BORLAND] "that no increase should be made that can not be justified by the general increase in wages throughout the country." I have indicated the increase of about 27 per cent in my own district in the pay of the employees of the coal and coke companies. This increase has also been made in the wages of the employees of the iron and steel works of our country.

The farm laborer and the common laborer in the towns and cities of our land have also received increased wages in many instances of at least 50 per cent within the past two years. I venture to say that the general increase throughout the country in all lines of industry will average more than 20 per cent in the past two years. I also venture the assertion that the increase in cost of keeping a family within the last two years is much more than 20 per cent.

The advance, therefore, as contemplated by the amendment of the gentleman from Colorado [Mr. KEATING] is justifiable and right, not only from the standpoint of the general increase in wages throughout the country but also from the high cost of living that causes every man with a family many anxious hours to solve the problems that confront him as to how he is to give to those he loves the common necessities and comforts of life.

Mr. GREEN of Iowa. Mr. Chairman, at this time, when there is a perfect deluge of bills for increasing salaries, it appears to me there ought to be some consideration given to the state of the Treasury. No one of these gentlemen, so far as I know, who have offered these various bills for increases, has even attempted to tell the House how much they would cost if carried through all the various departments or even through the particular departments that are now under consideration. Nor have they ventured to think, apparently, about the ways and means for raising the necessary funds to pay these bureau expenses. How many gentlemen in the House have considered that for this fiscal year there will be a deficit of $103,000,000 according to the report of the Secretary of the Treasury?

That is based on the supposition that the National Guard will be withdrawn from the Mexican border on the 1st of January, and no one expects that such action will be taken. We have to-day in the Treasury only about $45,000,000 if we exclude the amount placed to the credit of the disbursing officers, which is no part of the free balance in the Treasury. This balance in the Treasury is melting away at a rate exceeding $20,000,000 a month.

Mr. SLOAN. Mr. Chairman, will the gentleman allow an interruption right there?

Mr. GREEN of Iowa. Yes.

Mr. SLOAN. If you exclude the subsidiary coin and the bullion that is provided for coinage, you would have only about $30,000,000 in the Treasury to-day?

Mr. GREEN of Iowa. Yes. They aggregate something between $10,000,000 and $15,000,000, and that would leave nearly that amount. Of course, the great bulk of the income and corporation taxes will not be paid until June of next year, and at that time there will be a balance.

Mr. FOCHT. Mr. Chairman, will the gentleman yield there?

Mr. GREEN of Iowa. Yes.

Mr. FOCHT. Will the gentleman explain why that money is not there? And if it is not there, how it can be put there, so that we can pay this increase of salaries? Both can be done. You know why it is not there, and you know that it can be provided for. We all know that it can be provided for.

Mr. GREEN of Iowa. Well, the gentleman can tell that in his own time. I am talking about the condition of the Treasury. Before the income tax and the corporation tax come in we will either have to issue bonds or run the Treasury on trust funds, one or the other. We must use money that we ought not to use or issue bonds.

Gentleman who have stated the condition of the Treasury on the Democratic side have been altogether too conservative in their statements. The deficit will be nearer $150,000,000 if we continue the same military expense for the remainder of the fiscal year, and the report of the Secretary of the Treasury shows that if we do not increase taxation for the next fiscal year—*the year* ending June 30, 1918—the expenditures will exceed the receipts more than $300,000,000. That is in addition to the fact that we will be more than $100,000,000 behind in our balance at the beginning of the fiscal year 1918.

The gentleman who just asked me to yield seems to think it is easy to raise these vast sums that are necessary to put our Treasury in a good condition, in a condition where it would not be obliged to use trust funds or where the Government would not be obliged to issue bonds. Perhaps some gentlemen can tell us just how it can be done. I do not know at this time how it can be raised, and I doubt whether any other gentleman does. We can not go into the business of lifting ourselves over the fence by our boot straps by taxing men who have incomes amounting to only $1,500 a year in order to pay somebody in the Government employ an additional sum. We could probably raise $100,000,000 on the tariff. We could put perhaps 50 cents more on the tax on beer and 15 cents more on the tax on distilled liquors, and together we could get $50,000,000 from those two sources. But still we would not have enough, and other methods must be used besides taxes on luxuries.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BORLAND. Mr. Chairman, I am compelled to oppose the amendment of the gentleman from Colorado [Mr. KEATING], not because I do not personally feel that I would like to increase the salaries of all wage earners, but in a spirit of justice both to the wage earners who are not employed by the Federal Government and those who happen to be employed by the Federal Government. We must look at this from one standpoint, and that is the particular point that I want to press in upon you in the brief time that is allotted to me.

Whatever raise we adopt in this bill we must in all fairness make uniform throughout the Government service. We can not defend a raise for the clerks in the executive departments in Washington that we could not defend for the civil-service employees in other great centers of the country or employees of the Government here in the Capitol. There is no peculiar condition applying to these men in the executive departments that does not apply all over the country, and it was for that reason that I offered the amendment a short time ago, extending this raise recommended by the committee to all of the employees included in this bill. We must have a raise, if we have one, which is not only uniform but which we are in a position to defend.

I have received petitions from post-office clerks in my district, where I think there are in the neighborhood of 1,000 or 1,200 post-office employees, asking for raises in their salaries. I know that the maximum salary in the post offices among clerks and carriers is $1,200 a year. For railway mail clerks it goes up to $1,600. But the maximum salary for post-office employees is $1,200. I know that the conditions affecting their employment are precisely the conditions affecting employment here, with the exception that they work longer hours and more days in a year. There are 478,000 civil-service employees in the United States. This bill appropriates for about 8 per cent of that whole number. But whatever principle we adopt in this bill, we ought in fairness to carry it out to the other civil-service employees, and I for one am not willing to vote for the increase of any special class of Government employees that I would not be willing to extend to another class of Government employees similarly situated.

That is the whole situation here. To extend the raise recommended by the Appropriations Committee to the Government employees situated as these are would cost from $40,000,000 to $50,000,000. To extend it as proposed by the gentleman from Colorado would cost approximately $130,000,000. I do not personally think that there is a justification for a 20 per cent increase of wages. I heard these arguments made here when my amendment was under consideration, that there are thousands of men trying to crowd into the Government service. I have no doubt it is true. Even in these prosperous times, when labor is at a premium, there are still thousands of men trying to crowd into the Government service, indicating that the Government service is not a hardship and is not underpaid and is not undesirable.

Therefore if we make an increase for these men we ought not to give a cent more than the committee has recommended—a 10 per cent increase under $1,200 and a 5 per cent increase between $1,200 and $1,800. And then we must make up our minds that that same rate of increase ought to be carried out to the men who do not happen to be employed in the city of Washington in the same spirit of justice that we would give it to the men who happen to be employed here. Unless we can defend a raise for all of the civil-service employees, 478,000 of them, we can not defend a raise for any of them; for I will undertake to say that the conditions of living in the city of Washington are not as high in many respects as they are in some of the western and coast cities of the United States. And I will undertake to say that the conditions of employment here are better in many respects than they are in many cities throughout the Union. I will undertake to say that there are a large number of employees here in the District of Columbia who are engaged in outside business, running printing offices, stores, truck gardens, delivery wagons, automobile liveries, and all sorts of things all over the District of Columbia, because of the short hours and the small number of days in the year that they are compelled to work for the Government. But the civil-service employee in the great Postal Service of the United States has no such opportunity. We must have a raise which will apply equally to all men similarly situated.

Mr. GARLAND. Mr. Chairman, it seems to me that this economy preached by some of the gentlemen on the other side of the House when it comes to paying men wages that they may live on is very far-fetched when we go back to the preceding session of this present Congress and remember the tremendous expenditures that they voted for at all times without any excuse. Among them there was one useless item of expenditure that would have been sufficient to pay the employees of the United States the increased wages that they ought to have ten times over. That was the armor-plate factory, a thing passed without any excuse except that the poor figurers, the committeemen on the other side of the House, said that they did not know what the price of armor plate was, therefore they ought to build a factory and find out, at an expense of $11,000,000 to the people of the United States. And that is not half what the expense will be when the building is put up and the works is going, and by that time we will in all probability not need any armor plate, as it will be obsolete.

Those things are brought in and put forward as a wonderful expense account, and they say, "Oh, we can not afford this added expense to pay wages to employees. Why, the exchequer now is short. We have not got enough money to buy these armor-plate factories. Therefore the individual who works for the Government and keeps it running must starve." That is about the conclusion you come to. I am for this advance in wages all along the line to these employees.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GARLAND. No; I will not yield. I have only five minutes. I am for this advance all along the line, because it is satisfactory to those to whom it applies, and I think that is a very good reason. That reason was sufficient here a short time ago, when we were voting on something which the President of the United States insisted upon in the House—the Adamson bill. The people back of it were satisfied, and that was the only real reason and excuse offered, and in this case it is identically the same.

Some one here compared the rates of wages paid in Washington on the street cars. Then the gentleman from Indiana [Mr. Cox] brought in a pamphlet showing wages 5, 6, 8, and 10 years ago. He quoted those old wage scales to show you what wages are now. My friends, there has been a mighty change within the last year. The big corporations of this country, those that hire the most men, have raised wages three times, 10 per cent each time, an advance of 32 per cent. Yet you are coming in here and hesitating about giving these poor fellows this increase. I will say to you clearly that I do not think this is enough for them. I think the increase should have been 20 per cent and 15 per cent, and then 10 per cent above $1,800.

Mr. BYRNS of Tennessee. Will the gentleman yield there?

Mr. GARLAND. No; I will not yield.

Mr. BYRNS of Tennessee. I do not blame him.

Mr. GARLAND. I have got only a couple of minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. GARLAND. The wages paid on the street cars here are said to be about $2.20 a day. That is not what we pay out in our country, and if that is the wage here it only goes to show that the people of Washington do not get what they ought to get, because the employees of the Government are the mark that is held up, and they say, "These Government clerks do not get any more, therefore you can not." In all our conferences in years gone by with employers the wages of Government employees were always used to beat down our wages.

Then, I want to say that the men on the steert cars do not have to take an examination. In the Government service even the fellow who labors has got to go through an examination before he can get on. All of these men in Government service who work for these low wages have had to pass an examination of some form or other, and some of them are mighty hard ones. And I want to say that this present administration has a way of escaping even the payment of those wages that are now paid or should be paid. They have used this method before. When they find that they are a little short in their appropriations they simply lay off employees and require that they come to work every half day or every other day during the layoff and catch up with the work that they missed the day before. That was done two years ago, and I have introduced a bill to pay $50,000 to remunerate the men who work in the Federal building, the scrub women, the janitors, and those who get the lowest wages. I have a bill in here to remunerate them for eight days which they lost. When at the end of the year it was found that the appropriation was a little short they laid off those poor fellows, made them come to work every half day or every other day, and compelled them to work harder and to do in one day the work that they should have done in two. I say that is an injustice of which the Government of the United States ought to be ashamed. [Applause.]

I hope this amendment will prevail.

Mr. FITZGERALD. Mr. Chairman, whatever action is taken on this bill relative to the increase of compensation of the Federal employees in the District of Columbia should be taken with respect to employees throughout the United States. It was the purpose of the Committee on Appropriations in making its report to attempt to establish a rule that could be applied uniformly to the employees of the Federal Government throughout the United States.

There are many differences of opinion as to what would be a proper ratio of increase. The great bulk of the commercial establishments which have given increased compensation to their employees have increased them 10 per cent. That seems to be the uniform rule adopted. There are employees of the Federal Government at salaries ranging from $1,200 to $1,800 whose compensation amounts to $176,751,000, and employees at salaries of less than $1,200 whose compensation aggregates $155,187,381, making a total of $357,311,866.

An increase of 10 per cent upon the compensation of those receiving salaries up to $1,200, and 5 per cent on those receiving compensation of $1,200 to $1,800 will require an appropriation of $25,720,673 for the fiscal year of 1918.

If the amendment offered by the gentleman from Colorado [Mr. KEATING] be adopted, the sum required will be $51,441,346. So that the question that we are called upon to decide at this particular time is whether by this proposed amendment we will increase the amount to be paid in compensation to employees of the Government $51,000,000.

Mr. Chairman, I am one of those who have worked to bring about, if it be possible to do so, some reasonable action by Congress to afford some additional compensation to Government employees who, as pointed out by the gentleman from Illinois, are employed at fixed salaries and do not share in the present great prosperity of the country. They are to some extent penalized because of excessive prices which prevail at present, and I believe it would be just and proper to do what is possible to help them.

There are many differences of opinion as to what should be done, but when it was considered, despite all assertions to the contrary, that the average Government employee is better off in the Government service than he would be outside of the service, that the average increase at this time because of existing conditions by private employers is 10 per cent, that we are facing a deficit of $284,000,000, not including the possible additional expenditure of $25,000,000 under the terms of the treaty for the acquisition of the Danish West Indies, which easily, as I pointed out the other day, makes possible a deficit running far in excess of $300,000,000, notwithstanding all these matters it seems to the committee that the just, the fair, and the reasonable thing to do, and what can be justified in the face of all the facts, was to make the proposed increase of 10 and 5 per cent in the compensation as proposed originally in the bill.

I should like to increase as much as possible the compensation of all persons who are compelled to work to earn their living. But there are some things to be considered other than the mere fact that we would be glad to please some one. The responsibility that rests upon us is not only to do justice to the employees and the Government, but to see that no injustice is done to those who must pay to support the Government. It seems to me that we should not go farther than was originally suggested. Whatever is done on this bill, if we are to be just, should be incorporated in the District bill, in the sundry civil bill, in the fortifications bill, in the Navy bill, the Army bill, the Agricultural bill, and in the bill for the support of the Diplomatic and Consular Service. We must include all the persons embraced within that total expenditure of $357,000,000. It would be unjust to do anything else. To attempt at this time, under all the circumstances, to add not $25,000,000 but $51,000,000 to the proposed expenditures in the next year would be unpardonable from any standpoint. I hope the amendment of the gentleman from Colorado will not be agreed to, and that the committee will adopt the recommendation that was incorporated in this bill by the Committee on Appropriations, and establish it as a uniform rule to control the House in all of its proceedings in their action on the other appropriation bills. If we do that much we shall do justice to the employees and all that anyone can reasonably expect, and we shall be able to justify our action to the taxpayers of the country.

Mr. KEATING. Mr. Chairman, I ask to have the amendment again reported to the House.

The Clerk read as follows:

Amendment by Mr. KEATING: Page 142, after the word "or," in line 18, strike out "ten" and insert "twenty," and in line 20 strike out the word "five" and insert "ten."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. KEATING) there were 25 ayes and 144 noes.

Mr. NOLAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. NOLAN: On page 143, line 4, after the colon following the word "herein," insert the following:

"*Provided*, That during the fiscal year 1918 the minimum compensation for any person provided for in this bill shall be not less than $3 per day, or, if employed by the hour, not less than 37½ cents an hour, and if employed by the month, $90 a month; or, if employed by the year, $1,080 per annum: *Provided further*, That persons employed on an annual basis and who regularly perform less than a full day's service shall receive compensation at the rate of 37½ cents per hour: *Provided further*, That the provisions of this section shall not apply to persons enlisted in the military branches of the Government or to persons receiving subsistence and quarters in addition to their compensation: *And provided further*, That the provisions of this section shall apply only to those persons who have been continuously in the employment of the Government of the United States or in the employment of the government of the District of Columbia for a period of not less than two years and who shall have attained the age of 20 years.

Mr. SISSON. To that I make a point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. NOLAN. Mr. Chairman, I think the amendment that I offer is strictly in order. The rule provides:

That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 18542.

The amendment that I propose limits the provisions of the minimum salary to the pending bill and to the employees appropriated for in the pending bill; and inasmuch as the rule provides that no amendment shall be in order in the consideration of the amendment changing existing law I contend that my amendment is strictly in order, and that the point of order should not be sustained.

The CHAIRMAN. The special rule adopted only gave the committee the right to consider the Byrns amendment, which necessarily carried with it the right to offer germane amendments thereto. The rule did not authorize the adding of new affirmative legislation.

In the opinion of the Chair, the Byrns amendment simply proposed a lump appropriation to increase the compensation of employees of the Government provided for in this bill of a certain class, namely, those receiving less than $1,800 per annum. The Nolan amendment proposes new affirmative legislation, namely, to adopt a policy by the Government that none of its employees appropriated for by this bill shall receive less than $3 per day. The Chair can not see how the new affirmative legislation is germane to the intent or spirit of the Byrns amendment. Therefore the Chair is constrained to sustain the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Will the Chair amplify in the RECORD his reason for the ruling he has just announced?

The CHAIRMAN. Yes; the Chair will amplify his reason in the RECORD. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment by Mr. BUCHANAN of Illinois: Page 142, line 21, after the word "than," strike out "$1,800" and insert "$2,500."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. BUCHANAN of Illinois. Mr. Chairman, the rule, it seems to me, makes this amendment in order. Certainly this is in order, if the amendment of the gentleman from Colorado [Mr. KEATING] was in order, for an increase in salaries of Government employees. I can not see any ground whatever for the point of order. I have nothing further to say.

Mr. BYRNS of Tennessee. Mr. Chairman, I think the amendment is clearly subject to the point of order. The amendment offered and now pending provides for increases of salaries to clerks of a cretain class and not exceeding $1,800 per year. The gentleman from Illinois seeks to raise the limit and provide that it shall apply to clerks who draw as much as $2,500 a year. Clearly by implication the rule reported by the Committee on Rules intended that no amendment should be in order for those particular clerks of the class set forth in the amendment reported by the Committee on Rules. It seems to me it would be a strained construction and would go beyond the real meaning and intentions of the rule to hold that an amendment would be in order seeking to raise the limit from $1,800 to $2,500. I do not think it is germane.

The CHAIRMAN. The Chair will state that this is an extremely close question, as members of the committee know, but, in the opinion of the Chair, this paragraph was to provide for an increase of compensation for the employees of a certain class, namely those within $1,800 a year. The amendment proposed would create another class, and the Chair is of opinion that the amendment is not germane. The Chair, therefore, sustains the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, the other day in the discussion of items relative to the Subtreasuries I made a statement to the effect that I had been informed that the Clearing House Association in Boston had been discontinued on account of the fact that there is a Federal reserve bank located in that city. I made that statement based on information which was given to the committee in some hearings that had been conducted on the day before and had every reason to believe it was correct. The gentleman from Massachusetts [Mr. GARDNER] has handed me a telegram from his colleague [Mr. TAGUE] which I desire to read at this point, because I do not want to make any statement which is not entirely accurate. The telegram is as follows:

CHARLESTOWN, MASS., *Dec. 19, 1916.*

Hon. A. P. GARDNER,
House of Representatives, Washington, D. C.:

BYRNS in debate stated clearing house, Boston, discontinued. I have seen President Gaston, of Boston Clearing House, who denies this. Boston Clearing House still doing business, as they always have done. Boston reserve bank has become member of clearing house. I am in Boston for election day.

PETER F. TAGUE, *Congressman.*

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Mr. GARDNER. Mr. Chairman, pending the rising of the committee, I ask unanimous consent that I may have a few minutes in which to make a statement in connection with the statement just made by the gentleman from Tennessee [Mr. BYRNS] respecting the Boston Subtreasury.

The CHAIRMAN. The committee has decided to rise, and the Chair thinks that such a request would be out of order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 18542, the legislative, executive, and judicial appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pas.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. GARDNER. Mr. Speaker, pending that I ask unanimous consent that I may address the House for half a minute.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for half a minute. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Speaker, all I wish to say is a word in respect to the telegram which the gentleman from Tennessee [Mr. BYRNS] just read from the gentleman from Massachusetts [Mr. TAGUE]. Mr. TAGUE requested me, on behalf of himself and on behalf of his colleagues, Mr. GALLIVAN and Mr. TINKHAM, to ask for a separate vote on the matter of the Boston Subtreasury. All of them are necessarily absent in Boston to-day on account of an election.

The SPEAKER. The question is on ordering the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. BYRNS of Tennessee. Mr. Speaker, I ask for a separate vote on the two amendments relating to clerk hire of Members and Delegates. I think they are amendments numbered 1 and 2.

Mr. MANN. Mr. Speaker, I ask for a separate vote on the two amendments relating to the Children's Bureau.

The SPEAKER. The gentleman from Tennessee asks for a separate vote on the two amendments about the increase of pay to clerks to Members, and the gentleman from Illinois [Mr. MANN] asks for a separate vote on two amendments relating to the Children's Bureau.

Mr. GARDNER. Mr. Speaker, I ask for a separate vote on the amendment by which the office of the assistant treasurer at Boston was done away with.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] asks for a separate vote on the Boston Subtreasury.

Mr. STAFFORD. Mr. Speaker, I ask for a separate vote on the amendment pertaining to the Subtreasury at Baltimore, and also a separate vote on the amendment pertaining to the Subreasury at Chicago.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks for a separate vote on the Subtreasuries at Baltimore and Chicago.

Mr. BLACK. Mr. Speaker, I ask for a separate vote on the amendment in the bill that provides for a session stenographer.

Mr. BYRNS of Tennessee. I have already asked that.

Mr. BLACK. Excuse me.

The SPEAKER. That is included in the request of the gentleman from Tennessee.

Mr. RAINEY. I ask for a separate vote on the Borland amendment—Mr. Speaker, I withdraw the request.

The SPEAKER. Are there any more? If not, the rest of the amendments will be voted on in gross.

The question was taken, and the remaining amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. WHEELER, page 19——

Mr. CALDWELL rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. The first amendment was my amendment in reference to a session stenographer.

Mr. FITZGERALD. It does not come that way.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 19, line 18, after the word "for," insert "one"; before the word "hire," in line 19, insert "and one who shall be a stenographer"; in line 20, after the word "duties," insert "for one clerk"; and in line 22, after the word "necessary," insert "for the stenographer, $75 per month during sessions of Congress, to pay which so much as may be necessary is hereby appropriated."

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. CALDWELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York was a little late, but still the Chair will entertain his request demanding the yeas and nays.

The yeas and nays were ordered.

Mr. BENNET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNET. Is this the amendment providing for an additional session stenographer?

The SPEAKER. Yes.

The question was taken; and there were—yeas 105, nays 245, answered "present" 3, not voting 80, as follows:

YEAS—105.

Abercrombie	Fairchild	Lazaro	Rouse
Austin	Farley	Lehlbach	Rowe
Bacharach	Ferris	Lenroot	Schall
Barchfeld	Fields	Littlepage	Sears
Bennet	Focht	McArthur	Shouse
Bowers	Freeman	McDermott	Siegel
Buchanan, Ill.	Gardner	McKellar	Sinnott
Buchanan, Tex.	Garland	McKinley	Smith, Idaho
Caldwell	Glynn	Maher	Smith, N. Y.
Cantrill	Gould	Martin	Snell
Carter, Mass.	Graham	Miller, Pa.	Snyder
Carter, Okla.	Gray, N. J.	Mondell	Sullowav
Chandler, N. Y.	Greene, Vt.	Moore, Pa.	Sutherland
Charles	Hamilton, N. Y.	Moores, Ind.	Swift
Church	Haskell	Mott	Taggart
Clark, Fla.	Hastings	Nicholls, S. C.	Tilson
Costello	Hayden	Oakey	Timberlake
Crago	Heaton	Olney	Walker
Curry	Hernandez	Parker, N. Y.	Ward
Dale, N. Y.	Hicks	Phelan	Wason
Dale, Vt.	Humphrey, Wash.	Platt	Whaley
Dallinger	Humphreys, Miss.	Powers	Wheeler
Dempsey	Husted	Ragsdale	Winslow
Dunn	Kearns	Raker	Woodyard
Dupré	Kiess, Pa.	Ramseyer	
Estopinal	King	Roberts, Nev.	
Evans	Langley	Rodenberg	

NAYS—245.

Adair	Edwards	Kennedy, Iowa	Russell, Mo.
Adamson	Ellsworth	Kettner	Scott, Mich.
Alexander	Elston	Key, Ohio	Sells
Allen	Emerson	Kincheloe	Shallenberger
Almon	Esch	Kinkaid	Sherley
Anthony	Farr	Kitchin	Sherwood
Ashbrook	Fitzgerald	La Follette	Sims
Aswell	Fordney	Lee	Sisson
Ayres	Foss	Lesher	Slayden
Bailey	Foster	Lever	Sloan
Barkley	Frear	Lewis	Small
Barnhart	Fuller	Linthicum	Smith, Mich.
Bell	Gallagher	Lloyd	Smith, Minn.
Benedict	Gandy	London	Smith, Tex.
Black	Gard	Longworth	Sparkman
Blackmon	Garner	Loud	Stafford
Booher	Garrett	McAndrews	Steagall
Borland	Glass	McClintic	Stedman
Browne	Godwin, N. C.	McFadden	Steele, Iowa
Browning	Good	McKenzie	Steele, Pa.
Bruckner	Goodwin, Ark.	McLaughlin	Steenerson
Brumbaugh	Gordon	Madden	Stephens, Miss.
Burnett	Gray, Ala.	Magee	Stephens, Nebr.
Butler	Gray, Ind.	Mapes	Stephens, Tex.
Byrnes, S. C.	Green, Iowa	Matthews	Sterling
Byrns, Tenn.	Greene, Mass.	Mays	Stone
Callaway	Gregg	Miller, Del.	Stout
Campbell	Hadley	Montague	Sumners
Candler, Miss.	Hamill	Morgan, La.	Sweet
Cannon	Hamilton, Mich.	Morgan, Okla.	Switzer
Carlin	Hamlin	Morrison	Talbott
Casey	Hardy	Moss	Tavenner
Chiperfield	Harrison, Miss.	Mudd	Taylor, Ark.
Coleman	Hawley	Murray	Taylor, Colo.
Collier	Heflin	Neely	Temple
Connelly	Helgesen	Nelson	Thomas
Conry	Helm	Nichols, Mich.	Thompson
Cooper, Ohio	Helvering	Nolan	Tillman
Cooper, W. Va.	Henry	North	Towner
Cooper, Wis.	Hilliard	Oliver	Treadway
Cox	Holland	O'Shaunessy	Vare
Cramton	Hollingsworth	Overmyer	Venable
Crisp	Hood	Padgett	Vinson
Crosser	Hopwood	Page, N. C.	Volstead
Danforth	Houston	Paige, Mass.	Walsh
Darrow	Howard	Park	Watkins
Davis, Tex.	Huddleston	Parker, N. J.	Watson, Pa.
Dent	Hughes	Porter	Watson, Va.
Dewalt	Hulbert	Pratt	Webb
Dickinson	Hull, Iowa	Price	Williams, T. S.
Dies	Hull, Tenn.	Quin	Williams, W. E.
Dill	Hutchinson	Rainey	Wilson, Ill.
Dillon	Igoe	Randall	Wilson, La.
Dixon	Jacoway	Rauch	Wingo
Dooling	James	Rayburn	Wise
Doolittle	Johnson, Ky.	Reavis	Wood, Ind.
Doughton	Johnson, S. Dak.	Reilly	Woods, Iowa
Dowell	Johnson, Wash.	Ricketts	Young, N. Dak.
Drukker	Kahn	Riordan	Young, Tex.
Eagan	Keating	Roberts, Mass.	
Eagle	Keister	Rogers	
Edmonds	Kelley	Rubey	

ANSWERED "PRESENT"—3.

Coady	Mann	Oldfield

NOT VOTING—80.

Aiken	Capstick	Davis, Minn.	Flood
Anderson	Caraway	Decker	Flynn
Beakes	Carew	Denison	Gallivan
Beales	Cary	Doremus	Gillett
Britt	Cline	Driscoll	Griest
Britten	Copley	Dyer	Griffin
Burgess	Cullop	Fess	Guernsey
Burke	Davenport	Finley	Harrison, Va.
Hart	Lafean	Moon	Sanford
Haugen	Lieb	Mooney	Saunders
Hayes	Liebel	Morin	Scott, Pa.
Hensley	Lindbergh	Norton	Scully
Hill	Lobeck	Oglesby	Shackleford
Hinds	Loft	Patten	Slemp
Howell	McCracken	Peters	Stiness
Jones	McCulloch	Pou	Tague
Kennedy, R. I.	McGillicuddy	Rowland	Tinkham
Kent	McLemore	Rucker	Van Dyke
Konop	Meeker	Russell, Ohio	Williams, Ohio
Kreider	Miller, Minn.	Sabath	Wilson, Fla.

So the amendment of Mr. CALDWELL was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. SCOTT of Pennsylvania (in favor of all increases) with Mr. FESS (against).

Mr. TAGUE (in favor of increase) with Mr. HILL (against).

Mr. PATTEN (for) with Mr. OLDFIELD (against).

Mr. DYER (for) with Mr. DECKER (against).

Mr. COPLEY (for) with Mr. MOON (against).

Until further notice:

Mr. COADY with Mr. STINESS.

Mr. KENNEDY of Rhode Island with Mr. SAUNDERS.

Mr. AIKEN with Mr. MORIN.

Mr. VAN DYKE with Mr. NORTON.

Mr. SHACKLEFORD with Mr. PETERS.

Mr. SCULLY with Mr. ROWLAND.

Mr. SABATH with Mr. RUSSELL of Ohio.

Mr. RUCKER with Mr. SANFORD.

Mr. OGLESBY with Mr. SLEMP.

Mr. MCLEMORE with Mr. TINKHAM.

Mr. MCGILLICUDDY with Mr. WILLIAMS of Ohio.

Mr. LOFT with Mr. ANDERSON.

Mr. LOBECK with Mr. BRITT.

Mr. LIEBEL with Mr. BRITTEN.

Mr. LIEB with Mr. CAPSTICK.

Mr. JONES with Mr. DAVIS of Minnesota.

Mr. HENSLEY with Mr. DENISON.

Mr. HART with Mr. GUERNSEY.

Mr. HARRISON of Virginia with Mr. KREIDER.

Mr. GRIFFIN with Mr. HAYES.

Mr. FLYNN with Mr. HOWELL.

Mr. FLOOD with Mr. KREIDER.

Mr. BEAKES with Mr. BEALES.

Mr. FINLEY with Mr. LAFEAN.

Mr. DRISCOLL with Mr. MCCRACKEN.

Mr. DOREMUS with Mr. MCCULLOCH.

Mr. CAREW with Mr. MEEKER.

Mr. CARAWAY with Mr. MILLER of Minnesota.

Mr. BURKE with Mr. MOONEY.

Mr. HAYES. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman from California in the Hall listening?

Mr. HAYES. No, sir; I was not.

The SPEAKER. Then the gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. WHEELER:

Page 19, line 20, strike out the figures "$1,500" and insert in lieu thereof "$2,000."

Strike out the figures "$660,000" in line 21, page 19, and insert in lieu thereof "$880,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WHEELER and Mr. ADAIR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 185, nays 168, answered "present" 7, not voting 73, as follows:

YEAS—185.

Anthony	Cantrill	Darrow	Farley
Austin	Carter, Mass.	Davis, Minn.	Farr
Bacharach	Casey	Dempsey	Ferris
Barchfeld	Chandler, N. Y.	Denison	Focht
Benedict	Charles	Dill	Fordney
Bennet	Church	Dillon	Freeman
Blackmon	Clark, Fla.	Dooling	Gallagher
Bowers	Cooper, W. Va.	Doolittle	Gandy
Browning	Costello	Drukker	Gard
Bruckner	Crago.	Dunn	Gardner
Brumbaugh	Crisp	Dupré	Garland
Buchanan, Ill.	Curry	Ellsworth	Glynn
Buchanan, Tex.	Dale, N. Y.	Elston	Gould
Burnett	Dale, Vt.	Estopinal	Graham
Caldwell	Dallinger	Evans	Gray, Ala.
Cannon	Danforth	Fairchild	Gray, N. J.

Greene, Vt.	Kiess, Pa.	Mudd	Sloan
Hadley	King	Neely	Smith, Idaho
Hamilton, Mich.	Kinkaid	Nicholls, S. C.	Smith, Minn.
Hamilton, N. Y.	Langley	Nolan	Smith, N. Y.
Hamlin	Lazaro	North	Snell
Hardy	Lee	Oakey	Snyder
Haskell	Lehlbach	Olney	Steenerson
Hastings	Lenroot	O'Shaunessy	Stephens, Nebr.
Hawley	Lesher	Overmyer	Stone
Hayden	Lewis	Parker, N. Y.	Stout
Hayes	Linthicum	Phelan	Sulloway
Heaton	Littlepage	Platt	Sutherland
Helgesen	London	Porter	Swift
Henry	Loud	Powers	Talbott
Hernandez	McArthur	Pratt	Timberlake
Hicks	McDermott	Price	Van Dyke
Hopwood	McGillicuddy	Ragsdale	Volstead
Howard	McKellar	Raker	Walker
Hughes	McKinley	Randall	Walsh
Hull, Iowa	McLaughlin	Reavis	Ward
Humphrey, Wash.	Magee	Riordan	Wason
Husted	Maher	Roberts, Mass.	Watson, Pa.
Hutchinson	Martin	Roberts, Nev.	Whaley
Igoe	Matthews	Rodenberg	Wheeler
Johnson, S. Dak.	Meeker	Rogers	Williams, T. S.
Johnson, Wash.	Miller, Del.	Rowe	Winslow
Kahn	Miller, Pa.	Schall	Woods, Iowa
Kearns	Mondell	Sherwood	Young, N. Dak.
Keister	Moore, Pa.	Shouse	
Kent	Moores, Ind.	Siegel	
Key, Ohio	Mott	Sinnott	

NAYS—168.

Abercrombie	Dowell	Kincheloe	Sherley
Adair	Eagan	Kitchin	Sims
Adamson	Eagle	La Follette	Sisson
Alexander	Edmonds	Lever	Slayden
Allen	Emerson	Lloyd	Small
Almon	Esch	Longworth	Smith, Mich.
Ashbrook	Fields	McAndrews	Smith, Tex.
Aswell	Fitzgerald	McClintic	Stafford
Ayres	Flood	McFadden	Steagall
Bailey	Foss	McKenzie	Stedman
Barkley	Foster	McLemore	Steele, Iowa
Barnhart	Frear	Madden	Steele, Pa.
Bell	Fuller	Mapes	Stephens, Miss.
Black	Garner	Mays	Stephens, Tex.
Booher	Garrett	Montague	Sterling
Borland	Glass	Morgan, La.	Sumners
Browne	Godwin, N. C.	Morgan, Okla.	Sweet
Butler	Good	Morrison	Switzer
Byrnes, S. C.	Goodwin, Ark.	Moss	Taylor, Ark.
Byrns, Tenn.	Gordon	Murray	Taylor, Colo.
Callaway	Gray, Ind.	Nelson	Temple
Campbell	Green, Iowa	Nichols, Mich.	Thomas
Candler, Miss.	Greene, Mass.	Oliver	Thompson
Caraway	Gregg	Padgett	Tillman
Carlin	Hamill	Page, N. C.	Tilson
Chiperfield	Haugen	Paige, Mass.	Towner
Coleman	Heflin	Park	Treadway
Collier	Helm	Parker, N. J.	Vare
Connelly	Helvering	Quin	Venable
Conry	Hilliard	Rainey	Vinson
Cooper, Ohio	Holland	Ramseyer	Watkins
Cooper, Wis.	Hollingsworth	Rauch	Watson, Va.
Cox	Hood	Rayburn	Webb
Cramton	Houston	Reilly	Williams, W. E.
Crosser	Huddleston	Ricketts	Williams, Ohio
Davis, Tex.	Humphreys, Miss.	Rouse	Wilson, Ill.
Dent	Jacoway	Rubey	Wilson, La.
Dewalt	James	Russell, Mo.	Wingo
Dickinson	Johnson, Ky.	Scott, Mich.	Wise
Dies	Keating	Sears	Wood, Ind.
Dixon	Kelley	Sells	Woodyard
Doughton	Kennedy, Iowa	Shallenberger	Young, Tex.

ANSWERED "PRESENT"—7.

Coady	Hulbert	Mann	Saunders
Harrison, Miss.	Hull, Tenn.	Oldfield	

NOT VOTING—73.

Aiken	Dyer	Konop	Rowland
Anderson	Edwards	Kreider	Rucker
Beakes	Fess	Lafean	Russell, Ohio
Beales	Finley	Lieb	Sabath
Britt	Flynn	Liebel	Sanford
Britten	Gallivan	Lindbergh	Scott, Pa.
Burgess	Gillett	Lobeck	Scully
Burke	Griest	Loft	Shackleford
Capstick	Griffin	McCracken	Slemp
Carew	Guernsey	McCulloch	Sparkman
Carter, Okla.	Harrison, Va.	Miller, Minn.	Stiness
Cary	Hart	Moon	Taggart
Cline	Hensley	Mooney	Tague
Copley	Hill	Morin	Tavenner
Cullop	Hinds	Norton	Tinkham
Davenport	Howell	Oglesby	Wilson, Fla.
Decker	Jones	Patten	
Doremus	Kennedy, R. I.	Peters	
Driscoll	Kettner	Pou	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CAREW with Mr. ANDERSON.

Mr. COADY with Mr. STINESS.

Mr. HILL (for) with Mr. HULL of Tennessee (against).

Mr. KENNEDY of Rhode Island (for) with Mr. SAUNDERS (against).

Mr. GALLIVAN (for) with Mr. HARRISON (against).

Mr. DYER (for) with Mr. DECKER (against).

Mr. TAGUE (for) with Mr. HULBERT (against).

Mr. SCOTT of Pennsylvania (for) with Mr. GILLETT (against).

Mr. PATTEN (for) with Mr. OLDFIELD (against).

Mr. COPLEY (for) with Mr. MOON (against).

Mr. FESS (for) with Mr. HENSLEY (against).

Until further notice:

Mr. JONES with Mr. TINKHAM.

Mr. KETTNER with Mr. NORTON.

Mr. TAGGART with Mr. PETERS.

Mr. GRIFFIN with Mr. HINDS.

Mr. CARTER of Oklahoma with Mr. GUERNSEY.

Mr. DAVENPORT with Mr. CAPSTICK.

Mr. TAVENNER with Mr. GRIEST.

Mr. HULBERT. Mr. Speaker, I voted "no." I am paired with the gentleman from Massachusetts, Mr. TAGUE. I desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HULBERT, and he answered "Present."

Mr. HULL of Tennessee. Mr. Speaker, I voted "no." I find I am paired with the gentleman from Connecticut, Mr. HILL. I desire to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HULL of Tennessee, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment striking out the Boston Subtreasury——

Mr. STAFFORD. Mr. Speaker, the first amendment to be considered of these Subtreasuries is that at Baltimore.

The SPEAKER. The Clerk will report the Baltimore amendment.

The Clerk read as follows:

Page 58, line 21, after the word "treasurer," insert the following: "Strike out the balance of the paragraph after the word 'Treasurer,' and insert the following: 'Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; clerks—two at $1,600 each, three at $1,400 each, three at $1,200 each, three at $1,000 each; messenger, $840; three watchmen at $720 each; in all, $31,500.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STAFFORD. A division, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin demands a division.

The House divided; and there were—ayes 232, noes 33.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next one, the Boston amendment.

The Clerk read as follows:

Amend, on page 59, by striking out the paragraph beginning with line 1 and ending with line 9.

The SPEAKER. The question is on agreeing to the amendment.

Mr. HAMILTON of Michigan. We do not know what that means.

The SPEAKER. The gentleman will listen to it when it is read. The Clerk will report it again.

The Clerk read as follows:

Boston, office of assistant treasurer: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,500; vault clerk, $2,000; receiving teller, $2,000; redemption teller, $1,800; clerks—1, $2,200; 5 at $1,600 each; 1, $1,500; 1, $1,400; 2 at $1,200 each; 3 at $1,100 each; 4 at $1,000 each; chief guard, $1,100; 3 watchmen, at $850 each; laborer and guard, $720; 4 money counters and handlers for money laundry machines, at $900 each; in all, $46,570.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Amend, on page 59, by striking out the paragraph beginning with line 10 and ending with line 20, which reads as follows: "Chicago, office of assistant treasurer: Assistant treasurer, $5,000; cashier, $3,000; assistant cashier, $2,000; vault clerk, $2,250; paying teller, $2,500; assorting teller, $2,000; redemption teller, $2,000; change teller, $2,000; receiving teller, $2,000; 2 bookkeepers, at $1,500 each; clerks—1, $1,750; 1, $1,600; 9 at $1,500 each; 13 at $1,200 each; attendant for money laundry machines, $1,200; hall man, $1,100; messenger, $840; 3 watchmen, at $720 each; janitor, $720; 8 money counters and handlers for money laundry machines, at $900 each; in all, $71,420."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the Children's Bureau amendment.

The Clerk read as follows:

At the end of line 22, page 134, insert a new paragraph, as follows: "To investigate and report upon matters pertaining to the welfare of children and child life, and especially investigate the questions of infant mortality, $72,120."

Mr. MANN. Mr. Speaker, there are two amendments relating to the Children's Bureau. I ask unanimous consent that they may be voted upon together.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the vote may be taken upon the two amendments together as to the Children's Bureau. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the other amendment.

The Clerk read as follows:

Second amendment, line 16, page 135: Strike out the figures "$58,000" and insert in lieu thereof "$95,000."

Mr. MANN. Upon the amendments I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois asks for the yeas and nays on these amendments. Those who favor taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Evidently a sufficient number, and the Clerk will call the roll. Those in favor of the amendments will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 316, nays 28, answered "present" 2, not voting 87, as follows:

YEAS—316.

Abercrombie	Drukker	Johnson, Wash.	Platt
Adair	Dunn	Kahn	Powers
Alexander	Dupré	Kearns	Pratt
Allen	Eagan	Keating	Quin
Anthony	Eagle	Keister	Ragsdale
Ashbrook	Ellsworth	Kelley	Raker
Aswell	Elston	Kennedy, Iowa	Ramseyer
Austin	Emerson	Kent	Randall
Ayres	Esch	Kettner	Rauch
Bacharach	Estopinal	Key, Ohio.	Rayburn
Bailey	Evans	Kiess, Pa.	Reavis
Barchfeld	Fairchild	Kincheloe	Reilly
Barkley	Farr	King	Ricketts
Barnhart	Ferris	Kinkaid	Riordan
Bell	Fields	Kitchin	Roberts, Mass.
Benedict	Focht	La Follette	Roberts, Nev.
Bennet	Foss	Langley	Rodenberg
Black	Foster	Lehlbach	Rogers
Bowers	Frear	Lenroot	Rouse
Browne	Freeman	Lesher	Rowe
Browning	Fuller	Lever	Rubey
Bruckner	Gallagher	Linthicum	Russell, Mo.
Brumbaugh	Gandy	Littlepage	Schall
Buchanan, Ill.	Gard	Lloyd	Scott, Mich.
Burnett	Gardner	London	Sears
Butler	Garland	Longworth	Sells
Byrnes, S. C.	Glass	Loud	Shallenberger
Caldwell	Good	McAndrews	Sherley
Campbell	Goodwin, Ark.	McArthur	Sherwood
Cannon	Gould	McClintic	Shouse
Cantrill	Gray, Ala.	McDermott	Siegel
Caraway	Gray, Ind.	McFadden	Sims
Carlin	Gray, N. J.	McGillicuddy	Sinnott
Carter, Mass.	Green, Iowa	McKellar	Sloan
Carter, Okla.	Greene, Mass.	McKenzie	Smith, Idaho
Casey	Greene, Vt.	McKinley	Smith, Mich.
Chandler, N. Y.	Gregg	McLaughlin	Smith, N. Y.
Charles	Hadley	McLemore	Smith, Tex.
Chiperfield	Hamill	Madden	Snell
Church	Hamilton, Mich.	Magee	Snyder
Clark, Fla.	Hamilton, N. Y.	Maher	Steagall
Coady	Hamlin	Mann	Stedman
Coleman	Harrison, Miss.	Mapes	Steele, Pa.
Collier	Harrison, Va.	Martin	Steenerson
Connelly	Haskell	Matthews	Stephens, Miss.
Conry	Hastings	Mays	Stephens, Nebr.
Cooper, Ohio	Hawley	Meeker	Stephens, Tex.
Cooper, W. Va.	Hayden	Miller, Del.	Sterling
Cooper, Wis.	Hayes	Miller, Pa.	Stone
Costello	Heaton	Mondell	Stout
Cox	Heflin	Moore, Pa.	Sulloway
Crago	Helgesen	Moores, Ind.	Sumners
Cramton	Helvering	Morgan, La.	Sutherland
Crisp	Henry	Morgan, Okla.	Sweet
Crosser	Hernandez	Moss	Swift
Curry	Hicks	Mott	Switzer
Dale, N. Y.	Hilliard	Mudd	Talbott
Dale, Vt.	Holland	Murray	Tavenner
Dallinger	Hollingsworth	Neely	Taylor, Ark.
Danforth	Hood	Nelson	Taylor, Colo.
Darrow	Hopwood	Nichols, Mich.	Temple
Davis, Minn.	Howard	Nolan	Thompson
Davis, Tex.	Huddleston	North	Tillman
Dempsey	Hughes	Oakey	Tilson
Denison	Hulbert	Oldfield	Timberlake
Dewalt	Hull, Iowa	Oliver	Towner
Dickinson	Humphrey, Wash.	Olney	Treadway
Dies	Humphreys, Miss.	O'Shaunessy	Van Dyke
Dill	Husted	Overmyer	Vare
Dillon	Hutchinson	Padgett	Venable
Dixon	Igoe	Paige, Mass.	Vinson
Dooling	Jacoway	Park	Volstead
Doolittle	James	Parker, N. J.	Walsh
Doughton	Johnson, Ky.	Parker, N. Y.	Ward
Dowell	Johnson, S. Dak.	Phelan	Wason
Watson, Pa.	Williams, W. E.	Wingo	Woods, Iowa
Whaley	Williams, Ohio	Winslow	Woodyard
Wheeler	Wilson, Ill.	Wise	Young, N. Dak.
Williams, T. S.	Wilson, La.	Wood, Ind.	Young, Tex.

NAYS—28.

Almon	Dent	Helm	Rainey
Booher	Fitzgerald	Houston	Slayden
Borland	Garner	Hull, Tenn.	Stafford
Buchanan, Tex.	Garrett	Montague	Steele, Iowa
Byrns, Tenn.	Godwin, N. C.	Morrison	Thomas
Callaway	Gordon	Nicholls, S. C.	Watkins
Candler, Miss.	Hardy	Page, N. C.	Watson, Va.

ANSWERED "PRESENT"—2.

Blackmon	Haugen

NOT VOTING—87.

Adamson	Farley	Lafean	Rowland
Aiken	Fess	Lazaro	Rucker
Anderson	Finley	Lee	Russell, Ohio
Beakes	Flood	Lewis	Sabath
Beales	Flynn	Lieb	Sanford
Britt	Fordney	Liebel	Saunders
Britten	Gallivan	Lindbergh	Scott, Pa.
Burgess	Gillett	Lobeck	Scully
Burke	Glynn	Loft	Shackleford
Capstick	Graham	McCracken	Sisson
Carew	Griest	McCulloch	Slemp
Cary	Griffin	Miller, Minn.	Small
Cline	Guernsey	Moon	Smith, Minn.
Copley	Hart	Mooney	Sparkman
Cullop	Hensley	Morin	Stiness
Davenport	Hill	Norton	Taggart
Decker	Hinds	Oglesby	Tague
Doremus	Howell	Patten	Tinkham
Driscoll	Jones	Peters	Walker
Dyer	Kennedy, R. I.	Porter	Webb
Edmonds	Konop	Pou	Wilson, Fla.
Edwards	Kreider	Price	

So the amendments were agreed to.

Mr. BLACKMON. Mr. Speaker, I withdraw my vote of yea and announce my pair with the gentleman from Missouri [Mr. DYER].

Mr. SMITH of Minnesota. Mr. Speaker, I desire to vote yea.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. SMITH of Minnesota. I was in the doorway or very close to it. I was just between——

The SPEAKER. The gentleman does not bring himself within the rule.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DECKER with Mr. FESS.

Mr. ADAMSON with Mr. EDMONDS.

Mr. BLACKMON with Mr. DYER.

Mr. FLOOD with Mr. GLYNN.

Mr. FARLEY with Mr. FORDNEY.

Mr. LEE with Mr. GRAHAM.

Mr. POU with Mr. SMITH of Michigan.

Mr. GALLIVAN with Mr. PORTER.

Mr. MOON with Mr. HILL.

Mr. SISSON with Mr. STINESS.

Mr. WEBB with Mr. COPLEY.

Mr. WALKER with Mr. SCOTT of Pennsylvania.

Mr. TAGUE with Mr. GILLETT.

The result of the vote was announced as above recorded.

Mr. McKENZIE. Mr. Speaker, may I inquire how the Clerk has me recorded on roll call No. 7, on the Wheeler amendment?

The SPEAKER. As soon as this bill is disposed of the Chair will recognize the gentleman. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. GOOD. Mr. Speaker, I rise to offer a motion to recommit the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GOOD. I am not.

The SPEAKER. Does any gentleman who is opposed to the bill want to make a motion to recommit?

Mr. BORLAND. Mr. Speaker, I desire to offer a motion to recommit, but I am not opposed to the bill.

The SPEAKER. That puts the gentleman in the same class as the gentleman from Iowa [Mr. GOOD] who has the prior right to recognition. If no one opposed to the bill is going to make the motion, the Chair will recognize the gentleman from Iowa [Mr. GOOD], whose motion the Clerk will report.

The Clerk read as follows:

Mr. GOOD moves to recommit H. R. 18542 to the Committee on Appropriations, with instructions to that committee to report the same back forthwith with the following amendment: Strike out lines 14 to 22, inclusive, on page 51.

The SPEAKER. The Clerk will report the matter proposed to be stricken out.

The Clerk read the matter proposed to be stricken out, as follows:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services either within or without the District of Columbia, $15,000.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The bill was passed.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ASPHALT LANDS OF THE CHOCTAW AND CHICKASAW TRIBES IN OKLAHOMA.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to consider House joint resolution 306.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent for the present consideration of House joint resolution 306, of which the Clerk will read the title.

The Clerk read as follows:

House joint resolution 306.

Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

Mr. MANN. I ask to have the resolution reported.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to extend the time for payment of the final installment due on the purchase of tracts of the surface of the segregated coal and asphalt land area belonging to the Choctaw and Chickasaw Tribes, sold under the act of Congress approved February 19, 1912 (37 Stat. L., p. 67), to four years after the sale was made instead of two years, as provided in section 5 of the said act: *Provided*, That the accrued interest on all installments to date when due and the principal of the second installment, if due, shall be paid before an extension as herein provided may be granted: *And provided further*, That in all other respects the provisions of existing law shall apply to these purchases.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Reserving the right to object, I would like to ask the gentleman if this has the favorable indorsement of the Secretary of the Interior?

Mr. CARTER of Oklahoma. It has, and the bill was drawn by the Bureau of Indian Affairs.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that the urgent deficiency bill will be called up the first thing to-morrow morning.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. KITCHIN. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House concurrent resolution No. 67.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 22, 1916, they stand adjourned until 12 o'clock meridian, Tuesday, January 2, 1917.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The question was taken; and on a division (demanded by Mr. KITCHIN) there were—ayes 141, noes 44.

Mr. RAKER. I make the point of no quorum.

Mr. RUBEY. I call for the yeas and nays.

The SPEAKER. The gentleman from California makes the point of no quorum, and the gentleman from Missouri [Mr. RUBEY] demands the yeas and nays. The Chair will count.

Mr. RAKER. Mr. Speaker, I withdraw the point of no quorum.

Mr. RUBEY. I ask for the yeas and nays.

The SPEAKER (after counting). Thirty-one gentlemen have risen, not a sufficient number.

Mr. COX. I ask for the other side.

The SPEAKER (after counting). One hundred and sixty gentlemen have arisen, and the yeas and nays are refused.

So the resolution was agreed to.

AGRICULTURAL DEPARTMENT.

Mr. WILSON of Illinois. Mr. Speaker, I ask unanimous consent to insert in the RECORD some data and facts which I have secured pertaining to the Agricultural Department and its service.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Reserving the right to object, on what line?

Mr. WILSON of Illinois. Relating to the employees and the service.

Mr. FITZGERALD. Does the gentleman criticize it?

Mr. WILSON of Illinois. No.

Mr. FITZGERALD. Boosts it? [Laughter.]

Mr. WILSON of Illinois. Yes; I boost it a little.

Mr. FITZGERALD. I have no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19119, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GARRETT in the Chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I will ask the gentleman how long he expects the House to remain in session to-night?

Mr. PAGE of North Carolina. I will say to the gentleman that I had no time set. I did not want to see several hours go to waste, however. I have had practically no applications for time in general debate, I will say to the gentleman.

Mr. MANN. Then I think perhaps we had better read the bill.

Mr. PAGE of North Carolina. Oh, I trust the gentleman will not take up the time of the House in a first reading of the bill.

Mr. MANN. No one was anticipating that this bill would come up for consideration to-day. We met at 11 o'clock this morning with the avowed purpose of trying to get through the legislative bill and then quitting. I am not willing, if I can prevent it, to have the House taken unawares with the consideration of this bill, especially as we have already agreed to meet at 11 o'clock to-morrow. I can see no difficulty, as far as we can look ahead, in finishing this bill by Friday.

Mr. MADDEN. I think we ought to have three or four hours of general debate on the bill.

Mr. PAGE of North Carolina. No one on this side wants any general debate on the bill, nor have any applications been made to the ranking Member on the Republican side, as I understand it.

Mr. MANN. I would suggest that we might dispense with the first reading of the bill and then rise. We have had a somewhat arduous day.

Mr. PAGE of North Carolina. Let us read the first paragraph of the bill this afternoon.

Mr. MANN. As far as I am concerned, I have no objection to that.

Mr. PAGE of North Carolina. I would be willing to do that, if the gentleman will permit me to make a statement of five minutes.

Mr. MANN. I do not care how long the statement is. I could listen to the gentleman for an hour.

Mr. PAGE of North Carolina. Then I shall make the motion to rise, after reading the first paragraph.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the first reading of the bill be dispensed with?

There was no objection.

Mr. PAGE of North Carolina. Mr. Chairman, the bill under consideration appropriates for the District of Columbia for the fiscal year ending June 30, 1918. In making a brief statement as to the bill and the appropriations which it carries, I want to say to the committee that the legislative provision which, in one form or another, has been in this bill during the last three or four sessions of Congress, relative to the fiscal relations existing between the Government and the District of Columbia, is not contained in this bill. I desire to say, further, that this was left out, not because those who favor a different system than that now in force, having charge of the formulation of the appropriation bill, have in the slightest degree changed their minds as to what ought to be done in that particular, but it has been left out more for the reason that it seems futile to undertake to legislate this provision in an appropriation bill. Realizing that time is of some value at this particular session of Congress, we have omitted any legislation upon that subject.

The estimates submitted through the Commissioners of the District of Columbia for appropriations for the fiscal year for which the bill appropriates, exclusive of the water revenues, were $16,278,092.66. The bill as reported to the House carries $12,831,099.66, an amount $255,222.56 in excess of the current law for the District. However, it is $3,446,993 less than the estimates submitted by the commissioners.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. What were the improvements contemplated for which the commissioners asked for $3,446,993 more than the committee recommended?

Mr. PAGE of North Carolina. I will say to the gentleman that there were a number of items that went to make up this sum. Some of the principal ones were estimates for the acquisition of a tract of land in the northwest for park purposes, carrying $625,000; for the purchase of another tract of land for park purposes in the northeast, for which $500,000 was asked. About the same amount was contained in the estimates for the construction of a municipal hospital. The other items were made up of smaller amounts, one of the others of those not mentioned being the purchase of land and the beginning of an appropriation for the beginning of a sewage-disposal plant, and the others were matters carrying not a large amount in themselves.

Mr. MADDEN. The committee concluded it was not wise to enter upon the construction, operation, and maintenance of a municipal hospital at this time?

Mr. PAGE of North Carolina. The subcommittee formulating this bill decided that it was practically useless to bring a measure of that kind into the House of Representatives, having had some experience in dealing with that particular question. It was on all fours with the proposition I mentioned in the beginning of my remarks. It is one of those things which would merely consume time, amount to nothing, having been up on various occasions before, only to fail.

Mr. MADDEN. Did the committee conclude it was not time yet to consider the establishment of a sewage-disposal plant because there is no need for it in the District?

Mr. PAGE of North Carolina. Yes, sir; partly that and partly from the fact that it would involve legislative provisions that would probably not be considered by the House, at least it would be subject to the point of order, and we knew of opposition to the matter that would keep us from considering it.

Mr. MADDEN. From the investigation the committee has made on the question of the necessity of a sewage-disposal plant has it reached the conclusion that there will be no such necessity in the immediate future?

Mr. PAGE of North Carolina. Well, I can not say for the committee; but I can speak for myself that my own information is from an investigation and the evidence that has been taken before the committee that there will be no necessity in the immediate or near future.

Mr. MADDEN. Where does the sewage of the District go—out into the Potomac River?

Mr. PAGE of North Carolina. At the present time in the Potomac River.

Mr. MADDEN. Does not the gentleman and his committee think the time is coming when there ought to be some other disposition made of the sewage in order to preserve the health of the people who live below the city of Washington on the Potomac River?

Mr. PAGE of North Carolina. Well, I will say to the gentleman in this connection that this bill does carry appropriation for the extension of certain sewer mains that will carry, when completed, that part of the sewage of the city that now enters into the Potomac near the city of Washington farther down the river.

Mr. MADDEN. Still the people living farther down are subject to contamination from the sewage that goes into the river from the city of Washington?

Mr. PAGE of North Carolina. That is true to the extent that there are people living farther down the river which, on personal investigation I think the gentleman from Illinois will find, are not very many. I do not think there is any immediate danger to the inhabitants living on the river from the disposal of the sewage. There is a necessity, unquestionably, for the getting of this sewage into the river at a point lower down the river.

Mr. MADDEN. The gentleman has made an investigation and knows the necessities of the case, and I merely asked this question to call the attention of the committee to the fact that there is no more important question than the disposition of the sewage in such a way that it will not contaminate the health of the people.

Mr. PAGE of North Carolina. I agree with the gentleman thoroughly, but I do not think the time has come when there is any amount of danger to the city of Washington or to the people on the river below.

Now, Mr. Chairman, in the bill under consideration your committee has been in its own judgment, whatever may be the judgment of the House, rather liberal in the number of increases of employment in the service of the District of Columbia, as well as in certain increases of compensation to employees of the District, who would not come within the scope of the provision that was adopted to-day in connection with the Federal employees provided for in the legislative bill.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. I will yield, with pleasure.

Mr. MANN. The House this afternoon having voted to increase the compensation of certain Federal employees carried in the legislative bill, does the gentleman expect the House to make the same increase to employees of the District of Columbia employed here in the same place?

Mr. PAGE of North Carolina. I think there is a necessity for it, and justice demands that the same provision should be placed in this bill before it is completed. And I will say to the gentleman that up to yesterday that had been the anticipation of the men having this bill in charge, to carry in the bill exactly the same provision that was in the legislative bill; but it is not in the bill at the present time for reasons I need not explain.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. If the gentleman from Illinois will pardon me, I will.

Mr. STAFFORD. Does the gentleman plan to extend the horizontal per cent bonus to the employees carried in the District of Columbia appropriation bill?

Mr. PAGE of North Carolina. The provision as drawn in the subcommittee, to be frank, and submitted to the full committee in connection with this bill, was to increase the pay of those employees in the District of Columbia receiving a salary of less than $1,200 10 per cent, and of those receiving salaries of from $1,200 to $1,800 5 per cent.

Those excluded from this were the members of the Metropolitan police force, those who belonged to the fire organizations of the city, and those connected with the public schools. The provision as drawn by the subcommittee included also the same ratio of increase to the per diem employees of the District of Columbia. Those below the sum receiving an increase of 10 per cent, those above receiving an increase of 5 per cent. It also included a provision by which those employed by the District in institutions receiving their subsistence and now being paid less than $1,000 a year should have an increase of 5 per cent in their salaries. That was the provision as drawn, and which I think measures out equity to the employees of the District of Columbia.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MANN. The House to-day having indicated by a substantial majority its desire to increase the pay of all the employees provided for in the legislative bill receiving a salary of $1,800 or less, does the gentleman now think he ought to differentiate in the District between different classes of employment? I suppose they are just as hungry in one class as they are in another.

Mr. PAGE of North Carolina. I will say to the gentleman that I think that in this particular case there is a reason for the exclusion of those classes I enumerated, and I think he will agree with me when I call his attention to it. In this bill last year, the current law, we increased the compensation of the police force. In the present bill we have undertaken to increase the compensation of the firemen of the District.

Mr. MANN. You have no right to do so. That will probably go out on a point of order.

Mr. PAGE of North Carolina. Certainly it may, if we can not make our case. We have no right under the rule, the gentleman now suggests, but we did it because we thought there was sufficient equity in it, and so far as the police force is concerned that is past. Nobody can make a point of order, I think, against that.

Mr. MANN. But that occurred before the present emergency arose. To be perfectly frank with the gentleman, it was the agreement with other Members of the House to defeat any increase reported in the legislative bill, with the understanding on *my part*—possibly I was foolish not to secure sufficient knowledge concerning it—that if that prevailed and the House would not increase the amount, the increase would be carried to all the employees of the Government receiving those salaries.

Mr. PAGE of North Carolina. I can say to the gentleman that to the Metropolitan police I am entirely friendly, and I will be glad to include them in any just scheme. But I imagine that the pinch of the high cost of living is no worse in Washington than in the gentleman's city, and we increase their salaries to a plane that will compare with even those of the size of the city from which the gentleman comes.

Mr. MANN. Oh, no; not at all. But that is neither here nor there. However, it is nothing like it.

Mr. PAGE of North Carolina. I think the grades are not organized on the same basis, but still they compare most favorably with salaries paid the police forces of cities corresponding in size with the city of Washington. The same is true of the fire department, and so far as the school organization is concerned—and the gentleman knows and every other gentleman knows that under the plan of organization and under the law that controls the automatic promotion of the teachers of the school system of the city of Washington that they are more highly paid on the average than they are in any other city, not only of the size, but of any other size, in this country. And we thought there ought to be some equity in this matter, and, therefore, it was in the mind of the committee to exclude those. But, I remind the gentleman, this has passed entirely out of the hands of the Appropriations Committee. It is in the hands of the House. There is no provision now in this bill. It can not get into this bill if there is anybody in the House who wants to make a point of order against it, unless there is a rule provided. It is up to the Committee on Rules, it seems to me, as to the automatic increase of the salaries in this bill.

Mr. BENNET. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield.

Mr. BENNET. As a member of the Committee on Rules, are we to construe that as a request for a rule?

Mr. PAGE of North Carolina. I have not requested it. I can not answer the gentleman whether any other gentleman has requested it or not.

Mr. MANN. The experience of the Committee on Appropriations is not such that they are running to the Committee on Rules on every question?

Mr. PAGE of North Carolina. Not every morning; no, sir.

Mr. BENNET. You are always very willing for the Committee on Rules to give rules to the Committee on Appropriations?

Mr. PAGE of North Carolina. Well, the House seems to be, whatever may be the attitude of the Committee on Appropriations.

I was going to say when I was interrupted that there are about 100 new employments provided for in this bill. However, there are 110 less than were asked for in the estimates submitted to us. We have here and there increased the compensation of certain employees of the District of Columbia for reasons that seemed to the committee to be good and sufficient. Of course, in many instances, as the gentleman from Illinois [Mr. MANN] suggested awhile ago, we recognize the fact that they were subject to a point of order, and any gentleman, if alert enough, can forbid us carrying into effect the purpose we had in raising this compensation.

Now, Mr. Chairman, with that statement I have concluded. Under the five-minute rule there will be much discussion of various items. I ask that the Clerk may read the first paragraph of the bill.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. CRISP. Will the gentleman yield me three or four minutes?

Mr. PAGE of North Carolina. Yes; but I want to keep faith. Yes; I will yield to the gentleman five minutes.

Mr. CRISP. Mr. Chairman, I am one of those who believe that the organic act of the District of Columbia, known as the "half-and-half act," has outlived its usefulness and that it can be repealed without doing any injustice to the people of the District of Columbia, but that equity and justice to the people of the United States demands that it be repealed.

I know this is the short session of Congress, and I have conferred with some friends who believe as I do, and they think that it is inexpedient to attempt a fight again at this short session to repeal the half-and-half act on this appropriation bill. It is the practice that when legislation is placed upon an appropriation bill, if the other House refuses to agree to it, the House proposing the legislation recedes. This House last session passed on the District appropriation bill a provision repealing the half-and-half act, but the Senate refused to concur; and I apprehend if we should get the repeal again incorporated in this bill the other branch, constituted now just as it was during the last session of this Congress, would again refuse to concur, and the House would have to recede.

That being true, I do not intend to call the matter up at this session, but I have in nowise changed my opinion about the merits of the proposition, and I am confident that when the people of the United States understand the proposition the law will be repealed. And if I am living when the next Congress convenes, composed of a number of new Representatives from the people, a number of new Members in both branches, I will again call the attention of Congress to it and try to have the law repealed.

I simply make this statement for the reason that I do not care for the press of this city and others to assume that I have abandoned the fight, for I will not abandon it until in my judgment equity is done the people of the United States. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That one half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, namely:

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, and had directed him to report that it had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article appearing in the Chicago Herald, of Sunday, December 3, and written by Mr. James Keeley, the editor, on the United States business after the war.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the article indicated by him. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 324. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1916.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Wednesday, December 20, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of New River, N. C., and inland waterways between Beaufort Harbor and New River, and New River and Swansboro (H. Doc. No. 1775); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting a tentative draft of a bill to authorize the acquirement of a site and the erection and equipment of a building for use of the post office and other governmental offices at Oakland, Cal. (H. Doc. No. 1776); to the Committee on Public Buildings and Grounds and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting report of the Secretary of the Treasury relative to the United States Subtreasuries and their relation to the Federal reserve bank (H. Doc. No. 1777); to the Committee on Appropriations and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lewis H. Gest *v.* The United States (H. Doc. No. 1778); to the Committee on War Claims and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Board of Commissioners of the District of Columbia submitting an urgent estimate of appropriation for rent of temporary quarters for the office of the recorder of deeds of the District of Columbia, pending the reconstruction of the courthouse (H. Doc. No. 1779); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13799) granting an increase of pension to D. O. Root; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8268) granting a pension to Josephine W. James; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 19178) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GOOD: A bill (H. R. 19179) to exclude from the United States mails all printed matter advertising for sale or soliciting the sale of intoxicating liquors addressed to points within certain States and Territories, and providing penalties for violations; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19180) to provide for a survey and estimate of cost of removing bends in Black River at Lorain, Ohio; to the Committee on Rivers and Harbors.

By Mr. STAFFORD: A bill (H. R. 19181) to authorize the coinage of one-half-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. CRAGO: A bill (H. R. 19182) authorizing the Secretary of War to donate to the Board of Trade of Crafton Heights, Crafton, Allegheny County, Pa., two bronze cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 19183) authorizing the Secretary of War to deliver to the city of Fond du Lac, county of Fond du Lac, State of Wisconsin, four condemned bronze or brass cannon with carriage and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BENNET: A bill (H. R. 19184) granting two weeks' sick leave to letter carriers in the City Free Delivery Service and to post-office clerks in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: A bill (H. R. 19185) to establish in the Treasury Department a roll designated as "the special life-saving medal-of-honor roll," and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: A bill (H. R. 19186) to regulate and control the use of submersible craft in the streams, lakes, channels, harbors, and territorial waters of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. HULBERT: A bill (H. R. 19187) to reduce the unnecessary amount of overtime required of letter carriers in the City Delivery Service and post-office clerks in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. WICKERSHAM: A bill (H. R. 19188) to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. ADAMSON: A resolution (H. Res. 414) for the consideration of House joint resolution 323; to the Committee on Rules.

By Mr. FLOOD: Joint resolution (H. J. Res. 326) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 19189) granting an increase of pension to Lemuel Evans; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19190) granting an increase of pension to Arthur C. Gregg; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19191) granting an increase of pension to Ida Noblitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19192) granting an increase of pension to David H. Hatfield; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: A bill (H. R. 19193) for the relief of Zachary T. Heal; to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 19194) granting an increase of pension to Augustus B. Dotson; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 19195) granting an increase of pension to Ross Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19196) granting an increase of pension to Henry Keech; to the Committee on Invalid Pensions.

By Mr. COSTELLO: A bill (H. R. 19197) granting a pension to Gottfried J. Maier; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 19198) for the relief of David L. Barry; to the Committee on Claims.

By Mr. DALLINGER: A bill (H. R. 19199) granting a pension to Charles McHugh; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 19200) granting a pension to Ellen Sicker; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19201) to muster in and muster out R. M. C. Gavin; to the Committee on Military Affairs.

Also, a bill (H. R. 19202) for the relief of William Grimsley; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 19203) granting a pension to Martin Henrich Jensen; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 19204) granting an increase of pension to John Spelman; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 19205) for the relief of S. S. Markley; to the Committee on the Public Lands.

By Mr. FORDNEY: A bill (H. R. 19206) granting a pension to Charles Haiste; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 19207) granting an increase of pension to John J. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19208) granting an increase of pension to Lewis B. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19209) granting an increase of pension to Roy Jackman; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 19210) granting an increase of pension to Joseph B. Sullivan; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19211) granting an increase of pension to Ananias B. Reeser; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 19212) granting a pension to Josephine G. Linn; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 19213) granting a pension to Francis M. Perfect; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 19214) for the relief of Mary C. Mayers; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 19215) granting a pension to Jack D. Bement; to the Committee on Pensions.

Also, a bill (H. R. 19216) granting a pension to George D. Bement; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 19217) granting an increase of pension to Adam B. Shepherd; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 19218) granting an increase of pension to Marian A. Jaques; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 19219) granting an increase of pension to Orrin J. Belden; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 19220) granting an increase of pension to Bertha Fenz; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 19221) granting an increase of pension to Elijah Hodges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19222) granting an increase of pension to Thomas Regan; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 19223) granting an honorable discharge to Edward S. Conkling; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 19224) granting a pension to Charles H. Ricker; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 19225) for the relief of Alfred C. Scheu, as attorney for the Jacob Scheu estate; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 19226) granting an increase of pension to Charles N. Bacon; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 19227) granting an increase of pension to Isaac Pelkey; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19228) granting an increase of pension to Mrs. Blanch C. Loveland; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 19229) for the relief of the heirs of Ko-mo-dal-kiah, a Moses agreement allottee No. 33; to the Committee on Indian Affairs.

Also, a bill (H. R. 19230) to cancel the allotment of Ollie House, Shoshone Indian Reservation, Wyo.; to the Committee on Indian Affairs.

By Mr. SULLOWAY: A bill (H. R. 19231) granting a pension to Sarah A. Moulton; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19232) granting an increase of pension to John Harris; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition from the employees of the sixteenth lighthouse district, Ketchikan, Alaska, asking for increase of salaries; to the Committee on Appropriations.

By Mr. ANTHONY: Petition of F. C. Stanley and other employees in the Postal Service at Holton, Kans., asking for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany House bill 18892, for the relief of Peter Heis; to the Committee on Invalid Pensions.

By Mr. BACHARACH: Memorial of Rotary Club, Camden, N. J., in re 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of National Association, Bureau of Animal Industry Employees, favoring passage of House bill 16060, the Lobeck bill; to the Committee on Agriculture.

Also, petition of Dahlstrom Metallic Door Co., Jamestown, N. Y., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Troy (N. Y.) Chamber of Commerce, relative to widening of Narrows of Lake Champlain; to the Committee on Rivers and Harbors.

Also, petition of Omar Baumes, of New York City, relative to pay of inspectors of customs at port of New York; to the Committee on Appropriations.

By Mr. BRUCKNER: Petition of William K. Field, of The Bronx, N. Y., favoring the Nolan bill, House bill 11876; to the Committee on Labor.

Also, petition of William E. Fitch, M. D., of New York, in re Gandy bill, House bill 17125; to the Committee on Military Affairs.

By Mr. BUTLER: Memorial of sundry citizens and organizations of the seventh Pennsylvania district favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry post-office employees of the seventh Pennsylvania district for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the seventh Pennsylvania district relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Woman's Club, of Hastings, Minn., indorsing woman suffrage; to the Committee on the Judiciary.

Also, petition of J. G. Kapper and other employees of post office of Red Wing, Minn., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Two petitions of sundry postal employees asking for increased compensation; to the Committee on the Post Office and Post Roads.

Also, memorial of Farmers' Educational and Cooperative Union of America, Aurora County (S. Dak.) branch, opposing embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: Petition of civil-service employees of the port of New Orleans, La., favoring civil-service retirement law; to the Committee on Reform in the Civil Service.

By Mr. EAGAN: Memorial of Board of Education of Lincoln, Nebr., in re work of Naturalization Bureau; to the Committee on Immigration and Naturalization.

By Mr. ELSTON: Petition of employees of the Alameda (Cal.) post office, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of post-office employees of Wisconsin, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers in support of House bill 19081, granting an increase of pension to George K. Redmond; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of I. A. Bennett Co., of Chicago, Ill., for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of employees of terminal railway post offices, for readjustment of salaries, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Winwal Co., of Rockford, Ill., opposing an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. GLYNN: Petitions of post-office employees of Winsted, Ansonia, and Naugatuck, Conn., for increased pay; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: Petitions of employees of post offices of Wagoner and Okmulgee, Okla., favoring increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Petition of sundry post-office employees of New Mexico, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petitions of Candy Bros. Manufacturing Co., St. Louis Screw Co., St. Louis Lightning Rod Co., Mexican-American Hat Co., St. Louis Retail Grocers' Association, St. Louis Surfacer & Paint Co., all of St. Louis; Wyeth Hardware & Manufacturing Co., of St. Joseph; and Rothenberg & Schloss Cigar Co. and National Aniline & Chemical Co., of Kansas City, all in the State of Missouri, in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. PAGE of North Carolina: Papers to accompany House bill 19101, for pension to Mrs. Wirt Davis; to the Committee on Pensions.

By Mr. PAIGE of Massachusetts: Evidence in support of House bill 19160, for relief of Nora D. Groves; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 19161, for pension for Albert J. Phillips; to the Committee on Pensions.

By Mr. ROWE: Petition of Combustion Engineering Corporation, of New York, in re tube service in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of Roessler & Hasslacher Chemical Co., of New York, favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. STEAGALL: Memorial of Woman's Christian Temperance Union of Clayton, Ala., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SWEET: Petition of employees of post offices of Cedar Falls and Eagle Grove, Iowa, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Arkansas (by request): Two petitions of sundry railway mail clerks, post-office clerks, and rural carriers, of Hot Springs, Ark., for higher wages; to the Committee on the Post Office and Post Roads.

Also (by request), petition of Van D. Fowler and others, of Hot Springs, Ark., for an embargo on food and munitions; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: Petitions of employees of the post offices at Littleton, Longmont, and Sterling, Colo., for increase in pay; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *December 20, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the revelation of Thyself, so clear, so glorious as that all of us can come to Thee in prayer. We seek to justify our ways to men, but we care more that Thou shalt look with favor upon our acts. We fear not them that may kill the body but we fear Him who has power to destroy both body and soul in hell. We come at last with our stewardship before Thee and Thou must pass upon our acts. Give us Thy grace and Thy wisdom. Surround us with Thy providence. Give us the spirit that we may be led in all things to conform our lives to Thy will and glorify Thy name, and through Thy glory bring larger blessings to the people whom we serve. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PURCHASE OF FOOD SUPPLIES (S. DOC. NO. 645).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 15th instant, certain information relative to the purchasing of food supplies by Army officers and employees through Government agencies, which, on motion of Mr. GALLINGER, was referred to the Committee on Military Affairs and ordered to be printed.

NOBEL PEACE PRIZE (S. DOC. NO. 644).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a copy of a circular issued by the Nobel committee furnishing information as to the distribution of the Nobel peace prize for the year 1917, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution providing that when the two Houses adjourn on Friday, December 22, 1916, they stand adjourned until 12 o'clock meridian on Tuesday, January 2, 1917, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes;

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes; and

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 324) authorizing payment of the salaries of officers and employees of Congress for December, 1916, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. WORKS. I have telegrams relating to the curtailment of the electric energy at Niagara Falls which I ask to have printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegrams were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *December 20, 1916.*

Hon. JOHN D. WORKS,
Washington, D. C.:

Curtailment of electric energy by the Canadian Government at Niagara Falls affects deliveries of grinding products used in our shops. This curtailment means to us a big loss of time and labor. We would appreciate your efforts to relieve the situation.

KILLIFER MANUFACTURING CO. (INC.).

—

LOS ANGELES, CAL., *December 19, 1916.*

Hon. JOHN D. WORKS,
Washington, D. C.:

Curtailment of electric energy by the Canadian Government at Niagara Falls affects deliveries of grinding products used in our shops. This curtailment means to us a big loss of time and labor. We would appreciate your efforts to relieve the situation.

UNION TOOL CO.

—

LOS ANGELES, CAL., *December 19, 1916.*

Hon. JOHN D. WORKS,
Washington, D. C.:

Curtailment of electric energy by the Canadian Government at Niagara Falls affects deliveries of grinding products used in our shops. This curtailment means to us a big loss of time and labor. We would appreciate your efforts to relieve the situation.

JOSEPH MUSTO KEEHAN CO.

—

LOS ANGELES, CAL., *December 20, 1916.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.:

Mining interests of West seriously affected by cyanide shortage. Immediate cause of present shortage due to Canadian Government's embargo on power expectation from Canadian plans to United States industries, we request that you use your best endeavors to have our Government protest against arbitrary withdrawal of power by Canadian Government, power developed with United States capital on Canadian side of Falls. We also urge that our Government permit the immediate temporary diversion of water to full capacity. Existing United States power installations suggest to secure cooperation of Senators and Congressmen of other Western States. Delegations from eastern industries are in Washington to-day and to-morrow conferring with the proper Government officials.

CHAMBER OF MINES AND OIL,
By THEODORE MARTIN, *President.*

Mr. THOMPSON presented a petition of the members of the Bible School of the First Church of Christ of Kingman, Kans., praying for the enactment of legislation to prohibit the transportation of intoxicating liquor into prohibition States, and also for prohibition in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of the Commercial Club of Omaha, Nebr., praying for the installation of a pneumatic-tube mail service in that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented a petition of the Woman's Christian Temperance Union of Avoca, Iowa, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Chamber of Commerce of Council Bluffs, and of members of the Osceola County bar and the Lyon County bar, of Iowa, praying for the use of all surplus fees received by the Federal Government from applicants for citizenship for education of the aliens in his civic privileges, duties, and responsibilities, which were referred to the Committee on Immigration.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of the port commission of Seattle, Wash., praying for an investigation of commercial trade opportunities in China and the establishment of direct trade relations between China and the United States, which was referred to the Committee on Commerce.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Whiteson, Oreg., praying for the placing of an embargo on food products and for the enactment of legislation to prevent the storage of food products by speculators, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a petition of sundry citizens of Sheridan, Wyo., praying for an increase in salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Shoshone Water Users' Association, of Powell, Wyo., praying for the enactment of legislation to extend the provisions of the Federal farm-loan act to reclamation projects, which was referred to the Committee on Banking and Currency.

Mr. MARTINE of New Jersey. I have a telegram from my home town, signed by the Hall Printing Press Co., referring to

the diversion of the water power at Niagara Falls, and asking legislation which will relieve them from a water famine at that place. They are interested in the power. I move that the telegram be referred to the Committee on Foreign Relations.

The motion was agreed to.

CAR SHORTAGE.

Mr. CHILTON. I present a letter from a prominent coal operator in my State on the subject of car shortage. I think this gentleman is very competent to speak upon this subject, and he suggests some remedies. I present also a copy of a letter from this same gentleman to the Interstate Commerce Commission. I ask that these letters be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the matter referred to was ordered to be printed in the RECORD and referred to the Committee on Interstate Commerce, as follows:

CHARLESTON, KANAWHA COUNTY, W. VA., *December 4, 1916.*

Senator WILLIAM E. CHILTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am wondering if something can not be done to secure fair treatment of West Virginia by the Trunk Line Railroad. Few people in our State appreciate what is being done to us.

West Virginia normally produces about 60,000,000 tons of coal annually.

During the past four months the mines have not operated more than half time, in what is known as the Kanawha Valley, which means there has been a loss to West Virginia during the past four months, only, of not less than twelve or fifteen million dollars, with the coal operators of the State actually losing money on account of not having sufficient cars with which to fill their low-priced orders, thus being prevented from selling any quantities of coal on this market.

The coal operators are not only suffering, but there is not a man, woman, or child in the United States whose cost of living has not been increased by the advance in the price of coal of from 4 to 600 per cent during the past four months, due to an insufficient car supply, with the coal mines of the country not running half time with hundreds of thousands of coal miners idle and their families actually suffering. We frequently read in the papers that the scarcity of coal is the result of shortage of labor. That is not true. If that was the case, coal mines would be in operation full time, but with a reduced number of men, instead of a surplus of men, not having sufficient occupation to give them a fair living. The above conditions can not be fair with other industries of the country making millions, running 24 hours a day, 6 and 7 days in a week, which they could not do without sufficient cars with which to handle their products. Thus showing that other industries such as steel plants and businesses of that nature are receiving four times as good car supply as is the coal industry.

This is not only a great injustice to the public generally but is a suicidal policy for the railroads, as it has resulted in increasing the price even of railroad fuel coal from about $1 a ton to $3 and $4 a ton at a time when they claim they need higher freight rates with which to meet operating expenses. Anything you can do to help the situation out in this district will be appreciated. The Interstate Commerce Commission has from me very extensive data in detail on this subject.

With kindest regards, I am, yours, very truly,

KELLYS CREEK COLLIERY COMPANY,
J. W. DAWSON, *General Manager.*

—

THE KELLYS CREEK COLLIERY CO.,
Ward, Kanawha County, W. Va., December 12, 1916.

Commissioner C. C. MCCHORD,
Care Interstate Commerce Commission, Washington, D. C.

MY DEAR JUDGE: Replying to yours of December 8, I will attach hereto the original pencil memorandum on which my previous letter was based, in addition to my personal knowledge of the transaction.

The Kanawha & Michigan Railway had empty coal cars in its Dickinson yard, only about 6 miles from us, before working time on the morning of the 5th. We did not get these cars until 9.45 a. m. The same condition existed, as I understand it, on the morning of the 6th, and we did not get the cars until 10.20 a. m., on both occasions employees of the Kanawha & Michigan Railway telling us that the cars were available, but they had no motive power with which to move them to us, as five of the best Kanawha & Michigan engines had been taken over onto the Toledo & Ohio Central Railroad in Ohio.

On the 5th a Kanawha & Michigan passenger train was considerably delayed by one of its freight trains, which was being pulled by a very light engine that could not handle the train. Inquiry about that brought the reply that the engine was too light for the business; that the best engines had been taken to the Toledo & Ohio Central.

A coal mine such as ours must start work before 7 in the morning if it starts. We can not hold 500 or 600 men idle several hours waiting for cars; it is difficult enough to get the forces together if the cars arrive on time.

In reply to the last paragraph of your letter, I would state that there is very little improvement in the car supply on the Kanawha & Michigan Railroad as yet. As an illustration we received empty cars for loading as follows:

December 1, 21; December 2, 24; December 3, Sunday; December 4, 20; December 5, 25; December 6, 19; December 7, 22; December 8, 25; December 9, 12; December 10, Sunday; December 11, 20; December 12, 5, making a total for the 12 days, or 10 working days, of 193 cars. We could have loaded 400, which shows that we are still receiving less than about 50 per cent car supply.

Now, Mr. McChord, the complaint we have is not due so much to the car shortage, but our unfair treatment. If we were suffering solely from the general car shortage and congestion of business, we would take our medicine and not complain further than make an effort with all others to correct the trouble; that is not the case with us.

For some 12 years past or longer Toledo & Ohio Central and Kanawha & Michigan cars have been handled and distributed without discrimination as to their lettering. Under this arrangement, the Kanawha & Michigan having been in the habit of using Toledo & Ohio Central cars and giving the Toledo & Ohio Central Railway valuable tonnage in them, it was unnecessary for the Kanawha & Michigan Railroad to purchase a sufficient number of coal cars with which to take care of its business, and under that arrangement the Kanawha & Michigan and Toledo & Ohio Central cars jointly have furnished coal shippers in this district for many years past, until five months ago, practically a 100 per cent car supply, with a few exceptions of very short periods.

Under this arrangement and years of experience we had a right to expect the practice would be continued; we sold coal and made obligations accordingly.

Large producers of coal must keep their products sold six months or a year ahead.

Therefore last spring, as usual, we sold practically our product to be shipped during the summer and fall at reasonable market price or less. Our 500 or 600 customers, scattered through Ohio, Indiana, Michigan, and the Northwest, having purchased their coal from us, and we having agreed to ship it, felt as if their coal supply was secure for this season, they knowing that we had never failed to fulfill an obligation.

But as soon as the coal market became unusually active during the latter part of the past summer and everyone knew that the price of coal would advance sharply the car supply on the Kanawha & Michigan Railroad diminished from 90 and 100 per cent to 35 and 40 per cent, we being told that the New York Central would not permit Toledo & Ohio Central coal cars to come onto the Kanawha & Michigan Railroad, as had been the custom for much longer than 12 years. It seems strange to me that we were permitted to use New York Central equipment before that system purchased the Kanawha & Michigan Railroad and were not permitted to use the same equipment when the owners of that equipment are now the owners of the Kanawha & Michigan Railroad unless, as I believe is the fact, there is some deep-laid scheme connected with it.

Further, I don't understand why, if the Kanawha & Michigan is so independent of the New York Central that we are not permitted to use Toledo & Ohio Central cars, that it is so much a part of the New York Central that the Toledo & Ohio Central takes Kanawha & Michigan engines when they are needed on the Kanawha & Michigan Railroad.

By request and suggestion of officials of the New York Central Railroad we made heavy expenditures here last spring of about $40,000, opened a new mine, constructed new tipples, put in expensive machinery and prepared to double our capacity, and right on the heels of this our car supply is cut half in two.

Our being deprived of cars has prevented our yet shipping the coal that we promised to ship before last September; it has resulted in a loss to us of not less than $75,000 or $100,000; it has resulted in the best class of our customers, who have been depending upon us for coal during the past 8 or 10 years, becoming disgusted and turning their patronage to other coal fields.

It has resulted in five or six hundred dealer customers scattered through Ohio, Indiana, Michigan, and the Northwest, who serve doubtless a hundred thousand customers, being required to pay from $3 to $6 a ton for coal that we had sold them at from $1.23 to $1.75 a ton, and which we would have shipped had we been getting our usual car supply.

The improper railroad management, therefore, has not only caused us to lose our best customers and $75,000 or $100,000, but has caused those same customers to pay out unnecessarily $75,000 or $100,000, while we in turn are loading the coal which they should have into barges and shipping it down the river at prices not exceeding $1.20 a ton, but the parties to whom we sell this river coal resell it on the market; thus two separate and distinct sets of consumers, aggregating, I would estimate, 150,000 families, are paying three or four prices for the coal they are burning unnecessarily, the result of our one company not being able to fulfill its obligations. There are doubtless hundreds of other coal companies in the same condition.

We have been shipping practically every car we could get that would go west on this low-priced, last summer's contract business; we have not been selling coal that could be shipped in the western market at the present market prices; we have refused to accept new orders at any price, even though we are offered $5 and $6 a ton for coal, while at the same time shipping from 18 to 20 cars daily at prices less than $1.75 a ton, thus actually losing money on such a market as this, the result of this unfair railroad practice.

The feature worthy of serious consideration by your commission is that when our customer that purchased his coal last spring from us failed to get it this winter from us, he is forced to rush out on the open market and purchase it from coal concerns who had not sold ahead; therefore if some one connected with the railroad interests or closely identified with them could have had a tip last spring and been told what districts would receive cars and what districts would be deprived of cars this fall and winter, some one would pocket millions. I can not help believing that was done.

Not only our customers and the coal operators are suffering from this practice, but thousands of coal miners, and I might say, with their families, hundreds of thousands are suffering for lack of regular employment at a time when the whole world is suffering for what they would produce, could they be given regular work.

Another thing that proved the correctness of my theory that the shortage of cars on the Kanawha & Michigan is not the result of the general condition over the country. For the past 20 years the Kanawha & Michigan Railroad has furnished its coal operators at least a 50 per cent better car supply than the Chesapeake & Ohio in the Kanawha district, our nearest neighbor, furnished its shippers. During most of that period there was no profit in producing coal, but the New York Central Railroad wanted tonnage; but now when that railroad does not need tonnage from the Kanawha & Michigan and there is a profit in producing coal, the Kanawha & Michigan furnished its shippers a 50 per cent less car supply than the Chesapeake & Ohio, thus reversing the whole condition and comparison.

If the New York Central system is permitted to bunch its coal-car equipment in West Virginia during the summer months and other periods when coal is mined and sold at less than actual cost of production, then withhold from West Virginia and concentrate it on other portions of its system at every period when there is a profit in the production of coal, the practice will more surely put out of business the coal operators of West Virginia than any freight rate that could be applied.

Very truly, yours,

KELLYS CREEK COLLIERY CO.,
J. W. DAWSON, *General Manager.*

LANDS IN OKLAHOMA.

Mr. OWEN. I ask leave to call up joint resolution No. 306, which has just come from the House of Representatives, referring to the extension of time for two years of final payment on certain lands in Oklahoma. It is recommended by the Interior

Department and has been passed by the House of Representatives. I ask that the Senate may concur. The Committee on Indian Affairs have ordered a favorable report upon the measure.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, was read twice by its title.

The PRESIDENT pro tempore. The Senator from Oklahoma asks for the immediate consideration of the joint resolution.

Mr. PENROSE. Has the joint resolution been referred to the committee?

Mr. OWEN. It is favorably reported this morning. There was a similar form of resolution submitted in the Senate.

Mr. PENROSE. That may all be, but I want to know when the joint resolution was referred to the committee?

Mr. OWEN. The identical joint resolution was sent to the committee December 5, and ordered reported by the committee this morning, in anticipation of the passage by the House of the act submitted here to-day.

Mr. PENROSE. Has the other joint resolution been reported?

Mr. OWEN. I am authorized to report it.

Mr. PENROSE. I do not object particularly to the purpose of the joint resolution, but I do most strenuously object to this irregular method of conducting the proceedings of the Senate.

Mr. OWEN. I should like to say to the Senator that there is nothing irregular about it. I was authorized to make the report and I make the report now from the Senate committee.

Mr. PENROSE. But the Senator has not done it yet.

Mr. OWEN. I am doing it at this time.

Mr. PENROSE. If that had been done perhaps I would not have interfered, but I did not observe that it had been done. I will object until the joint resolution is reported from the committee.

The PRESIDENT pro tempore. The joint resolution will then be referred to the Committee on Indian Affairs.

Mr. OWEN. Just a moment. I submit a report on Senate joint resolution 178, which is identical with the measure that has come from the House. The measure has passed the House, was favorably reported by the Committee on Indian Affairs of the House, of course, and was passed on the favorable report of the Secretary of the Interior. This report merely adopts the House report. I ask for the substitution of the House measure for the Senate measure, that being the parliamentary procedure and ordinary practice. That will meet the objection of the Senator from Pennsylvania that there might be any irregularity in it.

Mr. GALLINGER. But, Mr. President, I will suggest to the Senator if he does that it will have to go back to the House. The Senator had better report the House joint resolution in form.

Mr. PENROSE. I object, Mr. President.

Mr. OWEN. I yield to the objection.

The PRESIDENT pro tempore. The Chair will state that we have not yet reached reports of committees. The joint resolution will be referred to the Committee on Indian Affairs.

POWER AT NIAGARA FALLS.

Mr. SMITH of Michigan. Mr. President, I desire to call the attention of the Senate to petitions and memorials which I have received bearing upon the question of the diversion of water from Niagara Falls under a treaty between the United States and Great Britain. These petitions come from various industries on the American side of the border and are very important.

Mr. TOWNSEND. I wish to state that I have received, I think, hundreds of telegrams on the same subject suggested by my colleague [Mr. SMITH of Michigan], and also on the subject of the Sheppard bill. I have not felt that it was necessary to present them to the Senate. They were directed to me. However, I have received more upon the subject now under consideration than upon the measure suggested by the Senator from Michigan.

Mr. STONE. From the Committee on Foreign Relations, by the authority of that committee, I report back favorably the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, and I submit a report (No. 886) thereon.

Mr. President, this is an emergency matter. I therefore, acting under the direction of the Committee on Foreign Relations, ask the Senate for its present consideration.

Mr. GALLINGER. Let the joint resolution first be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to issue permits, revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river in additional quantities which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided*, That in no event shall the total quantity of water diverted from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *And provided further*, That this resolution shall remain in force until the 1st day of July, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.

Mr. GALLINGER. The Senator from Missouri suggested that this is an emergency matter. Will the Senator explain what the emergency is?

Mr. STONE. Mr. President, in the treaty between Great Britain and the United States dated January 11, 1909, and proclaimed May 13, 1910, it is provided that the United States or authorized interests of the United States may divert water from the Niagara River above the Niagara Falls for commercial uses to an amount not exceeding 20,000 cubic feet per second. In the same treaty it is provided that the Canadian Government or provincial Canadian authorities may permit 36,000 cubic feet per second to be diverted for the same purposes. It so happens that under a law of Congress and the rulings of the War Department made thereunder only 15,600 cubic feet per second of the 20,000 cubic feet authorized to be used on this side have been permitted by departmental orders. That is 4,400 cubic feet per second less than the amount we are entitled to use upon this side of the line under the treaty. On the other side a larger amount of water is authorized, under the treaty, to be diverted. Canada may take as much as 36,000 cubic feet per second, or nearly twice what we can take. I think the Canadians have not reached that maximum, but they have gone far beyond what is being consumed on this side.

Mr. SUTHERLAND. The amount now appropriated is 30,000 cubic feet per second.

Mr. STONE. Thirty thousand cubic feet, the Senator from Utah says.

Mr. GALLINGER. But, Mr. President, it puzzles me to understand why we are not permitted to divert the amount named in the treaty. Why is that?

Mr. STONE. It is due to a statute of the United States known as the Burton Act, which limited the amount that we might divert to 15,600 cubic feet. The War Department has so construed the law that it is unwilling, without further congressional action, to grant permits for a larger consumption of the water.

Mr. GALLINGER. That act, then, nullified, to a certain extent, the provisions of the treaty?

Mr. STONE. There was a supplemental act, but the act of limitation was really passed before the treaty was made and proclaimed.

Let me try to explain the difficulty: A number of important manufacturing establishments located on this side, many of them along the Niagara front but others outside, and public municipal interests also are being supplied by power generated at Niagara. Action has been taken, so I am informed, by public authority in Canada diverting the uses of the power generated on that side to public uses, so that contracts in existence between manufacturers on the American side with generators of power on the other side are seriously affected by a reduction of the power the American consumers under their contracts are authorized to import. The result is that a number of our establishments are finding themselves short of power to run their machinery.

The pending resolution provides that the 4,400 cubic feet of unused water we are entitled to use under the treaty may be utilized to meet this emergency, under permits granted by the Secretary of War. If this is not done, it has been made to appear to the Committee on Foreign Relations that important

industries in the United States having contracts with Canadian power generators will seriously suffer.

This proposed law is limited in its duration to six months, because the Secretary of War, I think wisely and properly, suggested that if we granted without limit or restriction the right to divert the water and sell the power, it might later on embarrass Congress when it came to deal with the water-power subject in a more general way. So this joint resolution provides only for a temporary disposition of the subject; that is to say, for a period of six months—merely to meet an industrial emergency.

Mr. GALLINGER. Mr. President——

Mr. STONE. Will the Senator permit me to proceed for a moment?

Mr. GALLINGER. Certainly.

Mr. STONE. There are bills now pending which it is thought, if they should be passed, would deal with the subject in a general way after the expiration of this proposed law, limited in its operation, as the Senator sees, to a short period.

Mr. GALLINGER. Mr. President, I have been wondering as to exactly what is going to happen at the end of six months. Congress will not then be in session, and these people will be in exactly the same plight in which they are now, unless general legislation is enacted in the meantime.

Mr. STONE. I think that is true; nevertheless this question is presented—that if we should by this joint resolution grant the right involved without limit that grant might embarrass the Congress hereafter because of claims people might present of equities acquired by reason of this law. I think it safer to limit this grant to six months, and let us take care of the situation adverted to by the Senator by general legislation. The committee had before us this morning a number of representative men directly interested in this subject; the same gentlemen, or others of like character, have been before the Committee on Foreign Affairs of the other House, and I think I am safe in saying that it is greatly desired by them that this joint resolution should pass in this form.

Mr. GALLINGER. Of course, Mr. President, I shall yield to the superior judgment of the Senator from Missouri and his associates on the Committee on Foreign Relations; I am not a member of that committee myself, and know very little about the matter except what I gleaned from the reading of the joint resolution.

Mr. POMERENE. Mr. President——.

Mr. GALLINGER. Yet two or three queries have arisen in my mind. One is, I have wondered why we have given Canada more water power than we have taken to ourselves.

Mr. STONE. That has been done by the treaty.

Mr. GALLINGER. Again, I wondered why we were not getting the amount of water power provided for in solemn treaty between the two Nations; but the Senator from Missouri has explained that. I certainly shall not obstruct the passage of the joint resolution.

Mr. STONE. Mr. President, if the Senator from Ohio [Mr. POMERENE] will permit me just one moment, I will then yield to him. I wish to say that it may be seen by examining the joint resolution that it provides that this water power which in effect is to be sold by the generating companies shall be given for a period of six months only to the industrial establishments now using it, and to those establishments only, and not to them to any greater extent than they can now use it under the installations they already have; and this only for a period of six months.

Mr. GALLINGER. I understand it.

Mr. POMERENE. Mr. President, I merely wanted to offer, in answer to the suggestion made by the Senator from New Hampshire [Mr. GALLINGER], the remark that it is not necessary that we concern ourselves about the status of these different companies on July 1 next, as they are not asking for any extension beyond that time.

Mr. STONE. Mr. President, if there is nothing further to be said, I ask that the joint resolution may be laid before the Senate, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the immediate consideration of the joint resolution. Is there objection?

Mr. LA FOLLETTE. Mr. President, before unanimous consent is given for the present consideration of this joint resolution I should like to know a little more about it. I myself have received, as I suppose other Senators have, a great many telegrams from parties interested in having this joint resolution passed. If there is no question about conflicting rights, I see no reason why it should be passed for a limited period; but if there is some question of conflicting interests here I should like to inquire whether those who might object to it have been given opportunity to be heard by the committee? I should like to know a little more about the matter before it is acted upon by unanimous consent; that is all.

Mr. STONE. Mr. President, if I catch the scope of the Senator's inquiry, he wishes to know whether there are opposing interests which have not been heard. I do not know of any, except we have been informed that, very naturally, there are other industries in the country that would desire to utilize Niagara power. I see no reason myself why they should not be given equal opportunity to contract for it, and I have no doubt that they can enter the field of competition for it whenever we have a general law on the subject; but we have no power now beyond that permitting the use of 15,600 cubic feet per second, and that is already contracted for. However, a number of the industries taking part of their power from this side of the line also take part of their power from the other side. The other side, under some form of embargo, are stopping the export from Canada of the power contracted for and diverting it to public uses, thus cutting down the operating power of establishments on this side that are now being run, their machinery going full head, and which are very important industries.

Mr. SMITH of Michigan. Affecting, for instance, the lighting plant of the city of Niagara Falls.

Mr. STONE. Yes; the city of Niagara Falls has been notified that it will be cut down 25 per cent in its lighting capacity. That is a public utility, but there are private utilities that are being likewise affected. Now, if this joint resolution goes through, it merely enables the use of the additional 4,400 cubic feet of water power to take the place of power now being diverted on the other side and required to supply the needs of machinery, the use of which is being lost through the action on the other side, as my friend from Mississippi [Mr. WILLIAMS] suggests to me, because of the power subtracted by Canada.

Mr. LA FOLLETTE. What quantity of water are these companies authorized to take now for power purposes?

Mr. STONE. On this side?

Mr. LA FOLLETTE. On this side.

Mr. STONE. They are authorized to take 20,000 cubic feet per second.

Mr. HITCHCOCK. No; Mr. President, I think that the chairman of the committee misunderstood the question. These companies are not authorized to take 20,000 cubic feet, but the treaty gives the United States the right to take that much. These companies, however, are only permitted to take 15,600 cubic feet, as I recall.

Mr. STONE. That is absolutely correct. I thought the Senator was asking me to what extent water might be diverted by the United States under the treaty.

Mr. LA FOLLETTE. Under what authority are they permitted to take 15,000 cubic feet?

Mr. HITCHCOCK. The act of Congress only gave the War Department the right to issue permits for that amount.

Mr. LA FOLLETTE. When was that act of Congress passed?

Mr. HITCHCOCK. In 1910, I think.

Mr. LA FOLLETTE. My recollection of the matter is rather vague, but was there not considerable controversy at the time as to whether as much water should be permitted to be drawn from the Niagara River as 20,000 cubic feet? Was there not a very vigorous protest on the part of a great many people in this country, and was it not claimed that if that amount of water was withdrawn it would seriously diminish and affect to a very considerable extent the flow of water over the falls?

Mr. HITCHCOCK. My recollection is that that was the inducement to the making of the treaty with Great Britain, by which Great Britain agreed to limit the withdrawal of water provided the United States would do likewise.

Mr. STONE. All that was discussed at the time the treaty was made, and 20,000 cubic feet were allowed to the United States and 36,000 cubic feet to the other side. The United States have utilized only 15,600 cubic feet. There was a discussion about the effect on the Falls of this diversion of water. That was discussed when the treaty was under consideration; it was also discussed here on the floor of the Senate.

Mr. LA FOLLETTE. It was discussed when the action of Congress limiting the amount to 15,000 feet was taken.

Mr. STONE. It was then discussed.

Mr. LA FOLLETTE. It was discussed at that time, as I recollect.

Mr. STONE. Now, as we are informed, the total of all this diversion amounts to approximately 25 per cent of the natural flow. Canada, as I am told, was allowed a larger withdrawal of water than the United States because of the contention that the Chicago Drainage Canal, emptying into the Mississippi River, was taking a large amount of water from the Great Lakes, and

there was in addition some other diversions of lake water by the United States. In consequence, whether wisely or unwisely, we entered into the convention by which the British Government was allowed nearly double the amount of water diversion this Government was allowed. So far we have not been permitted to use even the 20,000 cubic feet allowed to the United States for reasons which have been stated.

Mr. LA FOLLETTE. Mr. President, is the Senator advised, I will inquire, whether the taking of this additional quantity of water for power purposes would operate to reduce the lake level?

Mr. STONE. Mr. President, the Senator asks me——

Mr. LA FOLLETTE. That inquiry is, in my mind, for the reason that I know that the water drawn from the Lakes for the Chicago Drainage Canal has operated to reduce the water level in the Lakes to the serious injury of commerce.

Mr. STONE. Mr. President, I do not wish to go into that scientific argument. My information is that only about 10,000 cubic feet per second flow from Lake Michigan into and through the canal referred to by the Senator. That and some other diversions in smaller quantity were taken into consideration at the time the treaty was made, and on the general calculation it was considered that the granting of 36,000 cubic feet at Niagara to the Canadian or British authorities would about equalize the amount that we were getting on this side.

Mr. LA FOLLETTE. I have just caused an inquiry to be made of the Board of Engineers with regard to the possible effect of this increased diversion of water for power purposes upon the lake levels, and am advised that it would be negligible.

Mr. SMITH of Michigan. Mr. President, if the Senator from Missouri will permit me, I should like to say to the Senator from Wisconsin that there has been pending before the Secretary of War for some time an application to appropriate about 2,600 cubic feet of the amount which we could appropriately take under our treaty, but in excess of the amount now used, and that the Secretary of War has publicly said—in fact, he said it the other day before the House Committee on Foreign Affairs—that he would grant that right, and that the Chief of Engineers and the district engineer all concurred that it could be appropriately done if he had the power. I think, under the safeguards that have been thrown around this joint resolution, it being but temporary in its character, we can afford at least to assist the present users of Canadian power on the American side without any fear of bad effects. The limitation of 15,000 cubic feet, approximately, was made before the treaty was made or ratified; and when the treaty was made it was determined that the appropriation of 20,000 cubic feet per second daily by the United States and 36,000 cubic feet per second daily by Canada would not in any way impair the scenic beauty of Niagara Falls.

Mr. STONE. Mr. President, I wish to say to my friend from Wisconsin that I am in sympathy with his idea that commercial diversions of water should not be permitted that would appreciably lower the level of the Lakes or perceptibly affect the scenic beauty of the Falls. I am informed that engineers who have been brought into consultation have stated that even 40 per cent of diversion from the Niagara would not affect either of those things. At present the diversion is less than 25 per cent.

Mr. BRANDEGEE. Mr. President, will the Senator answer me this question: Do I understand correctly that the water that is diverted is not permanently withdrawn, but goes right back into the river and thence into the Lakes again? I do not see how the question of the level of the Lakes is concerned in this matter. How can the level of the Lakes be affected? The water is taken from just above the Falls and then goes back into the river.

Mr. STONE. At least, it might affect the Falls.

Mr. BRANDEGEE. It can not possibly affect the lake levels, can it?

Mr. STONE. It can not, as I see it.

Mr. WADSWORTH. Mr. President, will the Senator from Missouri yield?

Mr. STONE. Yes.

Mr. WADSWORTH. May I say something partly in reply to the Senator from Connecticut? The point at which the water is taken for the power plants upon the American side is just above the Falls.

Mr. BRANDEGEE. Yes.

Mr. WADSWORTH. Taking water from the river at that point for the purpose of producing power will have no more effect upon the levels of Lake Erie and Lake Michigan and Lake Superior and Lake Huron than allowing it to proceed and go over the Falls.

Mr. BRANDEGEE. The Senator has the same idea that I have about it.

Mr. WADSWORTH. Mr. President, just a remark, if I may, with the permission of the Senator from Missouri, with reference to the figure 15,600 cubic feet per second. As I understand it, when the Congress made up its mind that these waters and their use for power purposes should come under the jurisdiction of the Federal Government the power plants then completed at Niagara Falls on the American side, or approaching completion, had a maximum capacity of 15,600 cubic feet per second. The Congress passed an act known as the Burton law, as I understand, prohibiting any companies upon the American side taking more water than they had already made investments for, so to speak. In other words, they set by statute a limit of 15,600 cubic feet per second. The purpose of that was to prevent any more companies being organized, any more penstocks or dynamos being installed, or any more water being used pending negotiations between Great Britain and the United States. When the treaty was made between Great Britain and the United States the whole matter of the preservation of the scenery, and, incidentally, the level of the Lakes, was taken into consideration; and as a result of that negotiation it was agreed that the scenery could not be injured by the taking of 20,000 cubic feet per second from the American side and 36,000 cubic feet per second from the Canadian side.

The life of the Burton Act, as I understand, was to come to an end with the making of the treaty; but since the making of the treaty, which permits 20,000 cubic feet to be diverted on the American side, the War Department has held that it is not authorized to exceed the amount set in the Burton Act. During all these years the American companies taking water from the American side have been limited by action of the War Department in its construction of the law to 15,600 cubic feet per second. This joint resolution of mine simply permits the companies with machinery already installed—forbidding them to install any further machinery, forbidding even their customers who buy power from them to install any additional machinery for the use of power or the consumption of power—to take the amount, and not exceeding the amount, permitted by the treaty itself, which is 20,000 cubic feet per second.

Mr. BRANDEGEE. Mr. President, will the Senator allow me to state here that, as I understand, the life of this resolution is not only limited to six months from the date of its passage but the permit to be issued by the Secretary under the authority of the resolution is revocable at any time within that period, at the discretion of the Secretary.

Mr. WADSWORTH. That is right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WALSH. Mr. President, I should like a little further information about this matter. I have been listening to this discussion with a view to ascertaining the reason for the special consideration that is to be given to this measure, and to learn what exigency exists that requires this speedy action. The general subject of water-power legislation has engaged more or less of the attention of the Senate, and I have been quite diligently seeking to have consideration for general legislation dealing with this all-unimportant subject. I believe that the Members on this side of the Senate, at least by formal action taken, feel obligated to invite the attention of the Senate at some early day to the pending legislation. There is now on the calendar a bill dealing with the subject. I am very naturally desirous of enlisting the active interest and support of everybody interested in water-power legislation. I do not recall that up to the present time we have had any very interested cooperation from the Senator from New York; and I should very much like to see his bill dealt with in connection with the general subject, that we might have his interested cooperation, unless, indeed, there is some exigency which requires us to take this up as a separate and independent measure in this extraordinary way. I should be glad to be enlightened.

Mr. WADSWORTH. Mr. President, in reply to the inquiry of the Senator from Montana as to what constitutes the emergency which calls for this legislation, may I say, in the first place, that the joint resolution has been drafted by the Secretary of War in consultation with the Army engineers who have given this matter study for some time. It has been drafted and presented for the reason that the Canadian Government has commandeered a large proportion of the power generated on the Canadian side for its own uses or for municipal uses in Canada, which prior to such commandeering had been imported into the United States and used by our industries along the Niagara frontier. Not only had it been used along the Niagara frontier, Mr. President, but I may say also that a goodly portion of the power which drives the street cars in the city of Rochester, the city of Syracuse, and a large number of towns and villages

along the line of the New York Central Railway between Buffalo and Syracuse is generated at this point. A large number of industrial plants along that line are seeking this power; but having it taken away by the Canadian Government the burden placed upon the power houses on the American side of Niagara Falls has been tremendously increased. They are unable to meet the demands of their customers for more hydroelectric power, which is used in the manufacture of a large number of chemicals, which in turn are essential for the successful conduct of many of the greatest industries of the United States. The last action of the Canadian Government in withdrawing power from importation into the United States has indeed brought about a serious situation, where the Niagara chemical plants have had to inform their customers all over the United States that the supply of chemicals which they have been accustomed to sending out must be decreased very materially. One may realize the importance of this situation when one remembers that at Niagara Falls are manufactured in the chemical plants practically all the alloys which go into the manufacture of high-grade steel; and if the Niagara Falls chemical plants were shut down, as the result of failure on their part to get electrical power from the power plants, the steel industry of the United States in many respects would be absolutely crippled.

These same alloys, for instance, go into the manufacture of armor plate for our battleships. They are made, as I understand, only at Niagara Falls, due to the growth of the enormous electrochemical industry there. The automobile industry would be seriously crippled, for the reason that it uses in large quantity an abrasive manufactured at Niagara Falls for the grinding of steel tools and the grinding of parts of automobile engines. That is to be cut down very seriously.

Mr. WALSH. Mr. President, I hope the Senator from New York will understand that I have not the slightest objection to this measure. Indeed, I am heartily in favor of it.

Mr. WADSWORTH. The Senator asked me to tell what the emergency was which gave rise to the pressing of the joint resolution at this time.

Mr. WALSH. Yes; and so I wanted to know from the Senator when this power was commandeered—power that was utilized upon this side, from the development on the other side.

Mr. WADSWORTH. It has been commandeered, Mr. President, in varying amounts by the Canadian Government during the last year. I think the last embargo was placed within the last 10 days. The danger line has now been reached.

Mr. WALSH. That is, the thing commenced a year ago?

Mr. WADSWORTH. It has been going on for a year—the embargoing by the Canadian Government of the exportation of power from Canada.

Mr. WALSH. So that if we could get the general legislation up within the next couple of weeks, the situation would be reasonably taken care of?

Mr. WADSWORTH. Mr. President, these enormous industries, upon which are dependent in turn hundreds of industries all over the country, can scarcely risk all their future upon the chance of Congress in the next two weeks passing general legislation.

Mr. WALSH. The situation in the State of New York is different from the situation in my State only in this—that the money is all ready to go into the enterprise in our State, and I have been here for two years begging this body to pass the legislation in order to permit the investment to be made.

I have no objection to the joint resolution.

Mr. STONE. Mr. President, I have been quite in sympathy with the Senator from Montana, as he knows, but I think these things ought not to be confused.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution reported by the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 1092) for the establishment of a probation system in the United States courts except in the District of Columbia, reported it with amendments and submitted a report (No. 887) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 178) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, reported it without amendment, and submitted a report (No. 888) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7487) to promote the reclamation of arid and swamp lands of the United States, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. ASHURST:

A bill (S. 7488) to cancel allotment made to Ollie House, or Om-O-wat, on Shoshone Reservation, Wyo.; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 7489) for the relief of the survivors of McLean's Pennsylvania Regiment and their widows and children; and

A bill (S. 7490) for the relief of Thomas W. Miller (with accompanying paper); to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 7491) to promote the settlement and agricultural development of United States reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. THOMPSON:

A bill (S. 7492) granting an increase of pension to Inez A. Hatchett (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7493) granting an increase of pension to Howard E. Hoadley (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7494) granting an increase of pension to David Draper;

A bill (S. 7495) granting an increase of pension to P. T. Simmonds;

A bill (S. 7496) granting an increase of pension to Irvin Tatum;

A bill (S. 7497) granting an increase of pension to Enock Medsker;

A bill (S. 7498) granting an increase of pension to Orville C. Gordon;

A bill (S. 7499) granting an increase of pension to John C. Trimble;

A bill (S. 7500) granting an increase of pension to Andrew Ormston; and

A bill (S. 7501) granting an increase of pension to Andrew Fifer; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7502) authorizing the Secretary of the Navy to make donation of condemned naval guns and cannon balls to the John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., to be placed in public parks; to the Committee on Naval Affairs.

A bill (S. 7503) authorizing the appropriation of $50,000 to reimburse the city of Renton, in the State of Washington, for damages done in the destruction of the outlet of the sewerage of said city; to the Committee on Appropriations.

A bill (S. 7504) to amend section 4 of the act to regulate commerce passed February 4, 1887, and subsequent amendments thereof; to the Committee on Interstate Commerce.

A bill (S. 7505) to punish the storing of foodstuffs for the purpose of cornering the market, and for other purposes; to the Committee on the Judiciary.

A bill (S. 7506) granting an increase of pension to William H. Phelps; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 7507) granting an increase of pension to James A. Montgomery (with accompanying papers); and

A bill (S. 7508) granting an increase of pension to Nelson Coffen (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 7509) granting an increase of pension to James Hill; to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 188) providing for an appraisement of lands in Osage County, Okla., owned by Osage Indians, as allottees or as heirs of tribal members; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. POINDEXTER submitted an amendment proposing to appropriate $5,000 to be expended under the direction of the Department of Agriculture in cooperation with the extension

service of the State College of Washington for the extermination of destructive crickets in that State, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to appropriate $1,000 for an investigation of conditions on the Navajo Indian Reservation, Ariz., with respect to the necessity for constructing for the use of Indians suitable bridges across the Little Colorado River and the Canyon Diablo Creek in the vicinity of the Leupp Indian School on said reservation, intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 for an investigation of the conditions on the Gila Bend Indian Reservation in Arizona with respect to the necessity of constructing for the use of Indians a diversion dam with a bridge superstructure across the Gila River on that reservation, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to increase the salaries of clerks and messengers to the committees of the Senate, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the wages, salaries, or compensation of all persons employed by the United States Government, District of Columbia, or either House of Congress, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CHILTON submitted an amendment proposing to appropriate $225,000 for payment of interest to owners of lots, pieces, or parcels of land or their heirs or legal representatives who were included in the report and award of the court commissioners of the District of Columbia to condemn the land for the enlargement of the Capitol grounds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the superintendent of sewers, engineer commissioner's office, District of Columbia, from $3,300 to $3,600, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the maintenance of the Columbia Hospital for Women and Lying-In Asylum from $20,000 to $25,000, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

EIGHT-HOUR LAW.

Mr. HARDWICK. Mr. President, I desire to give notice that on Thursday, January 4, 1917, it will be my purpose to address the Senate in support of the bill introduced by me to amend the act entitled "An act to establish an eight-hour day for employees of carriers in interstate and foreign commerce."

STOCK-RAISING HOMESTEADS—CONFERENCE REPORT (S. DOC. NO. 641).

Mr. THOMAS. Mr. President, the conference report on the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, has been submitted and is now on the table. It is very essential that action should be taken on that report before the Senate takes a recess. I shall, therefore, be obliged to call it up to-morrow morning, either during the morning hour or after the morning hour has expired.

REPORT OF INTERNATIONAL HIGH COMMISSION (H. DOC. NO. 1788).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the report of the United States section of the International High Commission on the first general meeting of the commission held at Buenos Aires, April 3–12, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 20, 1916.*

[The report accompanied similar message to the House of Representatives.]

COLUMBIA HOSPITAL.

The PRESIDENT pro tempore announced the appointment of Mr. GALLINGER to succeed himself as a director on the part of the Senate of the Columbia Hospital for Women and Lying-In Asylum, as provided for in the act of June 10, 1872.

HOUSE BILL REFERRED.

H. R. 18542. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

HOLIDAY RECESS.

The concurrent resolution (H. Con. Res. 67) relative to adjournment from Friday, December 22, 1816, to 12 o'clock m. on Tuesday, January 2, 1917, was read twice by its title and referred to the Committee on Appropriations.

Mr. MARTIN of Virginia. From the Committee on Appropriations, which has considered that resolution in anticipation, I report it back to the Senate and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? The Chair hears none, and the Secretary will read the resolution for the information of the Senate.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 22, 1916, they stand adjourned until 12 o'clock meridian on Tuesday, January 2, 1917.

URGENT DEFICIENCY APPROPRIATIONS.

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. MARTIN of Virginia. Mr. President, I make a similar report, that bill having been considered in anticipation. I report it back to the Senate and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, namely:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For the support of dependent families of enlisted men, including the same objects and under the same limitations specified in the appropriation for this purpose in the Army appropriation act for the fiscal year 1917 as amended by section 901 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, $4,250,000.

MINT AND ASSAY OFFICES.

Denver, Colo., Mint: For wages of workmen and other employees, $12,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $25,000.

Philadelphia Mint: For wages of workmen and other employees, $110,000.

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, expenses of the annual assay commission, wastage in melting and refining and in coining departments, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint, $100,000.

San Francisco, Cal., Mint: For wages of workmen and other employees, $18,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department and in the coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $7,500.

New York assay office: For wages of workmen and other employees, $25,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $20,000.

DISTRICT OF COLUMBIA.

SUPREME COURT.

Miscellaneous expenses: For such additional miscellaneous expenses as may be authorized by the Attorney General for the supreme court and its officers, made necessary by the occupancy of temporary quarters pending the reconstruction of the courthouse, Washington, D. C., including an electrician at the rate of $900 per annum and a laborer at the rate of $600 per annum, $3,750, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

DEPARTMENT OF JUSTICE.

PUBLIC BUILDINGS.

For an additional amount for the removal and readjustment of all office furniture and fittings in connection with the occupancy of temporary quarters by the officials and employees of the courthouse, Washington, D. C., including personal and other services, and for every item connected therewith, $2,000.

For rent of temporary quarters for the office of the recorder of deeds pending the reconstruction of the courthouse, Washington, D. C., $5,000, to be available during the fiscal year 1918.

The two foregoing appropriations shall be expended under the direction of the Superintendent of the Capitol Building and Grounds and payable one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

Mr. OVERMAN. I wish to say right here that I shall not oppose the bill, but it was stated in the Senate that the payments to the wives of guardsmen who were absent on the border would not exceed two million, and it was put at two million; and this is a deficiency for over $4,000,000 until the 1st of April. If it goes on there is no telling how much it will cost.

Mr. SMOOT. The estimate is $8,000,000.

Mr. OVERMAN. The estimate sent down here is $8,000,000. That will make $10,000,000. I wish to call the attention of the Senate to the fact that we can not be governed by estimates stated in arguments on the floor. It was said that it would cost $2,000,000, and there is an estimate for $8,000,000, and this is an appropriation of $4,000,000. We shall probably have to appropriate the other $4,000,000 later.

Mr. MARTIN of Virginia. It matters not what the estimate was; Congress passed a law providing that so many dollars a month should be paid to the soldiers' families who were unprovided for, and after Congress passed that law entitling those families to receive that amount an appropriation was made which will be exhausted before the end of this month. Here is a law which provides that there shall be paid $50 a month for each family, or an amount not exceeding that sum. The money has not been appropriated to pay that obligation of the Government, which was undertaken by Congress beyond this month, and the appropriation now carried by this bill will pay it until the 1st of April, and no longer.

Mr. VARDAMAN. May I ask the Senator from Virginia how much the bill carries?

Mr. MARTIN of Virginia. Four million two hundred and fifty thousand dollars for this purpose.

Mr. VARDAMAN. What time will it cover?

Mr. MARTIN of Virginia. To the 1st day of April. It does not authorize the expenditure of a dollar that Congress has not already directed. It simply appropriates money to meet an obligation that Congress has already assumed.

Mr. HITCHCOCK. I should like to ask wherein this miscalculation occurred? Was it in the number of wives whose support became necessary or was it because of the length of time the soldiers were required to be on the border?

Mr. MARTIN of Virginia. I have no doubt both. One could not be accurate; it was merely a speculative estimate, perhaps made by some one on the floor. I do not know that the War Department ever prepared any careful figures on the subject.

Mr. THOMAS. I do not think any estimate was made.

Mr. MARTIN of Virginia. I say I do not think there was any estimate made by the department; but Senators expressed an opinion as to the amount which would be required.

Mr. THOMAS. I wish to call attention to the fact that when the measure was before the Senate for discussion some of us then predicted that this identical condition would present itself. It is now necessary to appropriate $4,000,000 for this purpose. I understand from the Senator that that is designed to cover the period of time between the present and the 1st of April.

Mr. MARTIN of Virginia. That is all.

Mr. THOMAS. But, as the Senator said, we enacted the law, we made provisions for this outlay, and we must now meet it. It is too late to object to it.

Mr. OVERMAN. I am not objecting to it.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. MARTIN of Virginia. I do.

Mr. LA FOLLETTE. The implied criticism of the Senator from North Carolina [Mr. OVERMAN] upon Senators who had something to do with the moving and the adoption of this provision of law when the military bill was pending is, I think, entirely without warrant. It was upon my motion that the amendment was made. I named that sum because the House upon an earlier bill or at an earlier period had made an appropriation of that amount. I know I did not assert and I have no recollection of anybody asserting on this floor that that would be a sufficient amount to cover the provisions of the law. No one could tell anything about how long the National Guard were to be kept on the border. No one knew whether it would be a week or 2 weeks or 10 months or years.

It is not my recollection at all—and I can speak very definitely with reference to what I said—that anyone said on this floor that $2,000,000 or $2,500,000 would be a sufficient appropriation to meet the requirements of the case more than for the time being. And whatever it may be, Mr. President, whether it be $2,000,000 or $10,000,000, the appropriation should be made.

Mr. OVERMAN. If the Senator from Virginia will yield to me a moment, I did not make any criticism. I am in favor of the appropriation, because the law calls for it. It is my distinct recollection that when the bill called for $2,000,000 it was said that would be the amount needed; and I think the Senator from Colorado [Mr. THOMAS] and others predicted that it would be larger. It may be at least ten million.

Mr. MARTIN of Virginia. Of course, nobody could tell what amount would be required, because it depended on the length of time the soldiers were kept on the border. Who could tell whether they would be kept there 1 month or 12 months? It was impossible to make any estimate that would be at all accurate. The object was to provide $50 a month during the time the soldiers with families were kept in the service of their country, and this amount is needed for that purpose.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I do; I yield the floor.

Mr. VARDAMAN. Mr. President, I was very much opposed to the enormous appropriation that was made in the last session for what was known as preparedness, but this is one expenditure that I agreed was entirely right. It not only provided, I understand, for the care and support of the wives and families of the members of the National Guard, but provided for the wives and families of the Regular Army men. I want the RECORD to show that this money is not all going to the National Guard. It is going to the wives and families of the Regular Army troops during their service on the border as it is to the families of the National Guardsmen.

I heartily agree with the Senator from Wisconsin [Mr. LA FOLLETTE] that whatever amount of money may be necessary it is the duty of Congress to appropriate.

Mr. LEE of Maryland. Mr. President, in this connection I would like to state that the original amount was suggested largely in behalf of the National Guard, and that on the urgency of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Massachusetts [Mr. LODGE] the Regular soldiers were included, though it was not supposed that the Regular soldiers had any dependents, because the system in the Army is to exclude men from enlistment who have dependents. Furthermore, it was not supposed that a man who would enlist for $15 a month could possibly have dependents. It has turned out the other way. It has turned out to be the fact that a large number of the Regular enlisted men have dependents. In addition to that, the time has gone beyond the time anybody in the origin of this matter thought it would cover. The National Guard and the Regular troops as well are kept on the border in this indefinite manner, and it is proper that the provision for their dependents should go on, as it has been made by every civilized government in the world, for the care of the families of the soldiers on the border.

Mr. GORE. Mr. President, I should like to ask the chairman of the committee if he has any data showing how many members of the National Guard are receiving money in behalf of their dependent families and how many members of the Regular Army. I think the thin edge of the wedge is already inserted in the Treasury. I remember the Senator from Maryland [Mr. LEE] urged the passage of this measure originally out of a lofty sentiment of patriotism. He indicated that it would not be any material charge against the Treasury. Some of us thought that it might sooner or later become a serious draft on the Treasury of the United States. Now, it seems it is not to pass away as a mere matter of sentiment, but that the heroes are really after the substance as well as the show of patriotism.

I should like to have a little data on that, because I remember distinctly the Senator from Maryland said there would not be many who would avail themselves of this very generous and patriotic offer.

Mr. MARTIN of Virginia. I have not gone into an inquiry as to the number. The number is, in my judgment, entirely immaterial. Congress authorized the payment of $50 a month to the families of soldiers on the border who were dependent, and the Secretary of War was authorized to ascertain those dependent families and pay them not exceeding $50 a month. The number of those at present I do not know, but I know he

reports to Congress that the appropriation made for this purpose will be exhausted before the end of the month of December, and he estimates the amount which is contained in this bill to pay for the support of these families until the 1st day of April.

It is a plain obligation of the Government. They agreed to pay the families of these soldiers not exceeding $50 a month, the necessary amount to be ascertained by the Secretary of War. The amount was ascertained and it was to be paid, and the Government ought either to pay it or repeal the law.

The Government owes this money; it has provided by law that it should be paid; and I think it is a very just and meritorious provision.

Mr. GORE. Mr. President, I realize the obligation that has been imposed or inflicted on the Government. I do not think, however, the data or statistics are entirely immaterial. We may be obliged to confront this policy in the future. I should like to know now how many of these soldiers are already beneficiaries of these special payments of the Government, with a view of determining in the future whether we should relieve married men with dependent families from the obligation to render military service. It was insisted by myself and by others that we ought not to take these men away from their families; that we ought not to drag these heroes away from their wives and their dependents; that they ought to be allowed to stay at home; and that young men without such encumbrances or such obligations should be sent to the front to vindicate the Nation's honor. I still think it would be a matter of economy and would have saved millions to the Treasury and would not have jeopardized either the vital interests or the honor of the Republic.

I have some curiosity to know how many of these men are availing themselves of this tender on the part of the Government. Although we are now under no financial embarrassment, the revenues are abundant, and the obligations of the Government are inconsiderable, there might come a time when even United States Senators would consult economy and consult the interests of the taxpayers, and, notwithstanding their abounding generosity, they might determine it to be a matter of prudence to allow married men and men with dependent families to stay at home with their families and allow single men to go to the front in order to effect this economy.

Since asking the chairman the question I have come into possession of the statistics desired. There are now on the border approximately 40,000 members of the Regular Army. The families of some 1,700 of these are receiving payments under this policy. There are now on the border approximately 120,000 members of the National Guard. Fifteen thousand of these have made application for the benefits of this appropriation. Approximately 10,000 are now receiving the benefits of this appropriation; that is to say, the dependent families of 10,000 guardsmen are now receiving payments out of the Treasury of the United States. This has aggregated, up to date, approximately $2,000,000. It is estimated that it will amount to $8,500,000 before the close of the current fiscal year.

I maintain that these men should be honorably discharged and restored to their families, and that this could be done without seriously impairing the efficiency of the border defense. The $8,000,000 thus saved would pay half the cost of a first-class battleship. It would pay for the construction of eight first-class submarines and twice that many submarines of a lesser type. This is more than the average annual amount expended on our entire coast defenses during the last 30 years. In my judgment, such a policy would be in the interest not only of sound economy but of well-directed and effective national defense.

Mr. LEE of Maryland. Mr. President, there was no sentiment at all in the suggestion or advocacy of this appropriation. It was done for the purpose of protecting a man who was summoned by his country to undertake military duty, leaving his trade or business, that that man should not be confronted with bankruptcy when he gives that service to his country.

I believe, Mr. President, that there were some who wished to have the National Guard system confused and made utterly disagreeable to the men who are participating in it and who did not want to have their families provided for; but it was done. I want to tell the Senator from Oklahoma that not a dollar of this money is going into the pockets of the soldiers. He is entirely mistaken when he says it is a pension to the soldiers.

Mr. GORE. I understand perfectly well it is going to the families.

Mr. LEE of Maryland. When the soldier is away the money goes to the support of the family, who are not getting the wages the soldier got when he was at home. When the soldier comes back the support is no longer tendered by the Government. That is the universal practice of all civilized nations. The Canadian Government gives its soldiers a dollar a day and takes $20 a month out of this $30 and adds $20 more to it for the support of the family. So all over the civilized world today it is recognized that the man who does the fighting for his country is entitled to have the country feed his family when he is not at home.

Mr. POINDEXTER. Mr. President, I notice a number of items for an increase in the payment of the wages of employees in the mints and assay offices at a number of different places. Will the chairman of the committee inform the Senate the occasion for an emergency appropriation for the payment of wages in mints and assay offices?

Mr. MARTIN of Virginia. It is because they are working double time, night and day, and they are unable to supply the demand for coin at even that. It is not to raise the wages but an increased pay roll of laborers is necessary to do the work of the mint. The work has increased in some instances fivefold, and they are without the money to carry on the coining that is absolutely necessary for the business of the country.

Mr. POMERENE. I desire to say in this connection that I have had various complaints from bankers in and about Cincinnati to the effect that there was not a sufficient amount of small bills or fractional coins in that section of the country, and my inquiries showed that the mints would be closed down unless the appropriations were made. I feel that there is a very great necessity for this particular appropriation at this time.

Mr. UNDERWOOD. Mr. President, I understand the bill reports only $4,000,000 for the relief of the families of those members of the National Guard and Regular Army who are on the border. I ask the Chairman if my information is correct?

Mr. MARTIN of Virginia. Four million two hundred and fifty thousand dollars, which will carry the burden until the 1st day of April only.

Mr. UNDERWOOD. I should like to ask the chairman of the committee if the estimate of the Quartermaster Corps did not call for a very much larger sum than that.

Mr. MARTIN of Virginia. It did; but it was impossible to say how long the National Guardsmen would be kept on the frontier. In view of the probability of their being relieved from duty there in the near future the House and the Senate committee, and I think both wisely, determined that it would not make an appropriation to extend beyond the 1st day of April.

Mr. UNDERWOOD. What was the full amount estimated?

Mr. MARTIN of Virginia. Double the amount; but that estimate carried it until the 30th of June.

Mr. UNDERWOOD. The 30th of June would be double?

Mr. MARTIN of Virginia. Double the amount in this bill.

Mr. UNDERWOOD. Eight million five hundred thousand dollars?

Mr. MARTIN of Virginia. Yes.

Mr. UNDERWOOD. Mr. President, I wanted the RECORD to show what I believe will be the condition of affairs in reference to this appropriation. I think this appropriation is a very meritorious one. I do not think this great Government of ours can afford for one moment to occupy the position that it is not going to take care of the families of these men on the border. As far as I myself am concerned, I should prefer to make the appropriation the full amount requested by the department. In the first place, if the troops are ordered home before June it will not be necessary to spend it, and at present it looks like there was no possibility of a large number of troops being ordered away from the border before very late in the spring at least. The reason why I say that this appropriation is particularly meritorious——

Mr. SMITH of Michigan. Will the Senator permit me to ask him a question?

Mr. UNDERWOOD. Yes.

Mr. SMITH of Michigan. On what does he base that last statement? Has the Senator any information which leads him to believe that our troops will not be taken away from the border in the immediate future?

Mr. UNDERWOOD. I have no direct statement to that effect, but I have made inquiries as to when certain regiments from Alabama are likely to come home, and I can get no definite reply which would indicate that they would come home before late in the spring. I have no definite information, however.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. REED. Perhaps I can give a little light on that question. A number of companies and regiments from the State of Missouri have been on the border from the very first. Those troops were mobilized in two hours' time and ready to go to the front long before the War Department was ready to furnish them with the transportation. Some regiments from other States were ordered home some months ago. I then insisted at the War Department that it was only fair that the troops which arrived first should be returned first; that if they were going to return the troops they ought to be returned in the order of their arrival. I was informed that the entire question as to who should be returned and when was left to the commanding general, Gen. Funston. From that time to this date I have renewed my efforts. Some of our troops have been returned and some of them are still held. When I make inquiry I am told in substance and effect that these troops can not be taken from the border at this time; that the conditions are such that they find it necessary to retain them at their present places.

The War Department appreciates the hardships that these men are undergoing and the hardships which their families are enduring; but the necessity is such that they can not at this time order the troops back. What that may mean, what that necessity is, the Senator from Michigan can as well define as myself; but manifestly the War Department is impressed with the fact that it must keep a considerable force upon the border until conditions change. What may or may not change those conditions I can not say; but it would appear that at least these troops must be kept there until some sort of definite arrangement or settlement has been effected and until conditions in Mexico change, so that the necessity for the troops no longer shall exist.

I make that statement, because it may throw a little light on the situation. I thank the Senator.

Mr. UNDERWOOD. Mr. President, I thank the Senator from Missouri for his statement. His information is more full in reference to the movement of the troops than that which I myself possess. I am sure that those in authority are endeavoring to do what they consider just and equitable and fair so far as the movement of the troops home from the border is concerned, and yet it seems to me that they overlook the fact that those troops, who were ordered to the mobilization camps in July, kept in the mobilization camps for months, and then sent to the border, are suffering practically as much hardship as are the men who went to the border in July, and that the time they have served in mobilization camps should be taken into consideration as well as the time they have served on the border.

Alabama has three full regiments of infantry on the border, a full regiment of cavalry, and two artillery companies. Those organizations were called out early in July; I do not remember the exact date; but at the time the other National Guardsmen were ordered out by the President. They were kept at the mobilization camp in Montgomery until some time in September or October.

So far as the batteries are concerned, they were ordered to the mobilization camp in Montgomery; they were not furnished with horses and were furnished with only part of their equipment. They practically had to remain in camp doing guard duty, without an opportunity to be trained, and they were not removed to the border, where they could get training, until about the 1st of October. So it is my judgment that it is only fair that, in considering the service of these men and the quotas that are allowed to come home, the authorities should take into consideration the service in the mobilization camps as well as on the border.

What I was really coming to, however, was the hardship on numbers of these men. It is repeatedly stated in the papers that the National Guard as a second line of reserves has broken down and is a failure. Mr. President, I think a statement of that kind is an absolutely unjust reflection on the men who are serving in the National Guard to-day, and who are endeavoring to render patriotic service to their country. If the National Guard has broken down, then the Regular Army has broken down. The National Guard has been able to mobilize more men on the border than the Regular Army has been able to mobilize on the border; the National Guard has been able to recruit its units up to the same standard of efficiency and numbers that the Regular Army has been able to recruit its units.

The National Guard, it may be true, are not so well drilled or so well trained for camp service as are the units of the Regular Army; but, if that is so, whose fault is it? Is it the fault of the National Guard, is it the fault of the States, or is it the fault of the Federal Government? The Federal Government has passed a law creating the National Guard as a second line of reserves. Until they were called out was anything done by the National Government to promote and develop that second line of reserves? Not a thing.

You may say that after the passage of the Army reorganization law the National Government has not had the opportunity, except when they were ordered to the border, to properly organize and promote the efficiency of these men in the National Guard. That is true; it has not; but if it has not, why put the blame on the National Guard? The charge that they have proven inefficient does not properly rest on the National Guard. So far as I can determine our organization of the National Guard as the second line of reserves has demonstrated, without cavil, its efficiency and its importance as one of the arms of defense of the National Government in time of war.

We have been absolutely unable up to this time to recruit the Regular Army to the quota which Congress has provided for immediate service. It may be that the recruiting officers have gone at it in the wrong way; it may be that the industrial conditions in the United States, under which there is a great demand for labor, high wages, and increased opportunities to make money, to some extent are responsible for the young men of the country not joining the Regular Army. I think it is so; but there are other reasons why we have not been able to recruit the Army up to the full quota that is provided by law and I think that the initial fault lies in the legislation itself.

We have written on the statute books a law that says that if any young man in the United States desires to serve his country in the Regular Establishment, he is required to make a contract with the United States Government by which he agrees to surrender himself to his Government, his time, his service, and, if the necessity arises, his life, under a contract of seven years' service. Take the boy who is 18, with seven years of life taken away from him, seven years to serve his country for his clothes and his food and $15 a month. A man might respond to a call of that kind from patriotic motives; he might respond to defend his country, and would do so; hundreds of thousands of young men in this country will come to the standard if in time of war their country needs their services; but we are building an Army under peace conditions. Here is no compulsory service; there is no reason why one boy should surrender seven years of his life to his country rather than his neighbor's boy; and if you ask him to do so under peace conditions, you must make the life inviting and the service which he renders agreeable, or he will not volunteer; and when you want to raise an army you are compelled to resort to a compulsory enlistment.

Put yourself in the place of a young man 18 or 20 years of age in your State, or, if you have a boy of that age, think of your own boy. He is asked to put his name to a contract that signs away seven years of his life, seven years when he has an opportunity to get a college education, seven years when he has an opportunity to develop his business talents, seven years in which he has the chance to fix his place in life. Under the law now on the statute books you say that he must come to the standard and agree to a contract that he will serve three years with the colors and four years in reserve. Then you find you are not raising sufficient men to keep up your military establishment; that you are not getting the men to fill out the new regiments and the new companies and the new brigades. They are not responding. You have passed a law asking these young men to make a contract for seven years of service for $15 a month and rations, when you know that the great steel mills of this country are paying common labor $3 a day, that on the farms of this country men are being paid $40 a month and board under conditions where a man can be a free man and his own agent. Do you think under your law you are going to induce men to enter the military service? I am sure it can not be expected of them. If you are going to have volunteer and not compulsory service, you will have to change the law, or you will not get the necessary number of men.

I am not for compulsory service in time of peace. I believe this country should be reasonably prepared to defend itself against a foreign foe should some misfortune involve us in the horrors of war, but I do not believe that it is necessary for us to keep the military establishment on land that has been maintained in the past and will be maintained in the future by the great Governments of Europe.

Mr. ASHURST. Mr. President, I have here a House joint resolution, which has been reported favorably from the Senate Committee on Indian Affairs and which ought to pass the Senate before the holiday recess. I was going to inquire if the Senator would be kind enough to suspend and allow me to make this report and ask unanimous consent to consider the joint resolution at this time?

Mr. UNDERWOOD. I desire to finish my remarks, but I can do that later in the discussion of the bill. However, I am not

in charge of this bill. The Senator from Virginia [Mr. MARTIN] has the bill in charge.

Mr. MARTIN of Virginia. I will say to the Senator from Arizona that I do not think it is possible that it can be of more importance to pass the joint resolution which he has in mind than it is to pass the pending bill, which is an emergency appropriation bill.

Mr. UNDERWOOD. As I was saying when my line of thought was interrupted, I do not think it is necessary in this country for us to maintain a great standing army; but I do believe that we should have a sufficient standing army to prevent any other nation in the world landing hostile troops on our shores as a second line of reserve to a great Navy and to defend our country until we can call for volunteers and put in the field an army that our country is capable of raising in time of war. If you had compulsory service, of course it would not be contemplated to require every man above 18 years of age who was of sound mind and sound health to serve in the Army; but I take it that those who are the proponents of compulsory service in the United States contemplate passing a law that would require every man who is between certain ages and is of sound health to be subject to military duty. I take it that if we entered upon that line of legislation, that policy of government, we would probably follow the example of military service in Germany or France. We would probably say that all the young men of sound mind and sound health in this country between the ages of 18 and 23 should be subject to military duty. If we did, it would mean the enlistment of four or five million men. Four or five million men carried in the Army at the same cost as the expense of the maintenance of the Regular Establishment to-day would mean that we would entail on the people of the United States an expense of some four or five hundred million dollars a year for the maintenance of the military arm of the Government alone, not taking into consideration what would be paid for the maintenance of the Navy or for pensions.

I do not believe for a moment that so great a burden would be satisfactory to the American people. I do not believe that the American people are prepared to consent to universal military service—I mean, universal military service such as I have indicated—nor do I believe that the people of this country are prepared to expend four or five hundred million dollars a year for the maintenance of an Army alone.

Then, if you say that you are going to have compulsory military service instead of a volunteer corps, but you do not want to bring into that service the entire population of young men between the ages of 18 and 23 who are sound in health and mind, I ask you how you are going to designate, out of four or five million men in the United States, whom you are going to take? Are you going to take the rich man's son or the poor man's son? Are you going to let political influences keep one boy out of military training and drive another one into it because he has not those political influences to protect him?

When you talk about compulsory military service in this country, those are the problems that you must face. You may say that you are going to enroll all of these men between these ages; that you are going to keep a list of them; that you are going to hold them ready for service. If you do so, you interfere with their making contracts for their life work. If you tell a boy "You are on the military list; you may be called out at any time; we will not call you or pay you now, but you can wait four or five years to find out," is that boy in position to prepare for his college education? If he is a rich man's son, his father may send him, pay the bill, and take the chance of his being ordered away from his studies to do duty in the barracks; but if he is a poor man's son he must either go to college at great sacrifices on the part of his parents, or possibly make great sacrifices himself, work and labor to secure the money with which to pay his way through college.

Many a boy has made a contract with a neighbor and friend by which he was enabled to borrow the money to see his way through college, with the understanding that when he finished his college course he would come back to the farm, to the factory, or the law office, and do the work that would pay back that debt which he contracted to pay for an education. But when you enter upon this proposal of a compulsory military system for the youth of this land, you say to thousands—nay, more, you say to hundreds of thousands—of young men in this country "The door to your education is closed on you forever, because you are not going to have the opportunity to make these contracts. You are not going to have the opportunity to get this college education unless you have discriminations made in your favor."

When I think of this situation, Mr. President, it brings to my mind the picture of the pampered child that I see on some of the streets in Washington, streets that are shadowed by the palaces of men of great wealth, a child being led down the street, a nurse with a French cap on her head, a footman walking behind leading a dog, somebody rushing at every crossing to see that the child will not be run over by an automobile, the child carried across the street to keep his feet out of the mud. I never see that happen that I do not say, "God help that boy, because he has no chance on earth to be a man." And so it goes on as he grows older—tutored by private teachers so that he may not feel the rough breath of the world against him, pampered at college, brought out into the world with a gold spoon in his mouth, and with no force of character, no power to struggle against misfortune in him if his father's millions should desert him.

And then I see the picture of the great genius of American life; I see the picture of the boy rail splitter in old Kentucky walking 4 miles through a winter day for the only book that he had from which to get an education; I see the picture of that boy, with lighted pine knots burning in a broken rock chimney, with the light from that fire the only light by which he can study at night after the day of labor. I see there a character builder; I see there a boy growing to real manhood, with no father's millions to inherit; only brains and character inherited from a strong father and a good mother. As you follow the picture of that boy into the Halls of this Congress and into the Executive chair of the Nation, and you realize that Abraham Lincoln was not forced to serve at a military camp for seven years of his life; that an opportunity for education was not driven from him; that he had the freedom of action, thought, and life that builded the great man that served and saved this Nation, then I ask you, because somebody says that our present system has failed; that the National Guard is no good as a second line of reserve; because somebody has said that we can not maintain a standing army by the voluntary system, are you going to enter upon a system of compulsory enlistment that would drive the Abraham Lincoln of to-day into a contract with his Government for seven years' service and deprive him of the opportunity of an education, of a life of freedom of thought and action that may be of more value to his country in the years to come than a hundred thousand men armed cap-a-pie on a battle front?

Is there any man in this country to-day looking at the future who would say that this country in the hour of great peril, the hour of impending disaster, would have exchanged the patience, the kindness of heart, the great force of character, the seeking after high ideals, the determination to stand for what is right and abhor what is wrong, the patriotic love of his country, that was found in Abraham Lincoln for any number of battalions of soldiers that you might place on the battle line and say the exchange would have been worth while for your country in that hour of danger?

Yet these advocates of compulsory service overlook the fact that if anybody is going to escape this compulsory service it is the boy that is growing up with the French maid carrying him across the gutters and the liveried footman following behind with his poodle dog. It is not the rail splitter of Kentucky or of Arizona or the earnest worker of our great Eastern States who is delving in the mills and factories to take care of himself that would be exempt from this service.

Mr. President, I am not one of those who believe that you make men, and make great men, by throwing unreasonable restrictions about them. The Creator of the universe did not intend it that way. Man was put in this world to fight his own battle, to build his own character, and when you take the opportunity of that freedom of action and freedom of thought away from him you are tearing down the man, instead of building him up.

UNFINISHED BUSINESS.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. LODGE. I ask unanimous consent to introduce a joint resolution filling a vacancy on the Board of Regents of the Smithsonian Institution, and I request its present consideration.

The joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused

by the resignation of Andrew D. White, of New York, be filled by the appointment of Henry White, a citizen of Maryland.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA.

Mr. ASHURST. I ask unanimous consent to submit a report (S. Rept. 889) from the Committee on Indian Affairs. It is the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

I ask that it be read because I purpose asking unanimous consent for its present consideration.

The PRESIDENT pro tempore. Without objection, the Secretary will read the joint resolution.

The joint resolution was read, as follows:

A joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

Resolved, etc., That the Secretary of the Interior is hereby authorized to extend the time for payment of the final installment due on the purchase of tracts of the surface of the segregated coal and asphalt land area belonging to the Choctaw and Chickasaw Tribes, sold under the act of Congress approved February 19, 1912 (37 Stats. L., p. 67), to four years after the sale was made instead of two years, as provided in section 5 of the said act: *Provided*, That the accrued interest on all installments to date when due and the principal of the second installment, if due, shall be paid before an extension as herein provided may be granted: *And provided further*, That in all other respects the provisions of existing law shall apply to these purchases.

Mr. ASHURST. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. REED. Mr. President, I wish to get some information from the Senator regarding this joint resolution before we vote on it. What is the reason why the extension is asked and why should it be granted? We ought to have a little light.

Mr. ASHURST. I think I can make a very brief and concise statement.

In February, 1912, the Congress of the United States authorized the sale of the surface of certain segregated coal and asphalt lands belonging to the Choctaw and Chickasaw Tribes of Indians. Payments were to be made annually and all payments but the last have been made. One of the payments was extended prior to this time. It happened that by reason of that extension two payments ran together, which imposed a hardship upon some of the purchasers. This joint resolution which has passed the House extends the period of time for making such payments on the final installment from two to four years.

I wish, however, to make the observation that pending the payment the rate of interest to be paid to the tribes will be 5 per cent whereas the money that they derive from the sale of this land draws only 4 per cent, and there is in the Treasury over $5,000,000, in round numbers, to the credit of this tribe, $4,000,000 to one tribe and $1,000,000 to the other tribe. So the money is not immediately necessary.

I was requested by the Senator from Oklahoma [Mr. OWEN] to make this report and to ask unanimous consent for the present consideration of the joint resolution.

Mr. REED. Can the Senator tell us why this large sum of money is held there and not distributed? Does the Senator know?

Mr. ASHURST. This is not money that is to be distributed. The distribution, of course, of any fund would come in the Indian appropriation bill. The bill last year provided for the distribution of all moneys that anybody thought ought to be distributed, and the appropriation bill we are now working on provides for a further distribution. It is not intended to distribute this fund at all. It draws interest, as I said, at the rate of 4 per cent, but the deferred payment draws interest at the rate of 5 per cent.

Mr. REED. Will the Senator tell us who are the purchasers who have made default or are about to make default?

Mr. ASHURST. I wish to say that no forfeiture has been declared whatever by the Secretary of the Interior. It is only the surface of the land that is sold, and in large measure for agricultural purposes. This is the last payment, and it is somewhat of a hardship, so far as I understand the situation, for the various purchasers to make the final payment now.

I see no objection to it; there was no objection in our committee to the joint resolution.

Mr. REED. Would not the deferring of this payment put off the date of final settlement with the Indians, the final turning over to them of the money?

Mr. ASHURST. I think not, Mr. President, for the reason that additional funds are coming to the credit of the tribe to be taken out from time to time, and the distribution of other funds is being made to those entitled to it. I see no harm that will come from the passage of the joint resolution, whereas some hardship might come to the purchasers who unfortunately are now unable to make the final and last payment, this being the third and final payment.

Mr. REED. Have these Indians been consulted about this proposition of deferring the time when their creditors shall pay?

Mr. ASHURST. The joint resolution passed the House within the last week. It came to our committee this morning. We had rather a large attendance before the committee, and the two Senators on the committee—with perfect respect to all other members—who, in my judgment, know the most regarding the affairs of the Oklahoma Indians—I refer to the Senator from Oklahoma [Mr. OWEN] and to the Senator from Kansas [Mr. CURTIS]—both agreed that the joint resolution should be passed. There was no opposition expressed, either before the House committee of which I know or before the Senate committee, to the joint resolution. I am very sure the Indians involved would rather have the 5 per cent that will be paid to them on the deferred payment than to have the 4 per cent that the money would draw from the Treasury. They do not stand in any immediate need of the payment because, as I said, they have $5,000,000 available to them now in the Treasury.

Mr. REED. The Senator asked unanimous consent. I am curious to know——

Mr. SHEPPARD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SHEPPARD. It is my understanding that the Senator from Massachusetts [Mr. LODGE] asked that the pending business be temporarily laid aside, in order that he might present a joint resolution for the appointment of a regent of the Smithsonian Institution. Am I correct?

The PRESIDENT pro tempore. That joint resolution was presented and passed, and then the Senator from Arizona [Mr. ASHURST] asked unanimous consent to have the joint resolution presented by him from the committee considered.

Mr. ASHURST. If the Senator will yield to me, I will withdraw it.

Mr. UNDERWOOD. It may be that the Senator will not after I state the parliamentary situation as I understand it. Before the hour of 2 o'clock arrived, before laying the unfinished business before the Senate, which has not been done yet, the Senator——

The PRESIDENT pro tempore. The Chair will state to the Senator from Alabama that he is in error in that respect. The Chair laid before the Senate the unfinished business at 2 o'clock.

Mr. UNDERWOOD. I did not so understand. I did not hear the Secretary report it.

The PRESIDENT pro tempore. The Secretary did report it.

Mr. UNDERWOOD. Then I was mistaken.

Mr. SHEPPARD. I ask unanimous consent that the unfinished business be now resumed.

Mr. ASHURST. If I may have the floor for a moment, I do not wish in any sense to impede the progress of the unfinished business. I thought I saw an opportunity to pass the joint resolution. I think it ought to be passed; it is an important measure; but I withdraw it rather than impede the progress of the unfinished business.

Mr. REED. Mr. President, a parliamentary inquiry. The joint resolution having been laid before the Senate by unanimous consent, and unanimous consent having been given for its present consideration, is it subject to withdrawal by anybody? Is it not before the Senate and the unfinished business of the Senate now by unanimous consent?

The PRESIDENT pro tempore. The Chair would be inclined to submit such a question for the determination of the Senate.

Mr. HUGHES. I make the point of order that there is no quorum.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martin, Va.	Smith, Mich.
Bankhead	Gore	Martine, N. J.	Smoot
Beckham	Gronna	Nelson	Sterling
Brady	Harding	Norris	Sutherland
Brandegee	Hardwick	Overman	Swanson
Bryan	Hitchcock	Owen	Thomas
Chamberlain	Hughes	Page	Thompson
Chilton	Husting	Phelan	Townsend
Clapp	James	Pomerene	Underwood
Clark	Johnson, Me.	Reed	Vardaman
Colt	Jones	Saulsbury	Wadsworth
Culberson	Kenyon	Sheppard	Walsh
Curtis	La Follette	Sherman	Warren
Dillingham	Lane	Shields	Watson
du Pont	Lea, Tenn.	Smith, Ariz.	Williams
Fernald	McCumber	Smith, Ga.	Works
Fletcher	McLean	Smith, Md.	

Mr. THOMAS. My colleague [Mr. SHAFROTH] is absent on account of illness. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce that the Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. OVERMAN. I desire to announce the absence of my colleague [Mr. SIMMONS] on account of illness.

Mr. HUSTING. I desire to announce that the Senator from South Dakota [Mr. JOHNSON] is absent on official business.

Mr. MARTINE of New Jersey. I wish to announce that the Senator from Illinois [Mr. LEWIS] is detained at home by illness.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present.

Mr. ASHURST. Mr. President, during the morning hour I attempted to secure recognition for the purpose of making a favorable report on House joint resolution 306, but I was unable to secure such recognition. Some moments ago I secured recognition for the purpose of making a report from the Committee on Indian Affairs on House joint resolution 306. I made a brief explanation as to the same, at the request of the Senator from Missouri [Mr. REED]. The joint resolution, as I said, is important. The Senator from Oklahoma [Mr. OWEN], who was called from the Chamber, requested me to make this report, and I very gladly did so, because I saw the importance of the Senate acting favorably upon it. To my surprise, certain opponents of a certain bill, I fear, are going to use my report as a subterfuge through which they may talk, apparently, upon the report I have made on another bill. Not wishing to put myself in a position where I am innocently and inadvertently impeding the progress of other legislation, I now withdraw the report.

Mr. REED. Mr. President——

Mr. ASHURST. I have it in my possession, and withdraw it.

Mr. REED. I make the point of order that the Senate by unanimous consent has proceeded to the consideration of the joint resolution; that that is the business before the Senate; and that no individual Senator can arrest the work of the Senate upon which it is proceeding by unanimous consent by stepping to the desk and getting the report on the bill and carrying it away in his pocket. That is a method of withdrawing business from the Senate which is unique.

Mr. ASHURST. And effective.

Mr. REED. But which I have never known to be effective, except, possibly, in some of the western courts where the Senator has practiced with great distinction.

Mr. SHEPPARD. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Missouri will state his proposition.

Mr. SHEPPARD. My point is that since the unfinished business was laid before the Senate the Senate has taken up one or two matters only by unanimous consent, and that the consideration has continued only because no objection was raised. I ask that the regular order be laid before the Senate, which is Senate bill 1082, the unfinished business.

Mr. REED. Mr. President, that is a unique position, that when a bill is laid before the Senate by unanimous consent it then only remains there as long as everybody unanimously consents to have it remain. That is the first bit of parliamentary law of that character that I have ever heard.

Mr. SHEPPARD. I ask for a ruling of the Chair.

Mr. REED. Unanimous consent was asked to take up the joint resolution for present consideration. Unanimous consent was granted. Thereupon the Senate proceeded to the consideration of the joint resolution. It was duly read to the Senate; it is before the Senate, and nothing can take it away from the Senate except a vote by the Senate. Not even the strong right arm of the Senator from Arizona can withdraw it by taking physical possession of the papers. If the Senator really meant that seriously and if he were to persist in it, he would place himself in contempt of the Senate, and I know he would not do that. He would violate every rule and law and precedent. It would then get to be a question when anybody wanted to stop the passage of a bill of rushing to the Clerk's desk and grabbing the papers and making a speedy exit; and "the race would be to the swift" and "the battle to the strong"; the fellow who could grab the most and run the fastest would be the most effective legislator and the greatest statesman.

Mr. HITCHCOCK. Mr. President, I desire to make a parliamentary inquiry. Is it not a fact that a point of order was made at the time the Senator from Arizona attempted to withdraw the joint resolution and the Chair submitted that point of order to the Senate, and that that point of order is now before the Senate?

The PRESIDENT pro tempore. No; the Senator from Nebraska is mistaken. The Chair simply stated that he would be inclined to submit it to the Senate. He did not submit it to the Senate.

Mr. HITCHCOCK. It was not submitted?

The PRESIDENT pro tempore. It was not submitted.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Iowa will state it.

Mr. KENYON. Does the RECORD show that unanimous consent was granted? My recollection is that the question was raised as to unanimous consent, but no opportunity was given to object and the discussion started off at once.

The PRESIDENT pro tempore. The Chair will state that unanimous consent was given and the Secretary proceeded to read the joint resolution.

Mr. SHEPPARD. Mr. President, regular order.

Mr. SMOOT. I understood the regular order was that there had been a point of order raised to this effect, that unanimous consent having been given to the consideration of the bill the Senator asking unanimous consent for the consideration of the bill had no right to withdraw his request, that that rested entirely with the Senate of the United States, and it could only be obtained by the unanimous consent of the Senate or by a vote of the Senate. Am I right?

The PRESIDENT pro tempore. That was the point which was made when it was stated that the Senator from Arizona desired to withdraw the joint resolution. Now, the regular order is called for, whatever effect that may have on the situation.

Mr. SMOOT. Then the regular order would be the decision of the Chair as to that point of order.

The PRESIDENT pro tempore. The Chair, as the Senate will recognize, is somewhat young in the performance of his duties. It was the understanding of the Chair and it is the statement of the Chair that the unfinished business was laid before the Senate when the hour of 2 o'clock arrived, and that the Senate then proceeded, as is the custom in this body, by unanimous consent to consider matters that were not likely to produce a discussion. Without undertaking to refine and refine the rules and distinguish them, the Chair is of the opinion that on a call for the regular order under these circumstances the unfinished business becomes the matter before the Senate for consideration, and will so rule.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Chair, of course, would be very glad to submit an appeal from that decision, which will be determined by the Senate.

Mr. SMOOT. Mr. President, just a moment. If the situation is as stated by the Chair, perhaps he is right in his decision; but I understand it differently, and the question may arise at some time when there is a great deal more involved than at present. I understood the Chair to say that we were proceeding by unanimous consent in the consideration of measures that would not lead to debate. Of course, if we had any such understanding, then the ruling of the Chair would be right; but as I understand the record to be, the unfinished business was laid before the Senate and immediately upon that being done by the Chair while the unfinished business was before the Senate the Senator from Arizona rose.

Mr. REED. Will the Senator permit me to interrupt him? Before the Senator from Arizona rose the Senator from Massachusetts [Mr. LODGE] rose and presented some matter to the Senate, upon which action was taken. I did not hear distinctly what it was.

The PRESIDENT pro tempore. It was a joint resolution for the appointment of a member of the Board of Regents of the Smithsonian Institution.

Mr. REED. That intervened, and then the Senator from Arizona rose and asked unanimous consent to present out of

order a joint resolution. The joint resolution was presented. He then asked unanimous consent for the present consideration of the joint resolution. Unanimous consent was granted. That joint resolution is now before the Senate, if a measure can be put before the Senate.

Mr. SHEPPARD. The Chair has ruled differently.

Mr. SMOOT. If the Senator will now allow me to conclude my statement, as I remember, the Senator from Arizona presented a conference report.

The PRESIDENT pro tempore. He reported House joint resolution 306 from the Committee on Indian Affairs.

Mr. SMOOT. Then it was a joint resolution reported from a committee of the Senate?

The PRESIDENT pro tempore. Yes.

Mr. SMOOT. And he asked unanimous consent for its immediate consideration?

The PRESIDENT pro tempore. Yes.

Mr. SMOOT. It being granted, the Senator obtaining the unanimous consent has no right to withdraw his request. The resolution can only be withdrawn by unanimous consent of the Senate or by a vote of the Senate.

I am interested in having no precedent made which might in the future arise to plague us. I should like to see the unfinished business brought before the Senate at this time; but I believe, Mr. President, considering how the request was made and the unanimous consent granted, that the only way that the joint resolution reported from the committee by the Senator from Arizona [Mr. ASHURST] can be laid aside is either by unanimous consent of the Senate or by a vote of the Senate.

The PRESIDENT pro tempore. The Chair will say to the Senator from Utah that the Chair was about to state, on the statement made by the Senator from Missouri of the facts, it is clear to the Chair that the ruling should not have been made as the Chair made it, and that the business before the Senate is the joint resolution reported by the Senator from Arizona.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed to the consideration——

Mr. REED. I had the floor, and have the floor.

Mr. SHEPPARD. The Chair has recognized me.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Texas.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 1082.

Mr. REED. Now, Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. Mr. President, I am a little surprised to be taken off my feet in that way. I had been holding the floor. The Senator from Utah [Mr. SMOOT] in the meantime made his point. I sought to elucidate it. The Chair made his ruling, and I was still standing here on my feet. I do not think I lost the floor.

The PRESIDENT pro tempore. The Chair will state to the Senator from Missouri that he understood the Senator from Utah had the floor, and that immediately upon the conclusion of the statement by the Chair in response the Chair recognized the Senator from Texas.

Mr. REED. I know the Chair meant to be entirely fair.

Now, Mr. President, in view of the statement that was made by my good friend from Arizona [Mr. ASHURST], that he withdrew the joint resolution and that he had it in his possession, I desire to call his attention and the attention of the Senate to the very serious nature of that statement.

Mr. President, in order that there may be no misunderstanding as to the seriousness of removing papers from the desk I call attention to Rule XXX of the Senate, which is as follows:

WITHDRAWAL OF PAPERS.

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

It will be noticed that the language is very plain that—

No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate.

So it would appear that the new doctrine of withdrawing a joint resolution from the Senate by grabbing it from the desk and disappearing with it is in the teeth of the Senate rules.

It also appears that the methods of the Senator from Arizona are not entirely a new discovery; that they have been resorted to in the past. In hastily glancing at Jefferson's Manual in the few moments which have intervened since this unique question was raised—unique now, although not in the past—I find the following at page 93, section 16:

SECTION XVI.—ORDER RESPECTING PAPERS.

The Clerk is to let no journals, records, accounts, or papers be taken from the table or out of his custody. (2 Hats., 193, 194.)

Mr. Prynne, having at a Committee of the Whole amended a mistake in a bill without order or knowledge of the committee, was reprimanded. (1 Chand., 77.)

Now notice this:

A bill being missing, the house resolved that a protestation should be made and subscribed by the members "before Almighty God and this honorable house, that neither myself, nor any other, to my knowledge, have taken away or do at this present conceal a bill entitled," etc. (Parliamentary debates, 5 Grey, 202.)

Imagine the condition we would be in should the Arizona practice prevail. It would no longer be necessary for any Member of the Senate desiring to obstruct the public business or to defeat a bill to resort to the tedium of debate, to weary himself in intellectual or verbal effort. All that he would have to do would be to get his fingers on the bill. Of course, he might do that in several ways.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do; certainly.

Mr. VARDAMAN. In view of the spirit manifested by the Senator from Missouri, I want to ask him if he will consent to vote on this bill next January—12 months from now?

Mr. REED. Oh, very much sooner than that. The fact that the Senator from Mississippi is impatient to vote upon the bill leads him to misconstrue the motives of those who want to proceed in order and under the rules of the Senate. There are many very splendid gentlemen in the world who allow their enthusiasm frequently to becloud their usually calm judgment. I hope that no one will be so unkind as to intimate that a just defense of the rules of the Senate is in the nature of the obstruction of public business. On the contrary, the only way to facilitate public business is to proceed in due order; it is the only way to safeguard the public rights. The man who undertakes these short-cut methods breaks down the orderly course of procedure and introduces chaos into the public business.

I was when interrupted remarking, Mr. President, that there would be several ways under this new rule to stop business. A bill might be withdrawn by force and arms. In that event the physically strongest man in the Senate would be the most effective. We would find men elected to this body because they are qualified for the contests of the prize ring or for rough-and-tumble battle. I was about to suggest that the method of withdrawing a bill might be under the Marquis of Queensberry or the London rules, but as we have gentlemen who prefer to pay no respect to the rules of the Senate, I apprehend they would be equally iconoclastic with reference to the rules of the prize ring. Accordingly, there would be no use in having adopted either the Marquis of Queensberry's illustrious regulations or those of the London prize ring. We would soon find ourselves proceeding under "packing-house rules," which, as I understand, permit everything, from the use of thumbs and teeth to the more primitive and feline method of scratching. Again, we might have other means devised for getting rid of business.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. HUGHES. I desire to make a parliamentary inquiry. Is the joint resolution, concerning which this debate is now going on, before the Senate?

Mr. REED. Yes, sir. The Chair so ruled.

The PRESIDENT pro tempore. The matter before the Senate is the motion of the Senator from Texas [Mr. SHEPPARD] to take up for consideration Senate bill 1082.

Mr. HUGHES. I understand that, but I mean to inquire are the papers in connection with the matter now before the Senate in possession of the Secretary and are they properly before the Senate?

The PRESIDENT pro tempore. Senate bill 1082 is in possession of the Secretary.

Mr. HUGHES. We are not discussing that. As I understand, unanimous consent was given for the discussion and consideration of a House joint resolution, and a unanimous-consent order was entered for the consideration of that measure. Then a motion was made to dispose of that business and put forward Senate bill 1082. Now, until the motion of the Senator from Texas prevails, if it does prevail, we are supposed to have before us the House joint resolution. The purpose of my inquiry is to learn from the Chair whether or not the papers in connection

with that House joint resolution are in possession of the Secretary?

The PRESIDENT pro tempore. The Chair rules that a decision on that matter or an answer to the parliamentary inquiry is not pertinent to the discussion of the motion to take up Senate bill 1082, but the Senator will be privileged to bring the matter up if the pending motion fails.

Mr. HUGHES. Mr. President, if the Chair please, I do not see how we can properly proceed to dispose of business that is not regularly before the Senate.

The PRESIDENT pro tempore. The Chair will have to rule the parliamentary inquiry out of order. The Senator can take an appeal from the decision of the Chair, if he desires to do so.

Mr. HUGHES. The Chair can not very well rule a parliamentary inquiry out of order. He can refuse to give a Senator the information if he has it, or plead his own ignorance, and say the Chair does not know whether the papers are on the Secretary's desk, but I am certainly entitled to that information. I am entitled to know whether or not the Senate is in possession of those papers.

The PRESIDENT pro tempore. The Chair will probably be able to furnish the Senator with that information when it becomes pertinent to the discussion.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. Mr. President, I wanted to complete my elucidation of this new method of transacting business. It might be that strength would not always prevail. Fleetness of foot and skill of hand might come into play. I imagine that a well-trained juggler might be a very valuable asset to have on either side of the Chamber, because the skill with which he could use his fingers might enable him to cause a bill to disappear by the employment of that species of legerdemain known as "Now you see it and now you don't see it."

Again, Mr. President, if a Senator can exercise this right, I do not see how any clerk having possession of the bill might not defeat its passage by putting it in his pocket and walking away with it. So, I think that if we were to adopt this singular method of withdrawing bills we would speedily reach a point where filibusters, at least, would not be necessary in the Senate. I imagine that we might have saved sitting up in the Senate for many long weary hours last summer a year ago when there was a filibuster going on against the river and harbor bill. At that time some very excellent Members of the Senate imagined that they smelled in the bill vast quantities of "pork," and that in contending against it night and day through the long, sultry hours they were doing a service to the country and saving the people much money. If the opponents of the bill had been acquainted with the Arizona rule, it would have been very much more convenient and expeditious to have simply had some one purloin the bill, and thus to withdraw it from the consideration of the Senate. We would not have had to maintain a quorum here all through the long, hot nights, but the country would have been saved, in the opinion of the gentlemen who were opposed to that particular measure. However, I do not desire to go further into detail. I think the imagination of Senators will be sufficient to paint the picture.

Now, Mr. President, I do not like to cavil with the Chair; but if it be true that a bill laid before the Senate has been, or may have been, withdrawn without the consent of the Senate, or if any Senator desires to ascertain that fact, surely the inquiry is one of the highest privilege and takes precedence of every other question. There can not, on consideration, be much dispute about that. The President pro tempore is of the opinion that, because there is a motion pending, the particular interrogatory can not be propounded; but the interrogatory could be propounded at any time, I maintain, with reference to any paper before the Senate, no matter what motion was pending; and it is especially true that it could be propounded in this instance. Why? Because, as the RECORD shows, a certain bill was laid before the Senate and is now before the Senate, and is the property of the Senate and is the business of the Senate.

Mr. GALLINGER. Mr. President——

Mr. REED. One moment. A motion is made, then, to take up another bill. That involves the question as to what business is before the Senate. The business before the Senate is contained in a paper that is the property of the Senate, and the Senate has a right to know whether that paper is here or not. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, it is very clear to my mind—and, in fact, that has been the custom of the Senate, as I have observed it through a long period of years—that a report or bill can not be withdrawn when it is once before the Senate except by unanimous consent or upon motion.

But what I rose particularly to say to the Senator was that I think he has been pretty severe in his animadversions upon the Senator from Arizona [Mr. ASHURST]. The Senator from Missouri speaks of "purloining a bill." Now, undoubtedly the Senator from Arizona had no intention of taking possession of the bill and keeping it in his possession, but he stepped to the desk and took it, as all of us have done on very many occasions. So, I think really that the Senator comes pretty near transgressing the rule, that dishonorable motives should not be imputed to Senators, when he says that the Senator from Arizona had any purpose in suppressing the bill in that way. I do not think he had.

Mr. REED. Mr. President——

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. REED. Yes.

Mr. ASHURST. I wish to thank my friend, the Senator from New Hampshire [Mr. GALLINGER], for his defense of my act in stepping to the desk and getting the bill, but I think the Senator is unduly alarmed. The ferocity of my distinguished friend from Missouri is only verbal.

Mr. REED. It never is any other way.

Mr. ASHURST. His ferociousness is only a verbal ferocity. He would be incapable of carrying out here or elsewhere in any way any of the threats and insinuations that he might make against me or any other person. He dearly loves a joke on all persons except himself, and then when the joke is upon himself he is very much like a hen on a hot griddle. If I have contributed to his amusement I am very much pleased.

Mr. President, I have not said a word in regard to the liquor bill. I felt that others who were interested in the legislation——

Mr. REED. Mr. President, I hope I am not losing the floor.

Mr. ASHURST. I only desire to take a moment.

Mr. REED. I am not going to object, but I do not want to lose the floor.

Mr. ASHURST. The Senator will not lose the floor. I only want it for a moment. I expect to vote against the referendum proposal and for the bill providing that the District of Columbia shall be "dry." A great many men say the saloon was put out of business. It was not; it committed suicide in Arizona and everywhere else by adopting in politics the tactics which my distinguished friend has adopted this morning. Let us be men and have a vote on that bill. I did not intend to say a word about it, but, as I have said, the saloon committed suicide because it spewed its slime upon politics, always unfairly and never fairly, and it ill becomes the Senator from Missouri or any other Senator to interpose extremely technical objections and motions against this bill, and it ill becomes him, pretending to be a friend of mine, to insinuate that I have purloined a bill.

Mr. President, that is all I have to say. If the Senate wishes to have me return to it House joint resolution 306 it will be returned. The interests of the Indians of Oklahoma may suffer, and whisky will still dominate the Capitol.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. If the Senator from Arizona before speaking had permitted me to reply to the Senator from New Hampshire [Mr. GALLINGER] I should have said that the furthest thought from my mind was any reflection upon the Senator from Arizona. I do not think that I used the term that the Senator had "purloined the bill." I stated that the Senator had said that he had withdrawn the bill and had it in his possession. Then I proceeded to discuss what might occur if the practice of withdrawing bills by taking physical possession of them were adopted; but in nothing that I said was I for a moment intending to reflect upon my friend the Senator from Arizona. He could not get me angry with him if he tried for a week, both because, as he has very pointedly said, I have nothing but verbal courage, and I know the Senator possesses every other variety of courage, and therefore, in my timidity, I would take refuge alone in words, and also because I hold him in the highest esteem, regard, and friendship, and, if the term were not too tender to employ as to the relations between men, I would say that I entertain for him a genuine affection. I know that he never stole or even purloined anything in his life and never will, but in his impetuosity and in his desire to extricate the prohibition bill from the parliamentary tangle in which it became involved, he did get the papers and announced himself that he had them; that "he had withdrawn them" and "had them in his possession," which I took to be tantamount to the assertion of a right to take the papers—not a purloining, but a taking in the broad daylight as of right. It was against that innovation I was directing my feeble and very gentle remarks. I hope that the Senator from New Hampshire will not always think that when I am discussing hypothetical cases I am referring to particular individuals.

Now, Mr. President, I am coming seriously, however, to the question propounded by the Senator from New Jersey. He asked for information from the desk as to whether a paper belonging to the Senate, and upon which the Senate was then deliberating, was in the possession of the Senate. The Chair declared that that question he would answer at the proper time, and that it was not pertinent at that time. I simply want to put in the RECORD, for whatever value it may possess, my assertion of the belief that a question of that kind is always pertinent; that it is of the highest privilege; and that it should always be promptly answered.

Mr. President, as to the remarks of the Senator from Arizona—some of them unkind, to the effect that I was pursuing the methods of the saloon by discussing his method of withdrawing papers—that is so far from the record in the case that I would not reply to it, but I know the remarks of the distinguished Senator may be torn from their context, published broadcast in this country, and I might be completely ruined; and therefore I protest that when I insist upon observing the rules of the Senate I am not pursuing the methods of saloons or any other methods but proper methods.

I hold no brief to defend saloons. There are two lines of thought in this country, held by men of equally honest purposes. One is that the way to stop the liquor evil is to pass a law absolutely prohibiting it in all parts of a country regardless of the personal views, the habits, or the methods of life of any of the people of that country. The other view, held by men who are equally devoted to the cause of temperance, is that the best way to suppress the evil is to deal with it as a local question, adopting prohibitory measures in those communities where there is a preponderance of opinion against the liquor business, and allowing a strict regulation in other communities, and to pursue this method until the people of all the various communities shall see fit to abolish the evil.

A map has been printed here. All of the United States that is shown in white, we are told is "dry." A few years ago it would have been nearly all shown in black. The white represents the "dry" territory, the black the "wet" territory. Thus, magnificent progress is shown to have been made. Now, when men entertain the view that this is a local question or a State question and that that is the best way to handle it, it is highly unfair, it is unjust, it is ungenerous, for any man to assert that one holding that kind of a view is in league with saloons. Because I do not see a question in exactly the same light as the Senator from Arizona it does not signify that he is a saint and I am a sinner, that he is a purist and I am in league with the powers of darkness. Both of us are driving to the same end, but he conceives one method to be the best and I conceive another method to be the best.

It is so with many other questions. There are those who believe in woman suffrage and, believing in it, would have a constitutional amendment adopted forcing it upon all States. There are others who believe it is a question to be settled by each State for itself. A man can entertain the latter view and be as much a friend of woman suffrage, and perhaps more, than the man who entertains the view in favor of an amendment to the national Constitution, forcing universal suffrage upon all States.

These gentlemen who thus drive on, demanding national legislation in favor of a proposition, overlook a very important consideration—that the power to enact that which they desire implies likewise the power to reverse that which they desire, and that if this country were to declare in favor of reposing in a general constitutional provision the right of women to vote, and we were to strike down the old principle that that is a question for each State to settle for itself, if discontent ever arose the Constitution might be amended to take away the right of suffrage from the women of the States, even though some States desired to grant it. The evil consists in destroying the right of the people in each State to deal with the question of suffrage for themselves.

In the particular bill that is before the Congress, it is proposed on the one hand to submit the question of prohibition to the people of the District. If that were done, if that precedent were established, it would furnish a very strong argument, if there should be a "wet" Congress elected here three or four years from now—which might readily occur—for the advocates of prohibition to say: "This law should be again submitted to the people of the District, and Congress ought not to exercise an arbitrary power." It might be a very strong bulwark in favor of the maintenance of prohibition in this District. It might be the means of preserving it. In the enactment of these various measures of reform, driving ahead to do something because we desire to do it in a speedy manner, we very frequently make the mistake of forgetting that the power we are employing and the means we are invoking may be employed and invoked by those who are upon the other side of the question.

Let me illustrate. There was a great demand in this country for the referendum. It was said that legislators were too much under the domination of certain sinister influences, particularly capitalistic influences; that railroads had too great a control with members of the legislatures of various States, and therefore that a right should be given to the people of a State to compel a reference of any law to them for their direct vote. Those who were the advocates of that measure were acting in good faith. They proceeded, and would heed no warning or suggestion. Every man who had a word to say against the referendum, or who called attention to the fact that it might become an evil, was at once denounced as a friend of corporations and as an enemy of the rule of the people.

So these laws were engraven upon the statute books of many States, including the State of Missouri. But, now, how has it worked? I am not familiar with other States, but I say to the Members of the Senate that since the enactment of that law we have not been able to crystallize into law in the State of Missouri a single great measure for the control of the corporations of that State. The same agitation that brought about the initiative and referendum, the same cry for relief, brought us general assemblies ready to enact the remedial legislation we desired. They did enact it, and immediately the corporations that were to be affected circulated referendum petitions. The moment those petitions were filed in accordance with law the law was suspended until the next general election, when a referendum vote would be taken by the people.

It has transpired in every one of these elections that a great number of propositions have been submitted to the people, so multitudinous, so intricate, that the voters have not understood what they were intended to accomplish, and accordingly, preferring the ills they suffered to those they knew not of, they have voted "no" on every proposition. I think until the last general election not a single measure has carried by a referendum vote. At the last general election I believe, although I am not certain—for the vote had not been fully returned the last time I heard from my State—there was a proposition passed to pension blind people.

I cite our experience merely that the Senate may understand that it is not always those who drive on regardless of principles or precedents who make the most speed. I utterly repudiate the statement that I stand here as the advocate of the saloon, or that I am in league with saloons. I imagine that I am as temperate in my habits and as much a friend of temperance legislation as the distinguished Senator from Arizona or any other man on this floor; but there can be an intemperance in legislation, and men can proceed so far as to destroy the very purposes they have in view.

Consider the case of forcing a law upon a people if nine-tenths of the people are against that law. Such a law under such conditions has never been enforced in the history of this country; and if not enforced, then the law comes into disrepute, and the evils which result from the dominance of an element that disregards the law far exceed the evil it was sought to remedy.

This has been tried. Bootleggers, blind tigers, murders, crimes, feasting places of villainy—all these things have followed in the wake of intemperate action, whereas proceeding along the line of submitting these questions to local people has resulted almost without exception in a sound enforcement of the law, in the building up of the moral tone of the people, in the eradication of the evil, and in the promotion of temperance. So that those who do not see these questions through the identical lenses of others may be, after all, the soundest and best friends of temperance and sobriety.

I regret that my friend from Arizona, with whom I was endeavoring to have a little pleasant passage at arms, saw fit to allow himself to make some derogatory remarks about my motives and purposes. Now, what are the facts?

The District bill was the unfinished business. It was laid before the Senate as the unfinished business. Everybody knows that when another legislative matter is laid before the Senate it becomes the unfinished business. The author of the District bill consent that another legislative matter should be introduced, or at least that another matter requiring the action of the Senate should be introduced by the Senator from Massachusetts [Mr. LODGE]. That, of course, had the effect of laying aside the regular order, of laying aside the District bill. Thereafter the author of the District bill allowed the Senator from Arizona [Mr. ASHURST] to ask and gain unanimous consent to take up another bill. He, of course, knew that that indefinitely laid aside his bill. He consented to it. He gave his own consent. Thereupon I asked the Senator from Arizona some questions in the best of faith—questions that I would have asked and

which ought to have been asked under any circumstances, because the Senate ought not to pass a bill affecting millions of dollars without some information; and it was during that time that the interesting fact developed that the Senator from Arizona said that he had withdrawn the bill, and that he had it in his possession. That led me to make some remarks upon the effect of that practice.

Now, Mr. President, I have said all I care to say on this question. I am glad the papers were returned, and I hope that the Arizona method will not be hereafter regarded as a precedent to be followed.

The PRESIDING OFFICER (Mr. HARDWICK in the chair). The question is on the motion of the Senator from Texas.

Mr. UNDERWOOD. What is the pending motion?

The PRESIDING OFFICER. The motion of the Senator from Texas [Mr. SHEPPARD] to proceed to the consideration of Senate bill 1082.

URGENT DEFICIENCY APPROPRIATION.

Mr. UNDERWOOD. Mr. President, when I was interrupted by an effort to take up a bill by unanimous consent I was discussing some of the features of H. R. 19178, a bill making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, carrying urgent deficiency appropriations for the Army. I was discussing the effect of compulsory military service on the opportunities of the young men of the country. I had given in some detail my views in reference to the effect of depriving these young men of the opportunity to get a college education and taking them away from their opportunities in life at the very age when business character was developing alongside of business opportunity. But it has another effect on the development of the character of men. It is not only depriving them of education, but the difference in the environment in which they must live must have a very serious effect on the character of the growing generation.

I am not now referring to the moral character of these men, but I am referring to the mental character, to the line of development for life work. Of course, I know that there are those who contend that by driving the youth of this country into military service we may improve conditions of labor and conditions of life in this country. The first question, though, is as to whether we are going to improve the conditions of citizenship, because the first place a man must occupy for the good of the country is the place of a good citizen; and the question to be considered is as to whether pouring men into a military mold, to turn them out by military law and military procedure, makes a higher class of citizenship, makes men with higher ideals of life, both moral and mental, than by giving them an opportunity of free development along the lines that they believe they are best fitted for, and in the bent to which their nature drives them.

My own judgment is that if we are to change the whole life of the Nation—a life we have lived for 136 years—and mold ourselves into a military nation, with all the limitations that must come from the change of form, it will not be beneficial toward the upbuilding of a great citizenship.

Except in actual time of war, we have never had anything in this country that approached compulsory military training. The youth of this land have grown up with home surroundings to guide their path in life with the opportunity when manhood was reached to branch out without limitations upon them except those that their mental capacity and ability to endeavor might place upon them. What is the result? As I said awhile ago, we have seen a man start out as a rail splitter in life and become one of the two greatest Presidents of the United States. We have seen a boy come from a cobbler's bench to be the Chief Executive of our Nation. We have seen boys who started out in life in the great iron mills of this country with nothing but their hands and their brains and their character to build upon, and we have not only seen them come to the head of an industry in which they served and we have seen them develop a great industry from a point where it was hardly to be counted in the competition of the world's traffic to a point where to-day they have developed it to be the master industry of the whole world. We have seen the office boy in a bank become the great financier of the Nation. We have seen the newsboy on the street reach the exalted position where in the forum of the church he became the master advocate of all that stood for good morals and good life, a leader among the men of the Nation.

Opportunity, Mr. President, under our system of freedom for 136 years has been given to the youth of our land, and now it is proposed, not for anything that is happening on our shores, not for anything that confronts us at our gates, not for any cause of quarrel that we have indulged in, to change the whole system of the Nation, to mold men in a military mold, and take away from them that freedom of action that has been the building of our men for a century and a quarter past.

Look to the shores of Europe. Look to the countries beyond the seas that have developed under a compulsory military system. It is true they have had great statesmen, great rulers, great scientists, great advocates; but as a rule they have not come from the people; they have been the birth of an aristocracy. In those countries in Europe that have maintained a compulsory military system, such as Germany and France and Austria, have you found a peasant boy who has become a Lincoln? Have you found the man in the foundry who delves with his hand becoming the captain of great industrial enterprises? Have you found the opportunity for the boy of poverty and want through his character and his brains and ability to build himself up until he becomes the head of a nation? No.

The human race has never developed in confinement. You might as well tell me that you can take a highwayman and improve his character by putting chains about his legs and locking him in a dungeon where he can not commit crime and say that in doing so you have developed his character, his integrity, and his morals, because you have chained him away from crime, as to say that you can make men of high and moral character by putting them in a strait-jacket or confining them in the ranks of a regiment. Men's characters are building; they grow; and no man can grow in confinement any more than a plant can grow in the darkness. For a man to develop physically he must have the opportunity for physical exercise. For a man to develop mentally you must give him the opportunity for mental exercise. For a man to develop morally he must have the opportunity to resist temptation and rise above it. You may keep his hand out of his neighbor's pocket by force, but you do not keep his heart from being the heart of a thief by force.

It is in this field of free opportunity, free effort, free development, a great Nation and a great people have been builded, and you will never be able to accomplish it by driving the youth of the land into military camps in time of peace.

I am not complaining against military training. In fact, I think a certain amount of military training is a good thing. It is a wise thing to do; but unless the life of the Nation demands it, I say it is an unwise thing to make military training compulsory. You build a machine to mold the character of these young men in the hour when their character is building and forming for life. I have had many letters on this subject. One I bear in mind. Last summer when it looked like this country was going to become involved in war on our southern border the President of the United States summoned troops to the colors.

The recruiting sergeants were filling the vacant places in the ranks. One boy of 18 in my State enlisted at his country town without the knowledge or consent of his parents. He was carried to the mobilization camp. Congress changed the law after he had been taken there, fixing the age at which a boy could legally enlist, without his parents' consent, at 18 instead of 21. This boy was then locked within the grip of the military service of this country. Then I received a letter from his mother appealing to me to get him out, saying the boy was not one of those strong young oaks that grow on the mountain tops; that he was a good boy, but that he was a weak boy; that he needed a mother's fostering care and the protection of a mother's loving arms; that she did not want her boy carried to a camp at the age of 18 and thrown in contact with older men whose characters in life were formed and whom she did not know. She did not want them to form the character and the life of that boy. She wanted to do it herself until he became older. I tried to secure the discharge, but he had made his contract and the law had said his contract was legal. The Government said we need men on the line, and he is there to-day. For good or for worse, somebody else is building that boy's life and character and not the mother with home surroundings.

That is the history of only one boy; but if you go to the compulsory military service of this Nation it means the same for all boys. It means for your boy and for my boy. I do not for a minute say that it should not mean your boy and my boy if his country needed him; we should be ready to give our boys to protect the life of the Nation if it is necessary; but in an hour of profound peace, a time when there is no nation threatening us, with a strong probability that no foreign foe will ever put his foot on American soil in five generations yet to come, shall we give up the present life of our Nation, the present opportunities of youth to adopt the methods of nations that for hundreds of years have been confronting each other with fixed bayonets? I do not believe it is the way to build youth into manhood. I know it is not the way to build a free nation.

But I have digressed from the real point I rose to discuss, and that is the National Guard and the reflections that have been made upon it by some high in authority. You should bear in mind, Mr. President, that this National Guard throughout the

United States was made up not of professional soldiers, not of men who had given their lives to war and the preparations for war, but it was made up of the young men of this land who were engaged in civil pursuits, who had homes and wives and families dependent upon them, who had enlisted in the National Guard of their several States, for what purpose? For the purpose of going beyond its border, of invading foreign countries? No. But for the purpose of protecting the peace and the property and the honor of their own States. Bear in mind that these men when called to the colors to serve their country had made no contract to serve the Government of the United States. When they made their original contract, enlistment service under the command of the President of the United States was not contemplated and it was not in the contract. It is true that we had a law on the statute books that authorized the units of the National Guard to volunteer for service in the Federal Establishment if they desired to do so, but there was no compulsion.

Then trouble arose on the Rio Grande. The black cloud of war seemed to loom on the horizon, and the President of the United States very properly, in order to protect the lives of American citizens, called the National Guard to the colors, and the Congress passed a law providing for the enlistment of the National Guard in the Federal constabulary, and providing that under their term of enlistment these men should take an oath to serve for seven years, three years with the colors and three years in the reserves.

Mark you, Mr. President, that when these units of the National Guard responded there was no obligation on their part to take the Federal oath except the obligation to serve their country well, the obligation of a patriot. Up to that time they had made no contract with the Government of the United States. Those in authority controlling our Army had not trained them, had not developed them, had only partially equipped them, and yet, Mr. President, almost to a man these men in the National Guard responded and took the Federal oath, signed the contract to serve their country, and were ready and prepared to go to the border and do their duty on the firing line.

That was in July. Congress only a few months before had passed laws making the National Guard the second line of defense in this country, providing for its organization and equipment. As I said up to the time when they were called out they had not taken the oath, they had not been organized; they had not been trained; they had not been given equipment for national service, and most of the men in the column had not gone into the service contemplating foreign service that would take them away from their homes.

Now, Mr. President, what I say is that it is no fault of these men that they were not trained. They have had no opportunity for training. In fact, if the Regular Army of the United States had been called to service and recruited with only the opportunity for training that has been given to these men in the National Guard they would have made a more complete failure than anything that has been charged against the State troops.

In my judgment, there is another reason that might interfere with the efficiency of the guard to-day, that would not to-morrow. Many of the men who responded because they thought it was a war summons would not have responded under other circumstances. They have left remunerative employment; they have left high salaries; they have left people at home to support; and although they are willing to give their lives and their services in time of war they feel that in time of peace the ones near and dear at home are entitled to their service first. Naturally they want to leave the service.

In the future every man who enlists in the National Guard will know as a part of his contract that he may be summoned for military service, and the man at home who has a family dependent on him will not enlist. It will only be confined to those younger men who have an opportunity to go without undue sacrifice. As a matter of fact, in my view, they are not being dealt with in a manner that will upbuild the service even after they have been trained and mustered out.

I note that the companies that are being sent home, Artillery companies for instance, probably having 140 horses or in that neighborhood. They are mustered out and sent back to their home camps. All their horses are taken away from them except probably 30. Then if they are again summoned to the colors how do you expect efficiency when they have to get 100 horses and train them before they can go to the front? Do those in command of the Regular Army expect to have a trained and organized efficient National Guard as the second line of reserves when they pursue a policy of taking the weapons of warfare out of their hands for training when they return to their homes and are not at the front?

What I want to say, Mr. President, in reference to this bill—and I want to complete it this evening if the Senate will bear with me for just a moment—is that we have a bill here to pay $4,000,000 to take care of the destitute at home of the soldiers who have gone to the front. Is there a man here who does not think they are entitled to it? They did not enlist with any idea of going to the front when they joined the National Guard. They are not professional soldiers. They only joined a citizen soldiery contemplating only home service; but you have ordered them to the front; you have taken the bread-winner out of the house, and in many cases the bread out of the mouths of his children. Then shall we be niggardly in the amount that we will pay these men and their families at home whilst they are serving their country on the border under these circumstances?

So far as I am concerned, I think they deserve every dollar of this money; so far as I am concerned, I am in favor of giving to the families of these men who were sent to the border under these circumstances the last dollar that the War Department says is needed to take care of them.

Mr. STONE. Would it interfere with the Senator from Alabama if we could have an executive session?

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I shall be glad to do so, but I was just about concluding, and I think possibly we may reach some agreement about the pending business before we go into executive session.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. Mr. President, I should like the unfinished business laid before the Senate, and then I desire to submit a request for unanimous consent.

The PRESIDING OFFICER. If the Senator from Alabama has yielded the floor, the question is on the motion of the Senator from Texas [Mr. SHEPPARD] to proceed to the consideration of Senate bill 1082. Does the Senator from Alabama yield the floor?

Mr. UNDERWOOD. I yield for that purpose.

The PRESIDING OFFICER. Then the Senator from Texas is recognized.

Mr. SHEPPARD. I ask for a vote on my motion, Mr. President.

The PRESIDING OFFICER. The question is, Will the Senate proceed to the consideration of Senate bill 1082?

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes.

Mr. SHEPPARD. Mr. President, I now desire to submit a request for unanimous consent that a day be fixed for a final vote on the pending measure.

The PRESIDING OFFICER. The Secretary will state the request for unanimous consent proposed by the Senator from Texas.

Mr. SHEPPARD. Should not the roll of the Senate first be called?

The PRESIDING OFFICER. The Secretary will first state the request for unanimous consent.

The SECRETARY. The Senator from Texas [Mr. SHEPPARD] submits the following request for a unanimous-consent agreement:

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on Friday, January 5, 1917, the Senate will proceed to the consideration of S. 1082, a bill to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, and during that calendar day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said day, January 5, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than three minutes upon any amendment offered thereto.

Mr. UNDERWOOD. As I understand, under the agreement as it stands the bill really could be taken up and voted on to-morrow; but I take it the understanding is that it shall go over as the unfinished business until after the Christmas holidays.

Mr. SHEPPARD. That is the understanding.

Mr. UNDERWOOD. That is satisfactory to me. Will the 5th of January be the first day after the holiday recess or the second day after that recess?

Mr. SHEPPARD. It will be the third day after that recess.

Mr. UNDERWOOD. Very well. I do not want the vote to come on the first day after the recess; that is all.

The PRESIDING OFFICER. The Secretary will now call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McCumber	Smoot
Bankhead	Gronna	Martin, Va.	Sterling
Beckham	Harding	Martine, N. J.	Stone
Borah	Hardwick	Newlands	Sutherland
Brandegee	Hitchcock	Norris	Swanson
Catron	Hollis	Overman	Thomas
Chamberlain	Hughes	Page	Thompson
Chilton	James	Pittman	Townsend
Clapp	Johnson, Me.	Poindexter	Underwood
Clark	Johnson, S. Dak.	Pomerene	Vardaman
Colt	Jones	Reed	Wadsworth
Culberson	Kenyon	Sheppard	Watson
Curtis	Kern	Sherman	Williams
Fernald	Lea, Tenn.	Shields	Works
Fletcher	Lee, Md.	Smith, Ariz.	
Gallinger	Lodge	Smith, Md.	

Mr. CLARK. I desire to announce the unavoidable absence from the Chamber of my colleague [Mr. WARREN].

Mr. CHILTON. I wish to announce that the Senator from South Carolina [Mr. SMITH] is absent on account of sickness in his family.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present. The question is, Will the Senate agree to the unanimous-consent order proposed by the Senator from Texas [Mr. SHEPPARD]?

Mr. GALLINGER. Let it be again stated, Mr. President.

The PRESIDING OFFICER. The Secretary will again state the unanimous-consent agreement proposed by the Senator from Texas.

The SECRETARY. The Senator from Texas [Mr. SHEPPARD] proposes the following unanimous-consent agreement:

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on Friday, January 5, 1917, the Senate will proceed to the consideration of S. 1082, a bill to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, and during that calendar day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said day, January 5, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than three minutes upon any amendment offered thereto.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator from Texas if he will not change his proposal so that it will read on "the 5th day of January," instead of "not later than 1 o'clock on Friday, January 5."

Mr. SHEPPARD. I accept that suggestion.

The PRESIDING OFFICER. That modification will be made by the Secretary, if there be no objection.

Mr. SUTHERLAND. Mr. President, very reluctantly I shall have to object to the proposition as now made, although I am quite willing to agree to any other date for a vote. On the 5th and 6th of January, however, I shall be obliged to be out of the city on important public matters. I am extremely anxious to be here when a vote is taken. I should have no objection to having a vote on the 4th of January or any other date except the 5th or the 6th.

Mr. JAMES. Make it the 8th of January.

Mr. REED. Mr. President, if it will relieve the situation, I will agree to make a special pair with the Senator from Utah, and make the pair nontransferable.

Mr. SUTHERLAND. I prefer not to do that. The Senator from Missouri and I will vote the same way on one aspect of the proposition, and perhaps against one another on another aspect of it. I intend to vote for the referendum, as I have already voted for it, and then, whether the referendum carries or not, I intend to vote in favor of the bill itself on the final vote.

Mr. UNDERWOOD. As I understand, the Senator from Utah states that the 5th of January is not a satisfactory date to him?

Mr. SUTHERLAND. Neither the 5th nor the 6th would be so. The 4th or the 8th, or any other date would be satisfactory to me.

Mr. SHEPPARD. I will accept the suggestion, and make the date the 4th of January.

The PRESIDING OFFICER. Is there objection to that modification?

Mr. MARTINE of New Jersey. I object to making it the 4th of January.

Mr. CATRON. I also object to making the date the 4th of January. I shall be compelled to be absent on that day.

Mr. CURTIS. I suggest to the Senator from Texas that he make it Saturday, the 8th of January.

Mr. SHEPPARD. I suggest that in proper form the date be changed to January 8.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. POMERENE. Yes; Mr. President, that is one day I feel that I want to be away, as it is the inauguration day of our governor in Ohio.

Mr. JAMES and Mr. SHEPPARD. Make it the 10th.

The PRESIDING OFFICER. In what form, if any, does the Senator from Texas finally present the request?

Mr. UNDERWOOD. I am willing to agree to any date along there, if the Senator from Texas can get an agreement. Fixing the day seems to be the only trouble. I am willing to agree to the 4th of January.

Mr. JAMES. That has been objected to.

Mr. MARTINE of New Jersey. Well, I will withdraw my objection.

Mr. SHEPPARD. I again suggest that the vote be taken on the 4th of January, Mr. President.

Mr. CATRON. I object to the vote being taken on the 4th.

Mr. UNDERWOOD. Then, I suggest that the vote be taken on the 9th, if that is not Sunday.

Mr. SMOOT. The 9th is Tuesday.

Mr. UNDERWOOD. Then, I suggest that we change the agreement so that the vote may be taken on the 9th of January.

The PRESIDING OFFICER. Is there objection to the request for the unanimous-consent agreement as modified, providing that the vote shall be taken on January 9, 1917? The Chair hears none, the unanimous-consent agreement is made, and the order will be entered.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent to place in the RECORD two resolutions, one by the Washington Board of Trade and one by the Chamber of Commerce of Washington on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions referred to are as follows:

WASHINGTON BOARD OF TRADE,
Washington, D. C., December 19, 1916.

Hon. OSCAR W. UNDERWOOD,
United States Senate, Washington, D. C.

MY DEAR MR. UNDERWOOD: It is a great pleasure to note the interest you are taking in the District of Columbia referendum amendment to the Sheppard bill which proposes prohibition for the District. The Washington Board of Trade has gone on record in favor of this referendum without aligning itself either for or against prohibition.

As chairman of a special committee appointed by the president of the board, I forward you a copy of the resolution as passed by the Board of Trade, and for your convenience I am inclosing herewith a duplicate copy, again calling to your attention the fact that our organization passed this resolution at a very largely attended meeting and after full discussion.

The membership of the Board of Trade is approximately 1,500, composed of the leading business and professional men of the District, and we feel that the people of Washington should have a voice by means of a referendum on this subject. It is also thought by many that we should have this privilege on subjects that are vital to the welfare of the District.

I thank you very much for your interest in this matter and beg to remain,

Very respectfully,

C. J. GOCKELER,
Chairman Special Committee.

Whereas the effectiveness and value of a law prohibiting the liquor traffic are measured by the strength of the local public sentiment back of such law to compel its enforcement; and

Whereas it is not the purpose of the Washington Board of Trade by this resolution to put itself upon record as either favoring or opposing the adoption of such a law: Now, therefore, in view of the principle involved and the importance of this question to the community at large, be it

Resolved by the Washington Board of Trade, That Congress be requested to authorize a referendum vote of the residents of the District of Columbia to determine whether the community favors absolute prohibition of the liquor traffic or its stringent regulation under a high-license system with small zones of sectional prohibition, in development of the system provided by existing law.

(The above resolution was adopted by the Washington Board of Trade at its meeting on Jan. 26, 1916.)

—

WASHINGTON CHAMBER OF COMMERCE,
1202 F Street NW., December 20, 1916.

Be it resolved by the Chamber of Commerce, That it favors a referendum on the question of prohibition before any prohibition act is passed by Congress for the District of Columbia.

The above motion was carried almost unanimously at a regular meeting of the chamber, February 8, 1916.

True copy.

THOMAS GRANT, *Secretary.*

URGENT DEFICIENCY APPROPRIATION.

Mr. MARTIN of Virginia. I ask unanimous consent that the Senate now proceed to the consideration of the urgent deficiency appropriation bill that was laid aside this morning.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the Senate proceed to the consideration of the measure indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19178) making appropriations to supply urgent deficiencies in appropria-

tions for the fiscal year ending June 30, 1917, and for other purposes.

The bill was reported to the Senate without amendment.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. GORE. Mr. President, I desire to offer an amendment, to come in at the close of the appropriation for the payment of money to the families of dependent soldiers. I move to add the following words:

Provided, That the Secretary of War shall issue or cause to be issued forthwith honorable discharges to such enlisted men in the National Guard, other than commissioned officers, who have dependent families; or, in the discretion of the Secretary of War, he may issue furloughs during the present mobilization, and such payments shall be discontinued during the period of such furloughs.

Mr. MARTIN of Virginia. Mr. President, I make the point of order against this amendment that it is plain legislation, and nothing else.

Mr. GORE. The amendment is undoubtedly subject to the point of order. I had merely desired to submit a few statistics to illuminate this subject.

The PRESIDENT pro tempore. The Chair is compelled to sustain the point of order.

The bill was ordered to a third reading, read the third time, and passed.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND, Mr. THOMAS, and Mr. JONES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. TOWNSEND. I move that the Senate proceed to the consideration of Senate bill 392.

Mr. LANE. Will the Senator yield to me for a moment?

Mr. THOMAS. Mr. President——

Mr. STONE. I move that——

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. THOMAS. I move that the Senate proceed to the consideration of the conference report on House bill 407.

The PRESIDENT pro tempore. The motion of the Senator from Colorado is privileged.

Mr. GALLINGER. Oh, no, Mr. President.

Mr. SMOOT. It is not a privileged motion.

Mr. GALLINGER. A conference report is privileged so far as its presentation is concerned, but not as to its consideration.

The PRESIDENT pro tempore. The Chair was in error in regard to the matter. The question is on the motion of the Senator from Michigan [Mr. TOWNSEND] that the Senate proceed to the consideration of Senate bill 392.

Mr. THOMAS. Well, Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 407.

Mr. GALLINGER. That is not in order. The motion of the Senator from Michigan is not amendable under our rules.

The PRESIDENT pro tempore. The Chair is of the opinion that the motion to take up the conference report is not privileged, and that the motion of the Senator from Michigan must first be disposed of, it not being amendable.

Mr. STONE. Mr. President, I understand there is a desire to adjourn. I suggest that we have an executive session.

Mr. GALLINGER. Let us first have a vote on the motion of the Senator from Michigan.

Mr. TOWNSEND. I ask that my motion be put.

Mr. STONE. To take the sense of the Senate, I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. On that I ask for the yeas and nays.

Mr. STONE. I withdraw the motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. JONES. I suggest that Senate bill 392 be laid before the Senate.

Mr. TOWNSEND. That bill has been laid before the Senate.

The PRESIDENT pro tempore. The bill has been laid before the Senate. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business. [Putting the question.] The Chair is in doubt and will again put the question. [Putting the question.] The ayes seem to have it.

Mr. TOWNSEND. I ask for a division.

The PRESIDENT pro tempore. Senators in favor of proceeding to the consideration of executive business will rise and stand until they are counted.

Mr. STONE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. CLAPP (when his name was called). In the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I withhold my vote.

Mr. GALLINGER (when his name was called). I announce my general pair with the senior Senator from New York [Mr. O'GORMAN], who is absent, and will withhold my vote.

Mr. OVERMAN (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. WALSH (when his name was called). Transferring my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Louisiana [Mr. BROUSSARD], I vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Michigan [Mr. SMITH] and vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. LODGE (after having voted in the negative). I inquire if the senior Senator from Georgia [Mr. SMITH] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. LODGE. I have a general pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas, 37, nays 26, as follows:

YEAS—37.

Ashurst	Hughes	Overman	Swanson
Bankhead	James	Owen	Thomas
Beckham	Johnson, Me.	Pittman	Thompson
Bryan	Johnson, S. Dak.	Reed	Underwood
Chilton	La Follette	Saulsbury	Vardaman
Fletcher	Lea, Tenn.	Sheppard	Walsh
Gore	Lee, Md.	Shields	Williams
Hardwick	Martin, Va.	Smith, Ariz.	
Hitchcock	Martine, N. J.	Smoot	
Hollis	Newlands	Stone	

NAYS—26.

Borah	Curtis	McCumber	Sterling
Brady	du Pont	Nelson	Sutherland
Brandegee	Fernald	Norris	Townsend
Catron	Gronna	Page	Wadsworth
Clark	Harding	Penrose	Watson
Colt	Jones	Poindexter	
Cummins	Kenyon	Sherman	

NOT VOTING—33.

Broussard	Kern	Oliver	Smith, Mich.
Chamberlain	Kirby	Phelan	Smith, S. C.
Clapp	Lane	Pomerene	Tillman
Culberson	Lewis	Ransdell	Warren
Dillingham	Lippitt	Robinson	Weeks
Fall	Lodge	Shafroth	Works
Gallinger	McLean	Simmons	
Goff	Myers	Smith, Ga.	
Husting	O'Gorman	Smith, Md.	

So Mr. STONE's motion was agreed to; and the Senate proceeded to the consideration of executive business. After 28 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 21, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1916.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenant with rank from October 25, 1916.

Merlon Ardeen Webber, of Maine.

To be first lieutenants with rank from December 15, 1916.

Jesse Lee Byrd, of Georgia.
George Charles Henry Franklin, of California.
Donald Murdock McRae, of California.
Matthias Miller Wagner, of Tennessee.
Hugh David Ward, of North Carolina.
Charles Wesley Waters, jr., of Virginia.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. James N. Munro, Cavalry (Quartermaster Corps), to be major from September 21, 1916, vice Maj. Robert J. Fleming, Tenth Cavalry, promoted.

Capt. William S. Valentine, Tenth Cavalry, to be major from September 21, 1916, vice Maj. James N. Munro, whose detail in the Quartermaster Corps is continued.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Ensign Justin McC. Miller to be a lieutenant (junior grade) in the Navy from the 7th of June, 1916.

Boatswain James E. Quirk to be a chief boatswain in the Navy from the 21st day of December, 1915.

The following-named machinists to be chief machinists in the Navy from the 30th day of December, 1915.

Robert G. Greenleaf; and
James MacIntyre.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 6th day of December, 1916:

Orlando H. Petty, a citizen of Pennsylvania;
Charles D. Shannon, a citizen of Washington;
Raymond W. McNealy, a citizen of Illinois;
Warren F. Pearce, a citizen of Illinois; and
Rudolph D. Joldersma, a citizen of Idaho.

Bertram L. Cunningham, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of November, 1916.

Lieut. (Junior Grade) Francis D. Pryor to be a lieutenant in the Navy from the 28th day of December, 1915.

Ensign Walter E. Doyle to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 30th day of July, 1916:

Frank Hindrelet; and
August Schulze.

POSTMASTERS.

CONNECTICUT.

Frank O. Davis to be postmaster at Pomfret Center, Conn., in place of W. W. Averill. Incumbent's commission expired January 18, 1916.

NEW HAMPSHIRE.

Allan H. Robinson to be postmaster at Concord, N. H., in place of John H. Brown. Incumbent's commission expired December 19, 1916.

OKLAHOMA.

Sam Swinney to be postmaster at Durant, Okla., in place of C. W. Early. Incumbent's commission expired May 1, 1916.

WISCONSIN.

Lawrence Barrett to be postmaster at Peshtigo, Wis., in place of Lawrence Barrett. Incumbent's commission expired January 20, 1916.

William White to be postmaster at Algoma, Wis., in place of William White. Incumbent's commission expired February 4, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1916.

ASSISTANT SECRETARY OF COMMERCE.

Edwin F. Sweet to be Assistant Secretary of Commerce.

CONSULS GENERAL.

CLASS 4.

P. Stewart Heintzleman to be a consul general of class 4.

CLASS 5.

E. Carlton Baker to be a consul general of class 5.

CONSULS.

CLASS 6.

Edwin L. Neville to be a consul of class 6.

CLASS 7.

Henry H. Balch to be a consul of class 7.
Kenneth S. Patton to be a consul of class 7.

CLASS 8.

Max D. Kirjassoff to be a consul of class 8.

PROMOTIONS IN THE COAST GUARD.

First Lieut. Walter Aquila Wiley to be captain.
First Lieut. Henry Ulke to be captain.
First Lieut. Henry Granville Fisher to be captain.
Second Lieut. Stanley Vincent Parker to be first lieutenant.
Second Lieut. Edward Darlington Jones to be first lieutenant.
Second Lieut. Lloyd Toulmin Chalker to be first lieutenant.
Second Lieut. James Louis Ahern to be first lieutenant.
Third Lieut. Henry George Hemingway to be second lieutenant.

Second Lieut. of Engineers John Thomas Carr to be first lieutenant of engineers.

Cadet Engineer John Nathaniel Heiner to be third lieutenant of engineers.

Cadet Engineer Francis Compston Wells to be third lieutenant of engineers.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. John H. Blackburn to be a lieutenant commander.

The following-named lieutenants to be lieutenant commanders:

Earl P. Finney,
William D. Puleston,
Charles W. Densmore,
David Lyons,
Owen Hill,
Joseph F. Daniels,
Walter E. Whitehead,
Gaston DeP. Johnstone,
Frank Rorschach,
Kirby B. Crittenden,
Stephen C. Rowan,
Walter S. Anderson,
Henry D. Cooke,
Samuel M. Robinson,
Leo Sahm,
William W. Smyth,
Ralston S. Holmes,
Ernest Friedrick,
Fred H. Poteet,
William J. Giles,
Ralph A. Koch,
Lamar R. Leahy,
Milton S. Davis,
Charles C. Moses,
Sam C. Loomis,
Charles A. Blakely,
Macgillivray Milne,
Wilbur R. Van Auken,
Harold R. Stark,
John S. Arwine, jr.,
Austin S. Kibbee,
Martin K. Metcalf,
Lindsay H. Lacy,
John S. Abbott,
Thomas H. Taylor,
Frank H. Sadler,
Charles E. Smith,
Frederick V. McNair, jr.,
Charles Belknap, jr.,
Daniel T. Ghent,
John Grady,
David McD. LeBreton,
Nathaniel H. Wright,
Husband E. Kimmel,
Robert A. Dawes,
Paul E. Dampman,
Clyde S. McDowell,
Charles C. Soule, jr.,
Lawrence P. Treadwell,
William H. Toaz,
Halsey Powell,
Forde A. Todd,

Chester L. Hand,
Aubrey K. Shoup,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr.,
Roscoe F. Dillen,
James W. Hayward,
Bradford Barnette,
David W. Bagley,
Walter A. Smead,
Arthur C. Kail,
Clarence E. Wood, and
Max M. Frucht.

Lieut. (Junior Grade) Jacob L. Hydrick to be a lieutenant.

Lieut. (Junior Grade) Louis F. Thibault to be a lieutenant.

The following-named lieutenants (junior grade) to be lieutenants:

Baxter H. Bruce,
George H. Laird,
John B. Earle,
Harold V. McKittrick,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington,
Harlow T. Kays,
Robert C. Giffen,
Richard E. Cassidy,
Clarence N. Hinkamp,
Ralph C. Parker,
Leslie E. Bratton,
Ezra G. Allen,
Emanuel A. Lofquist,
Elmer W. Tod,
Reuben R. Smith,
Samuel L. Henderson,
Homer H. Norton,
Alfred H. Miles,
Harold H. Ritter,
James Parker, jr.,
Charles F. Pousland,
George N. Barker,
Louis J. Gulliver,
Newton L. Nichols,
Francis A. L. Vossler,
Cortlandt C. Baughman,
Richard B. Coffman,
Jonas H. Ingram,
Louis C. Scheibla,
Schuyler F. Heim,
Patrick N. L. Bellinger,
Newton H. White, jr.,
Seymour E. Holliday,
Forney M. Knox,
Samuel A. Clement,
Richmond K. Turner,
Alexander M. Charlton,
John W. Rankin,
Henry F. D. Davis,
Kirkwood H. Donavin,
Oscar Smith, jr.,
Herbert A. Jones,
Henry T. Markland,
William R. Smith, jr.,
William W. Turner,
Joseph J. Broshek,
Frank J. Wille,
Haller Belt,
Eugene E. Wilson,
Abel T. Bidwell,
Rensselaer W. Clark,
Walter K. Kilpatrick,
Elwin F. Cutts,
Edward J. Foy,
Harry B. Hird,
Nelson W. Pickering,
Harry A. Badt,
Clyde G. West,
George H. Emmerson,
Norman R. Van der Veer,
David C. Patterson, jr.,
Francis W. Rockwell,
Sydney M. Kraus,
Charles G. Ross,
Howard H. Crosby,
William C. Owen,
Francis T. Chew,
Francis Cogswell,
James McC. Irish,
John B. Staley,
Arthur S. Carpender,
Robert A. Burg,
William D. Brereton, jr.,
Harrison E. Knauss,
Clarence C. Thomas,
William R. Munroe,
Schamyl Cochran,
Albert M. Penn,
Robert O. Baush,
Paul H. Bastedo,
John C. Hilliard,
Philip Seymour,
Frank R. Berg,
Andrew D. Denney,
Charles M. Yates,
Stuart O. Greig,
James C. Van de Carr,
John C. Cunningham,
Jabez S. Lowell,
John F. Shafroth, jr.,
Ernest W. McKee,
Dallas C. Laizure,
Jules James,
John F. McClain,
John R. Beardall,
Rufus King,
Timothy J. Keleher,
Howard B. Mecleary,
Maurice R. Pierce,
William W. Wilson,
Victor D. Herbster,
David F. Ducey,
Donald T. Hunter,
Edmund W. Strother,
William H. Pashley,
Fred T. Berry,
William R. Purnell,
Frederic T. Van Auken,
Marshall Collins,
Kinchen L. Hill,
Kenneth Heron,
Thomas C. Kinkaid,
Lee P. Warren,
Charles M. James,
Selah M. La Bounty,
Harry G. Donald,
John L. Schaffer,
Leland Jordan, jr.,
Edward G. Blakeslee,
John H. Everson,
Worrall R. Carter,
Robert R. M. Emmet,
John C. Jennings,
Henry B. Le Bourgeois,
Paul J. Peyton,
William A. Hodgman,
Cleveland McCauley,
Robert E. Rogers,
Leslie C. Davis,
Harry H. Forgus,
Franklin P. Conger,
Raymond G. Thomas,
Aquilla G. Dibrell,
Henry D. McGuire,
Edward H. Connor, and
William B. Cothran.

Lieut. (Junior Grade) William T. Smith to be a lieutenant.

Ensign Theodore H. Winters to be a lieutenant (junior grade).

The following-named ensigns to be lieutenants (junior grade):

Herman E. Keisker,
Glenn B. Davis,
Stewart F. Bryant,
Robin B. Daughtry,
Walter Seibert,
Richard H. Knight,
George L. Greene, jr.,
Thomas Shine,

George D. Hull,
James E. Brenner,
Paul Hendren,
Benjamin H. Lingo,
Alfred H. Donahue,
John D. Jones,
Walker Cochran,
Henry F. Floyd,
Robert D. Kirkpatrick, and
Harold P. Parmelee.

Ensign Joseph Y. Dreisonstok to be a lieutenant (junior grade).

Chief Boatswain George G. Robertson to be an ensign.

Gunner Fred W. Connor to be an ensign.

Gunner Roman J. Miller to be an ensign.

Col. Littleton W. T. Waller to be a brigadier general in the Marine Corps.

Col. George Barnett (now Major General Commandant) to be a brigadier general in the Marine Corps.

Col. Joseph H. Pendleton to be a brigadier general in the Marine Corps.

Col. John A. Lejeune to be a brigadier general in the Marine Corps.

Col. Eli K. Cole to be a brigadier general in the Marine Corps.

Lieut. Carlos Bean to be a lieutenant commander.

Lieut. Roscoe C. Davis to be a lieutenant commander.

Lieut. (Junior Grade) Roy P. Emrich to be a lieutenant.

Ensign Palmer H. Dunbar, jr., to be a lieutenant (junior grade).

Ensign Hugh L. White to be a lieutenant (junior grade).

Ensign Roy Dudley to be a lieutenant (junior grade).

Ensign Laurence Wild to be a lieutenant (junior grade).

Ensign Solomon H. Greer to be a lieutenant (junior grade).

Ensign Henry M. Briggs to be a lieutenant (junior grade).

Ensign Hartwell C. Davis to be a lieutenant (junior grade).

Ensign James H. Strong to be a lieutenant (junior grade).

Ensign Hardy B. Page to be a lieutenant (junior grade).

Ensign Oliver L. Downes to be a lieutenant (junior grade).

Ensign Lloyd H. Lewis to be a lieutenant (junior grade).

Ensign Stuart E. Bray to be a lieutenant (junior grade).

Ensign Jerome A. Lee to be a lieutenant (junior grade).

Ensign Joseph H. Hoffman to be a lieutenant (junior grade).

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy:

Julian C. Brantley,
Franklin T. Bower,
Irving W. Jacobs,
Philip F. Prioleau,
Albin H. Cecha,
Edward K. Lee,
Edward H. Sparkman, jr.,
Andrew J. Sullivan,
Edward A. Brown,
Sterling P. Taylor, jr.,
Aaron Robinson,
Emil J. Stein,
Mortimer T. Clement,
Alma C. Smith,
Kenneth E. Lowman,
Louis H. Clerf,
Ezra E. Koebbe,
Earl C. Carr, and
Joseph H. Durrett.

Assistant Naval Constructor Allan J. Chantry, jr., to be a naval constructor.

The following-named midshipmen to be ensigns in the Navy:

Archibald E. Fraser,
Fred D. Kirtland, and
William J. Forrestel.

POSTMASTERS.

ALABAMA.

Henry B. Hall, Courtland.
Walter R. Harris, Moulton.
Leila C. Jones, Lincoln.
Frederick W. McCormack, Leighton.
James E. Robinson, Clanton.
Jesse G. Turner, Slocomb.
Ora B. Wann, Madison.

ALASKA.

Fred B. Wood, Anchorage.

CALIFORNIA.

George W. Black, Elk Grove.
Nora E. Boyd, Highland.
Elmer A. Nordyke, Geyserville.
Donald B. Robb, Gridley.

COLORADO.

Harry M. McKinney, Yuma.
Ernest A. Osier, Walden.
Robert H. Weir, Otis.

CONNECTICUT.

Durward E. Granniss, New Preston.
Edward F. Schmidt, Westbrook.

FLORIDA.

James P. Jones, Auburndale.
Charles A. Miller, Crystal River.
James O. Milton, Macclenny.
Arthur L. Stevens, Waldo.

IDAHO.

George Alley, Bancroft.
Olive R. Biggs, Buhl.

INDIANA.

Claude L. Carpenter, Pleasant Lake.
Silas R. Chaney, Bryant.
Jason W. Clark, Rossville.
Lola Fern Dolan, Avilla.
John D. Holland, Waveland.
John A. Jennings, Rome City.
Lawson La Master, Sellersburg.
Harvey R. Mills, Camden.
George W. Stout, Hamilton.
Evert M. Stroud, Carmel.
Frederick J. Werner, Orland.
Jennette R. Winkelmann, Austin.

KANSAS.

John Carden, Meriden.
James R. Day, Dexter.
George F. Dillon, McLouth.
James Fairhurst, Winchester.
Samuel S. Irwin, Kincaid.
Orville O. Lavender, Valley Center.
Robert B. Leedy, Neosho Falls.
Elvah R. Lemon, Portis.
Everett W. Nelson, Vermillion.
J. B. Riddle, Wichita.
Rufus A. Rogers, Selden.
Michael Ryan, Scranton.
Vera E. Smith, Palco.
Adam J. Thielen, Dorrance.

KENTUCKY.

Charles A. Bell, Bedford.
Beverly L. Bradshaw, Tompkinsville.
St. Elmo Coblin, Campbellsburg.
Mary L. Gay, Fleming.
Thomas B. Nall, Vine Grove.

MAINE.

Edward H. S. Baker, York Harbor.
George L. Baker, Bingham.
Mary S. Bartlett, Belgrade Lakes.
Clarence E. Cole, Bryant Pond.
Alice I. Curtis, Freeport.
William C. Myrick, East Machias.
Ida P. Stone, Oxford.
William J. Tower, South West Harbor.
Edgar T. Whitehouse, Unity.

MICHIGAN.

L. Ross Adamson, Rudyard.
Ira D. Black, Camden.
George M. Dokey, jr., Beulah.
Gertrude A. Enlow, Covert.
Escaville E. Patterson, Edwardsburg.
Herman W. Reinecke, New Baltimore.
A. Thorne Swift, Harbor Springs.
Eva A. Wurzburg, Northport.

MISSISSIPPI.

John Hill Allgood, Brookville.
Robert E. Barham, Crenshaw.
Otis E. Brannon, Kilmichael.
Rosa W. Burton, Alligator.
Bertha C. Davis, Nettleton.
Elisha E. Jack, Scooba.
Olivia M. Jenkins, Shuqualak.
Emma E. Marshall, Fernwood.
Mary F. May, Dlo.

Alfred W. Thompson, De Kalb.
Sarah A. Tyner, Bay Springs.
H. R. Ward, Enterprise.
Frances G. Wimberly, Jonestown.

MISSOURI.

Maud B. Barker, O'Fallon.
Edward Beall, Eolia.
Alberta S. Brim, Green Ridge.
Mae M. Brown, Hurdland.
Perry Chipman, Ewing.
Grady C. Darby, Essex.
Joseph E. J. Everett, Osborn.
John A. Farmer, Linn Creek.
John A. Fields, Powersville.
George P. Gordon, Waverly.
Robert L. Goodson, New Cambria.
Edgar D. Gracey, Galena.
A. B. Harris, Leeton.
Cordelia F. Lusby, Wentzville.
Oren McCrory, Fair Play.
Anna Marolf, Lowry City.
E. M. Moore, Benton.
William M. Piatt, Bernie.
Oscar L. Perkins, Union Star.
John J. Salmon, Chilhowee.
Louis H. Smith, Stewartsville.
Walter P. Steger, Calhoun.
David W. Thompson, Hume.
William H. Wilks, Caruthersville.
John B. Williams, Silex.
Martha A. York, Hayti.

MONTANA.

Carolyn B. Arnold, Absarokee.
Grace E. Crater, Gildford.
W. R. Crockford, Sweetgrass.
A. M. Johns, Wilsall.
Cornelius N. McGree, Hysham.
E. H. Miller, Melstone.
Tilda R. Reuter, Westby.
James E. M. Vig, Big Sandy.

NEBRASKA.

Ludvik Klimes, Verdigre.
Charles E. Wilkins, Waterloo.

NEW HAMPSHIRE.

Henry D. Allison, Dublin.
Harriette H. Hinman, North Stratford.
Warren W. McGregor, Bethlehem.
Leon F. Perkins, Bradford.
Allan H. Robinson, Concord.

NEW YORK.

Willis Baker, Gilboa.
Gertrude D. Butler, Croton Falls.
Henry J. Chichester, East Moriches.
May C. Force, Chestertown.
George E. Hufcut, Castorland.
Thomas P. Mattison, Bemus Point.
Edwin C. Miller, Morris.
Michael Murray, Rosebank.
George C. Ross, West Sayville.
Apollos A. Smith, Paul Smiths.
William H. Spain, Mahopac.
Frank L. Terrell, East Quogue.
Wilbur J. Wagner, Parksville.
Charles O. Williams, Central Bridge.

NORTH DAKOTA.

Elizabeth I. Connelly, Hurdsfield.
Sydney W. Douglas, Pembina.
Joseph C. Evans, Beulah.
Bessie G. George, Van Hook.
J. J. Hess, Sentinel Butte.
Theodore F. Huston, Deering.
Thomas J. Kavanagh, Carpio.
Joseph N. Nelson, Inkster.
Grace Norred, Killdeer.
Archibald J. Palmer, Halliday.
Kathryn Savage, Braddock.
John A. Schieb, Kensal.
Frank K. Shearer, Dazey.
Wendell D. Smith, Forbes.
William Stewart, Dogden.
Max H. Strehlow, Kindred.
John C. Zeller, Watford City.

OHIO.

Voy J. Boots, Williamsport.
Harley R. Grandle, Leesburg.
John M. Hamilton, Shiloh.
Carl B. Johannsen, Put in Bay.
Clifford H. Robertson, Lore City.
Harry M. Walden, Coolville.
Maud Walker, New Madison.
John L. Wilson, Marengo.
Sylvester L. Yochum, Camden.

PORTO RICO.

Hortensia R. O'Neill, San German.
Julio Ramos, Cayey.
Simon Semidei, Yauco.

SOUTH DAKOTA.

Henry F. Cook, Northville.
Bernard Laverty, Hitchcock.
John A. Stransky, Pukwana.

TEXAS.

Hiram A. Bachman, Throckmorton.
Paul P. Bates, Glazier.
W. E. Boykin, Lufkin.
Alice Brown, Ralls.
Ward W. Gillette, Benjamin.
Joe Green, Ratcliff.
J. W. Jackson, Elgin.
James W. Kennedy, Jayton.
Charles H. Latham, Eden.
Vernon McIntyre, Marathon.
Betty Matthews, Mathis.
J. A. Noland, Crawford.
Josephine W. Roche, Georgetown.
McIver Smith, Texline.
Frances L. Spikes, Wheeler.
James D. Stevens, Carlton.
Thomas R. Warr, Mount Calm.
John P. Williamson, Iredell.
Ruby L. Wood, Kirkland.

VIRGINIA.

Samuel F. Akers, Emory.
John A. Brockenbrough, Warsaw.
Henry C. Browning, Meadowview.
Mrs. Mack K. Cunningham, Fort Myer.
Charles E. Fahrney, Timberville.
Amos K. Graybill, Nokesville.
Richard M. Janney, Gloucester.
Joseph R. McGavock, Max Meadows.
Gordon P. Murray, Hollins.
John W. Roberts, Windsor.
George A. Samsell, Stephens City.
Rosamond C. Sawyer, Virginia Beach.
Paul Scarborough, Franklin.
Benjamin A. Williams, Courtland.

WASHINGTON.

Averill Beavers, Kennewick.
William R. Brown, Charleston.
Jesse R. Storey, Renton.

WEST VIRGINIA.

Jesse Craver, Boomer.
Alexander Lester, Omar.
J. P. Peck, Mabscott.
Hiram C. R. Stewart, New Cumberland.

WYOMING.

Albert J. Schils, Cokeville.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 20, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art the inspiration of our fondest hopes, our highest ideals, and our noblest endeavors, we draw near to Thee that we may be cleansed by the touch, and fitted for the new duties of the new day; that whatsoever our hands find to do we may do with our might, leaving the results to Thee, who doeth all things well; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. BENNET. Mr. Speaker, on yesterday I was to have paired with my colleague Mr. LOFT, who is sick, on the increase of pay allowance to secretaries. I came to the conclusion that I should vote for the increase, which was the same way that he would have voted. Therefore I left my colleague unpaired. I make this explanation in justice to Mr. LOFT, who, if he had been here, would have voted as I did, for the increase.

URGENT DEFICIENCIES.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, H. R. 19178.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19178) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, with Mr. STEPHENS of Texas in the chair.

The Clerk read the title of the bill.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. MANN. It is a short bill. I should like to have it read.

Mr. FITZGERALD. I withdraw the request.

The bill was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, namely:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For the support of dependent families of enlisted men, including the same objects and under the same limitations specified in the appropriation for this purpose in the Army appropriation act for the fiscal year 1917 as amended by section 901 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, $4,250,000.

MINTS AND ASSAY OFFICES.

Denver, Colo., Mint: For wages of workmen and other employees, $12,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $25,000.

Philadelphia Mint: For wages of workmen and other employees, $110,000.

For incidental and contingent expenses, including new machinery and repairs, cases and enameling for medals manufactured, expenses of the annual assay commission, wastage in melting and refining and in coining departments, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, and not exceeding $1,000 in value of specimen coins and ores for the cabinet of the mint, $100,000.

San Francisco, Cal., Mint: For wages of workmen, and other employees, $18,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department and in the coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $7,500.

New York Assay Office: For wages of workmen and other employees, $25,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $20,000.

DISTRICT OF COLUMBIA.

SUPREME COURT.

Miscellaneous expenses: For such additional miscellaneous expenses as may be authorized by the Attorney General for the supreme court and its officers, made necessary by the occupancy of temporary quarters pending the reconstruction of the courthouse, Washington, D. C., including an electrician at the rate of $900 per annum and a laborer at the rate of $600 per annum, $3,750, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

DEPARTMENT OF JUSTICE.

PUBLIC BUILDINGS.

For an additional amount for the removal and readjustment of all office furniture and fittings in connection with the occupancy of temporary quarters by the officials and employees of the courthouse, Washington, D. C., including personal and other services, and for every item connected therewith, $2,000.

For rent of temporary quarters for the office of the recorder of deeds pending the reconstruction of the courthouse, Washington, D. C., $5,000, to be available during the fiscal year 1918.

The two foregoing appropriations shall be expended under the direction of the Superintendent of the Capitol Building and Grounds and payable one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

Mr. FITZGERALD. Mr. Chairman, this bill carries $4,578,250 to supply urgent deficiencies in the appropriations for the support of the Government.

The chief item in the bill is the sum of $4,250,000, to continue making payments to dependent families of enlisted men in the Regular Army and National Guard who are now stationed on the border. That is the amount it is estimated will be required to meet the payments until the 1st of April. The committee included sufficient money to make the payments until April 1 in the expectation of making in the general deficiency bill such other provision as may be required beyond that time. I may add that of the $2,000,000 appropriated in the last session there was remaining a day or two ago a little over $300,000, and payments are being made at the rate of $70,000 a day.

The other items in the bill are almost entirely for the mints and the New York assay office. The mints have been called upon for an extraordinary supply of subsidiary and minor coins, so that the Philadelphia Mint has been working 24 hours a day and the Denver and San Francisco Mints 16 hours a day for almost three months. Despite such overtime it has not been possible to meet the demands of the banks for all of the subsidiary and minor coins for which requisition has been made. The sum carried in the bill for the mints and the New York assay office is the amount required to continue them in operation until the end of the fiscal year upon the present basis of output.

In addition there is an appropriation of $10,700 in connection with the reconstruction of the Supreme Court building in the District of Columbia. The supreme court of the District of Columbia has been moved into the old Census building. This change necessitates an electrician and an additional laborer, and an additional sum of money on account of the increased expense for fuel and light, and some miscellaneous items.

The recorder of deeds of the District of Columbia is at present located in the supreme court building. The work of reconstructing that building can not begin until his office is moved out of the courthouse. Under an old statute, enacted in the sixties, the Chief of Engineers is required to furnish accommodations for the recorder of deeds. When called upon recently by the recorder of deeds he had no means of furnishing the accommodations needed. It is estimated that suitable fireproof accommodations for the records of title in the District of Columbia and to enable the recorder of deeds to transact the business of his office during the time of reconstruction, can be rented for a trifle less than $5,000 a year, and $5,000 is included for that purpose.

Mr. EMERSON. If the gentleman will yield, I notice under "Military Establishment" the sum of $4,250,000 is appropriated. On whose recommendation is that asked for?

Mr. FITZGERALD. On an estimate submitted by the War Department.

Mr. EMERSON. Did the committee get any information as to how long the National Guard is to be held on the border?

Mr. FITZGERALD. We have no information on that matter. At present there are about 100,000 National Guardsmen there, and the estimate that $8,500,000 will be required to meet the payments until the 30th of June is based upon an estimate of 75,000 members of the guard being kept on the border.

Mr. EMERSON. I said during the campaign that I thought perhaps they would be sent home after election, and I can not see any reason for keeping them there.

Mr. FITZGERALD. This shows that some gentlemen who charged that the National Guard were sent down to the border for purely political purposes were unjustified in their statements.

Mr. EMERSON. What have the National Guard been used for on the border? Of what use have they been there? Millions of dollars were spent to send them there. What have they done for the country?

Mr. FITZGERALD. They have been of immense value. The information that comes to me in an informal, unofficial, vague, hazy manner is still of a reliable character; I believe it to be substantially correct. It is to the effect that if the Guard had not been sent to the border in all probability there would have been a great many outrages perpetrated upon American citizens living in the United States. Had that occurred, my good friend [Mr. EMERSON] and many others, perhaps on this side as well as on that side of the House, would have criticized the administration very severely for not having taken measures to prevent such a situation. It is neither customary, nor is it desirable, nor is it always possible to take everyone into the confidence of those administering the affairs of the Government, as to the peculiar reasons that necessitate the mobilizing of troops under certain conditions.

Mr. EMERSON. What I was specially interested in——

Mr. FITZGERALD. Perhaps the feature of our system of government that under some conditions make it most ineffective is the fact that too much publicity accompanies every important action of the Government. I assume, and always have assumed, and I believe that it is what everyone else assumes who thinks

seriously, that some controlling motive induced the President to issue the order which resulted in the members of the National Guard being sent to the border and which has resulted in their being retained there. I believe that we should not say or do anything that would tend to make the men who are there dissatisfied, but should do what we can to convince them that important military reasons must have existed or no one in authority would have been willing to have had these men subjected to the inconvenience and hardships that they have been compelled to undergo.

Mr. EMERSON. If I understand it correctly, the object of sending the Regular Army to Mexico was to capture Villa. Am I right in that?

Mr. FITZGERALD. Is the gentleman asking me?

Mr. EMERSON. I hear that Villa has asked to meet some representative from the United States in conference.

Mr. FITZGERALD. I do not deny what the gentleman's understanding is, but if he asks me to confirm his understanding as a fact, I prefer not to participate in such a dark situation.

Mr. EMERSON. I understand that Gen. Funston has advised that the National Guard should be sent home—I think they should have been sent home for Christmas—and the Regular Army be used to patrol the border.

Mr. FITZGERALD. The information is that more men are required for that work than are available in the Regular Army. It would be rather a peculiar military movement to send the troops home for Christmas and then send them back again after Christmas. The Army can not take a holiday for Christmas the same as Congress can, however desirable it might be.

Mr. EMERSON. There is some use for Congress, but no use for the National Guard on the border. If I understand correctly, the President was largely reelected because he kept us out of war.

Mr. FITZGERALD. Now, that the election is over, every citizen of the United States has the absolute right to solace himself with whatever reasons he wishes to ascribe as the cause of the election. That is one advantage we all enjoy. Whether we like the result or not, we can go off and chuckle to ourselves that we know what did it, even if we are not in the winning class.

Mr. EMERSON. I saw up at the Treasury the other day a sign which said, "Wilson, peace and prosperity; Hughes, what?"

Mr. FITZGERALD. The President was reelected because his administration of the public affairs of the United States has been the most successful, the most statesmanlike, the most progressive, and the most admired of any President since the time of Washington. [Applause on the Democratic side.]

Mr. MANN. Does the gentleman from New York contemplate going upon the vaudeville stage as a joker? [Laughter.]

Mr. FITZGERALD. No; but I am afraid that some of my friends have become so unbalanced that they can not see anything serious in life, and take it all as a huge joke.

Mr. CANNON. I think a sufficient reply to the gentleman would be that which we hear on the street from the newsboys, when one taunts another, and the other says, "What are you giving us?"

Mr. FITZGERALD. Well, I refer gentlemen to the result of the last election as an indorsement of what I said.

Mr. BENNET. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BENNET. My colleague does not refer to any of the returns of the election in the State of New York?

Mr. FITZGERALD. Once in a while my neighbors go astray, but, like the prodigal son, they come back again. [Laughter on the Democratic side.] I would not, of course, refer to the returns in my colleague's district. [Laughter.]

Mr. BENNET. If my colleague would refer to the returns in my district in relation to the national ticket, he would find that Mr. Wilson got something like 6,000 less majority than he did four years ago.

Mr. FITZGERALD. But he got enough.

Mr. BENNET. In New York State? I will agree with the gentleman that he got enough—he got only twenty-eight thousand majority in Greater New York.

Mr. FITZGERALD. President Wilson got the largest majority that any candidate on the Democratic ticket has received within the last 20 years in the county of New York.

The following figures are enlightening on this subject:

1896 Mr. Bryan lost the county by	18,787
1900 Mr. Bryan carried the county by	19,387
1904 Judge Parker carried the county by	22,375
1908 Mr. Bryan carried the county by	4,117
1912 Mr. Wilson carried the county over Roosevelt and Taft by	5,728
1916 Mr. Wilson carried the county by	27,263

PLURALITIES, 1916—NEW YORK COUNTY.

Wilson, President	27,263
Seabury, governor	27,322
Dowling, president board of aldermen	25,532

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MOORE of Pennsylvania. Mr. Chairman, when the gentlemen are through with their persiflage I would like to ask a serious question.

Mr. HOWARD. I think enough of the post mortem has been indulged in, and the corpse has been decently interred.

Mr. MOORE of Pennsylvania. The gentleman from New York, in his statement last Friday, said that the department would ask for $8,500,000 for the relief of dependent families of enlisted men. Now, he brings in a bill calling for an appropriation of $4,250,000, just one-half of the amount stated.

Mr. FITZGERALD. This is the amount estimated to be required up to the 1st of April. The committee provided the money required up to that date in the expectation that we could provide any additional sum that may be required in the general deficiency bill. More would be known then as to whether the troops will be kept on the border.

Mr. MOORE of Pennsylvania. I would like to get an opinion from the gentleman for the benefit of the municipalities and voluntary associations which are now helping the families of these men. He said that eight and one-half millions would be estimated, and he has provided one-half of that sum.

Mr. FITZGERALD. Eight million five hundred thousand dollars was asked for, but one-half of that sum will be required to take care of the situation until the 1st of April.

Mr. MOORE of Pennsylvania. Does the gentleman know whether that will tend to relieve cities and voluntary associations now helping these dependent families?

Mr. FITZGERALD. I do not believe that it will.

Mr. MOORE of Pennsylvania. The War Department's advice yesterday was that the Pennsylvania troops would be ordered home in a very few days; that would include the Cavalry, which has been doing excellent service on the border. I understand they will be ordered home in three groups, so as not to crowd the trains. Will we not then cease making appropriations for the deserving families of these men?

Mr. FITZGERALD. There are now on the border about 100,000 members of the guard. The estimates are based upon 75,000 members of the guard being retained upon the border until the 30th of June, so that anticipates 25,000 of those who are now there returning.

Mr. MOORE of Pennsylvania. Then, the funds thus appropriated would be relieved to the extent of 25,000 men, if that number is ordered home within a very few days?

Mr. FITZGERALD. The estimate is not based upon the number now upon the border. It is based upon the 75,000 being retained on the border.

Mr. MOORE of Pennsylvania. The families of those who return to their homes will no longer receive any advantage from this dependent fund?

Mr. FITZGERALD. Not after their discharge.

Mr. MOORE of Pennsylvania. May I ask the gentleman as to the items for the maintenance of the mint and assay offices. Will this deficiency appropriation for these various mints carry their work along until the 30th of June next?

Mr. FITZGERALD. The 30th of June upon the basis of the present pay roll.

Mr. MOORE of Pennsylvania. Will the gentleman explain why it is that these deficiencies occur? Sufficient appropriation was made, as I understand, for the original work of the various mints; and yet we have been advised in two reports from the Secretary of the Treasury that the mints would have to close unless this deficiency appropriation is passed.

Mr. FITZGERALD. It is due to the fact that there has been an unprecedented demand for minor and subsidiary coin. The demand has been so great that for practically three months the Philadelphia Mint has been operating upon a 24-hour basis.

Mr. MOORE of Pennsylvania. That is true.

Mr. FITZGERALD. And the Denver and San Francisco Mints are operating upon a 16-hour basis. When the appropriations were made it was contemplated that they would be operated upon a single shift. It is also due to the fact that there has been a very great increase in the cost of material used in the mints. Both things taken together have resulted in the deficiency.

Mr. MOORE of Pennsylvania. It would be very interesting if the gentleman is prepared to make a statement as to why there has been such an extraordinary and abnormal demand for coinage.

Mr. FITZGERALD. It is due——

Mr. GARNER. To Democratic prosperity.

Mr. MOORE of Pennsylvania. It may be the high cost of living.

Mr. FITZGERALD. It is due to business activity and the tremendous development of the country.

Mr. MOORE of Pennsylvania. Is it due to the influx of foreign gold?

Mr. FITZGERALD. That does not affect the situation. In the last fiscal year the per capita circulation was increased about $4. In 1916 the per capita circulation was $39.29, and in 1915 $35.44. The increase in business activities has required a large volume of subsidiary and minor coin. The importation of gold has affected only the New York assay office. The work of the mints has been in coining half dollars, quarters, dimes, nickels, and pennies.

Mr. MOORE of Pennsylvania. I would say to the gentleman that I am familiar with the situation at the Philadelphia Mint. We have been advised that the conditions there have been so precarious that the department would be obliged to close down early in January unless this deficiency appropriation be made. The appropriation has been exceeded. There must be some reason for it.

Mr. FITZGERALD. These figures may interest the House. At the Philadelphia Mint the coinage from July 1 to November 25, 1915, aggregated 22,210,850 pieces of all kinds. For the same period from July 1 to November 25, 1916, the number of pieces was 120,395,926. From July 1 to November 1, 1915, the deposits of bullion amounted to $585,204, while for the same period in 1916 it amounted to $70,486,657.

Mr. MOORE of Pennsylvania. That is an extraordinary condition.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. I have a number of letters from men who were on the border with the National Guard of our State, who left dependent families at home, and who, while on the border, made application for the allowance provided for the dependents at home, but who have not had the allowance awarded to them. In some cases they left their families sick, left their homes with mortgages upon them, left their business where they were earning good salaries, and went into the service at $15 a month. They were unable to furnish any sustenance to the people at home, unable to meet the interest charges upon the mortgages upon their homes, and in some cases they have lost members of their family while away, and have had the mortgages foreclosed. Their claims for allowance provided by law have not been adjudicated. Does this appropriation provide for the allowance to men who were on the border who have made application and who have been discharged, or does it provide for payment to men only who are still upon the border?

Mr. FITZGERALD. There were some applications unacted upon, I think to the number of 2,000. This appropriation is to take care of them, whether the men have been discharged or not. My information is that the allowances have been made to all those who would be entitled to them under the rules, excepting in those cases where it has been impossible to act upon the applications. A great many claims were not allowed. The Quartermaster General stated the rules adopted. A man in the Army receiving $15 a month was considered to be receiving only what was necessary for himself while he was in the Army, so that when he made application, if he showed that he was receiving more than $15 a month in the Army the excess would be deducted, and then he had to show how much he had been contributing to the support of his family, and they would allow up to $50 a month under the law.

Mr. MADDEN. In cases where they have been able to show and allowances have not been made, and the men have been discharged, will such allowances be made out of this appropriation to these men, or does the gentleman know?

Mr. FITZGERALD. My understanding is this: To meet allowances to be made whether the men have been discharged or are still in the service. It was stated that the number of applications allowed in the Regular Army was 1,760. The number of applications allowed in the National Guard was 9,760; refused, National Guard 358, Regular Army 575. Number of applications on hand awaiting action for all reasons, 2,512. It may be that some men who have been discharged had applications which were not acted upon.

Mr. MADDEN. I have in mind the case of a man who owned his own home with a considerable mortgage on it, who was earning a good salary before he went away. He left his sick wife in the care of a doctor. He was unable to contribute anything whatever to her medical expenses or to her household expenses while he was away. His wife has since died and his home has been sold under the mortgage, because he was unable to meet the interest payments. He made application for an allowance and has had no information as to whether it is to be allowed or whether it is to be rejected. It seems to me that a case of that sort is one that ought to be given serious consideration and ought to be expedited.

Mr. FITZGERALD. The Quartermaster General stated they had 12 clerks working on those cases. There might be a case like the one mentioned by the gentleman from Illinois that would be especially urgent which might come in a mass of papers and there would be no way to distinguish or single it out for special action. My information is that a board of three Army officers was appointed to pass on all the applications, and there seems to be a disposition to act upon them expeditiously and to be as liberal as possible.

Mr. SMITH of Michigan. Is there a uniform standard of allowances in dependent cases where the application is made?

Mr. FITZGERALD. There is a series of rules adopted and the allowances are made in compliance with those rules. They have been all printed in the hearings together with a copy of the application blank.

Mr. SMITH of Michigan. Based on the number of children or on the particular nature of the case?

Mr. FITZGERALD. Dependent upon the circumstances in each case.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, as I understand it, many communities, cities and probably counties, have contributed voluntarily to the support of families of some members of the National Guard. Now, when the application is made I understand that that donation is not refunded to the citizen or its equivalent allowed to the applicant?

Mr. FITZGERALD. That is my understanding.

Mr. CANNON. I was present in the hearings——

Mr. FITZGERALD. It is considered as part of the income that he has received and taken into account.

Mr. CANNON. If the gentleman will allow me, I am glad, indeed, that where there was suffering and necessity to a considerable extent relief came when it was needed; but in the very nature of the things the claim has to be presented and when presented the contribution, in fact, while made to the applicant, was also made to the Treasury of the United States, so that these localities that contributed to private suffering not only bore the other burdens of other localities but also that which other communities which did not contribute did not bear. I understand that is the condition.

Mr. MADDEN. Mr. Chairman, if I may say, I know of a number of cases where individuals contributed to individual families, the head of which was on the border, and when applications were made to the War Department for allowance to a family at home they were not allowed, and those families were dependent entirely upon individual charity during the period. I recall a number of families I took care of myself.

Mr. CANNON. The gentleman, as I understand it, will not be reimbursed?

Mr. MADDEN. I do not expect to be. I was glad to make the contribution.

Mr. CANNON. And the equivalent of the amount contributed when the claims are allowed will be deducted from the amount.

Mr. MADDEN. I do not see how it could be, because the Government would have no means of knowing what I contributed.

Mr. FITZGERALD. There would be no means of knowing it. The applicant states what the amount of his income is and what sources of income all the members who are dependent have. There may be many cases in which assistance was extended by individuals or associations to families of the soldiers of which the soldier had no knowledge.

Mr. CANNON. Precisely.

Mr. FITZGERALD. Thus allowances might be made to them while some additional help had been extended from private sources.

Mr. MADDEN. As a matter of fact, in the cases which I have described there was no allowance made by the Government to the family at all, though application had been made for it and the family at home was dependent entirely upon what men like myself were willing to contribute to their support while their husbands and fathers were on the border doing duty for their country.

Mr. CANNON. In those cases under the questions that have to be answered when the application is made nothing would come of the application, because there has been an income that supported the family, as I understand it.

Mr. MADDEN. The applicant himself might not know that his family was living on the charity of their friends. They might be doing that without giving any information to the husband or father who was on the border. There are cases

where the family was dependent entirely upon individual charity at home, and when the husband made application to the Government it was disallowed.

Mr. FITZGERALD. It would not be allowed under such circumstances only because of the inability of the man properly to make out his application. I have read the application blank, and if the dependent members of the family had no source of income, and if he had been able to show he had been contributing to the support of his family when he went into the guard, he was allowed up to $50 when contributing that much, less anything he might be receiving in excess of $15 a month in the Army.

I ask the Clerk to read.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

New York assay office: For wages of workmen and other employees, $25,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking my colleague if this sum of $25,000 in this item and $20,000 in the next item is the sum asked for in the estimates?

Mr. FITZGERALD. It is the amount requested.

Mr. BENNET. Of course, it is made necessary by reason of the additional work.

Mr. FITZGERALD. That is true of all of these items in the mint and assay offices. The committee recommended the amounts requested, because they are necessary to continue the operation of the plants to the end of the fiscal year upon the basis of the present pay roll.

Mr. BENNET. And if it is not enough it is the fault of the departments and not of the Congress?

Mr. FITZGERALD. Yes. We give them every dollar they ask.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STEPHENS of Texas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19178) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. MCLEMORE, by unanimous consent, was granted leave of absence until January 6, 1917, on account of important business.

DISTRICT APPROPRIATIONS.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19119, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union, and the Clerk will report the title of the bill.

The bill was read by title.

Mr. GARD. Mr. Chairman, I desire to ask how much, if any, of the bill the Clerk has read.

The CHAIRMAN. The first paragraph.

Mr. GARD. Then, having read the first paragraph, I move, Mr. Chairman, to strike out the last word, this being done for the purpose of asking a question of the chairman of the committee. I desire to ask the chairman of the subcommittee of the Committee on Appropriations this question: In his statement of yesterday, I understood him to say that he and his fellow members of the committee were opposed to the plan contained in the bill of providing for the fiscal relations in the District of Columbia by the old half-and-half ratio. Is that true?

Mr. PAGE of North Carolina. That is true as to the members of the subcommittee who formulated this bill.

Mr. GARD. I desire to ask the chairman further what, last year, in fact, was the ratio of apportionment between the General Government and the District of Columbia?

Mr. PAGE of North Carolina. In the bill as passed, the current law, which carries something over $12,000,000, the ratio as between the District revenues and the General Treasury was in round numbers about 60–40, possibly 61–39.

Mr. GARD. That is, 61 per cent for the District and 39 per cent for the General Government?

Mr. PAGE of North Carolina. Yes.

Mr. GARD. What would be the proportion under the present appropriation?

Mr. PAGE of North Carolina. I have not worked out that percentage, I will say to the gentleman, but not very far from the same percentage, because this bill carries a larger amount.

Mr. GARD. As a matter of truth, then, the so-called fiscal relation of half and half is purely a legal fiction and does not obtain in fact?

Mr. PAGE of North Carolina. It has not obtained in fact for several appropriating years in the past.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The chairman of the subcommittee has reported this bill with the half-and-half language in it as in the former bill. On yesterday, in explanation, he stated that he thought it was futile to engage in this short session in another fight to abolish that half-and-half principle. I did not understand him to mean that it would be futile so far as the judgment and opinion of this House were concerned. I think that with the light that has been thrown upon it by the committee, the absolutely impartial committee that examined into the fiscal relations of the District and the Government, and by the light that has been thrown upon it by the chairman of the District Committee and his researches, and also by the Appropriations Committee, the opinion is pretty well settled in this House that the half-and-half principle has been outgrown and that the old form of the half-and-half contribution ought to be abandoned.

Now, the truth about the matter is this: The District now raises over $8,000,000 in taxation, and if the Federal Government were compelled to contribute an equal amount it would compel us to find some way of expending $16,000,000. Manifestly we have not been able hitherto to do that, even with the most generous and modern government in the District of Columbia.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COX. It would not be very difficult to find a way to spend that money if the House would proceed to increase salaries as it did yesterday, would it, here in the District of Columbia?

Mr. BORLAND. Well, I think it would take a great many increases of salary; but, as I said a moment ago, the House has never been able to spend double the amount of taxes raised in the District of Columbia. And when we speak of the taxes raised in the District of Columbia we are speaking only of taxes upon tangible personal property and real estate and the excise taxes upon merchants. We have now added a tax on intangible property, and by this bill we are providing for an annual tax upon automobiles. We ought to have a general inheritance tax in the District of Columbia. If we did, the receipts in the District would be between $12,000,000 and $13,000,000—almost enough to carry the entire burden of the District.

Now, the result is simply this: Congress, in its wisdom, appropriating only $13,000,000 when the District raises $8,000,000, a certain amount goes back into the Treasury, and will under these appropriation bills, even when the appropriation bill is drawn to require half-and-half payment. The practical effect is that the surplus is left, which is covered into the Treasury to the credit of the United States, and stays there. So that, as a matter of fact, the old half-and-half system is broken down of its own weight.

Personally I think it ought to be abolished, and I think that this House, if it had the time at this short session, with the matters crowding in it, would do well to have abolished it at the short session. As the gentleman said yesterday, the fight, or the movement, in favor of abolishing it and adjusting the system of relations existing between the Government and the District of Columbia has not been abandoned, and the manner in which this bill is drafted, in the very wording of the old law, is not to be taken as evidence of such abandonment.

Now there is another thing I wanted to say in that connection, and it is this: It has always been assumed by a very small but active element here that the District of Columbia was some kind of a principality or conquered province, and that we could not govern it without some kind of a treaty with that province. That is a misconception. The whole creation of the District of Columbia is referable to the provision of the Federal Constitution providing that Congress shall have a seat of Government. It has nothing else as a foundation for its creation. It is the National Capital. It belongs to the people of the Nation. It does not belong in any sense, whether small or great, to the men who happen for their own convenience to transact business here or own property here. We owe them no obligation to treat them as a municipality. The people of the United States own this District. They have a right to raise here all the taxes that are customarily raised upon private property anywhere in the United States, and they have a right to expend those taxes in providing the very best form of government that we can provide for the District. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

GENERAL EXPENSES.

Executive office: Two commissioners, at $6,000 each; engineer commissioner, so much as may be necessary (to make salary $6,000); secretary, $2,400; three assistant secretaries to commissioners at $1,600 each; clerks—one $1,500, two at $1,400 each, two at $1,200 each, one (who shall be a stenographer and typewriter) $1,200, one $840, two at $720 each; two messengers, at $600 each; stenographer and typewriter, $840.

Mr. COX. Mr. Chairman, I make a point of order against that paragraph. There is an increase of salary there.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. COX. Yes; I will reserve it.

Mr. PAGE of North Carolina. Mr. Chairman, I can not say that I am at all taken unawares by the point of order being made against the increase of salary for the Commissioners of the District of Columbia which has been provided in this bill, an increase from $5,000 to $6,000 a year. However, I am sorry that the point of order has been made.

I want to say to the House in this connection and in justification of the recommendation made by the committee for the increase of the salaries of the Commissioners of the District that I am sure that the membership of the House individually and personally are not acquainted with the duties that these men have to perform. Their hours are not confined to seven or seven and one-half, as in the case of the Government clerks, and their responsibilities are onerous. In addition to those duties which the Commissioners of the District have had to discharge for a number of years, new duties have been imposed upon them by the passage of the utility act, creating them into a utility commission, and the new burdens incident to that legislation have been imposed upon them. These men not only have the duties ordinarily imposed upon the governing heads of a city, but they have had imposed upon them by that act of Congress the duties devolving because of this legislation, the result of which has been that they are possibly as hard-worked men as there are in the District of Columbia, either in the employment of the District or of the Federal Government, and they have very large responsibilities.

Here is an appropriation bill carrying between $12,000,000 and $13,000,000 to take care of the activities of this city, including the responsibilities for the expenditures, the responsibilities of the proper organization, and direction of all these activities devolving upon these three men under this organization; and I submit to the House that they not only earn but they are entitled to the compensation that the committee has undertaken to give them in this bill.

I regret very much that my friend has seen fit to make the point of order. Of course, it is subject to a point of order, and I shall not contest it.

Mr. MANN rose.

Mr. PAGE of North Carolina. I yield to the gentleman. That is all, Mr. Chairman, that I care to say.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman from Illinois.

Mr. MANN. Do we make any provision whatever for the benefit of these commissioners except their salaries?

Mr. PAGE of North Carolina. None whatever.

Mr. MANN. Do they get automobiles?

Mr. PAGE of North Carolina. There is one automobile for the use of the two civilian commissioners, and the engineer commissioner has one automobile.

Mr. MANN. The gentleman says that the two civilian commissioners have the use of one automobile. As a matter of fact, has not each one of them the use of an automobile?

Mr. PAGE of North Carolina. No; that is not my understanding of it.

Mr. MANN. Does not each one of them ride to his office?

Mr. PAGE of North Carolina. There is only one automobile for the civilian commissioners.

Mr. MANN. Do they have a carriage, then?

Mr. PAGE of North Carolina. No; they have no carriage. The provision authorizing this automobile was accompanied with a provision providing that the carriages might be disposed of.

Mr. MANN. The gentleman is quite sure that they provide their own carriages when they travel to their offices?

Mr. PAGE of North Carolina. No; I will not make that statement positively. I have seen one of them going to the office in an automobile, and I think the only occasion when I saw the other civil commissioner he was on foot, as was I.

Mr. MANN. An automobile is usually provided for these people as officials of the Government. I think they are the highest paid officials of the city of Washington for the work they do.

Mr. PAGE of North Carolina. I would like to call the attention of the gentleman to the provision in this very bill, that "the appropriations in this act shall not be expended for the purchase or maintenance of horses or horse-drawn vehicles for the use of the commissioners."

Mr. EMERSON. They do not want horses any more?

Mr. PAGE of North Carolina. There is a prohibition against any of this money being used for the purchase or maintenance of a horse-drawn vehicle.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MADDEN. The gentleman stated a moment ago that the public-utilities act imposes a great deal of additional work upon the commissioners. Will the gentleman be kind enough to state to the committee how much additional expense is incurred by the employment of experts who take charge of the work in connection with the public-utilities act.

Mr. PAGE of North Carolina. The current law, as I recall it, carries $34,000 to pay the salaries of men who are employed under the utilities act.

Mr. MADDEN. What was expended during the current fiscal year for that purpose?

Mr. PAGE of North Carolina. They had only $10,000 in addition to the sum that I have mentioned for the employment of experts.

Mr. MADDEN. The experts do the work, and it costs $34,000—will cost that for the fiscal year?

Mr. PAGE of North Carolina. Yes.

Mr. MADDEN. In this appropriation which is about to be made, and which is to be added, of course, to the expense for the employment of the commissioners; so that as a matter of fact the commissioners do not do the work imposed upon the Public Utilities Board, but that work is done by men who are expert in that line.

Mr. PAGE of North Carolina. That remark only verifies the statement which I made in the beginning, that the membership of the House do not know what the commissioners do. They are sitting every day now as a Public Utilities Board, sitting long hours, in the examination and comparison of the valuations that have been made, with those of the public-service corporations, of those utilities.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Illinois.

Mr. MANN. Did the commissioners ask for this increase for themselves?

Mr. PAGE of North Carolina. There was an estimate submitted. As submitted from the commissioners, they estimated for $7,500 for the salary of each commissioner.

Mr. MANN. Then they asked for an increase of 50 per cent in their salaries.

Mr. PAGE of North Carolina. There was no possible way for it to reach us except through the commissioners.

Mr. MANN. Did they ask for any such increase for the various low-paid employees in the District of Columbia?

Mr. PAGE of North Carolina. No; they did not for the employees as a whole. In the estimate they asked for a number of increases.

Mr. MANN. Did they ask for as much as a 50 per cent increase for anybody else except themselves?

Mr. PAGE of North Carolina. No; I think not.

Mr. MANN. And no increase for the ordinary laborers?

Mr. PAGE of North Carolina. Yes; for some of the ordinary laborers they did, but not as a whole.

Mr. MANN. Not the ordinary laborers. They did not ask for any increase for the charwomen.

Mr. PAGE of North Carolina. No; they asked for an increased number of charwomen.

Mr. MADDEN. Yes; and an increased number of other people.

Mr. PAGE of North Carolina. For street employees they did.

Mr. AUSTIN. Mr. Chairman, I wish to congratulate the gentleman in charge of this bill [Mr. PAGE] on his conversion on the question of increases of pay for Government officials. I remember the impressive speech he made on the floor of the House yesterday against an increase of pay for the subordinate officers of the Government.

Mr. PAGE of North Carolina. I know the gentleman wants to be fair.

Mr. AUSTIN. Yes; absolutely.

Mr. PAGE of North Carolina. I did not make any impassioned appeal against an increase for these people. I made an appeal against an increase that I thought was not justified in comparison with the work these employees do as compared with private employees. I have come in this morning asking some small recognition for administrative men who, I do not think, are paid in comparison with the gentleman and myself for the work that we perform.

Mr. AUSTIN. I remember, I think correctly, the admonition of the gentleman from North Carolina [Mr. PAGE] to the majority side of the House not to be carried away, not to increase these Government salaries from $1,800 down beyond an increase of 5 or 10 per cent; and the statement also was made by the gentleman that every Democratic Member here knew that there were an army of applicants on the outside who would be quite anxious to step in and accept these positions with prevailing salaries.

Mr. PAGE of North Carolina. Mr. Chairman, can the gentleman deny that statement which I made yesterday?

Mr. AUSTIN. If that statement is true——

Mr. PAGE of North Carolina. Is it not true?

Mr. AUSTIN. I have no Democratic applicants, and I am not concerned with the question of patronage; but if that statement be true in reference to these subordinate positions, I submit to the gentleman, if the same argument does not apply in reference to these high-salaried positions, the Commissionerships of the District of Columbia, and if there are not thousands of men who would be glad to have those positions at the present salaries of $5,000 each?

Mr. PAGE of North Carolina. I assume that there are just about the proportion of men in the District of Columbia who would like to have the office of commissioner that there are in the gentleman's district who would like to have his place.

Mr. AUSTIN. But the gentleman is evading. Does not the same argument obtain in this particular case, where it affects some of these high-salaried officers, that did appeal to the gentleman yesterday when we were insisting upon a fair, just, and reasonable increase of the pay of clerks, watchmen, firemen, skilled laborers, and charwomen? Here is an increase of 20 per cent. Yesterday we were appealing for an increase of 20 per cent for the $1,600, $1,400, $1,200, and $900 clerks, and the gentleman opposed that.

Mr. PAGE of North Carolina. Will the gentleman yield for a question?

Mr. AUSTIN. Certainly.

Mr. PAGE of North Carolina. I would like to ask the gentleman if he did not vote yesterday to increase the pay of his own secretary 33⅓ per cent?

Mr. AUSTIN. Yes; Mr. Chairman——

Mr. PAGE of North Carolina. I did not.

Mr. AUSTIN. And what I insisted on was not only that increase, but increases all along the line.

Mr. PAGE of North Carolina. Did the gentleman insist upon an increase of 33⅓ per cent for the employees of the Government carried in the legislative bill?

Mr. AUSTIN. I had an amendment here which carried an increase of 25 per cent, 20 per cent, 15 per cent, and 10 per cent, but the ruling of the Chair prevented me from offering my amendment for a larger increase.

Now, I want to say to the gentleman, as I said yesterday to the House, that it is unjust and absolutely unfair of Congress when in season and out of season it increases the high-salaried officials and absolutely refuses to increase in proportion the low-salaried officials. We have increased the salaries of the President and the members of his Cabinet, the members of the Supreme Court, the circuit and district judges, and the Members of Congress, and now here is an effort to-day to increase the salaries of the Commissioners of the District of Columbia, right in the face of a majority of this House refusing yesterday to give an adequate and just increase along the same lines to the poorly paid Government employees. I think we were right yesterday, and I congratulate the gentleman from North Carolina [Mr. PAGE] for seeing a new vision to-day, and I hope he will carry it all down the line and give every subordinate in the District of Columbia the same rate of increase—20 per cent.

Mr. HOWARD. Mr. Chairman, as a member of the Subcommittee on Appropriations that recommended the bill to the full committee, I want to say this: It is always a very easy matter for one side of the House to criticize the other for its action. The gentleman from Tennessee [Mr. AUSTIN] is complaining about the attitude of certain Democrats on this side on yesterday relative to increase of pay of the smaller salaried men in the Government employ. The gentleman and his party had absolute power for 16 years, undisputed power, and all during that time they made no effort to correct any injustice that was done to these men in the Government service in the lower grades of employment. But now, when another party is in power, they criticize us for not going far enough.

Now, Mr. Chairman, I want to submit this proposition to the House: The Government of the United States does not pay all of the salaries of the employees of the District of Columbia. The larger portion is paid by the taxpayers of this District eventually. The citizens in this District who are interested in their government have held meetings in different parts of the city, and they themselves have recommended and passed resolutions asking that the Commissioners of the District of Columbia have their salary increased—not a thousand dollars a year, but their salaries increased $2,500, making them $7,500. Since I have been on the Committee on Appropriations it has been my pleasure to come in intimate contact with the Commissioners of the District of Columbia, and I unhesitatingly say that there are not three harder-worked men in the District of Columbia in any employment, private or governmental, than the three present commissioners in the District. They are men who reflect great credit on the appointive power in selecting them. The people of the District are all applauding their efforts, their unstinted efforts, in behalf of the welfare of this District.

Mr. MANN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MANN. Is their time fully and completely occupied now with the business of the District?

Mr. HOWARD. I will answer the gentleman by saying that this is a city of about 390,000 people, and every time I have been into the District building for the transaction of any business in connection with my work as a member of the Committee on Appropriations or any other matter I had up with the District Commissioners I have found them there on the job.

Mr. MANN. I could say that myself, for I have never called on them.

Mr. HOWARD. I have called on them numerous times.

Mr. MANN. I ask the gentleman if their time is fully occupied by the business of the District?

Mr. HOWARD. I will say to the gentleman that I think it is.

Mr. MANN. Then how can they each take a chairmanship of committees for the inaugural, which must take a great deal of their time?

Mr. HOWARD. That is an honorary position.

Mr. MANN. Not at all; it is a very active position.

Mr. HOWARD. I presume if the gentleman from Illinois had had an opportunity to take a chairmanship next March he would have been glad to have accepted it. He could have spared the time, although I know he is one of the hardest-worked men in Congress.

Mr. MANN. The gentleman is mistaken. I would attend to my official duties and let some man who had the time attend to the inaugural preparations without an increase of salary.

Mr. HOWARD. I want to say that the present commissioners—the two civil and the engineer commissioners—are rendering as efficient service and do more for the material welfare of the District of Columbia than any three men that have occupied the positions within the last 25 years.

Mr. MADDEN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MADDEN. Does the gentleman know at what hour of the day the offices in the District building are closed?

Mr. HOWARD. I do not; but I get down there early, a long time before the gentleman from Illinois comes down town in his limousine, and I have never been there after 9 o'clock that I

did not find the particular commissioner with whom I had business to transact.

Mr. MADDEN. I said, what time do the offices close, not what time do they open.

Mr. HOWARD. I have been there at 5 o'clock in the afternoon, and all the commissioners were there engaged in a matter that involved the public utilities.

Mr. MADDEN. I suppose the gentleman will believe me, and I expect the gentleman is going to believe what I am going to say. I went down there one day at half past 2. The man inside, the watchman or whatever you may call him, accosted me and wanted to know where I was going. I said I was going to see the commissioners. He said, "No; you are not. The office of the commissioners is closed at 2 o'clock." And I was not permitted to see the commissioners. I did not tell him who I was, but I thought that an ordinary American citizen, who did not look like a burglar, ought to be treated with more respect in a public building than to be told that he could not see a public officer who is paid out of the Public Treasury.

Mr. HOWARD. I am sure the watchman's eyes were very poor, or the gentleman did not note on the calendar that it was a legal holiday.

Mr. MADDEN. It was not a legal holiday.

Mr. HOWARD. The gentleman knows that with all the supervisory Government officials the offices are not open to the public after 2 o'clock.

Mr. MADDEN. Is a Member of Congress considered as belonging to the general public? But it makes no difference whether he is or not, the law says that the public offices in the District of Columbia shall be open from 9 o'clock in the morning until half past 4 in the afternoon.

Mr. HOWARD. I know that the watchman could not take the gentleman from Illinois to be an ordinary man——

Mr. MADDEN. I think it is an outrage to close the public offices at 2 o'clock in the afternoon. I do not think the commissioners can be attending to the business for which they are paid when they close their offices at that early hour in the day.

Mr. HOWARD. That would apply to every other Government official head in Washington.

Mr. MADDEN. Then the same thing is true as to all of them?

Mr. HOWARD. They must have some time in which to attend to the executive matters of the District of Columbia.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of New York. Mr. Chairman, I would like to ask if that statement is true, that the supervising Government officials close their offices at 2 o'clock?

Mr. HOWARD. Yes; there is a sign up in the Post Office Department and in the Department of Justice, and in every other department, that their offices are closed to the public after 2 o'clock.

Mr. SMITH of New York. Do not all of the Cabinet officers receive delegations in the afternoon?

Mr. HOWARD. Sure; they will do it by engagement; and as for the gentleman from Illinois [Mr. MADDEN], I know that nobody regrets that occurrence more than the present Commissioners of the District of Columbia, because they were deprived of the distinguished honor of a visit from my most amiable friend from Illinois, and I now apologize for that watchman who was so indiscreet——

Mr. MADDEN. Oh, the gentleman need not apologize.

Mr. HOWARD. In not recognizing the distinguished gentleman from Illinois.

Mr. MADDEN. I simply make this statement to the public, that neither the Commissioners of the District of Columbia nor any Cabinet officer in the United States has any power under the law to fix a rule that will close their offices to the public at half past 2 o'clock, because the law distinctly says these public offices shall be open for the transaction of public business from 9 o'clock in the morning until half past 4 o'clock in the afternoon.

Mr. HOWARD. In conclusion, I will just say this: That I think that $6.000 a year pay for the Commissioners of the District of Columbia is reasonable pay; that it is not exorbitant; that they ought to have it on account of the responsibilities attached to their office, and on account of the class of men that is required to fill these positions.

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DILL. If the committee thought it proper to raise the salaries of these commissioners, who already receive $5,000 a year, $1,000, why does the committee report in its bill the payment of salaries to men at four and five hundred dollars a year, without raising them to a living wage?

Mr. HOWARD. Why, there has to be a difference in pay, because there is a difference in intellect and training; there is a difference in efficiency and in men. There is a minimum and a maximum pay in all things. I have seen some lawyers that I would not give $5 to represent me, while I have seen others that I would readily give $5,000 to represent me if I were in a tight place.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DILL. Does the gentleman think they should be paid so little wages that their standard of living must be forced down?

Mr. HOWARD. I do not.

Mr. DILL. Does the gentleman think a decent standard of living can be maintained on four or five hundred dollars a year?

Mr. HOWARD. I think they ought to have an increase, and they are going to get it.

Mr. DILL. Does the gentleman believe that with the prices of foodstuffs the way they are, and of clothing, and of shelter, a man can keep a family on $500 a year?

Mr. HOWARD. I do not.

Mr. DILL. Does the gentleman think a Government like this can afford to continue to pay such salaries, then?

Mr. HOWARD. I do not think that, and I think we are going to increase them.

Mr. DILL. Ten per cent, which will mean $50.

Mr. HOWARD. Well, that is a heap. I have seen the time when if I had had $50 I would have thought that I was rich. That is a good deal.

The CHAIRMAN. The time of the gentleman from Georgia has expired. Does the gentleman from Indiana insist upon his point of order?

Mr. COX. Mr. Chairman, I want to make a brief statement. I regret very much to disagree with my friend from North Carolina [Mr. PAGE], the gentleman in charge of this bill, a man whom I have always followed and followed implicitly since he has had charge of appropriation bills relating to the District of Columbia.

One thing, however, I am delighted at and it is this: That the gentleman does not seek to justify this increase upon the high cost of living. He seeks to justify the increase of salary from $5,000 to $6,000 per annum on the ground of the increased responsibilities coming to the commission. One of the increases of responsibility which has come to them, according to the gentleman's version of it, is the Public Utilities Commission. I see in this bill an appropriation for $55,000 for the Public Utilities Commission. I imagine that the increased work thrown upon these commissioners by virtue of the creation of that commission is a mere bagatelle, that whatever work is thrown upon them by virtue of that is worked out, completed in its minutest detail, laid upon the tables and desks of the commissioners for their approval. That argument may be carried clear down the line as the responsibilities of the departments of the Government have materially increased in the last few years, in fact, are increasing every year. Now, if every time a little additional burden is to be thrown upon the head of a department and that head of the department must be compensated by an increase in salary, the Lord himself only knows where the limit is to extend.

Mr. LLOYD. If the gentleman will permit, in this matter of public-utility work there have been hearings for quite a while, nearly every day, and they have done a large amount of work along that line, which is an investigation of the whole subject. It is not taking matter, as the gentleman suggests, that is found on a table and passing on a thing already found out, but they are investigating the thing originally and they have been doing that kind of work for quite a while.

Mr. COX. Well, the presumption of the law is that every officer ought to do his duty. The presumption of law is that the officer does do his duty. The officer does not do his duty unless he devotes his entire time and efficiency to the office, no matter whether additional responsibility has been thrown upon him by virtue of new legislation or not, and even though this may be an additional burden it can not take any more time away from these men than they are required to give by law to the public. Now, the gentleman from Illinois [Mr. MANN] talked about certain benefits that this commission have. I

want to call the attention of the committee to page 17 of this bill, to that part of it which relates to automobiles. On page 17 you will find a provision for automobiles for the offices of the civilian commissioners. Now, I am willing to take the word of the gentleman in charge of this bill upon it, but the language contained on page 17 of the bill provides "automobiles for the officers of the civilian commissioners."

Mr. PAGE of North Carolina. If the gentleman will permit, that is not for the commissioners, that is for the officers under the civilian commissioners, and it goes on to enumerate them.

Mr. COX. Do the commissioners use these automobiles?

Mr. PAGE of North Carolina. They do not use them. As a matter of fact these automobiles are used by the various heads of the different departments in the discharge of their duties—the superintendent of streets and various others. There is really but one automobile for the use of the civilian commissioners.

Mr. COX. I am willing to accept the gentleman's version upon that point. Now, I have not been very much impressed all through this argument of yesterday and to-day about these eternal increases in salaries, and yet I do not want to be hard-hearted; I do not want to be cold-blooded; I want to be deliberate about these things; but if we continue these constant increases in salaries I do not know where we are going to land. I know there is a belief prevalent now in some of the departments here, because they have told me, for more than one head of the various departments of this Government have said, "You always get economy by paying high-priced salaries." I do not believe that. I believe you can get a good man to fill these places for $5,000 a year. I say no doubt but what these men are good, are competent, but I have no doubt you can get men just as good for $5,000 per year.

Mr. SNYDER. Will the gentleman yield?

Mr. COX. I will yield.

Mr. SNYDER. Does the gentleman know whether any of these resident commissioners have notified the committee that in case their salaries are not raised they will resign.

Mr. COX. I do not think they have.

Mr. SNYDER. I have not heard of any.

Mr. COX. Some one upon the floor made the argument this morning that everybody here in the District of Columbia wants these salaries increased. As far as I am concerned, I will not object if this bill were amended so as to let these proposed increases of salaries be paid exclusively out of the revenues of the District.

Mr. MANN. Will the gentleman yield?

Mr. COX. I would not object to it. Yes; I yield for a question.

Mr. MANN. Was not the statement made, not that everybody in the District wanted salaries increased, but that certain localities of people had gotten together and asked for the increases?

Mr. COX. I think that is true.

Mr. MANN. Does the gentleman imagine that the people of the District would have got together and asked for increases in the salaries of the commissioners unless some of the employees under the commissioners had had the meeting called?

Mr. COX. I think that is probable. So if the people here in the District are really desirous of having these salaries increased let us put them to the test, a patriotic test, and let the patriotism go to the pocketbooks of the people of the District of Columbia. Let them pay it and not undertake to force the people of the United States to pay these increases of salary.

Mr. SIMS. Will the gentleman yield?

Mr. COX. I will yield to the gentleman.

Mr. SIMS. Would the gentleman not also couple with that proposition one providing that if the District pay all charges due to increases they should have all the appointments and not have them made upon the recommendation of Senators and Members of the House?

Mr. COX. I never made any such recommendations.

Mr. SIMS. It takes a good deal of the time of Members hearing those who seek their support in their applications for positions in the District service.

Mr. MANN. I would like to inquire whether anybody in this House knows of a case where the commissioners appointed anybody at the request of a Member of the House?

Mr. COX. I have not made any such request. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I wish to offer two amendments.

The CHAIRMAN. The gentleman from North Carolina offers two amendments. The Clerk will report the first one.

The Clerk read as follows:

Page 2, line 5, after the word "at," insert "$5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the other amendment.

The Clerk read as follows:

Page 2, line 7, after the word "salary," insert "$5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

So much of existing law as provides that the assessor of the District of Columbia and the members of the permanent board of assistant assessors shall not be removed except for inefficiency, neglect of duty, or malfeasance in office, is repealed: *Provided*, That on and after the date of the approval of this act all records and accounts in any way relating or pertaining to the bookkeeping, accounting, and collection of taxes and assessments now prepared and kept in the office of the assessor of the District of Columbia shall be transferred to and kept in the office of the collector of taxes of said District; and the collector of taxes shall hereafter be charged with the duties heretofore required of the assessor in relation to the preparation and issuance of tax bills and bills for special taxes and assessments; the preparation for public inspection of lists of all real estate in the District of Columbia heretofore sold, or which may hereafter be sold, for the nonpayment of any general or special tax or assessment; and said collector shall furnish, whenever called upon, a certified statement, over his hand and official seal, of all taxes and assessments, general and special, that may be due at the time of making the said certificate; and he shall prepare the lists of taxes on real property in said District subject to taxation on which taxes are levied and in arrears on the 1st day of July of each year: *Provided further*, That on or before November 1 of each year the assessor shall prepare and deliver to the collector of taxes of said District tax ledgers in completed form, showing the assessed owners, amount, description, and value of real property listed for taxation in the District of Columbia; and on or before April 1 of each year the assessor shall prepare and deliver to the said collector personal-tax ledgers in completed form, showing the names and addresses of assessed owners and the location and value of property assessed: *And provided further*, That the register of wills of the District of Columbia shall hereafter furnish copies of wills, petitions, and all necessary papers wherein title to real estate is involved to the collector of taxes and the assessor of said District.

Mr. MADDEN. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the paragraph, and the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

License bureau: Superintendent of licenses (who shall also be secretary to the automobile board without additional compensation), $2,000; clerks—1, $1,400 (transferred from assessor's office); 1, $1,200 (formerly license clerk, assessor's office); 1, $1,000 (transferred from assessor's office); 1, $900 (formerly index clerk and typewriter, engineer commissioner's office); inspector of licenses, $1,200 (transferred from assessor's office); assistant inspector of licenses, $1,000 (transferred from assessor's office); in all, $8,700.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I send an amendment to the Clerk's desk.

The CHAIRMAN. Does the gentleman from North Carolina concede the point of order?

Mr. PAGE of North Carolina. I do.

The CHAIRMAN (Mr. DUPRÉ). The point of order is sustained.

Mr. PAGE of North Carolina. I concede the point of order, and I ask unanimous consent to revert to page 4 of the bill, line 18, made necessary by this paragraph going out on the point of order, and offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, strike out lines 18 to 25, inclusive, and, on page 5, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"Assessor's office: Assessor, $3,500; assistant assessors—3 at $3,000 each, 2 at $2,000 each; 5 field men at $2,000 each; record clerks—1 $1,800, 2 at $1,500 each, 1 $1,200; clerks—4 (including 1 in arrears division) at $1,400 each, 4 at $1,200 each, 8 (including 1 in charge of records) at $1,000 each, 2 at $900 each, 2 at $720 each; draftsmen—1 at $1,600, 1 at $1,200; 2 stenographers and typewriters at $1,200 each; assistant or clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; 2 messengers at $600 each; board of assistant assessors—clerk $1,500; vault clerk $900, messenger and driver $600; temporary clerk hire, $500; in all, $68,340."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

All the authority, duties, discretion, and powers now vested by law in the assessor of the District of Columbia with respect to licenses and the issuance thereof, shall, on and after July 1, 1917, be transferred to and vest in the superintendent of licenses provided for in this act.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Excise Board: Three members, at $2,400 each; clerk, $1,500; inspector, $1,500; messenger, $600; hire of means of transportation, $1,000; in all, $11,800: *Provided*, That the term of office of any member of the Excise Board whose nomination has been or may be rejected by the Senate shall be terminated by such rejection and no part of this appropriation shall be used to pay the salary of any member of the board whose nomination has been rejected by the Senate.

Mr. MANN. Mr. Chairman, I make the point of order against the proviso in the paragraph.

The CHAIRMAN. The point of order is made against the proviso in the paragraph.

Mr. MANN. It is subject to a point of order, and I do not see any need in carrying it.

Mr. PAGE of North Carolina. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, $4,500; assistants—first $2,500, one $2,500, second $2,000, third $1,800, fourth $1,500, fifth, $1,500; stenographers—1 $1,200, 1 $840; 1 $720; clerk, $720; in all, $19,780.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. You provide for first assistant corporation counsel, second assistant corporation counsel, third assistant corporation counsel, and so forth, but what is this new man to be called?

Mr. PAGE of North Carolina. We did not designate him or give him any title whatever except as counsel.

Mr. MANN. But he is assistant corporation counsel at $2,500 a year. The assistants are—first $2,500, and a second $2,000. So his title will be "one assistant corporation counsel." The others are designated as "first," "second," "third," and so on.

Mr. PAGE of North Carolina. I will say to the gentleman that if the committee had followed out the criticism he is making they would have changed the man at $2,000 as second assistant and made this second. But the idea was to give the corporation counsel another assistant.

Mr. MANN. I understand, but as long as that is designated that way——

Mr. PAGE of North Carolina. And if the gentleman will allow me I will offer an amendment, as follows:

On page 8, line 21, strike out the word "one" and insert "second."

Mr. MANN. Put them all together.

Mr. PAGE of North Carolina. I will put them all together. I will change the form of the amendment:

In line 21, strike out the word "first" and the word "one" and the word "second," so that it will read "assistant"——

Mr. MANN. Strike out "one" and insert "second," and strike out "second" and insert "third"; strike out "third" and insert "fourth," and so on. Put them all together in one amendment.

Mr. PAGE of North Carolina. Yes. Strike out in line 21 the word "one" and insert "second"; strike out "second" and insert "third"; in line 22 strike out "third" and insert "fourth," and in the same line strike out "fourth" and insert "fifth"; strike out of the same line "fifth" and insert "sixth."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 21, strike out the word "one" and insert "second"; strike out the word "second" and insert the word "third"; line 22, strike out the word "third" and insert the word "fourth"; strike out the word "fourth" and insert "fifth," and strike out the word "fifth" and insert the word "sixth."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word, and asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Farmers' produce market: Market master, $900; assistant market master, who shall also act as night watchman, $600; watchman, $600; laborer for sweeping sidewalks on B, Little B, and Tenth and Twelfth Streets NW., and the center walk of the Farmers' Produce Market Square, and raking up space used for market purposes, $480; laborer to remove market refuse from streets and from sidewalks around Farmers' Produce Market and to assist in the care of the interior of the market, $480; hauling refuse (street sweepings), $600; in all, $3,660.

Mr. DILL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. DILL. I do so for the purpose of asking the chairman a question.

Mr. PAGE of North Carolina. Very well.

Mr. DILL. I notice in the hearing that a recommendation is made for an increase in the price of these laborers in the Eastern and Western Markets, and the committee not only did not raise this one on page 10, but left those wages at $300.

Mr. PAGE of North Carolina. I will say to the gentleman that these were left as they are on the theory of carrying on this bill a general increase such as was carried on the legislative bill.

Mr. DILL. Which would make their salaries $330.

Mr. PAGE of North Carolina. Which would increase their salaries by 10 per cent.

Mr. DILL. In the hearings I notice that Mr. Brownlow says these men work every day, although they do not always work 10 hours a day.

Mr. PAGE of North Carolina. They are on the job every day, but their hours of service do not always cover a whole day.

Mr. DILL. They clean up the place?

Mr. PAGE of North Carolina. Yes; they clean up the place, but it does not require a full day's labor.

Mr. DILL. I will not take the time to offer an amendment, because I take it that a point of order would be raised, as was done all through the other bill. But it does seem to me that $25 or $27 a month, as it will be, is an exceedingly low wage.

I note also that Mr. Brownlow says that one of these men has written to him saying it was impossible for him to live on $300 a year. Of course, that is needless to be stated.

Mr. PAGE of North Carolina. These services, of course, are not continuous, nor are the hours long. Otherwise the wages would have been increased beyond that scale. In the bill two years ago we increased them from $240 to $300, so that they have been receiving some little increase in the last year. On the statement that the gentleman makes, putting the wage at $27 a month, it does seem to be a small wage. That is true, but perhaps they have some employment elsewhere. It is not an exacting employment, as I understand.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Engineer commissioner's office: Engineer of highways, $3,000; engineer of bridges, $2,500; superintendents—1 of streets $2,000, 1 of suburban roads $2,250, 1 of sewers $3,300; asphalts and cements—inspector $2,400, assistant inspector $1,500; trees and parkings—superintendent $2,000, assistant superintendent $1,350; assistant engineers—2 at $2,200 each, 4 at $1,800 each, 2 at $1,600 each, 4 at $1,500 each, 2 at $1,350 each, 1 $1,200; transitmen—3 at $1,200 each, 1 $1,050; rodmen—4 at $900 each, 8 at $780 each; 12 chainmen, at $650 each; draftsmen—1 $1,500, 2 at $1,200 each, 1 $1,050; general inspector of sewers, $1,300; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—2 at $1,500 each, 5 (including 2 of streets) at $1,200 each, 1 $1,000, 1 $900; foremen—12 at $1,200 each, 1 $1,050, 10 at $900 each; foreman, Rock Creek Park, $1,200; 3 subforemen, at $1,050 each; bridge keepers—1 $650, 3 at $600 each; chief clerk, $2,250; permit clerk, $1,500; assistant permit clerk, $1,000; clerks—1 $1,800, 3 at $1,500 each, 1 $1,400, 2 at $1,350 each (including 1 transferred from per diem roll), 7 at $1,200 each, 2 at $1,000 each, 1 $900, 1 $840, 2 at $750 each, 1 $720, 1 $600; 7 messengers at $600 each; skilled laborers—1 $625, 2 at $600 each; janitor, $720; steam engineers—principal $1,800, 3 at $1,200 each, 3 assistants at $1,050 each; 6 oilers, at $600 each; 6 firemen, at $875 each; inspector, $1,400; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; 2 watchmen, at $630 each; 2 drivers, at $630 each; in all, $179,640.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. PAGE of North Carolina: On page 11, after line 14, insert the following:
"Index clerk and typewriter, $900."

Mr. PAGE of North Carolina. I will say, Mr. Chairman, in regard to this amendment that this employment was transferred from this paragraph to the license bureau, but went out on a point of order. It is simply a matter of transferring it back.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PAGE of North Carolina. I ask unanimous consent, Mr. Chairman, that the Clerk may be allowed to correct the total.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the Clerk may be allowed to correct the total. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Board of examiners, steam engineers: Two members, at $300 each, $600.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment by Mr. PAGE of North Carolina: On page 13, after line 18, insert the following: "Automobile board, secretary or acting secretary, $300."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Free Public Library, including Takoma Park branch: Librarian, $4,000; assistant librarian, $1,500; chief circulating department, $1,200; director of children's work, $1,500; children's librarian, $1,000; assistant in charge of school work, $1,000; librarian's secretary, $1,000; Takoma Park branch librarian, $1,000; chiefs of divisions—order and accessions $1,200, industrial $1,200; reference librarian $1,000; assistants—1 $1,000, 1 in charge of periodicals $1,000, 1 $900, 7 at $840 each, 7 (including 1 for the Tokoma Park branch) at $720 each, 3 at $600 each, 3 (including 1 for Takoma Park branch) at $540 each; copyist, $540; classifier, $900; cataloguers—1 $840, 1 $720, 2 at $600 each; stenographers and typewriters—1 $900, 1 $720; attendants—1 $720, 6 at $600 each, 5 at $540 each; collator, $540; 3 messengers, at $600 each; 10 pages, at $420 each; 3 janitors, at $480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, $360; engineer, $1,200; fireman, $720; workman, $600; library guard, $720; 2 cloakroom attendants, at $360 each; 6 charwomen, at $240 each; in all, $59,420.

Mr. MANN. Mr. Chairman, I suggest that the word "Tokoma" on line 16, page 14, should have its spelling corrected to read "Takoma."

Mr. PAGE of North Carolina. Yes.

The CHAIRMAN. In the absence of objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing all annual and special reports of the government of the District of Columbia for the fiscal year ending June 30, 1917, for submission to Congress, $5,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. I will ask the gentleman out of what fund this printing comes now?

Mr. PAGE of North Carolina. They have had an allotment from the congressional printing fund, but the law has been so amended that they can not use it for that purpose, and this becomes necessary.

Mr. MANN. How is the law amended?

Mr. PAGE of North Carolina. By a ruling, as I understand, of the Joint Committee on Printing.

Mr. MANN. Do they not get an allotment out of the printing appropriation in the sundry civil bill?

Mr. PAGE of North Carolina. No; they do not.

Mr. MANN. That is sufficient. I withdraw the point of order. I think they do a lot of useless printing.

Mr. PAGE of North Carolina. We investigated this matter, and the commissioners estimated for $6,000 on this item, and we took it up with the Public Printer to find out how much printing had been done under the old act for the commissioners and found it would have amounted to that much. But we took the liberty of cutting them down from about $9,000 that they had been getting under this old provision; we took the authority to cut it down to $5,000, thinking that they had more of their reports printed than was actually necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I would be perfectly willing, so far as I am concerned, to appropriate money for somebody who would print a decent map of Washington or the District of Columbia. We get, I believe, in connection with our Congressional Directory a map of the city of Washington, made in the seventeenth century, evidently, or the eighteenth; certainly, it was not the nineteenth or the twentieth. Nobody can tell anything about it. You can not get a decent map from the District Commissioners. At least, I have not been able to, although I have gotten several that were no good. There is no other city in the world that I am familiar with, although I am not familiar with very many, where you can not find a map that gives information in reference to the city. I got a map from the District Commissioners last year and on it, for instance, it shows Sixteenth Street plainly opened and extended where it does not exist. That is about the only clear thing that it did show, and that was not so.

Mr. PAGE of North Carolina. I will say to the gentleman that I hope very much that the Engineer Commissioner of the District will read the RECORD to-morrow.

Mr. MANN. Oh, probably he may, so far as it relates to his salary.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

In all, for motor vehicles, $18,860. All of said motor vehicles and all other motor vehicles provided for in this act and all horse-drawn carriages and buggies owned by the District of Columbia shall be used only for purposes directly pertaining to the public services of said District, and shall be under the direction and control of the commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District: *Provided*, That no automobile shall be acquired hereunder, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding $700 for one seating more than two persons, $500 for one seating not more than two persons, or $2,000 for a motor truck: *Provided further*, That hereafter all motor vehicles and all horse-drawn carriages and buggies owned by the District of Columbia shall be of uniform color and have painted conspicuously thereon, in letters not less than 3 inches high and markedly contrasting in color with the body color of the vehicle, the words "District of Columbia."

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman in charge of the bill happen to know how many automobiles the street-cleaning division has?

Mr. PAGE of North Carolina. Four.

Mr. MANN. And they are buying two new ones this year, and want to buy two new ones next year. How long do those machines last?

Mr. PAGE of North Carolina. I think there is one new this year for the superintendent of the street cleaning department.

Mr. MANN. It says—

Two automobiles to be purchased in lieu of automobiles to be exchanged.

Mr. PAGE of North Carolina. Yes.

Mr. MANN. The same provision is carried in the current law.

Mr. PAGE of North Carolina. Yes; that is true.

Mr. MANN. That makes two this year and two next year.

Mr. PAGE of North Carolina. Yes; unless they are exchanging the same ones they did last year, and I think they are not.

Mr. MANN. If they are buying two new ones——

Mr. PAGE of North Carolina. I think the gentleman's first idea is the correct one.

Mr. MANN. I was wondering how long they were able to use these machines.

Mr. PAGE of North Carolina. I think the life of a Ford machine——

Mr. MANN. I am not speaking of their life, but how long these people keep them generally, and whether they——

Mr. PAGE of North Carolina. I can say to the gentleman, not as regards these particular machines to which he refers, that in the hearings there is evidence that there are machines being used by the District employees now that are 4 years old, some of them, so I presume that they use them a longer period of time than that.

Mr. MANN. Of course, it depends very largely on the care of a machine how long it lasts.

Mr. PAGE of North Carolina. I understand that.

Mr. MANN. And whether they want to break up a machine, or whether they want to keep it.

Mr. PAGE of North Carolina. In the absence of other evidence I assume that there is enough direction and supervision over this machinery to prevent wanton destruction or abuse of it.

Mr. MANN. If they can get two new machines every year, doubtless they will continue to do that.

Mr. PAGE of North Carolina. I do not think that will keep up indefinitely, of course. The two machines to be exchanged were purchased in 1913, according to the evidence in the hearing, one for $1,532.60 and one for $536.65. One has a mileage of about 30,000 miles and the other a mileage of about 17,000 miles. That is the statement made by the engineer commissioner in the hearing.

Mr. MANN. I should not think that was a very great mileage for the streets of the District of Columbia. Still, I do not know much about machines.

Mr. PAGE of North Carolina. I should say that when a machine of that kind had made 30,000 miles the expense of upkeep would justify a private owner in making an exchange.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. Can the gentleman from North Carolina advise us how

many motor vehicles are now owned by the District of Columbia in its different departments?

Mr. PAGE of North Carolina. We have provided in this paragraph, either for the purchase of new ones or the maintenance of old ones, for 19 motor vehicles. That is about as nearly as I can tell the gentleman.

Mr. WINGO. Can the gentleman tell me whether or not anyone has ever been punished for a violation of the inhibition against the use of these machines for other than purposes directly pertaining to the public service?

Mr. PAGE of North Carolina. No; the gentleman having charge of this bill has no connection whatsoever with the enforcement of the law in the District of Columbia and no connection with the police force, and can not give the gentleman from Arkansas any information on that subject.

Mr. WINGO. As a matter of fact, it is notorious that that law is a dead letter.

Mr. PAGE of North Carolina. No; to be perfectly fair, I do not thing that is a fair statement. I think that at one time there was very great abuse. Limitations were put upon it, and a great deal was said on the floor of the House by various Members as to this abuse; and my information, from such sources as I can gather it, is that there is now a minimum of the misuse of these cars.

I will say to the gentleman further than that in the bill a year ago, in an effort not only to bar the use of these cars for other than official purposes, but in order that the machines owned by the District government might be utilized to the fullest extent, we authorized the purchase of land and the construction of a central garage in proximity to the District building, so that all these machines should be under the direction of some central authority; and, for instance, if the superintendent of the street-cleaning department was not using the machine assigned to him, and there was occasion for some other department to use a machine, that it might be temporarily turned over to that department in an effort not only to utilize the machines that they had to the greatest practicable extent, but also to have them more directly under the eye of some responsible person, so that this abuse of which he speaks, which existed at one time, might still further be diminished.

Mr. WINGO. I will say to the gentleman, in justice to the officials of the District of Columbia, that I think there is less abuse of their cars by using them for private purposes than there is possibly of cars that belong to other departments. It is a fact that is notorious, however, to anyone who keeps his eyes open that you can see these cars—not only of the District of Columbia but of other departments—used for all kinds of private purposes. You can find them at almost any hour of the night—cars belonging to some departments—parked before some of these apartment houses.

Mr. PAGE of North Carolina. If the gentleman will permit me, I do not know that there is any greater violation of the law with reference to the use of automobiles than there is of any other law to which there is no penalty attached.

Mr. WINGO. I agree with that.

Mr. PAGE of North Carolina. I know it is less than it was in prior years, and I hope it will be less in future years than it is at present.

Mr. WINGO. It was less about two years ago, but it was pretty notorious last winter. I kept track of one or two cases last winter for several nights, and there were not less than two Government-owned automobiles standing in front of a fashionable apartment house at an hour as late as I cared to be up, being a man used to country life and country habits. I do not know how long they remained there after I went to bed. They were not being used officially. I do not mean to say that they were being used for any improper purpose, other than that they were officially prohibited from the use that they were being put to. I recognize that it is impossible to enforce this inhibition absolutely. The only thing that can be done is to keep it down to the minimum. It is sometimes exasperating to see some man who criticizes the alleged extravagance of Congress riding around in a Government-owned car and using it for private purposes. When men occupying minor positions in the Government attempt to criticize Members of Congress for alleged extravagance in voting for appropriations it is a little irritating to see those same Government employees misusing Government property. I had in mind a particular instance, and my sole object in rising was simply to relieve my mind of a little feeling of exasperation that I had on account of one of these gentlemen. Having relieved my mind of that, I have no desire to embarrass the gentleman in charge of this bill by blaming him for a lack of enforcement of the law which I know he and other Members of Congress can not prevent. Congress has prohibited by law the use of these cars for private purposes, and if those upon whom the duty devolves willfully and contemptuously ignore the law, as it is notorious they do, they and not Congress should be criticized and held to account.

The Clerk read as follows:

For erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library not exceeding the sum of $500 of the unexpended balances of the appropriations made for this purpose by the acts of June 27, 1906, and subsequent District of Columbia appropriation acts, is continued available for the fiscal year 1918.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Why do they not use this money? There are a great many historical places in and around Washington. A great many visitors come here and tablets marking historical places would be of great advantage. But I suppose the commissioners are so busy getting their salaries increased that they do not have the time.

Mr. PAGE of North Carolina. If the gentleman would let me answer his question before he undertakes to answer it himself——

Mr. MANN. I was trying to incite the gentleman to an answer.

Mr. PAGE of North Carolina. The commissioners are very anxious to expend this money, but it is under the control absolutely of the Joint Committee on Library and they will not designate the places where they can put them, and so the commissioners can not expend the money. That is the answer to the gentleman's question. If he has any quarrel it is with the Joint Committee on the Library and not with the Commissioners of the District. As busy as the commissioners are they would like to be a little busier.

Mr. MANN. If it is the Joint Committee on the Library, they are so busy reading the innumerable bills providing for monuments and statuary that they have not the time.

Mr. PAGE of North Carolina. I shall not undertake any defense of that committee for they can defend themselves.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

On and after January 1, 1918, every deed offered for record in the office of the recorder of deeds for the District of Columbia shall have attached thereto an affidavit duly executed by the grantor named in said deed setting forth the true consideration passing from the grantee to the grantor as the purchase price of property therein conveyed, and the recorder of deeds for the District of Columbia shall refuse to accept for record any deed which does not have attached thereto such affidavit: *And provided further*, That on and after January 1, 1918, all deeds of trust secured by real estate in the District of Columbia and offered for record in the office of the recorder of deeds for the District of Columbia shall have attached thereto an affidavit wherein the party secured by said deed of trust sets forth that the sum of money recited in said deed of trust as the sum in which he is secured is the amount actually loaned by him on the security of said real estate, and the recorder of deeds for the District of Columbia shall refuse to accept for record any deed of trust which does not have attached thereto such affidavit.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, this is clearly subject to a point of order, and it is not worth while to waste any talk about it. I do not think I could persuade the gentleman.

Mr. MANN. The gentleman's committee does not have jurisdiction of this; it is pending before another committee.

Mr. PAGE of North Carolina. The gentleman recognizes that, but he also recognizes the fact that it will remain pending there for a long time.

Mr. MANN. It ought to if it is drawn in this form.

Mr. PAGE of North Carolina. The gentleman will have the chance on the floor if it comes in in this form.

The Clerk read as follows:

For purchase of enamel metal or other metal identification number tags for horse-drawn vehicles used for business purposes and motor vehicles in the District of Columbia, $1,500.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. It is unfortunate that the preceding paragraph has gone out on a point of order. It may not be strictly in order on an appropriation bill, but it is certainly very germane to an appropriation bill. The purpose of it, of course, is to secure a distinct and fair assessment of the real estate in the District. The people who own property in the District and pay the taxes are as much interested in a fair assessment as anybody else.

There is another purpose, and that is to prevent colorable sales which may be made at a fictitious valuation surrounding proposed public improvements by the Federal Government. I have in mind the purchase of the land between here and the Union Depot for the purposes of Capitol Park. The law was so drawn that a certain amount was to be bought every two years, and each installment cost more than the last. A great many apparent or pretended sales were made in that vicinity, upon

which testimony was predicated of the value of the land. Whether those sales were genuine nobody knew.

As long as we have a system in the District of Columbia of buying land for public purposes and condemning it under the terms of the Constitution before a jury, and no part of the cost is assessed back on the property owner, there is no check on the value of that land. If any portion of it, 20 per cent, 10 per cent, or 5 per cent of the cost of the improvement was ever assessed back on the benefit district, the attorneys representing the property owners in the benefit district would be there to cross-examine the witnesses. But they are not there and it is all one-sided—Uncle Sam on the one side and everybody else on the other. The valuations given by the witnesses are not analyzed nor criticized from any scientific standpoint. Here we have a check, a genuine check, on wash or fictitious sales. If there is any reform in the interest of the taxpayers and the Federal Government, this ought to go in for the purposes of true valuation, and if it can not go in anywhere else it ought to go in on an appropriation bill.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. MADDEN. Does the gentleman know of any place in the United States where a municipality purchases land by condemnation where any part of the cost of the purchased land is charged back to the abutting property owners?

Mr. BORLAND. Where the land is purchased for Government use that is true. Where it is purchased for park purposes it is universal, except in the District of Columbia, to assess a portion of the cost back on the abutting property owner. That is what was done in the city of Chicago; the boulevard in that magnificent city was formed on that principle.

Mr. MADDEN. I think the gentleman is wrong. I think where you open a street by condemnation and it thereby improves the value of the abutting property a portion may be assessed on the property owner, but if you buy land for the purpose of using it as a park, that has nothing to do with the abutting property, and no part of it should be charged back, and the gentleman knows it.

Mr. BORLAND. The gentleman from Illinois is entirely mistaken about that. I may say that Kansas City is divided into five park districts, and each park acquired is assessed against the property in that park district in which it is acquired, and it is paid separately from the general taxes of the city. That is not a rare case, but, in my judgment, it is uniform and almost universal in the country. I am speaking of the situation of the Federal Government; the Federal Government is compelled to buy a great deal of land, but it is not compelled to buy land for the beautification of the cities.

This question of parks is a beautification of the city, as the Capital. All of your Capital parks, Rock Creek extension, and all, ought to be assessed back on a benefit district, either constituting the District at large or the immediate adjoining property, and if it were, there would be a radically different attitude toward the damage allowed to the property in the taken district.

This amendment, in my judgment, opens up the door for a very decided reform in that direction.

Mr. MADDEN. Does the gentleman know any place in the United States where anybody is compelled to put the consideration into the deed?

Mr. BORLAND. No; I do not. I confess that is a new idea.

Mr. MADDEN. Why should there be any different law here than in any other place?

Mr. BORLAND. I confess that it is a new idea, but I do not see anything hostile in it to the interest of any honest man, if we compel him to put the consideration in his deed.

Mr. TILSON. Is not the value of the land stated for the purpose of the revenue stamp?

Mr. BORLAND. The revenue stamp has been abolished.

Mr. TILSON. This is for the future?

Mr. BORLAND. Yes; this would not take effect until the 1st of July, 1917.

Mr. MANN. Mr. Chairman, I wish to resist the motion to strike out the last word. It was indicated to me by the distinguished gentleman in charge of the bill and other gentlemen on the other side of the House that it was their desire to get along as speedily as possible with the appropriation bills, and without the expenditure of any great amount of hot air. Evidently they did not take my friend from Missouri [Mr. BORLAND] into consideration when they passed that word around, because, although the item has gone out of the bill, he wants to lecture me and the House with reference to the necessity of embodying it in the bill, and under the circumstances I think I shall call off all bets and indulge in a little myself.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MANN. I will, although I did not interrupt the gentleman, but I realize that it is impossible under any circumstances to keep the gentleman from wanting to talk.

Mr. BORLAND. The chairman of the committee is in no wise responsible for "the gentleman from Missouri."

Mr. MANN. Oh, I know that, and the Chairman is glad of that and so am I. No one is responsible for the gentleman from Kansas City when he wants to talk. What are the facts in reference to this? The object of the bill to put the true value in a deed was not for the purpose indicated by the gentleman at all in reference to the condemnation of property. There has been no case in the District of Columbia and there will not be any case in the District of Columbia where in condemning property for park purposes we will levy a special assessment to pay for it, and the law now exists as to that in reference to the condemnation of streets. The purpose of putting this provision in is due to the recent inclination on the part of purchasers and sellers of property to keep their private business private, and not to put in anything but a nominal consideration. I would a little rather myself that they would put in the true consideration, but that is their private business. After all, the tendency in the country is to try to have uniformity in reference to deeds, and almost every State in the Union, if not every State, provides that a deed executed in another State in conformity with the laws of the other State is valid in the State in which it is recorded, and yet here we have a proposition to single out a little bit of territory, 50 or 60 or less square miles in extent, and say that a deed executed in relation to the District of Columbia in any State of the Union which conforms to the laws of that State shall be invalid in the District of Columbia, and the people who make the deed may not know anything about it at all until after a death has occurred, until after a bankruptcy has occurred, until after a great many things may have occurred, which renders it impossible to obtain a new deed. It is preposterous for the people to expect that in a little territory like the District of Columbia they are going to say that we shall be governed differently in respect to deeds than all the rest of the United States.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BORLAND. I do not want to prolong this discussion——

Mr. MANN. Nor do I.

Mr. BORLAND. But I do want to remind the gentleman that he is in error in saying that a deed drawn according to the laws of some other State is good to pass land in a particular State.

Mr. MANN. Nearly every State in the Union has that provision.

Mr. BORLAND. Is it not just the other way, that the law is that the real estate is governed by the law of the State where the land lies?

Mr. MANN. Certainly it is.

Mr. BORLAND. And that the deed must conform to the law of the State where the land lies?

Mr. MANN. Certainly, that is the law; but if the law of the State provides that a deed executed and acknowledged in conformity with the laws of another State shall be valid in that State, that is the law of the State.

Mr. BORLAND. But that is not the case.

Mr. MANN. Of course, I suppose the gentleman has had great experience. I have been dealing in real estate all of my life and I have received and signed thousands of deeds, but I confess that I do not know as much about it as the gentleman from Kansas City. Yet that has been my experience.

Mr. BORLAND. The gentleman has considerably modified his statement.

Mr. MANN. I have not modified it at all.

Mr. BORLAND. I think he is a lot nearer correct. If the law of a State permits the execution of a deed outside, it is valid; otherwise, not.

The Clerk read as follows:

On and after December 31, 1917, all licenses, including identification tags and registrations, for motor vehicles heretofore granted shall expire and become null and void, and on and after January 1, 1918, there shall be charged annually for the licensing and registration of motor vehicles the following fees, which shall be paid annually to the collector of taxes of the District of Columbia and which shall include registration and the furnishing of an identification number tag—$5 for each vehicle of more than 24 horsepower, $3 for each vehicle of 24 horsepower or less, and $2 for each motor cycle or similar motor vehicle: *Provided*, That the term "motor vehicle" used herein shall include all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks: *Provided further*, That motor vehicles owned and maintained in the District of Columbia by the United States or the government of the District of Columbia shall be registered and furnished identification tags without cost: *And provided further*, That the Commissioners of the District of Columbia are authorized to

establish such rules and regulations and to affix thereto such fines and penalties as in their judgment are necessary for the enforcement of this act and the regulations authorized hereunder.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I know it is customary to give to the District Commissioners very great authority about controlling everybody in the District. Is this a proper regulation, to give them authority to prescribe penalties, fines, and so forth?

Mr. PAGE of North Carolina. I think within the limits of their power and in connection with the penalties and fines as to licenses of automobiles, we are not giving them any great authority.

Mr. MANN. They have some of the craziest regulations about automobiles in this town that the imagination of man could have devised. Does not the gentleman agree with me about that—some of the most foolish in the world?

Mr. PAGE of North Carolina. I agree entirely with the gentleman that the regulations as to traffic are not such as I would approve. Whether I accept his language in describing them I am not prepared to say. I have seen some very foolish regulations here, indeed.

Mr. MANN. They have a regulation here, for instance, saying that you can not put a strong light on your automobile on a dark road even when the automobile has no other light.

Mr. PAGE of North Carolina. That is equivalent to prohibiting the automobile from going on a dark road.

Mr. MANN. A man who wants to travel there can not travel at night over it, and yet if he does it the law is violated and he is subject to a fine.

Mr. PAGE of North Carolina. I think that the authorities themselves found out the ridiculousness of that, and they at least have not prosecuted anybody under it.

Mr. MANN. I will tell the gentleman something in reference to that. Last year I was going through Rock Creek Park several times at night. I think it is a beautiful place to go at night, and several times I was stopped by a policeman who told me, "You will have to turn off your lights or else pay a fine." Of course, that is practicable.

Mr. PAGE of North Carolina. Out in the park.

Mr. MANN. Out in the park; that is silly, of course, that nobody can go on those roads in Rock Creek Park, which are not lighted, on a dark night with a light. I went to Maj. Pullman, who was very courteous about it. That regulation was changed as to Rock Creek Park, but it still exists as to all the other country roads, and there are a great many in the District of Columbia, where people must travel in automobiles, but can not travel without being subject to a penalty. Well, the gentleman says they do not enforce it, but that is because they do not catch them; they have not had enough policemen to do so.

Mr. PAGE of North Carolina. I agree with the gentleman that this is altogether a regulation that can not be complied with.

Mr. MANN. That is only one way of many. I myself have never been taken in tow by an officer.

Mr. PAGE of North Carolina. I have.

Mr. MANN. But very frequently I have seen them take somebody else in who was not violating the law.

Mr. PAGE of North Carolina. Is the gentleman blaming me about it?

Mr. MANN. No; I am trying to get information—yes, partly, because the gentleman proposes to extend the authority of the commissioners.

Mr. PAGE of North Carolina. Well, I will make a confession to the gentleman. If I could sit down and write the regulations for the governing of traffic, when you could turn on your lights and when you could not, if I had brought such a provision into this House, we would not pass this bill this session of Congress, because every gentleman who owns an automobile or operates one, or even walks where they are operated, has his own ideas about what ought to be done, and men might not even agree with the gentleman from Illinois about it.

Mr. MANN. I will accept anything the gentleman has said to be correct so far as I am concerned; it never annoys me. I believe, however, the real purpose of the provision is to do away with the existing system of licensing automobiles indefinitely.

Mr. PAGE of North Carolina. That is the real purpose of this provision.

Mr. MANN. Five dollars does not seem to be a very high license tax?

Mr. PAGE of North Carolina. I will say to the gentleman in that connection that the reasons the committee which prepared this provision here put the license low were two, one being that the jurisdiction is small, and the other that the man owning an automobile here—if he operates it, there being no reciprocal relation between the adjoining jurisdictions—must go to the expense of buying a Maryland or Virginia license, and sometimes both. In addition to that they are required to give in their automobiles as personal property. They are paying a personal property tax of 15 mills on the value of the machine, so it is not so much the tax to be derived from it as to be able to have a system under which automobiles might be taxed equitably.

Mr. MANN. I heartily approve of the high license of Maryland, and if I were going to keep the roads in order—the automobiles destroy the roads faster than anything else in the world, although the automobilists will not admit it——

Mr. PAGE of North Carolina. Except the motor truck.

Mr. MANN. That is the same thing as far as the license is concerned. I think there ought to be a substantial license paid in the District of Columbia for automobiles which might probably be used in keeping the roads in repair. Anybody who will travel from the District of Columbia into Maryland will know the minute he strikes Maryland. Why? Because the roads become so decent you can ride without hitting the top of the machine; but not in the District of Columbia.

Mr. PAGE of North Carolina. If the gentleman will allow me to say I not only agree with him in what he is saying but I have had pending before the Committee on the District of Columbia, the legislative committee, for some time a bill for a higher license and providing that the revenue derived could be expended upon the suburban roads in the District of Columbia.

Mr. MANN. As long as the gentleman is usurping the function of the Committee on the District of Columbia, why did not he put that in at this place in the bill?

Mr. PAGE of North Carolina. There are several reasons, I will state to the gentleman. I did not have power myself to write this bill.

Mr. MANN. Oh, well; now, of course, Mr. Chairman, that does not go. The gentleman not only has power over the subcommittee, but over the full Committee on Appropriations, and over the House itself in reference to appropriations for the District of Columbia.

Mr. PAGE of North Carolina. If the gentleman concedes me that power over my subcommittee or the full committee on which I serve, or over the Committee of the Whole House on the state of the Union, if he will permit me at this juncture I will offer as a substitute for this bill the one I have now pending before the Committee on the District of Columbia.

Mr. MANN. I will vote for it very gladly.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. PAGE of North Carolina. I will yield to the gentleman, although I believe the gentleman from Illinois [Mr. MANN] had the floor.

Mr. Chairman, I will take recognition in my own right in order to answer the gentleman's question.

Mr. MADDEN. A great many people come to Washington, especially Members of Congress, and bring their automobiles here, and have their own State license. They are compelled to take out a license in their own State. Does this, then, compel them to take out a license in the District of Columbia as well?

Mr. PAGE of North Carolina. I think if you keep an automobile here a year it would, just as in Maryland.

Mr. FITZGERALD. Any Member of Congress who can afford an automobile these days ought to pay taxes.

Mr. MADDEN. Well, in our State, for example, we are compelled to pay a State license. Then we are compelled to pay a wheel tax in the cities, and these amount probably altogether to $40 or $50 a year. In cases where license charges of that sort are made and a man comes here just during the period of the congressional session it does not seem to me he ought to be taxed during his temporary stay here officially.

Mr. PAGE of North Carolina. I will say to the gentleman that the very question he has raised had some influence in the fixing of these license taxes, and they are lower than in almost any other jurisdiction.

Mr. MADDEN. I will say to the gentleman that the first tax ever imposed on automobiles was proposed by myself and the gentleman from New York on this bill, when I was a member of the Appropriations Committee a few years ago, and the license charge——

Mr. PAGE of North Carolina. Which was $2 for all time. I hope the gentleman is not taking great pride in the authorship.

Mr. MADDEN. We were lucky to get that. When we got over to the other side we had a hard job. I think there ought to be a reasonable charge.

Mr. PAGE of North Carolina. I will say to the gentleman that if this provision stays in the bill it can from time to time be

amended not only as to the license tax but as to the administration under it, all the regulations and other things.

Mr. MADDEN. That is all right. I do not want to object to it.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw the point of order?

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill and joint resolution of the following titles:

On December 19, 1916:

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

On December 20, 1916:

H. J. Res. 91. Joint resolution authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Provided, That streets and avenues named in said schedules already paved with Belgian block or granite shall not be paved or otherwise improved under this appropriation, and the remaining streets and avenues, except as herein specified, shall be contracted for in the order in which they appear in said schedules and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the commissioners, instead of being graded and regulated.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question.

I notice all this work is provided for by reference to Appendix K in the Book of Estimates. I can not exactly visualize in a moment—or, rather, recall, to be more accurate—the trouble we got into in the State of New York by this method of legislation, by referring to another book, but I do know it was so serious that we amended the constitution of our State so as to prevent the passage of an act attempting to legislate by incorporating a reference to another book into legislation. I would like to ask the gentleman, in all seriousness and candor, if this method of legislation—I assume it is an old method—has proved to be satisfactory?

Mr. PAGE of North Carolina. This method of appropriation for the improvement of streets in what is known as the original city of Washington has been carried, so far as my investigation is concerned, back through all the appropriation bills. Carried in the bill prepared for the committee from the Book of Estimates, the committee print of this bill, there is for the guidance of the committee, so that they may know, the identical streets to which this appropriation is carried. The list is accurate. They might, of course, be transferred to the body of the bill, but it would entail just so much more printing, that is all. And if the gentleman thinks that is worth while, his suggestion might be carried out.

Mr. MANN. Of course, all the appropriations in the river and harbor bill, practically, are made by reference to the reports of the engineers, and if we carried them in the river and harbor appropriation act they would make 100 pages, or perhaps 1,000 pages or more.

Mr. BENNET. It is possibly a safe method in legislation. I did not rise for the purpose of criticism.

Ma. PAGE of North Carolina. I will say to the gentleman this in the past has been absolutely accurate. There has been no mistakes made and there has been no effort at overstepping what was estimated for and what was appropriated for.

Mr. BENNET. I will ask the gentleman a question. What is the reason for the provision in lines 13 and 14, which says:

That streets and avenues named in said schedules already paved with Belgian block or granite—

The English is very bad—

shall not be paved or otherwise improved.

That means the streets and not the schedules, of course. Is that because Belgian block and granite last longer?

Mr. PAGE of North Carolina. That provision was put in, I imagine, at some time because Congress wanted to designate when these Belgian blocks and granite should be taken up and replaced by asphalt. I am not familiar with when this language was originally put in the bill.

Mr. MANN. That provision was originally put in by some archaic gentlemen who were afraid to put decent streets in the city of Washington. There are a lot of old Belgian-block pavements, not worn out, and which will not be worn out in a million years, on which nobody dare ride, and they are not fit to be used, and they decided they would not improve them or pave them with asphalt because they are already there. They were put in at a time when Belgian block was thought to be the best paving in the world. They were a pretty good pavement when there were no springs on wagons and nobody cared how much he was jolted. But they are there now. The gentleman can strike one just before you enter the driveway of Potomac Park. It was put there in that way.

Mr. MADDEN. Mr. Chairman, I would like to ask the chairman of the committee one question.

Mr. PAGE of North Carolina. Yes.

Mr. MADDEN. Why could not authority be given to the District Commissioners to cover these Belgian-block streets with asphalt? It can be done successfully and at very little cost. In all other cities where they are up to date they do not take off the Belgian-block pavement, but they use it as a base and cover it with asphalt. It makes the kind of street that ought to be made, and if we had commissioners in the District of Columbia who were alive to the needs of the District that is what they would do in this case.

Mr. PAGE of North Carolina. I will say to the gentleman from Illinois that he will find on the next page of the bill that we provide for several of these Belgian-block pavements that they be repaved with asphalt.

Mr. BENNET. I move, Mr. Chairman, to strike out the proviso on lines 13 to 20. It has not served any useful purpose. I agree with both gentlemen from Illinois, and in this particular with the gentleman from Illinois who spoke last, that in large cities the Belgian-block pavement, as in New York City, is now being used as a base for asphalt, and the result is that we are getting good streets.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York moves to strike out the proviso, which the Clerk will report.

The Clerk read as follows:

Amend, page 26, by striking out the proviso beginning with line 13 and ending with line 20.

Mr. PAGE of North Carolina. Mr. Chairman, I shall make no particular objection to the amendment offered by the gentleman from New York [Mr. BENNET], except that I would suggest in making it I do not know that he knows exactly what he is doing. I can not say that any of these streets will not be rather seriously affected by his amendment to these schedules.

Mr. MANN. It will not affect these streets at all. The estimate is already made. It will probably affect what they will submit next year to the Committee on Appropriations.

Mr. BENNET. Of course, as I understand it, the estimate is already made, and striking out this proviso would simply get rid of a bad precedent and enable the commissioners next year to approach this work with one fetter less in the way of improvement.

Mr. PAGE of North Carolina. Does the gentleman desire to strike out the direction as to the order in which these streets shall be taken up? He will find that on line 17.

Mr. BENNET. Which page?

Mr. PAGE of North Carolina. On the same page, on page 26, in the proviso that he moved to strike out. The language is:

And the remaining streets and avenues, except as herein specified, shall be contracted for in the order in which they appear in said schedules, and to be completed in such order as nearly as practicable, and shall be paved, in the discretion of the commissioners, instead of being graded and regulated.

Mr. BENNET. I think that is a matter that ought to be left in the discretion of the commissioners, the order in which they are contracted for; and I think it is a bad thing to bind them down as to the order in which they shall contract for them. Why should they be restricted? They might be able to secure a better contract for Georgetown at one time and for the northeast at another time.

Mr. PAGE of North Carolina. They are placed here in the order in which the commissioners thought they ought to be.

Mr. BENNET. Even if we strike them out the commissioners would probably let the contracts in that order, so that there is no necessity for having them stay in.

Mr. PAGE of North Carolina. I confess, Mr. Chairman, that I do not like to see this paragraph go out. There were certain schedules submitted in this Appendix K of the Book of Estimates, naming the different streets that would be improved under the amount estimated for, and in no single instance does the sum carried for that section of the city and for that improvement include all that was estimated for. In the judgment

of the committee we incorporated the sum for those we thought ought to be improved and left out those that should not be, and if this is stricken out it will give permission to the commissioners to use all the money appropriated on any of the streets in the schedule.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes; I yield.

Mr. MANN. Take the northwest section schedule. The item carried this year is $55,900?

Mr. PAGE of North Carolina. Yes.

Mr. MANN. Does that include all of the estimated cost of that schedule?

Mr. PAGE of North Carolina. No. There was estimated for that schedule $82,400.

Mr. MANN. So that the committee, then, intended to appropriate a less amount than was estimated for it, with the idea that it would be used for the improvement of the streets first named?

Mr. PAGE of North Carolina. That is exactly true.

Mr. MANN. Of course, the committee does not pretend that it knows which streets ought to be improved?

Mr. PAGE of North Carolina. Only from an examination of those streets which need it most.

Mr. MANN. Well, I suppose the committee would hardly say that a not too critical examination would permit them to say which needed it most. The committee would determine whether they thought certain streets needed to be improved by looking at them.

Mr. PAGE of North Carolina. We have assumed to say, as between the items submitted in these schedules, which were needed most.

Mr. MANN. My recollection is fairly good. There has been no variation from this language for a great many years, and in each case the committee has taken them up in the order named by the commissioners. They have not varied that order one iota.

Mr. PAGE of North Carolina. No. I would say to the gentleman that that has not been true since I have been in charge of this bill. We have varied from it. Ordinarily that has been true, which means that the judgment of the subcommittee making up this bill agreed with the judgment of the engineer commissioner as to the necessity for the order in which he submitted them; but that has not always been true.

Mr. MANN. I thought it had, but of course the gentleman's statement is sufficient.

Mr. PAGE of North Carolina. The law requires that they shall submit these streets in the order of their importance.

Mr. MANN. I understand what the law requires, but that has nothing to do with the question.

Mr. PAGE of North Carolina. No; nothing at all.

Mr. MANN. If you accepted their order each time——

Mr. PAGE of North Carolina. If we accepted the full amount of their estimate——

Mr. MANN. No; if you accepted their order each time, you would not exercise any independent judgment.

Mr. PAGE of North Carolina. No; but we have not accepted their order each time. It happens that in this schedule here we have; but I point out to the gentleman now that in the schedule, in the northwest section, there are nine streets that they estimated for to be improved. The sum of $35,900 carried under the northwest section provides for five of those streets. Now, if you strike out the language in the paragraph to which I called the gentleman's attention, there is nothing to prevent the commissioners improving first of all the four that the committee did not approve.

Mr. MANN. No; and if they had recommended those four at the head of the list, those four would be improved under the language of the committee.

Mr. PAGE of North Carolina. That may have been so in the past, but it is not so with this subcommittee.

Mr. MANN. It is so now, and it is so in all these bills. There has been no practical variation.

Mr. PAGE of North Carolina. Does it not occur to the gentleman from Illinois——

Mr. MANN. I do not criticize the gentleman and his committee.

Mr. PAGE of North Carolina. I understand. Does it not occur to the gentleman from Illinois that having this provision in the law inclines the commissioners to recommend those which are most needed?

Mr. MANN. I think that is true. I think what we should do is to strike this out and keep it out hereafter all the time. I do not think striking it out now will make any difference.

Mr. PAGE of North Carolina. Simply striking it out now will not make any difference; no.

Mr. CARLIN. I move to strike out the last word.

Mr. PAGE of North Carolina. Will not the gentleman from New York modify his amendment by striking out——

Mr. CARLIN. That is what I was coming to.

Mr. PAGE of North Carolina. Will not the gentleman from New York modify his amendment so as to strike out beginning with the word "already," in line 14, down to and including the word "specified," in line 17? I think that will serve the purpose, and I hope the gentleman will make that modification.

Mr. BENNET. I consent to that modification.

Mr. CARLIN. Just one second, before I renew it.

The CHAIRMAN. One moment. The gentleman from North Carolina offers an amendment to the amendment, which the Clerk will report.

Mr. BENNET. I have modified my amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That streets and avenues named in said schedules shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the commissioners, instead of being graded and regulated.

Mr. BENNET. That is satisfactory to me.

The CHAIRMAN. The Chair understands that the Clerk has read the paragraph as it will read if the amendment is agreed to.

Mr. PAGE of North Carolina. That is true.

Mr. CARLIN. I was just going to say that I think that meets the suggestion which I was going to make, so as to leave in the bill the real substance of what is wanted, and to take out what we desire to have taken out.

Mr. PAGE of North Carolina. That is correct.

Mr. RAGSDALE. I should like, if I may, to get a little piece of information from the gentleman from North Carolina.

Mr. PAGE of North Carolina. Does it relate to the amendment which is now pending?

Mr. RAGSDALE. I think it relates to the expenditures of these moneys.

Mr. PAGE of North Carolina. Let us dispose of this amendment, and then the gentleman can get in a little later.

Mr. RAGSDALE. How long is this going to take?

Mr. PAGE of North Carolina. Just a moment.

Mr. RAGSDALE. All right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET]. The Chair suggests that the amendment be reported again, because it has never been reported in the modified form. Let it be reported so that the RECORD may state it.

The Clerk read as follows:

Amend, on page 26, beginning with line 14, by striking out the words "already paved with Belgian block or granite shall not be paved or otherwise improved under this appropriation, and the remaining streets and avenues, except as herein specified."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as modified, which has just been read.

The amendment was agreed to.

Mr. RAGSDALE. I just want, Mr. Chairman——

Mr. PAGE of North Carolina. Let the Clerk read another paragraph.

Mr. RAGSDALE. Very well.

The Clerk read as follows:

Under appropriations contained in this act no contract shall be made for making or relaying sheet asphalt or asphalt block pavement at a higher price than $1.80 per square yard for a quality equal to the best laid in the District of Columbia during the years 1914 to 1917, inclusive, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2 per square yard.

Mr. RAGSDALE. I move to strike out the last word. I wish the gentleman from North Carolina [Mr. PAGE] would give me a little light on a question raised by the gentleman from Illinois [Mr. MANN]. He indicated that the improvements of these streets were made according to the order in which they appeared in the bill. Is that correct?

Mr. PAGE of North Carolina. The order in which they appear in the schedule submitted in the Book of Estimates.

Mr. RAGSDALE. In other words, it is not left to the commission to say which streets they shall repair?

Mr. PAGE of North Carolina. No. It is their province to submit them in the order in which they think they should be improved in the list in the Book of Estimates. The committee and the Congress, of course, have the right to change that in any way they may see fit.

Mr. RAGSDALE. There seems to have been a deliberate attempt on the part of the commissioners, since I have been residing at the corner of Thirteenth and Clifton Streets, to keep every street around and adjacent to my house so torn up that the greatest amount of personal inconvenience would be inflicted on my family and on myself. I have noticed that this work usually stopped when we left town and began again about the time when we got ready to return. I just wanted to know whether it was any personal attention that these commissioners were paying to me, out of any special regard they had for me, or whether it was just simply the rule to do things in this way.

Mr. PAGE of North Carolina. If it will not wound the gentleman's pride, I may say to him that I do not suppose that the commissioners knew he was there. I know where the gentleman lives—right by the new Central High School. It happened that that was constructed upon a plat of ground surrounded by streets that had not been paved. Of course, the construction of the new building was the cause of the condition around the gentleman's home. As to whether the engineer commissioner or the street force have undertaken to punish the gentleman by doing the work when he is here and not when he is away, I can not answer.

Mr. RAGSDALE. That is a question upon which I wanted to get information. It seemed to me that the matter was so handled that the greatest possible inconvenience was visited upon me, and I just wanted to know whether I was being singled out. I am sure that it was not without the knowledge on their part, because I took occasion by phone, letter, and in person to inform them of the inconvenience, which seemed to increase the more I protested.

Mr. PAGE of North Carolina. The gentleman knows that because he happens to live across the street from the new Central High School, on a street that is unimproved, he would not have the work delayed.

Mr. RAGSDALE. Oh, no; but I will have lived there on January 1 a year. I think there has hardly been a period of time that the street has not been obstructed in that way.

Mr. PAGE of North Carolina. And it was occasioned largely by the construction of the new building. The gentleman will not claim that they could put up a building of that size without obstructing the street.

Mr. RAGSDALE. But they ought not to obstruct the street continually and leave great double wagon loads of material in front of my home at night.

Mr. PAGE of North Carolina. The gentleman does not attach any blame to the Appropriations Committee?

Mr. RAGSDALE. Oh, no; I am trying to get the proper information. I should like to know also who specially designed the ending up of the street—I think it is Thirteenth Street—that goes down between the Wardman Courts and the school building? That leaves one of the most dangerous turns that could be devised at the end of the long, dangerous hill, so that it runs into another square, whereas a slight alteration in the direction would obviate it.

Mr. PAGE of North Carolina. I suppose the gentleman would have to go back a good many years to find the culprit, because that was on the original plan of the laying out of Washington.

Mr. RAGSDALE. The change could easily have been made so as to make it a perfectly safe passage. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For repaving with asphalt the granite block roadway of First Street NW., between Defrees Street and I Street, 32 feet wide, $1,350.

Mr. FESS. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Is there any effort being made on the part of the District to ascertain which is the better method of paving? Is there any study or investigation being made?

Mr. HOWARD. As to the materials being used?

Mr. FESS. Yes; one of the questions concerning most of us is what sort of materials are best for roads that are being built that will not require to be repaved at periodic times.

Mr. HOWARD. I think the committee's information is that the District engineer's office is continually experimenting with materials, trying to ascertain which material is most substantial to use in the surfacing of roads. I think they get all the scientific information they can from every source as to what sort of material makes the best road.

Mr. FESS. Does the gentleman know whether we are advancing, especially in that line?

Mr. HOWARD. The Department of Agriculture, as the gentleman knows, under the Bureau of Highways, is carrying on all the time in and adjacent to the District experiments with different materials for the construction of highways. The District Commissioners will get the benefit of these experiments, and what they recommend for roadways which are being paved is generally the best material that has been ascertained up to that time.

Mr. FESS. In the judgment of the gentleman, as far as he knows, are we making any special progress in that line?

Mr. HOWARD. I think so; very great progress.

Mr. FESS. Mr. Chairman; I withdraw the pro forma amendment.

The Clerk read as follows:

Upon the approval of said new highway plan for said subdivision of Barry Farm, the said commissioners are authorized to open, extend, or widen any street, avenue, road, or highway laid down on said plan, and in the interest of economy where buildings project beyond the highway lines shown on said plans, and it is practicable to move such buildings back to such highway lines, the said commissioners are authorized to designate such buildings in the petition of condemnation as buildings to be moved, and when so designated the condemnation jury shall allow in its verdict for damages to such buildings no greater amount than may be necessary to move such buildings; and the commissioners are further authorized to include in such highways any land owned by the District of Columbia that they shall deem necessary. The cost of said condemnation proceedings and all expenses incident thereto, including the cost of surveys and of the preparation of plats, shall be paid from the appropriation herein made for the extension of streets and avenues.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question. Has this particular provision here, which provides for a sensible thing, if it can be done, the moving of the buildings back, been tested in the courts as to whether a man can be compelled to minimize his damages in that way?

Mr. HOWARD. I do not know as to that. The testimony before the committee shows that this was a congested center out there known as the Barry Farm; that the landlord line really ran out to the middle of the street. At one time they had no water out there, but the commissioners have extended the water pipes so as to give them pure water. They are practically all colored people who live there. They have no sewerage. The proviso was put in the bill for the purpose of reducing the width of the street which, as a rule, is 90 feet wide. They have discovered that by making the roadway less than 90 feet they can make the necessary improvements. I will read to the gentleman, if he would like to have me do so, the statement by the commissioners which will give the information.

Mr. BENNET. The gentleman can state it in his own language perhaps better than that of the commissioners.

Mr. HOWARD. Col. Kutz, the engineer commissioner, said this:

All the lot lines run to the center of the existing roadways, and they are merely meandering trails without any pavement. We have, in the interest of health and sanitation, run small water lines through there so as to give them pure water, but we can not properly sewer the territory. We can not put in any sidewalks and we can not even pave. There is some doubt as to whether we can use our repair fund for the paving of those streets, because they are not in public ownership.

That is what he says about the situation up there.

Mr. BENNET. If the gentleman will permit, I am commending the committee for having done something if they can legally do it, but here is another question which the gentleman from Illinois [Mr. MADDEN] raised. What does this language mean: That said commissioners are authorized to open, extend, or widen any street, avenue, or road, or highway laid down on said plan and in the interest of economy where buildings project beyond the highway lines shown on said plans, and it is practicable to move such buildings back to such highway lines, the said commissioners are authorized to designate such buildings in the petition of condemnation as buildings to be moved, and when so designated the condemnation jury shall allow in its verdict for damages to such buildings no greater amount than may be necessary to move such buildings?

The gentleman from Illinois asks if this means just to move them right back, put them on the ground, or are they to be built on foundations?

Mr. HOWARD. The truth of the business is that these are practically shacks. They are very poorly constructed buildings, all of wood, and the object of this provision is this, that we take these houses and move them back so that we can improve this property for ingress and egress, which they have not now in any way. They have no roadways at all, and we are to put these houses on the same basis in which we found them—that is to say, of course, on foundations—leave them in as good condition as we found them.

Mr. BENNET. I think that very possibly the gentleman, if he wants to be sure to avoid litigation, could reach that by making this language more specific.

Mr. MANN. He can not avoid litigation. That is what this provides for.

Mr. BENNET. Of course, this is litigation; but what I meant was obstructive litigation on the part of some owner. I think this is a very good thing.

Mr. HOWARD. It is suggested by the chairman of the subcommittee, as I suggested a few moments ago, that these houses are of very little value.

Mr. MANN. They do not want to open these streets probably if they have to pay for all these houses. The cost is assessed back on the property. They want to open them if they can and move the houses back. The gentleman says possibly we have not authority. Nobody will know, I suppose, in respect to that until the court passes upon it.

Mr. BENNET. I was trying to ascertain whether the Committee on Appropriations have looked into that question of whether it could be done?

Mr. PAGE of North Carolina. Mr. Chairman, the chairman of the subcommittee does not happen to be a lawyer, and he does not rely on his own knowledge of the law. That question has not been brought up, I will be frank to say to the gentleman, during the hearings. We assumed that it could be done. The subcommittee does know that this needs very greatly to be done, for reasons that my colleague may or may not have mentioned during my absence. The principal reasons for the need of opening these streets and allowing this limitation on the width, a restriction on the original highway plan, is a health condition. You can not put down any paving, you can not put down any sidewalks, you can not run in your sewer lines, you can not put in your water, or you can not get the fire engines in there now, and if you were to improve these streets by the original highway plan of 80 feet or 90 feet in width, you would take these people's property and their houses, and there is no necessity for that. The main purpose is the modification of the original highway plan of allowing these people to run narrow 40-foot streets in there, in order to improve health conditions, so that they may get water in and pave the streets and get the fire engines in.

Mr. BENNET. But the gentleman's limitation is the opposite. It says that they shall not be less than 40 feet in width. They might be a hundred feet in width.

Mr. PAGE of North Carolina. But the original plan provides that they shall not be less than 80 feet in width.

Mr. BENNET. I am frank to say that if this can be done it is an admirable thing, and if it can be sustained in the court it is going to save the city of New York millions of dollars.

Mr. PAGE of North Carolina. Possibly we will do New York a great service by having this tested out.

Mr. BENNET. I was anxious to find out whether there had been any precedents or if there had been any investigation, or whether we were doing this simply by brute—no——

Mr. PAGE of North Carolina. Not brute force, but just force.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words. I take it that it is quite obvious to any lawyer who has gone into the subject that we can not by a provision in the bill control the verdict of a jury. It seems to me that what the committee in charge of the bill intended was to provide that no greater payment should be made to any of the owners of this property than the amount necessary to move the buildings, and if that be the case, why not, instead of this provision, which it appears quite clearly to me can not be enforced, merely state that the commissioners shall not pay any greater sum than the amount necessary to move the building in any of these proceedings. The commissioners, of course, are not obliged to accept the result of the condemnation proceedings.

Mr. PAGE of North Carolina. I was just going to suggest to the gentleman that the commissioners are not obliged to accept the verdict of this condemnation jury, if it exceeds the amount, and I do not think the language would be necessary. The truth is that these people who live in there so greatly want this improvement that you are not going to have any trouble in carrying out the provisions. It is superfluous, I think, to provide against contingencies of that kind.

Mr. GREEN of Iowa. The principal objection that I would have to it would be that there would seem to be an intimation of a belief that such a provision should be carried out. It is quite clear, to my mind, that this Congress has no power whatever over the verdict of a jury.

Mr. PAGE of North Carolina. I think everybody recognizes that, whether he is a lawyer or is not.

Mr. GREEN of Iowa. But it would seem to me to have been better to simply provide that the commissioners shall not pay any greater sum than necessary to move the buildings. However, if the gentleman thinks that this provision will have the effect of assisting in the settlement of these matters, I am not inclined to be captious.

Mr. PAGE of North Carolina. I think if it has any effect at all it will have that effect. Therefore we can let it go on and try it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Northeast. Twentieth Street, Jackson Street to Lawrence Street, grade and improve, $3,700.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman in regard to these sums here. They state in one item, "to grade, $6,400," or in another item, "to pave, $3,700." How many square feet is that intended to cover?

Mr. PAGE of North Carolina. It is indicated in the item itself. For instance, Douglas Street, Tenth to Twelfth Streets. That defines the distance.

Mr. FOCHT. How many square feet would that be? I am asking for information, and I would like to know what it costs here to pave with asphalt.

Mr. PAGE of North Carolina. We have a limitation that it shall not exceed $1.80, and it is under that limitation we designate them in the block.

Mr. FOCHT. It is done under a previous paragraph which provides that the cost of asphalting shall not exceed $1.80?

Mr. PAGE of North Carolina. Yes, sir.

Mr. FOCHT. I thank the gentleman very much.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1918.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word simply for the purpose of asking the gentleman in charge of the bill a question. Is this provision in the last paragraph just read the usual form, "there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1918"?

Mr. PAGE of North Carolina. Yes, sir; that is the usual language carried in the bill.

Mr. GREEN of Iowa. There is no way of telling from the bill anything as to how much that amount would be.

Mr. PAGE of North Carolina. I can tell how much it was during the fiscal year 1916—$18,700.

Mr. GREEN of Iowa. Knowing the commission as I do, I suppose it could be safely left in this discretion, but it seems to me it is a very wide discretion to be given.

Mr. PAGE of North Carolina. Their estimate is not to exceed $35,000 during the life of this appropriation.

The Clerk read as follows:

Hereafter in all proceedings for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia the jury of condemnation shall not be restricted as to the assessment area, but shall assess the entire amount awarded as damages plus the costs and expenses of the proceedings as benefits upon any and all lots, parts of lots, pieces or parcels of land which they may find will be benefited by the opening, extension, widening, or straightening of the alley or minor street, or by the establishment of the building line as they may find said lots, parts of lots, pieces or parcels of land will be benefited.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. Does the gentleman from North Carolina concede the point of order?

Mr. PAGE of North Carolina. Mr. Chairman, I do not care to contest the point of order as it is subject to the point of order, and if the gentleman shall insist it will go out, but I want to say in that connection——

Mr. MANN. I will reserve the point of order.

Mr. PAGE of North Carolina. Under the present law it has been utterly impossible to open up any of these minor streets or alleys because they can not find the property upon which to assess the benefits necessary to do it. This language may not be——

Mr. MANN. I think I said they could not do it when we passed the Borland amendment before.

Mr. PAGE of North Carolina. The statement made to this committee is that it has been utterly impossible under the present law to open up any of these minor streets or alleys because under the terms of the law they can not assess——

Mr. MANN. Anything but abutting property?

Mr. PAGE of North Carolina. Yes.

Mr. MANN. I called the attention of the House to the situation when we passed that.

Mr. PAGE of North Carolina. And this is to remedy that.

Mr. MANN. I do not say it is not proper. The other was attached to an appropriation bill, I think, but I am not sure about that, but it ought to come from the legislating committee in a bill, so that Members may have an opportunity to examine it and know what it is.

Mr. PAGE of North Carolina. I am satisfied——

Mr. MANN. I have no criticism of the Committee on Appropriations for reporting such a thing, yet the commissioners, instead of going to the proper committee, having an opportunity easily in the hearings before the Appropriations Committee, asked them to amend the act. Meanwhile I do not think there is any great loss to the District of Columbia if it does not open some of the minor streets unless people are willing to give the streets.

Mr. PAGE of North Carolina. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Disposal of city refuse: For collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; collection and disposal of night soil in the District of Columbia; payment of necessary inspection, allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $20 per month for each inspector for horse-drawn vehicles, $25 per month for automobiles, and $12 per month for motorcycles; fencing of public and private property designated by the commissioners as public dumps, and incidental expenses, $186,640.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I think during the consideration of this bill for the current fiscal year the question was raised as to whether the commissioners had made any effort to receive any revenue for the privilege of the removal of dead animals from the streets. My recollection is that it was suggested that some consideration would be given to the question during the year. I was wondering whether any consideration has been given to it by the commissioners or anybody else.

Mr. PAGE of North Carolina. Not so far as I know, I will say to the gentleman frankly. I recall the discussion about that in the current law a year ago, and I did not recall it in the hearings on this particular bill, and nothing was said about it in the hearings, and I know nothing about what has been done.

Mr. MADDEN. Of course, I do not know how many horses are used on the streets of the District of Columbia now—perhaps not as many as formerly—and it is altogether likely there are not many dead animals to be removed.

Mr. PAGE of North Carolina. I assume there are not a great many, for the amount of money expended is less than $3,000.

Mr. MADDEN. It seems to me there ought to be some effort made to derive a revenue from the removal of dead animals from the streets.

Mr. PAGE of North Carolina. I agree with the gentleman, and yet I think, as I suggested to him when this matter was under discussion in the former bill, that Washington is somewhat differently situated from a commercial city, and I do not know of my own knowledge whether there is any establishment——

Mr. MADDEN. There may not be——

Mr. PAGE of North Carolina. In reach of the city of Washington that utilizes material of this sort.

Mr. MADDEN. I should think that somewhere down along the Potomac River they would have a glue factory.

Mr. PAGE of North Carolina. I was going to say it would be so far out it might overcome the value of the animals.

Mr. MADDEN. In other cities they load these animals onto scows and tow them down to some waterway or other to an outlying place, where they utilize the carcasses for different purposes, and they pay not less than $5 for each animal for the privilege of moving it.

Mr. PAGE of North Carolina. I realize that in most cities that is true, and I think the gentleman will agree with me that in most cities there is a greater necessity, both because of the numbers of horses and the necessity for utilizing these carcasses.

Mr. BENNET. If the gentleman will yield, I would like to ask him whether there is any attempt in the city of Washington to reclaim any of this waste other than that mentioned by the gentleman from Illinois?

Mr. PAGE of North Carolina. No, sir. The cleaning of the streets, as the gentleman knows, and the removal of the refuse in the city of Washington is done by contract.

Mr. BENNET. Yes.

Mr. PAGE of North Carolina. And, so far as I am informed, there is no revenue from any of this refuse, either garbage, trash, or street cleanings, or other things, except, I believe I can say, or my impression is, that the street sweepings are utilized by the District and carried down the river to the workhouse, where we have a farm, and in that way the manure that is taken from the streets is utilized by the District.

Mr. BENNET. In our city, and I do not doubt it is also true in Chicago, the refuse is carefully divided before it is collected and the rags are collected in one way, the paper in another, and the ashes in still another.

Mr. PAGE of North Carolina. It is so here, also. There are separate contracts.

Mr. BENNET. And when those get to the place of disposal, where they will be loaded, in our city, on scows, they are gone over by men. And there is a man who pays the city of New York—I think it is—$85,000 for the privilege of going over the ash scows, and what he gleans out of those ash scows presumably pays him a respectable profit, because it is let out by competitive bidding.

Mr. PAGE of North Carolina. Is that done in New York by contract or is it done by the city?

Mr. BENNET. The cleaning?

Mr. PAGE of North Carolina. Yes.

Mr. BENNET. It is done by the city.

Mr. PAGE of North Carolina. I will say to the gentleman that my own opinion about those matters is that here in the city of Washington, instead of making the contracts for the removal of garbage, ashes, papers, rags, and street cleanings, and other things, the city ought to have a garbage-disposal plant where all these by-products could be utilized. But the gentleman has seen enough to-day and in his experience to know that I could not bring it in on this bill and make it law. But I think there is a necessity for establishing a garbage-disposal plant for the city of Washington for this reason: Under the contract made now the term is for five years, and necessarily in their contract price the contractor estimates for the cost of some kind of plant for the disposal of this garbage. In other words, the taxpayers of the District and the Government must pay for a plant of some kind that is written off in every new contract of five years. It is not a permanent plant or it is not such a plant as the city ought to construct—a permanent plant—and yet it has to pay for that plant during the life of the contract, because it is not known whether he is going to renew the contract. There is every argument, in my mind, for a city-disposal plant, but it has been impossible to legislate for it.

Mr. BENNET. Does the gentleman understand whether the Commissioners of the District of Columbia, either the present commissioners or prior commissioners, have recommended anything of the kind?

Mr. PAGE of North Carolina. The present commissioners have recommended it, and I think the Board of Commissioners prior to this board also recommended it.

Mr. BENNET. So if there is anybody at fault it is Congress?

Mr. PAGE of North Carolina. This particular body. It is not the fault of the commissioners?

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last three words; and if no member of the committee objects, I would like to return to the previous paragraph in order to get a little more information from the gentleman.

Mr. PAGE of North Carolina. I have no objection to returning for information if I can give it.

Mr. GREEN of Iowa. Is there any enforceable ordinance in this city requiring the removal of snow from the sidewalk by the owners of abutting property?

Mr. PAGE of North Carolina. My understanding is, as a property owner in the District and not as a legislator, not being able to refer the gentleman to the act, that there is a provision requiring the removal of snow from the sidewalk in front of the property by the owner of the property within a certain length of time—I do not recall what—after a storm has ceased.

Mr. GREEN of Iowa. Is it the understanding of the gentleman that any of the money appropriated by the previous paragraph is to be used in removing the snow from the sidewalks where property is occupied by persons?

Mr. PAGE of North Carolina. No; I do not think any of it is expended in that direction. It is not certainly so intended. It is for the removal from the street or abutting Government or District property.

Mr. GREEN of Iowa. We have done so much for the citizens of this city that most of them do not remove the snow from the sidewalks?

Mr. PAGE of North Carolina. The Metropolitan police are lenient to the gentleman and others who do not remove it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Playgrounds: For maintenance, equipment, supplies, tools, construction of toilet facilities, wading pools, installation of telephones and telephone service, grading, and repairs, including labor and materials, and transportation of materials, maintenance and repair of storehouse, and necessary incidental and contingent expenses for all playgrounds, under the direction and supervision of the commissioners, $18,500.

Mr. PAGE of North Carolina. Mr. Chairman, on page 39, line 22, the letter "r" is omitted from the word "under," at the end of the line. I suggest that it be inserted.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend page 39, line 22, by inserting the letter "r" at the end of the line.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries: Supervisor, $2,500; inspector of playgrounds, $1,200 (transferred from per diem roll); clerk (stenographer and typewriter), $900; to be employed not exceeding 10 months—17 directors of playgrounds or recreation centers at $65 per month each, assistant director at $60 per month, general utility man at $60 per month; to be employed not exceeding seven months—two assistant directors at $60 per month each, assistant director at $50 per month; to be employed not exceeding three months—assistant director at $60 per month, 17 assistants at $45 per month each; watchmen to be employed 12 months—17 at $50 per month each; in all, $30,715.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I do so for the purpose of asking the chairman of the committee in charge of the bill whether the playground administration is under the direction of the school board or directly under the commissioners?

Mr. PAGE of North Carolina. It is directly under the commissioners, through the superintendent of the playgrounds.

Mr. FESS. Is the superintendent of the playgrounds appointed by the commissioners?

Mr. PAGE of North Carolina. He is appointed by the commissioners; yes, sir.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

In all, for playgrounds, $52,415.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. I do not know whether there is a plan contemplated for putting the school playgrounds and the general playgrounds under the direction of the school board or not, but it seems to me there ought to be. We have now two sets of playgrounds, those connected with the schools and those under the supervisor of playgrounds.

Here is a provision, a very necessary one, passed without a point of order being made against it, providing that the supervisor of playgrounds may accept at his discretion the voluntary services of people interested in maintaining these playgrounds. It is a very necessary provision, but over on page 59, under the school provision, there is an item to the effect that no money shall be collected from the school children on the school property except for certain purposes, "for the promotion of school athletics, including school playgrounds, vocation schools, school gardens, school publications, and commencement exercises of high schools."

Now, it seems to me from personal observation that there has been a slight abuse of that section. If we are providing here an appropriation for playgrounds which Congress thinks is ample for that purpose, and then in addition to that are willing to accept voluntary services of anybody else who is willing to help, it does not seem to me that there ought to be any collections of money from the children in the schools for the maintenance of these playgrounds. They ought to be maintained at public expense, or by the voluntary support of the people interested in playground management.

But there have been in the past a good many collections of this kind. As I remember, two or three times in the course of a year there will be tickets sold to moving-picture shows for the benefit of the playgrounds. That involves not only an expense to the families that buy the tickets, but it involves the children going out and selling the tickets, which I have always condemned and refused to permit being done by my own children. I do not think it ought to be done by the children.

That is not the only objection connected with it. Another objectionable feature is that there is generally a holiday or a half holiday declared in order to permit the children to attend these moving-picture shows. There are already a great many holidays in the District of Columbia. It is the only place I ever saw where they adjourned the schools in order to let the children see a circus parade and the only place I ever saw where they adjourned the schools to allow the children to see a moving-picture show. In addition to this they have other moving-picture shows which are supposed to have an educational value, but which, of course, displace the regular school lessons for the time being. I am old-fashioned enough to believe in the theory that reading and writing and arithmetic should be taught to the tune of a hickory stick. Moving-picture shows and other educational entertainments are usually learned by the children anyway, without any help, so that it does seem to me that this encouragement in the sale of tickets and the collection of money for playgrounds ought to be eliminated.

I do not intend to offer any amendment to this bill, out of consideration for the gentleman who has charge of it, but I do think that when the matter comes up, with a fair opportunity to consider it, we ought to eliminate that. We ought also to eliminate the permission to collect money for vocational schools. These vocational schools are thought by some to be very necessary, but if so they should be paid for out of the tax budget. There is no reason why they should be supported, in whole or in part, by voluntary contributions or by the proceeds of benefit performances for which tickets are sold by the children. As a matter of fact, these vocational schools are run by regular public-school teachers during the summer vacation, who get an additional compensation for running the vocational schools.

The District of Columbia is one of the few jurisdictions where teachers are paid 12 months in the year. Most teachers are paid 8 months in the year, or 9 months; but here they are paid throughout the 12 months. In other words, their time during the three summer months belongs to the people of the District of Columbia. There is no reason why the teacher should be paid an extra compensation, unless it is fixed by law, for any work done during those three summer months. I think we would have a perfect right to require them to do the work during the three summer months without extra compensation; but if we think not, and think that a certain proportion of the teachers ought to be employed during that extra time, and compensated for that extra time and work, that ought to be a matter of law, and not a matter to be provided for through collections made by the pupils or by the sale of tickets to benefit performances.

I can easily understand, and every man here can understand, how liable that system is to abuse, because the money that is collected for these playgrounds and educational entertainments goes in many cases to some of the teachers who are interested in propagating this plan. It is a thing that we ought not to permit unless we regulate it by law. And if it were not, as I say, that the gentleman in charge of the bill has drawn a very good bill and is anxious, naturally, that it should not be delayed by amendment, I would proceed to argue that plan and submit amendments. I am not going to do it, but I simply call attention to what I consider a grave abuse in that respect.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the erection of a brick or concrete storehouse on land belonging to the District of Columbia, to be used for the storage of material and supplies of the electrical department, including the inclosing, grading, and improving of the ground, $7,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Did we not carry this item for a big storehouse in the current law?

Mr. PAGE of North Carolina. No; that is carried in the current law.

Mr. MANN. This is the new item?

Mr. PAGE of North Carolina. Yes.

Mr. COOPER of Wisconsin. I should like to ask the chairman of the committee if there ought not to be some description of the land on which it would be possible to locate this brick or concrete storehouse? The language of this paragraph would allow somebody in his discretion to locate it on any land belonging to the District of Columbia.

Mr. PAGE of North Carolina. I think the committee elicited the information in the hearings as to the proposed location of this storehouse, and it was in such a place that they did not think a description of it would be necessary. It is in a rather out-of-the-way place. I will say to the gentleman that there was a provision in last year's bill for the erection of this warehouse, but it was withdrawn before the bill became a law, because of the objection of the people who lived in the block. For that reason we asked some questions this time as to the loca-

tion of the storehouse, and another site has been selected on the south side of Garfield Park, on a tract of land that abuts on the railroad, down in a section where there are practically no residences and no buildings.

Mr. COOPER of Wisconsin. That is very true, in so far as the understanding of the committee is concerned. Yet there is nothing obligatory in the language of the bill itself. That would leave it entirely to the discretion of somebody to locate it anywhere on land in the District of Columbia belonging to the government.

Mr. MANN. To the District of Columbia.

Mr. PAGE of North Carolina. Belonging to the District government; not belonging to the General Government.

Mr. COOPER of Wisconsin. That is what I mean.

Mr. PAGE of North Carolina. The land within the District of Columbia belonging to the District government is not very extensive. There are a few lots here and there, but this place certainly would not be objectionable, and I do not think the District owns land where it would be objectionable.

Mr. COOPER of Wisconsin. Mr. Chairman, more and more in municipalities is arising the question of restricting the possible location of public buildings of any kind that could seriously injure the private property of citizens.

Mr. PAGE of North Carolina. I think very properly so.

Mr. COOPER of Wisconsin. Yes; because some poor man, a mechanic, or somebody else not making much money, might put practically the savings of a lifetime into a dwelling, and then, without any inhibition in the law, some building might be erected which would destroy its value as a dwelling, make it impossible for him to sell it, and so rob him practically of his life savings.

Mr. PAGE of North Carolina. That is true.

Mr. COOPER of Wisconsin. One illustration right in this city has been brought to my attention within the past few days, a case where an apartment house was so built as to obstruct the view of two residences, and so very seriously to injure their value for residential purposes. Without a building line and without any sort of restriction injuries of that kind can be wrought constantly. I was told last fall of a case in a large city in my own State where a manufacturing firm has, in the residential district of the city, within recent months put up a repair shop close to some private residences and really ruined their value as dwellings.

Mr. PAGE of North Carolina. I will say to the gentleman in that connection that, while the exact location of this electrical supply storehouse is not described here, there is an understanding between the engineer commissioner and the committee, who have held these hearings, as to where it shall be constructed, and none of the objections urged by the gentleman from Wisconsin [Mr. COOPER] can possibly obtain against the location which he has selected.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

The Washington Railway & Electric Co. and the Brightwood Railway Co. are directed and required to remove all of the poles and overhead wires owned and used by them on Georgia Avenue from Florida Avenue to Rock Creek Church Road NW., and to install a nongrounded metallic circuit underground trolley system in lieu of the overhead trolley system of propulsion on the street railway lines owned and operated by said companies on said portion of Georgia Avenue. The Potomac Electric Power Co. and the Chesapeake & Potomac Telephone Co. are directed and required to remove all of the poles and overhead wires owned and used by them on said Georgia Avenue from Florida Avenue to Rock Creek Church Road NW. The removal of the said poles and wires and the construction of the said underground trolley system shall be upon plans to be approved by the Commissioners of the District of Columbia, and shall be completed within one year after the date of approval of this act: *Provided*, That if any or all of said companies shall fail or neglect to remove such poles and wires, or shall fail or neglect to complete such underground construction within one year after the approval of this act, the said companies, and each of them, shall forfeit and pay to the District of Columbia the sum of $100 for each day of such failure or neglect.

Mr. FOCHT. Mr. Chairman, I make a point of order against this paragraph. I think the gentleman will concede that it is new legislation.

Mr. PAGE of North Carolina. I concede the point of order. It is well taken.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The Potomac Electric Power Co. is directed and required to remove all of the poles and overhead wires owned and used by it on Water Street, between Sixth and Fourteenth Streets SW. and on all reservations and public spaces adjacent thereto, and to install suitable and sufficient underground conduits, conductors, and appliances in lieu thereof. The removal of said poles and wires and the replacement thereof by underground constructions shall be upon plans to be approved by the Commissioners of the District of Columbia, and shall be completed within one year after the date of approval of this act: *Provided*, That if said company shall fail or neglect to remove such poles and wires, or shall fail or neglect to complete such underground construction within one year after the approval of this act, said company shall forfeit and pay to the District of Columbia the sum of $100 for each day of such failure or neglect.

Mr. FOCHT. I make the point of order against that paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, I should like to inquire of the gentleman just what his point of order is.

Mr. FOCHT. The point of order is that it is new legislation, which I think the gentleman himself will concede does not belong in this bill, but that another committee has jurisdiction of it.

Mr. PAGE of North Carolina. I concede that it is new legislation, not already authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. SHERLEY. Mr. Chairman, I should like to ask the gentleman the reason for these provisions. They seem to be very much in the interest of the public, and of the beautification of Washington.

Mr. PAGE of North Carolina. I will answer the gentleman's question. Of course this subcommittee, in putting legislative provisions into this bill——

Mr. MANN. A parliamentary inquiry.

Mr. PAGE of North Carolina. Yes.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MANN. What is now pending before the committee?

The CHAIRMAN. There is nothing pending. The Chair sustained the point of order.

Mr. MANN. I thought the gentleman from North Carolina wanted to get through with the bill.

Mr. PAGE of North Carolina. I do. Let the Clerk read.

The Clerk read as follows:

PUBLIC SCHOOLS.

Officers: Superintendent, $6,000; assistant superintendents—1 $3,500, 1 $3,000; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerks—1 $1,600, 1 $1,400, 4 at $1,000 each, 1 (to carry out the provisions of the child-labor law), $900; 2 stenographers, at $840 each; messenger, $720; in all, $60,000.

Mr. COOPER of Wisconsin. Is it the understanding that at the end of the reading of the bill there is to be an amendment proposed increasing the pay of the smaller-paid clerks 10 per cent, or whatever the amount may be?

Mr. PAGE of North Carolina. That is practically the same provision that was adopted by the House yesterday in connection with the legislative bill.

Mr. COOPER of Wisconsin. Does that include school-teachers?

Mr. PAGE of North Carolina. No, sir; it does not.

Mr. COOPER of Wisconsin. What others does it exclude?

Mr. PAGE of North Carolina. It excludes the Metropolitan police, the fire department, and the public schools.

Mr. COOPER of Wisconsin. Will it be so drawn that there will be no opportunity to move to amend it to include anyone else?

Mr. PAGE of North Carolina. There is no rule, and all I can say to the gentleman is that he will recognize that the amendment is subject to a point of order, and if the point of order is made the gentleman submitting it is helpless, but being submitted and no point of order is made against it, it will be open to amendment, of course, under the rules of the House.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Assistant principal, who shall be dean of girls of the Central High School, $1,800: *Provided*, That hereafter said assistant principal shall be placed at a basic salary of $1,800 per annum, and shall be entitled to an increase of $100 per annum for five years.

Mr. MANN. Mr. Chairman, I make the point of order against the language in this bill so far as it covers the word "hereafter."

Mr. PAGE of North Carolina. Mr. Chairman, I concede the point of order, of course, and shall not contest it.

The CHAIRMAN. The point of order is made to the word "hereafter"?

Mr. MANN. Yes; to the word "hereafter."

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Directors of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, seven, at $1,500 each: *Provided*, That hereafter the director of penmanship, who shall be an instructor in the normal school and a director in the grades, shall be placed at a basic salary of $1,500 per annum, and shall be entitled to an increase of $100 per annum for five years.

Mr. MANN. Mr. Chairman, I make the point of order to the word "hereafter," in line 19.

Mr. PAGE of North Carolina. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Assistant director of primary instruction, $1,500: *Provided*, That hereafter the assistant director of primary instruction now in the

service of the public schools, or hereafter to be appointed, shall be placed at the basic salary of $1,500 per annum, and shall be entitled to an increase of $50 per annum for five years.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. How long has this provision, if the gentleman remembers, been carried in the appropriation act?

Mr. PAGE of North Carolina. My recollection is that this was carried in the current law for the first time; that this was created in the current law.

Mr. MANN. Then this assistant director is getting, under the law, an increase of $50 a year, and would for five years?

Mr. PAGE of North Carolina. Yes.

Mr. MANN. He is not satisfied with that, but wants to get two increases.

Mr. PAGE of North Carolina. That happens very often in the peculiar plan of increase under the law for the teachers in Washington.

Mr. MANN. I do not remember many cases where appropriation bills expressly provide for the increase of salary in one way and then take another turn and provide for an increase in another line. I do not think it is quite a fair proposition.

Mr. PAGE of North Carolina. I am informed by the Clerk that she receives longevity pay under the current law.

Mr. MANN. If the provision remains in the bill without the word "hereafter" and without increase of basic salary—the gentleman says "she"; I did not know whether it was a male or female—would receive the annual increase. But if you increase the basic salary she would receive the annual increase; that is, two increases. No doubt the money can be profitably used by the person; still it seems to me that under the circumstances one increase is sufficient. I make the point of order against the word "hereafter" and against the salary of $1,500.

Mr. PAGE of North Carolina. There are two hereafters in the paragraph.

Mr. MANN. I refer to the word "hereafter" in line 25, and also to the amount of $1,500 in line 3, page 47.

The CHAIRMAN. The Chair sustains both points of order.

Mr. PAGE of North Carolina. Mr. Chairman, I move to amend by inserting in line 3, page 47, "$1,400."

Mr. MANN. And the same in line 24.

Mr. PAGE of North Carolina. And in line 24, page 46.

The CHAIRMAN. The gentleman from North Carolina offers two amendments, which the Clerk will report.

The Clerk read as follows:

Page 46, line 24, strike out "fifteen hundred" and insert "fourteen hundred." Page 47, line 3, at the beginning of the line, insert "$1,400."

The CHAIRMAN. Without objection, both amendments will be voted on together.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

Assistant directors of music, drawing, physical culture, domestic science, domestic art, kindergartens, and penmanship, seven, at $1,300 each: *Provided*, That hereafter the assistant director of penmanship, who shall be an instructor in the normal school and an assistant director in the grades, shall be placed at a basic salary of $1,300 per annum and shall be entitled to an increase of $50 per annum for five years.

Mr. MANN. Mr. Chairman, I make a point of order against the word "hereafter" in line 7.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Conduit Road, Chain Bridge Road, and Fort Slocum Schools: Three janitors, at $150 each; in all, $450.

In all, $177,650.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a question. How many public schools are there in the District of Columbia?

Mr. PAGE of North Carolina. They are all enumerated in this schedule. I have not counted them.

Mr. BENNET. By a very rough count I made 120. Can it be possible that there are that many schools in the District of Columbia?

Mr. PAGE of North Carolina. Yes; I think probably more than that rather than less. They are all enumerated by name in this schedule, and then there are some portable schools that are not enumerated.

Mr. BENNET. No one can ever say that the education of the children of the District is not properly cared for.

Mr. PAGE of North Carolina. I should think not, in a city with a population that Washington has and the number of schools provided.

Mr. BENNET. The gentleman from Kentucky [Mr. JOHNSON] says that, according to his recollection, there are 199 schools.

Mr. PAGE of North Carolina. The gentleman's recollection is in error. The number is much nearer that stated by the gentleman from New York.

Mr. FESS. And there are about 2,000 teachers?

Mr. PAGE of North Carolina. Two thousand teachers.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman if there is any school in the District for defective children?

Mr. PAGE of North Carolina. Yes; there are schools for children that are not of the average intellect, backward children.

Mr. MOORE of Pennsylvania. Backward children, they are called.

Mr. PAGE of North Carolina. Yes; defective and backward. They are cared for not in a separate school building, but in separate classes, because obviously the gentleman will see that to gather all of that class of children at one place in the District would work a great hardship on the parents of those children. They are taken care of in classes in the various schools scattered about the city.

Mr. MOORE of Pennsylvania. I have observed there is some agitation in the District with reference to the segregation of these children.

Mr. PAGE of North Carolina. With reference to the segregation of tubercular children, not of defective or backward children, in a separate school.

Mr. MOORE of Pennsylvania. Is a separate school now maintained for tubercular children?

Mr. PAGE of North Carolina. No.

Mr. MOORE of Pennsylvania. That, of course, would require a special open-air treatment?

Mr. PAGE of North Carolina. Of course. There has been recently by the health department and the school authorities some action taken excluding from the schools on medical examination tubercular children, but so far no provision has been made for the teaching of that child in a separate school.

Mr. MOORE of Pennsylvania. It frequently happens in other cities that backward children are taken out of the classes and otherwise provided for. I was interested to the extent of knowing whether when a backward child is discovered, a child that is unable to keep up with the ordinary classes, provision is made for it in the same school.

Mr. PAGE of North Carolina. There is provision made for that class of children, but just how extensively I do not know; but I know that such classes are maintained and provided.

Mr. MANN. I would say to the gentleman that with respect to tubercular children it would be cheaper and more humane to poison them than it would to do a lot of the things that are asked should be done.

Mr. PAGE of North Carolina. We have not done anything, I will say to the gentleman.

Mr. MOORE of Pennsylvania. Nothing has been done as to tubercular children?

Mr. PAGE of North Carolina. Absolutely nothing has been done. That is the matter that is now being agitated and for which no provision is made.

Mr. MOORE of Pennsylvania. I assume, of course, in line with the suggestion of the gentleman from Illinois [Mr. MANN], that there would have to be special treatment with respect to tubercular children; that is to say, it would have to be an open-air treatment in some form or other?

Mr. PAGE of North Carolina. I think not only an open-air treatment, but some provision would have to be made because of the character of these children and the homes from which they come, in the way of the provision of proper nourishment and possibly proper clothing. There are a number of things involved in this question that is just now beginning to be agitated.

Mr. MOORE of Pennsylvania. I am glad to have the gentleman's answer with respect to defective children, because it has happened in other cities that children that ought to have a fair chance in the world, although behind in their classes, are rather roughly pushed aside, when they ought to have special consideration.

Mr. PAGE of North Carolina. I agree with the gentleman, and while I do not know that it is being done to the extent to which it should be done, yet there is an effort being made to carry out that work by forming classes of these backward children.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. FESS. Investigation indicates that backward children are not necessarily mentally defective, but they are slow to learn, and under expert teachers many of them come to very large degrees of achievement.

Mr. PAGE of North Carolina. The gentleman noticed I met the gentleman's statement as to backward children by using both terms—backward and defective. Because a child is backward does not mean that he is necessarily defective.

Mr. FESS. And usually the school boards, and I think this one, undertake to employ the very best teacher for that particular group of pupils that can be found anywhere.

Mr. PAGE of North Carolina. If they do not, they should.

Mr. FESS. They do.

Mr. BENNET. Mr. Chairman, I move to strike out the last two words. There is the backward child and the defective child and then the ungraded child, the child that comes from some State where they have a different system, or the child that comes from a private school. Is there any class anywhere in the District of Columbia that takes care of them?

Mr. PAGE of North Carolina. I do not know of any. I think those children are graded up as best possible. Of course the child will naturally come to its own level, in which he finds he can make his way, and he is not put into a higher grade than one in which he can maintain himself.

Mr. BENNET. In New York we have a few classes that are called ungraded classes, where they take the normal child who has come from another jurisdiction and prepare him for an appropriate grade, so that he will not retard the grade or injure himself by being put into a grade into which he ought not to go. It is the gentleman's belief there is no such thing here?

Mr. PAGE of North Carolina. If there is any such thing, I am not familiar with it. I am inclined to think that there is no such provision made, but that these children are placed in the grade they most nearly fit and in which they can make their way.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For care of smaller buildings and rented rooms, including cooking and manual-training schools, wherever located, at a rate not to exceed $72 per annum for the care of each schoolroom, other than those occupied by atypical or ungraded classes for which service an amount not to exceed $108 per annum may be allowed, $10,000.

Mr. PAGE of North Carolina. Mr. Chairman, I call the attention of the gentleman from New York to the paragraph just read. It seems there is an attempt made to do just what we were discussing.

Mr. BENNET. That answers my question thoroughly.

The Clerk read as follows:

For purchase of United States flags, $900.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from North Carolina whether there is a law in the District of Columbia, such as there is in some States, including my own, I am glad to say, providing that the United States flag shall fly at all times on schoolhouses, or is that governed by the general law relating to public buildings?

Mr. PAGE of North Carolina. I think there is a law. At any rate, there is a flag on all public buildings and all school buildings of the District.

Mr. MANN. In some places it requires a law to incite patriotism, but here no such thing is required.

Mr. BENNET. I understand that they do not have flags on school buildings in Chicago.

Mr. MANN. Oh, the gentleman is mistaken about that. We are required by law to do it there, just as they are in New York.

The Clerk read as follows:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including fixtures and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, and organizers, and employees of the day schools may also be employees of the community forums and civic centers, $5,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I judge from this paragraph that the school board now has authority to give permission to organizations to use school buildings for municipal forums?

Mr. PAGE of North Carolina. Yes; they have, and now there are a number. The statement was made that there are 78 of these organizations known as social centers, with the permission, of course, of the board of education, being conducted in school buildings.

Mr. MANN. What does the Government pay in the way of services, teachers, and organizers? Do they pay some one to go and organize these?

Mr. PAGE of North Carolina. No; I think not. I think the payments represented to the committee under this appropriation, or any other that was at their disposal, was for light and janitor.

Mr. MANN. Oh, but it says, "Payments of janitor service, secretaries, teachers, and organizers." However, what I really wanted to get at is this: If this appropriation is agreed to, what necessity will there be to pass the bill that we had under consideration here on Monday last. Why is it not all covered by this?

Mr. PAGE of North Carolina. To be entirely frank with the gentleman from my point of view, there is no necessity, whether this went in or not——

Mr. MANN. I am not sure I quite agree with the necessity if this does not go in; but this being in, what is the necessity of the other. In other words, if the school board is doing a thing voluntarily in matters where they ought to have some discretion, what is the reason for binding them by a law?

Mr. PAGE of North Carolina. Being even more explicit in my answer, the subcommittee that framed and allowed this appropriation have in mind, under the present authority given the governing board of the schools of the District of Columbia, if they were given this appropriation it would not only obviate the necessity of the passage of the bill which was being considered a few days ago but would so appeal to those who were pushing that bill that they would stop and this would meet all that is now required.

Mr. MANN. I call attention to it—I was under the impression this item was subject to the point of order—so if anybody desired to specially pose as a representative of the other bill they might make the point of order now. Mr. Chairman, I will withdraw the point of order.

The Clerk read as follows:

Buildings and grounds: For continuing the construction of the new Eastern High School on the site purchased for that purpose, $300,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman in charge of the bill kindly state whether provision is made in this bill for paying a teacher of practical printing?

Mr. PAGE of North Carolina. No, sir; there is no such recommendation included in the estimates made to Congress.

Mr. MOORE of Pennsylvania. Is practical printing taught in the public schools of the District?

Mr. PAGE of North Carolina. No; I think not, unless it is in what is known as the Business High School or the Manual-Training School; certainly not in the grade and grammar schools.

Mr. MOORE of Pennsylvania. On page 47 provision is made for certain principals of high and manual-training schools. They are referred to only in classes, so it is impossible from the reading of the bill to distinguish what occupations are taught.

Mr. PAGE of North Carolina. I will say to the gentleman there is no instruction in printing in the Washington public schools, the graded schools. I am inclined to think there is none even in the high schools or manual-training schools.

Mr. MOORE of Pennsylvania. If there had been such an instructor—I had been informed that practical printing has been taught, though I take the gentleman's word for it that practical printing is not taught here——

Mr. PAGE of North Carolina. If it is it has not come within my knowledge.

Mr. MOORE of Pennsylvania. The question arises whether a practical printer—that is to say, one experienced in practical printing—is in charge of that work.

Mr. PAGE of North Carolina. My answer is that there is none within my knowledge, and there is no teacher so designated as a teacher of the art of printing.

Mr. MOORE of Pennsylvania. I am frank to say it does not appear from a cursory reading of the bill that such a provision is made.

Mr. PAGE of North Carolina. I do not think there is any such provision made.

The Clerk read as follows:

Hereafter so much of any balance of appropriations remaining after the purchase of sites for buildings as is necessary to clean up, grade, drain, fence in, and place the sites in safe and suitable condition for the purposes intended may be used for such purpose.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. You provided last year the balance of appropriations for buildings authorized by the current law might be used to clean up the lot. I think that was perfectly proper. You propose to insert as a permanent law a provision under which Congress will have to appropriate money for the purchase of a site. Congress supposes the site is going to cost so much, but they pad the returns and ask for a greater sum with a view of doing what nobody will know in the way of improvements. That does not seem to me to be good legislation.

Mr. PAGE of North Carolina. Well, I shall not be offended if the gentleman makes the point of order. I agree with him that it is not good legislation.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having an excess of eight rooms shall have at least four exits. Appropriations carried in this act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. In line 8 should not the word "an" be "in." It should read "having in excess of eight rooms." I think that is what is meant.

Mr. PAGE of North Carolina. It should be "in excess" in line 8. It should be "in."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 8, strike out the word "an" and insert the word "in."

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I would like to ask the chairman of the subcommittee another question. Lines 11 to 14 of this paragraph are intended to accomplish a very worthy purpose, but how, as a practical matter, is it ever going to be enforced?

Mr. MANN. It has been the law for 10 years.

Mr. PAGE of North Carolina. As a matter of fact, I will say to the gentleman, these school buildings are constructed so that the doors do open outward, and they have this number of doors. It is construed by the authorities of the District and those having charge of the construction of these buildings to be demanded.

Mr. BENNET. It is a sort of general instruction carried in the form of this bill?

Mr. PAGE of North Carolina. It is. It is really a limitation.

Mr. MANN. I remember when a hysterical wave swept over the town and the House, and they stuck this in. Of course, if there was a penal clause in connection with that, every school-teacher, every principal, every janitor, everybody connected with the school board, would have heavy fines to pay.

Mr. PAGE of North Carolina. Having the doors open half an hour after and before?

Mr. MANN. Yes.

Mr. PAGE of North Carolina. I was not referring to that in my reply to the gentleman from New York. But as to having the number of doors and having them open out——

Mr. BENNET. That is a physical fact that can be established by the inspection of the building.

Mr. PAGE of North Carolina. I do not know anything about the enforcement of this law as to keeping the doors open before and after school hours.

Mr. BENNET. It is like one of the "God-bless-our-home" mottoes on the wall.

Mr. MANN. It is very much like the movement in the House the other day to increase the clerk allowance.

The Clerk read as follows:

For instruction of indigent blind children of the District of Columbia, in Maryland or some other State, under a contract to be entered into by the commissioners, $7,500, or so much thereof as may be necessary.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may have permission to extend my remarks on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may have permission to extend his remarks in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask if the gentleman intends to extend his remarks at this point in the proceedings or at the back of the RECORD?

Mr. RAKER. At the back of the RECORD. It is the custom of the House, and it has been agreed that where a man extends his remarks they should go at the end of the RECORD.

Mr. MOORE of Pennsylvania. It is a custom that is not always observed.

Mr. RAKER. It is a custom that has been observed pretty well. If it is not observed, I think the gentleman from Illinois [Mr. MANN] ought to see that it is observed, because I think it is right and proper that it should be carried out.

Mr. MOORE of Pennsylvania. A day or two ago it was not observed, and in a very conspicuous way. In the midst of a discussion of a bill like this a gentleman asked permission to extend, and cut out four or five pages of pertinent matter in the RECORD with a speech entirely foreign to the discussion.

Mr. RAKER. If the gentleman refers to me——

Mr. MOORE of Pennsylvania. I did not refer to the gentleman.

Mr. RAKER. That is where my speech belonged, because it related to the amendment under discussion in the House, and I wanted it in the RECORD so that the Senate might have the context and the amendment together.

Mr. MANN. The Senate will not read the gentleman's speech, and it was not proper to insert it at that place in the RECORD under leave to print.

Mr. MOORE of Pennsylvania. The speech should have gone at the back of the RECORD. I have no objection if the extension appears there. I understand the gentleman intends to put this at the back?

Mr. RAKER. I do.

Mr. MOORE of Pennsylvania. Then I will not object.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; deputy chief engineer, $2,500; 4 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $2,000; clerk, $1,400; 38 captains, at $1,500 each; 40 lieutenants, at $1,320 each; 40 sergeants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 27 engineers, at $1,200 each; 27 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,100 each; 2 marine firemen, at $720 each; 40 drivers, at $1,150 each; 40 assistant drivers, at $1,100 each; 183 private of class 2, at $1,140 each; 44 privates of class 1, at $960 each; hostler, $600; laborer, $600; in all, $596,460.

Mr. CARLIN. Mr. Chairman, I want to ask the chairman of the committee which of these items represents an increase in the pay of these men mentioned?

Mr. PAGE of North Carolina. Thirty-eight captains in the force are increased from $1,300 to $1,400; 40 lieutenants from $1,200 to $1,320. The grade of sergeant has grown from privates now receiving $1,080 to $1,200, and 183 privates are increased from $1,080 to $1,140. That is the increase with these active units in the fire department.

Mr. CARLIN. Has there been any increase in the engineers of the fire department?

Mr. PAGE of North Carolina. No.

Mr. CARLIN. Why not?

Mr. PAGE of North Carolina. In 27 engineers now receiving $1,200 and 27 assistant engineers at $1,100 each there is no increase.

Mr. CARLIN. Why not?

Mr. PAGE of North Carolina. Well, sir, if the gentleman has an amendment to offer——

Mr. CARLIN. I am asking why it is the committee saw fit to increase the salary of all the other employees and did not increase that of the engineers?

Mr. PAGE of North Carolina. I will say to the gentleman that there is some distinction between those who are engineers and the active fire fighters, and, in the judgment of the committee, there is a reason why they are entitled to get the increase more than the men in charge of the machines. And that appealing to the subcommittee, we made these increases and changes, thinking we were putting them more on a parity than they are at the present time.

Mr. CARLIN. Is it not a fact that the 10 per cent increase provided for all District employees covers all under $1,200?

Mr. PAGE of North Carolina. Not in this department. The provision I have drawn, as I have said several times to-day in reply to inquiries of gentlemen—the amendment I shall offer at the end of the bill for percentage increases to the employees of the District excludes from the provision the Metropolitan police, the fire department, and the public schools.

Mr. CARLIN. The gentleman having increased the police and fire departments by specific items, of course it would not be necessary to include them in an amendment, but having omitted these few men, the engineers, would the gentleman include them?

Mr. PAGE of North Carolina. I will call to the gentleman's attention that the engineers in the department, under the same bill, are receiving the same as the sergeants in the department. I do not think they ought to be given a greater salary than that. I do not believe that the engineer is entitled to it.

Mr. CARLIN. They have always received a greater rate of pay until now, and you have increased the sergeants' pay.

Mr. PAGE of North Carolina. The gentleman will recognize that we have not had in this organization a sergeant before. Now we have sergeants, but we put them in for reasons of discipline and good organization, because privates have hereto-

fore been acting as sergeants, and while they had no additional pay they did not have the proper authority or the respect of the men under them. For that reason we thought it wise to create the position of sergeant, and we put that salary on an equality with the engineer.

Mr. CARLIN. They have no relation with each other, and can not be compared with one another.

Mr. PAGE of North Carolina. That may be a matter of opinion as to whether they can be compared with each other. They can be compared as to the service rendered. The committee did not feel that the class of employees that the gentleman is now referring to has the same claim, but, of course, as to the others, that is our judgment.

Mr. CARLIN. Is not this true, that if the amendment you propose to offer should pass, increasing the salaries of all other District employees, these will be the only employees of the District government who do not receive additional compensation?

Mr. PAGE of North Carolina. Oh, not at all. There are a great *many of* the Metropolitan police and people in the schools who will be in the same position.

Mr. CARLIN. I notice these increases seem to be along the line of about 10 per cent. Would the gentleman object to an amendment increasing them by that rate?

Mr. PAGE of North Carolina. I can not object if you offer them.

Mr. CARLIN. Mr. Chairman, I offer the following amendment to these particular items, beginning with line 13 of page 65. My amendment covers lines 13 and 14 of page 65.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARLIN:

Page 65, line 13: "An increase of $120 a year for the 27 steam engineers, making a total increase of $3,240.

"Twenty-seven assistant engineers at $1,100 a year, an increase of $100 a year, making a total increase of $2,700.

"Two marine engineers at $1,200, an increase of $120 a year, making a total increase of $240.

"Two assistant marine engineers at $1,100 a year, an increase of $100 a year, making a total increase of $200."

Mr. PAGE of North Carolina. Mr. Chairman, I submit that that language is not in the proper form, and I reserve a point of order against the amendment.

Mr. CARLIN. I think the point of order is a good one. I shall move, as an amendment, that, on line 13, page 65, after the "$1,200," it shall be made to read "$1,220 each."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. CARLIN: Page 65, line 13, strike out the figures "$1,200" and insert in lieu thereof "$1,220."

Mr. CARLIN. Mr. Chairman, I mean "$1,320."

Mr. PAGE of North Carolina. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. PAGE of North Carolina. The point of order is that it increases a salary that is now in the law.

The CHAIRMAN. Changing existing law?

Mr. PAGE of North Carolina. Changing existing law.

The CHAIRMAN. What has the gentleman from Virginia to say about it?

Mr. CARLIN. If that be true, Mr. Chairman——

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order.

Mr. CARLIN. If that be true, and the gentleman is going to insist upon that, I am perfectly willing to get an expression from the House. I insist that these men are entitled to the increase that is given to every other employee of the District government, and I am content to rest there. If the point of order be good, it will be good as to all the other items in the bill, and we might as well have an adjournment now, so as to enable us to consider these things to-morrow morning.

Mr. PAGE of North Carolina. That does not lie. It is too late, Mr. Chairman.

The CHAIRMAN. That point of order comes too late. The point of order which the gentleman from Virginia intimates he would like to make would be good if made in time, but the question in the mind of the Chair now is this: In view of the fact that there are increases carried in this paragraph for some of these employees, is the point of order well taken when it is proposed to apply it to others? I suppose there is no question about it.

Mr. CARLIN. Mr. Chairman, I think we can arrange this thing satisfactorily. I perhaps misunderstood the purpose of the gentleman's amendment covering the general employees. It is 10 per cent to those under $1,200 and 5 per cent to those at $1,200 and over. So I will make my amendment 5 per cent, and move to strike out "$1,200" and make it "$1,260." That is on page 65, line 13.

Mr. PAGE of North Carolina. I want to be fair to the House. I have no pets, and I have nobody in mind who would be affected by it. If we are going to do this, I suggest that, on line 12, page 65, the figures "$1,200" be stricken out and "$1,260" inserted therefor.

Mr. MANN. I shall make a point of order against any of these amendments.

The CHAIRMAN. The gentleman from North Carolina made a point of order against the amendment pending, proposed by the gentleman from Virginia [Mr. CARLIN]. The Chair sustains the point of order. Now the gentleman from Virginia offers another amendment, does he?

Mr. CARLIN. I understood the chairman of the committee offered this amendment.

Mr. PAGE of North Carolina. I began to offer an amendment, but if the gentleman from Illinois [Mr. MANN] is going to make his point of order against it, I have no purpose to move amendments merely in order to see them go out.

Mr. MANN. I have no objection, so far as I am concerned, against providing an increase for these people in the fire department who have no increase under the general provision. We propose to give an increase for one year. We propose to treat them all alike.

Mr. CARLIN. The gentleman admits that these persons of whom I am speaking are not included in the general increase at all?

Mr. MANN. Well, I do not know as to that; but if so, and because they are not included, is the gentleman trying to get them included permanently?

Mr. CARLIN. That would seem to be so, but I want them included in the annual appropriation bill if the gentleman from North Carolina will simply provide for them. That will suit me. And that will suit the gentleman from Illinois as well as myself.

Mr. PAGE of North Carolina. If the amendment does not go out on a point of order—and it is subject to a point of order—I can not control it; but if the gentleman will merely reserve his right until we have reached that place in the bill I think that matter can be adjusted.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I move, in line 12, of page 65, to strike out the figures "$1,200" and insert the figures "$1,250" for the assistant superintendent of machinery.

Mr. PAGE of North Carolina. Mr. Chairman, I make the point of order against that. It is the same point of order that I made against the amendment of the gentleman from Virginia [Mr. CARLIN].

Mr. STEPHENS of Texas. I hope the gentleman will reserve his point of order. I wish to ask him a question.

Mr. PAGE of North Carolina. I reserve the point of order.

Mr. STEPHENS of Texas. I wish to ask the gentleman whether or not the increase that he proposes at the end of the bill will cover this salary?

Mr. PAGE of North Carolina. There is no proposition to increase by percentage or automatically anything in excess of $1,800, either here or anywhere else.

Mr. STEPHENS of Texas. Is the gentleman aware that this was estimated for at $2,250?

Mr. PAGE of North Carolina. Yes; I am aware that the commissioners asked for an increase in this particular item, but as it related to other employment, in other divisions and other departments of the Government, the committee did not think it was warranted and they did not allow it.

Mr. STEPHENS of Texas. Is the gentleman aware that this superintendent of machinery has under him the repair shop and the purchase of apparatus, and so forth, amounting to $16,000, at the bottom of the next page?

Mr. PAGE of North Carolina. Yes; and I know of men in the District government who have the expenditure of $1,000,000—a man in the purchasing division of the District government——

Mr. STEPHENS of Texas. But they are not required to run a shop, as this gentleman is.

Mr. PAGE of North Carolina. Oh, no; and propably this man is very glad to run it, instead of being one of those employed there and having some one else run it. I think possibly he has an advantage in that he does run it.

Mr. STEPHENS of Texas. I hope the gentleman will withdraw the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DALLINGER. I should like to ask the gentleman from North Carolina if I understand correctly that the amendment which he intends to offer does not apply to employees of the fire department whose salaries are under $1,800 and under $1,200, respectively?

Mr. PAGE of North Carolina. The amendment which I shall offer excludes from the increase of 10 per cent in the one case, and 5 per cent in the other, the employees of the Metropolitan police, the fire department, and the public schools.

Mr. DALLINGER. May I ask the gentleman his reason for excluding the employees of the fire department from these increases?

Mr. PAGE of North Carolina. Because in this particular bill we have increased practically all of the active units of the fire department fully 10 per cent.

Mr. DALLINGER. In this bill?

Mr. PAGE of North Carolina. In this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

HEALTH DEPARTMENT.

Health officer, $4,000; assistant health officer, $2,500; chief clerk and deputy health officer, $2,500; chief, bureau of vital statistics, $1,800; clerks—1, $1,600, 5 at $1,200 each, 4 at $1,000 each, 2 at $900 each, 1 $720; sanitary inspectors—chief $1,800, assistant chief $1,400, eight at $1,200 each, 2 at $1,000 each, 3 at $900 each; food inspectors—chief $1,800, assistant chief $1,400, 3 at $1,400 each, 5 at $1,200 each, 6 at $1,000 each, 5 at $900 each; chemist, $2,000; assistant chemist, $1,200; director of bacteriological laboratory, $2,500 (now on per diem roll at $7); assistant bacteriologist, $1,500; assistant bacteriologist, $1,200; skilled laborers—1 $720, 1 $600; 2 messengers, at $600 each; driver, $600; poundmaster, $1,400; watchman, $600; laborers, at not exceeding $50 per month each, $2,400; in all, $82,240.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the occasion for these three new inspectors at $1,400 each? Is it the necessity for more men, or is it to give a chance for promotions?

Mr. PAGE of North Carolina. It is the necessity for an increased number of employees; the representation being made to the committee not only this year, but last year, when we gave practically no increases, that the present force find it impossible properly to inspect the food and dairy products of the District.

Mr. MANN. Does the gentleman remember how many sanitary and food inspectors there are here?

Mr. PAGE of North Carolina. I do not remember the number.

Mr. MANN. There are about 30.

Mr. PAGE of North Carolina. Somewhere in that neighborhood.

Mr. MANN. Something like that, in a city which is not large.

Mr. PAGE of North Carolina. But I should like to call the attention of the gentleman to the fact that the inspectors go outside of the District, to dairies at a considerable distance from the city of Washington.

Mr. MANN. Oh, they do not go very often.

Mr. PAGE of North Carolina. I do not know how often.

Mr. MANN. That is mostly moonshine.

Mr. PAGE of North Carolina. I know that they do go, and that they inspect these dairies that furnish milk to the city of Washington.

Mr. MANN. Then you carry in this bill a director of the bacteriological laboratory at $2,500. Of course, that is an increase in salary and a considerable increase.

Mr. PAGE of North Carolina. He is on the rolls now at $7 a day.

Mr. MANN. Why is he not willing to stay there?

Mr. PAGE of North Carolina. I do not know but that he may be willing. The health officer of the District, who has charge of this particular activity, feels that this man's services are worth $2,500. I do not know how the gentleman from Illinois may feel about it as a layman, but I want to say to him that I was not willing to stake my judgment as a layman against the judgment of professional experts in the inspection of milk and food for the inhabitants of the city and particularly children and babies.

Mr. MANN. If I had not been willing to put my judgment against a whole lot of experts the pure-food bill would never have become a law, but it did. I do not think I have to apologize for that. A raft of experts told us that it could not be done.

Mr. PAGE of North Carolina. The gentleman achieved a great deal in the pure-food law, and he is entitled to great credit for it.

Mr. MANN. I am not claiming any credit for it.

Mr. PAGE of North Carolina. The gentleman demonstrated that he was willing to risk his judgment in the formation of a law against that of experts. But I want to say that as against the department of health and the inspection of food and milk for the District, I do not care to risk mine. I did exercise considerable judgment as to the estimate that was submitted. We did not allow all that they asked for. In some particulars we have increased it; we have increased the inspection force, and I think we are justified by the hearings.

Mr. MANN. Mr. Chairman, I make the point of order against the language in lines 11 and 12, "three at $1,400 each"; and also line 14, "director of bacteriological laboratory, $2,500 (now on per diem roll at $7)"; also "assistant bacteriologist, $1,500."

Mr. PAGE of North Carolina. Mr. Chairman, I have no desire to consume the time; I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Not less than 12 of the sanitary and food inspectors above provided for shall be employed in enforcement of milk and pure-food laws and regulations relating thereto and in the inspection of dairies and dairy farms.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph.

Mr. PAGE of North Carolina. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For maintenance of disinfecting service, including salaries or compensation for personal services when ordered in writing by the commissioners and necessary for maintenance of said service, and for purchase and maintenance of necessary horses, wagons, and harness, $6,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill for information about a paragraph on page 68. Is any part of this appropriation spent outside of the District of Columbia?

Mr. PAGE of North Carolina. There is none used outside the District of Columbia except in the inspection of dairy farms.

Mr. BENNET. They do follow the system of going into adjacent States to inspect dairy farms?

Mr. PAGE of North Carolina. Yes; where the dairy farms supply milk to this jurisdiction.

Mr. KING. Mr. Chairman, I move to strike out the last two words. I would like to get some information at this point. Last year I was residing at 225 B Street NE. Personally I do not care anything about the matter, but I noticed that there was a terrific stench rising within two squares of the Congressional Library. On investigation I found a certain dray firm in the city was keeping 45 head of horses within two squares of the Congressional Library, so that that section of the city was entirely covered by this stench. I called on the health department, and they investigated the matter and reported that they had no authority under the law to remove anything of the kind. The health officer claimed that they could keep horses anywhere in the District. As I understand it, it is reported on good authority that meningitis is caused by something that emanates from the horse. I want to inquire why it is that a thing of that kind can not be remedied on Capitol Hill?

Mr. PAGE of North Carolina. I do not know. I should have said that under the language of the bill and the general authority given to the health department they had power enough to abate a nuisance of the kind that the gentleman mentions. Whether they have the power to remove the keeping of horses or not, they have the power to see that the premises are kept in a sanitary condition, so that they will not produce a nuisance. I do not think there is any question about that. It is very likely a question of the exercise of power under the law.

Mr. KING. The gentleman believes that the nuisance could have been abated if the officer had done his duty?

Mr. PAGE of North Carolina. I think they could have used their power under the law to abate such a nuisance.

The Clerk read as follows:

For special services in connection with the detection of the adulteration of drugs and of foods, including candy and milk, $100.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Is this $100 all that is expended in the District of Columbia for the detection of the adulteration of drugs?

Mr. PAGE of North Carolina. Oh, no; there are several special acts, as I understand it, very drastic ones.

Mr. MOORE of Pennsylvania. Some newspapers here have made a specialty of investigating the sale of narcotic drugs?

Mr. PAGE of North Carolina. I am not familiar with the general law; but they have more appropriations than this.

Mr. MANN. The food inspectors are under the health officer.

Mr. PAGE of North Carolina. The pure food and drug act is as much applicable to the District of Columbia as to any other place, as well as the Internal-Revenue Service.

Mr. MOORE of Pennsylvania. Of course; but this matter of detection is a very important one to the District.

Mr. PAGE of North Carolina. This is for the purpose of allowing the commissioners a small sum of money by which they can send some person unidentified into places of business to buy these things in order that they may be inspected and tested in the laboratory. It is a provision that they may get hold of these things without sending an officer of the law who is known.

Mr. MOORE of Pennsylvania. I am glad to have the gentleman make that statement. While I am on my feet I want to say that it has been brought to my attention that the use of narcotic drugs is largely on the increase in the District of Columbia, and that this has been particularly so since the introduction of certain alleged reform laws in the District, which have tended to encourage vice and which, instead of suppressing vice and restricting it, have spread it over the District, into apartment houses and hotels and residential sections, where it ought not to exist. It has come to my attention with respect to the use of narcotic drugs, that they have had a very deleterious and serious effect upon the morals of certain of the young people in the District, and that that tendency has been on the increase. Of course, if this $100 were all that was to be appropriated for the purpose of detecting this nefarious trade, I would ask that more money be appropriated.

Mr. PAGE of North Carolina. That has no relation whatever to the enforcement of those laws. It is merely for the purpose of aiding the commissioners in the enforcement of the law under other appropriations, to purchase these drugs or foods, as the case may be, in order that the investigation may be made.

The Clerk read as follows:

For the establishment and maintenance of a dispensary or dispensaries for the treatment of persons suffering from tuberculosis and of persons suffering from venereal diseases, including payment for personal service, rent, and supplies: *Provided*, That the commissioners may accept such volunteer services as they deem expedient in connection with the establishment and maintenance of the dispensaries herein authorized, $12,500.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 71, line 24, after the word "authorized," insert:
"*Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman state, if he knows, whether these dispensaries for the treatment of the diseases referred to are to be under the same roof? The diseases are of a vastly different character.

Mr. PAGE of North Carolina. I will say to the gentleman that they are not established at all yet. This is a new paragraph, and an effort on the part of the committee and of those in charge of the health of the District to establish and maintain a dispensary or dispensaries for the treatment of persons suffering from these diseases. It is not the purpose to retain patients having these diseases. They are intended to be really what the name calls for.

Mr. MOORE of Pennsylvania. For the dispensing of medicine?

Mr. PAGE of North Carolina. For the dispensing of medicine.

Mr. MOORE of Pennsylvania. The treatment of the two kinds of diseases would be so vastly different that they ought not to be put into juxtaposition.

Mr. PAGE of North Carolina. It is not the purpose to put them together, and therefore the plural, "dispensaries," is used.

Mr. MOORE of Pennsylvania. I call attention to it because it is rather anomalous that the situation should be stated as it is in the paragraph. I trust when the time comes to create these dispensaries, which I favor, the administrative department will have sense enough to have tuberculosis treated by itself, apart from any other disease.

Mr. PAGE of North Carolina. I think the gentleman, from his statement of the case, may rest assured that they will not treat these two diseases in the same place.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. We have made pretty good progress to-day and we have now reached the courts. I think it would be a good idea to rise at this point.

Mr. PAGE of North Carolina. Well, Mr. Chairman, in view of the goodness not only of the gentleman from Illinois but other gentlemen during the day I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19119 and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6116) providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 1788. An act for the relief of Thomas M. Jones.

UNITED STATES SECTION INTERNATIONAL HIGH COMMISSION (H. DOC. NO. 1788).

The SPEAKER laid before the House the following message from the President of the United States, which was read as follows:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the United States section of the International High Commission on the first general meeting of the commission held at Buenos Aires, April 3–12, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 20, 1916.*

The SPEAKER. The message is referred to the Committee on Foreign Affairs and ordered printed, together with the accompanying documents.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. LAFEAN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. Gipe (H. R. 12082), no adverse report having been made thereon.

EULOGIES ON THE LATE REPRESENTATIVE HUNTER HOLMES MOSS, JR.

Mr. WOODYARD. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, the 28th day of January, 1917, be set apart for addresses on the life, character, and public services of Hon. HUNTER HOLMES MOSS, Jr., late a Member from the State of West Virginia.

The question was taken, and the order was agreed to.

EXTENSION OF REMARKS.

Mr. BAILEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BAILEY. To ask unanimous consent to extend my remarks in the RECORD on the subject of the impending deficit in the Treasury.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the impending deficit in the Treasury. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article written by Charles Harris Whitaker, editor of the Journal of the American Institute of Architects.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until 12 o'clock to-morrow, Thursday, December 21, 1916.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Board of Managers, National Home for Disabled Volunteer Soldiers, transmitting statement showing typewriters exchanged by the National Home for Disabled Volunteer Soldiers during the fiscal year ending June 30, 1916 (H. Doc. No. 1780); to the Committee on Appropriations and ordered to be printed.

2. A letter from the president of the Board of Managers, National Home for Disabled Volunteer Soldiers, transmitting report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1916 (H. Doc. No. 1781); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for "General expenses, Federal Horticultural Board" (H. Doc. No. 1782); to the Committees on Agriculture and Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for "General expenses, Bureau of Plant Industry, 1916" (H. Doc. No. 1783); to the Committees on Agriculture and Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting an urgent estimate of appropriation for contingent expenses of the Department of Justice for the fiscal year 1917 (H. Doc. No. 1784); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting urgent estimates of deficiencies in appropriations for the Postal Service, payable from the postal revenues, for the fiscal year 1917 (H. Doc. No. 1785); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting an urgent estimate of appropriation for miscellaneous expenses, Supreme Court of the District of Columbia, for the fiscal year 1917 (H. Doc. No. 1786); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting urgent estimates of deficiencies in appropriations for the Department of Labor for the fiscal year ending June 30, 1917 (H. Doc. No. 1787); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 16922) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railroad Co. certain lands in the State of Montana for division terminal yards and other railway purposes, and for other purposes, reported the same with amendment, accompanied by a report (No. 1233), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 17605) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906, reported the same without amendment, accompanied by a report (No. 1235), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 17781) for the relief of Alexander F. McCollam, reported the same without amendment, accompanied by a report (No. 1234), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McLAUGHLIN: A bill (H. R. 19233) to increase the salary of the United States marshal for the western district of Michigan; to the Committee on the Judiciary.

By Mr. CAMPBELL: A bill (H. R. 19234) granting pensions to teamsters of the War of the Rebellion and Indian Wars from 1861 to 1869, inclusive; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 19235) for the establishment, maintenance, and operation of a municipal abattoir in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OLDFIELD: A bill (H. R. 19236) to establish the Ozark National Park in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

By Mr. FORDNEY: A bill (H. R. 19237) for the construction of a public building at Belding, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS: A bill (H. R. 19238) making available any post-office surplus for the fiscal year 1917 for the purchase of the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; to establish the efficiency and economy with which such service may be conducted by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN of Louisiana: A bill (H. R. 19239) granting the consent of Congress to the county of Pearl River, Miss., and the fourth ward of the Parish of Washington, La., to construct a bridge across Pearl River, Miss., between Pearl River County, Miss., and Washington Parish, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 19240) to authorize a report upon the necessity for the construction of a diversion dam with a bridge superstructure across the Gila River on the Gila Bend Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19241) to provide for the purchase of a site and the erection thereon of a public building at Barberton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: A bill (H. R. 19242) authorizing the sale of the land and building at Kennebunkport, Me., known as the old customhouse property, to the town of Kennebunkport, Me., for public-library purposes; to the Committee on Public Buildings and Grounds.

By Mr. EMERSON: Resolution (H. Res. 415) to have the Secretary of War report to Congress why the National Guard is held on the Mexican border; to the Committee on Military Affairs.

By Mr. HICKS: Resolution (H. Res. 416) authorizing the Committee on the Library to procure a portrait of former Speaker JOSEPH G. CANNON; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 19243) granting an increase of pension to Jefferson Cherry; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 19244) granting a pension to Calloway Roddy; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 19245) granting an increase of pension to Charles Price; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 19246) granting an increase of pension to George Hopper; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 19247) granting a pension to Irwin R. Troxell; to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 19248) granting an increase of pension to Frank J. Brolley; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 19249) granting a pension to Charles Bruder; to the Committee on Pensions.

Also, a bill (H. R. 19250) granting an increase of pension to James L. McDougall; to the Committee on Pensions.

Also, a bill (H. R. 19251) for the relief of William J. Nagel, postmaster, Detroit, Mich.; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 19252) granting an increase of pension to William Cobbledick; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19253) granting an increase of pension to Ann Jeremiah; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19254) granting a pension to William Littlejohn; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 19255) granting a pension to Raymond L. Thompson, insane; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 19256) granting a pension to Simon R. Thornton; to the Committee on Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 19257) granting an increase of pension to Catharine Kinder; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 19258) for the relief of David Crow; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 19259) granting a pension to Cornelius Whitby; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 19260) granting a pension to Winfield H. Handley; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 19261) granting an increase of pension to George W. Gilbert; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 19262) granting an increase of pension to Elizabeth Davison; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 19263) granting an increase of pension to Emma R. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19264) granting an increase of pension to Christian Boll; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 19265) granting a pension to Rosella Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19266) granting an increase of pension to Charles Decanter; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 19267) granting an increase of pension to Marian A. Jaques; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19268) granting an increase of pension to Maggie Radabaugh; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 19269) granting an increase of pension to Elias Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19270) for the relief of David H. Mull; to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 19271) granting a pension to Joseph F. Feld; to the Committee on Pensions.

Also, a bill (H. R. 19272) granting an increase of pension to Edwin H. Mason; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 19273) granting an increase of pension to William H. Prior; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19274) granting a pension to Henderson Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19275) granting an increase of pension to Thomas Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19276) to remove the charge of desertion from the military record of John Thacker; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 19277) granting an increase of pension to Thomas A. Weisner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19278) granting an increase of pension to Mary A. McManus; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 19279) granting an increase of pension to Robert C. James; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 19280) granting a pension to Mary L. Stultz; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 19281) for the relief of Henry Smith; to the Committee on Military Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 19282) granting an increase of pension to Fernandus F. Hatfield; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 19283) granting a pension to Fanny Williams; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19284) granting an increase of pension to Alonzo Whitehouse; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19285) granting an increase of pension to William A. Cale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19286) for the relief of Theophilus Nuzum; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 19287) granting an increase of pension to Daniel Gilligan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 18919 for relief of William Hopkins; to the Committee on Pensions.

By Mr. BROWNING: Petition of post-office carriers and employees of Camden, N. J., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Petition of sundry citizens of Long Island, N. Y., favoring bill prohibiting traffic of liquor in the District of Columbia; to the Committee on Alcoholic Liquor Traffic.

By Mr. CURRY: Petition of Sacramento Valley Improvement Association, of Sacramento, Cal., urging haste in the contemplation of the topographic map of the United States; to the Committee on Appropriations.

Also, petition of certain post-office employees of Richmond, Cal., in behalf of an increase in salary for post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Prof. Chauncey W. Wells, of Berkeley, Cal., relative to deportation of Belgians; to the Committee on Foreign Affairs.

Also, petition of postal employees of Berkeley, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petition of postal clerks of Xenia, Ohio, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of James S. Kirk & Co., of Chicago, Ill., opposing the abandonment of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Bolger, Mosser & Willaman, of Chicago, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Manufacturers' Association, for a new post office at Chicago; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: Petition of certain clerks and carriers of the Post Office Department, asking for an increase in their salaries; to the Committee on the Post Office and Post Roads.

By Mr. HADLEY: Petition of sundry employees of the Postal Service, asking for increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of James Moody, Melick Dodig, and the Jefferson County (Ohio) Liberal League, against prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. IGOE: Petition of F. B. Eisman, of St. Louis, Mo., against bill for reinstatement of exchange charges on country checks; to the Committee on Banking and Currency.

Also, petition of 15 St. Louis (Mo.) business houses, urging bill granting relief to American manufacturers at Niagara Falls; to the Committee on Foreign Affairs.

By Mr. LITTLEPAGE: Petition of Charleston (W. Va.) post-office employees, asking for increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. McLEMORE: Petition of post-office employees of El Paso and Houston, Tex., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MILLER of Delaware: Petition of employees of the Wilmington (Del.) post office, asking an increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Three petitions of Lee S. Smith & Sons Manufacturing Co., the Republic Chemical Co., and Joseph M. Flanney, president Standard Chemical Co., all of Pittsburgh, in the State of Pennsylvania, in re authorization of Secretary of War to permit greater diversion of water at Niagara Falls; to the Committee on Foreign Affairs.

By Mr. NOLAN: Memorial of San Francisco Labor Council, against high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. PARK: Petition of sundry citizens of Atlanta, Ga., favoring bill to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. PARKER of New York: Petition of Branch 416, National Association of Letter Carriers, of Troy, N. Y., urging increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of employees of the post office at Whittier, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany House bill 19226, relating to pension of Charles N. Bacon; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Branch No. 197, National Association of Letter Carriers, urging Congress to grant higher wages to postal employees, and calling attention to the high cost of living at New Haven, Conn.; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *December 21, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to enter into sacred and holy communion with Thee that the path which lies before us in this day's service may be as the path of the just that shineth more and more to the perfect day. Thy kingdom is within us, and we desire to interpret the terms and qualities and forces of Thy kingdom in the outward acts of life, especially in this place of great influence and power. We desire to represent the highest interests of humanity in the name of God. Guide us to this end this day. We ask for Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Martine, N. J.	Smoot
Beckham	Gore	Nelson	Sterling
Borah	Gronna	Newlands	Stone
Brady	Hardwick	Norris	Sutherland
Brandegee	Hitchcock	Overman	Swanson
Bryan	Hollis	Page	Thomas
Chamberlain	Hughes	Phelan	Townsend
Chilton	James	Poindexter	Underwood
Clapp	Johnson, S. Dak.	Pomerene	Vardaman
Clark	Jones	Reed	Wadsworth
Culberson	Kenyon	Saulsbury	Walsh
Cummins	Kern	Sheppard	Watson
Curtis	Lane	Sherman	Weeks
Dillingham	McCumber	Shields	Williams
Fletcher	Martin, Va.	Smith, Ga.	Works

Mr. THOMAS. My colleague [Mr. SHAFROTH] is detained from the Chamber on account of illness. I will let this announcement stand for the day.

Mr. CLARK. I desire to announce the unavoidable absence from the city of my colleague [Mr. WARREN]. I will let this announcement stand for the day.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is unavoidably absent from the city. I will let this announcement stand for the day.

Mr. CHILTON. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. VARDAMAN. I have been requested to announce the unavoidable absence of the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. BROUSSARD] on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Illinois [Mr. LEWIS], owing to illness.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the preceding session.

The Journal of yesterday's proceedings was read and approved.

PEACE OVERTURE.

Mr. STONE. Mr. President, I ask that the note sent by the President to the various European belligerent powers on Monday of the present week, which has been quite generally published this morning in the press of the country, and a copy of which I send to the desk, may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The note referred to is as follows:

[Telegram.]

THE SECRETARY OF STATE TO AMBASSADOR GERARD.

DEPARTMENT OF STATE,
Washington, December 18, 1916.

The President directs me to send you the following communication to be presented immediately to the Minister of Foreign Affairs of the Government to which you are accredited:

"The President of the United States has instructed me to suggest to the Imperial German Government a course of action with regard to the present war which he hopes that the Imperial Government will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

"The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by a desire to play a part in connection with the recent overtures of the Central Powers. It has in fact been in no way suggested by them in its origin and the President would have delayed offering it until those overtures had been independently answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.

"The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them. He is indifferent as to the means taken to accomplish this. He would be happy himself to serve, or even to take the initiative in its accomplishment, in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

"He takes the liberty of calling attention to the fact that the objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. Each side desires to make the rights and privileges of weak peoples and small states as secure against aggression or denial in the future as the rights and privileges of the great and powerful states now at war. Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this, and against aggression of selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

"In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command. But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its conclusion, lest the situation of neutral nations, now exceedingly hard to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

"The President therefore feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations as well as those at war are ready to play their full responsible part. If the contest must continue to proceed towards undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle.

"The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

"The leaders of the several belligerents have, as has been said, stated those objects in general terms. But, stated in general terms, they seem the same on both sides. Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guaranties, what political or territorial changes or readjustments, what stage of military success even, would bring the war to an end.

"It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

"The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world."

LANSING.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a further estimate, under the office of the Chief Signal Officer, for the services of skilled draftsmen and such other services as the Secretary of War may deem necessary to be employed in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense for the Signal Service of the Army, in the amount of $100,000 (S. Doc. No. 647), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting a supplemental estimate of appropriation for salaries, Bureau of Steam Engineering, for the fiscal year ending June 30, 1918, amounting to $12,500 (S. Doc. No. 646), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Albert Lea (Minn.) Branch of the Railway Mail Association, praying for an increase in salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Minnesota Commandery of the Loyal Legion, praying for the passage of the so-called volunteer officers' retired bill, which was ordered to lie on the table.

Mr. WATSON presented a petition of the Society of Friends of Irish Freedom, of Indianapolis, Ind., praying that the good offices of the Government of the United States be employed to prevent the alleged deportation of Irish men and women and their compulsory employement in prisons and camps without pay, which was referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to grant a minimum wage of $3 a day to Government employees, which was referred to the Committee on Appropriations.

Mr. KERN presented a memorial of Thomas J. Clark Branch of the Friends of Irish Freedom, of Indianapolis, Ind., remonstrating against the alleged deportation of Irish citizens, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the establishment of an aviation school on the Pacific coast, which was referred to the Committee on Military Affairs.

He also presented a petition of Central California Branch No. 231, National Association of Letter Carriers, of Fresno, Cal., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

AMENDMENT OF POSTAL LAWS.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4429) to amend the postal laws, reported it without amendment and submitted a report thereon (No. 890).

PINE TIMBER IN MINNESOTA.

Mr. SUTHERLAND. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 5617) to confer jurisdiction upon the United States district court for the District of Minnesota to hear, try, and determine the value of certain pine timber.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill, and I desire to make a brief statement of the purpose of it.

The court in trying some cases as to the right of allottees to certain land found the allottees were entitled to the land, but under the circumstances the court would not assess the damages for the timber that the Government had sold from the land. This is simply to give the court authority to assess that damage. Otherwise another action would have to be brought to determine the value of the timber.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. JONES. I think the bill should be read before consent is granted.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States district court for the district of Minnesota to hear, try, determine, and render judgment for the value of the pine timber cut by the agents, officers, employees, and representatives of the United States from the lands described in the respective complaints filed in the suits stated as follows:

United States circuit court district of Minnesota—

Maggie Vanoss against United States, involving right to south half of northeast quarter section 24, township 143 north, range 39, Mahnomen County, Minn.

Jane Leecy against United States, involving east half of northwest quarter section 24, township 143 west, range 39, Mahnomen County, Minn.

Charles Vanoss against United States, involving north half of northeast quarter section 24, township 143 north, range 39, Mahnomen County, Minn.

Said court is hereby authorized to refer the taking of the evidence and reporting the fact to the court commissioner of said court.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in the Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as folows:

By Mr. PHELAN:

A bill (S. 7511) to acquire a site and for the erection and completion thereon of a public building in the city of Marysville, Cal. (with accompanying papers); to the Committee on Public Buildings and Grounds.

By Mr. SHIELDS:

A bill (S. 7512) to establish a fish-cultural station in the State of Tennessee; to the Committee on Fisheries.

A bill (S. 7513) to provide for the erection of a public building at Kingsport, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD:

A bill (S. 7514) authorizing the Secretary of War to acquire land for aviation purposes; to the Committee on Military Affairs.

By Mr. MARTIN of Virginia:

A bill (S. 7515) granting a pension to Letta Davidson Webster; and

A bill (S. 7516) granting an increase of pension to Mary E. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7517) granting an increase of pension to Joseph J. Meyers (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7518) providing for a site and public building for post-office and other Federal purposes at Hays, Kans.; and

A bill (S. 7519) to provide for enlarging the United States building at Fort Scott, Kans. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 7520) for the relief of The Boyle Co., of Wichita, Kans. (with accompanying papers); to the Committee on Claims.

A bill (S. 7521) granting an increase of pension to Frank Rogers (with accompanying papers);

A bill (S. 7522) granting an increase of pension to Sylvia McDevitt (with accompanying papers);

A bill (S. 7523) granting a pension to Mary F. Robinson (with accompanying papers); and

A bill (S. 7524) granting an increase of pension to Lottie L. Matthews (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7525) granting a pension to Clarissa F. White;

A bill (S. 7526) granting an increase of pension to Phuel Linville;

A bill (S. 7527) granting an increase of pension to Daniel W. Hilligoss;

A bill (S. 7528) granting an increase of pension to Thomas A. Walters;

A bill (S. 7529) granting an increase of pension to John W. Middlebrook;

A bill (S. 7530) granting an increase of pension to Frank Lynch;

A bill (S. 7531) granting an increase of pension to William H. H. Jones;

A bill (S. 7532) granting an increase of pension to Levi G. Wilgus;

A bill (S. 7533) granting an increase of pension to James M. Goodrich;

A bill (S. 7534) granting an increase of pension to John Ginley; and

A bill (S. 7535) granting a pension to Josephine Babcock; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.;

A bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegheny, county of Cattaraugus, N. Y.; and

A bill (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, county of Warren, Pa.; to the Committee on Commerce.

By Mr. GALLINGER:

A bill (S. 7539) granting an increase of pension to Augustus Wagner (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 7540) granting a pension to Bessie Mandeville Trenor; to the Committee on Pensions.

FLOOD CONTROL.

Mr. NEWLANDS. I introduce a bill providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection, and so forth, which I ask may be received.

The bill (S. 7510) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources; for water conservation; for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies; for the control of the floods of the Mississippi River and the Sacramento River, Cal.; and for other purposes, was read twice by its title.

Mr. NEWLANDS. I ask that the bill be referred to the Committee on Commerce. I will state that this bill is intended as a substitute for the House bill regarding flood protection, which is known as the Humphreys-Ransdell bill, now pending in the Committee on Commerce, and also as a substitute for Senate bill 5706, heretofore introduced by myself, providing for a general system of waterway regulation and development.

Mr. GALLINGER. Mr. President, I will ask the Senator from Nevada if he does not think that this comprehensive bill of his, if seriously considered, will put an end to all effort to prevent floods in the Mississippi and Sacramento Rivers?

Mr. NEWLANDS. I do not. I think it will aid that measure.

Mr. GALLINGER. When does the Senator think we would get a bill such as he proposes considered and passed through the Congress of the United States?

Mr. NEWLANDS. I will state that the bill which I have been urging for years has been very much modified in this bill. This bill does not provide for a large fund or a large appropriation, for which my bills have heretofore called. It provides simply for a fund of $1,000,000 for general investigations upon the lines indicated by my previous bills, and also includes, by way of compromise, the specific allowances for the flood protection required by the Humphreys bill upon the Mississippi River and the Sacramento River projects, which have been reported favorably by the War Department.

The bill simply provides for a general scheme of legislation, under which investigations and plans can be made, which will be submitted, as they are perfected, to the approval of Congress, and if Congress approves the proper appropriations will be made.

Mr. GALLINGER. So that it means to defer the entire matter for a long time, and the Senator's suggestion that it does not call for so much money in the beginning is true. It calls for a million dollars for investigation, but the Senator does not think, does he, that the large amount that he has suggested will be less after the investigations shall have been made?

Mr. NEWLANDS. On the contrary, I think it will be increased. I think this country is coming to the conclusion that it requires a perfected system of transportation, involving the coordination of rail carriers, river carriers, and ocean carriers. As the railroads are preparing to expend, and are gathering themselves to expend, $1,000,000 annually in the development of their railroads for rail transportation, the United States Government can easily afford to spend $60,000,000 annually for 10 years, as is proposed by my original bill, in the development of the water carriers. This whole matter, however, of course, will be left to the future.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce.

H. G. LARIMER.

Mr. CURTIS submitted an amendment proposing to appropriate $125 to pay H. G. Larimer for fees and expenses as an expert witness on behalf of the Government in the case of the United States *v.* Henry Samuels, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDINGS.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 18994) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, etc., which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM H. DURHAM.

On motion of Mr. POMERENE (for Mr. JOHNSON of Maine), it was

Ordered, That the papers accompanying the bill S. 2241, Sixty-fourth Congress, granting an increase of pension to William H. Durham, be withdrawn from the files of the Senate, no adverse report having been made thereon.

DOCUMENTS RELATIVE TO GEN. WASHINGTON.

Mr. WILLIAMS submitted the following resolution (S. Res. 297), which was read and, with the accompanying papers, referred to the Committee on the Library:

Resolved, That the Secretary of the Senate is authorized and directed to transfer to the custody of the Librarian of Congress the following documents which are now in the files of the Senate, namely: The message of President John Adams, December 19, 1799; letter of Tobias Lear to the President, December 15, 1799; address of the Senate to the President, December 23, 1799, and the answer of the President, December 23, 1799; address of the House to the President and his answer, December 19, 1799; message of the President, January 8, 1800; and a letter of Martha Washington to the President, December 31, 1799, all pertaining to the death of Gen. Washington.

PEACE OVERTURE.

Mr. HITCHCOCK. I send to the desk a resolution which I should like to have read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 296) was read, as follows:

Resolved, That the Senate strongly indorses and approves the action taken by the President in sending diplomatic notes under date of December 18 to the nations now engaged in war, suggesting and recommending the first steps in possible negotiations to arrange the terms of peace.

Resolved, That it is the sense of the Senate that this action of the President represents the overwhelming public sentiment and earnest desire of the people of the United States.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent for the present consideration of the resolution.

Mr. BORAH. Mr. President, I object to the present consideration of the resolution. I think this is a matter upon which we might reflect more than we have had an opportunity to do. I presume everybody would agree with the President in the great desire to have peace; nobody would certainly criticize the President for doing anything that would have a tendency in his judgment to bring about peace; but there is a wide difference of opinion as to how best to effectuate that purpose. So far as I am concerned, I do not want to be placed in the attitude of indorsing a proposition of such tremendous consequences as this, upon which I have had no opportunity to reflect, and about which we have had no facts presented by the President and whose note we have not had an opportunity to read only hurriedly and imperfectly.

In a matter of this kind each individual has a responsibility which he can not shift, and I have no desire to shift it. This resolution has just been presented this minute, has never been to a committee, and I do not propose myself to consent to its consideration at this time.

The PRESIDENT pro tempore. Under objection, the resolution will go over for a day and be printed.

Mr. HITCHCOCK. Mr. President, I recognize that under ordinary circumstances a resolution of this character should go to the Committee on Foreign Relations for consideration. I was moved by the fact, however, that we are about to take a recess for something like 10 days, and I thought it might be possible to have immediate consideration of the resolution by the Senate. I really am more than surprised that the objection should come from the Senator from Idaho, but I recognize that there is some force in what he says, that some time should be taken for deliberation, and I therefore ask that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. It is so ordered.

DOWNWARD TENDENCIES OF GOVERNMENT AND CITIZENSHIP.

Mr. WORKS. Mr. President, I give notice that on the 4th of January, immediately after the conclusion of the routine morning business, if permitted, I will address the Senate on the subject of the downward tendencies of Government and citizenship.

ADDRESS BY HON. ANDREW J. PETERS.

Mr. FLETCHER. I wish to submit an address before the Boston City Club, November 16, 1916, by Hon. Andrew J. Peters, Assistant Secretary of the Treasury, on the importance of our South American trade. It is a very valuable address, and I should like to have it referred to the Committee on Printing for action on the request to have it printed.

The PRESIDENT pro tempore. It will be so referred.

FLOODS OF THE MISSISSIPPI RIVER.

Mr. SHIELDS. Mr. President, I have here a copy of a report made by a subcommittee of the Senate Committee on Commerce on the control of floods of the Mississippi River. This report is now out of print. It is a very valuable report, and one which has been made by a committee of this body. I ask that it be printed in the RECORD for the convenience of Senators now having charge of the flood-control measur

Mr. SMOOT. Mr. President, there was so much confusion in the Chamber that we could not hear the request made by the Senator from Tennessee.

Mr. SHIELDS. This is a report made by a subcommittee, under the direction of the Commerce Committee, on the flood control of the Mississippi River. The report is now out of print; it is a very valuable report, and one which is pertinent to the flood-control bill now being considered by the Commerce Committee. In order that it may be available by that committee and by the whole membership of the Senate, I ask that the report be printed in the RECORD.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The report referred to is as follows:

[Senate Report No. 1433, Fifty-fifth Congress, third session.]

FLOODS OF THE MISSISSIPPI RIVER.

Mr. NELSON, from the Committee on Commerce, submitted the following report.

The Committee on Commerce makes the following report of the action of the committee taken pursuant to the following resolution:

"*Resolved*, That the Committee on Commerce is hereby instructed to make full examination and inquiry as to the following questions and report thereon to the Senate, by bill or otherwise, on the first day of the regular session in December next:

"First. What are the causes of the disastrous floods in the Mississippi River and its tributaries, and how can such floods be prevented or diminished?

"Second. If such floods are the result to any extent of the destruction of timber upon or near the headwaters of said river or its tributaries, what measures should be adopted to prevent such destruction, and whether reservoirs to hold the water caused by rain or the rapid melting of snow on or near said headwaters should be constructed to prevent the floods caused by the sudden precipitation of the rain or snow water into the streams flowing from the regions where the sources of the Mississippi and its tributaries are located.

"Third. Whether said reservoirs, if their construction should be deemed necessary for the purposes before set forth, could not also be utilized for the irrigation of arid lands in the vicinity of such reservoirs.

"Fourth. Whether the outlet system by which it is proposed to furnish avenues through which the waters of the Mississippi River can escape in times of flood is practicable or expedient.

"Fifth. Whether the present system of improving the Mississippi and Missouri Rivers under which it is sought to confine the water within the banks of said rivers, by means of levees, and by such levees, together with jetties at different localities, to increase the erosive power of the current so as to protect the banks and deepen the channel, should be continued.

"Sixth. What has been the effect upon navigation and commerce of the jetties at the mouth of the Mississippi River, and what is the present condition of said jetties and their probable future?

"Seventh. Whether the Mississippi and Missouri River Commissions should be continued in existence; and if continued, what amendments should be made to the statutes creating such commissions and defining their duties and powers.

"Eighth. What legislation is necessary to prevent the enormous destruction of property by floods in the Mississippi River and its tributaries, and what amount of money should be appropriated by Congress for the establishment and maintenance of systematic improvements and safeguards for said purposes?

"That said committee shall have power to prosecute its inquiries through a subcommittee, which may sit during the recess of the Senate at such times and places as may be thought necessary, with power to send for persons and papers, and to employ a stenographer, the expenses of said committee to be paid from the contingent fund of the Senate."

The investigation contemplated by the resolution was carried on through a subcommittee composed of Senators NELSON, Elkins, Vest, McBride, GALLINGER, Berry, and Caffery.

In October, 1897, the subcommittee visited the reservoirs at the headwaters of the Mississippi, also St. Paul, Rock Island, and St. Louis on the Mississippi River, and Sioux City on the Missouri River, and took the testimony hereto appended. In February, 1898, the subcommittee went to Cairo, Ill., and from there on the Mississippi River down to the Gulf of Mexico on the boat of the Mississippi River Commission, and on this trip took the residue of the testimony hereto appended. The testimony so taken is comprehensive and instructive, covering every feature of the contemplated inquiry. In addition to the facts and data derived from the testimony, your committee have also derived much valuable information from a pamphlet on The Floods of the Mississippi River, by William Starling, chief engineer of the lower Yazoo levee district, 1897, and from Bulletin E of the Agricultural Department on the Floods of the Mississippi River, prepared by Park Morrill, under the direction of Willis L. Moore, Chief of the Weather Bureau, 1897. The pamphlet will be cited as "Starling," and the bulletin as "E."

The questions propounded for the investigation of the committee are to a large extent questions of science and engineering, and the committee can do little more than to briefly summarize the opinions and conclusions of experts.

CAUSES OF THE FLOODS.

The principal territory submerged or affected by the floods of the Mississippi River before the construction of levees, and in part since, consists of certain basins or bottoms along the banks of the river between Cairo and Forts Jackson and St. Phillip. These basins, from Cairo down, are as follows:

The St. Francis Basin, on the right bank of the river, extending from Cairo to Helena, near the mouth of the St. Francis River, and embracing an area of about 6,706 square miles;

The White River Basin, on the same side of the river, extending from Helena to near the mouth of White River, and embracing about 950 square miles;

The Yazoo Basin, on the left bank of the river, extending from a short distance below Memphis to a point near the mouth of the Yazoo River, and embracing, in all, about 6,648 square miles;

The Tensas Basin, on the right bank of the river, extending from near the mouth of the Arkansas River to near the mouth of the Red River, and embracing an area of 5,370 square miles;

The Atchafalaya Basin, on the same side of the river, extending from the junction of the Red and Atchafalaya Rivers to Fort Jackson, and embracing 8,109 square miles; and

The Pontchartrain Basin, on the left bank of the river, extending from Baton Rouge to Fort St. Phillip, and embracing an area of 2,001 square miles.

The aggregate area of all these basins is 29,790 square miles, or 19,065,600 acres. (Testimony, 431.) Ever since the immediate valley of the river below Cairo has been settled there has been a constant struggle to reclaim these basins and to protect them against overflows and floods. The problem has been in part accomplished, chiefly by means of levees, but much still remains to be done. The ultimate object of this investigation was to determine the best method for the complete and permanent protection of these basins against the floods and inroads of the river.

The Mississippi River at Cairo is composed of the waters of the Ohio, the upper Mississippi, and Missouri Rivers. The Ohio and its chief tributaries have their sources in the western slopes of the Allegheny Mountains and their spurs. The upper Mississippi and its principal tributaries have their sources in numerous lakes in that plateau of land between the Red River of the North and Lakes Michigan and Superior, and the Missouri has its source in the upper eastern slopes and foothills of the Rocky Mountains. The White and the St. Francis Rivers, with sources in the Ozark Mountains, in southern Missouri and northwestern Arkansas, and the Arkansas and the Red Rivers, with their sources in the lower eastern slopes of the Rocky Mountains, contribute considerable volumes of water to the Mississippi River within the basins subject to overflow.

The annual normal rainfall in the different river basins varies greatly. In the Ohio it is 44.2 inches; in the upper Mississippi, 31.9; in the Missouri, 19.4; in the Arkansas, 29.6; in the Red, 39.1; and in the central valley of the Mississippi, including the White and the St. Francis, 51.4 inches. (E, 24 and 25.) In the upper Mississippi and the Missouri the rainfall is, as a rule, greatest in May and June. In the Ohio and the central valley it is greatest in January, February, and March. (Starling, 22 and 23.)

The greatest and most destructive floods have generally come from the Ohio. This was the case with the great floods of 1882, 1883, 1884, and 1897; and these floods culminated in February or March. (E, 40–45, and Starling, 29 and 41.) Of the total amount of water passing Cairo during these floods the Ohio contributed 69 per cent in 1882, 70 per cent in 1883, 85 per cent in 1884, and 76 per cent in 1897. (Starling, 27 and 41.) These great floods from the Ohio River, like all similar floods, came from excessive rains in the basin of the Ohio and its tributaries. These rains arise from cyclonic storms and warm, moisture-laden winds, originating in the Gulf of Mexico, and passing thence up the central valley and the valley of the Ohio into the western slopes and spurs of the Allegheny Mountains, where a colder atmosphere is encountered, leading to the precipitation. (Testimony, 267.)

The Ohio floods, after passing Cairo, are frequently largely reenforced by floods from the White and St. Francis Rivers and other streams in the central valley. Occasionally the floods from the Missouri and upper Mississippi are, to a limited extent, a factor in extending or prolonging the flood on the lower river, but this applies rather to the May and June freshets of the Ohio than to the earlier and more extensive ones. (Starling, 24 and 25.)

In Bulletin E (p. 46) the "Cause of the Mississippi floods" is thus summarized:

"It is, of course, conceivable that a flood should occur in the lower Mississippi from heavy precipitation over any of the great contributary basins. In these floods of the past quarter century we do not, however, find the western tributaries playing an important part. The great source of floods is the Ohio Basin, with its steep slopes from the crest of the Alleghenies, upon which falls the heaviest rains of spring at a time when the normal rise of the lower Mississippi brings the river almost to the danger line from Cairo to the Gulf. In the greatest floods we also find that heavy rainfall over the great swamp region that extends along the Mississippi from the mouth of the Ohio to the Gulf of Mexico is an important factor. Third in importance as a factor in producing floods is the upper Mississippi, which, while never discharging a volume sufficient to produce of itself a flood, yet, rising later than the Ohio, serves to prolong the high water, and thus to increase the overflow."

There are other causes, to which we shall refer further on, which have tended more or less to aggravate the destructive features of recent floods, but the foregoing presents briefly, and in a general way, the primary and chief cause.

DESTRUCTION OF FORESTS.

Nothing in the evidence or other data obtained by your committee discloses the fact that the destruction of timber at or near the headwaters of these river systems tends to cause or promote the floods referred to. It was shown that where timber is cut down for purposes other than cultivation the underbrush remains and grows more luxuriant than ever, and such underbrush serves to retard rather than hasten the movement of water on the slopes and hillsides; and where timber is cut down for purposes of clearing and cultivation the plowed area becomes an enlarged absorbent of surface moisture. It is a generally accepted opinion that the destruction of timber tends rather to diminish than to increase the rainfall.

RESERVOIRS.

There are five reservoirs constructed at the headwaters of the upper Mississippi. These reservoirs repress to some extent the floods in the river bottoms above Lake Pepin and improve the navigation of the river in low water down to that point, but have no material effect upon the floods or navigation of the river below that point. The evidence discloses no other points on the upper Mississippi available for reservoir purposes. On the Missouri the only point where sufficient holding ground could be found for a reservoir of any magnitude is on a reach of the river above Great Falls. Such a reservoir, if constructed high enough to bring the waters of the Missouri River into the Milk River Valley, would be valuable for purposes of irrigation, but would have no material bearing on the floods in the Mississippi River nor on the navigation of the Missouri River.

The evidence, as well as the other data, discloses that on the Ohio River, as well as its main tributaries, where reservoirs could act more directly on the floods than elsewhere, with the exception hereinafter stated, there are no suitable sites or holding grounds where reservoirs could at any moderate or reasonable expense, and without working far-reaching and extensive damage, be constructed that would at all be adequate to pen up and retain the great downpour from innumerable mountain torrents during the great freshets of January, February, and March. There are no great basins adequate for reservoir purposes either on the Monongahela, the Allegheny, the Tennessee, or the Cumberland; and to be effective in repressing the floods of the Ohio, big, strong reservoirs would be requisite on these streams.

The only place where a reservoir basin can be found, proximate and sufficiently large to afford a holding ground at all commensurate with any material or practical relief is the St. Francis Basin; but the cost of constructing and maintaining a system of reservoirs in this basin would be enormous, and far greater than the cost of leveeing the entire river front of the basin. The scheme is regarded by nearly all engineers and other experts as wholly impracticable. In short, your committee can discover no just or adequate relief in reservoirs.

OUTLETS.

Neither can your committee discover from the evidence, or through other sources, any material relief from the outlet system. It is not practicable to relieve the river by means of outlets except below the Red River. Two important natural outlets now exist and have for years existed on this reach of the river—the Atchafalaya and Bayou Lafourche. A third, Bayou Plaquemine, is now closed pending its preparation for reopening by means of locks and dams. But these outlets, or others that might be constructed on this reach of the river, could afford no perceptible relief for the river about, where relief is much more called for and needed. The St. Francis, Yazoo, White, and Tensas Basins can get no relief from any practicable outlet system. And where this system exists and is feasible there is no disposition to extend it or to substitute it for levee enlargement. (Testimony, 424–455, 335, 375; see also Humphrey and Abbott's report of 1861 as to reservoirs and outlets.)

LEVEES.

The history of levee construction on the Mississippi River has been a history of the gradual reclamation of the several basins or bottoms from the inroads of the floods of the river. Anterior to levee construction these basins served as great natural reservoirs for the floods, the exterior hills or ridges of the basins serving as the high-water banks of the river; and within these banks so wide apart and with these basins for a high-water bed the floods never reached the high level nor the increased rapidity obtained since the great extension of the levee system. Levees are the penning up of the floods of the river from these high-water basins. The narrowing of the high-water stream by means of levees does not result in materially scouring a deeper channel nor in raising the bed of the river (testimony, 269), and so the stream at its flood stages, as it becomes narrower, also becomes higher. Contraction without deepening of necessity leads to elevation, and as a consequence levee construction has brought in its wake higher flood levels, necessitating from time to time higher and stronger levees. The history of levee construction shows this. (Dabney, testimony, 311; Driver, testimony, 199; Starling, testimony, 269; Gillespie, testimony, 382, 383; Newcomer, testimony, 334; Richardson, testimony, 370, 371; Taylor, testimony, 237, 239, 241; Table, testimony, 432; Tollinger, testimony, 510.)

The first levee construction began in 1717, when a levee 1 mile long was constructed to protect New Orleans, then a mere village. This levee was 4 feet in height and 18 feet across at the top. The country settled up slowly, and levee construction only kept pace with the settlement. Fifty years after this levee was built the settlements extended only 30 miles above and 20 miles below the embryo city. It was not until after Louisiana had been ceded to the United States that levee extension was undertaken on an enlarged and systematic scale. By 1828 the levees, though of rather inferior character, had been extended nearly up to the mouth of the Red River. At the beginning a levee 4 feet in height was ample, but as levee construction progressed up the river, and additional basins and bottoms were inclosed and protected, the levees were, of necessity, increased in height. (Testimony, 237.) There are still levees below New Orleans that are only from 3 to 4½ feet in height, but the average height of the levees in Louisiana, above New Orleans, is now from about 12 to 13 feet (testimony, 380, 369), and this height proved insufficient in the great flood of 1897 (testimony, 370).

The flood stage of 1897, above New Orleans, was from 1½ to 3½ feet higher than that of any previous flood, notwithstanding that the flood level at Cairo was less than in 1882–83 and 1884. Three great crevasses occurred in 1897 that remained unrepaired until after the flood subsided, and several minor crevasses occurred, which were closed during the pendency of the flood. This increased flood level was "partly due to the improvement and increase of levees." (Testimony, 370. 371, 380, 423, 424.) The experience of 1897 indicates that a complete inclosure of all the river basins will require from 3 to 4 feet higher levees in Louisiana. The levees on the Yazoo Basin were only 4 feet high in 1858. From 1874 to 1882 they were raised to from 7 to 8 feet (testimony, 269–308), which proved insufficient under the flood of 1882; and based on this flood as a standard, the levees were increased to an average of from 13 to 14 feet in height prior to 1897. This was more than 3 feet above the high water of 1882 (testimony, 308–311), but it proved utterly insufficient under the flood of 1897.

Since the floods of 1882–83 and 1884 the White River Basin, the upper Tensas Basin, and much of the St. Francis Basin have been inclosed, and this, together with the higher levees on the Yazoo front, have greatly aggravated and raised the flood levels on this reach of the river. (Testimony, 269, 272, 273, 311.) The flood of 1897 made it plain that a complete inclosure of all the river basins would require an increase of from 4 to 6 feet in height of the Yazoo levees. (Testimony, 274–275, 311; see Starling's paper on levee construction in Yazoo Basin, testimony, 505–508.)

The work of inclosing the White River Basin was commenced in 1888, and most of it was done after 1890. By 1897 the basin had been inclosed by a levee of an average height of 12 feet, deemed sufficient under the flood levels of 1882–83 and 1884, but this proved utterly insufficient in the flood of 1897. That flood overtopped the levee at many points, and was from 4 to 6 feet higher than any previous flood, clearly indicating that a complete levee system along the entire river would require an increase of 6 feet in the levee height along this basin. (Testimony, 301, 302.)

In the upper Tensas Basin nearly all levee construction has taken place since 1882—mainly since 1892. In the lower Tensas Basin there was an old levee existing before this period, but of low grade and insufficient in strength. By 1897 the upper and lower Tensas Basin levees had attained an average height of 13 feet. In the flood of 1897 the river was from 2½ to 3 feet higher in front of these basins than in the flood of 1882, and hence the levees were insufficient. Had the level in 1897 not been any higher than in the floods of 1882–83 and 1884, the levees would have been ample. (Testimony, 330–332.) Several serious crevasses occurred in these levees during this flood. The higher flood level of 1897 was largely due to increased levee construction and the further inclosures of river basins. (Testimony, 334.) The completion of the levee system would require the levees on the Tensas Basin to be raised to the height of from 17½ to 18 feet. (Testimony, 334, 335.)

In the St. Francis Basin levee construction begun in 1893. Since that time a continuous levee of an average height of 9 feet has been constructed from Point Pleasant, Mo., to Chute 38, Ark., a distance of 127 miles. About 100 miles more are required to reach the mouth of the St. Francis River and to entirely inclose the basin. The levees on the St. Francis Basin proved insufficient for the flood of 1897, and several serious and extensive crevasses occurred. These levees need to be made stronger and higher—at least 2 feet higher than the grade of 1897. (Testimony, 167–170.)

The flood of 1897 wrought great havoc, especially in the older levees, many of which have been defectively and improperly constructed. There were 23 breaks in the St. Francis front, 6 in the Yazoo front, 14 in the White River front, and 4 in the Tensas front, most of which occurred from an overtopping of the levees. Below the Red River there were only a few small breaks, and these were closed during the pendency of the flood. (Testimony, 432.) Engineer Ockerson in his testimony (p. 432) describes the flood of 1897 and compares it with the flood of 1882, as follows:

"From a point about 100 miles below Cairo to the Gulf the stage reached in 1897 was greater than any previous record. As far as volume of water is concerned, however, the flood of 1882 was much greater than that of 1897. The flood of 1882 stood above the danger line at Cairo, or 42 feet on the gauge, for a period of 72 days. The flood of 1897 stood above the danger line for a period of 54 days. During the flood of 1897 the tributaries below Cairo were all rather low."

Table showing relative heights of floods of 1882 and 1897.

	1882	1897
Cairo	51.9	51.6—0.3
Belmont	45.1	45.1 0.0
New Madrid	40.9	40.3—0.6
Cottonwood Point	37.5	39.3+1.8
Fulton	36.7	37.5+0.8
Memphis	35.2	37.7+2.5
Mhoon	39.8	41.6+2.8
Helena	47.2	51.8+4.6
Sunflower	41.7	47.3+5.6
White River	48.4	52.4+4.0
Arkansas City	47.1	51.9+4.8
Greenville	41.7	46.8+5.1
Lake Providence	38.3	44.4+6.1
Vicksburg	48.8	52.4+3.6
St. Joseph	44.9	47.9+3.0
Natchez	47.8	49.8+2.0
Red River	48.5	50.2+1.7
Bayou Sara	39.3	43.8+4.5
Baton Rouge	36.0	40.7+4.7
Plaquemine	31.3	36.3+5.0
College Point	23.2	28.0+4.8
Carrollton	15.0	19.0+4.0

A due consideration of the testimony and other data bearing on the subject makes it clear that the flood of 1897 was, in its effects and consequences, greatly enlarged and aggravated by the extensive inclosure of basins and the extended and enlarged levee construction that had taken place since the floods of 1882–83 and 1884 (testimony, 241), though it is doubtless true that if no levees at all had been in existence a larger area would have been submerged. Engineer Starling, in his book (41, 42), to which we have already referred, concurs in this conclusion in the following clear and apt language:

"It is not only the magnitude of the flood of 1897 which has made it of surpassing importance to the engineers of the Mississippi service. The widespread damage which it has wrought, while great, is yet not without a parallel. Its principal interest to the engineer is due to the experience which has been derived from the wholesale closure of unleveed tracts and the extraordinary elevation of its high-water line consequent thereon. There are two of the great basins into which the Mississippi Valley is divided which have only recently been protected to any extent by levees. These are the St. Francis and the White River Basins. The former was closed during the last three years, or since the flood of 1893, to a distance, measured along the river, of about 120 miles. There still remains a gap of about 100 miles. The White River Basin has been undergoing a gradual process of closure for several years. In 1893 there was a gap of about 15 miles, extending between points 330 and 360 miles, respectively, by river, below Cairo. In 1896 this gap was closed and the line of levee was made continuous from the hills at Helena to a point 8 miles above the mouth of White River. It is to the building of these lines and to the maintenance of the lines previously existing until a late period of the flood that the unparalleled stages attained by the water have been due."

The construction and repair of levees was, in the first instance, undertaken by riparian owners, afterwards by parishes or counties, then by the States or certain levee districts, under the authority of the States, and finally by the latter and the Federal Government combined, which is the system now prevailing. The first material aid given by the Federal Government was a grant of swamp and overflowed lands made to the several States in 1850. The same year Congress also made provision for a survey and investigation of the Mississippi River.

This work was carried on for the next 10 years under the direction of Capt. Humphrey and Lieut. Abbott, who made their final report in 1861. This report was most thorough and exhaustive, and is still the standard work on the hydraulics and physical features of the river. It made clear that no substantial relief from floods could be obtained from reservoirs or outlets, and that levees, properly constructed, would afford the necessary relief and protection. Neither the testimony taken by your committee nor other obtainable data has shaken or invalidated these conclusions. During the Civil War levee construction was at a standstill. After the war was over the several States began, without concert and without due plan or system, to extend and repair the levees. But the great flood of 1874 showed how inadequate, both in quality and quantity, the efforts of the States were. Congress again intervened and passed an act providing for the appointment of a commission of five engineers to investigate, determine, and report as to the best plan for relief against the floods.

This commission made its report in 1875, and came to the same conclusion as Humphrey and Abbott did in 1861—that a system of levees could alone afford adequate protection. But no systematic improvement of the river by the Federal Government was yet undertaken. Finally, in 1879, Congress passed an act creating the Mississippi River Commission, outlining its work in the following terms:

"It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the Postal service."

From 1879 to 1882 $1,475,000 was appropriated by Congress for expenditure by the commission in making surveys and in improving the navigation of the river, but none of it was allotted for levee construction. In 1882 Congress appropriated the gross sum of $4,123,000, and from this the first direct allotment for levee construction was made—about $1,300,000 in all. (Testimony, 237.)

The testimony of Judge Taylor, a member of the commission, explains in detail the make-up of the commission, the mode in which it performs its work, and the methods it pursues. From each appropriation made the commission allots a certain proportion for the construction and repair of levees in each levee district, which is expended by the United States engineer in charge of the district. The commission plans the work, subject to the approval of the War Department, and the district engineers carry on the work conformable to the plan.

The first effort of the commission was directed to the closure of the Yazoo Basin, and then followed the improvement of the Tensas Basin, then the White River Basin, and, finally, a part of the St. Francis Basin. In the respective levee districts the State and Federal engineers, while acting in concert and harmony as far as possible, work each on separate and distinct portions of the river. One reach is constructed under Federal authority and another under State authority. When a levee is constructed the constructing engineer or his successor takes charge and care of the same. (Testimony, 257, 258.) In case of an emergency there is, by mutual consent, a sort of joint care and supervision. As a rule, both Federal and State engineers are men of fine attainments, high character, and great public spirit, which tends to obviate any friction that otherwise might ensue from an undefined joint tenancy. It would no doubt be advisable to provide by law in which authority the care and maintenance of a constructed levee should vest. The evidence (p. 518) discloses the fact that 18 suits have been brought against the United States for damages claimed to arise from the construction and maintenance of levees or failure to construct or maintain proper levees along the Mississippi River. The aggregate amount of damages claimed in these suits is $656,337.04.

From a table (following p. 518 of testimony) prepared by Capt. Waterman, secretary of the Mississippi River Commission, under the direction of Gen. Gillespie, president of the commission, it appears that the total yardage of levees constructed by Federal, State, local, and private authority is 164,860,375 yards, built at a cost of $47,631,503.78, of which yardage 68,570,431 yards were constructed by Federal authority at a cost of $13,320,708.44 and 96,289,944 yards by State, local, and private authority at a cost of $34,310,795.34.

It is estimated that it would cost to complete the entire levee system, from the head of the St. Francis Basin to the Head of the Passes, at a grade sufficiently high and strong to afford complete protection against floods at the highest probable stages, the sum of from $18,000,000 to $20,000,000, and that it would take from four to five years to complete the system. (Testimony, 245, 246, 357, 360, 390, 396, 408.)

From all the evidence taken and considered by your committee it is evident that the basins and bottoms along the Mississippi River exposed to the floods of the river can only be protected and preserved from such floods by an ample and complete system of levees from Cairo to the Head of the Passes.

Crevasses and inundations, resulting in extensive loss of life and property, are liable to occur during all floods so long as the system is incomplete. The burden of completing the levee system is too great for local and State authority. Your committee are of the opinion that the Federal Government should continue, as it has since 1882, to aid in the great task of controlling and repressing the floods in the river.

Your committee are also of the opinion that the Mississippi River Commission should remove its principal office and headquarters from New York City to some point on the Mississippi River.

NAVIGATION, MISSISSIPPI RIVER.

The testimony discloses that the navigation of the upper Mississippi River has been considerably improved by the reservoirs on the reach above Lake Pepin and by riprapping, wing dams, spur dikes, hurdles, revetment works, and a little levee work at various points on the river below that reach. (Testimony, 20–34.)

The Mississippi River Commission has carried on more or less extensive improvements of the navigation of the river on many of the reaches below Cairo. Such improvements, in addition to levee work, have consisted of bank protection in the form of riprapping and various kinds of revetment work, of channel contraction by means of jetty work, hurdles, and various forms of spur dikes, and of dredging on an extensive scale. Some of the work has been rather tentative and of a temporary character, and on account of the great cost has not been followed up.

At present, aside from levee work, the chief reliance for obtaining a low-water navigable channel seems to be dredging. The new style of hydraulic dredges seems to be very potent and effective and seems to give great and promising results. Four new dredge boats have been for some time completed and in use, and two more are under contract and by this time ready for use, and there is money available for another dredge. It is estimated that from 9 to 10 dredges will be required to keep a due low-water channel open. (Testimony, 100–108, 140–148, 218–235.) In the light of results obtained, your committee recommend that ample provision be made for the construction of dredge boats and dredging. In view of the great cost, especially great as to results, it seems that it would be more judicious to limit revetment work to levee and harbor protection. Contraction by means of jetties, dikes, and dams, supplemented by dredging, seems to have given the best results at least cost. There is no doubt that revetments are very efficacious, but the cost is so immense that its systematic application is scarcely warranted.

JETTIES AND PASSES.

As the Mississippi River in its downward course is about to debouch into the sea it divides itself into three great passes, through which it enters the Gulf, and forms the delta at its mouth. These passes are known as the Southwest Pass, South Pass, and Pass a Loutre. From New Orleans down to the Head of the Passes there has been no impediment to deep-water navigation. The impediment occurs in the passes, especially at their heads and mouths, chiefly the latter. Prior to the improvement of the South Pass by means of jetties navigation was chiefly confined to the Southwest Pass, though Pass a Loutre had for some years been utilized to some extent.

In 1839, when the Southwest Pass was first examined, it was 15.2 miles long and 13 feet deep on the crest of the bar, and it was then, as now, of an average width of twice the width of the South Pass. Between that time and 1877 considerable work was done in improving this pass, but such work, aside from a short and abortive jetty work on one side of the pass in 1856, consisted of dredging and stirring up the bed of the channel by means of drags, harrows, scrapers, blasting, torpedoes, and other similar appliances. By these means a depth of 18 feet was at one time for a short period obtained on the crest of the bar. In 1874, the year before the improvement of the South Pass began, the Southwest Pass had attained a length of 18 miles, with a depth of only 15 feet on the crest of the bar, and on the 9th day of February last the pass had attained a length of 18½ miles, with a depth of only 9 feet on the crest of the bar, according to soundings then taken. (Testimony, 464.)

In aid of the improvement of the South Pass Capt. Eads placed a mattress sill acros the head of the Southwest Pass, which, aside from a little dredging prior to 1878, is the only improvement made in this pass since 1875.

Prior to 1875 like efforts at improving Pass a Loutre, except jettying, were also made, which were in like manner partially successful. By the fall of 1858 an 18-foot channel had been obtained in this pass, and for some years it was, on account of being the shorter pass, utilized for purposes of navigation; but in 1875 the channel was destroyed

by a large mud lump, and since that time no improvement has been made, except placing a mattress sill at the head of the pass and the work of attempting to close a large crevasse on the south side of it near the upper end, both of these works being in aid of the maintenance of the South Pass jetty system.

The South Pass in 1838 was 11.3 miles long, 700 feet wide, except at the extremities, and 8 feet deep on the crest of the bar. In 1875 it was about the same length and width, but only 7 feet deep on the crest of the bar. In 1874 a board of engineers consisting of three Army engineers, three civil engineers, and one from the Coast and Geodetic Survey was appointed to devise and determine upon some plan of securing deep-water navigation through one or more of the passes. This board, after visiting Europe and examining many works there involving similar problems, recommended, in January, 1875, the improvement of the South Pass by means of jetties. In pursuance of this recommendation Congress, in March, 1875, conferred the task of making the improvement upon James B. Eads and associates. The jetties were practically built on lines recommended by the board.

The original act provided for a channel 30 feet deep and 350 feet wide, but by 1878 it became evident that such a channel could not be obtained by the work then laid out, and accordingly Congress was induced to remit, by acts passed in 1878 and 1879, the requirement to a channel 200 and 250 feet wide and 26 feet deep, and on this basis the work was deemed completed in July, 1879. In making the improvement, and as a part of it, training dikes were built at the head of the pass, and mattress sills were laid at the head of the Southwest Pass and Pass a Loutre In 1891 the west end of Pass a Loutre sill was carried away, and a large break occurred on the west bank of Pass a Loutre about 1½ miles below the head of the South Pass.

This break, although several attempts have been made to close it, has not yet been closed, and in consequence thereof, as well as on account of the loss of the contiguous end of the Pass a Loutre mattress sill and portions of the training dikes, and lack of repair and maintenance in some of the training dikes, the inflow of water into the South Pass has been less than before, which has, no doubt, to some extent detracted from the scouring force in the pass, necessitating some dredging for the maintenance of the requisite channel. Before these drawbacks occurred the pass received from 10 to 11 per cent of the water in the main stream; since then only 7 per cent. Three hundred feet of the jetties at the sea end have been washed away on both sides, and in addition to this 150 feet of the jetty on the west side. None of the jetties thus washed away has been replaced. The east dike at the head of the pass has also been washed away. This was a training dike 1,250 feet long, and has never been replaced.

There is also an open and exposed gap 1,100 feet long between the end of the Pass a Loutre mattress sill and the end of the bank or dike on the east side of the pass. The gap was, when the work was completed, filled with a training dike. Five hundred feet of the mattress sill in Southwest Pass have also been carried away. In short, neither the jetties nor the training dikes nor mattress sills have been kept up to the condition they were in 1879, but have been allowed to diminish and deteriorate.

Up to 1889 the channel was maintained at the required depth substantially without dredging. Since that time it has deteriorated and has not been maintained without considerable dredging. During the year ending June 30, 1896, there were 169 days of dredging. Within the last four years there has been an average of 100 days' dredging each year. The channel was not kept at the required depth for 47 days during the year 1897. On the whole, it appears that, although the jetties have accomplished much good and great results, they have not wholly succeeded, owing to the causes enumerated, in maintaining the fine channel that existed from 1879 to 1889. To maintain the good results then obtained the dikes, sills, and jetties carried away should be replaced or restored as far as practicable. Besides, the jetties should be extended seaward farther than originally built in order to keep pace with the extension of the bar into the Gulf.

Jetties are the artificial extensions of the natural banks of the stream, and as the bed of the stream is, from the silt moving in the river, prolonged into the Gulf the jetties must of necessity keep pace with such extension. For practical purposes the pass is not adequate for vessels drawing over 24, or at most 25, feet of water. This is insufficient for the wants of modern commerce. Vessels drawing from 27 to 30 feet and over are now quite common and much more economical than small vessels. It is very doubtful whether a channel sufficient for this larger class of vessels can be obtained in the South Pass. Maj. Quinn maintains that it can. Engineer Donovan, with a 20-year acquaintance with the pass, maintains that it can not.

Your committee visited the pass in February last and with a 26-foot channel found the pass bank full at all points. Unless the pass can absorb much more water the scouring process can not be increased or a deeper channel obtained by that method. To secure a greater volume of water it would be necessary to build and prolong great training dikes at the head of the pass and to fortify them with mattress sills and other works, so as to bring about a larger inflow. In the next place, it would be necessary to build strong and extensive levees on both sides of the pass from the head to the jetties. There is scarcely sufficient foundation for such levees. The earth and riprapping would have to be brought from a great distance, and the embankment would be subject, more or less, to the storms, the waves, and the backwash of the Gulf. In short, such leveeing would be an extensive and most expensive jettying from the head of the pass to deep water in the Gulf. These are some of the difficulties which occur even to the lay mind. To say the least, the cost would be enormous and the result very problematical.

But the commerce of the Mississippi Valley asks and is entitled to a much deeper and broader channel to the sea than that now afforded or likely to be afforded by the South Pass. The Southwest Pass is regarded in many quarters—lay and expert—as the cheapest and most feasible route through which to obtain the requisite deep-water navigation. Congress has already made provision for a thorough examination and survey of this route. The engineers having the work in charge have not yet made their report, and until they do it would be premature for us to suggest or advise. We may add that to improve the Southwest Pass and at the same time to maintain and utilize the South Pass, thus securing the advantages of two passes, is no novelty.

This plan was adopted in 1853, when provision was made and work carried on for the improvement of both the Southwest Pass and Pass a Loutre. In case of extensive repairs or accidents there would always be one pass open and available for navigation. (See Maj. Quinn, Testimony, 443–463; Engineer Donovan, Testimony, 466–482; Engineer Ockerson, Testimony, 463–465; also his article on "The problem of deep-water navigation through the passes," etc.; also Testimony, 440–443, 483–490, 493–503.)

MISSOURI RIVER AND MISSOURI RIVER COMMISSION.

In respect to the Missouri River Commission and its work, we beg leave to state that it has had charge of the river from Sioux City to its mouth, and that its work in recent years has been chiefly confined to the improvement of the navigability of some 45 or 46 miles of the lower reach of the river and to so-called harbor improvements for the protection of the river fronts of towns from the inroads of the river on the other reaches of the river. The work done has no doubt been beneficial for the purposes intended, and the money appropriated has, under the limitations stated, been judiciously expended.

The Missouri River is so eccentric and uncertain that great difficulties are encountered in controlling its movements from year to year, and nothing but systematic and patient effort can avail in its improvement. The commission has recommended in all its reports the improvement of the river by reaches, commencing at the mouth, and the work done under this system has proved eminently successful; but Congress has unfortunately permitted the appropriations for the general improvement of the river to be diverted to local improvements, which, being isolated and unsupported, are usually swept away by the annual overflows.

The condition of the river, by reason of the failure to adopt systematic and continuous improvement by reaches, as recommended by the commission, has been so bad as to discourage navigation, the rates of insurance upon boats and cargoes being absolutely prohibitory.

Your committee is of opinion that, in view of the great agricultural wealth of the country through which the Missouri River flows, and especially the enormous production of grain, the river should be so improved as to afford every facility for its navigation by boats and barges, so as to prevent excessive charges by railroads and also to make lower rates for transportation. If the system recommended by the commission could be faithfully adhered to for a few years, the river would be put in such condition as would induce the presence of steamboats and barges, so as to render it impossible for railroads to monopolize freights.

REPORT OF BUREAU OF EFFICIENCY (H. DOC. NO. 1793).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

As required by the acts of Congress approved March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from March 25, 1913, to October 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 21, 1916.*

MENTAL HYGIENE AND RURAL SANITATION DIVISIONS.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2215) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service, which was reported by the Senator from Louisiana [Mr. RANSDELL] from the Committee on Public Health and National Quarantine. That Senator is now detained from the Senate on account of sickness.

Mr. WORKS. Does the Senator move to take up the bill?

Mr. UNDERWOOD. No; I can not move to take it up at this time.

Mr. WORKS. I object to the consideration of the bill at this time. I expect to have something to say about it when it comes up, but I am not prepared to have it taken up now.

Mr. UNDERWOOD. I understood the Senator desired to make a statement in reference to the bill, but I did not understand that he desired to prevent its consideration.

Mr. WORKS. I expect to discuss the bill when it comes up, and I object to its present consideration.

STOCK-RAISING HOMESTEADS (S. DOC. NO. 641).

Mr. THOMAS and Mr. CHILTON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. THOMAS. I ask that the conference report on House bill 407 be now taken from the desk and disposed of.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JONES. Has the report been read, Mr. President?

Mr. THOMAS. I ask to have the report read.

The PRESIDENT pro tempore. The report has heretofore been read and printed in the RECORD.

Mr. THOMAS. I ask that it be again read. It has been read so long since that I presume none except those who are on the committee know what the contents of the report are.

The PRESIDENT pro tempore. The Secretary will again read the report.

The Secretary read the report, as follows:

"The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

"That the Senate recede from its amendments numbered 1, 3, 4, 5, and 6.

"That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, and 10, and agree to the same.

"That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Page 3, line 12, after the word 'areas,' insert the following: 'of the character herein described'; and the Senate agree to the same.

"That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out all of section 9 of the bill; and the Senate agree to the same.

"That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 9, line 22, after the word 'lands,' add the following:

"'*Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses.'

"And the Senate agree to the same.

"On page 2, line 22, after the word 'appeal,' add the following: 'but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.'

"M. A. SMITH,
"C. S. THOMAS,
"REED SMOOT,
"*Managers on the part of the Senate.*
"SCOTT FERRIS,
"EDWARD T. TAYLOR,
"IRVINE L. LENROOT,
"*Managers on the part of the House.*"

Mr. CURTIS and Mr. JONES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado has the floor.

Mr. THOMAS. I yield to the Senator from Kansas.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS. Mr. President, it is not my purpose to make any remarks upon this bill or to oppose the conference report, but I desire to detain the Senate for a few moments on another subject, and I thought I would take advantage of this opportunity and occupy the attention of the Senate for 5 or 10 minutes.

Mr. THOMAS. I have no objection, and I will yield the floor to the Senator from Kansas for that purpose.

Mr. CURTIS. Mr. President, it was my desire to be recognized at the conclusion of the remarks of the junior Senator from Missouri [Mr. REED] on Tuesday last; but I was temporarily called out of the Chamber. When I returned, another Senator was occupying the floor, and when he concluded it was too late for me to be recognized. Later in the afternoon several Senators on this side, myself included, who desired to speak upon the bill prohibiting the sale of intoxicating liquors in the District of Columbia gave way, believing and hoping that we would get a final vote upon the measure that afternoon.

In the course of the debate there were statements made upon the floor of the Senate that I feel I should bring to the attention of the Senate so that they may know the facts. First, I desire to direct the attention of the Senate to a remark of the Senator from New Jersey [Mr. MARTINE]. I am satisfied that the Senator from New Jersey did not intentionally desire to misrepresent conditions in the city of Topeka when, quoting from a book of statistics, he made the following statement:

Mr. MARTINE of New Jersey. Topeka, which had a population of 40,000 inhabitants, approximately——

Mr. THOMPSON. The population is a little more than that, I think.

Mr. MARTINE of New Jersey. A little more possibly now; but during the month of September, 1913, there were imported into the city of Topeka 90,062 gallons of whisky, to say nothing of beer. How does the Senator account for that if Kansas is a prohibition State?

Mr. President, I wired to the county clerk at Topeka, who has charge of matters of this kind, and I received from him a telegram in reply. I believe the Senate should know the facts, and, therefore, I desire to have the Secretary read the telegram from the county clerk, who has charge of the records as to the shipment of intoxicating liquors into Topeka.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

TOPEKA, KANS., *December 20, 1916.*

HON. CHARLES CURTIS,
United States Senate, Washington, D. C.:

Answering telegram concerning liquor shipments into Topeka during September, 1913, the statement on the floor of the Senate is the same misstatement that has been bandied about by the liquor leagues and brewers in every wet and dry fight from Washington, D. C., to State of Washington last three years. Have to-night made compilation of receipts according to reports of all express and railroad companies for September complete. The 2,823 shipments totaled 29,079 gallons, of which 26,404 were beer and the balance other liquors, as whisky, wine, and alcohol, an average of 1.6 gallons per inhabitant. Have written 100 letters denying this same story and proving the records.

O. K. SWAYZE, *County Clerk.*

Mr. CURTIS. Now, Mr. President, as I said a moment ago, I am satisfied that the Senator from New Jersey did not quote from the book of statistics which he consulted with the intention of misrepresenting the extent to which intoxicating liquors were used in Topeka in the month of September, 1913, but the figures given are not correct; they greatly misrepresent that city, and they are so far beyond the truth and so greatly exaggerated that I fear they were supplied by the saloon interests. They have been denied many times, and the true figures have been given by the county clerk of Shawnee County, Kans., who, as I have said, has had charge of the shipments of such liquors into Topeka. The records are open to the public, and there is no excuse for the publication of such untrue figures.

It will be seen from this message that the figures quoted by the Senator from New Jersey [Mr. MARTINE] as to whisky are thirty times greater than the official report shows, and do the city of Topeka a great injustice, and those who continue to publish these false reports should be condemned by all lovers of truth and honesty.

On page 560 of the RECORD I read the following, the senior Senator from Kansas [Mr. THOMPSON] having the floor:

When that law went into effect the illiteracy of the State was 49 per cent.

I am afraid my colleague was given the wrong data as to the illiteracy in Kansas in 1880.

Mr. THOMPSON. Mr. President——

Mr. CURTIS. The census for that year shows that only——

Mr. THOMPSON. Mr. President——

Mr. CURTIS. Just a minute—when I conclude the sentence. The census for that year shows that only 3.6 per cent of the people of Kansas were unable to read, and only 5.6 per cent were unable to write.

I yield to my colleague.

Mr. THOMPSON. Mr. President, I will say that I intended, when the junior Senator from Missouri [Mr. REED] should be present, to call attention to various things that were said in connection with the discussion the other day. I have sent for the Senator, but I understand that he is unable to come this morning.

I think likely the statement I made as to the illiteracy in Kansas during saloon days is too high. I certainly do not want to make it appear that even under the saloons my State was more illiterate than it actually was. The figures I quoted were taken from the speech of Gov. Stubbs at Chicago, and from various speeches that were made in Topeka last January, when the last indebtedness of the State was paid. I had my secretary telephone to the Census Bureau with the idea of finding out as nearly as possible the exact situation as to illiteracy in Kansas during the saloon days and since that time.

There are no returns in the Census Bureau relative to illiteracy in Kansas from 1860 to 1870; hence I can give no figures from that department. In 1880, however, the illiteracy in that State was 5.6 per cent as shown by the figures in the Census Bureau. In 1890 it was 4 per cent. In 1900 it was 2.9 per cent, and in 1910 it was 2.2 per cent. So it shows, as I contended in my argument the other day, that the condition is gradually growing better under prohibition, and we have increased in literacy over 100 per cent since 1880, as shown by the figures in the Census Bureau.

Mr. CURTIS. I judge from the remarks of the junior Senator from Missouri [Mr. REED] that in the excitement of debate he unintentionally made statements in regard to conditions in

Kansas which he would not have made upon a little more consideration. On page 561 I read the following from the remarks of the Senator from Missouri.

I remember a good many years ago trying a case in a court which was presided over by the Senator's distinguished father, I think, in a small town in Kansas.

Mr. THOMPSON. At Hiawatha.

Mr. REED. At Hiawatha. It seemed to me that there was not a lawyer at the bar who was not a common drunkard, and they had prohibition there, but it did not prohibit.

I was sorry that the junior Senator from Missouri should have made such a statement about the lawyers of Hiawatha. I did not know the lawyers there 25 years ago, but I have known all the lawyers there since 1898, and I know, regardless of their age or politics, that they are able lawyers, clean, honorable, sober, and upright men, and the people of Hiawatha are a law-abiding, industrious, sober people; and the county is dry and has been for many, many years.

The junior Senator from Missouri [Mr. REED] makes another statement which can not be established, and which is a slander on the State. I read from page 561:

I had a good deal of business for a good many years in Kansas, and I say now, without desiring to reflect upon the Senator's State, that there were more drunkards to the square acre in Kansas than in any place I ever was, and that, too, under a prohibitory law.

On the same page he says further:

I will make the assertion now that you will find as many drunken men in any city in Kansas as you will find in any city of the same size in Illinois, in Arkansas, in New York, or in Missouri.

Mr. President, I have just received a wire from Prof. Blackmar, of the Kansas University, which I desire to have read at this point.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

LAWRENCE, KANS., *December 20, 1916.*

Senator CHARLES CURTIS,
Washington, D. C.:

As assistant attorney general, made careful investigation of liquor shipments into every county Kansas during year 1914. Average per capita shipment of all kinds of liquor, including alcohol, was 2.47 gallons. Allowing for consumption not recorded in shipments, the annual consumption did not exceed 3 gallons per capita. In same year average per capita consumption in United States was 22.5 gallons. In their vilification of Kansas, liquor advocates seem to have lost all standards of truth and honesty.

F. M. BLACKMAR.

Mr. CURTIS. Mr. President, there no doubt was some drunkenness in some of the larger cities in Kansas for a few years after the law was first enacted in 1881, but I submit there never was a time in the State when the conditions were such as to justify the remarks of the junior Senator from Missouri; and if the State did have so much drunkenness in a few places, which I deny, he is not justified in making such remarks about the whole State.

I do not think any reasonable man, after having listened to the wire I have just had read, will believe the last remark made by the Senator from Missouri that there was as much liquor drunk in the cities of Kansas as in other cities in wet States. Such a statement as that can not be verified, and the facts do not warrant any assertion of that kind.

The very fact that the State of Oklahoma, to the south of Kansas, years after Kansas adopted prohibition and after the law had been tested in that State, adopted prohibition; the fact that Colorado, upon the west, some few years ago adopted prohibition; the further fact that Nebraska, on the north, and Kansas City, Mo., the home of the junior Senator from Missouri, went dry on November 7 last is the best evidence that the people who know Kansas and her conditions are willing to follow her lead.

The reports of the conditions existing in Kansas in 1915 and 1916 are not in my possession; but I have looked over the reports of 1914, and find that 28 counties in Kansas did not have a prisoner in jail during all that year; 48 counties did not send a prisoner to the penitentiary that year; 12 counties had not called a jury for the trial of a criminal case in a number of years; 20 counties did not have a prisoner in the State penitentiary; and in 1914 there were 740 prisoners in the State penitentiary, of whom 40 per cent were nonresidents of the State of Kansas. It seems to me that this record shows that the State of Kansas has but little crime and it is in splendid condition. We of Kansas believe that much of this is due to our prohibitory liquor law and its strict enforcement.

It is true, as stated by the junior Senator from Missouri, that our wonderful crops have brought to the State great wealth and prosperity; but I desire to call the attention of the Senate to the fact that the money derived from the sale of our great crops has been expended in the education of our boys and girls, in sending the young men and women to college, in buying more land, in making greater and better improvements, and in the purchase of stock and machinery, and it has not been expended for intoxicating liquor.

Mr. President, in conclusion, I contend that there is not a State in the Union to-day which can boast of a more honest, sober, orderly, liberty-loving, and law-abiding people than the State of Kansas.

Mr. THOMPSON. Mr. President, while I do not like to take up a matter in the absence of a Senator when he has made charges I desire to dispute, yet, having sent for the junior Senator from Missouri [Mr. REED], and he not appearing, I feel at liberty to offer a telegram disputing the statement he made relative to the delivery of beer in Kansas City, Kans., my home town at the present time.

The charge was made that beer was being openly delivered there, and the implied charge, at least, that it was under some authority of the State or city. I stated at the time that that had been the source of a great deal of trouble, and that we had been endeavoring in every way to put it down, and finally resorted to the courts.

In answer to that charge, made by the junior Senator from Missouri [Mr. REED], I desire to send to the desk a telegram from the mayor of Kansas City, Kans., which I should like to have the Secretary read, and I believe, after it is called to the attention of the junior Senator from Missouri, that he will be fair enough to retract the statement he made in this respect at his first opportunity.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

KANSAS CITY, MO., *December 20, 1916.*

Senator WILLIAM H. THOMPSON,
Senate Chamber, Washington, D. C.:

Liquor is not delivered by breweries, and there has not been a brewery wagon in Kansas City, Kans., since November, 1915. Breweries have been perpetually enjoined by the Supreme Court of Kansas from doing business in Kansas. Only beer delivered in Kansas City, Kans., is delivered by express companies upon bona fide orders given and paid for in Kansas City, Mo. Absolutely no agreement or arrangement with any brewery or anyone else for delivery of beer in Kansas City, Kansas City, Kans., has prosecuted 15 or 20 express companies and others for delivering illegal orders in Kansas City, Kans. Drunkenness has decreased in Kansas City, Kans., 80 per cent in the last five years, they getting drunk in Kansas City, Mo., and come across the State line into Kansas City, Kans.

C. W. GREEN, *Mayor.*

Mr. THOMAS. Mr. President——

Mr. STONE. Will my friend yield to me?

Mr. THOMAS. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, in listening in a somewhat haphazard way——

Mr. MARTINE of New Jersey. Will the Senator yield to me for one moment?

Mr. STONE. I have a very brief statement to make.

Mr. THOMAS. I have yielded to the Senator from Missouri, because I suppose he wishes to say something with regard to the remarks of the Senators which have just been made. I am very anxious to get the conference report disposed of, and I trust that after the Senator from Missouri finishes we may be permitted to go on with it. If this is going to degenerate into a discussion of prohibition, I prefer that it should be postponed until after the conference report is disposed of.

Mr. STONE. My friend from Colorado has yielded to me, for which I am obliged, and if the Senator from New Jersey will permit me, I wish merely to say that things which have been said and read have in some way referred to my colleague [Mr. REED]. I desire merely to state that my colleague has, as I am told, gone to New York to deliver an address to-night before an important body of men. Therefore he is absent; I simply wish that to be known.

Mr. CURTIS, Mr. MARTINE of New Jersey, and Mr. THOMPSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Colorado yield, and if so, to whom?

Mr. MARTINE of New Jersey. Mr. President——

Mr. THOMAS. I shall not yield to anyone.

The PRESIDENT pro tempore. The Senator from Colorado declines to yield.

Mr. THOMAS. I would be delighted to yield to my friend the Senator from Kansas, but if we are going to make progress on the conference report we must proceed with it.

Mr. CURTIS. I did not want to make a speech. I merely wished to state that the Senator from Missouri [Mr. REED] was here a few minutes ago and answered to his name, and I suppose he is still about the building.

STOCK-RAISING HOMESTEADS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Mr. JONES. Will the Senator from Colorado yield to me about this report?

Mr. THOMAS. I will yield to the Senator from Washington as soon as I make a statement regarding my object in calling up the report of the conference committee on the bill for consideration at this time. It is due to the fact that if the bill becomes a law it will be necessary that some action should be taken here upon the report prior to the holiday recess so that the House will have opportunity to consider it before final adjournment.

The bill was discussed here, perhaps not as fully as it might have been, at the time or shortly after it was favorably reported from the Committee on Public Lands, and by unanimous consent it was passed by the Senate during the closing hours of the last session. It then went to the House, which at this session refused to accept the Senate amendment. The House therefore asked, and the Senate granted, a conference.

The conference committee, Mr. President, considered the bill at length and at several meetings, but was confronted with many difficulties, some of which at the time seemed insurmountable. There were two or three points of serious difference between us, which were, so far as they related to the amendments, finally reconciled by such changes in them as were accepted or receded from, as appear in the report.

The principal difficulty with regard to the amendments arose concerning the exemption from the operation of the act of land of the character covered by the bill for the establishment of what are called "driveways," and which are essential to the stockmen for the purpose of removing their animals from winter to summer ranges, and vice versa, and also for the purpose of making railway shipping points accessible to them. It was finally agreed that there might be withdrawn from these lands for such driveways of given length and width, the width being narrower as the length of the driveways was less, and arranging for a maximum of 5 or 6 miles in width for those exceeding 35 miles in length.

There were two provisions in the bill which encountered very serious objection in the Interior Department—the proviso to section 2, which is found on page 2, and all of section 9. It will be observed that section 9 contains an amendment of the Senate in striking out that clause which referred to the character of the land. The section itself provides for the purchase of not to exceed 320 acres of contiguous territory, by the occupant of a 320-acre tract, if valuable only for grazing, by paying to the United States $1.25 per acre therefor.

We could only overcome that objection by consenting to eliminate the section from the bill. In doing that the conference committee exceeded their authority, and unless what they have recommended shall be accepted by the Senate it can not insist upon its action here. It was, however, the only manner in which that objection could be eliminated, and we were conscious of the fact that unless it was eliminated the bill might not become a law.

The proviso of section 2 was another element of difficulty, and with the permission of the Senate I will read it in order to explain the amendment which has been offered:

Provided, That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal.

The purpose of that proviso is obvious. It gives the citizen the right to go upon what he determines to be land of this character before it is officially designated as such and perform those preliminaries of occupation which are made essential to entry; and then when the land is so designated such persons would have a prior right to it. To this proviso very earnest objections were made, some of which, to my mind, are substantial.

The amendment which we finally reported to this proviso simply provides that this procedure shall confer upon the locator no right whatever until the land has been properly designated. In other words, he acquires no equities by such occupation which can under any circumstances be used against the Government, but after the land has been so designated then his rights as a locator will begin.

Now, that is another amendment which we as a conference committee have no authority to make, and which can not prevail without the unanimous approval of the Senate. It seemed to us then, as it does now, that the success of the measure depends upon that report, and we therefore unanimously agreed to include it in the report to both Houses.

I now yield to the Senator from Washington.

Mr. JONES. I received a protest the other day from some of my constituents against the bill on the ground that it permits stock men to take their stock through the land of homesteaders at will. Can the Senator inform me whether there is anything in the bill which permits anything of that kind?

Mr. THOMAS. Oh, no; I do not think so. Of course, the Senator knows that live stock in the West must have different ranges in the summer and in the winter, and that stock in large bodies can only be moved slowly and must subsist upon the country during their passage from one point to another. The stockmen objected to this bill. They are opposed to it, since it is obvious that wherever land is withdrawn from the public range it is against the interest of the stockmen and limits their ranges to that extent. That is a very natural and a very human opposition, which all the various measures for settlement of the public domain are confronted with sooner or later. The purpose of the bill, however, is to meet the very solid objection that is universally applicable to that sort of land. It may shut the live stock from transport from one to another range and may make railroad points difficult or impossible of access. Therefore the amendment which is reported by the conference committee amending the amendment of the Senate provides that the department may withhold from occupation lands of the character described in the bill which may be necessary in its opinion for the purpose of securing these rights of way to the live-stock interests.

Mr. JONES. That is done before the land is entered by the homesteader.

Mr. THOMAS. Yes.

The proviso of section 2 is so amended that occupation of land prior to the designation of the land gives no right to such settler until the actual designation of the land by the department.

Mr. JONES. So it does not even pretend to interfere with the right of any settler who has already initiated those rights.

Mr. THOMAS. Not at all.

Mr. JONES. I examined the bill hurriedly, and I could not see anything of that sort, and I did not think anything of that kind could be done anyhow.

Mr. THOMAS. I think that the protest is based upon a misapprehension. I can readily see where if the proviso of section 2 were not amended some difficulty of that sort might arise through an inchoate right acquired under it.

Mr. CLARK. Mr. President, this bill is in rather a peculiar situation. A bill came from the House which was unsatisfactory to the Senate. It was amended by the Senate and made a little better in the judgment of the Senate. The report of the conference now emphasizes the bad features of the House bill, so that the conference report is less liberal than either the House bill or the bill as passed by the Senate, which endeavored to liberalize the measure.

Mr. President, it may be that the bill reported from the conference is the wisest legislation of the two, but we are brought face to face with the question whether we shall legislate in conference or whether we shall legislate on the floor of the Senate and the House. The conferees have palpably exceeded the authority of a conference committee.

Mr. THOMAS. There is no question about that. I concede it.

Mr. CLARK. In my judgment they have vitally changed the character of the bill. For instance, taking the first part of the bill, in section 2 they have entirely eliminated the essential feature of that section by adding a provision which was not considered in either the Senate or the House, and they have rendered entirely valueless to the prospective settler or homesteader on this sort of land any benefit from that section at all. The consequence is, so far as that section is concerned, that it is vitally different from the section of the bill as it was passed by either the House or the Senate.

Mr. STERLING. If the Senator from Wyoming will permit me——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from South Dakota?

Mr. CLARK. I do.

Mr. STERLING. I wish to ask why the addition to section 2 is of vital interest to the bill?

Mr. CLARK. Because section 2 as passed by the House and passed by the Senate is substantially the same as the like provision in the 320-acre-homestead act.

Mr. STERLING. I wish to say in reply to the Senator from Wyoming that the provision which is added to section 2 by the conference is substantially in compliance with my idea of the meaning of section 2 as it was originally passed.

I recall very well, Mr. President, when we were giving hearings on this bill. Stockmen were before the Senate Committee on Public Lands, and the question was raised by them whether this preferential right given the settler to make application for the land would not permit occupancy by the settler to the exclusion of the stockman before the land had been designated by the Secretary of the Interior as coming within the provisions of the act. It was urged before the committee and by members of the committee that this gave the homesteader or would-be homesteader no additional right at all; that, though he occupied the land before designation, his application filed in the land office gave no right other than the preferential right to file upon the land and make entry when it was finally designated; and that if he occupied it without designation he did it at his peril. I remember myself making that statement.

Mr. CLARK. Does not the Senator see that this cuts off any preferential right?

Mr. STERLING. No; it does not cut off any preferential right. It gives him the right to make application at the land office for the land, and then upon the designation of the land he has a preferential right to file upon it and enter it. It simply provides that he may not occupy the land meanwhile. That is the effect of the addition made by the conferees.

Mr. CLARK. There is a difference of view between the Senator and myself as to the effect of the addition. There is no difference between the Senator and myself as to the question whether that addition should have been made in the Senate instead of by the conference committee.

Mr. President, I am not going to object to the consideration of this report. I am simply going to say that if anybody on the floor of the Senate or elsewhere believes that the bill is going to operate to the benefit of those for whom it was originally framed he is very much mistaken, because such benefits to the homesteader as were put in by the Senate have been taken out by the conference committee; and not only have the conference committee taken out the benefits to the homesteader that were put in by the Senate but they have taken out the benefits that were in the original bill as it came from the House.

Mr. President, I am not going to refrain from antagonizing this report because I think it is going to benefit anybody. It is a piece of absolutely futile legislation; it will become absolutely inoperative. I am not going to call specific attention to the elimination of section 9. Here we have the conference committee eliminating entirely from the bill both the original section 9 passed by the House and the amendment passed by the Senate. The conference committee have done that very thing. In other words, not only have the conferees on the part of the Senate surrendered—as perhaps they would have to surrender in order to reach an agreement—the amendment proposed and passed by the Senate, but both the Senate and the House conferees have omitted and surrendered substantial benefits to the homesteaders that were included in the bill by the affirmative action of both Houses.

I have never seen, Mr. President, a conference report that so frankly exceeded, by the admission of the conferees themselves, the authority of conferees in any bill that ever came from a conference committee into the Senate.

Mr. President, whether this legislation is wise is another matter. I myself believe it is unwise. I believe it is unwise, because I believe it will not accomplish the purpose which the originators of the bill intended. I believe it is unwise because it will not enlarge the opportunity of those who have not now homes upon those lands to get homes, and I believe that the bill might be just as well defeated in the first place in the interest of the large stockmen as to have it passed the way it is presented in the conference report.

Now, having made my statement and given my individual view, I shall be content to let the Senate act as it pleases upon the conference report.

Mr. STERLING. Mr. President, I regret very much that the Senator from Wyoming takes the view he does in regard to this bill, although I thank him for his statement that he does not expect to make opposition or raise any point of order on the report of the conferees.

Mr. President, the bill now before the Senate is very largely the same bill introduced by myself at the beginning of the last session of Congress. I originally introduced a bill here identical with the bill introduced in the House, and I have worked almost unceasingly for the passage of a grazing homestead bill for the past three years or more.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. STERLING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. While I know very little about these matters, which more particularly concern Senators from the western section of the country, I do feel impelled to ask the Senator from South Dakota upon what hypothesis the committee of conference eliminated a section of the bill that had been agreed to by both Houses of Congress? If we admit that a conference committee have that authority, or that they can under any circumstances do that thing, of course no bill would be safe in the hands of a conference committee of this body in the future.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. STERLING. Yes.

Mr. THOMAS. Just a moment. The committee of conference disclaims any authority as a matter of right to do what they have done in this report. Any objection made to the report, will, of course, send the bill back to conference.

Mr. GALLINGER. Mr. President, the Senator from Colorado is mistaken about that. Such an objection would have that effect in the House of Representatives, where a point of order can be made against a report, but there would have to be an adverse vote on the report in the Senate to send the bill back to conference.

Mr. THOMAS. We are conscious, if the objection is made, that the fact that we have exceeded our authority will make what we have done of no avail. We have, however, made the report as the only report that we could make upon the bill with any hope of securing its ultimate enactment. Whether the procedure here shall be stopped either by a point of order or a vote is immaterial. An objection can unquestionably dispose of the report.

Mr. CLARK. May I ask the Senator from Colorado a question?

Mr. THOMAS. Certainly.

Mr. CLARK. Of course I know the utmost good faith in which the Senator makes his statement and the good faith by which all his acts are governed, but I should like to ask the Senator how strongly the Senate conferees urged upon the House conferees the adoption of the Senate amendments or how many meetings of the conference committee were held?

Mr. THOMAS. I think we had a half dozen meetings. We thrashed the matter out in every possible way. I myself went to the Interior Department in reference to it.

Mr. CLARK. Now, may I ask the Senator in regard to section 2—if it would not betray the confidences of the conference committee—what the impelling force was that caused the conference committee to report an addition to the bill that had never been agreed upon by either House?

Mr. THOMAS. I can only speak for myself, personally. The impelling force to me was the conviction that without that amendment or the elimination of the proviso the bill would not become a law.

Mr. CLARK. That is a very indefinite statement of a definite proposition.

Mr. THOMAS. I make it as definite as it seems to me possible to make it.

Mr. STERLING. Mr. President, I want to again call attention to the objections made by the Senator from Wyoming [Mr. CLARK]. I can not appreciate the force of the objections. As I have stated, the addition made by the conferees to section 2—the section which gives the preferential right to make an application for 640 acres of land, coming within the meaning of this act—is what was originally contemplated. It was not the idea of section 2 to give the right to the would-be settler to occupy the land pending the designation by the Secretary of the Interior.

Mr. CLARK. May I ask the Senator a question?

Mr. STERLING. I yield.

Mr. CLARK. Does the Senator believe that that was the effect of the provision as passed by both the House and the Senate?

Mr. STERLING. I will not say that that was the effect of the provision, but it was understood that it gave no other right than the right to make application and to have that right to entry suspended until the land had been designated. If a settler occupied the land, he occupied it at his peril; if he put any improvements on the land, he did so at his peril, for meanwhile the land might not be designated by the Secretary of the Interior or it might never be designated.

Mr. CLARK. Then I will ask the Senator if the language meant that, as passed by both the House and the Senate, what is the necessity of the additional provision as made by the conferees?

Mr. STERLING. It certainly makes it clear as to the intention, anyway. If there ever was reasonable action in excess of authority by conferees, it was in adding that little provision to section 2.

Now, Mr. President, I want to call attention to section 9, which has been stricken out by the conferees. I want to read that section. It does not particularly affect the homesteader, the man desiring to enter 640 acres of land as a homestead. It is the purchase section of this bill.

SEC. 9. That any person who has heretofore acquired title to land of the character designated in this act under any of the homestead laws of the United States and who is the owner and occupant of the land so acquired may purchase from the United States not exceeding 320 acres of stock-raising lands, as designated by this act, or unappropriated and unreserved lands valuable only for grazing contiguous to his said homestead, upon paying to the United States the sum of $1.25 per acre for such lands, under such rules and regulations as may be prescribed by the Secretary of the Interior, which said land, together with the area theretofore acquired under the homestead laws, shall not exceed 640 acres.

There was a radical objection to that section by the Department of the Interior, Mr. President, as I understand, and the wisdom of putting the section into the law in the first instance might well be questioned. Particularly will it not benefit that class of settlers desiring to acquire homesteads under this act to which the Senator from Wyoming has referred.

The other additions are amendments that are not subject to any question under the rule.

Mr. SMOOT. Mr. President, I have in the past severely criticized conferees for violating the rules of the Senate by proposing new legislation in a conference report, but I know of no more flagrant case than is shown in the conference report now under consideration. I say this, Mr. President, though I signed the report. I signed the report with the understanding that I should make a statement to the Senate giving my reasons for so doing.

There is no question, Mr. President, that the conferees have exceeded their authority in amending the proviso in section 2 of the bill; in fact, the amendment changes the whole intent of section 2.

Mr. STERLING. How does it change it, may I ask the Senator from Utah?

Mr. SMOOT. I can tell the Senator how it changes it, and I shall be very glad to do so. The original proviso in section 2 gives a preferential right to any citizen of the United States to make application for an entry of lands described in the bill. Under the wording of the original proviso he can also occupy the land; he can make whatever improvements he desires upon the land; he can build a home upon it if he so desires. I agree with the Senator from South Dakota that if the settler does so, he does so at his peril, as the land may not be designated by the Secretary of the Interior; but he will be in a position to claim that Congress authorized him by preference to make an application for an entry of the land and that he had expended money on the land in pursuance of that construction of the proviso. Of course, Congress could be hard-hearted and take the position that he had no right to spend his money to make improvements on the land, and under a strict construction of the law he would lose his improvements; but every Senator knows what the result would be; the department knows what the result would be, and they so stated to the Senate conferees time and time again. The result would be that the applicant would come to Congress under such conditions for relief, and the relief measures that would come before Congress would be so numerous that it would keep this body busy for many years to come.

Mr. STERLING. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. STERLING. Is it not better, may I ask the Senator from Utah, that a provision like this be added to section 2 than that the settler or would-be settler should be permitted to go on this land and make improvements at his peril, which he would have to sacrifice afterwards if the land were not designated? Is it not preferable to give him the warning right here, and say that he shall not occupy the land until it is designated?

Mr. SMOOT. The Senator asks me for my opinion. I will say, certainly it would; but that is not what I was discussing at all. I state now, without the least hesitancy, that the conferees exceeded their authority as representatives of the Senate in adding the amendment to the proviso in section 2.

Mr. TOWNSEND. Why was it done?

Mr. SMOOT. The Senator from Michigan asks why it was done. I am going to be a little more frank than was the Senator from Colorado [Mr. THOMAS]. We did it because we were notified that, unless this amendment was added to the proviso, the conference report would not be adopted by the House.

Mr. CLARK. By whom was the notification given? I think we ought to know that.

Mr. SMOOT. Well, I will put it in this way, then, in answer to the Senator from Wyoming, that I am quite sure that there would be influence enough brought to bear upon the House Members so that the conference report would not be accepted.

Mr. CLARK. The Senator does not mean to intimate that there is a lobby in connection with this matter, does he?

Mr. SMOOT. I do not mean an outside lobby. There was a lobby; but I do not have reference to a lobby.

Mr. President, there is no question about the elimination of section 9 being contrary to the rules of the Senate, and the conferees exceeding their authority in so doing. I was opposed to section 9 and was opposed to it before the bill passed the Senate; but that section was adopted by the House and by the Senate. The Senate yielded the amendment which it made to that section. The section then was exactly the same as when it passed the House and as the Senate agreed to it. Then, for the same reason——

Mr. THOMAS. Mr. President, if the Senator will pardon me, there was a slight amendment made to it.

Mr. SMOOT. I so stated.

Mr. THOMAS. I did not understand the Senator to say so.

Mr. SMOOT. Then, for the same reason that we added the proviso in section 2, we struck out section 9.

Mr. CLARK. Because of the same influences?

Mr. SMOOT. Because of the same influences, and I desire to say that the Senator from Colorado in making the statement he did, that the conferees exceeded their authority, was absolutely right. I so state to the Senate now, and it is my opinion that an objection on the part of the Senate will defeat the conference report because of the admitted fact that the conferees have exceeded their authority. It is also true that if the Senate desires to reject this report it can be sent back to conference on a majority vote of the Senate.

Mr. BORAH. Mr. President, what is section 9? I do not recall it myself.

Mr. SMOOT. Section 9 is the purchase section. It allows an entryman who has already entered land of the character described in the bill and who is now living on the land under the enlarged-homestead law to purchase 320 acres additional of the land as described in this bill. In other words, he does not have to live upon the land; he has no improvements to make upon it; he can purchase it at $1.25 per acre.

Mr. TOWNSEND. Mr. President, inasmuch as the conferees have admitted that they have changed the bill, and have changed it because some particular influence demanded the change in order to secure its passage, I should like to ask the Senator from Utah if he thinks the bill is any good now?

Mr. SMOOT. Yes; I think there is a good deal of merit in the bill as reported and it improves the bill as passed by the Senate.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah—I do not ask this in antagonism to the bill, because I confess to not any great knowledge of the subject, and my disposition would be to vote for the conference report—what he thinks would be the effect of a precedent of this kind, that a conference committee can take from a bill matter that both Houses have agreed to? Would it not be notice to other conference committees that they do about as they please in reference to framing conference reports?

Mr. SMOOT. It would be. So we call particular attention to it.

Mr. GALLINGER. The very fact that you have called particular attention to it, it seems to me, advertises it and encourages other conference committees to do the same thing.

Mr. SMOOT. I frankly state that, in my opinion, one objection would defeat the conference report, but I believe that the measure is of such interest to the people of the West and to citizens of other portions of the United States who desire the passage of such legislation, that their representatives in the Senate will not object to the passage of the bill in the shape in which it now is.

Mr. GALLINGER. I certainly am not going to make any factious opposition to it, but the Senator says one objection will defeat the conference report. I am sure the Senator does not mean that. A negative vote on the motion to agree to the conference report would have to be carried by a majority to defeat it under our rules.

Mr. SMOOT. I do not believe it would come in that way. I believe it could be objected to on the ground that the conferees have exceeded their authority, as all the conferees admit that they have. Therefore, Mr. President, under the admission of the conferees, I believe that an objection to the report would be sufficient.

Mr. GALLINGER. I do not agree wtih the Senator as to that. Certainly our rule is pretty plain on that point.

Mr. CLARK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I yield.

Mr. CLARK. The statement the Senator has just made in regard to the influences upon the conferees emphasizes the fact that we are probably about to legislate, not of our own free will and not as an independent department of this Government, but to legislate at the beck and call and the absolute will of some powers outside of the Chambers of either House of Congress.

Mr. SMOOT. Mr. President, I will be perfectly frank, and say that I opposed the proviso in section 2 as it was written. If this bill had become a law with the proviso in section 2 retained in it as it passed the House and Senate, I am quite sure that there would have been a great deal of unnecessary trouble to the men who made application for land under it. There would be no doubt a great deal of money spent in improving the land applied for and perhaps a great deal of money spent in the building of homes, and I am as positive as I can be that if the bill should pass without the proviso there would be hundreds of citizens of the United States applying to Congress for relief.

Mr. STERLING. Then, Mr. President, the Senator from Utah agrees as to the merits of the proviso or the addition added to section 2?

Mr. SMOOT. I do; but I want to say to the Senator that I would very much prefer to have the whole proviso eliminated from the bill. Then every citizen of the United States would have been on an equal footing; then the Interior Department would have designated the land under the provisions of the bill; every citizen would have known that the land was designated; and there would have been no question about his right, if he were otherwise qualified, to enter the land.

I will say to the Senate that there could have been required in the regulations of the department 30 days' notice to the public that the land had been designated, and then any citizen anywhere in the United States receiving that notice would have had the privilege of entering any of the lands, and the first one that made the entry would secure the lands, because there would have been then no question as to his right of entry if he were qualified to make entry under the provisions of the bill, and no one could have entered the lands unless it was to contest the entry made by the original entryman.

Mr. BORAH and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. Listeners are a little confused over this situation; at least, I am. Do I understand, notwithstanding the fact that the conferees have violated the rules of the Senate from a technical standpoint, that nevertheless the report meets with their judgment as to its being a good bill?

Mr. SMOOT. The conferees believe it a good bill, and the conferees recommend the adoption of this report.

Mr. BORAH. Then the only thing about which there seems to be any controversy, so far as the conferees are concerned, is the mere question of whether you have exceeded your authority, and whether that shall defeat a good bill.

Mr. SMOOT. Yes. Well, there is no question about our having exceeded our authority. The only question is, Having exceeded our authority, shall the Senate adopt the conference report? I will say to the Senator that I think the bill has the approval of a great majority of the people in the public-land States.

Mr. STERLING. Mr. President, with reference to the conferees exceeding their authority, let me say there is precedent for that.

Mr. BORAH. Oh, yes.

Mr. STERLING. There is precedent for it again and again, where admittedly the conferees have exceeded their authority, but notwithstanding the report of the conferees was adopted.

Mr. CLARK. Mr. President, the only difficulty about this situation is that we have presented to us here by the conference committee an absolutely new bill upon this whole general subject matter to which we are not allowed to make amendments in any way whatever; and the consequence is that we are in the position of legislating upon a bill that is presented without reference to a committee and without the power of amendment.

Mr. GALLINGER. And the only argument in favor of it is that the end justifies the means, which I think is a very bad argument.

Mr. SMOOT. That is the only argument that can be made, I will say to the Senator.

Mr. GALLINGER. I think it is.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator.

Mr. GRONNA. As I recollect, the Senator was in favor of practically the same provision in the so-called enlarged-homestead bill—that is, a provision recognizing the same spirit, that those who had acquired lands under the homestead law, taking 160 acres, should be given the right to take an additional homestead. I know the Senator from Utah was in favor of that. Now, is not this recognizing the same spirit in this particular bill?

Mr. SMOOT. There is quite a difference, Mr. President, as I stated so often in conference when the House conferees insisted that that was the case. In the enlarged-homestead bill, known as the 320-acre-homestead bill, this same preferential right, without the amendment that has been put upon it by the conferees, was in the bill. It is the law to-day; but in the enlarged-homestead bill there were requirements made that the entryman must cultivate so many acres of the land. I think it was one-eighth during the first two years, or by the end of two years; it was one-quarter by the end of the third year, and it was one-half during the fourth and the fifth years, and at the end of the fifth year he could make his final proof for patent.

Mr. GRONNA. I will ask the Senator whether that requirement is not in this bill also?

Mr. SMOOT. Oh, no.

Mr. GRONNA. The entryman must improve the land, but he can do that by inclosing the land with fences or make other improvements.

Mr. SMOOT. No, Mr. President. This land is entirely different land. The applicant had the right to go upon the land. He knew that unless he entered the land as described in the bill, and unless he could comply with the requirements of the bill he could secure no title to it. The land must be of such a character that he could raise other than native grasses on a certain number of acres, as described in the bill. Now, this character of land is simply grazing land. It is land where all he has to do is to expend $1.25 per acre upon it, as the Senate passed the bill; but the House insists that he shall live upon it.

Mr. GRONNA. But as to the character of the land, was not that left to the Secretary of the Interior in that case just the same as here?

Mr. SMOOT. Oh, yes; it was to be finally designated by the Secretary of the Interior. I will say to the Senator that the same principle in this bill as to preferential rights is also in the 320-acre enlarged-homestead bill; but the reason why it is not necessary in this bill, as it was in the enlarged-homestead bill, is that the character of the land is entirely different, and the requirement made by the Government in regard to the cultivation of it is entirely different. This requires no cultivation, and in the case of the enlarged-homestead bill it requires a certain cultivation.

Mr. GRONNA. If the Senator will pardon another interruption, I believe it is true, as the Senator has said, that the committee has improved the bill, because you provide here specifically that no land can be purchased. That is in the interest of the small man, the small holder, the man who goes upon these lands to make a home; and that is the man we ought to legislate for. Now, I agree with the Senator from Utah in that. There is no opportunity under the provisions of this bill for any great corporation to hire people to secure these lands. That has been eliminated by the amendment proposed by the conference committee. I believe that we who are from the public-land States, and recognize the merit of this bill, should allow it to go through and become a law.

Mr. CLARK. Mr. President, will the Senator yield just on the point he is speaking on?

Mr. GRONNA. I do not happen to have the floor. I was speaking by the courtesy of the Senator from Utah.

Mr. SMOOT. I yield to the Senator from Wyoming.

Mr. CLARK. I just wanted to ask a question. Of course, the only purchase in this bill is the purchase of additional land by the homesteader, and not by anybody else?

Mr. GRONNA. I understand that that is so.

Mr. CLARK. Not by any great corporation.

Mr. GRONNA. But I will say to the Senator from Utah that hardly a bill has passed the Senate since I became a Member of it where in some respect the conference committee have not exceeded their authority. I know that that was true with regard to the immigration bill, and that is true with regard to nearly every other bill. Now, why be so technical upon a bill like this, which is only going to benefit a few poor people?

Mr. CLARK. Mr. President, I was not technical, and I am not objecting to this conference report. I am simply pointing out the fact that this conference committee have done something that I think no conference committee ever did before; and that is, according to their own statement, they have yielded to outside pressure to strike out from the bill sections that both Houses have agreed upon, and to write into the bill sections that neither House has passed upon.

Mr. SMOOT. Mr. President, I want to say that no one has criticized legislating in conference more than I, but I do not quite agree with the Senator from North Dakota when he says that it is done in every conference report. I know that there have been great changes made, but I do not remember any conference report since I have been in the Senate where a whole section of a bill has been stricken from it and no substitute offered in its place. That being the case, we thought it was perfectly proper, and, in fact, we felt that it was our duty to call it to the attention of the Senate.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes; I yield.

Mr. GRONNA. If the Senator will again pardon me, I want to say to the Senator that I was a member of the committee of conference on the agricultural bill, where we had three legislative acts included; and I want to say to the Senator that whole sections were stricken out in conference, and there was no objection made to it.

Mr. SMOOT. But there were other provisions substituted. There is no provision substituted for section 9. It authorizes the entryman of certain lands to purchase 320 acres of land at $1.25 an acre, and that provision has been stricken from the bill and nothing put in its place or substituted for it.

Mr. STERLING. Mr. President, the one was just as clearly legislation upon the part of the conferees as the other.

Mr. SMOOT. I will admit that it was legislation, Mr. President.

Mr. STERLING. It was legislation. There was no difference in principle between the two.

Mr. SMOOT. Only as to degree.

Now, there is just one other matter that I wish to refer to, as I want to have a vote taken upon the conference report before 2 o'clock, if possible.

The Senate will notice that in the case of all their amendments—and most of the amendments of the Senate were upon this one subject—the Senate thought it was proper to strike out these words:

Of lands of the character herein described.

The Senate struck out those words all through the bill. That, of course, gave an entryman who had made an original homestead entry the right to enter lands under the bill. The House would not yield on that, and therefore the Senate had to yield on all of its amendments of that character.

Taking it as a whole, Mr. President, I feel that the bill should have been improved so as to bring a greater relief to the public-land States than the reported measure.

Mr. WORKS. Mr. President, this bill was very thoroughly considered in the Public Lands Committee, of which I am a member. It met with a good deal of opposition in that committee. I have never believed in it myself. I deferred to the wishes of Senators representing other States who claimed that it would be beneficial in those States, and made no opposition to it in the committee, and I did not oppose it in the Senate when it was up for passage.

My own belief about it is that 640 acres of land of the kind that is described in this bill would be a good place for people to starve on. I do not believe, generally speaking, that this so-called grazing land would be such that a man could make a living upon it; and it is principally for that reason—that it might be an inducement for people to enter upon those lands who would fail to make a living and come to distress—that I was opposed to the bill. But, as I say, I have not urged my objections to it heretofore because of the feeling of Senators who represent other States. I do not think that it would be of any value at all in my State.

As to the other question, of the conference committee exceeding its authority, that seems to be an admitted fact. It is attempted to be justified here because some other committees have done the same thing. That does not appeal to me as a good reason for violating a rule of the Senate.

Mr. BORAH. Why, Mr. President, as I understand, our attitude toward this bill is a good deal like the situation when somebody wants somebody else to hit a fellow. A number of Senators object to the precedent, but still they support it. I do not think the bill is a wise one. I do not believe it is in the interest of the settler. I believe it will prove a failure to the bona fide home builder. It is said that an objection would defeat it. If that were true, I would object. But it takes a majority to reject this report; that we have not got. I shall vote against its adoption because while intended to help the homesteaders I do not believe it will have that effect.

Mr. WORKS. Very true. I am expressing my conviction now, however; not that of somebody else, I think that a matter so important as this, which involves legislation by a conference committee, should not be allowed to pass without at least objection being entered to it; and I am glad that objection was made. I think it is one of the evils of legislation in this body that conference committees assume to legislate for both Houses of Congress, and I think it ought not to be allowed.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. STONE and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. STONE. I desire to move an executive session.

Mr. POINDEXTER. I make the point of the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum.

Mr. THOMAS. A point of order, Mr. President. The Senator from Missouri had the floor.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Gallinger	Martin, Va.	Sterling
Borah	Gore	Martine, N. J.	Stone
Brady	Gronna	Nelson	Sutherland
Brandegee	Harding	Overman	Swanson
Chamberlain	Hollis	Penrose	Thomas
Chilton	Hughes	Phelan	Townsend
Clapp	James	Pittman	Wadsworth
Clark	Johnson, S. Dak.	Poindexter	Walsh
Culberson	Jones	Saulsbury	Watson
Cummins	Kenyon	Sheppard	Weeks
Curtis	Kern	Sherman	Williams
Dillingham	Lane	Smith, Ariz.	Works
du Pont	Lee, Md.	Smith, Ga.	
Fletcher	McCumber	Smoot	

Mr. CHILTON. I wish to announce that the Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. There is a quorum present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. CUMMINS. Mr. President, I know the motion is not debatable, but I desire to ask the Senator from Missouri a question before the motion is put. I understand that the purpose of the executive session is to consider a nomination to the Interstate Commerce Commission. There will be very earnest opposition to the consideration of the nomination at this time, and if it is taken up for consideration it will require several days, I believe, to conclude it. In view of these circumstances I ask whether the Senator from Missouri desires to insist upon his motion?

Mr. STONE. Mr. President, the nomination referred to by the Senator from Iowa is pending on the Calendar of Executive Business. It is very important in the interest of public business that it should be acted upon. Unless acted upon there will be a vacancy in this important position before the Senate meets again. There are important public reasons why that vacancy should not occur, and it is because of that I have made

the motion now pending before the Senate, upon which I ask for a vote.

Mr. CUMMINS. I do not desire to argue the matter——

Mr. STONE. It is not proper to argue it.

Mr. CUMMINS. I have no right to argue it; but upon the motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. He being absent, I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. OVERMAN (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The PRESIDENT pro tempore (when the name of Mr. SAULSBURY was called). The occupant of the chair is paired with the junior Senator from Rhode Island [Mr. COLT]. He transfers that pair to the junior Senator from Arkansas [Mr. KIRBY] and votes "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I note my general pair, the junior Senator from Pennsylvania [Mr. OLIVER], is absent. I will transfer the pair I have with the junior Senator from Pennsylvania to the senior Senator from Illinois [Mr. LEWIS] and let my vote stand.

Mr. DILLINGHAM (after having voted in the negative). I have already voted, but I withdraw my vote owing to the pair I have with the senior Senator from Maryland [Mr. SMITH], who is absent.

Mr. CURTIS (after having voted in the negative). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK]. He being absent, I withdraw my vote.

Mr. GRONNA (after having voted in the negative). I have voted, but I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. GRONNA. I have a pair with that Senator and therefore withdraw my vote.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 31, nays 25, as follows:

YEAS—31.

Beckham	Hughes	Overman	Smith, Ariz.
Bryan	James	Phelan	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Pittman	Stone
Chilton	Kern	Pomerene	Swanson
Culberson	Lee, Md.	Reed	Thomas
Fletcher	Martin, Va.	Saulsbury	Underwood
Gore	Martine, N. J.	Sheppard	Williams
Hollis	Newlands	Shields	

NAYS—25.

Borah	Gallinger	Penrose	Walsh
Brady	Harding	Poindexter	Watson
Brandegee	Jones	Sherman	Weeks
Clapp	Kenyon	Smoot	Works
Clark	McCumber	Sutherland	
Cummins	Nelson	Townsend	
du Pont	Norris	Wadsworth	

NOT VOTING—40.

Ashurst	Gronna	Lippit	Shafroth
Bankhead	Hardwick	Lodge	Simmons
Broussard	Hitchcock	McLean	Smith, Md.
Catron	Husting	Myers	Smith, Mich.
Colt	Johnson, Me.	O'Gorman	Smith, S. C.
Curtis	Kirby	Oliver	Sterling
Dillingham	La Follette	Owen	Thompson
Fall	Lane	Page	Tillman
Fernald	Lea, Tenn.	Ransdell	Vardaman
Goff	Lewis	Robinson	Warren

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 20 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 22, 1916, at 12 o'clock m.

NOMINATION.

Executive nomination receiver by the Senate December 21, 1915.

PROMOTION IN THE NAVY.

Commander Ralph Earle to be Chief of the Bureau of Ordnance in the Department of the Navy with the rank of rear admiral for a term of four years, from the 23d day of December, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1916.

UNITED STATES CIRCUIT JUDGE.

Kimbrough Stone to be United States circuit judge for the eighth circuit.

UNITED STATES DISTRICT JUDGE.

Duval West to be United States district judge, western district of Texas.

PROMOTION IN THE NAVY.

Commander Ralph Earle to be Chief of the Bureau of Ordnance in the Navy Department with rank of rear admiral.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 21, 1916.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Bend low, O God our Heavenly Father, that we may feel the warmth of Thy brooding love and be encouraged to move forward to larger and nobler attainments as intellectual, moral, and spiritual beings; and meet the disappointments, sorrows, and untoward circumstances of life with perfect faith and confidence in the overruling of Thy providence for the eternal good of Thy children; in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the recent note sent by the President of the United States to the belligerent nations with the view of terminating the war that has distracted the world.

The SPEAKER. The gentleman from Montana asks unanimous consent to print the recent note of the President of the United States to the belligerent nations of the world with the view of terminating the war. Is there objection?

There was no objection.

CHANGE OF REFERENCE—INTERSTATE SHIPMENT OF LIQUOR.

Mr. HOWARD. Mr. Speaker, I desire to ask for a change of reference. The bill H. R. 17850, introduced by myself on

December 4, either by the general practice in the House or by inadvertence, was referred to the Committee on the Judiciary. I respectfully submit that it deals with interstate commerce only and it should have been referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. What was it about?

Mr. HOWARD. It is an inhibition against shipment in interstate commerce of whisky into States wherein by the law of those States the sale of whisky is prohibited.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 17850) to prohibit commerce in intoxicating liquors between the States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, while undoubtedly the Committee on Interstate and Foreign Commerce under the rules ought to have jurisdiction of these bills, as a practice for years they have been sent to the Committee on the Judiciary. I do not think it advisable to have a divided jurisdiction.

Mr. HOWARD. I understood that the practice had been such, but it seems it is an assumption of jurisdiction by the Committee on the Judiciary. If this question dealt with the shipment of live stock or wheat, or grain, or meat, or any other commodity, it would be sent to the Committee on Interstate and Foreign Commerce. And I can see no reason why the rules should be varied where it is a pure question of interstate commerce, no matter what the practice has been, simply because it deals with liquor. The jurisdiction of the Committee on the Judiciary is certainly questioned when a bill deals purely with a matter of interstate commerce.

Mr. MANN. Well, Mr. Speaker, when I was early a member to the Committee on Interstate and Foreign Commerce there were some bills introduced on the subject which were referred to that committee and others which were referred to the Committee on the Judiciary. I believe there was one other committee that had such bills pending before it. But the final consensus of opinion was that they should all be sent to the Committee on the Judiciary. I do not say whether they ought to go to that committee or not, but I am very confident there ought not to be two or three committees of the House dealing with the same subject matter.

Mr. HOWARD. I agree with the gentleman as to that.

Mr. MANN. So I shall have to object.

Mr. HOWARD. Mr. Speaker, will the gentleman withhold his objection for just a second?

Mr. MANN. Oh, certainly; I reserve it.

Mr. HOWARD. I have made an investigation. The gentleman in his long service on the committee I know has given much time to these matters and knows more about the reference of such bills than I do, but I think the gentleman will find this to be true, that wherever a bill has been referred to the Committee on the Judiciary dealing with the interstate shipment of whisky it has been a mixed question, that there were certain penalties and certain legal questions involved, and for a long time, I understand, by practice it was assumed that there was a question, rather, as to the power of Congress, a constitutional question, involved in these interstate shipments of liquor, and for that reason, being a mixed question of commerce and law, it was referred to the Committee on the Judiciary.

Mr. MANN. I think the real reason, perhaps, was that a whole lot of these bills were sent to the Committee on the Judiciary, such as the antitrust legislation, because at that time the Judiciary Committee was not quite as busy as the Committee on Interstate and Foreign Commerce, and was a very able committee, and the House willing to trust it. I am not willing to start in by unanimous consent to mix up the jurisdiction of the various committees.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to inquire of the Chair whether or not when per se a bill has been referred to a committee that has no jurisdiction under the rules of the House, the Speaker will recognize the introducer for the purpose of moving that the Committee on the Judiciary, to which the bill has been referred, be deposed of its authority to consider this bill, and that it be referred to the proper committee?

Mr. MANN. If the gentleman would read the rule he would not make the parliamentary inquiry.

The SPEAKER. The rule is that the chairmen of these two committees or somebody that has the direction of the bill can make that motion. The truth about that is that it is easier to have uniformity of reference than it is to originally pick the right committee, and what investigation the Chair has made shows that this kind of bill has been referred to the Committee on the Judiciary for some time. The Chair is not arguing against the gentleman's change of reference. He is simply telling the gentleman how the bill came to be referred.

Mr. HOWARD. I understood that precedents ought at times to be changed.

The SPEAKER. That is true. I wish I could change 50 of them without disrupting the business of the House. The gentleman from Illinois [Mr. MANN] objects.

Mr. WEBB. Mr. Speaker, I want to make the statement that all these bills for the last 10 or 12 years have been referred to the Committee on the Judiciary. I introduced 10 years ago the identical bill which has just been introduced by the gentleman from Georgia, and it was referred to the Committee on the Judiciary.

The SPEAKER. That is the reason why it was referred to the Committee on the Judiciary now. That committee has a sort of dragnet jurisdiction, anyhow.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of inland waterways, and to include some observations by Admiral Benson, Chief of Naval Operations, United States Navy, and Brig. Gen. Black, Chief of Engineers, United States Army.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of inland waterways. Is there objection?

Mr. KITCHIN. On what subject?

The SPEAKER. Inland waterways. Is there objection?

There was no objection.

HELEN SHERMAN.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 390 (H. Rept. 1237).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Helen Sherman, clerk to Luis Munoz Rivera, late Resident Commissioner from Porto Rico at the time of his death, November 15, 1916, the sum of $125, being an amount equal to one month's salary of a clerk of a Resident Commissioner.

Mr. LLOYD. Mr. Speaker, this is the usual allowance made to the private secretary of a deceased Member, giving one month's salary after the death of a Member.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LENORA M'CALL COURTS.

Mr. LLOYD. Mr. Speaker, I also offer the following privileged resolution.

The SPEAKER. The gentleman from Missouri offers the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 391 (H. Rept. 1238).

Resolved, That the Clerk of the House is directed to pay, out of the contingent fund of the House, to Lenora McCall Courts, widow of James C. Courts, late clerk to the Committee on Appropriations, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

Mr. LLOYD. Mr. Speaker, this is a little different resolution from what we have been offering on the death of an employee of the House. Mr. Courts, as you know, was the clerk to the Committee on Appropriations. He had been connected with the Committee on Appropriations for 39 consecutive years, during all administrations, since he was first employed. Since 1884 he was the clerk of that committee until the time of his death last September.

He devoted his whole time and attention during all those years to the service of that committee and the Government, and it is safe to say that no man connected with this House, either within the Chamber or out of it, was more faithful and valuable and meant more to the Government, so far as his work was concerned, than Mr. Courts, and we think that under the circumstances it is nothing but right that we should allow a year's salary to his widow, just as we would in the case of the widow of a Member of Congress, if a Member of Congress died. Heretofore in the case of other employees we have allowed a sum equal to six months' salary.

I am inclined to believe that the resolution is a highly proper one under the circumstances, and I want it distinctly understood, so far as the Committee on Accounts is concerned, that we are not offering this as a precedent for the future. And yet if it is construed as a precedent in the future, there is no danger, because this individual served 39 years, and if anybody else served 39 years it would not be a serious burden to the Government if a year's salary were allowed.

Mr. SIMS. Mr. Speaker, will the gentleman permit a question?

Mr. LLOYD. Yes.

Mr. SIMS. Is it not also a fact that he was thoroughly efficient?

Mr. LLOYD. Undoubtedly so.

Mr. MADDEN. Mr. Speaker, will the gentleman allow me three minutes?

Mr. LLOYD. Yes; I yield three minutes to the gentleman.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, it was my privilege to know Mr. Courts during his lifetime as the clerk to the Committee on Appropriations, and to serve with him as a member of the committee. I can think of no man who has ever served the Government of the United States who served it with as great devotion and as unselfishly and with greater ability than Mr. James C. Courts.

It must be regretted by everybody that a man of his type has to be called away. There never was a man in the Government service, I believe, no matter what position he may have held, who was so thoroughly devoted to the service as Mr. Courts was. I think there never was a man in the service of the Government who so thoroughly understood the service as he did. There never was a time when a member of the Committee on Appropriations called upon him for information that he did not have it at his fingers' ends. He was courteous, accommodating, assiduous in the discharge of his duties, always ready to meet every demand. He was an ideal public servant.

I regret as much as any man can that he has been called away from the activities in which he was so long engaged. To be a servant to the public such as Mr. Courts was is the greatest honor that I believe can be conferred upon a man. It does not necessarily follow that a man must be conspicuous in the public eye in order to be a great citizen; and if there ever was a great citizen, performing a great service to a great people, James C. Courts was that man. And we can do no greater honor to ourselves than to pass without a dissenting vote the resolution presented by the chairman of the Committee on Accounts. It seems to me that even then we shall not have done the honor to the memory of James C. Courts that he is entitled to.

I shall always remember my acquaintance with him as one of the pleasantest things that I have ever known in public life, for he surely was a man who merited the confidence of every person with whom he came in contact, and earned the right to the confidence of the American people. His memory is justly entitled to a place upon the records of the Congress of the United States. [Applause.]

Mr. LLOYD. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] is recognized for two minutes.

Mr. SIMS. Mr. Speaker, Mr. Courts was from the town of Huntingdon, Carroll County, Tenn., a town and county in my district, and I want to say from intimate personal knowledge of Mr. Courts that everything that has been said in his praise here is true and those that knew the details might talk for hours and then not tell all the elements of the beneficial public service rendered by this man for nearly half a century.

But I do feel that I ought to add that I am personally well acquainted with his family, and I know that Mrs. Courts and his family are worthy of anything that this Government may do for them. If Mr. Courts had given his life to the service of some profitable industry or to some money-earning corporation, no doubt his family would not now need this appropriation. But as it is they do need it. I want to ask, as the gentleman from Illinois who has taken his seat [Mr. MADDEN] did, that every Member of this House vote for this resolution in view of the facts and circumstances. If I asked for less, I feel that I would be recreant in the manifest discharge of my duty. But should another case of this sort arise, if any future clerk of that great committee who has rendered such conspicuous and valuable service to his country dies after so long and so efficient service, I hope that the Congress will at that time deal generously with his family and with his name and fame.

Mr. AUSTIN. May I have a couple of minutes?

Mr. LLOYD. I yield to the gentleman from Tennessee [Mr. AUSTIN] two minutes.

Mr. AUSTIN. Mr. Speaker, I wish to add my tribute of esteem and affection for the late clerk of the great Committee on Appropriations. I first met Mr. Courts 35 years ago when I was the Assistant Doorkepeer of this House and he was the assistant clerk to the committee, and we kept up our acquaintance and friendship until the time of his departure. I was very much attached to him and valued his friendship. I not only counted him my personal friend, but the members of our families long ago learned to love each other. It is well for this great legislative body to pause for a while in its deliberations and work to pay a just and fitting tribute to one who rendered such signal and valuable service to his country. He was a son of Tennessee, and his ancestors were among the pioneers of the Volunteer State. It will be a long, long time before his position will be filled with that signal ability, faithfulness, and patience which he demonstrated throughout his long years of service to his country.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

THE CHAPLAIN.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The Clerk read the resolution, as follows:

House resolution 413 (H. Rept. 1239).

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to the Rev. Henry N. Couden, Chaplain of the House of Representatives, the sum of $300, as additional compensation for the fiscal year 1917.

Mr. LLOYD. Mr. Speaker, the Chaplain of the House at the present time receives $1,200 a year. A number of Representatives on the floor have insisted that the present Chaplain is entitled to better recognition, and a resolution was presented and referred to the Committee on Accounts asking that for this fiscal year the amount be increased $300, making it $1,500; and after investigating the matter the committee came to the conclusion that it was proper recognition.

Mr. COX. How much does the Chaplain of the Senate get?

Mr. LLOYD. I do not know.

Mr. COX. I think he gets only $1,200 a year.

Mr. MANN. He gets $1,200.

Mr. COX. I think that is what he gets. The present Chaplain of the House gets a pension, does he not?

Mr. LLOYD. I do not know.

Mr. MANN. He does.

Mr. COX. I understand he gets a pension of $72 a month.

Mr. LLOYD. If he gets a pension of $72 a month, he gets it because he deserves it. Any man who has lost his eyes as a result of Army service is poorly paid when he is paid $72 a month for his eyes. [Applause.]

Mr. COX. That is true. I thoroughly agree with that statement. I have profound respect for our Chaplain, but I do not see any necessity of paying more than the Senate pay theirs. No reason has been advanced for it yet that satisfies me. However, I am sure this resolution is going to pass.

Mr. MANN. Will the gentleman from Missouri yield to me a couple of minutes?

Mr. LLOYD. I yield to the gentleman from Illinois, who introduced the resolution.

Mr. MANN. The Chaplain of the Senate and the Chaplain of the House now receive the same salary. The Chaplain of the Senate is one of the ministers of the town, having charge of a church here, and I should say that $100 a month was pretty fair compensation, under those circumstances, for the service he performs for the Senate, and doubtless we could obtain the same service for that money without any difficulty.

The present Chaplain of the House has been Chaplain since before I came here, and I have been here several years. He was continued under the Democratic administration, although he was a Republican, and I suppose he still is. I pay tribute to that side of the House for having continued him. In recent years we have imposed some additional duty upon him by publishing his prayers. But the real reason for the introduction of this resolution grows out of these circumstances: The Chaplain is blind. His wife has been in the habit of conducting him to the Capitol, and she has been the person to look after him in every way whatever. Recently she was afflicted with a paralytic stroke and is now unable to perform the services which were performed by her before, and instead of being an aid to him in conducting him around, she herself now requires some attention. The House the other day, by unanimous consent—that is, on an amendment that I offered, which was subject to a point of order—increased the salary of the Chaplain of the House for the next fiscal year by the sum of $600 so long as the office was held by the present incumbent. I introduced a resolution to pay $300, or half that amount, for the next six months, understanding that it met the approval of the full House, by the action taken on the legislative bill for the next fiscal year.

Mr. LLOYD. Mr. Speaker, in the matter of the blind who have been here we have been kind, I think. The Member of the House who is blind is furnished a page at Government expense. The Senator of the United States who is blind is furnished a page at Government expense, and under the unfortunate cir-

cumstances which have come to the Chaplain, it looks to me as though this additional compensation may very properly be given.

I ask for a vote.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

PORTRAIT OF EX-SPEAKER CANNON.

Mr. LLOYD. The gentleman from New York [Mr. HICKS] will present a resolution from the committee.

Mr. HICKS. I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

House resolution 416 (H. Rept. 1240).

Resolved, That the Committee on the Library is authorized and directed to procure a portrait of former Speaker JOSEPH G. CANNON at a cost not exceeding $2,000, the same to be paid out of the contingent fund of the House of Representatives upon vouchers approved by the Committee on the Library.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LOBECK, for two days, on account of illness.

DISTRICT OF COLUMBIA APPROPRIATIONS.

On motion of Mr. PAGE of North Carolina, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, with Mr. GARRETT in the chair.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent to return to page 54, line 8, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 54 for the purpose of offering an amendment. Is there objection?

Mr. BENNET. Reserving the right to object, let us hear what the amendment is.

Mr. PAGE of North Carolina. It is merely to offer a letter to properly spell a word. The word "estimate" should be "estimated."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 54, line 8, strike out the word "estimate" and insert the word "estimated."

The amendment was agreed to.

The Clerk read as follows:

For 11 copies of volumes 48 and 49 of the reports of the Court of Appeals of the District of Columbia, authorized to be furnished under section 229 of the Code of Law for the District of Columbia as amended July 1, 1902, at $5 each, $110.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. The debate on the bill yesterday was enlivened by a discussion participated in by Members on both sides of the House relative to the causes and effect of the last election. In view of the interest that the House took in that discussion, I would like to have read in my time a speech on that subject recently made by a former Member of the House, the Hon. Frederick Landis, of Indiana, one of the wittiest men, I think, that has ever sat in this House, certainly in my time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have read in his time a speech by Mr. Landis. Is there objection?

There was no objection.

The Clerk read the speech, as follows:

INDIANA'S NEW HUMORIST TELLS ABOUT ELECTION.

[From speech of Hon. Fred. Landis at Indiana Society Banquet.]

Indiana has just finished a great campaign, and the result was due to a diminished homicidal tendency among Republicans and to the absence of so many Democrats at Leavenworth.

It was a "campaign of education," and the Federal grand jury is now preparing to issue the diplomas.

In Washington the social season begins with Congress, but with us it begins with this grand jury, and this august body opens automatically as the polls close.

The people at home were resigned throughout the late contest. If the Democrats won, MARSHALL would be Vice President, and if the Republicans won it would be Fairbanks.

We were bound to lose, no matter how it went!

We are in the midst of great activity; newly elected candidates are writing reminiscences of their childhood and cigarette testimonials; defeated candidates are withdrawing from secret societies and entering the insurance business; gravel-road contractors, prompted by Anglo-Saxon unrest—and the dictograph—are moving to the far West; party workers are closing cellar windows with the lithographs of their heroes; those who lost election bets are dodging up and down alleys; post-office applicants are sending petitions to Congressmen and receiving garden seeds in reply, while multitudes from the land of my ancestors are changing the names of their children from Theodore to Adolph!

The whole contest was unsatisfactory; whenever a man thought of Hughes he was for Wilson, and whenever he thought of Wilson he was for Hughes, and so the votes of States were cast for the gentleman whom the voters did not have in mind when they went to the polls.

We of the "G. O. P." were at a great disadvantage.

It was charged that our nominees did not belong to the human race, and we were never quite able to supply them with satisfactory credentials, even with the assistance of John T. McCutcheon, by all odds the most effective Republican campaigner in the United States.

We were handicapped by another thing in the late fight; the masses could not be convinced that our leaders really were candidates for office. Whole towns would come down to the railroad yards, where we had them on exhibition, look them over, and then conclude that they must be on their way to a Dunkard conference somewhere.

It was a great mistake to let anybody see them!

As in the case of that other great Republican, James J. Jeffries, Mr. Hughes was overtrained—and in both cases it occurred in California.

Looking backward, we now realize that the country would have been saved if we had just played croquet.

Many were surprised when Mr. Wilson received the votes of so many women, but that was only to be expected. The women of the country are very grateful to the President, whoever he may happen to be; they realize that if men did not have him to abuse millions of them would beat their wives!

There is one thing, however, for which we may all rejoice—the people are thinking more than ever.

God only knows what they're thinking about—but they are!

Indiana is "progressive"—except on election day.

She will not let any State go around her.

And so she is for "preparedness."

She demands that amount of it which is necessary to prevent her being pillaged by anybody except those whom she has elected for that purpose.

She is not provincial and she has no prejudice against foreign destroyers; she simply does not need them.

She has a band of statesmen who are guaranteed to make any place resemble a Belgian cathedral within 48 hours!

But while euthusiastically for "preparedness," we can not exactly agree as to its habits and customs.

The followers of Bryan insist that it means boundless love; they declare that we will never be absolutely safe till we have at least 20,000,000 trained Romeos.

Then if the Japs should come, we would meet them at the Golden Gate and utterly overwhelm them with a game of "post office"!

The adherents of the President are heroic; they stand where Thomas stood at Chickamauga.

They will consent to nothing less than universal penmanship!

The "Old Guard" of my altogether harmonious party would do nothing till danger stood at the door; it would just go on watering the stock till the invader appeared and then it would convene the national committee of 1912 and command it to throw the invader out!

Since the passage of the corrupt-practices act our prosperity has rested upon the farm. It is the only thing which does rest upon the farm, except the president of your society—Mr. George Ade.

This gentleman has done a great thing for Indiana; he has developed her sense of humor till it is impossible to find anybody willing to serve on a governor's staff.

It is doubtful if the country could have survived the last four years without George Ade.

When President Wilson cold-creamed the dictionary and powdered it and florida-watered it and penciled its eyelashes and taught it to "walk Spanish" and enter the parlor properly and bow and retire without turning its back on any of the "company" or bringing its bustle in contact with the whatnot—it was at this critical period in our national life that the head of your society became indispensable to our very existence!

What a refuge he has been after a debauch of "perfect English"!

When our medulla-oblongatas and "Colorado Maduros" have been jammed full of metaphorical ladyfingers—what heavenly surcease it has been to have George Ade drag Noah Webster from his pedestal and saw off both of his legs!

[Laughter.]

The Clerk read as follows:

In all, municipal court, $25,050.

Mr. LEWIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. RAINEY). The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

Court of Appeals Building, District of Columbia: Two watchmen, at $720 each; elevator operator, $720; three laborers, at $480 each; mechanician (under the direction of the Superintendent of the Capitol Building and Grounds), $1,200: *Provided*, That the clerk of the court of appeals shall be the custodian of said building, under the direction and supervision of the justices of said court; in all $4,800.

Mr. PAGE of North Carolina. Mr. Chairman, I move to amend the bill in line 23, page 76, in the last word. In that line there are two letters missing. It should be "appeals."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 76, line 23, strike out "appea" and insert "appeals."

The amendment was agreed to.

The Clerk read as follows:

REFORMATORIES AND CORRECTIONAL INSTITUTIONS.

Washington Asylum and Jail: Superintendent, $1,800; visiting physician, $1,200; resident physician, $480; two assistant resident physicians, at $120 each; clerk, $840; engineer, $900; three assistant engineers at $600 each; night watchman, $480; blacksmith and woodworker, $500; driver for dead wagon, $365; hostler and driver, for supply and laundry wagon, at $240 each; hospital cook, $600; assistant cooks—two at $300 each, one $180; trained nurse, who shall act as superintendent of nursing, $1,200; two graduate nurses at $480 each;

graduate nurse for receiving ward, $480; two nurses for annex wards at $540 each; nurse for operating room, $540; eight orderlies, and two orderlies for annex wards, at $300 each; pupil nurses, not less than 21 in number (nurses to be paid not to exceed $120 per annum during first year of service, and not to exceed $150 per annum during second year of service), $3,000; registered pharmacist, who shall act as hospital clerk, $720; gardener, $540; seamstress, $300; housekeeper, $420; laundryman, $600; assistant laundryman, $365; three laundresses at $360 each; two chambermaids, three waiters, and seven ward maids, at $180 each; temporary labor, not to exceed $1,200; operator of X-ray machine, $600; pathologist, $600; anæsthetist, $300; in all, $29,610.

Mr. KING. Mr. Chairman, I desire to move to amend line 15 by striking out the figures "600" and inserting "720."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 78, line 15, by striking out the figures "600" and inserting "720."

Mr. DAVIS of Minnesota. To that, Mr. Chairman, I reserve a point of order.

Mr. KING. Mr. Chairman, as I understand, this is the recommendation of the commissioners. There are three assistant engineers who have charge of the engines, and I note on the page just before that you are paying the fireman the sum of $720. It occurs to me that this is the same pay for the same character of work.

Mr. PAGE of North Carolina. Will the gentleman allow me?

Mr. KING. Certainly.

Mr. PAGE of North Carolina. The fireman that the gentleman refers to in the preceding paragraph is at the courthouse, and has to furnish his own board and keep. The fireman at this institution is furnished subsistence, and that accounts for the difference in the pay.

Mr. KING. What does the gentleman mean by "subsistence"?

Mr. PAGE of North Carolina. He is fed—he receives his board; and as to the lodging I am not sure.

Mr. KING. I do not understand it that way.

Mr. PAGE of North Carolina. Then the gentleman has a wrong understanding. Every one of these employees in this institution receives their subsistence—their board.

Mr. KING. Mr. Chairman, these engineers have families who are dependent upon the salary of $50 a month that they receive.

Mr. PAGE of North Carolina. I have no information about the families, but I know that every employee in the institution is furnished with board. That accounts for the rather lower range of salaries in this institution than in others.

Mr. DAVIS of Minnesota. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from North Carolina a question. Every once in a while we read in the newspapers some criticism of the lack of emergency-hospital service in Washington. I have rather a complete ignorance on the subject. Is the gentleman prepared to say whether, in his judgment, there is an adequate emergency hospital in this city?

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman from New York professes complete ignorance of this question, it would take me very much longer than the limit I can likely secure under the five-minute rule to enlighten him. It is a long story. Answering his question directly, my judgment is that the facilities for the care of the indigent sick in the city of Washington are less good than in any municipality of which I have any knowledge.

I have said on former occasions on the floor of the House, addressing myself to this subject, that it was the one crying disgrace in the Capital of the Nation that no better facilities were provided for the care of this class of people within this jurisdiction. I have been trying since I have had charge of this bill to bring about a condition by which the District government could construct a municipal hospital that would be in keeping with the needs of the Capital itself. There are so many angles of opposition to the construction of such a hospital that it is absolutely futile to undertake it in this House. It has been provided on this bill several times and it always goes out. In writing the bill this time the subcommittee have been at last convinced that there was no hope of commencing the work on a municipal hospital in the District to relieve the District needs, and we have provided somewhat more liberally for the patching up of the present quarters used for that purpose.

I wish that at some time I might have the time again before I retire to private life upon the 4th of March next to express my indignation not altogether at the action of this body but largely at the action of the citizenship of the District of Columbia. They are aiding in this opposition to a hospital because nobody wants it located within 5 miles of where he lives. I have neither the time, I will say to the gentleman from New York, nor would the House indulge me if I were to undertake to go fully into this matter. It is a question upon which I feel rather strongly, and could express myself equally so.

Mr. BENNET. Mr. Chairman, I am absolutely astounded at the situation disclosed by the remarks of the gentleman from North Carolina. As I said when I rose, I had a complete ignorance upon the subject, but it seems to me almost incredible that in these enlightened days—I might almost say these softer days—necessary hospital facilities should be impossible to obtain in a city the size of the city of Washington. I represent in part a large city, and over on the Manhattan end, in New York County, although the population is much more dense than it is in any part of the city of Washington, we have three hospitals that I can think of at the moment. They had two, and just this last week another one was authorized. That is in addition to the homes for the aged and matters of that sort.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. Possibly I do not thoroughly understand the gentleman from North Carolina [Mr. PAGE]. The gentleman from Illinois [Mr. MANN] rather starts me on a new line of thought. In addition to our public hospitals in the city of New York, we have many—I do not know how many; probably 70 or 80 or 100—that might be called semipublic, like St. Vincent de Paul, or the Presbyterian Hospital, or the Polytechnic, and homes, like the Home for Incurables and the Home for the Aged, and so forth. Did the gentleman's criticism include hospitals of that character, or did he understand me as referring only to entirely public hospitals?

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the gentleman that I directed no criticism at all to the private hospitals or their facilities or the treatment of the patients assigned to them, but they exercise a rather strict surveillance over the character of patients that are assigned to them by the Board of Charities, and the diseases with which they are suffering. I am not exactly sure of the sum, but I am quite sure that the Government of the United States has invested in the construction of private hospitals on land owned by private corporations within the last few years—10 or 15—more than $2,000,000 in this city, hospitals to which it has absolutely no title—enough to have constructed three municipal hospitals for the care of all these sick. Under a contract made by the Board of Charities as provided for in this bill with these private hospitals, they care for patients at a certain contract price, but there is an excess of patients over and above those contracted for by the Board of Charities, and there are now lodged in these wooden buildings, and in many instances under insanitary conditions, more than 300 indigent sick people. There are indigent sick people suffering from rheumatism lodged in the basement of a building below ground. There are men on cots in corridors, the crowded condition is such. The Government years ago secured a plat of land of 14 or more acres at Fourteenth and Upshur Streets, in the northwestern part of the city, on which has been constructed one unit of a municipal hospital, a tuberculosis hospital, and the proposition was made to construct a municipal hospital on the land owned by the District in that locality, an elevated portion of the District, and the whole northwestern part of the city rose up in arms against its location there. They have approached Members of Congress individually and have had them pledge themselves in some instances against voting for an appropriation for this hospital unless it was specified it should not be located on that particular spot. Other people in other sections of the city where there was probability that it might be located have come with petitions and protests. There is no place within the District of Columbia where the citizens in that part will allow a hospital of this character to be constructed without protest.

Mr. BENNET. Does not the gentleman think it is about time that the people of the city of Washington learned that they live in a city and that the sick of the city must be cared for in the city?

Mr. PAGE of North Carolina. I think, and I shall put it just as strongly and a little more so than did the gentleman awhile ago, that this condition and the objection of the citizens to the establishment of this institution for the care of the indigent sick is inhumane.

Mr. BENNET. Why does not the gentleman, before he gets away from the proper part of this bill, give some one at least the opportunity of making the point of order against the provision for a hospital? Why not try out the proposition?

Mr. PAGE of North Carolina. Why, Mr. Chairman, I will say to the gentleman that I brought it into this very Congress, in the last session of this Congress, in the bill when it came from the Senate. Why should I merely make an experiment? I have made protests here in the interest of this institution, very much stronger than merely offering it to the House for its acceptance, to see it go out on a point of order; and I do not see that we gain anything or get anywhere. I can go further, and will say to the gentleman that if the subcommittee having charge of this bill had not known that we could not get it to pass this House we would have inserted it in this bill, without giving away any secret; but it is something that has been tried out. I do not know how other men may be, but I sometimes recognize the fact when I am utterly licked, as I am in this case.

Mr. BENNET. Of course the gentleman knows this House, and no one would ask him to do a futile thing. Certainly his feelings on the subject are strong enough, and, therefore, the House must assume that he has exhausted every expedient which he thinks would be helpful.

The CHAIRMAN. The time of the gentleman from New York has again expired, and, without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Payments to destitute women and children: For payment to beneficiaries named in section 3 of "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906, $6,500, or so much thereof as may be necessary, to be disbursed by the disbursing officer of the District of Columbia, on itemized vouchers duly audited and approved by the auditor of said District.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill whether there is in the District of Columbia anything in the nature of a widowed-mothers' act?

Mr. PAGE of North Carolina. No; not that I am familiar with, and I think not. I think I can say positively there is not.

Mr. BENNET. So if a woman, for example, is widowed and unable to support her children they must, if they are cared for by the municipality, be taken away from her and sent to an institution?

Mr. PAGE of North Carolina. They must be taken care of by the Board of Charities at some private institution. There is no provision or law by which she could, because of her condition as a widowed mother, receive directly from any fund for her support.

Mr. BENNET. Does the gentleman know whether there has been an attempt made to pass one of these modern statutes in reference to widowed mothers?

Mr. PAGE of North Carolina. Not being on the legislative committee for the District of Columbia, I can not answer that question. Not through the Committee on Appropriations.

Mr. BENNET. This seems to be the only opportunity we have to talk about legislation for the District, and therefore the gentleman must excuse me if I ask these questions.

Mr. PAGE of North Carolina. The gentleman is excused. I can not answer the gentleman; I do not know.

Mr. BENNET. I thank the gentleman very much.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Support of prisoners: For maintenance of jail prisoners of the District of Columbia at the Washington Asylum and Jail, including pay of guards and all other necessary personal services, and for support of prisoners therein, $50,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I make this motion for the purpose of making an inquiry of the committee as to the reason for not setting out the officers paid under this appropriation. Does this appropriation include the officers and their salaries?

Mr. HOWARD. It includes the superintendent, the deputy superintendent, the superintendent of buildings, a clerk, captains of the watch, guards, engineers, matrons, steward, stenographer.

Mr. DOWELL. May I inquire why these officers and their salaries are not set out in the bill the same as other provisions have been?

Mr. HOWARD. This is the reason: They vary in the number. They had to be carried under the provision making appropriation for the maintenance of the jail. Now, for instance, they have 13 guards estimated for in this bill, 2 engineers, matron, steward, stenographer, 1 superintendent, 1 deputy superintendent, 1 superintendent of buildings, a clerk, 3 captains of the watch. That is the estimate for this year.

Mr. DOWELL. Does the gentleman understand that the salaries of these officers provided and not set out in this paragraph are increased in the general appropriation of a per cent of increase the same as the other officers named?

Mr. HOWARD. I think the contemplation is if the salaries are less than $1,200 they get a 10 per cent increase, and if they are from $1,200 to $1,800 they get a 5 per cent increase.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

National Training School for Girls: Superintendent, $1,200; treasurer, matron, and 4 teachers, at $600 each; overseer, $720; 2 parole officers, at $600 each; 7 teachers of industries, at $480 each; engineer, $720; assistant engineer, $600; night watchman, $480; 2 laborers, at $300 each; in all, $12,480.

Mr. PAGE of North Carolina. Mr. Chairman, in line 22, page 81, the paragraph just read, I offer an amendment to insert a hyphen at the end of the line.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 81, line 22, at the end of the line insert a hyphen.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Columbia Hospital for Women and Lying-in Asylum: For care and treatment of indigent patients, under a contract to be made with Columbia Hospital for Women and Lying-in Asylum by the Board of Charities, not to exceed $20,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill what system is pursued in reference to these indigent lying-in cases? Is there a contract by which the physician gets so much?

Mr. PAGE of North Carolina. There is a contract by which they are assigned by the Board of Charities to this hospital under a contract price, and that contract price is, adults, $1.20 a day, and infants, 40 cents a day.

Mr. BENNET. Does the gentleman know whether any investigation has been made as to whether this is abused? My reason for asking the question is this: We have a similar provision in the city of New York—of course, covering a great many more hospitals—by which the hospital gets $25 for each case, not to exceed $8,000 in the aggregate per hospital. We found, I regret to say, and very much to my surprise, that many women who could have afforded to be taken care of during this trying time not only in comfort but in luxury in their own homes actually go as indigent patients to these hospitals to be cared for.

Mr. PAGE of North Carolina. I have heard of no cases of abuse along that line here. Of course, this hospital takes in a great many pay patients.

Mr. BENNET. Does anybody in the District of Columbia, any official body, ever investigate these matters?

Mr. PAGE of North Carolina. There is a body, a board of directors or managers, constituted under the law, consisting of two Members of this House and one Member of the Senate, the Surgeon General of the Army and the Surgeon General of the Navy, and various other prominent people connected with the Government, and the commissioners are also, I think, members of the board, at least a part of them, who are supposed not only to be the governing but the regulating body.

Mr. BENNET. Of the hospital?

Mr. PAGE of North Carolina. Of the hospital.

Mr. BENNET. But what I had more particularly in mind, and we found this necessary from time to time in New York City—and I suppose they have in other cities—does anybody corresponding, for instance, to the comptroller of the city of New York, who is our financial officer, or the commissioner of accounts, or investigating officer—is there anybody in the District government charged with the official duty of investigating this character of expenditure of the people's money?

Mr. PAGE of North Carolina. All these expenditures through the Board of Charities are audited, as I understand, by the auditor of the District of Columbia—that is, so far as the accounts are concerned. Now, as to any investigation by anybody charged with an oversight or investigation as to whether or not the Board of Charities, in making these assignments, send to this hospital at public expense people who are not indigent or people who are abundantly able to pay their own hospital fees, I think not. I think that matter has no supervision other than by the Board of Charities.

Mr. BENNET. I call the gentleman's attention to the fact that in this city of 350,000 people—is it not?

Mr. PAGE of North Carolina. It has about that population.

Mr. BENNET. Here is an expenditure of $92,500 for what might be called dispensary purposes.

Mr. PAGE of North Carolina. I will say to the gentleman he can supplement his figures, in another bill that will be reported to this House. The sundry civil bill carries an appropriation to the Providence Hospital of $19,000 and to the Garfield Hospital of $19,000 for care, under contract, of indigent patients.

Mr. BENNET. That is $38,000 more.

Mr. PAGE of North Carolina. Yes.

Mr. BENNET. That is $130,000 for dispensary service. I have no objection if it is spent for indigent people. But it does seem to me a fairly large expenditure for a city that is not one of the largest. I just wanted to find out whether there was any official corresponding to the comptroller of the city of New York, whose duty it was to do what the comptroller and the commissioner of accounts of New York City do—that is, investigate if these expenditures are properly made.

Mr. PAGE of North Carolina. These accounts are all audited. As to these people who are supposed to be indigent and who make applications to the Board of Charities for treatment in these hospitals, their cases are looked into by some employee of the Board of Charities before they take them to the hospital.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAGE of North Carolina. I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PAGE of North Carolina. The Board of Charities, I will say to the gentleman, is appointed by the President of the United States. It is one of those mix-ups that we get in this particular jurisdiction, where we have a school board appointed by the Justices of the Supreme Court, a Board of Charities appointed by the President of the United States, and a recorder of wills and a recorder of deeds appointed by the President of the United States.

Mr. BENNET. And irremovable assistant assessors?

Mr. PAGE of North Carolina. Yes; and all these go out when you try to remedy the matter by a point of order. And the gentleman can see it is very hard even when a man tries to spend all his time to get clearly in his mind even the administration of all this intricate system we have worked up here by patchwork in the District of Columbia; but I can say to him positively there is a very strict and close supervision of the character of patients, as to whether or not they are indigent, that are assigned to these various hospitals.

Mr. BENNET. Of course, the gentleman says the accounts are audited, but the gentleman and I both know what that means. Here is an appropriation, we will say—the one we are now discussing—of $20,000. The superintendent, or some one else, of the Columbia Hospital for Women and Lying-in Asylum certifies in accordance with the contract with the Board of Charities that they have treated so many women in accordance with the contract, and when that certificate comes up to the auditor, if there is an unexpended balance in the appropriation, he has no function except to audit it?

Mr. PAGE of North Carolina. None whatever.

Mr. BENNET. It is a proper appropriation, a proper contract, authorized by law, a certified service, and all he has left to do is to multiply?

Mr. PAGE of North Carolina. Except, it may be added to the gentleman's statement, the Board of Charities makes some review of all these expenditures.

Mr. BENNET. Well, without criticizing the Board of Charities—I do not know who they are——

Mr. PAGE of North Carolina. They are very eminent gentlemen in the city of Washington.

Mr. BENNET. I have no doubt that they are among the best men that could have been selected. But is it a paid function?

Mr. PAGE of North Carolina. It is not a paid function; it is voluntary service.

Mr. BENNET. Then they probably give it more or less casual attention?

Mr. PAGE of North Carolina. I will say to the gentleman, incidentally, that while we were preparing the appropriation bill at the last session of Congress this eminent body of men came before us and asked if we could not dispense with the Board of Charities and relieve them of the obligations.

Mr. BENNET. It does seem to me—of course the gentleman and I are not going to be here very long, and I regret it so far as the gentleman is concerned——

Mr. PAGE of North Carolina. The same to the gentleman.

Mr. BENNET. But it has always seemed to me that we, coming from different parts of the country, the 435 of us, ought at times to bend our energies toward making the government of the city of Washington a model city government, and if we find there is anything missing possibly we are not wasting the time of the House if we call the attention of those who are to succeed us at least to an omission in the government.

Mr. PAGE of North Carolina. I can say to the gentleman that among the many regrets that I may have when I retire to private life one will not be that I have not made an earnest effort to better the government of the District of Columbia.

Mr. BENNET. We all know that the gentleman has done that. [Applause.]

Mr. MANN. Mr. Chairman, I do not want to strike out the last word, but the gentleman from New York [Mr. BENNET], by his suggestion, might lead us to believe that in New York City—which by the way I would hardly take as a model of city government as against the administration of the city of Washington—when somebody goes to a hospital as a charity patient, the comptroller sends out a lot of agents and finds out what the man's condition is, and does something more than merely pass upon the account. But the comptroller is nothing but an auditor, usually with a little higher power. The comptroller in New York City, I apprehend, does nothing more to these accounts than the auditor does here, unless he has a lot of personal representatives—which would not be improbable under Tammany control—to send out and make an investigation at an expense of a thousand dollars to see if they are to expend $2 on the patient.

The Board of Charities of this city is one of the best boards in the United States. I have never seen any official, except the gentleman on the floor of this House from New York City, that I would rather intrust with an affair than the members who constitute the Board of Charities in Washington. They are very competent men, rendering a splendid service, just as many men render splendid service throughout the country in official positions, and they often do it on school boards where other officials are paid who are elected to office. Here men who desire to have preferment in office in Washington as a rule can not seek some office which pays a salary. Some of them accept offices which do not pay salaries and perform their services well. I know some members of the Board of Charities here, and I frequently take occasion to discuss with them the situation in Washington under their control, and I think I never have found any body of men who did their work apparently better, with more disinterested patriotism, than does the Board of Charities in Washington.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three or four minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for four minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, as I said before in my remarks, I do not know even who the present members of the board are. My criticism is as to a defect in the system. The gentleman from Illinois [Mr. MANN] has a very wide knowledge of many subjects, but one of the omissions in his knowledge is as to the powers of the comptroller of the city of New York. Incidentally he seems to have forgotten for the moment—because I take it for granted that he knows—that for the last seven years the comptroller of the city of New York has been an anti-Tammany comptroller, and that since 1901 the comptroller in office has been more frequently an anti-Tammany official than a Tammany official. As a matter of fact, the city of New York has ceased to be a Democratic Gibraltar, and we are just as apt to elect on the general ticket in the coming municipal campaign in 1917 an anti-Tammany ticket as a Tammany ticket.

The comptroller has precisely the functions that I indicated he has. The commissioner of charities can make contracts in New York City similar to those evidently authorized by law in the District of Columbia, for which we are appropriating here, but the comptroller has the power not merely to audit, but to send his representatives, of whom, as the gentleman from Illinois happily guessed, he has many, into the various institutions to find out how the contracts are being carried out. And in a city which does as this city does, spending the something like $13,000,000 or $14,000,000 as carried in this bill, there ought to be somebody who has the power beyond the mere auditing of an account to pass upon the character and propriety of contracts entered into by a board, and especially unpaid boards; because, while I do not doubt for a moment that the gentlemen, and possible the ladies, who compose the Board of Charities are

very excellent people, nevertheless we all know from our own experience that busy people who accept unsalaried positions are quite apt to delegate responsibility to the salaried officials under them. It can not do any harm to have commissioners of accounts, as they have in New York, and I have no doubt as they have in Chicago, or to confer upon somebody in the District the same powers that are exercised by our comptroller, or the powers that some official in Chicago exercises, I will hazard the guess, even though I have a good deal of ignorance on the subject.

Why, under our city charter if a man makes a contract with the city of New York for the furnishing of supplies at a certain price and the comptroller of the city of New York finds out that that contract was at a higher price than the market value, or than a reasonable value, the city can defend a lawsuit based upon the contract, and can confine the man who furnishes the supplies to a reasonable or market value of the supplies. In other words, we have attempted in every possible way to hedge about the treasury, and it seems to me that while very possibly the government of the city of Washington is superior to the government either of the city of Chicago or of New York—and I do not hazard an opinion in either case—nevertheless when we find in either city some one good thing whereby we are discharging a public duty and exercising a public function and call the attention of this House, which is the board of aldermen of the District of Columbia, to the fact that somewhere in New York or even in Chicago there exists a better municipal plan than that which is being used in the city of Washington we ought to be willing to consider it on its merits with an open mind. For instance, I asked the gentleman a moment ago in relation to the widowed mother. We have, and it is very possible they have in Chicago—they lead in many things there—we have in New York City a provision to prevent the disruption of families, which does not exist here in Washington. If a woman, as the gentleman from North Carolina [Mr. PAGE] says, has a child whom she is unable to support, the only thing she can do is to send that child to an institution; a necessary thing, but a cruel thing to the child. We provide in the city of New York that a woman similarly circumstanced can, under proper regulation, receive the same amount of money for the same child, to be applied to the support of that child in the home, because, although we may be mistaken about it, we do have the opinion that the foundation of society is the home, a proper home, and that money expended for a child is far better expended in keeping the home of that child intact than to spend a similar sum to maintain that child, possibly with more food, more clothes, under a better roof in the best-managed public institution that any city in the world ever saw, and I think that is a splendid idea.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I move to strike out the last word.

Mr. FOCHT. Mr. Chairman, just a word.

Mr. PAGE of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. FOCHT. In justice to my own great home State of Pennsylvania I wish to say that we have in operation in that Commonwealth now what is known as the mothers' pension law, which provides for the care of children, or an allowance for the children, so that families may not be broken up; and I wish to add that it is working most successfully, and we are very proud of that measure. It was suggested and became a law as a consequence of the broad and humane activities of a former Member of this body, Hon. John K. Tener, who as governor signed the bill, thereby still further endearing him in the hearts of the people as a man of humanity and who believes in not only talking about but applying social justice.

Mr. PAGE of North Carolina. Mr. Chairman, in my time, may I ask the gentleman from Pennsylvania a question?

Mr. FOCHT. Yes.

Mr. PAGE of North Carolina. I believe the gentleman is a member of the Committee on the District of Columbia, which has jurisdiction over legislation relating to the District.

Mr. FOCHT. Yes.

Mr. PAGE of North Carolina. Has the gentleman tried to put that system in operation in the District of Columbia?

Mr. FOCHT. I have not heard anything of that. We have not had a meeting of the committee recently. When we have a meeting of the committee I shall be very glad to offer a bill of that kind. If the gentleman would assist in having a gathering of the members of that committee sometime, I would be very glad to offer such a bill.

Mr. PAGE of North Carolina. I will say to the gentleman that I am not a member of that committee. If that committee were a little more active, possibly I might be relieved of a great many of my own embarrassments in connection with this appropriation bill.

Mr. FOCHT. I think if the committee has been derelict it can not be charged to me. In any event, I will feel it a great privilege to offer to Congress a bill which will make adequate and systematic provision for dependent mothers and their children to supplant the present haphazard method employed in the District of Columbia.

Mr. PAGE of North Carolina. Mr. Chairman, I rise for the purpose of indorsing all that the gentleman from Illinois [Mr. MANN] said about the personnel of the Board of Charities. They are people not only very eminent in the District, but people whose character would be a guaranty of their proper supervision of any public function that they should assume. The board now consists of Mr. D. J. Kaufman, Mr. John Joy Edson, Mr. George M. Kober, Mr. George E. Hamilton, and Dr. John Van Schaick. The calling of the names of these gentlemen is a guaranty that, as far as they can, they are looking after the charities of the District of Columbia properly. Of course, I can not answer the definite questions asked by my friend from New York Mr. BENNET, but I have very great faith in the proper administration of those funds under this board.

The Clerk read to line 10, on page 83.

Mr. PAGE of North Carolina. Mr. Chairman, referring to line 8 on page 83, I offer an amendment to insert a hyphen at the end of that line.

Mr. MANN. It is not necessary.

Mr. PAGE of North Carolina. It is not necessary, but it is usual.

Mr. MANN. There will not be any hyphen there when the bill is engrossed, anyhow. It is only the division of the word "agreement" at the end of the line.

Mr. PAGE of North Carolina. I withdraw the amendment, Mr. Chairman.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DEWALT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) entitled "An act to provide for stock-raising homesteads, and for other purposes."

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Tuberculosis Hospital: Superintendent, $1,800; resident physician, $600; assistant resident physician, $300; roentgenologist, $600; pharmacist and clerk, superintendent of nurses, and engineer, at $720 each; pathologist, $300; matron, dietician, chief cook, assistant engineer, laundryman, and 8 graduate nurses, at $600 each; assistant cooks—1 $360, 2 at $240 each; assistant engineer, $480; elevator conductor, $300; 3 laundresses, at $240 each; farmer, laborer, night watchman, 4 orderlies, and assistant laundryman, at $360 each; 3 ward maids, at $240 each; 4 servants, at $240 each; in all, $20,460.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of displaying a little more ignorance. What is the office described in the first word on the first line of page 84?

Mr. MANN. What word?

Mr. BENNET. Roentgenologist.

Mr. PAGE of North Carolina. He is the man who operates the X-ray machine.

Mr. BENNET. I thank the gentleman very much.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President on December 21, 1916, had approved and signed bills of the following titles:

H. R. 8816. An act authorizing the Commissioner of Navigation to cause the sailing vessel *Golden Gate* to be registered as a vessel of the United States; and

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For board and care of all children committed to the guardianship of said board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place

to place, with authority to pay not more than $1,500 to institutions adjudged to be under sectarian control and not more than $400 for burial of children dying while under charge of the board, $80,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from North Carolina about the provision—

Not more than $400 for burial of children dying while under charge of the board.

Has the gentleman any idea how many children there are under the care of the board?

Mr. PAGE of North Carolina. On July 1, 1915, there were 1,930 children under the care of the board—1,677 permanent wards of the board and 33 were on the roll as feeble-minded. There were 183 temporary wards, and 17 of them were on the roll as feeble-minded. The aggregate is 1,930.

Mr. BENNET. At the average mortality rate amongst children I suppose the number of deaths would be somewhere around 25 to every 1,000. That would be somewhere around 50 children under the care of this board that might be expected to die in a year.

Mr. PAGE of North Carolina. I can not answer that question, but I will say to the gentleman that this limitation was placed in the bill at the suggestion of the people who are administering this fund. If there has ever been any deficit, they have never so reported to the committee.

Mr. BENNET. It indicates one of two things—either a very low rate of mortality, which would be very highly desirable——

Mr. PAGE of North Carolina. Let us hope so. During the year 1916 they spent only $50 of this appropriation; so there must be a very small mortality.

Mr. BENNET. Only $50 for the burial of children?

Mr. PAGE of North Carolina. Yes; that is embodied in their report.

Mr. BENNET. Then we must really assume that the deficit is made up by voluntary contributions, because we all know that the mortality rate is greater than that.

Mr. PAGE of North Carolina. I assume that the burial expenses of a number of the children who die are paid by private subscription or from some other fund, possibly of the institution in which they die; but the demand upon this fund of $400 during the last fiscal year for which we have a report was only $50.

Mr. BENNET. The other items in connection with the appropriation seem to be usual, and very possibly generous, but it strikes me that this item is small out of all proportion.

Mr. PAGE of North Carolina. I am not surprised that it attracted the attention of the gentleman, but, as a matter of fact, the reports to the committee show that they have never expended this amount, or anything like it.

Mr. BENNET. I withdraw the pro forma amendment.

The Clerk read as follows:

For care and maintenance of children under a contract to be made with the National Association for the Relief of Destitute Colored Women and Children by the Board of Children's Guardians, not to exceed $9,900.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from North Carolina if it is not possible that the colored children of the District do have the benefit of just the system described by the gentleman from Pennsylvania and myself. This language would seem to indicate it.

Mr. PAGE of North Carolina. I do not think these children are left with their mothers. I think that if they are cared for they are cared for by some arrangement made with the Board of Charities and not in their own homes.

Mr. BENNET. Does the gentleman have any knowledge about it?

Mr. PAGE of North Carolina. I do not. I want to say that while the gentlemen are mentioning this matter that almost every county in North Carolina apportions this indigent fund in the home.

Mr. BENNET. In the rural portions of New York State in the towns the overseer of the poor apportions the money to people in their homes. It is not anything new, but in these huge aggregations that we call cities, with their impersonal character, there has been in the past a sort of unconscious cruelty to children.

Mr. PAGE of North Carolina. The Clerk has just given me the information, and I will answer the gentleman's first question. This fund is all expended for children and none for women, and is administered through the organization. This must be expended under the law for children.

Mr. BENNET. But it is not expended to keep them in their homes, as is done in the gentleman's county and almost all rural counties in the United States.

Mr. PAGE of North Carolina. It is not. I am entirely safe in saying that none of this fund is expended in that way.

Mr. BENNET. Then, I regret it.

The Clerk read as follows:

Relief of the poor: For relief of the poor, including pay of physicians to the poor at not exceeding $1 per day each, who shall be appointed by the commissioners on the recommendation of the health officer, $12,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word in order to ask the gentleman from North Carolina, somewhat confidentially, how he would feel toward an increase of that appropriation if in any way it could be attached to a provision permitting the care of indigent children in their homes?

Mr. PAGE of North Carolina. I will say to the gentleman with perfect candor and without being confidential about it that without time to prepare a proper provision that would not be too far-reaching—there are so many institutions and so many instrumentalities connected with this matter that it is impossible to take care of all of them without careful preparation. I am in sympathy with the idea of the gentleman, and I hope all that has been said this morning may bring it before some Congress in the future in concrete form that may embrace all the institutions. As much confidence as I have in the gentleman's ability, and somewhat in my own, I do not think we ought to attempt it on the floor. There are a number of items scattered through the bill and a number of agencies through which the funds might be expended. I think it would be a little bit dangerous, and I think the gentleman will agree with me.

Mr. BENNET. I think the gentleman is correct. I will do one thing before I leave Congress, and leave it as a legacy to the successors of the gentleman and myself—I will introduce a bill embodying that proposition that can be taken up by somebody else at some other time.

Mr. PAGE of North Carolina. I think it would be a great help to those who come after us.

Mr. BENNET. I think it ought to be done, and I think the gentleman realizes that in the rural portions of the country the people have saved a great many useful children to the community by having them cared for in connection with private homes and not delivered over to the somewhat bare, cheerless, and unemotional care of the general public. It has to be done some time, but it should be avoided whenever it can be possibly done.

Mr. PAGE of North Carolina. I hope the gentleman will make his contribution for the benefit of those who serve here in the future.

The Clerk read as follows:

To enable the commissioners, in any case where special assessments, school tuition charges, rents, fees, or collections of any character have been erroneously covered into the Treasury to the credit of the United States and the District of Columbia in equal parts, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia appropriation act approved March 2, 1911, $1,500, or so much thereof as may be necessary: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, line 12, at the end of the line, add the letter "l," so that it will read "special."

The amendment was agreed to.

The Clerk read as follows:

For distribution branch: Superintendent, $3,300; engineer, $2,400; assistant engineers—1 $1,800, 1 $1,700; master mechanic (who shall also act as a member of the board of examiners of steam engineers, without additional compensation), $2,300; foreman, $1,800; assistant foremen—1 $1,275, 1 $1,200, 1 $1,125, 1 $900; steam engineers—chief $1,750, 2 at $1,100 each, 3 assistants at $1,000 each; chief inspector of valves, $1,600; leveler, $1,200; inspector, $1,200; draftsman, $1,050; clerks—1 $1,800, 1 $1,500, 4 at $1,200 each, stores clerk $1,500, 1 $1,000, 1 $900; timekeeper, $900; 2 rodmen at $900 each; 2 chainmen at $675 each; 4 oilers at $610 each; 3 firemen at $875 each; janitor, $900; watchmen—1 $875, 1 $700, 1 $610; drivers—1 $700, 1 $630; 2 messengers, at $600 each; in all, $91,330.

Mr. BENNET. Mr. Chairman, I reserve the point of order on the language on page 96, lines 18, 19, and 20, relating to the master mechanic, for the purpose of getting some information.

Mr. MANN. Mr. Chairman, I make the point of order against the increase in salary in line 20, page 96.

Mr. PAGE of North Carolina. Do I understand the gentleman from Illinois to make the point of order or to reserve it?

Mr. MANN. I make the point of order against the increase of salary from $2,000 to $2,300 in line 20.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 90, line 20, after the word "compensation," insert the figures "$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I withdraw the point of order that I reserved.

The CHAIRMAN. The gentleman from New York withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, and purchasing, installing, and maintaining water meters on services to such private residences and to such business places as may not be required to install meters under existing regulations as may be directed by the commissioners, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, not to exceed $340,000 of the amount available in the water fund during the fiscal year 1918 after providing for the expenditures hereinbefore authorized.

Mr. BORLAND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Insert as a new paragraph, page 98, following line 13, the following:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any executive department of the Government of the city of Washington which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day."

Mr. PAGE of North Carolina. Mr. Chairman, on that I make the point of order.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present. If members of the Committee on Appropriations desire to delay business, then I shall insist upon having a quorum present.

Mr. BORLAND. Oh, the gentleman from Illinois is mistaken——

Mr. MANN. I am not willing to let that matter be disposed of without a quorum of the House.

Mr. PAGE of North Carolina. Mr. Chairman, I hope the gentleman will withdraw his point of order.

Mr. MANN. I shall not withdraw the point of order unless the amendment is withdrawn. I do not purpose that this amendment shall be disposed of by 50 Members of the House.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present, and the Chair will count. [After counting.] Seventy-seven Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Denison	Haskell	McCracken
Adamson	Dixon	Hastings	McCulloch
Aiken	Dooling	Hayden	McDermott
Alexander	Driscoll	Hayes	McFadden
Anderson	Drukker	Heaton	McGillicuddy
Anthony	Dunn	Helvering	McKenzie
Ashbrook	Dyer	Hensley	McKinley
Bacharach	Edmonds	Hill	McLemore
Barnhart	Edwards	Hinds	Maher
Beakes	Estopinal	Hopwood	Miller, Minn.
Beales	Fairchild	Houston	Moon
Benedict	Fields	Howard	Mooney
Britten	Finley	Howell	Morgan, La.
Bruckner	Flynn	Hulbert	Moss
Buchanan, Tex.	Focht	Husted	Mott
Burgess	Foss	Hutchinson	Mudd
Burke	Freeman	Johnson, Ky.	Neely
Butler	Gallagher	Johnson, S. Dak.	North
Caldwell	Gallivan	Jones	Norton
Capstick	Gardner	Kearns	Oglesby
Carew	Garland	Keister	Oliver
Cary	Glynn	Kennedy, R. I.	Olney
Casey	Godwin, N. C.	Kent	O'Shaunessy
Chandler, N. Y.	Good	Key, Ohio	Paige, Mass.
Charles	Goodwin, Ark.	Kiess, Pa.	Park
Church	Gould	Kinkaid	Parker, N. J.
Cline	Graham	Konop	Parker, N. Y.
Conry	Gray, N. J.	Kreider	Patten
Cooper, W. Va.	Greene, Mass.	Lafean	Peters
Copley	Griest	Lehlbach	Porter
Costello	Griffin	Lever	Pratt
Crosser	Guernsey	Lieb	Price
Cullop	Hamill	Liebel	Ragsdale
Dale, N. Y.	Hamilton, N. Y.	Lindbergh	Ramseyer
Danforth	Hamlin	Linthicum	Riordan
Davenport	Harrison, Va.	Lobeck	Roberts, Mass.
Decker	Hart	Loft	Rogers
Rowland	Shouse	Stephens, Tex.	Van Dyke
Russell, Mo.	Siegel	Sterling	Vare
Russell, Ohio	Sisson	Stiness	Ward
Sabath	Sloan	Stout	Watkins
Sanford	Smith, Minn.	Sumners	Williams, T. S.
Saunders	Smith, Tex.	Swift	Williams, W. E.
Scott, Pa.	Snell	Switzer	Wilson, Fla.
Scully	Snyder	Taggart	Wilson, Ill.
Sells	Sparkman	Tague	Young, N. Dak.
Shackleford	Stafford	Talbott	
Sherley	Steagall	Tavenner	
Sherwood	Stephens, Miss.	Tinkham	

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 19119, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 239 Members responded to their names, a quorum, and he reported the list of absentees to be entered in the Journal.

The SPEAKER. The committee will resume its sitting.

Mr. BORLAND. Mr. Chairman, I ask to modify my amendment by the following language, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to modify the amendment in the manner indicated. The Clerk will report the amendment.

The Clerk read as follows:

After line 13, page 98, insert as a new paragraph the following:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department appropriated for herein which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

Mr. BORLAND. Mr. Chairman, this is an application to the District of Columbia in its clerical force in the executive departments of the principle of the amendment which I introduced to the legislative, executive, and judicial appropriation bill. My understanding is that the clerks in the District offices work only seven hours a day, but are entitled to the Saturday half holidays three months in the year, to the 12 or 13 national holidays, to the 30 days' sick leave, and to the 30 days' annual leave. In other words, they are on a par with the clerks in the executive departments. It is simply and solely a question of business efficiency, of whether we want an efficient administration. I might personally go a little further than that. I think it involves not only efficiency in the public service, but I think it involves honesty in the public service, because, as I pointed out the other day, a large number of the civil-service employees outside of the District of Columbia work more than eight hours a day, and none of them, so far as I know, work less than eight hours a day.

I saw not very long ago a very able speech by the gentleman from Illinois [Mr. WILSON] referring to the work of the meat inspectors in the great packing houses of the country. I know something personally about those employees, but I was surprised to see him state in there and give instances of men and crews whose time had been kept showing that none of them worked less than 8 hours, and that a great majority worked 9, 10, and 11 hours a day. Now that is true in the departments outside of Washington. For some reason or other there has grown up a custom here in Washington, a custom against the full standard eight-hour day. That custom ought to be reversed, and I think that if the business men, the farmers, the taxpayers of this country ever get a clear-cut understanding of that situation they will insist that it shall be reversed. They will insist that we shall not expend the Government taxes unless we get a fair, honest, and proper return in labor for it. This bill does involve an increase of over a quarter million dollars in the running expenses of the District government; over a quarter million dollars—not all of that is increase in offices where their pay is increased, but some of it is unquestionably. We are asked constantly to increase the burden upon the taxpayers of the country for the government of the District of Columbia at a time when we need all the Federal revenues for very urgent and imperative and unavoidable expenditures. I think we have a right, not only a right, but I will say in all earnestness it is our duty in governing the District of Columbia to see that we govern it according to the accepted business principles throughout the country. It does not seem to me there can be any particular reason why any particular set of Federal employees should have any particular favor over any other set of employees. I do not believe there is a man here who, if he were clothed with authority over a large body of men as a representative or manager or agent of a great corporation, representing the trustees and stockholders of that corporation, would

think for a minute of spending the stockholders' money for services of that kind. He would consider in his conscience that he had a higher duty of fidelity to his stockholders than that.

The duty which we owe to the taxpayers of the United States is exactly commensurate; indeed, it might be higher than the duty a manager of a great corporation owes to the men who put him in that position of trust. So I think, in this case at least, it would be very well for us to establish the principle of the eight-hour day. Most of us have been defending on the stump for the last three months the eight-hour day. Most of us believe in it. We believe it is a scientific principle of social justice. We believe in the eight-hour provision for labor, eight hours for recreation and meals, and eight hours for repose. If a man has the proper conception of his obligation when he engages in the service of his fellow citizens and country, paid out of their taxes, taxes drawn from their pockets, he ought to be willing to do that, and I have enough belief in the men in the public service to believe that the great majority of them would be and are willing, if Congress expresses the will, to abide by the will of Congress and work eight hours a day.

Mr. PAGE of North Carolina. Mr. Chairman, in opposition to the amendment offered by the gentleman from Missouri [Mr. BORLAND] when he originally offered this amendment affecting all the employees, not only those of the District of Columbia but those employed by the Federal Government in the District of Columbia or appropriated for in the bill on which he attempted to place his amendment, I supported it. But I am not willing, Mr. Chairman, that this House, having refused to enact his amendment into law as it affects the employees of the Federal Government in the District of Columbia and outside of the District of Columbia, that he should try this particular remedy on the employees of the District of Columbia who are appropriated for in this bill.

Mr. BORLAND. Let me ask the gentleman a question.

Mr. PAGE of North Carolina. In one moment. Some gentleman the other day, in discussing the tendency of men in the House to experiment with legislation and all other kinds of things upon the District of Columbia, spoke a parable. There are men in this House who are constantly attempting to try something on the District of Columbia in order that it may be ideal or that somebody may copy it elsewhere. As one Member having in charge the making of appropriations for employment within the District of Columbia, I do not care to submit to this dose of medicine for these people who are represented by these appropriations, and I very much hope that this committee will vote down the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield.

Mr. BORLAND. I am very glad to acknowledge that the gentleman supported the amendment on a previous occasion, and I acknowledge his views and principles about them. I simply want to ask him if he supported it because it was right? I know he did. If it was right in that case, why is it not right in this case?

Mr. PAGE of North Carolina. Because it is not right to place upon these employees the services that you do not place upon other employees.

Mr. BORLAND. But we do place the burden upon employees elsewhere in the United States.

Mr. PAGE of North Carolina. This House has taken action as affecting other employees in Washington. My plea is to treat the employees of the District the same as the employees in the Federal departments in the District of Columbia. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 82.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, street cleaning or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the commissioners in their annual estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $80,000 during the fiscal year 1918.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I do that for the reason that in the RECORD this morning appears, under extension of remarks of the gentleman from Indiana [Mr. Cox], who knows nothing of the bill, a portion of a statement made by the editor of the Journal of the American Institute of Architects, which is an attack upon the pending public-buildings bill.

I had hoped, Mr. Chairman, that matters might stand in statu quo until this bill came before the House, when I might have an opportunity to fully explain it and discuss it; but the misrepresentations of the bill come so thick and fast, and are so utterly indefensible, that I find myself called upon now to say a word or two in reference to it.

I believe the best time to nail a lie is to nail it when it is fresh, and this statement I do not hesitate to say is a tissue of lies from one end to the other. Mr. Chairman, the fact of it is that this whole fight upon the pending public-buildings bill is not a fight as against authorizations for small towns, but it is a fight to take from Congress its right to legislate in this regard and to pass it into the hands of a budget committee of bureaucrats in the department.

Now, for instance, this man makes the statement, boldly and baldly, that in this pending bill there are in some cases sites provided for towns where the postal receipts are less than $3,000. That is an absolute, bald, unsupported, snaggle-tooth, and unqualified falsehood, no matter from whom it comes. He makes the statement, and undertakes to have the public believe it, that items are incorporated in this bill for towns with practically no population and no postal receipts of any consequence whatsoever. It is an ingeniously drawn statement, because he states that Members of Congress—some of them mentioned by name—have introduced bills for this town, that town, and the other town, stating the population and the postal receipts, and undertaking to leave the impression upon the public that those items are included in the bill, when the fact is none of them are. He makes the statement that our late, lamented colleague, Mr. Tribble, of Georgia, for instance, introduced bills for 14 different towns, when the record shows that he introduced bills for 5 towns, and no more. And this man goes further and states that in all these provisions for sites there is in scarcely one instance any actual facts which offer any evidence that any of these 100 communities need a new building; and yet included within the 100 are such places as Chicago, Boston, Detroit, Little Rock, Montgomery, Ala., and cities of that character all over the country.

This bill carries about $28,000,000 of authorizations instead of $35,000,000, as is promiscuously charged. About $22,000,000 of it goes to the large cities and cities where there are Federal activities other than the post office, and only about $6,000,000 of it goes to the post-office towns throughout the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CLARK of Florida. Only about $6,000,000 goes to the smaller towns scattered over the country. That is at the rate of $1,500,000 a year for the post-office towns in the United States. The last bill passed was on March 4, 1913. It carried a provision of law that no town where there were no Federal activities other than the post office should be entitled to a building until it had $10,000 of postal receipts, and no town with no Federal activity save the post office should be entitled to a site unless there was $6,000 of annual post-office receipts. That is the law of the land, and this committee has hewed to the line in the framing of the bill under that law. There are a few cases where sites had already been secured for places with receipts of less than $10,000 per annum, for which this bill carries authorizations for buildings, on the theory that as the Government owned the land it had as well be utilized. I want to say, Mr. Chairman, that I shall cover the whole question in every item when this bill comes before the House. I shall discuss every item in it. The bill will be thrown open for amendment and for discussion by all the opponents of the bill who desire to avail themselves of either privilege, but I want to say now, and I want the House and the country to understand, that two objects are involved in the fight upon this bill. One is to take the jurisdiction to legislate away from Congress and turn it over to a bunch of bureaucrats, giving them a lump-sum appropriation and allowing them to say where the buildings shall go; and the other is to defeat this bill and later on to come to the committee with a lot of emergency propositions for the great cities and force use to bring out a bill covering them only. As one member of this committee, and only one, I want to say that I shall never vote for a bill that contemplates only

the great cities of the country. If the rural districts can not be taken care of and their mail facilities can not be protected, as one member of this committee, I will never bring out a bill to take care only of the great cities of the land. [Applause.]

We invite the enemies of this legislation to the contest. We are ready to defend every item in this bill. Let them meet us upon this floor in open and fair debate when the bill comes up for consideration, and may right and justice prevail.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

All per diem employees and day laborers of the District of Columbia who have been continuously employed for five working days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, may, in the discretion of the Commissioners of the District of Columbia, be granted leave of absence with pay for said legal holidays.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes a point of order on the paragraph.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman reserve it for a moment?

Mr. MANN. Certainly. I will reserve the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I merely wanted to make a statement in justification of the committee for bringing in this piece of legislation in the bill.

There are in the employment of the District of Columbia somewhere in the neighborhood of 3,600 people, and more than 2,000 of those are on the per diem roll. These people have absolutely no leave of absence, not even the legal holidays—five of them—with the exception of Labor Day. Only on one day out of all the legal holidays of the year have they leave of absence, whereas the employees of the Federal Government, of course, even the per diem employees, have all these days that we are undertaking to give to the per diem employees of the District of Columbia. We felt that it was a matter of nothing more than justice and right.

Of course, it is subject to a point of order, and I shall not make any contention along that line. I merely wanted to make a justification of the committee's action.

Mr. MANN. Well, Mr. Chairman, I think these per diem employees who are practically employed by the year ought to have legal holidays, but——

Mr. PAGE of North Carolina. From an examination of the per diem roll of the District of Columbia I will say that out of the more than 2,000 men who are on the per diem roll, less than 500 of them—much less than 500 of them—would constitute the number that are not at work practically the whole year. They are practically on the annual roll.

Mr. MANN. I expect that they ought to be paid higher wages than they are getting.

Mr. PAGE of North Carolina. Well, some of them are well paid for their services.

Mr. MANN. Under this provision, if the District Commissioners want to employ anybody this week, they will get an extra day's pay. If they want to employ somebody next week, they will get an extra day's pay. But usually they do not.

Mr. PAGE of North Carolina. I want to make an appeal to the gentleman. Just a few moments ago he voted with me to keep from putting upon the District employees a burden that was not placed upon the employees of the Federal Government in the District of Columbia. We are attempting now to do exactly the same thing that he and myself and others voted to do a while ago, merely to give them the same opportunity that the per diem employees in the Federal Government have.

Mr. MANN. This gives them more opportunity than they have anywhere else in the Government.

Mr. PAGE of North Carolina. In the isolated instances of a few men that may be true.

Mr. MANN. If the provision applied practically only to the per diem employees who are employed for months at a time I would not oppose it, but that is not the case. I am bound to make the point of order.

Mr. PAGE of North Carolina. Of course, Mr. Chairman, I shall not undertake to persuade the gentleman against his judgment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 6. That hereafter copies of all estimates of appropriations in any way affecting the revenues of the District of Columbia shall be furnished to the commissioners of said District on or before October 1 of each year.

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. What will be the effect of this? What will be the effect if the other departments have to furnish the District Commissioners with certain estimates by the 1st of October—probably before they are prepared?

Mr. PAGE of North Carolina. I will say to the gentleman that this provision was put in because of the law governing the Commissioners of the District of Columbia in the amounts for which they can make estimates. They are required under the law to forward their estimates to the Secretary of the Treasury not later than the 15th of October.

Mr. MANN. They are in the same fix that the other departments are.

Mr. PAGE of North Carolina. Certainly, the other departments which estimate in other bills for expenditures in the District of Columbia. Therefore they can not comply with the law.

Mr. MANN. Nobody complies with the law.

Mr. PAGE of North Carolina. We were undertaking to have one body who would comply with the law.

Mr. MANN. The other people could not comply with the law. The various departments make up their estimates as soon as they can. They will not make them up earlier simply because there is one item or because there are a few items relating to the District of Columbia.

Mr. PAGE of North Carolina. As the gentleman says, there are only a few of them—half a dozen, possibly—outside of those that are estimated for in these estimates. They, nevertheless, amount to a considerable sum of money, although in the number of items they are few. We do not think it would work any hardship on any of the other departments to let the commissioners have this information 15 days in advance. It would enable them to comply with the law.

Mr. MANN. I can not see any harm in letting the commissioners have the information, but——

Mr. PAGE of North Carolina. What possible harm would it be to try?

Mr. MANN. The only possible harm any of these things would do would be the harm that comes from passing a law that can not be executed.

Mr. PAGE of North Carolina. I am sure that if this does not have the effect it is intended to have the next bill will not carry it. For instance——

Mr. MANN. Here is the situation: These commissioners are appointed by the President of the United States. He has full authority over all the other departments of the Government. All he has to do is to tell the head of the War Department, through his personal aide, whom he sees every day, who makes most of these estimates in other bills, to send in his estimates at the proper time to the District Commissioners, and it will be done. We may pass laws galore, but they will pay no attention to them. But if the President tells them to do it, they will do it. They are under him.

It is a good deal like what I read in the paper the other day, how the President was going to "scan" all the appropriation bills to see that there are no items in them which ought to be omitted. Why, it is his duty under the law to "scan" the estimates of his departments, and there never were such extravagant—grossly extravagant—estimates as those that have been submitted at this session of Congress. Yet the newspapers say that the President is going to "scan" the appropriations. I do not suppose he was responsible for it. If he was, he was probably indulging in "hot air" at a newspaper conference.

Mr. PAGE of North Carolina. What the gentleman says would appeal to my judgment if the President had nothing else to do except to send word to the Secretary of War, by his personal aide. But the gentleman knows that the Department of Justice and other departments do have items that go in other bills, that they estimate for, that are paid out of the District revenues. This very year the commissioners sent in estimates for the District of Columbia that added to the amounts that were estimated for to be expended out of District revenues by other departments, which exceeded the amount fixed by law that could be estimated, to wit, more than twice the estimated revenues of the District of Columbia for the fiscal year 1918. The effort of this committee was, without putting any hardship upon anybody, to give the commissioners at least an opportunity to have before them the full estimates before they submitted theirs to the Congress.

Mr. MANN. Mr. Chairman, while I am not convinced, I am going to take the suggestion of the gentleman from North Carolina, and I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. PAGE of North Carolina. Mr. Chairman, I offer an amendment, to come in just before section 7.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 102, by inserting, after line 21, the following:

"SEC. 6. That to provide, during the fiscal year 1918, for increased compensation at the rate of 10 per cent per annum to employees (other than employees of the public schools, police department, fire department, and employees to whom subsistence is furnished) who receive salaries at a rate per annum less than $1,200, and for increased compensation at the rate of 5 per cent per annum to employees (other than employees of the public schools, police department, fire department, and employees to whom subsistence is furnished) who receive salaries at a rate not more than $1,800 per annum and not less than $1,200 per annum, and for increased compensation at the rate of 5 per cent per annum to employees who receive salaries at a rate less than $1,200 per annum and to whom subsistence is furnished, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in this act specifically and in lump sums: *Provided further*, That detailed reports shall be submitted to Congress on the first day of its next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein."

Mr. RAINEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. HOWARD. I rose for the purpose of reserving a point of order myself.

The CHAIRMAN. The gentleman from Illinois and the gentleman from Georgia both reserve points of order.

Mr. PAGE of North Carolina. Mr. Chairman, I do not care to make any extended statement in regard to the amendment that I have just offered. Of course, the House is familiar with the provision that was adopted the other day as it related to those employed in the Federal service and appropriated for in the legislative, executive, and judicial appropriation bill. This provision follows exactly in that line, so far as the percentage of increase is concerned, and the division between those who shall receive 10 per cent and those who shall receive a 5 per cent increase.

The amendment that has just been read excludes from the provisions of this increase the members of the Metropolitan police force, the members of the fire department, and the public-school teachers of the District of Columbia. These exceptions are made for reasons that seemed to your committee to be good. In the current appropriation bill, enacted at the last session of Congress, there was a revision of the salaries of the members of the Metropolitan police force, and almost a reorganization of that force in the matter of salaries, by which they were increased more than 10 per cent per annum. They were also provided with certain retirement privileges, with pensions, opportunities that they had not had before. In connection with the fire department we have already in this very bill increased the compensation of the active units of that department, those receiving more than $1,200, 5 per cent and more, and those receiving less than $1,200, 10 per cent and more.

As to the public-school teachers, those who are familiar with the law under which the public schools are organized and the regulations for the compensation of teachers in the public schools, know that they receive additional compensation this year. Those who enter the service at $500 receive an additional $25 each year for five years. Those who enter at $600 receive an additional compensation of $25 a year for five years. Those in class 3, who enter the service at $650, receive an automatic increase of $25 per year until they reach $900. Those who are in class 4, starting with a basic salary of $800, receive automatic increases of $30 each year until they reach an annual compensation of $1,100. Those in class 5, who enter at $950 as a basic salary, receive an automatic increase of $40 each year until a salary of $1,350 is reached, and those who enter class 6, at a basic salary of $1,000, receive, after two years' service, automatic increases of $100 a year until the salary reaches the figure of $2,200.

So, Mr. Chairman, the school teachers of the District of Columbia receive not only during the next fiscal year, for which this paragraph is operative, an amount equal to the amount that we are giving other employees of the District over the current year, but they will continue to receive a like increase next year, and so they do every year under the provisions of the law of 1906, and no injustice is done these people by their exclusion from this amendment that has been offered.

I do not know that it is necessary or that I care to say anything more as to the amendment. I merely wanted to let members of the committee know that your committee did not discriminate against certain employees of the District of Columbia, but had excluded them only because these benefits that are proposed now to be given to other employees of the District of Columbia have already been given to those excepted from this amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I had hoped that the chairman of the committee would bring in or permit an amendment which would include the teachers of the District in the proposed percentage increase. For myself, I see no force in the argument just made by the gentleman from North Carolina. If teachers be appointed into the public-school system of the District of Columbia at a salary of $500—and there are some in the service at that rate—they have to work one year before receiving the increase of $25. Is that correct?

Mr. PAGE of North Carolina. That is correct.

Mr. COOPER of Wisconsin. What are they to do on $500 a year in Washington in order to live as teachers ought to live when prices are as high as they are? Government employees getting $550 or $600 in this city are to receive a 10 per cent increase. But school-teachers working for only $500 a year are to receive no increase during the year, because during the next year they will get $25 more.

Mr. PAGE of North Carolina. But under the law teachers have an increase of pay every year, not only the next year but the year thereafter and the year after that, and go into the next grade.

Mr. COOPER of Wisconsin. The total that teachers in this class would receive during the first year is only $500. While the other employees receiving $550 will receive an increase of 10 per cent, or $55.

Mr. PAGE of North Carolina. Will the gentleman submit to an interruption?

Mr. COOPER of Wisconsin. Certainly.

Mr. PAGE of North Carolina. I want to say to the gentleman that out of the 1,888 teachers in the public schools in Washington there are only 86 in the class who are started on the basic pay of $500.

Mr. COOPER of Wisconsin. The smallness of the number of the teachers in this class has nothing whatever to do with the justice of the argument. To me there is not the slightest force in that statement of the gentleman. Eighty-six is a considerable number of teachers. But if there were only one teacher receiving $500, that teacher would be entitled to the raise given to the other employees in this District working for the same salary. It is not the number, compelled in these times of exorbitantly high prices for the necessaries of life, to work for meager, inadequate wages, that ought to determine our duty.

Mr. PAGE of North Carolina. I want to suggest to the gentleman, and possibly he has thought of it, that these school-teachers, while he is comparing them with the other employees in the District of Columbia—none of these teachers work more than 9 months in the year and they draw a salary for 12 months. Does that impress the gentleman?

Mr. COOPER of Wisconsin. No; it does not. [Laughter.] Why, the gentleman must understand the claim of the teachers that during the hot weather in Washington they are entitled to a vacation. Does the gentleman relinquish his salary or any portion of it, or will he consent to have his salary reduced because there are months each year when, instead of being here in Washington, he is having a vacation at home? No; nothing is said about that; but when it comes to the school-teacher in the city of Washington working for $500 a year, gentlemen arise and demand a reason why a teacher who does not teach in this city during the hot summer months after having taught all the other months should receive any more.

There are no other persons in secular life save, perhaps, editors who are honest, able, and public-spirited, who perform a service of such tremendous value to the people of the United States as do the school-teachers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes more, and I ask it because of the interruptions.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

Mr. PAGE of North Carolina. On condition that the gentleman will submit to other interruptions, I shall not object.

Mr. COOPER of Wisconsin. I will submit to them.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Certainly.

Mr. FITZGERALD. Outside of the city of Racine, how many school-teachers in the gentleman's district get $500 a year?

Mr. COOPER of Wisconsin. I do not know how many receive $500 a year; but that question has nothing to do with the merits of the proposition I am discussing. The gentleman from New York is a very solicitous guardian of the public funds; but his question is without force when analyzed in the light of the facts. I answer it by saying that perhaps all the district school-teachers in my district do not receive wages as large as that; but you know, you that have investigated the educational problem within recent years—you know that all over the country, especially in some portions of New England, people are as

rapidly as possible giving up the district schools with their poorly paid teachers—poorly paid because the taxpayers of the little school districts can not afford to pay higher wages—and replacing them by larger, better schools, grade schools, having better courses of instruction and better paid teachers—better paid because the money to pay them comes from the taxpayers of new districts, each made by combining a number of smaller ones. And they are buying automobiles and carrying the children over these enlarged districts to these fine grade schools which have taken the place of the little district schools of which the gentleman from New York was thinking when he propounded the question.

I do not know how many $500 teachers there are in Brooklyn, but there ought not to be any.

To show that my estimate of the importance of the business of the teacher in this country is not too high, I call attention to what was said on this subject years ago by William Ellery Channing:

> The dignity of the vocation of a teacher is beginning to be understood; the idea is dawning on us that no office can compare in solemnity and importance with that of training the child; that skill to form the young to energy, truth, and virtue is worth more than the knowledge of all other arts and sciences; and that, of consequence, the encouragement of excellent teachers is the first duty which a community owes to itself. I say the truth is dawning and must make its way. * * * The whole worth of a school lies in the teacher. You may accumulate the most expensive apparatus for instruction, but without an intellectual, gifted teacher it is little better than rubbish; and such a teacher without apparatus may effect the happiest results.
>
> * * * * * * *
>
> What we want is a race of teachers acquainted with the philosophy of the mind, gifted men and women, who shall respect human nature in the child and strive to touch and gently bring out its best powers and sympathies, and who shall devote themselves to this as the great end of life. This good, I trust, is to come, but it comes slowly. * * * This good requires that education shall be recognized by the community as its highest interest and duty. It requires—

And I ask the attention of the gentleman from North Carolina [Mr. PAGE] particularly to these words of this great man—

> It requires that the instructors of youth shall take precedence of the money-getting class, and that the woman of fashion shall fall behind the female teacher.

Those are strong words and true.

Mr. Chairman, we should measure the importance of the vocation of a teacher in our public schools not by the amount of wages which little school districts in some of the rural portions of the country are able to pay, but solely by the nature of the calling; by the fact that teachers take children when they are in the impressionable, habit-forming age. And nothing is truer than the saying that "habit is a cable. We weave a strand a day and at last it becomes so strong that we can not break it."

Teaching school is a noble profession. Teachers ought to be persons of high character, of education, of intelligence, of soul, who realize the nature of their exalted calling; and to require those competent to do work of such transcendent importance to us as a Nation to receive wages that afford only a bare livelihood is to me indefensible. [Applause.]

Mr. KEATING. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. A point of order has been reserved, and the Chair supposes that that will have to be disposed of first. It was reserved by the gentleman from Georgia [Mr. HOWARD] and by the gentleman from Illinois [Mr. RAINEY].

Mr. HOWARD. Mr. Chairman, so far as I am concerned, I shall reserve the point of order against this item. I do not desire to make the point of order as against the employees in the District of Columbia, except those excluded by the provisions of the amendment—the police, the firemen, and the teachers—but if an effort is to be made to load this bill down with increases for these teachers, who are the best paid teachers in the United States to the square inch, according to their ability, and with increases for the firemen and the policemen, who have been recently cared for—one in the current bill and one class last year—I expect to make the point of order. I want to say that to force me to do it will be doing an injustice to the employees of the District of Columbia, whom we seek to help and put on an equal footing with anyone else, and I presume if I do not make the point of order the distinguished gentleman from Illinois [Mr. RAINEY] will.

Mr. KEATING. Mr. Chairman, I have no desire to become the custodian of the conscience of the distinguished gentleman from Georgia [Mr. HOWARD] or of the distinguished gentleman from Illinois [Mr. RAINEY].

Mr. HOWARD. Mr. Chairman, I will say that so far as I am concerned I have no desire to have the gentleman become the custodian of my conscience. [Laughter.]

Mr. KEATING. When we had the legislative, executive, and judicial appropriation bill under consideration in the House the other day there was an understanding, at least some of us thought there was, that an amendment would be offered to each appropriation bill carrying out the verdict of the House concerning an increase in the salaries of certain Federal employees during the coming fiscal year. When that bill was under consideration a rule was brought into the House to make the amendment providing for a 10 and 5 per cent increase in order.

Mr. BLACK. Mr. Chairman, will the gentleman yield a minute?

Mr. KEATING. In a moment. While the matter was under consideration the membership of this House adopted amendments which extended the increase to certain of the employees of the Senate and the House, striking out certain limitations in the amendment. Now, the amendment I am about to suggest merely strikes out one of the limitations in this amendment and gives the teachers of the District the benefit of the proposed increase. I submit that it is not exactly fair to the House to have a committee come into the House and submit as important an amendment as this, reserving a point of order upon it, and practically saying to the membership of this House, "You shall accept what we offer without dotting an 'i' or crossing a 't' or we will make a point of order and you will get nothing."

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. PAGE of North Carolina. On my own personal responsibility as a member of this committee I offered the amendment, and the gentleman is trying now to make me responsible for the action of every other man on the committee. I am not and I refuse to be.

Mr. KEATING. The membership of this House understands the situation exactly. The various appropriation committees were practically instructed by this House to bring in this amendment, and I take it that the membership of this House did not instruct the committees to attach a proviso which would prevent the membership of the House from offering amendments. I have no desire to load down the amendment. I might offer an amendment, as I did the other day, increasing the rates. I have no desire to do that, but I think it is entirely proper to give this House an opportunity to say whether the teachers and the firemen and the policemen shall be included in this raise.

The statement of the gentleman from Georgia [Mr. HOWARD] that the teachers of this District are better paid than the teachers anywhere else in the country can not be sustained by an examination of the facts. If given the opportunity here of discussing the matter, we will present all kinds of testimony to show they are not the best paid teachers in the country, that they are not even paid the standard wages. So, Mr. Chairman, I must insist upon offering my amendment, and if the gentleman from Georgia desires to make the point of order now is the time to make it.

Mr. RAINEY. Mr. Chairman, I am aware of the fact that the man who attempts to protect the Treasury of the United States against the greatest salary grab ever inaugurated in the history of this country at the present time is not making himself particularly popular. But I came here under the impression, and under the implied pledge to my constituents, that I would at least attempt to protect the Treasury of the United States. I am aware of the difficulty that Members of this House labor under to-day. On Tuesday of this week they increased their own allowances for clerical hire, and that inaugurated an assault on the Treasury by 500,000 Government employees, which we seem now powerless to prevent. Under the leadership of a Republican Member of this Congress, following Republican banners, day before yesterday an assault on the Treasury proceeded. Under his leadership the battle was won, and the lid was taken off the Treasury. We commenced to help ourselves, and we seem powerless now, if we continue that operation, to deny the demands of 500,000 people in this country who are on the Government pay rolls. In France they celebrate every year the fall of the Bastille. In the future those who have designs upon the Treasury can well celebrate in the history of this country Tuesday of this week when the Treasury fell.

On that day the gentleman from Illinois [Mr. WHEELER], now serving his first term in this House, assumed the leadership of the Republican Party and, grabbing the Republican standard, violently and enthusiastically led his assault upon the Treasury of the United States. One hundred and fourteen Republican Members of this House followed him gallantly and, I am sorry to say, 69 Democrats trailed along behind. By a majority of 17 votes the proposition carried, and there was added $500 per year to the clerical allowance now fixed by law for each Member of Congress, an increase of 33 per cent, a larger increase than these

Government employees are demanding; but that Republican victory leaves those who voted for the proposition in a position where it is exceedingly difficult for them to refuse all these other demands made by half a million Government employees.

We are told by the papers this morning that last night in this Capital city 2,000 Government employees assembled and applauded speeches made by Members of this House, who announced to them that the 5 and 10 per cent blanket increase in their salary allowed in the legislative bill, without regard to merit, without regard to how much they would receive if they were in private employment, was too little, and they advised them to continue the assault on the Treasury until they secured a 10 and 20 per cent increase in their salaries, and this great meeting unanimously and with tremendous enthusiasm adopted resolutions to that effect. They are no more satisfied with this increase you gave them in that bill than if you had not given them anything. They announce their intention to carrry the fight on to the Senate of the United States in order to make this an increase of 10 and 20 per cent.

THE ARGUMENT FOR THE PROPOSED INCREASES.

Gentlemen say these salaries ought to be raised because they have not been raised for half a century and because the cost of living is greater now than it has been heretofore. When those salaries were fixed they were fixed under the old spoils system, when we did not have the merit system in this country, when we did not have civil-service examinations and requirements, when Government employees were fewer than they are now, when they were appointed because they had rendered political services. They came here and demanded salaries commensurate with the political services they had rendered and could render their parties. They received salaries far in excess of what they could have received at that time in similar employment in private life. Members of this House, if they were at the head of any of these great organizations which pay out immense sums in salaries and immense sums in wages each year, before they consented to raise wages would examine into the question as to how much these men were earning and how much they were entitled to receive. No such matters are being considered in connection with these proposed increases.

I know that this assault on the Treasury, the greatest in the history of the Nation, comes at a most propitious time, when this country is prosperous, when people have money, when they are not protesting as vigorously as they would in 1907, when nobody had any money; but we are bracing ourselves now for the shock which will come when this world war ends. Even the peace message of the President of the United States to the allied powers, which every man in this House approves, brought about a fall in stocks on the New York market. We can not settle the question of the high cost of living by raising salaries; we can not settle it by placing an embargo upon foodstuffs; we can not settle such broad questions of statesmanship in that way.

THE KEATING AMENDMENT.

How much would the amendment to the legislative bill offered by the gentleman from Colorado [Mr. KEATING], who has just taken his seat, cost the country? When this matter was up before on his amendment to the legislative bill to increase this allowance from 5 and 10 to 10 and 20 per cent, I said to him as he took his seat, "How much will it cost the Government to do that." He did not know. He said in his speech, in effect, "This was agreed upon by a committee representing Government employees here, and they have authorized me to come here and present it." That is how this idea of the 20 per cent increase originated. The gentleman did not know how much it would cost, but he told me it would cost just twice as much as the proposition which the committee offered would cost. If it does cost twice as much as that proposition, it would cost $60,000,000.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. KEATING. Just for a question. I just want to set myself right.

Mr. RAINEY. I will be glad for the gentleman to do so.

Mr. KEATING. The gentleman did ask how much it would cost. I told him what I told others, approximately $40,000,000. The chairman and others repeatedly said they could not form an estimate of what the cost of their amendment would be, but they finally got such an estimate. It was not $30,000,000, as the gentleman suggests, but it was something over $25,000,000.

I think it was something over $25,000,000. To double that would be something like $51,000,000. So the gentleman is only $9,000,000 off with his figures.

Mr. RAINEY. Whether I am or not——

Mr. KEATING. A little matter of $9,000,000 will not make any difference with you, but you should be right.

Mr. RAINEY. I know it will not make any difference with you.

Mr. KEATING. It does, apparently with you.

Mr. RAINEY. I do not know what the gentleman said to others, but he made the statement to me, as I have stated it here; and whether it is $25,000,000 or whether it is $30,000,000, or whether his amendment means $50,000,000 or $60,000,000, does not interfere in the least with the force of the objections I am now making to this proposed salary grab which is to go into all the supply bills, and in which 500,000 people are to participate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BUCHANAN of Illinois. The gentleman, as I understood it, said the increase in compensation would not solve the problem that is confronting the people as to the high cost of living. Can the gentleman suggest what will solve it? If he will permit me, I have heard the gentleman make speeches and have read them in the press in regard to curbing the trusts and monopolies——

Mr. RAINEY. My colleague will excuse me for not yielding for a speech. I could not answer my colleague's pertinent question in the time I am permitted to occupy now. In fact, I do not know whether I could answer it at all or not. But I know this is not the way to do it.

Now, during the progress of the legislative bill the so-called minimum wage bill was introduced as an amendment, offered by the gentleman from California [Mr. NOLAN]. I wonder if he knows what that would cost, in addition to the proposition for these Government employees contained in these bills, if it should also be adopted hereafter?

Mr. NOLAN. Will the gentleman yield?

Mr. RAINEY. For a question.

Mr. NOLAN. The gentleman did not ask me if I knew, did he?

Mr. RAINEY. I did not, because I have investigated for myself, and I will tell the House pretty soon what it will cost, and then the gentleman can make his own statement, if he cares to do so. I know what it will cost. And the intention is to add it, they say, to whatever increase they get here—5 or 10 or 20 per cent, or whatever the case may be. I employed an expert statistician to figure out the Nolan-bill increase, and he advises me that that minimum-wage bill means another increase of $20,000,000 every year.

SALARIES OUGHT TO BE REVISED.

Now, I know that salaries of Government clerks and employees ought to be revised. I am in favor of doing that. I have never objected on this floor, and I never intend to do so, to a reasonable increase suggested in the salary of any Government employee by the committee after the increase had been recommended by the head of the department and the committee had considered it. But here is a blanket increase which we are told is now to be extended down through all these bills without regard to merit. I know scores of Government employees who are underpaid, who ought to receive more money than they now get for the service they render to this great Government, and I know of scores who are overpaid and who do not earn the compensation they now receive.

Only last week out in the city of my colleague from Illinois [Mr. BUCHANAN], for whose opinions I entertain the highest respect, a great auditorium was filled with men who were 45 years old and over and who could not get employment. The railroads of this country, the great industrial institutions of this country, are discharging men because they have reached the age of 45 years. We do not discharge them and ought not to do so. These Government positions are desirable ones. We give them vacations on public holidays, sick leave, 30-day vacations, all with full pay, and we keep them here even when far advanced in years. They receive their pay, a fixed sum every month, from a paymaster who is still solvent. If they have their way about it, I do not know how long this solvency will continue.

A great church organization has in its ritual a prayer for the "President of the United States and all others in authority," and they are talking about changing that particular clause. If they do change it, the change they ought to make is to strike out "all others in authority." The history of the House in the last two or three days indicates that those in authority do not need any help of that kind. They can help themselves.

Mr. Chairman, I am going to insist upon my point of order, I want to assure the gentlemen who are asking me to withdraw it. This proposed increase is contrary to existing law, and as long as we have a rule which the Rules Committee of this House has not repealed with the consent of the House, I propose to insist on this point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed.

Mr. BENNET and Mr. PAGE of North Carolina rose.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. BENNET. I make a point of order on that.

Mr. PAGE of North Carolina. The gentleman from New York makes a point on that section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PAGE of North Carolina. I move, Mr. Chairman, that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 19119), making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from North Carolina moves the previous question on the bill and amendments to final passage. The question is on agreeing to that motion.

The motion was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two or three minutes, perhaps longer.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, we are in the House, having finished the consideration of the District of Columbia appropriation bill in committee. I think it is a duty that I owe to the House—and a very pleasant duty—to make a reference to the gentleman who has had charge of the District appropriation bill in the House. I do not recall how long Mr. PAGE has been a Member of the House of Representatives, nor even how long he has had charge of the District of Columbia appropriation bill, but I do recall that for many years in this House it has been a sincere pleasure to me personally, and I am sure to all the other Members of the House, to meet with the pleasing personality of the gentleman from North Carolina. [Applause.]

I make it a practice, and have done so for many years, of privately receiving advice, suggestions, and information from Members on the Democratic side, though I do not always give them credit in public. [Laughter.] I have frequently had the honor and the pleasure of seeking the advice of the gentleman from North Carolina. The House has learned to rely very largely upon his judgment, and to have the highest regard for his opinion. [Applause.]

We come and go, treating those who are here and dealing with those who are here on terms of equality. No matter how much we may love a Member who goes out, we treat his successor as one of us, on the same plane with all. But to me the one thing that causes me distress as a Member of this House is parting with those Members whom I have learned to love.

The gentleman from North Carolina goes out of the House purely on his own volition. He goes with the respect and the admiration of every Member of this body, and with the sincere regret of us all that he will not be in the next House to give us the benefit and comfort of his courage, indomitable as it is [applause], of his wise opinions, and of his pleasing manner of dealing with all who come into contact with him. [Prolonged applause.]

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, every one who is acquainted with the gentleman from North Carolina [Mr. PAGE] not only shares the high opinion entertained of him by the gentleman from Illinois [Mr. MANN], but must be under a deep sense of obligation for the generous manner in which he has expressed it.

Six years ago, when first appointed to the head of the Committee on Appropriations, I was in the somewhat unusual position of being placed over a committee with 14 members of the majority party, only 3 of whom had ever served on that committee. It necessitated careful and patient work to organize the committee properly, and to have the members unfamiliar with its work become acquainted with the many multiplied duties of its members and to enable them to accumulate the information necessary to discharge their duties in a manner satisfactory to the House and to the country. The gentleman from North Carolina had not served upon the committee prior to that time, but with an industry that was unrivalled, with great patience and tact, he not only became thoroughly familiar with the work of the committee, but he also did that much more important thing—he very speedily gained the confidence of the House for his wide knowledge and for the accuracy and the reliability of his statements.

Mr. Speaker, my experience in the House, now extending over a period of 18 years, leads me to believe that more important than brilliant attainments or great talents is that sincerity of purpose and honesty of statement that make Members of this House have absolute faith in the Member addressing them. [Applause.] Once that confidence is gained, it is invaluable, and I have never in my experience known of a Member to do anything or to act in any way to justify the House in withdrawing its confidence. The gentleman from North Carolina has so mastered the details of his work, has so won the confidence of the House, and has exercised such sound judgment in the discharge of his public duties that he has not only relieved me of a very considerable portion of the burdens and duties of my position, but he has made the District of Columbia appropriation bill one that now has the approval not only of the House, but of the community.

The most surprising thing I have known in many years has been the universal approval of the press of this city of the District bill as reported and just completed in the committee. The bill was so framed that it aroused but slight antagonism. With the exception of some matters of legislative concern, which the experience and wisdom of the committee led them to believe were desirable to submit to the House, but which Members could properly eliminate by the exercise of their right under the rules, the bill received practically universal commendation in the House. I can only hope that in the future these bills will be received with the same favor, not only here, but on the outside. The gentleman from North Carolina has had an intelligent interest in the development and beautifying of the National Capital. He has not been anxious to rush hastily and speedily to the completion of many things that, although desirable, can not be done too rapidly, but with an intelligent and comprehensive knowledge of the needs of the District of Columbia and the necessities of its government he has so framed the appropriation bills as to give satisfaction to all concerned.

I regret exceedingly that he determined to retire to private life. He has been a loyal supporter in many difficult hours; he has been a safe counselor in troublesome matters; he has been a confidant who consoled; he has been a generous and devoted friend. He has had a successful and brilliant career in the House, and I know I express the hope of all Members that the years after his retirement will be long, happy, and prosperous. [Prolonged applause.]

Mr. PAGE of North Carolina. Mr. Speaker, I shall not attempt to express my feelings upon this occasion. I can not trust myself. I can only thank my friends, the leader of the minority, Mr. MANN, the chairman of my committee, Mr. FITZGERALD, and the membership of this House for their very liberal estimate of my service here.

I want to say to my colleagues that I have felt until just now that I should be very happy when I retired to private life, and I hope I shall be; but I can not forget, nor shall I undertake to forget, that I separate with my colleagues here with very great reluctance, because it means a separation from those whom I have learned to love very dearly. I thank you, my colleagues, for this tribute. [Applause.]

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BORLAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BORLAND. I am not.

The SPEAKER. Is there any gentleman in the House opposed to it who wishes to make a motion to recommit? If not, the Chair will recognize the gentleman from Missouri. The Clerk will report his motion.

The Clerk read as follows:

Mr. BORLAND moves to recommit the bill to the Committee on Appropriations with instructions to report the same back with the following amendment, on page 98, line 14:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department appropriated for herein which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

The SPEAKER. The question is on the motion to recommit.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. BORLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 19, noes 82.

Mr. BORLAND. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. The Chair will count. [After counting.] One hundred and forty Members are present, not a quorum.

Mr. BORLAND. Mr. Speaker, I understand there is an automatic call of the House.

The SPEAKER. Yes. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 67, nays 169, answered "present" 2, not voting 195, as follows:

YEAS—67.

Abercrombie	Doughton	La Follette	Slayden
Almon	Eagle	Langley	Stephens, Miss.
Barkley	Garner	McLaughlin	Stephens, Nebr.
Barnhart	Garrett	Mapes	Taylor, Ark.
Black	Gordon	Mondell	Taylor, Colo.
Booher	Gray, Ind.	Nicholls, S. C.	Thomas
Borland	Gregg	Oliver	Thompson
Callaway	Hardy	Park	Tillman
Candler, Miss.	Hastings	Platt	Venable
Carter, Okla.	Haugen	Quin	Vinson
Clark, Fla.	Helm	Rainey	Walsh
Collier	Hicks	Rayburn	Webb
Connelly	Huddleston	Rouse	Wilson, La.
Cox	Hull, Tenn.	Rucker	Wingo
Cramton	James	Shallenberger	Woods, Iowa
Davis, Tex.	Kincheloe	Sherwood	Young, Tex.
Doolittle	Kinkaid	Sisson	

NAYS—169.

Allen	Dupré	Johnson, Wash.	Ramseyer
Ashbrook	Eagan	Keating	Randall
Aswell	Ellsworth	Kelley	Reilly
Austin	Elston	Kettner	Ricketts
Ayres	Emerson	King	Roberts, Nev.
Bailey	Esch	Kitchin	Rodenberg
Bell	Evans	Lazaro	Rowe
Benedict	Farley	Lenroot	Rubey
Bennet	Farr	Lesher	Russell, Mo.
Britt	Fess	Lloyd	Schall
Browne	Fitzgerald	London	Scott, Mich.
Brumbaugh	Flood	Longworth	Sears
Buchanan, Ill.	Focht	McAndrews	Sims
Burnett	Fordney	McArthur	Sinnott
Byrnes, S. C.	Foster	McKellar	Smith, Mich.
Byrns, Tenn.	Fuller	Madden	Smith, N. Y.
Campbell	Gard	Mann	Stedman
Cannon	Gillett	Martin	Steele, Iowa
Carlin	Glynn	Matthews	Steele, Pa.
Carter, Mass.	Good	Mays	Steenerson
Chandler, N. Y.	Goodwin, Ark.	Miller, Pa.	Stone
Chiperfield	Gray, Ala.	Montague	Sulloway
Coady	Green, Iowa	Moore, Pa.	Sutherland
Coleman	Greene, Vt.	Moores, Ind.	Sweet
Cooper, Ohio	Hadley	Morgan, Okla.	Taggart
Cooper, Wis.	Hamilton, Mich.	Morin	Temple
Crago	Hamlin	Morrison	Tilson
Curry	Hayden	Moss	Timberlake
Dale, Vt.	Heflin	Mott	Towner
Dallinger	Helgesen	Murray	Treadway
Danforth	Henry	Nelson	Volstead
Darrow	Hernandez	Nichols, Mich.	Wason
Davis, Minn.	Hilliard	Nolan	Watkins
Dempsey	Holland	Oakey	Watson, Va.
Denison	Hollingsworth	Oldfield	Wheeler
Dent	Hood	Overmyer	Williams, T. S.
Dewalt	Houston	Padgett	Williams, Ohio
Dickinson	Howard	Page, N. C.	Wood, Ind.
Dies	Hughes	Phelan	Woodyard
Dill	Hull, Iowa	Pou	Young, N. Dak.
Dillon	Humphreys, Miss.	Powers	
Dowell	Igoe	Ragsdale	
Driscoll	Jacoway	Raker	

ANSWERED "PRESENT"—2.

Browning	Hawley

NOT VOTING—195.

Adair	Fields	Konop	Riordan
Adamson	Finley	Kreider	Roberts, Mass.
Aiken	Flynn	Lafean	Rogers
Alexander	Foss	Lee	Rowland
Anderson	Frear	Lehlbach	Russell, Ohio
Anthony	Freeman	Lever	Sabath
Bacharach	Gallagher	Lewis	Sanford
Barchfeld	Gallivan	Lieb	Saunders
Beakes	Gandy	Liebel	Scott, Pa.
Beales	Gardner	Lindbergh	Scully
Blackmon	Garland	Linthicum	Sells
Bowers	Glass	Littlepage	Shackleford
Britten	Godwin, N. C.	Lobeck	Sherley
Bruckner	Gould	Loft	Shouse
Buchanan, Tex.	Graham	Loud	Siegel
Burgess	Gray, N. J.	McClintic	Slemp
Burke	Greene, Mass.	McCracken	Sloan
Butler	Griest	McCulloch	Small
Caldwell	Griffin	McDermott	Smith, Idaho
Cantrill	Guernsey	McFadden	Smith, Minn.
Capstick	Hamill	McGillicuddy	Smith, Tex.
Caraway	Hamilton, N. Y.	McKenzie	Snell
Carew	Harrison, Miss.	McKinley	Snyder
Cary	Harrison, Va.	McLemore	Sparkman
Casey	Hart	Magee	Stafford
Charles	Haskell	Maher	Steagall
Church	Hayes	Meeker	Stephens, Tex.
Cline	Heaton	Miller, Del.	Sterling
Conry	Helvering	Miller, Minn.	Stiness
Cooper, W. Va.	Hensley	Moon	Stout
Copley	Hill	Mooney	Sumners
Costello	Hinds	Morgan, La.	Swift
Crisp	Hopwood	Mudd	Switzer
Crosser	Howell	Neely	Tague
Cullop	Hulbert	North	Talbott
Dale, N. Y.	Humphrey, Wash.	Norton	Tavenner
Davenport	Husted	Oglesby	Tinkham
Decker	Hutchinson	Olney	Van Dyke
Dixon	Johnson, Ky.	O'Shaunessy	Vare
Dooling	Johnson, S. Dak.	Paige, Mass.	Walker
Doremus	Jones	Parker, N. J.	Ward
Drukker	Kahn	Parker, N. Y.	Watson, Pa.
Dunn	Kearns	Patten	Whaley
Dyer	Keister	Peters	Williams, W. E.
Edmonds	Kennedy, Iowa	Porter	Wilson, Fla.
Edwards	Kennedy, R. I.	Pratt	Wilson, Ill.
Estopinal	Kent	Price	Winslow
Fairchild	Key, Ohio	Rauch	Wise
Ferris	Kiess, Pa.	Reavis	

So the motion to recommit was lost.

The following pairs were announced:

Until further notice:

Mr. GRIFFIN with Mr. COOPER of West Virginia.

Mr. LINTHICUM with Mr. SNELL.

Mr. DECKER with Mr. HAMILTON of New York.

Mr. GALLIVAN with Mr. FAIRCHILD.

Mr. TAGUE with Mr. GRAHAM.

Mr. SHOUSE with Mr. SNYDER.

Mr. TALBOTT with Mr. BROWNING, commencing December 20, ending January 2.

Mr. HELVERING with Mr. LEHLBACH.

Mr. BLACKMON with Mr. DYER.

Mr. CARAWAY with Mr. SANFORD.

Mr. BUCHANAN of Texas with Mr. STINESS.

Mr. STEAGALL with Mr. GOULD.

Mr. DALE of New York with Mr. HASKELL.

Mr. HENSLEY with Mr. KENNEDY of Rhode Island.

Mr. BEAKES with Mr. PRATT.

Mr. SCULLY with Mr. MAGEE.

Mr. LEVER with Mr. HAWLEY.

Mr. FIELDS with Mr. ANDERSON.

Mr. FINLEY with Mr. ANTHONY.

Mr. FLYNN with Mr. BACHARACH.

Mr. GALLAGHER with Mr. BARCHFELD.

Mr. GANDY with Mr. BEALES.

Mr. GLASS with Mr. BOWERS.

Mr. GODWIN of North Carolina with Mr. BRITTEN.

Mr. HAMILL with Mr. BUTLER.

Mr. HARRISON of Mississippi with Mr. CAPSTICK.

Mr. HARRISON of Virginia with Mr. CARY.

Mr. HART with Mr. CHARLES.

Mr. HULBERT with Mr. COPLEY.

Mr. JONES with Mr. COSTELLO.

Mr. KEY of Ohio with Mr. DRUKKER.

Mr. KONOP with Mr. DUNN.

Mr. LAZARO with Mr. EDMONDS.

Mr. LEE with Mr. KAHN.

Mr. LIEB with Mr. FOSS.

Mr. LEWIS with Mr. FREAR.

Mr. LIEBEL with Mr. FREEMAN.

Mr. LITTLEPAGE with Mr. GARLAND.

Mr. LOBECK with Mr. GRAY of New Jersey.

Mr. ADAIR with Mr. MCKINLEY.

Mr. ADAMSON with Mr. MEEKER.

Mr. AIKEN with Mr. MILLER of Delaware.

Mr. ALEXANDER with Mr. MILLER of Minnesota.
Mr. BRUCKNER with Mr. MOONEY.
Mr. BURGESS with Mr. MUDD.
Mr. CALDWELL with Mr. NORTH.
Mr. CANTRILL with Mr. NORTON.
Mr. CAREW with Mr. PAIGE of Massachusetts.
Mr. CASEY with Mr. PARKER with New Jersey.
Mr. CHURCH with Mr. PARKER of New York.
Mr. CLINE with Mr. PETERS.
Mr. CONRY with Mr. PORTER.
Mr. CROSSER with Mr. REAVIS.
Mr. CRISP with Mr. ROBERTS of Massachusetts.
Mr. CULLOP with Mr. ROGERS.
Mr. DAVENPORT with Mr. ROWLAND.
Mr. DIXON with Mr. RUSSELL of Ohio.
Mr. DOOLING with Mr. SCOTT of Pennsylvania.
Mr. DOREMUS with Mr. SELLS.
Mr. EDWARDS with Mr. SIEGEL.
Mr. ESTOPINAL with Mr. SLEMP.
Mr. FERRIS with Mr. SLOAN.
Mr. LOFT with Mr. GREENE of Massachusetts.
Mr. MCCLINTIC with Mr. GUERNSEY.
Mr. MCDERMOTT with Mr. HAYES.
Mr. MCGILLICUDDY with Mr. HEATON.
Mr. MCLEMORE with Mr. HILL.
Mr. MAHER with Mr. HINDS.
Mr. MOON with Mr. HOPWOOD.
Mr. MORGAN of Louisiana with Mr. HOWELL.
Mr. NEELY with Mr. HUSTED.
Mr. OGLESBY with Mr. HUTCHINSON.
Mr. OLNEY with Mr. JOHNSON of South Dakota.
Mr. O'SHAUNESSY with Mr. KEARNS.
Mr. PATTEN with Mr. KEISTER.
Mr. PRICE with Mr. KENNEDY of Iowa.
Mr. RAUCH with Mr. KIESS of Pennsylvania.
Mr. RIORDAN with Mr. KREIDER.
Mr. SABATH with Mr. LAFEAN.
Mr. SAUNDERS with Mr. VARE.
Mr. SHACKLEFORD with Mr. LOUD.
Mr. SHERLEY with Mr. MCCRACKEN.
Mr. SMALL with Mr. MCCULLOCH.
Mr. SMITH of Texas with Mr. MCFADDEN.
Mr. SPARKMAN with Mr. MCKENZIE.
Mr. STEPHENS of Texas with Mr. SMITH of Idaho.
Mr. STOUT with Mr. SMITH of Minnesota.
Mr. SUMNERS with Mr. STERLING.
Mr. TAVENNER with Mr. SWIFT.
Mr. VAN DYKE with Mr. SWITZER.
Mr. WALKER with Mr. TINKHAM.
Mr. WHALEY with Mr. WARD.
Mr. WM. ELZA WILLIAMS with Mr. WATSON of Pennsylvania.
Mr. WILSON of Florida with Mr. WILSON of Illinois.
Mr. WISE with Mr. WINSLOW.

Mr. HAWLEY. Mr. Speaker, I am paired with the gentleman from South Carolina, Mr. LEVER, and I wish to withdraw my vote of "no" and answer "present."

The name of Mr. HAWLEY was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PAGE of North Carolina, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE DELAWARE RIVER.

The SPEAKER. The bill (S. 7095) extending the time for the completion of a bridge across the Delaware River the Speaker signed the other day. The copy signed was rather greasy looking but perfectly legible. It went to the Senate, and some clerk there cut the bill up instead of giving it to the Vice President to sign. So, the Speaker had the enrolling Clerk make a new copy, and the Speaker asks the consent of the House to erase his name from the first bill, and that the Journal record made on the first bill when he laid it before the House stand, and the one just signed take its place. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD, from the Committee on Foreign Affairs, reported the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918 (H. Rept. 1245) which was read a first and second time and, with accompanying papers, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN reserved all points of order.

UNITED STATES BUREAU OF EFFICIENCY (H. DOC. NO. 1793).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying documents, ordered printed and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

As required by the acts of Congress approved March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from March 25, 1913, to October 31, 1916.

WOODROW WILSON.

THE WHITE HOUSE, *December 21, 1916.*

THE HOUSE BELLS.

Mr. ASHBROOK. Mr. Speaker, two hours ago, when the point of no quorum was made, some one rang the wrong number of bells. The bell rang four times, and I understood that the House had adjourned and did not come over. I was in my office and could have answered "present" if the bells had been rung correctly. I ask to have my name enrolled as "present."

Mr. MANN. I ask unanimous consent that the gentleman be excused from attendance this afternoon.

Mr. ASHBROOK. Mr. Speaker, I did not ask that. I want to say to the Speaker and the Members of this House that I had been to one of the departments and had just returned. The wrong signal was given or I would have reported here and answered to my name.

The SPEAKER. What does the gentleman want?

Mr. ASHBROOK. I want to be recorded as "present" on that call of the House.

Mr. MANN. That can not be done.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 326, authorizing the Secretary of War to issue a temporary permit for additional diversions of water from Niagara River. It has been reported by the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of House joint resolution 326, which the Clerk will report.

The Clerk read as follows:

House joint resolution 326.

Resolved, That the Secretary of War be, and he is hereby, authorized to issue permits revocable at will for the diversion of water in the United States from the Niagara River above the Falls for the creation of power, to individuals, companies, or corporations which are now actually producing power from the waters of said river, in additional quantities, which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies is now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided*, That in no event shall the total quantity of water diverted from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *And provided further*, That this resolution shall remain in force until the 1st day of July, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.

With the following committee amendments:

Page 1, line 14, strike out the word "is" and insert the word "are"; page 2, line 4, after the word "diverted," insert the words "in the United States"; page 2, line 8, strike out the word "first" and insert the word "four," and strike out the word "July" in the same line and insert the word "March."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MANN. Is this the Senate or the House resolution?

Mr. FLOOD. This is the House resolution.

Mr. MANN. Reserving the right to object, why does the gentleman desire to consider the House resolution?

Mr. FLOOD. The Senate resolution as passed is different from the House resolution as reported by the Committee on Foreign Affairs. If we carried out the views as expressed and voted in the committee, we would have to amend the Senate resolution, and it would have to go back to the Senate, and I therefore thought it as well to take up the House resolution. They are identical, with the exception of the amendments which the Clerk has read.

Mr. MANN. I do not think it is quite the courteous thing to do as between the two legislative bodies where the same resolution is introduced in both bodies and one of them passes

it first and sends it over, to deliberately ignore the resolution of the other body and consider the resolution of this body. I am afraid that they would look at it in that way over there.

Mr. FLOOD. I do not look at it in that way. Both resolutions were introduced the same day, and the House resolution was reported to this body before the Senate resolution was sent over here.

Mr. MANN. I would if I were over there.

Mr. AUSTIN. What objection can there be to substituting the Senate resolution for the House resolution?

Mr. FLOOD. None whatever.

Mr. MANN. It is as easy to amend the Senate resolution as it is the House resolution.

Mr. FLOOD. This is the resolution which was reported by the House committee. It is reported with three amendments, and differs in that respect from the Senate resolution.

Mr. MANN. The resolution as introduced was the same as the Senate resolution.

Mr. FLOOD. Yes; except the title.

Mr. MANN. It is as easy to amend the Senate resolution as it is the House resolution.

Mr. FLOOD. Yes; but I do not see why this resolution is not just as much entitled to consideration as the Senate resolution. We look at it only with reference to getting the resolution through. If anyone objects to the resolution and would not object to the Senate resolution, then we will take up the Senate resolution.

Mr. MANN. No one has had a chance to see it, and I think it ought to go over until the morning in any event.

The SPEAKER. The gentleman from Illinois objects.

Mr. FLOOD. Then, Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 186, which is substantially the same resolution as reported by the Committee on Foreign Affairs, and I ask for its consideration at this time.

Mr. MANN. But I submit, Mr. Speaker, that there is no House resolution on the House Calendar as yet.

Mr. FLOOD. It has been reported by the committee.

Mr. MANN. That is true; but the rule provides that it has to be on the House Calendar, and it has to be on the printed calendar.

Mr. AUSTIN. Let us take the matter up in the morning.

Mr. FLOOD. We desire to take up the Diplomatic and Consular appropriation bill in the morning.

Mr. MANN. I do not think this will take very long.

Mr. FLOOD. Then, Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, does the gentleman expect to call up the Diplomatic and Consular appropriation bill in the morning?

Mr. FLOOD. Yes.

Mr. MANN. If that should be disposed of at an early hour, would it be the expectation of that side to then proceed with the vocational education bill and see if we can make some progress upon that?

Mr. FLOOD. That is my understanding, and I will ask unanimous consent to take up the Niagara Falls resolution in the morning.

Mr. MANN. I should have no objection to that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 186. Joint resolution authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River; and

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution in the class other than Members of Congress.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 67.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 22, 1916, they stand adjourned until 12 o'clock meridian on Tuesday, January 2, 1917.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 324. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1916.

EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the District appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, December 22, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for maintenance of schools outside of incorporated towns in the Territory of Alaska (H. Doc. No. 1789); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting additional estimates of appropriations for the Naval Establishment for the fiscal year ending June 30, 1918 (H. Doc. No. 1790); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation for engineering, Bureau of Steam Engineering, for the fiscal year ending June 30, 1918 (H. Doc. No. 1791); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of War, transmitting reports made by the Ohio Valley Flood Board on examination of Cheat, Tygarts, West Fork, Kanawha, Muskingum, Wabash, Scioto, Miami, and Maumee Rivers, authorized by the river and harbor act approved March 4, 1915 (H. Doc. No. 1792); to the Committee on Flood Control and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of New York, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 326) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, reported the same with amendment, accompanied by a report (No. 1236), which said joint resolution and report were referred to the House Calendar.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 389) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of extortion in the prices thereof, reported the same without amendment, accompanied by a report (No. 1241), which

said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same with amendment, accompanied by a report (No. 1243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Printing, to which was referred the bill (H. R. 17699) authorizing and directing the Public Printer to provide a pulp and paper mill or mills for the manufacture of print paper for the Government, reported the same without amendment, accompanied by a report (No. 1244), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREGG, from the Committee on War Claims, to which was referred the bill (H. R. 7487) for the relief of Absalom C. Phillips, reported the same without amendment, accompanied by a report (No. 1242), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 19176) granting an increase of pension to James L. Strange, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 19288) for improvements and alteration of the Federal building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 19289) authorizing the Secretary of War to donate to the town of Groton, Mass., one cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 19290) to authorize the Secretary of the Treasury to cause to be secured an adequate site in or adjacent to Norfolk, Va., and cause to be erected thereon a suitable building or buildings for marine-hospital purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 19291) to promote the reclamation of arid and swamp lands of the United States, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. RIORDAN: A bill (H. R. 19292) providing for a new building for the assay office, New York City; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN of Illinois: A bill (H. R. 19293) to minimize overtime work in post offices; to the Committee on Reform in the Civil Service.

By Mr. HULBERT: A bill (H. R. 19294) to extend the pneumatic mail-tube service and improve the efficiency of the postal system in New York City; to the Committee on the Post Office and Post Roads.

By Mr. LONDON: A bill (H. R. 19295) to create a commission which is to recommend legislation for the taking over by the Federal Government of the control of food, and to authorize the President to prohibit under certain conditions the exportation of food; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Pennsylvania: A bill (H. R. 19296) authorizing the Western New York & Pennsylvania Railway Co., to reconstruct, maintain, and operate a bridge across the Allegheny River in the borough of Warren and township of Pleasant, Warren County, Pa.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 19297) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET: A bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the town of Allegheny, county of Cattaraugus, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 19299) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. FLOOD (from Committee on Foreign Affairs): A bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918; to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. RAYBURN: A resolution (H. Res. 417) providing for the consideration of H. R. 11864; to the Committee on Rules.

By Mr. FERRIS: A resolution (H. Res. 418) authorizing certain members of the Committee on the Public Lands of the House of Representatives to make investigation relative to natural resources of the public domain; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 19301) granting a pension to Parale Jackson; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 19302) for the relief of the estate of John McQuiddy, deceased; to the Committee on War Claims.

By Mr. BENEDICT: A bill (H. R. 19303) granting an increase of pension to Charles H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19304) granting an increase of pension to Thomas Haran; to the Committee on Pensions.

Also, a bill (H. R. 19305) granting a pension to Carl Schoppe; to the Committee on Pensions.

Also, a bill (H. R. 19306) granting a pension to Major M. Bennett; to the Committee on Pensions.

Also, a bill (H. R. 19307) for the relief of M. H. Meranda; to the Committee on Military Affairs.

Also, a bill (H. R. 19308) for the relief of John D. Humphrey; to the Committee on Military Affairs.

Also, a bill (H. R. 19309) for the relief of Michael Sweeney; to the Committee on Military Affairs.

By Mr. BYRNES of South Carolina: A bill (H. R. 19310) for the relief of the legal representatives of A. M. Riser; to the Committee on Claims.

By Mr. COADY: A bill (H. R. 19311) granting a pension to Robert B. Bowie; to the Committee on Pensions.

Also, a bill (H. R. 19312) granting a pension to Sophia Everett, widow of Thomas H. Everett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19313) granting an increase of pension to Thomas Nossek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19314) granting an increase of pension to Charles H. Rarick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19315) granting an increase of pension to John Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19316) granting an increase of pension to Albert M. Butts, alias Albert J. Stewart; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 19317) granting a pension to Florence G. Leaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19318) granting an increase of pension to Anna Bower; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 19319) confirming patents heretofore issued to certain Indians under the homestead laws; to the Committee on Indian Affairs.

By Mr. FOSTER: A bill (H. R. 19320) granting a pension to Cora E. Maxedon; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 19321) to correct the military record of Edward A. Shave; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: A bill (H. R. 19322) granting an increase of pension to Joseph McNeight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19323) granting a pension to Anna S. Shepard; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 19324) granting a pension to Mary E. Simmons; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 19325) granting an increase of pension to Eunice E. Dodge; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 19326) granting an increase of pension to Lucy W. Binford; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 19327) to correct the military record of George Openshaw; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 19328) granting an increase of pension to Alvin U. Persing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19329) granting an increase of pension to Riley A. Reeves; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 19330) granting an increase of pension to Olivia E. Kator; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 19331) granting a pension to Lorenzo D. Romine; to the Committee on Pensions.

By Mr. MOSS: A bill (H. R. 19332) granting an increase of pension to Cullen Bradley; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 19333) granting an increase of pension to Alfred M. Wheeler; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19334) granting an increase of pension to Thomas Jackson; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19335) granting an increase of pension to John H. Alcorn; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 19336) granting an increase of pension to Charles H. Kindle; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 19337) granting an increase of pension to Sinclair Binkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19338) granting an increase of pension to William O. Nitchman; to the Committee on Pensions.

By Mr. RIORDAN: A bill (H. R. 19339) for the relief of Edmund F. Jenkins; to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 19340) for the relief of Bruce J. Syarse; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 19341) granting an increase of pension to Winfield S. Gregory; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19342) granting an increase of pension to Overon Payne; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 19343) granting an increase of pension to William W. Day; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 19344) granting an increase of pension to Oliver Sutor; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 19345) granting a pension to John Armstrong; to the Committee on Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19346) granting a pension to Mrs. Ann J. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19347) granting a pension to Horace A. Austin; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 19348) granting an increase of pension to John G. Hunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19349) granting a pension to Mose Attaway; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Memorial of woman's auxiliary to the railway postal clerks of Pittsburgh, Pa., favoring a $200 per annum increase to railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petition of post-office employees of Kalamazoo, Mich., asking an increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of James F. Rose, of New York, favoring House bill 1661; to the Committee on Invalid Pensions.

Also, petition of sundry terminal railway post-office employees in re postal conditions; to the Committee on the Post Office and Post Roads.

Also, petition of John F. Wolf, of New York City, favoring pension for old letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of William A. Payce, of New York, indorsing House bill 17125; to the Committee on Military Affairs.

Also, memorial of Boulder (Colo.) Commercial Association, favoring House bill 17843; to the Committee on Public Buildings and Grounds.

Also, petition of the Guidon Club, of New York City, protesting the passage of any amendment to the Constitution whereby woman suffrage will be established; to the Committee on the Judiciary.

By Mr. CARY: Petition of superintendent of Milwaukee schools and teachers, in favor of the nurses' incorporation bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of board of directors of the Milwaukee School Board, in favor of nurses' incorporation bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of board of trustees of Milwaukee County institutions, in favor of nurses' bill to incorporate in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: Petition of T. P. Benard and other citizens, of Fort McCoy, Fla., seeking an embargo on the shipment of foodstuffs from the United States to foreign lands; to the Committee on Interstate and Foreign Commerce.

By Mr. COLEMAN: Two petitions of 19 persons and 121 persons for increase of pay for railway-mail clerks, post-office clerks, letter carriers, and rural delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. CRISP: Petition of O. S. Reese and others, favoring extension of the eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Lanman & Kemp, of New York, opposing discontinuance of the pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Allied Printing Trades Council of New York, against increased rates on second-class postage; to the Committee on the Post Office and Post Roads.

Also, memorial of American Association of State Highway Officials, relative to completion of the topographic map of the United States; to the Committee on Roads.

By Mr. ESCH: Petition of American Association of State Highway Officials, relative to completion of the topographic map of the United States; to the Committee on Roads.

Also, papers in support of House bill 16921, granting a pension to Betsey J. Truman; to the Committee on Invalid Pensions.

Also, papers in support of House bill 19136, granting an increase of pension to Elijah A. Hearn; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Memorial of Omaha (Nebr.) Chapter, Sons of the American Revolution, favoring the using of the funds collected for naturalization to better the condition of foreigners coming to this country; to the Committee on Immigration and Naturalization.

Also, memorial of the American Association of State Highway Officials, favoring the completion of the topographic map of the United States; to the Committee on the Public Lands.

By Mr. FULLER: Petition of Free Sewing Machine Co., of Rockford, Ill., opposing abandonment of the pneumatic-tube postal service; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Branch, National German-American Alliance, for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago (Ill.) Real Estate Board, for a new post office; to the Committee on Public Buildings and Grounds.

Also, petition of F. G. Hartwell Co., of Chicago, Ill., favoring 1-cent postage and for increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Valley Manufacturing Club, concerning railway legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of Board of Education of Lincoln, Nebr., in reference to work of Bureau of Immigration; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of post-office employees of Brownsville, Tex., asking increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Commercial Club of Crystal City, Tex., relative to reimbursement for damages done along counties on Texas border; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: Petition of employees of the Gulfport and Laurel (Miss.) post offices, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. HERNANDEZ: Petition of postal employees of New Mexico, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KALANIANAOLE: Memorial of Board of Harbor Commissioners, Territory of Hawaii, favoring improvement of Hawiliuili Bay, Hawaii; to the Committee on Rivers and Harbors.

By Mr. KEARNS: Petitions of Parker Refining Co., of Cleveland, Ohio; the Cincinnati Cloak & Suit Co.; the Gilbert Grocery Co., and Selby Shoe Co., of Portsmouth, Ohio, for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of Volunteer officers of the Civil War, favoring passage of Volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. KELLEY: Memorial of State Grange of Michigan, against the Shields and Myers water-power bills and the Phelan fuel bill; to the Committee on the Public Lands.

By Mr. KIESS of Pennsylvania: Petition from William B. Frith, C. J. Dewey, George W. Dibble, S. Barrett, N. Benson, W. E. Mitchell, D. P. Metcalf, Lizell George, W. E. West, and John Enderle, all of Tioga, Pa., petitioning Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LOUD: Petition of A. T. Bliss and 20 other post-office employees of Midland and Coleman, Mich., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MOON: Papers to accompany a bill for the relief of Lou Stewart; to the Committee on Pensions.

By Mr. MOORES of Indiana: Memorial of Friends of Irish Freedom, of Indianapolis, Ind., protesting against deportation of Irish citizens to work in British munition factories; to the Committee on Foreign Affairs.

By Mr. NICHOLS of Michigan: Petition of B. E. Longworth and 24 residents of Detroit, Mich., protesting against passage of House bill 13778; to the Committee on the Post Office and Post Roads.

By Mr. PRATT: Petition of Harry Espey, Walter Home, and sundry other employees of the Elmira (N. Y.) post office, favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Houk Hardware Co., of Owego, and the Jamison-McKinney Co. (Inc.), of Ithaca, both in the State of New York, favoring a 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

By Mr. RUSSELL of Ohio: Petition of A. H. Osman and other post-office employees of Lima, Ohio, asking increase in pay; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *December 22, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, by the age-long tradition of our personal and national life we are brought once more to contemplate the supreme gift of heaven to man, the advent of the Prince of Peace. By the cherished memories of childhood, by the blessed associations of Christian friendship, by the holy ministries of our religion, by the sacred principles of our National Government, Thou dost call upon us to contemplate again the meaning and message of the Babe of Bethlehem. We turn away sick at heart from the carnage of the world in men's bitter strife and hate. Grant that we may with all people hear once more the ancient prophecy saying, "A little child shall lead them." May we hear again in all the earth the echo of the angels' mystic song, "Peace and good will toward men." Grant, we pray, that the year which we face, 1917, may usher in the universal reign of the Prince of Peace. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

The message also announced that the House had passed a bill (H. R. 19119) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians, in the State of Nebraska;

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912;

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes; and

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Berkshire Senatorial Suffrage Committee, of Lee, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Massachusetts, praying for the enactment of legislation to regulate the price of coal, which were referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Reports of committees are next in order. [A pause.] The introduction of bills is next in order.

PEACE OVERTURE.

Mr. HITCHCOCK. I submit a resolution, and I should like to have it read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 298), as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. HITCHCOCK. Mr. President, I offered yesterday a similar resolution and, under objection, consented that it should be referred to the Committee on Foreign Relations. I feel, however, that it will require so much time to have a meeting of that committee for the consideration of the resolution that I have offered a similar resolution. I should like to have consideration of it to-day——

Mr. GALLINGER. I ask that it may go over.

Mr. HITCHCOCK. But if objection is made I realize that it must go over and be the business of the Senate on the first day of the session after the holiday recess.

The PRESIDENT pro tempore. Objection is made, and under the rule the resolution will go over.

CALLING OF THE ROLL.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Sterling
Bankhead	Gallinger	Newlands	Stone
Borah	Gronna	Norris	Sutherland
Brady	Harding	Overman	Swanson
Brandegee	Hardwick	Owen	Thomas
Bryan	Hitchcock	Pittman	Thompson
Chamberlain	Hughes	Poindexter	Townsend
Chilton	Jones	Reed	Vardaman
Clapp	Kenyon	Saulsbury	Walsh
Clark	Kern	Sheppard	Watson
Culberson	Lane	Sherman	Weeks
Cummins	Lee, Md	Shields	Williams
Curtis	McCumber	Smith, Ga.	Works
Dillingham	Martine, N. J.	Smoot	

Mr. THOMAS. I wish to announce the absence of my colleague [Mr. SHAFROTH] on account of illness. I will let this announcement stand for the day.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. VARDAMAN. I was requested to announce the absence of the senior Senator from Louisiana [Mr. RANSDELL] and the junior Senator from Louisiana [Mr. BROUSSARD] on account of illness.

Mr. CLARK. I wish to announce the unavoidable absence of my colleague [Mr. WARREN], who was called from the city. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] owing to illness.

Mr. CHILTON. I wish to announce the absence of the Senator from South Carolina [Mr. SMITH] on account of illness in his family.

Mr. ASHURST. I rise to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona], who is absent on account of serious illness in his family.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum is present.

COTTON FUTURES (S. DOC. NO. 648).

Mr. CHILTON. I ask out of order to submit a report from the Committee on Printing. I am directed by that committee to report back favorably Senate resolution 295, to print the hearings before the Senate Committee on Agriculture and Forestry entitled "Cotton futures amendment" as a Senate document; and I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from West Virginia asks for the immediate consideration of the resolution.

Mr. SMOOT. I will ask the Senator if the document is not already in print.

Mr. CHILTON. I do not think it is.

Mr. FLETCHER. It was printed by the committee.

Mr. SMOOT. All I want to know is in what shape it is. Why not simply ask that so many additional copies of it be printed and then it will be in the same form in which it is already printed.

Mr. CHILTON. The resolution is in the shape in which it has been agreed to by the committee and I can not change it without taking it back to the committee.

Mr. SMOOT. I do not think that is necessary. All the Senator from Oklahoma [Mr. GORE] wanted was extra copies, and that is what the committee decided to print.

Mr. CHILTON. Then what is wrong with this resolution?

Mr. SMOOT. Under the resolution there will have to be another print and it will have to have a number and go through that form. It has already been printed at the Government Printing Office and is in print to-day. By a reprint of it the committee can have control of the number, and copies will not have to be sent to the libraries of the country.

Mr. FLETCHER. It does not do that anyhow. This document is a hearing had before the Committee on Agriculture and Forestry and copies are called for. The committee print has been entirely exhausted. There is quite a demand for it all over the country among those interested in this subject. The resolution allows the number of copies to the amount of $500, which is the limit that the Senate can order, and it automatically takes a number, whether we specify it or not.

Mr. SMOOT. Not necessarily. If a reprint is ordered it will not be a public document, it will be the hearings as originally printed, and that, I understand, is what the Senator wants.

Mr. FLETCHER. I know, but——

Mr. SMOOT. There is no objection to that, but why take the hearings and make a public document of them? Why not have a reprint of the hearings as they are and distribute them in that way?

Mr. FLETCHER. The law is when the Senate orders a reprint of that sort it is a Senate document, and it takes a number.

Mr. OWEN. It can be done upon a resolution of the Committee on Agriculture itself.

Mr. FLETCHER. The committee printed 1,000 copies and they have been exhausted. It is now sought to be made a Senate document. I think it is all right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the hearings before the Senate Committee on Agriculture and Forestry on the agricultural appropriation bill for 1917, entitled "Cotton-futures amendment," be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate Committee on Agriculture and Forestry.

SAFETY AT SEA.

Mr. CHILTON, from the Committee on Printing, reported the following resolution (S. Res. 299):

Resolved, That the manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on July 25, 1916, entitled "Safety at sea—proposed coastwise pilot charts, showing safety zones and danger places," by Capt. Armistead Rust, United States Navy, be printed as a Senate document, with illustrations.

The PRESIDENT pro tempore. The resolution will be placed on the calendar.

NATIONAL PROHIBITION.

Mr. CHILTON. The Committee on the Judiciary had before it various resolutions on the subject of national prohibition. There was a hearing before that committee and one of the resolutions was acted upon, and I now report that joint resolution favorably with certain amendments. I ask that it be read and go to the calendar.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution (S. J. Res. 55) proposing an amendment to the Constitution of the United States as amended by the committee, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The sale, manufacture, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all territory subject to the jurisdiction thereof for beverage purposes are hereby prohibited.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

FLOOD CONTROL.

Mr. VARDAMAN. On behalf of the senior Senator from Louisiana [Mr. RANSDELL], who is confined to his bed by illness, I report back favorably and without amendment, from the Committee on Commerce, the bill (H. R. 14777) to provide for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes, and I submit a report (No. 891) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. KENYON. Mr. President, with reference to the report just made by the Senator from Mississippi [Mr. VARDAMAN], I desire to say that it is not a unanimous report from the committee. Certain members of the committee have reserved the right to file a minority report, if they desire to do so. I understood that would be stated when the report was made; but as it will now appear in the RECORD, the report seems to be a favorable report from the entire committee. I simply desire to make that statement.

Mr. VARDAMAN. The majority of the committee have instructed me to report the bill favorably. I will state, however, that there was an understanding that, if certain members of the committee desired to file a minority report, they could do so.

Mr. KENYON. I merely desired that fact to appear.

The PRESIDENT pro tempore. If there be no objection, that will be permitted.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7541) granting a pension to Algennie Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. HARDING:

A bill (S. 7542) granting an increase of pension to Torrence Murry (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 7543) granting an increase of pension to John A. Schmitt (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7544) granting an increase of pension to Lena S. Fenn (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7545) granting an increase of pension to Kathrina T. Vreeland; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7546) for the relief of Lauritz S. Rasmussen; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 7547) granting a pension to Mrs. Amelia Perry (with accompanying papers);

A bill (S. 7548) granting a pension to Judith Robinson (with accompanying papers);

A bill (S. 7549) granting an increase of pension to Christopher Darien (with accompanying papers);

A bill (S. 7550) granting a pension to H. H. Hedges (with accompanying papers); and

A bill (S. 7551) granting a pension to Augustus Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7552) for the relief of Patrick McMahon (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7553) granting an increase of pension to Lewis G. Turner (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 7554) making available any post-office surplus for the fiscal year 1917 for the purchase of the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; to establish the efficiency and economy with which such service may be conducted by the Post Office Department; to the Committee on Post Offices and Post Roads.

By Mr. NEWLANDS:

A bill (S. 7555) to amend section 15 of the act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

AMENDMENT TO THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER (for Mr. PENROSE) submitted an amendment proposing to increase the salaries of all clerks and employees under the government of the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

BATTLE MONUMENT IN THOROLD, CANADA.

Mr. WILLIAMS submitted the following concurrent resolution (S. Con. Res. 29), which was read and referred to the Committee on Foreign Relations.

Resolved by the Senate (the House of Representatives concurring), That the appreciation of the Government and the people of the United States is hereby expressed of the action taken by the people of Thorold, Ontario, Canada, in erecting a monument near that place to commemorate the death on the battle field of Beaverdams, or Beachwood, of a number of soldiers in the service of the United States who there lost their lives during the War of 1812.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent that the substitute which I offer to the Sheppard bill (S. 1082), and which has been amended, may be reprinted as amended, so that the Senate can have the opportunity of having the document in amended form to examine.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. UNDERWOOD. I want the substitute reprinted as perfected by the Senate amendments.

Mr. THOMPSON. Mr. President, may I ask the Senator from Alabama whether this print will contain the original Sheppard bill as amended?

Mr. UNDERWOOD. Yes; it will contain everything.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 19119. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LANDS IN OKLAHOMA.

Mr. OWEN. Mr. President, I ask unanimous consent to disposed of House joint resolution 306, relative to certain lands in Oklahoma, which was brought up the other afternoon, and which I think would have been passed if the report of the Committee on Indian Affairs had been at that time read.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for the payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

Mr. POINDEXTER. Mr. President, I ask to have the joint resolution read.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to extend the time for payment of the final installment due on the purchase of tracts of the surface of the segregated coal and asphalt land area belonging to the Choctaw and Chickasaw Tribes, sold under the act of Congress approved February 19, 1912 (37 Stat. L., p. 67), to four years after the sale was made instead of two years, as provided in section 5 of the said act: *Provided*, That the accrued interest on all installments to date when due and the principal of the second installment, if due, shall be paid before an extension as herein provided may be granted: *And provided further*, That in all other respects the provisions of existing law shall apply to these purchases.

Mr. CLARK. Mr. President, is there a report accompanying this joint resolution?

Mr. OWEN. There is a report upon it by the Secretary of the Interior.

Mr. CLARK. I mean, is there a report from the Committee on Indian Affairs on the joint resolution?

Mr. OWEN. Yes; and the report of the Secretary of the Interior, to which I referred, is embodied in the report of the committee.

Mr. CLARK. I should like to have the report read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary proceeded to read the report.

Mr. CLARK. Mr. President, so far as I am concerned, the report need not further be read. The report which I hold in my hand is a report upon the House joint resolution, which is, as I understand, identical with the Senate joint resolution on the same subject.

Mr. OWEN. Yes.

Mr. CLARK. I should be glad, however, to have the report printed in full in the RECORD in connection with the joint resolution.

Mr. OWEN. I should also be glad to have the report printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that will be done.

The report referred to is as follows:

DEFERRED INSTALLMENTS ON COAL AND ASPHALT LANDS.

Mr. ASHURST, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred the joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, having carefully considered the same, reports the resolution back without amendment and recommends that the same be enacted into law.

The act of February 19, 1912, providing for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes of Indians, contains the following provision:

"SEC. 5. That the sales herein provided for shall be at public auction under rules and regulations and upon terms to be prescribed by the Secretary of the Interior, except that no payment shall be deferred longer than two years after the sale is made. All agricultural lands shall be sold in tracts not to exceed 160 acres, and deeds shall not be issued to any one person for more than 160 acres of agricultural land, grazing lands in tracts not to exceed 640 acres, and lands especially valuable by reason of proximity to towns or cities may, in the discretion of the Secretary of the Interior, be sold in lots or tracts containing not less than 1 acre each. All deferred payments shall bear interest at 5 per cent per annum, and if default be made in any payment when due all rights of the purchaser thereunder shall, at the discretion of the Secretary of the Interior, cease and the lands shall be taken possession of by him for the benefit of the two nations, and the money paid as the purchase price of such lands shall be forfeited to the Choctaw and Chickasaw Tribes of Indians."

Pending congressional action on this resolution, the Secretary of the Interior has declared no forfeitures. The following letter of the Secretary explains the purpose of the resolution, as well as shows the favorable attitude of the department toward the relief sought:

DEPARTMENT OF THE INTERIOR,
Washington, December 14, 1916.

MY DEAR MR. STEPHENS: I am in receipt of your letter of December 9, 1916, transmitting therewith a printed copy of H. J. Res. 306, introduced in the House of Representatives on December 4, 1916, by Mr. CARTER of Oklahoma and entitled:

"Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma."

H. J. Res. 306 is identical in language with S. J. Res. 178, introduced in the Senate on December 5, 1916, by Mr. OWEN, of Oklahoma.

I am in favor of the joint resolution being enacted into law.

Section 5 of the act of Congress of February 19, 1912 (37 Stat. L., 67–69), pursuant to which the sales of tracts of the surface of the segregated coal and asphalt land area, Choctaw Nation, Okla., were made, expressly provided that "no payment shall be deferred longer than two years after the sale is made."

This resolution proposes to extend the time four years after the sale was made, instead of two years as above provided, which will extend the time for payment two years longer than under existing law.

The first sale of the surface of the segregated coal and asphalt land classified as agricultural and grazing land was held from November 16 to December 2, 1914, and the first sale of such portion of the surface as was classified as suitable for town-site purposes was held from January 5 to 31, 1916.

Upon petition of purchasers and recommendations of the chief executives of the Choctaw and Chickasaw Tribes, the department on September 30, 1915, extended the time for all deferred payments on the unallotted land, timberland, and surface of the segregated coal and asphalt land, Choctaw and Chickasaw Nations, due November and December, 1915, and January and February, 1916, one year on payment of interest on balance of unpaid purchase price, said extension to become effective only upon payment of interest.

To the surprise of many purchasers this extension had the effect of making the second installment due on the purchase price of tracts of the surface of the segregated coal and asphalt land area fall due at the same time that the third and last installment fell due, thus adding a double burden where the second and third installments fell due in November and December, 1916, and January and February, 1917.

It is now proposed to defer the payment of the third and last installment due on the purchase price of tracts of the surface of the segregated coal and asphalt land area, Choctaw Nation, Oklahoma, provided that purchasers pay the full amount of the principal of the second installment, which was extended one year and is now due, together with all accrued interest on both the second and third installments to date when due, before an extension of time will be granted for payment of the last installment.

This extension will not work a hardship on the Choctaw and Chickasaw Tribes, because the deferred payments under the law draw 5 per cent interest per annum from date of sale, which is a larger rate of interest than the majority of the State and National banks of Oklahoma are now paying on time deposits of Choctaw and Chickasaw tribal funds.

The Choctaw Tribe on December 1, 1916, had to its credit an approximate available balance of $3,062,502.18, while on same date the Chickasaw Tribe had to its credit an approximate available balance of $1,042,798.24, making a total of $4,105,300.42 to the credit of the Choctaw and Chickasaw Tribes, to which is to be added the proceeds of the recent sale of Choctaw and Chickasaw tribal lands held from October 4 to 31, 1916, inclusive, which brought, according to the report of the Superintendent for the Five Civilized Tribes, under date of December 4, 1916, a total sum of $1,782,723.17, and when fully paid in will make available for the needs of the Choctaw and Chickasaw Tribes the total sum of $5,888,023.59.

With these funds in view I do not believe that an extension of two years of the time for payment, as provided in the resolution, will inconvenience the Choctaw and Chickasaw Tribes, and should be granted.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OWEN. I ask that Senate joint resolution (S. J. Res. 178) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma be postponed indefinitely.

The PRESIDENT pro tempore. The joint resolution will be postponed indefinitely.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, is the morning business closed?

The PRESIDENT pro tempore. Morning business has been concluded.

Mr. NEWLANDS. Mr. President——

Mr. TOWNSEND. I move to take up Senate bill 392, which is known as the Civil War volunteer officers' retired list bill.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. I rise to inquire of the Presiding Officer what the order of business ordinarily would be at this time?

The PRESIDENT pro tempore. The calendar.

Mr. WALSH. I do not know of any reason why we should not proceed to the consideration of the calendar at sometime.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. NEWLANDS. I gave notice yesterday that I should this morning move that the Senate go into executive session. I have not been disposed to make that motion so long as there were small matters to be brought to the attention of the Senate which could be disposed of by unanimous consent.

Mr. GALLINGER. Mr. President, I make the point of order that the motion of the Senator from Michigan [Mr. TOWNSEND] is not debatable.

Mr. NEWLANDS. I move, as a substitute for that motion, that the Senate now go into executive session.

Mr. GALLINGER. The Senator can not properly do that.

Mr. SMITH of Georgia. The motion of the Senator from Nevada takes precedence.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business under Rule XXII.

The PRESIDENT pro tempore. The Chair thinks that the motion of the Senator from Nevada takes precedence of the motion of the Senator from Michigan, and is a privileged question.

Mr. TOWNSEND. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS. Mr. President, I make a parliamentary inquiry. Upon what are we to vote?

The PRESIDENT pro tempore. The roll is being called upon the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of executive business.

The Secretary resumed the calling of the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not present, and I therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent. For that reason I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. OVERMAN (when his name was called). I beg to announce—and I ask that this announcement stand for the day—that I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). The Chair transfers his general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Arkansas [Mr. KIRBY] and votes "yea."

Mr. OVERMAN (when Mr. SIMMONS'S name was called). I desire to announce that my colleague [Mr. SIMMONS] is absent unavoidably, being detained at home. He has a pair with the Senator from Minnesota [Mr. CLAPP].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I rise to announce that my colleague [Mr. SMITH of Arizona] is absent from the Senate because of serious illness in his family.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. WEEKS (when his name was called). I inquire if the senior Senator from Kentucky [Mr. JAMES] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WEEKS. I have a general pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. CLAPP. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. CHAMBERLAIN. I am advised that if my pair, the Senator from Pennsylvania [Mr. OLIVER], were present, he would vote "nay." I therefore vote "nay."

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Tennessee [Mr. LEA] and will let my vote stand.

I wish also to announce the unavoidable absence of my colleague [Mr. JAMES]. He has, as already announced, a general pair with the Senator from Massachusetts [Mr. WEEKS].

Mr. OWEN. I should like to inquire if the Senator from New Mexico [Mr. CATRON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. OWEN. Then I withhold my vote, having a pair with that Senator.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS].

Mr. WILLIAMS (after having voted in the affirmative). By inadvertence I voted. I learn that the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. I now transfer that pair to the Senator from Arizona [Mr. SMITH] and will let my vote stand.

Mr. CHILTON (after having voted in the negative). I voted inadvertently. The Senator from New Mexico [Mr. FALL], with whom I have a pair is not present. I transfer that pair to the Senator from Wisconsin [Mr. HUSTING] and will let my vote stand.

I also desire to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH] on account of illness in his family.

Mr. SMITH of Georgia (after having voted in the affirmative). I notice that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from Louisiana [Mr. BROUSSARD] and will let my vote stand.

Mr. GRONNA. I have voted in the negative, but I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I understand he is not in the Chamber, and I will have to withdraw my vote.

The result was announced—yeas 24, nays 29, as follows:

YEAS—24.

Beckham	Hughes	Pittman	Stone
Bryan	Lee, Md.	Reed	Swanson
Culberson	Martine, N. J.	Saulsbury	Thomas
Fletcher	Newlands	Sheppard	Underwood
Hardwick	Overman	Shields	Vardaman
Hitchcock	Phelan	Smith, Ga.	Williams

NAYS—29.

Ashurst	Clark	McCumber	Thompson
Bankhead	Cummins	Nelson	Townsend
Borah	Curtis	Norris	Walsh
Brady	Gallinger	Poindexter	Watson
Brandegee	Harding	Pomerene	Works
Chamberlain	Jones	Sherman	
Chilton	Kenyon	Smoot	
Clapp	Lane	Sutherland	

NOT VOTING—43.

Broussard	Husting	McLean	Simmons
Catron	James	Martin, Va.	Smith, Ariz.
Colt	Johnson, Me.	Myers	Smith, Md.
Dillingham	Johnson, S. Dak.	O'Gorman	Smith, Mich.
du Pont	Kern	Oliver	Smith, S. C.
Fall	Kirby	Owen	Sterling
Fernald	La Follette	Page	Tillman
Goff	Lea, Tenn.	Penrose	Wadsworth
Gore	Lewis	Ransdell	Warren
Gronna	Lippitt	Robinson	Weeks
Hollis	Lodge	Shafroth	

So the Senate refused to proceed to the consideration of executive business.

Mr. TOWNSEND. I now insist upon the motion I have made that the Senate proceed to the consideration of Senate bill 392.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of Senate bill 392.

Mr. CHILTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. CHILTON. Is it not true that at 2 o'clock Senate bill 392, to which the Senator from Michigan refers, will come up automatically?

Mr. GALLINGER. The motion made by the Senator from Michigan is not debatable.

Mr. CHILTON. I can ask a parliamentary question, can I not?

Mr. GALLINGER. I object to a debate on the motion.

The PRESIDENT pro tempore. The Senator from West Virginia rose to a parliamentary inquiry and asked whether the bill named by the Senator from Michigan was not the unfinished business. The Chair will say that it is. The question is on the motion of the Senator from Michigan that the Senate proceed to the consideration of Senate bill 392.

Mr. SMITH of Georgia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the senior Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I understand that if my pair, the junior Senator from Pennsylvania [Mr. OLIVER], were present, he would vote "yea." I therefore feel that I am released. I vote "yea."

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer that I made upon the former ballot and vote "nay."

Mr. CLAPP. Making the same announcement that I made a few moments ago with reference to the transfer of my pair, I vote "yea."

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the senior Senator from Maryland [Mr. SMITH], I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer as on the former roll call, I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], who is absent from the Chamber, and therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay." In this connection I desire to say that I voted on the last roll call without announcing the transfer. I did so inadvertently.

The PRESIDENT pro tempore (when the name of Mr. SAULSBURY was called). Making the same transfer as before, I vote "nay."

Mr. SMITH of Georgia (when his name was called). Making the same transfer that I made a short while ago, I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the junior Senator from Indiana [Mr. WATSON] and vote "yea."

Mr. WADSWORTH (when his name was called). Has the junior Senator from New Hampshire [Mr. HOLLIS] voted?

The PRESIDENT pro tempore. He has not.

Mr. WADSWORTH. Having a pair with that Senator, I withhold my vote.

Mr. WALSH (when his name was called). I make the same transfer of my pair as on the preceding vote and vote "nay."

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement that I made upon the last ballot as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 28, nays 24, as follows:

YEAS—28.

Brady	Dillingham	Lane	Smoot
Brandegee	Gallinger	McCumber	Sterling
Chamberlain	Harding	Nelson	Sutherland
Clapp	Hitchcock	Newlands	Thompson
Clark	Jones	Norris	Townsend
Cummins	Kenyon	Poindexter	Weeks
Curtis	Kern	Sherman	Works

NAYS—24.

Ashurst	Hardwick	Reed	Swanson
Beckham	Hughes	Saulsbury	Thomas
Bryan	Lee, Md.	Sheppard	Underwood
Chilton	Overman	Shields	Vardaman
Culberson	Phelan	Smith, Ga.	Walsh
Fletcher	Pittman	Stone	Williams

NOT VOTING—44.

Bankhead	Hollis	McLean	Robinson
Borah	Husting	Martin, Va.	Shafroth
Broussard	James	Martine, N. J.	Simmons
Catron	Johnson, Me.	Myers	Smith, Ariz.
Colt	Johnson, S. Dak.	O'Gorman	Smith, Md.
du Pont	Kirby	Oliver	Smith, Mich.
Fall	La Follette	Owen	Smith, S. C.
Fernald	Lea, Tenn.	Page	Tillman
Goff	Lewis	Penrose	Wadsworth
Gore	Lippitt	Pomerene	Warren
Gronna	Lodge	Ransdell	Watson

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer offi-

cers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

The Secretary proceeded to read the bill.

During the reading,

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has this bill never been read before?

The PRESIDENT pro tempore. It has not been read at this session.

Mr. BRANDEGEE. Was the reading demanded?

The PRESIDENT pro tempore. It has not been demanded. The Secretary proceeded with the reading on taking up the bill.

Mr. BRANDEGEE. I have no objection; but if it has been read I did not know but that we would save some time by dispensing with the reading.

The PRESIDENT pro tempore. It has not been read at this Congress, the Chair is informed.

Mr. BRANDEGEE. Very well.

The Secretary resumed and concluded the reading of the bill, which in full is as follows:

Be it enacted, etc., That in recognition of meritorious service rendered to the Government of the United States in the Civil War for the preservation of the Union, there is hereby created in the War Department and Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer of Volunteers who served as an officer in the Army, Navy, or Marine Corps of the United States in the Civil War and was honorably discharged from service by muster out, resignation, or otherwise, shall be entered on said list as of the highest rank held by him during said service. Each surviving officer so entered on said list shall have served in said Army, Navy, or Marine Corps in said war not less than six months, shall not have been retired with continuing retired pay, and shall not belong to the United States Army, Navy, or Marine Corps: *Provided*, That a surviving officer who lost an eye, an arm, or a leg in the line of duty, or who was honorably discharged from service for disability because of a wound or other bodily injury received or incurred in the line of duty, or because of disability incurred in the line of duty while a prisoner of war, shall, if otherwise eligible under the terms hereof, be entitled to be placed on said list and to receive the maximum retired pay herein provided for officers of his former rank, without regard to the length of his said service: *Provided further*, That in computing the length of service of any surviving officer for the purposes of this act there shall be included, in addition to his service as an officer of any rank, all such service as he shall have rendered in said war as an enlisted man or as an appointed petty officer. Applications for entry on said Civil War volunteer officers' retired list shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks shall be furnished for said purpose upon request made to the proper department by surviving officers claiming the benefits of this act. A certificate of service, and of enrollment under this act, properly prepared in the War Department and Navy Department, respectively, shall be furnished to each surviving officer whose name shall be entered on said list.

Surviving officers who served as officers in the Regular Army, Navy, or Marine Corps of the United States during the Civil War, and who were honorably discharged from service for disability, and have not been reinstated in said service nor retired with continuing retired pay, shall, upon application duly made, be entered on said list and receive the same retired pay and other benefits, according to former rank and service, that are herein provided for surviving volunteer officers.

Subject to the maximum limitation of retired pay hereinafter contained, each surviving officer whose name shall have been duly entered on said list, who shall have served as aforesaid in the Civil War a term or terms aggregating two years or more, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay according to his former highest rank and former branch of service as entered on said list, which retired pay shall be equal to one-half of the initial active pay now received by officers of like or equivalent rank in the United States Army, Navy, or Marine Corps, respectively; and each surviving officer whose name shall have been duly entered on said list who shall have served as aforesaid in the Civil War a term or terms aggregating less than two years, but not less than six months, shall receive, out of any money in the Treasury not otherwise appropriated, retired pay, each according to his former rank and aggregate term of service, the amount thereof bearing such proportion to the retired pay herein granted to officers of the same rank for two years' service as the aggregate term of service bears to said term of two years. The retired pay provided for by this act shall begin upon the date of the passage of this act and continue during the natural life of the beneficiary; it shall be payable quarterly, and shall not exceed, in the case of any surviving officer, three-fourths of the initial active pay now received by a captain in the United States Army.

Each surviving officer who shall receive retired pay under this act shall thereby relinquish all his right and claim to pension from the United States after the date of the passage of this act, and any payment of such pension made to him covering a period subsequent to the passage of this act shall be deducted from the amount due him on the first payment or payments under this act. The retired pay allowed under this act shall not be subject or liable to any attachment, levy, lien, or detention under any process whatsoever; and persons whose names are placed upon said list shall not constitute any part of the United States Army, Navy, or Marine Corps.

Mr. STONE. Mr. President, is there a report accompanying this bill?

The PRESIDENT pro tempore. The committee reports two amendments.

Mr. STONE. Is there a printed report?

The PRESIDENT pro tempore. There is a printed report.

Mr. STONE. I think it ought to be read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report (No. 307) submitted by Mr. CHAMBERLAIN March 27, 1916, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reports the same to the Senate with amendments, and as thus amended the committee recommend that the bill do pass.

The amendments proposed by your committee are as follows:

On line 13, page 2, after the word "service" strike out the words "for disability" and insert in lieu thereof the following: "By muster out, resignation, or otherwise."

On line 14, page 3, after the word "service" strike out the words "for disability" and insert in lieu thereof the following: "By muster out, resignation, or otherwise."

The following statements of facts are confidently presented to the Senate as conclusive reasons to justify the passage of this bill:

[Act of May 25, 1861. Act of July 22, 1861. Approved July 22, 1861.]

"SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

"SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the Regular service. * * *" (Approved July 22, 1861.)

July 22, 1861, act places Volunteers and Regulars, as to pay and allowances, in all respects on equal footing. On those and other Government promises the Union forces were enlisted and mustered, served the cause, and were retired by discharge for wounds or disability or close of term of service or end of war, 1866, and that promised equality should now be fulfilled in whole or part as called for in S. 392 and H. R. 386, referred to.

SOME FACTS PERTINENT TO THESE CLAIMS.

1. The full retired pay granted for life to all survivors of the Revolutionary, 1812, and Indian Wars, in accordance with rank. (U. S. Stat. L., vol. 4, pp. 269, 270, 529, 530.)

2. The present extra grade and extra pay granted to all Regulars with Civil War volunteer service regardless of term of such service or its nature.

3. The acts of Congress March 3, 1905, nearly 40 years after the close of the Civil War, giving retirement and retired pay to Gen. Hawley and Gen. Osterhaus as brigadier generals, for Civil War service as volunteers. The granting of more than enlisted men's pay to all such surviving Volunteers by pension act of May 11, 1912.

The legislatures of States representing 50,000,000 of people and all Loyal Legion commanderies have approved the Volunteer retired list measure.

Without commissioned officers to guide, direct, and care for the more than 2,000,000 men of the Army and Navy in 1861 to 1866, the preservation of the Union could not have been accomplished.

The fact that a majority of the Members of both Houses of Congress have on individual canvass approved the measure, with a cost to the Government of less than $4,000,000 first year.

Justice delayed for 50 years calls for this legislation. There are not over 7,000 survivors; average age, 78.

The fact that 95 per cent of the officers of the Union forces were Volunteers, from civil life, and promoted from the ranks, but have received no recognition as officers by any general legislation. That 90 per cent of these preservers of the Nation have died without the honor and benefit to which they were entitled by acts of Congress.

All nations of the world have given especial honors to their warrior officers, always recognizing by pay and distinction—estates, titles, and large money grants—their claim to superior consideration.

THE FUTURE OFFICER MUST BE ASSURED THAT TO HIM THE GOVERNMENT'S PROMISE WILL PROVE TO BE AS GOOD AS GOLD.

Gen. SHERWOOD, of the House of Representatives, well said every country in the world recognizes the difference between the officer and the private. We do that. We retire our Regular Army officers at the age of 64 years. Not 5 per cent of these officers ever saw any battle service. There is never any question raised as to cost. Now, here is a body of men whose average age is about 80 years, every one of whom has seen service, and hard service. The question is, Shall we recognize merit and service?

The Senate is reminded that a bill very similar to this, entitled "A bill for the relief of the surviving officers of the Revolution," was before the Senate and debated on the 25th of April, 1828, which passed and became a law. The immortal Webster, then a Senator from Massachusetts, spoke in favor of that bill:

"This bill is intended for those who, being in the Army in October, 1780, then received a solemn promise of half pay for life, on condition that they would continue to serve through the war. Their ground of merit, in that whensoever they joined the Army, being thus solicited by their country to remain in it, they at once went for the whole war; they fastened their fortunes to the standards which they bore, and resolved to continue their military service until it should terminate either in their country's success or in their own death. This is their merit and the ground of their claim.

"The militia who fought at Concord, Lexington, at Bunker Hill, have been alluded to in the course of this debate in terms of well-deserved praise. Be assured, sir, there could with difficulty be found a man who drew his sword or carried his musket at Concord or Lexington or Bunker Hill who would wish you to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here and had the fate of the bill in their own hands! Would to God the question of its passage were to be put to them! They would affirm it with a unity of acclamation that would rend the roof of the Capitol.

"The objects, then, sir, of the proposed bounty are most worthy and deserving objects. The services which they rendered were in the highest degree useful and important. The country to which they rendered them is great and prosperous. They have lived to see it glorious; let them not live to see it unkind. For me, I can give them but my vote and my prayers, and I give them both with my whole heart."

These words, coming from the lips of Mr. Webster, ought to impress every Senator that this is no new theory on the part of the Congress to recognize the obligation resting upon Congress to keep the pledges made by its predecessors.

This action on the part of Congress is not one of almsgiving. All nations of the world have given especial honors to their warrior officers, always recognizing by pay and distinguished recognition, or large money grants, their claim to superior consideration.

Senator H. M. Teller, of Colorado, on June 13, 1906, presented a memorial favoring this legislation, as follows:

"In considering the claims of the petitioners to the considerate action of Congress, the value of their services must be judged of by the magnitude and importance of the issues involved in the Civil War and the results accomplished.

"In respect to the interests of the whole race of mankind, the preservation of the Union was the most important political event in the tide of time.

"The victory of the Union Army kept in the political firmament of the world, as a beacon light, the republican principle of self-government.

"Not only the repose, the progress, and the prosperity, but the very existence of the United States as a Nation was involved in the tremendous struggle.

"The people of the United States owe their present marvelous prosperity, their peace at home, and their influence abroad to the fact that the Union was preserved by the patriotism, valor, and fortitude of the Volunteers.

"It is a well-established historical fact that officers of the Volunteers commanding troops in the field performed their duties with equal ability, zeal, and courage, and encountered the same hazards as did officers of similar rank of the Regular Army. Upon an examination of the records of these surviving generals it will be found that they all had long service and that the great majority of them entered the service in 1861 and remained therein until the close of the war in 1865."

In view of all of these facts it seems clear that justice and fair dealing require that in respect to services in said war the rights of Volunteer officers to honors and emoluments should have been equal to those of the Regular Army. This was not done. The appeal of these veteran Volunteer officers is not a call for charity. They simply point to the record and request the Government to render equity to men who believe they have earned, and thus far failed to receive, equity.

The present request for the proposed legislation is based on this fivefold sanction:

(1) The general merits of the case, including the magnitude, results, and value of the service rendered, national expediency, and patriotic gratitude.

(2) The pledges given by Congress and President Lincoln at the opening of the Civil War to the several States and to the Volunteers furnished by them.

(3) The action and policy of the Government since the war in extending to practically all surviving officers of the Regular Army and Navy special rewards exclusively for Civil War service, which, contrary to the pledges referred to, have thus far been withheld from surviving volunteer officers.

(4) The commanding precedent furnished by the United States Government in 1828 and 1832 in granting to the aged surviving officers of the Revolutionary Army full pay, limited to that of a captain, during the remainder of life.

(5) Present public sentiment in the Nation, as shown, among other proofs, by the unanimous action of the legislatures of 13 States, speaking for nearly 50,000,000 of our people, recommending the enactment of such a measure.

Mr. STONE. Mr. President, the rather long and impressive document just read to the Senate has been listened to by not more than 10 or 12 Senators. That document contains the argument presented by the committee reporting the bill in favor of the passage of the bill, an important measure, important for one reason, because it involves the expenditure of millions of dollars. I do not think this measure should proceed further without the presence of a quorum, and I make the point that there is no quorum present.

The PRESIDENT pro tempore. The absence of a quorum is suggested by the Senator from Missouri. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Sterling
Bankhead	Gallinger	Newlands	Stone
Beckham	Gore	Norris	Sutherland
Borah	Gronna	Phelan	Thomas
Brady	Harding	Pittman	Thompson
Brandegee	Hitchcock	Poindexter	Townsend
Chamberlain	Jones	Pomerene	Underwood
Chilton	Kenyon	Saulsbury	Vardaman
Clapp	Kern	Sheppard	Wadsworth
Clark	Lane	Sherman	Walsh
Cummins	McCumber	Shields	Works
Curtis	Martine, N. J.	Smoot	

Mr. CURTIS. I have been requested to announce that the Senator from Vermont [Mr. DILLINGHAM] has been called out of the city to attend a funeral. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. I ask that the names of the absentees may be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. REED answered to his name when called.

Mr. CHILTON. The Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

Mr. OVERMAN and Mr. LEE of Maryland entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present.

Mr. WALSH. Mr. President, I inquire if it be in order at this time to move to take up the calendar, according to the rule?

The PRESIDENT pro tempore. The Senate has taken up, on the motion of the Senator from Michigan, Senate bill 392. It has made an order in that respect, thereby displacing the calendar.

Mr. WALSH. But I have an impression that the Senate could change its mind at any time.

The PRESIDENT pro tempore. It undoubtedly can by a reconsideration or motion to take up another bill.

Mr. WALSH. If that be the case, I inquire whether it would be in order to move to take up another bill?

The PRESIDENT pro tempore. The Chair thinks it would be.

Mr. WALSH. I move that the Senate proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Montana to proceed to the consideration of the bill named by him.

Mr. BRANDEGEE. Let us have the yeas and nays on that motion, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Announcing the same transfer of my pair as previously, I vote "yea."

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as on former votes to-day and vote "yea."

Mr. CLAPP (when his name was called). Making the same announcement in relation to my pair and its transfer as on the previous vote, I vote "nay."

Mr. GALLINGER (when his name was called). Announcing the same transfer of my pair as heretofore, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As I understand, if present he would vote as I shall vote. I therefore take the liberty of voting. I vote "nay."

Mr. REED (when his name was called). Making the same transfer as on the last vote, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). The Chair makes the same announcement of the transfer of his pair as heretofore and votes "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. THOMAS (when his name was called). My pair being absent, I withhold my vote, but I ask to be counted for a quorum.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He appears to be absent, and so I withhold my vote. I desire, however, to be counted as present for a quorum.

Mr. WADSWORTH (when his name was called). May I inquire whether the junior Senator from New Hampshire [Mr. HOLLIS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WADSWORTH. I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. WALSH (when his name was called). I make the same transfer of my pair as on the preceding vote and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS].

Mr. OVERMAN. Announcing my pair and its transfer as previously, I vote "yea."

Mr. UNDERWOOD. I transfer my general pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that, if present, he would vote as I am about to vote. I therefore feel released and vote "nay."

Mr. CURTIS (after having voted in the negative). I desire to know if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CURTIS. I transfer my general pair with that Senator to the junior Senator from Pennsylvania [Mr. OLIVER] and will let my vote stand.

Mr. KERN. I have been requested to announce the necessary absence of the junior Senator from Maryland [Mr. LEE] on account of official business.

Mr. WATSON. I understand that there was a transfer of pairs made covering me while I was temporarily absent. I desire, however, to be called in order to vote "present."

The Secretary called the name of Mr. WATSON, and he voted "Present."

The roll call resulted as follows:

YEAS—17.

Ashurst	Hughes	Reed	Walsh
Beckham	Overman	Sheppard	Williams
Bryan	Owen	Shields	
Chilton	Phelan	Stone	
Gore	Pittman	Underwood	

NAYS—29.

Brady	Gallinger	Nelson	Sutherland
Brandegee	Gronna	Newlands	Thompson
Chamberlain	Harding	Norris	Townsend
Clapp	Hitchcock	Poindexter	Wadsworth
Clark	Jones	Saulsbury	Works
Cummins	Kenyon	Sherman	
Curtis	Kern	Smoot	
Fletcher	Lane	Sterling	

NOT VOTING—50.

Bankhead	Husting	Martin, Va.	Smith, Ga.
Borah	James	Martine, N. J.	Smith, Md.
Broussard	Johnson, Me.	Myers	Smith, Mich.
Catron	Johnson, S. Dak.	O'Gorman	Smith, S. C.
Colt	Kirby	Oliver	Swanson
Culberson	La Follette	Page	Thomas
Dillingham	Lea, Tenn.	Penrose	Tillman
du Pont	Lee, Md.	Pomerene	Vardaman
Fall	Lewis	Ransdell	Warren
Fernald	Lippitt	Robinson	Watson
Goff	Lodge	Shafroth	Weeks
Hardwick	McCumber	Simmons	
Hollis	McLean	Smith, Ariz.	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH], the yeas are 17 and the nays are 29. The two Senators who have requested to be counted to make a quorum would not be sufficient to make a quorum. There is no quorum voting.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. NELSON. Mr. President, I think that at least three Senators were present who did not vote. The Senator from Colorado [Mr. THOMAS] said that he was paired, which indicates that he was present, and there were, I think, two other Senators present and not voting, making three at least who should be counted as present to make a quorum.

The PRESIDENT pro tempore. The Chair will state to the Senator from Minnesota that he noted the presence of the Senator from Colorado [Mr. THOMAS], the Senator from Alabama [Mr. UNDERWOOD], and the Senator from Indiana [Mr. WATSON]. Subsequently the Senator from Alabama voted, leaving only two to be counted, which does not make a quorum.

Mr. VARDAMAN. I desire to be marked "present." I was in the Chamber, but did not hear my name called.

The PRESIDENT pro tempore. The announcement has been made, and the Secretary has been instructed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Owen	Thomas
Beckham	Gore	Phelan	Townsend
Borah	Gronna	Pittman	Underwood
Brandegee	Harding	Poindexter	Vardaman
Bryan	Jones	Saulsbury	Wadsworth
Chamberlain	Kenyon	Sheppard	Watson
Chilton	Kern	Sherman	Williams
Clapp	McCumber	Shields	Works
Clark	Nelson	Smoot	
Cummins	Newlands	Stone	
Curtis	Norris	Sutherland	

The PRESIDENT pro tempore. Forty-one Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. Mr. President, I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE, Mr. STERLING, and Mr. WALSH answered to their names when called.

Mr. HITCHCOCK, Mr. LANE, and Mr. THOMAS entered the Chamber and answered to their names.

Mr. CHILTON. I wish to announce again that the junior Senator from South Carolina [Mr. SMITH] is absent on account of illness in his family.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. Mr. President, I ask that the Sergeant at Arms be directed to request the presence of the absent Senators.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms is directed to request the presence of absent Senators.

Mr. DU PONT, Mr. BRADY, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present. The Secretary will call the roll on the motion of the Senator from Montana [Mr. WALSH].

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer as heretofore and vote "yea."

Mr. CLAPP (when his name was called). Making the same announcement that I formerly made with reference to the transfer of my pair, and letting that announcement stand for the day, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], but I am informed that upon this question he would vote as I shall vote. I therefore vote "nay."

Mr. WADSWORTH (when his name was called). Making the same announcement that I made before with respect to a transfer, I vote "nay."

Mr. WALSH (when his name was called). I make the same announcement as on the preceding vote, and vote "yea." I inquire whether I am recorded as present on the last quorum call?

Mr. GALLINGER. Let the call be completed, Mr. President.

The PRESIDENT pro tempore. The Chair does not think the inquiry can be entertained at the present time.

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Indiana [Mr. WATSON] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. Making the same announcement as on previous votes, I vote "nay."

Mr. SMITH of Georgia. I have already voted. I renew my announcement of the transfer of my pair to the junior Senator from Louisiana [Mr. BROUSSARD].

Mr. OWEN. I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. HARDWICK. I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. Observing that he is not present, I transfer that pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

The roll call resulted—yeas 13, nays 21, as follows:

YEAS—13.

Bryan	Hughes	Smith, Ga.	Walsh
Chilton	Owen	Stone	
Gore	Sheppard	Thomas	
Hardwick	Shields	Vardaman	

NAYS—21.

Brandegee	Gronna	Norris	Townsend
Chamberlain	Harding	Poindexter	Wadsworth
Clapp	Jones	Saulsbury	Weeks
Clark	Lane	Sherman	
Cummins	McCumber	Smoot	
Gallinger	Martine, N. J.	Sutherland	

NOT VOTING—62.

Ashurst	Curtis	Husting	Lee, Md.
Bankhead	Dillingham	James	Lewis
Beckham	du Pont	Johnson, Me.	Lippitt
Borah	Fall	Johnson, S. Dak.	Lodge
Brady	Fernald	Kenyon	McLean
Broussard	Fletcher	Kern	Martin, Va.
Catron	Goff	Kirby	Myers
Colt	Hitchcock	La Follette	Nelson
Culberson	Hollis	Lea, Tenn.	Newlands

O'Gorman	Pomerene	Smith, Md.	Underwood
Oliver	Ransdell	Smith, Mich.	Warren
Overman	Reed	Smith, S. C.	Watson
Page	Robinson	Sterling	Williams
Penrose	Shafroth	Swanson	Works
Phelan	Simmons	Thompson	
Pittman	Smith, Ariz.	Tillman	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH] the yeas are 13, the nays are 21. A quorum is not present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Gore	McCumber	Smoot
Chamberlain	Harding	Nelson	Sterling
Chilton	Hardwick	Norris	Sutherland
Clapp	Hitchcock	Pittman	Thomas
Clark	Hughes	Poindexter	Townsend
Cummins	Jones	Saulsbury	Wadsworth
Curtis	Kenyon	Sheppard	Weeks
Fletcher	Kern	Sherman	
Gallinger	Lane	Smith, Ga.	

The PRESIDENT pro tempore. Thirty-four Senators have answered to their names. There is not a quorum present.

Mr. SMITH of Georgia. Mr. President——

Mr. TOWNSEND. I ask that the names of the absentees be called.

Mr. SMITH of Georgia. Mr. President, I desire to address the Senate upon the bill which is the unfinished business.

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. I understand that I can not now, but I am about to make a motion.

Mr. TOWNSEND. Mr. President, I shall not object to the Senator's making a statement if, after he is through, I may make a statement in reference to the same matter.

Mr. GALLINGER. I object to any debate on either side of the Chamber. Let the roll call be completed.

Mr. SMITH of Georgia. Mr. President, I move that the Senate adjourn.

Mr. GALLINGER. I make the point of order that that can not be done when the calling of the roll has not been completed. The Senator from Michigan asked that the names of the absentees should be called.

The PRESIDENT pro tempore. The Chair thinks that a motion to adjourn is in order.

Mr. GALLINGER. Not during the roll call.

Mr. SMITH of Georgia. There has been a roll call, and it has disclosed the absence of a quorum. The Chair has announced that no quorum is present.

Mr. GALLINGER. It has not been completed. The Senator from Michigan asks that the names of the absentees be called.

Mr. SMITH of Georgia. But that has not been done.

Mr. GALLINGER. It is a part of the roll call, always.

The PRESIDENT pro tempore. The Chair will decide that the calling of the absentees had not been ordered, although asked for, and that a motion to adjourn is in order. The question is on the motion of the Senator from Georgia that the Senate adjourn.

The motion was rejected.

Mr. GALLINGER. Now, let the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRYAN, Mr. CULBERSON, Mr. GRONNA, Mr. OWEN, Mr. REED, Mr. SHIELDS, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. MARTINE of New Jersey, Mr. WALSH, Mr. WORKS, and Mr. OVERMAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. A quorum is not present.

Mr. TOWNSEND. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. GORE. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate adjourn.

Mr. HUGHES. I make the point of order that the motion is clearly dilatory, because the Senate has just refused to adjourn and no business has intervened.

The PRESIDENT pro tempore. The Chair thinks that the motion is in order when there is no quorum developed. As at present advised the Chair holds that the motion is in order. The Senator from Oklahoma moves that the Senate do now adjourn.

Mr. GORE. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer that I did on the former ballot and vote "nay."

Mr. GALLINGER (when his name was called). Making the same transfer as on previous votes, I vote "nay."

Mr. GRONNA (when his name was called). Making the same transfer that I did on the former vote, I vote "nay."

Mr. OVERMAN (when his name was called). I am paired, but, as previously announced, my pair has been transferred, and I vote "yea."

Mr. SAULSBURY (when his name was called, Mr. FLETCHER in the chair). Making the same transfer of my pair as before, I vote "yea."

Mr. THOMAS (when has name was called). In the absence of my pair I withhold my vote.

Mr. WADSWORTH (when his name was called). Transferring my pair as on the last roll call, I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair as on the former vote and vote "yea."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the former vote, I vote "nay."

The roll call was concluded.

Mr. STONE (after having voted in the negative). Of course, it does not take a quorum to adjourn; the roll call shows that the number of Senators present is very much short of a quorum, and I wish to change my vote from "nay" to "yea."

The result was announced—yeas 14, nays 33, as follows:

YEAS—14.

Bryan	Overman	Shields	Vardaman
Culberson	Pittman	Smith, Ga.	Walsh
Gore	Saulsbury	Stone	
Hardwick	Sheppard	Underwood	

NAYS—33.

Bankhead	Fletcher	Lane	Sterling
Brady	Gallinger	Martine, N. J.	Sutherland
Brandegee	Gronna	Nelson	Townsend
Chamberlain	Harding	Norris	Wadsworth
Chilton	Hitchcock	Owen	Weeks
Clapp	Hughes	Poindexter	Works
Clark	Jones	Pomerene	
Cummins	Kenyon	Sherman	
Curtis	Kern	Smoot	

NOT VOTING—49.

Ashurst	James	Myers	Smith, Md.
Beckham	Johnson, Me.	Newlands	Smith, Mich.
Borah	Johnson, S. Dak.	O'Gorman	Smith, S. C.
Broussard	Kirby	Oliver	Swanson
Catron	La Follette	Page	Thomas
Colt	Lea, Tenn.	Penrose	Thompson
Dillingham	Lee, Md.	Phelan	Tillman
du Pont	Lewis	Ransdell	Warren
Fall	Lippitt	Reed	Watson
Fernald	Lodge	Robinson	Williams
Goff	McCumber	Shafroth	
Hollis	McLean	Simmons	
Husting	Martin, Va.	Smith, Ariz.	

Mr. Sharkey, one of the secretaries of the President of the United States, appeared.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). The Senate will receive a message from the President of the United States.

Mr. GALLINGER. No quorum has voted. Let the roll be called. The message can not be received.

The PRESIDING OFFICER. The Chair thinks it is in order to receive a message from the President:

MESSAGE FROM THE PRESIDENT.

RECEPTION OF, WITHOUT A QUORUM.

[49th Cong., 1st sess.; J., p. 1288, Aug. 5, 1886.]

The President pro tempore (Mr. Sherman) decided that less than a quorum could not take a recess. (See Cong. Record, p. 8022.)

At same time decided that less than a quorum could receive a message from the President of the United States, because the rules do not exclude a message from the House of Representatives or the President in absence of a quorum. (J., pp. 1288, 1289; idem., p. 8022.)

That is laid down in Gilfry's Precedents.

Mr. SMOOT. That is where there was no question of a quorum raised. It has now been developed that there is no quorum present, and nothing can be done until a quorum is developed.

Mr. GALLINGER. That is right.

Mr. SMOOT. No business is in order under the rule.

Mr. STONE. I personally would like to ask first whether, and then why, the Senator from Utah objects to receiving a message from the President.

Mr. SMOOT. I have just stated that under the rule of the Senate no business can be done by the Senate until a quorum has been developed. I have no objection to receiving a message from the President at any time when, under the rules of the

Senate, it can rightfully be done. It is not that I have any objection to the message of the President, it is because under the rule no business can be done with the exception of an adjournment until a quorum has been developed.

Mr. STONE. I confess I am not familiar with the exact rule the occupant of the Chair has just read——

Mr. GALLINGER. Will the Chair state the particular precedent?

The PRESIDING OFFICER. It is found in Precedents, Decisions on Points of Order, with Phraseology, in the United States, compiled by Henry H. Gilfry, page 473, under the head of "President's message—reception of, without a quorum."

The ruling was made August 5, 1886.

Mr. GALLINGER. I wish to know the ruling.

The PRESIDING OFFICER. The President pro tempore, Mr. Sherman, decided that "less than a quorum could not take a recess," and "at the same time decided that less than a quorum could receive a message from the President of the United States."

Mr. SMITH of Georgia. The rule itself permits the reception of the message. It only excludes debate and motions, except a motion to adjourn. It does not exclude the reception of a message from the President.

And until a quorum shall be present no debate nor motion, except to adjourn, shall be in order.

It does not deny the right to receive a message from the President.

Mr. SUTHERLAND. Mr. President, I think we have higher authority than the rules of the Senate forbidding the Senate when less than a quorum is present to receive a message from the President. The Constitution itself provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.

The Constitution clearly contemplates that when less than a majority are present no business can be transacted except the business which the Constitution itself prescribes. If this is business, and I take it it is, we are powerless to do it.

Mr. HITCHCOCK. It is certainly not business. It would be an absurd proposition to so term the merely ministerial work of the Presiding Officer and the Secretary in receiving a message when it arrives, while the Senate suspends its operations. To call that business seems to me to be a violent stretch of the English language.

Mr. SUTHERLAND. What would the Senator call it?

Mr. HITCHCOCK. It is not business of the Senate. The Senate is not transacting business. The Senate suspends business.

Mr. SUTHERLAND. It is business of the country.

Mr. HITCHCOCK. The Senate suspends business that the President's message may be delivered to the proper officer of the Senate. It is not the transaction of business.

Mr. SUTHERLAND. What would the Senator call it if it is not to be called business?

Mr. HITCHCOCK. It is not to consider it; at the present time the Senate simply suspends operations while the message is delivered to the Presiding Officer.

The PRESIDING OFFICER. This is the only precedent before the Chair, and, so far as the Chair knows, it is the only one. The ruling was held by the President pro tempore, Mr. Sherman:

An appeal was taken, but because of a want of a quorum it was not entertained by the President pro tempore. (Journal, p. 1288; CONGRESSIONAL RECORD, pp. 8022, 8023.)

Same points decided same way and message of the President was read. (Journal, p. 1292; CONGRESSIONAL RECORD, p. 8022.)

That seems to be the only precedent on the subject, and the Chair will receive the message.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, was announced by the Assistant Doorkeeper.

The PRESIDING OFFICER. The Senate will receive it.

Mr. Sharkey said: "The President of the United States directs me to deliver to the Senate a message in writing."

The message was delivered to the Secretary and handed to the Presiding Officer.

Mr. HUGHES. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. SUTHERLAND. Let me inquire what was the action of the Senate with reference to the message?

The PRESIDING OFFICER. The message was received.

Mr. SUTHERLAND. The Senate has taken that action?

The PRESIDING OFFICER. It has received the message.

Mr. SUTHERLAND. Then I understand less than a quorum of the Senate has taken the action which the Chair has indicated.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Michigan [Mr. TOWNSEND] that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. GALLINGER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. GALLINGER. The Senate, not having a quorum, received a message from the President of the United States. Will it be in order, without a quorum, for me to ask to have printed in the CONGRESSIONAL RECORD the biographies of the gentlemen constituting the Shipping Board as it has been reported?

The PRESIDING OFFICER. The Chair thinks that would not be in order.

Mr. SMITH of Georgia. It is generally out of order——

Mr. GALLINGER. I directed my inquiry to the Chair.

The PRESIDING OFFICER. The Chair will say that it would not be in order.

Mr. GALLINGER. The Chair rules that it would not be in order. The Chair is right, undoubtedly.

Mr. STONE. The Chair was right before, and he is right now. The Chair is right in ruling that the Senate——

Mr. GALLINGER. Mr. President, I propounded a parliamentary inquiry and received a reply, but debate is not in order in the absence of a quorum.

The PRESIDING OFFICER. The Chair thinks the point well taken. No debate is in order.

Mr. STONE. That silences me.

Mr. SHEPPARD. Mr. President, I make the point of order that the roll should be called in view of the fact that the last vote showed the absence of a quorum.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

Mr. GALLINGER. What was the point of order?

The PRESIDING OFFICER. The point of order was that on the last roll call no quorum was disclosed and that the roll should be called now.

Mr. GALLINGER. Unquestionably.

Mr. SMOOT. For the absentees.

Mr. SHEPPARD. Then I ask that the roll be called.

Mr. CUMMINS. What becomes of the order directing the Sergeant at Arms to bring in the absent Members?

Mr. GALLINGER. It is still operative.

The PRESIDING OFFICER. That is still in effect.

Mr. SMOOT. Before that order was entered the roll was called for absentees, and nothing can be done now until a quorum has been developed.

The PRESIDING OFFICER. Then there was a yea-and-nay vote which disclosed that there was no quorum.

Mr. SMOOT. There was a yea-and-nay vote on adjournment.

The PRESIDING OFFICER. That disclosed that there was no quorum. Now there is no roll to which absent Senators may be added.

Mr. GALLINGER. Let us have a new roll call.

Mr. SHEPPARD. I suggest that the roll be called.

Mr. STONE. Mr. President, I wish to ask the Chair a parliamentary question. I ask whether, when on a call it is disclosed that a quorum is not present and the motion in due course has been made that the Sergeant at Arms be directed to request or, it may be, to enforce the attendance of absent Senators, anything else is in order in the ordinary course of the business of the Senate except to bring in the absent Members? If that be not true, it seems to me that we might go on making one motion after another and bring ourselves into the very entanglement now presented, where a motion is made, a roll call is had upon it, which again discloses that there is no quorum present, and then some other motion is made to bring in absent Senators or to have a roll call for absent Senators. If this is to go on we would pile one thing upon another interminably. The Senate must proceed with some degree of order and system. So it seems to me, as a matter of common sense and, I think, according to the practices of this body, whenever it is disclosed that a quorum is not present and we reach a stage in the proceedings where a motion is made and agreed to that the Sergeant at Arms be directed to bring in the absent Senators by request or by compulsion, as the case may be, the Senate is at a standstill until the Sergeant at Arms has reported.

Mr. GALLINGER. Mr. President——

Mr. SHEPPARD. Regular order, Mr. President.

Mr. GALLINGER. Supposing the Sergeant at Arms does not find Senators?

Mr. STONE. Then he can report.

Mr. GALLINGER. Suppose the Sergeant at Arms does not find absent Senators, are we to stay here forever?

Mr. STONE. We can stay here until he reports that they can not be found, and if they can not be found the Senate takes its own course.

Mr. SMITH of Georgia. Mr. President, I can not recall any precedents since I have been in the Senate upon the question that is now under consideration. Unquestionably, when the lack of a quorum is disclosed by a vote upon a roll call, a call of the roll for a quorum is necessary; but when we have called for a quorum and that call has failed to disclose a quorum and a motion to adjourn is made, which can be passed upon without a quorum, it does not seem to me good practice to abandon, and I find nothing in the rules that requires us to abandon, the first call for a quorum. On the contrary, the practical way of doing business would be to stand by that call, accept the presence of Senators when they come into the Senate, and complete that original call for a quorum. I do not know what the precedents have been; I do not recall any precedents on the subject; but, if it be true that when we have a roll call to ascertain whether there is a quorum present, and then a motion to adjourn can require, if the lack of a quorum is disclosed by it, starting all over again with the roll call for a quorum, which could at once be followed by a motion for adjournment—those two propositions could keep the Senate in session continuously without the ability to force the presence of a quorum.

Mr. TOWNSEND. Mr. President, we have been proceeding here somewhat out of order. I desire to make a statement to the effect that it seems to me there is a determination to prevent the attendance of a quorum and to prevent the consideration of this bill. This bill could have been passed——

Mr. SMITH of Georgia. I raise the point of order that the Senator from Michigan is out of order. I ask the Chair not to allow the Senator to proceed.

Mr. GALLINGER. I ask unanimous consent that the Senator be allowed to proceed.

Mr. SMITH of Georgia. I object.

Mr. TOWNSEND. I was simply asking for the return of the courtesy in which the Senator indulged, and as to which I did not object.

Mr. SMITH of Georgia. The Senator is mistaken, Mr. President. I was discussing a question of order which was before the Chair and not anything else. I was seeking to induce a ruling that would facilitate the procurement of a quorum.

Mr. TOWNSEND. The Senator from Georgia is not in order. He has been indulging in debate. I propose simply to state something that might facilitate the procedure this afternoon.

Mr. HUGHES. Regular order, Mr. President.

Mr. SMOOT. Mr. President——

Mr. BRANDEGEE. Mr. President, I rise to a question of order. I should like the Chair to enforce the third clause of Rule V, which is found on page 7 of the Manual, which provides that after the Sergeant at Arms has been instructed to compel the attendance of absent Senators "and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order."

The PRESIDING OFFICER. The point of order is well taken. The point of order was raised by the Senator from Texas [Mr. SHEPPARD] that it would be necessary to call the roll, inasmuch as since it had been ascertained that there was no quorum present, a motion had been made to call the names of absent Senators, and still, no quorum developing, a motion was then made to compel the attendance of absent Senators. Then a motion was made to adjourn; and upon that motion the yeas and nays were ordered, when it developed that there was no quorum. The Senator from Texas has raised the point that the only thing to do now is to call the roll for a quorum, and that the summoning of absent Senators to add to the original list disclosed on the first roll call would not be a proper practice. The Chair is rather inclined to that view. It might facilitate matters to begin anew with the roll call in order to ascertain whether a quorum is present, because it may be that Senators who answered on the prior roll call are not now here.

Mr. BRANDEGEE. That is always so.

Mr. GALLINGER. Mr. President, I am not going to violate the rule. What is going to happen here to-day is evident. I ask unanimous consent that the Senator from Michigan [Mr. TOWNSEND] be permitted to make a brief statement. That can be done by unanimous consent.

The PRESIDING OFFICER. Does it bear on the question now before the Senate?

Mr. GALLINGER. It does, so far as the question of adjournment, which is now before the Senate, is concerned.

Mr. STONE. If it is going to be in the nature of debate or criticism or anything of that kind, I object.

Mr. GALLINGER. The Senator had better agree to my request. Then, if the courtesy is abused, he can raise an objection. I do not think, however, it will be abused.

Mr. STONE. I think I will not consent.

Mr. GALLINGER. Very well; then we shall stay here a while.

Mr. CLARK. Mr. President, bearing upon the point upon which the Chair seems about to rule, I should like to submit the question whether or not a ruling such as the Chair indicated would not bar entirely the power of the Senate to call in absent Senators or to compel their attendance, because, while the order is in process of execution, if a motion to adjourn is made, which should disclose the absence of a quorum, another roll call is had, another order made, and then a motion is made to adjourn, it seems to me that we should have a going around and around and around, which would absolutely prohibit, if any Senator so desired, the carrying out of the order for the arrest or the request for the presence of absent Senators. I submit that suggestion for the consideration of the Chair.

Mr. STONE. That is just what I stated awhile ago. I think the Senator from Wyoming is absolutely right.

Mr. BRANDEGEE. On the question of order I want to say very briefly that, as I remember the practice of the Senate, it has been universally as stated by the Senator from Missouri and by the Senator from Wyoming. After the Sergeant at Arms has been instructed to compel the attendance of absent Senators, no more suggestions of the absence of a quorum are in order. The names of those who have been recorded as present, although they were less than a quorum, have stood on the list; and as the Sergeant at Arms produced the absent Senators one by one, the Secretary called their names as they entered the Chamber, and they answered to their names. Whenever a quorum was present the order to the Sergeant at Arms was vacated, and a quorum was established on that roll call.

The PRESIDING OFFICER. That undoubtedly is the case, except in an instance where there has been a yea-and-nay vote taken, and as a result of that yea-and-nay vote it was disclosed that there was no quorum present.

Mr. BRANDEGEE. If the Chair will bear with me one minute upon that point, the suggestion occurs to me that, inasmuch as the only business that a number of Senators less than a quorum can transact, is to adjourn, the fact that that motion may be made and the yeas and nays had upon it, does not suspend the third clause of Rule V. Already there was disclosed the absence of a quorum, and the Senate had directed the Sergeant at Arms to supply the presence of a quorum. The fact that on the only motion that can be made during the absence of a quorum, to wit, the motion to adjourn, a continued lack of a quorum is shown, does not at all change or suspend clause 3 of Rule V, and does not vacate the order to the Sergeant at Arms.

Mr. SMITH of Georgia. If the Chair will allow me to make one other suggestion upon the same point of order, suppose the roll was called which disclosed the lack of a quorum and the motion was made to direct the Sergeant at Arms to notify absent Senators; that a call for a yea-and-nay vote was asked for upon that question, and there was a majority vote for it, but that vote disclosed that there was no quorum the motion would be lost, but then we would have to go back and call the roll for a quorum. Under such conditions we could not proceed at all.

The PRESIDING OFFICER. The Chair will overrule the point of order raised by the Senator from Texas, and proceed—perhaps that is the quickest way—to ascertain if enough Senators have been produced to make a quorum, going back to a former roll call. The suggestion from the Secretary to the effect that there was no roll to which these names might be added raised some doubt in the mind of the Chair.

Mr. GALLINGER. I will ask if the Sergeant at Arms is ready to report under the order of the Senate?

Mr. NEWLANDS, Mr. ASHURST, and Mr. BORAH entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. SMOOT. What is pending before the Senate, Mr. President?

The PRESIDING OFFICER. The motion of the Senator from Montana [Mr. WALSH] to take up House bill 408.

Mr. SMOOT. Mr. President, I wish to discuss the question as to whether or not that motion is in order. I call attention to Rule XXII, which provides:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

When a question is pending those are the only motions that can be made under our rules, and they take precedence in the order named. Is it not true, I will ask the Chair, that the question of the consideration of Senate bill 392 was pending before the Senate? If that be the case, the only motions that can be made are as provided under Rule XXII, and a motion to take up another bill from the calendar is not in order.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Does the Senator think that we can not after 2 o'clock displace one measure by taking up another; that that power is not in the hands of the Senate? And will he let me ask him further if it is not true that we have done that over and over again?

Mr. SMOOT. There is no doubt about it.

Mr. SMITH of Georgia. And does not that grow out of the joint application of the rule the Senator has read and Rule IX?

Mr. SMOOT. The Senator means Rule VIII.

Mr. SMITH of Georgia. No; Rule IX, which contains an express provision relative to the matter.

Mr. HUGHES and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I yield to the Senator from Michigan.

Mr. TOWNSEND. As I understand, there is now a quorum present.

Mr. STONE. I make the point of order——

Mr. TOWNSEND. I do not yield to the Senator.

Mr. STONE. I can raise a question of order.

The PRESIDING OFFICER. A point of order is being raised, and that is in order.

Mr. STONE. The Senator from Utah was on the floor, and then——

Mr. GALLINGER. He yielded to the Senator from Michigan.

Mr. STONE. I wish to ask whether the unfinished business has been formally laid before the Senate.

Mr. TOWNSEND. It is before the Senate on motion.

The PRESIDING OFFICER. The unfinished business was taken up this morning on motion and was before the Senate at 2 o'clock. It was not formally laid down at that time. The motion of the Senator from Montana [Mr. WALSH] is the pending motion, and the yeas and nays were ordered on that motion, as the Chair understands.

Mr. STONE. I make the point of no quorum.

Mr. BRANDEGEE. I rise to a point of order, Mr. President, that no business has intervened since the question of a quorum was determined.

Mr. STONE. We have had debate.

Mr. BRANDEGEE. That is not the transaction of business, Mr. President, and it has been so ruled.

Mr. GALLINGER. Not only that, but the absence of a quorum can not be suggested when another Senator has the floor.

Mr. STONE. If the Senator desires to speak, I do not care about that, if that is what he wishes.

Mr. HUGHES and Mr. TOWNSEND addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HUGHES. I move that the Senate now proceed to the consideration of executive business.

Mr. TOWNSEND. I have not yielded for any such purpose.

Mr. HUGHES. I maintain the Senator has not got the floor. It was yielded to him by the Senator from Utah.

Mr. TOWNSEND. That makes the Senator from Utah lose the floor, if any Senator objects to it.

Mr. HUGHES. I object to the Senator from Utah or any other Senator farming out the floor. In my own right I asked and received recognition; and I move that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. I insist that that motion is out of order, and that I have the floor.

Mr. STONE. The Senator has not the floor of right.

Mr. KENYON. I make the point of order that the Senator from Missouri has not been recognized by the Chair.

Mr. STONE. Neither has the Senator from Iowa.

The PRESIDING OFFICER. The Chair holds that both Senators are out of order. The pending question is on the motion of the Senator from Montana [Mr. WALSH], and the roll was being called on that question. There is nothing in order but to complete the roll call on the motion of the Senator from Montana to take up House bill 408.

Mr. BRANDEGEE. Regular order!

The PRESIDING OFFICER. That is the question that is pending. The roll was being called on that question, and that is the only thing in order. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. GRONNA (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "nay."

Mr. KERN (when the name of Mr. LEE of Maryland was called). I again announce the unavoidable absence of the Senator from Maryland [Mr. LEE] on official business.

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). Making the same announcement as to the transfer of his pair as heretofore, the occupant of the chair votes "yea."

Mr. CHILTON (when the name of Mr. SMITH of South Carolina was called). I make the same announcement as to the Senator from South Carolina [Mr. SMITH] as on the former roll calls.

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Indiana [Mr. WATSON], I vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair I withhold my vote. I ask to be counted for a quorum.

Mr. WALSH. Making the same transfer of my pair as heretofore, I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. Making the same announcement with reference to my pair as heretofore, I vote "nay."

Mr. OVERMAN. Announcing my pair and its transfer as previously, I vote "yea."

Mr. REED. Making the same transfer of my pair as on the last vote, I vote "yea."

Mr. CHILTON. I make the same announcement of my pair as on the previous votes and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. THOMPSON. I have been requested to announce that the senior Senator from Kentucky [Mr. JAMES] is paired with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. WADSWORTH (after having voted in the negative). When I voted I neglected to announce that I transferred my pair with the Senator from New Hampshire [Mr. HOLLIS] to the senior Senator from California [Mr. WORKS]. I desire, therefore, to have my vote stand.

The yeas and nays resulted—yeas 18, nays 25, as follows:

YEAS—18.

Ashurst	Gore	Pittman	Smith, Ga.
Bryan	Hardwick	Reed	Underwood
Chilton	Hughes	Saulsbury	Walsh
Culberson	Overman	Sheppard	
Fletcher	Owen	Shields	

NAYS—25.

Borah	Gallinger	Martine, N. J.	Sutherland
Brandegee	Gronna	Nelson	Thompson
Chamberlain	Harding	Norris	Townsend
Clapp	Hitchcock	Poindexter	Wadsworth
Clark	Kenyon	Sherman	
Cummins	Kern	Smoot	
Curtis	Lane	Sterling	

NOT VOTING—53.

Bankhead	Johnson, Me.	Newlands	Smith, S. C.
Beckham	Johnson, S. Dak.	O'Gorman	Stone
Brady	Jones	Oliver	Swanson
Broussard	Kirby	Page	Thomas
Catron	La Follette	Penrose	Tillman
Colt	Lea, Tenn.	Phelan	Vardaman
Dillingham	Lee, Md.	Pomerene	Warren
du Pont	Lewis	Ransdell	Watson
Fall	Lippitt	Robinson	Weeks
Fernald	Lodge	Shafroth	Williams
Goff	McCumber	Simmons	Works
Hollis	McLean	Smith, Ariz.	
Husting	Martin, Va.	Smith, Md.	
James	Myers	Smith, Mich.	

The PRESIDENT pro tempore. On the motion of the Senator from Montana [Mr. WALSH] the yeas are 18 and the nays are 25. There is not a quorum of the Senate present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Overman	Stone
Brandegee	Gronna	Owen	Sutherland
Bryan	Harding	Pittman	Thomas
Chamberlain	Hardwick	Poindexter	Thompson
Chilton	Hitchcock	Pomerene	Townsend
Clapp	Kenyon	Saulsbury	Underwood
Clark	Kern	Sheppard	Wadsworth
Culberson	Lane	Sherman	Walsh
Cummins	Martine, N. J.	Smith, Ga.	Williams
Curtis	Nelson	Smoot	
Fletcher	Norris	Sterling	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. TOWNSEND. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators.

Mr. BORAH entered the Chamber and answered to his name.

Mr. FLETCHER. I move that the Senate adjourn.

Mr. GALLINGER. Mr. President, the announcement has not been made, as yet, of the result of the roll call.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Florida in a moment. Forty-three Senators have answered to their names. There is not a quorum present.

Mr. FLETCHER. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate adjourn. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. BRANDEGEE. I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The ayes have it, and the Senate stands adjourned until the 2d day of January, 1917, at 12 o'clock meridian.

Thereupon (at 3 o'clock and 7 minutes p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Tuesday, January 2, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 22, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, once more in the onward sweep of time Thou has brought us very near the anniversary of the greatest event in all history; and we praise Thy holy name for the heavenly gift which discloses Thy character and makes the whole world akin. And we pray that the hearts of all men may be brought into harmony, and that right speedily; that they may join in the angelic chorus which has been coming down the ages, Glory to God in the highest, and on earth peace, good will toward men; that Thy kingdom may indeed come and Thy will be done in earth as it is in heaven.

And now, O Heavenly Father, as we pause in the daily routine of life in recognition of the great event, open Thou our hearts to the needs of the unfortunate, the poor, the needy, the "down-and-outs," that our hearts may be filled with gladness and our homes with joy; in the spirit of the Lord Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

NOMINATIONS TO FILL COMMITTEE VACANCIES.

Mr. KITCHIN. Mr. Speaker, I wish to nominate to fill the majority vacancy on the Committee on Naval Affairs the Hon. W. W. VENABLE, and to fill the majority vacancy on the Committee on Mines and Mining the Hon. OTIS WINGO.

The SPEAKER. Are there any other nominations? If not the Clerk will report these nominations.

The Clerk read as follows:

To fill vacancy on Naval Affairs, Hon. W. W. VENABLE; Mines and Mining, Hon. OTIS WINGO.

The question was taken, and the nominations were agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5617. An act to confer jurisdiction upon the United States District Court for the District of Minnesota to hear, try, and determine the value of certain pine timber.

STOCK-RAISING HOMESTEADS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill H. R. 407, the same having been agreed to and adopted in the Senate.

The SPEAKER. The gentleman from Oklahoma calls up the conference report. The Clerk will report it by title.

The Clerk read as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the statement.

[For conference report and statement see House proceedings of December 18, 1916.]

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker——

Mr. FERRIS. Does the gentleman from Illinois desire some time?

Mr. MANN. I want to make a little statement for a few minutes, not about the substance, but the form of the conference report.

Mr. FERRIS. How much time does the gentleman want?

Mr. MANN. I do not know.

Mr. FERRIS. Mr. Speaker, I yield such time as the gentleman may desire out of my hour.

Mr. MANN. Mr. Speaker, without making any criticism of the conference report, but merely for the purpose of calling the attention of Members to the method of making up the conference report, I want to make a little statement. When the House passes a bill the bill is engrossed and sent to the Senate. That is the only official copy of the bill, the engrossed copy, which accompanies all communications between the two Houses. If the Senate adds amendments, those amendments are engrossed, and reference is made in page and line to the original engrossed copy of the House, and when the two Houses finally act that original engrossed copy with amendments which might be added goes to the enrolling clerk and he makes up the enrolled bill from that. As a matter of convenience we print the House bill with Senate amendments, Senate amendments numbered and interlined in the bill in italics, but that is not the official copy that goes to the engrossing clerk, and where an amendment is offered, as in this case in the conference report, by reference to this unofficial copy instead of the official copy, the clerk has to guess at what the two Houses mean when he goes to enroll the bill, and it is never safe for the enrolling clerk to guess at what goes in the enrolled bill. Now, in this case reference is made to page 3, line 12, after the word "areas," insert the following: "of the character herein described"; but there is no such word as "areas" on page 3, line 12, of the engrossed copy of the bill. Then again, page 9, line 22, after the word "lands," add the following. There is no such word as "lands" on page 9, line 22, of the copy of the bill which goes to the clerk to be enrolled. I imagine in this case the clerk will be able to guess correctly and enroll the bill correctly, and yet members of the conference committee, or their clerks, ought to be very careful when they refer to page and line of the engrossed bill to have the engrossed bill to properly refer to; so that mistakes will not occur and then the error be laid to the enrolling clerk of one of the Houses.

Mr. FERRIS. Mr. Speaker, as chairman of the managers on the part of the House I am for myself and the conferees indebted to the gentleman from Illinois for making the suggestion. It is true that in drawing up this report I do not wish to put the responsibility on the clerk who really drew the report, as I signed it. What the clerk really did was he used the House bill with Senate amendments, and in the conference report made reference to the Senate amendments in the House print rather than the final print, which, of course, is not the proper way and is necessarily confusing to the enrolling clerk and is not what it should be. I am very much indebted and obliged to the gentleman from Illinois. It shows so well how useful he is in the House in helping to keep things straight. I signed it hurriedly and the other conferees did also. The clerk drew up the conference report, as clerks do in all such cases. I have already talked with the enrolling room, and they understand it and will enroll it properly. I am always glad to have the suggestions and help of the gentleman from Illinois, and am usually benefited by it also.

Mr. RAKER. Will the gentleman yield for five minutes?

Mr. FERRIS. I yield to the gentleman from California.

Mr. RAKER. Mr. Speaker, at this time I am not going to take the time allotted me. We are now about to consummate the last and final legislative act that will insure this bill becoming a law. This bill passed the House early in this Congress and then the Senate on the last day of the first session of the Sixty-fourth Congress, and it is one whose enactment has been looked forward to by the people of the West with much interest. It means great activity and new development of the 16 public lands to which it will apply. While the conferees did not give all that was called for in the original bill, they have so adjusted it as to make it workable, and the law will be of much benefit to the development of the West.

Mr. WINGO. Will the gentleman yield?

Mr. RAKER. Yes. I yield to the gentleman.

Mr. WINGO. I am always willing to give the West what it needs. Will the gentleman please tell us what this bill does as finally agreed on by the conferees? What changes does it make in the law, and what kind of lands does it affect?

Mr. RAKER. I have not time to give the gentleman the information he requires at this time. The chairman can and will give that to the gentleman. I only wish I had the time.

Mr. WINGO. I did not think there was anything the gentleman from California could not explain in five minutes.

Mr. RAKER. I thank the distinguished Member from Arkansas. That is not exactly so. The bill will assist in developing the West greatly, and it is a piece of legislation that will add much to the future development of the public land in Western States. [Applause.] I want to add to my statement what Commissioner Tallman says on this subject in his report of the General Land Office to the Secretary of the Interior for the fiscal year ending June 30, 1916, pages 27 to 307.

HOMESTEADS, LARGE AND SMALL.

From time to time inquiries are addressed to this office in the interest of proposed legislation looking toward a distribution of our public lands in such manner as to secure the highest form of permanent development. This is especially true in connection with the disposition of lands properly classified as agricultural, though ranging from the high fertility of a well-watered country to the semidesert condition of the arid and nonirrigable region.

Not an infrequent criticism of our public-land system has been based upon the fact that an absolute title is passed from the United States to the entryman, who thereafter is in full control of the land and may make such use thereof as may seem best to him. This, it is said, is conducive to speculative entries, so that people not really desirous of acquiring permanent homes or developing their lands to that end, but only seeking temporary results, make entries, secure patents, and thereafter promptly dispose of the land, the result being that instead of making many small homes it operates in the interest of the large landholder.

In my last report I drew attention to the fact that a study was being made in this office of the operation of the homestead law in its several forms, and gave the results of this inquiry so far as then prosecuted. Since then I have secured further data on this general subject which I believe should be preserved for future reference.

The specific point to which this inquiry has been addressed is to determine the relative degree of permanent investment secured under the three best-known forms of homestead entry, distinguished by the area of each, to wit:

1. The homestead law of 160 acres.
2. The enlarged-homestead entry of 320 acres.
3. The Kinkaid homestead entry of 640 acres.

(1) The method adopted in studying this form of entry was to compile the data from the final proofs submitted on 10 homestead entries, taken at random from each of 95 districts of the public-land States, in comparatively recent cases.

These final proofs necessarily covered all kinds and varieties of the 160-acre homestead entry, but for the purpose in hand no distinction in that particular was made, and it was found that a total of 26,297 acres were cultivated in the 950 claims, and the entire value of the improvements placed thereon estimated at $751,151; so that the average cultivation per entry thus disclosed was 27 acres and the average value of the improvements on each farm $790.

From this but one deduction can be reached, and that in favor of the general good faith of the small homesteader and his bona fide intention of making a permanent home for himself on the public domain. Any other conclusion would not be warranted, especially when it is taken into consideration that, for the most part, these entrymen are largely dependent upon the labor of their own hands for the improvement and cultivation of the land as well as for their own maintenance during the time they are engaged in earning title to their homes.

(2) The study of the enlarged-homestead law to determine in what degree it had affected the settlement and development of the country generally was prosecuted through the field service.

This law permits taking as a homestead 320 acres of semiarid grazing lands which have been designated by the Secretary of the Interior as not susceptible of successful irrigation at a reasonable cost from any known source of water supply. A careful study of the reports submitted justify the general conclusion that 320 acres of land of this character are absolutely necessary for the support of a family; that under the provisions of this law the farmer has been enabled to successfully combine the cultivation of a portion of the land in crop, with the use of the remainder for stock raising. With a smaller acreage of such land no such diversified investment of his capital and labor would be possible. The occupation and improvement of large areas of semiarid nonirrigable lands has therefore resulted through a practical combination of dry farming with stock raising. Here and there is encountered an expression of opinion that the law has been made use of for speculative ends, but this is the exception.

(3) The Kinkaid Act of April 28, 1904 (33 Stat., 547), permits the entry of 640 acres within a specified portion of the State of Nebraska, where the character of the soil is such that the ordinary forms of cultivation can not be successfully employed but cattle grazing is fairly remunerative. When this law was first proposed, and during the time of its discussion before Congress, it was then said that it would be made use of by wealthy stock growers who, under the provisions of the law, would be able to obtain large bodies of public land. The friends of the measure, however, believed that if the small owner could have title to sufficient land to graze a few cattle he would not readily part with the land, and this view finally prevailed in the adoption of the act as it now stands.

A study of the Kinkaid law, in its operation for the first 10 years after its passage, from June 28, 1904, to June 28, 1914, has been made. Complete lists, by counties, of the final proofs made under said act during that period were procured, and these lists referred to the proper county recorders in each county in order to ascertain to what extent the original ownership had been retained by the entrymen.

The figures thus obtained show the following:

	Acres.
Area in hands of small holders	6,422,963.09
Area in hands of large holders	303,553.32
Area in hands of original entrymen	4,589,870.91
Total area proved up on June 28, 1904, to June 28, 1914	6,726,516.41

It will be noted that the sum of the large and small holdings is the same as the total acreage proved up under the act. The acreage in the hands of original entrymen does not affect the total, as all lands in this column are included in either the large or small holdings column.

In addition to the statistical matter thus secured, a canvass was made through inquiries in the form of questions addressed to prominent and well-informed parties in every county in the Kinkaid district, as well as to a large number of entrymen under the act.

General conditions in the territory covered by the act were also made the subject of inquiry, and where statistics had been gathered by the State of Nebraska, and were available, a comparison was made between the 10 years prior to 1904 and the 10 years immediately thereafter. Statistics as to the increase in population, valuation of property, crops, live stock, etc., were thus obtained and preserved.

A few of the more pertinent figures are here submitted:

	Per cent.
Increase in voting population from 1904 to 1914	55
Increase in value of agricultural implements from 1904 to 1914	74
Increase in value of cattle from 1904 to 1914	34
Increase in acres planted to rye from 1904 to 1914	92
Increase in acres planted to oats from 1904 to 1914	80
Increase in acres planted to corn from 1904 to 1914	102
Increase in acres planted to wheat from 1904 to 1914	142
Increase in horses owned from 1904 to 1914	67
Increase in hogs owned from 1904 to 1914	31

In valuation of all property, the increase from 1892 to 1904 was 17 per cent, while from 1904 to 1914 the increase was 108 per cent.

The general result of the investigation of this law, under the first 10-year period of its operation, is such as to justify the original friends of the measure, it being apparent that the acreage taken up thereunder has for the greater part not been absorbed in large holdings, but continues to be held and cultivated by the small holder and entryman; and further, that during such period the territory covered thereby has made a marked advancement in every way, largely attributable to the operations of the law.

The final deduction from the entire study of this subject is justified that the enlargement of the homestead was a timely recognition that the area of the entry should be measured by the earning capacity of the land. In operation, the enlargement of the homestead entry to 320 acres may be recognized as a successful demonstration of this theory in that portion of the country where stock raising may be successfully united with dry farming, but not so in those communities where only cattle grazing is a profitable use of semiarid, nonirrigable land.

The stock-raising homestead bill now pending before Congress is in effect a recognition of this conclusion, making provision for a homestead entry for 640 acres of lands chiefly valuable for grazing.

I want to include as a part of my remarks the report on this bill by the Hon. A. A. JONES, then Assistant Secretary of the Interior—now Senator elect from New Mexico. That report is full and complete and shows the wisdom of this legislation. Long and tedious hearings were had upon this legislation by the House Committee on the Public Lands. I have stood for this legislation from the beginning. I know from personal observation of the West that it is needed and will meet the situation. It will assist in building up the country and make more homes, bring more land under cultivation, and increase the beef supply. Mr. JONES's statement and report is as follows:

The existing homestead laws of the United States show an evolution or adaptation to conditions which developed, or were found to exist, as public-land settlement and entry progressed. The original homestead laws limited the maximum area which might be entered to 160 acres, an ample area for a farm in the humid regions. The reclamation act of June 17, 1902 (32 Stat., 388), provided for a still smaller farm unit in certain cases adapted to the intensive farming suitable for irrigated lands.

In other sections of the West, particularly the high plateaus of the intermountain States, there were areas which would not produce remunerative crops under the ordinary methods of farming, but which will, through soil fallowing and moisture-conservation methods of dry farming, produce profitable crops of wheat and other grains. Such farming requires the use of a larger area of land, and by what is known as the enlarged-homestead laws of February 19, 1909 (35 Stat., 639), and June 17, 1910 (36 Stat., 531), Congress permitted the entry of not exceeding 320 acres of land of the character described, upon conditions of cultivation to agricultural crops of a prescribed acreage annually.

There remained, however, large areas of public lands to which none of the foregoing laws seem appropriate, and it is believed that a new form of homestead law should be enacted peculiarly adapted thereto. These lands, because of their arid or semiarid character, or because of their location on mountain tops or sides, will not produce agricultural crops for sale or exportation in sufficient quantities to justify acquirement thereof and residence thereon under existing laws. They do, however, possess some value for grazing purposes, and often include

tracts of greater or less extent, upon which might be grown forage crops, such as kafir corn, milo maize, fodder, or other rough feed of little value for sale or importation, but valuable for winter feeding or for the fattening of range stock. I believe that with this class of lands a homestead of 640 acres of land would enable bona fide home seekers to establish and maintain homes for the purpose of stock raising and for such farming operations as will enable them to raise their own supply of rough feed for the stock pastured on the remaining lands entered or required.

For the protection of the entrymen as well as to prevent the entry of lands susceptible of irrigation, containing valuable merchantable timber, or principally valuable for purposes other than those expressed in the bill, it is provided that the lands shall, before being subject to entry, be designated by the Secretary of the Interior. All mineral within the lands are reserved to the United States, together with the right of qualified persons to prospect upon, locate, and enter such deposits under such restrictions as will prevent the destruction or injury of permanent improvements of the entrymen or patentees. This provision, like the requirement of designation, will operate to protect entrymen from protests and contests because of the character of the land, and which might otherwise result in cancellation of entries made. Another reason for the reservation of the minerals is that this law will induce the entry of lands in those mountainous regions where deposits of mineral are known to exist or are likely to be found. To issue unconditional patents for these comparatively large entries under the homestead laws might withdraw immense areas from prospecting and mineral development, and without such a reservation the disposition of these lands in the mineral country under agricultural laws would be of doubtful advisability.

The farmer-stockman is not seeking and does not desire the minerals, his experience and efforts being in the line of stock raising and farming, which operations can be carried on without being materially interfered with by the reservation of minerals and the prospecting for and removal of same from the land.

Because of the fact that the lands designated will be principally valuable for grazing, and that the farming operations will be limited to the growing of forage, no specific requirement is made as to cultivation, but instead the entryman is required to place permanent improvements upon the lands entered, tending to increase their value for stock-raising purposes of not less than $1.25 per acre.

Provision is made for additional entries where the owners and occupants of tracts within the designated area can find vacant land adjoining the tracts already owned and occupied. In some cases it may not be possible for such entrymen and landowners to exercise the right of additional entry because of the fact that no vacant lands adjoin. In such cases provision is made for the surrender of the lands so held and owned to the United States, after which the party so relinquishing or reconveying may make an original entry under this act of not exceeding 640 acres. This provision will cause an adjustment of holdings in such areas, and the lands so surrendered to the United States may, in turn, be entered by the entrymen or owners of the adjoining tracts.

In this connection provision is made for the exercise of a preference right of entry within 90 days after the passage of the act by the entryman or owner of adjoining land, and provision is made that where vacant lands contiguous to the tracts owned and held by two or more persons entitled to an additional entry are not sufficient in amount to enable each to secure the maximum amount to which entitled, for an equitable division of the lands applied for among the several entrymen or owners.

The purpose of the law being the establishment of homes upon the land entered, the bill provides that the commutation provision of the homestead laws shall not apply to such entries.

As suggested in my report of April 24, 1914, it is believed that it would be advisable to omit the proviso to section 2, found in lines 6 to 10, page 2 of the bill, thus leaving to the settler the responsibility of determining whether or not a specific 640 acres of land, designated under this act, would be sufficient for his purposes. Such has been the law and practice under the original and enlarged homestead acts, as well as the act of April 28, 1904, hereinbefore described. If, however, the committee believes some limitation to be essential, the proviso as it now stands is as far as the limitation should proceed.

It is believed that the other sections of the bill are as liberal in the way of additional entries or in the right to surrender lands already held and the making of new entries of the full amount as is advisable.

Since the last session of Congress the department has been seeking information as to the advisability of the passage of such a law as is now proposed by this bill. Attention has been especially directed to the operation of the act of April 28, 1904 (33 Stat., 547), which authorized the entry of not exceeding 640 acres of land in a considerable area of western Nebraska. The provisions of that act, as applying to that limited area, were in the main designed to meet the same conditions which the present bill proposes to meet as to other areas of the public lands. Eleven years have elapsed since the passage of the law relating to western Nebraska, and the investigations of the department as to the results of that legislation are both important and significant. Prior to the passage of the act of 1904 considerable land in western Nebraska had been entered under other laws, but the marvelous development since the passage of the act of 1904 is so marked that it must in great measure at least be attributed to that law. It has been found that some of the valleys and lower lands which intersperse the larger area have been made to produce through intensive cultivation varied crops of large value, and that the production of live stock has largely increased rather than diminished. The improvements placed by the settlers upon their claims indicate both prosperity and permanency of occupation, as dwellings of stone, cement, or frame construction, plastered and provided with conveniences, have generally supplanted the original sod houses.

The farmer who has not built barns, silos, or other structures for storing crops and protecting live stock is a rare exception. The live stock raised upon the small ranches is of a higher grade than that which was produced by grazing upon the vacant public lands.

It appears from statistics collected, covering 31 counties within the area to which said law is applicable, that the population was 124,508 in 1890, 107,434 in 1900, and 162,217 in 1910, an increase of nearly 50 per cent in population during said 10-year period, during 6 years of which the 640-acre homestead law was in force.

The value of household furniture increased from $174,779 in 1904 to $342,312 in 1914, an increase of 95 per cent.

The value of agricultural implements in 1904 was $139,609; in 1914, $243,304; increase, 74 per cent.

The value of cattle in 1904 was $3,176,109; in 1914, $4,267,055; increase, 34 per cent.

In 1904, 30 counties produced 69,962 bushels of potatoes; in 1914, 2,671,924 bushels; increase, 3,719 per cent.

Number of acres planted to rye in 27 counties in 1904, 47,451; in 1914, 91,336; increase, 92 per cent.

Number of acres planted to oats in 28 counties in 1904, 137,032; in 1914, 246,722; increase, 80 per cent.

Number of acres planted to corn in 28 counties in 1904, 564,554; in 1914, 1,143,916; increase, 102 per cent.

Number of acres planted to wheat in 27 counties in 1904, 122,799; in 1914, 297,900; increase, 142 per cent.

Number of horses in 31 counties in 1892, 107,295; in 1904, 168,556; increase, 57 per cent; in 1914, 282,624; increase, 67 per cent.

Number of hogs in 29 counties in 1904, 171,849; in 1914, 225,480; increase, 31 per cent.

The acreage of improved land in 27 counties increased 68 per cent in 12 years, 1892 to 1904; increased 77 per cent in 10 years, 1904 to 1914. The value of the improved land decreased 18 per cent the first period and increased 143 per cent the second.

The total assessed valuation of all property in 31 counties in 1892 was $23,468,899.69; in 1904, $27,480,836.57; increase, 17 per cent; in 1914, $57,278,766; increase, 108 per cent.

Of the land entered in Nebraska under the section law there is an average of 1 settler for every 571 acres. In the 37 counties affected by this law it appears that there are 4,589,870 acres in the hands of the original entrymen, 6,411,963 acres in the hands of small holders, and only 316,453 acres in the hands of what might be termed large holders; that is, those possessing areas in excess of 2,000 acres. The department is informed that the practically unanimous sentiment of the people in western Nebraska is that the law has been a benefit to them and to the country, causing a large increase in the population, promoting the development of the lands, and advancing generally the public welfare.

That a demand for the proposed legislation exists is undoubted, not only because existing laws are not adapted to large areas of remaining public lands, but because there is a widespread demand for such legislation in order that additional homes may be made upon the public domain. To secure further data upon the subject I called upon the various field agents of the General Land Office for information and for an expression of opinion with respect to such legislation.

As you are aware, the duties of these agents take them into all parts of the public-land area, and they have many and unusual opportunities for observing conditions. The reports generally show the need for some such legislation. The following quotations indicate the view taken by agents on duty in the States mentioned:

MONTANA.

"I believe that the enactment of a law providing for 640-acre homesteads will result in the production of a greater number of cattle than were found on these ranges during the most prosperous days of the cattle kings."

CALIFORNIA.

"After a long experience in the public-land States, it is my belief that at the present time a homestead law allowing a greater acreage than the present 320-acre law would be in order. The land that now remains subject to homestead entry is mostly rough and of doubtful value for agricultural purposes. But give a man enough of it, so that he can run a few head of stock and graze a few milch cows, and the chances are that he will remain there and make the land his permanent home."

WYOMING.

"A sufficient acreage of these lands should be given the homesteader to insure him a livelihood for his family by putting it to the use to which it is best adapted. The observation of the writer has been that 320 acres of such land is not a sufficient area to support a family by grazing stock, nor is it a unit which can be handled to the best advantage in an economic sense."

NEW MEXICO.

After commenting on the provisions of the enlarged-homestead act, which, the agent says, met with fair success in the northeastern part of the State, he says:

"In the other portions of the State it is not well adapted; 320 acres will not support a family; the productive capacity of the country is not sufficient to maintain a family on each tract of this size. * * *

"The units should be higher, at least 640 acres; with this amount of land some 40 head of cows could be pastured and dairying carried on with the fodder and silage raised, and a fair living be assured the homesteader on the 15-inch and better rainfall land and a poor living on the 10-inch to 15-inch rainfall land."

COLORADO.

"Settlement is now pushing west to a different character of land—lands fully as rich and richer for agriculture, but producing naturally a much scantier pasturage—and it requires a larger area for that purpose to support sufficient stock to make the settler a prosperous home, and settlement is slower. * * * If the law permitting a homestead on 640 acres is passed it will tend to build up that section of the country most adapted to grazing, and the land will be put to its best possible use."

As stated at the beginning of the report, the original 160-acre homestead law and the enlarged homestead law permitting the entry of 320 acres have contributed enormously to the agricultural development of the public-land States and are still being taken advantage of by homeseekers in those localities where the soil, rainfall, and climate permit the making of homes upon the areas therein described.

This measure covers another and different class of lands, extensive in area, to which the existing laws are not suitable, and will, in my opinion, secure the settlement upon and improvement of a very large area of our public-land States, adding materially to the wealth and well-being of the country and providing homes for thousands of citizens who would otherwise be unable to take advantage of the homestead features of our public-land laws. It will wisely supplement existing laws, open a new field, and unquestionably add to the well-being not only of the States wherein the lands are located but of the entire country.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD on the conference report. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, I would like to have the chairman of the committee explain this matter briefly. This bill

was up in the last session of Congress. To be perfectly frank with the gentleman, I will say that I know at that time I took considerable interest in it. At least I think it was this bill, but it has escaped my mind for the moment as to what it is. And for that reason I would like to have him explain what changes have been made.

Mr. FERRIS. I will say to the gentleman that in the 15 Western States there are approximately 300,000,000 acres of arid, semiarid, nonirrigable, nontimbered land. In Alaska there are 370,000,000 acres. Of course, not all of these areas will come under this bill, but quite a large part of it will. As the law stands, most of this land will never be used for any purpose. The unit of entry is so small it will not sustain a family. An entryman could take up only 160 acres, or, at most, 320, that is worth anything for agricultural purposes. This bill raises the unit from 320 to 640 acres, so that the little draws, ravines, and lowlands may be used for raising fodder, like cane, Kaffir corn, and other crops requiring little moisture, with which to sustain animal life, and they can use the poorer uplands that are dry and arid for grazing. They can not, of course, only enter this dry, arid character of land. Before they can enter under this bill at all the Interior Department must find four things; first, that it is chiefly valuable for grazing and raising forage crops; second, it must not contain merchantable timber; third, it is not susceptible of irrigation from any known water supply; and, fourth, 640 acres will be required to properly sustain a family. This, of course, renders it a grazing proposition. The land in the humid areas can be entered and used under the smaller unit.

Mr. WINGO. Does it apply only to arid lands?

Mr. FERRIS. It applies only to arid lands. And they could not make an entry of that kind in my State or the gentleman's State. If it is irrigable, they can not take it. If it is timberland, they can not take it; and if it is mineral, they can not take it; and it requires that 640 acres is reasonably required to support a family in order that an entryman may make entry at all. In other words, if it is unnecessary to have 640 acres to sustain a family, they must enter it under the 320 or the 160 acre law.

Mr. ADAIR. Who makes this finding?

Mr. FERRIS. The Interior Department and the Geological Survey, just the same as they do under the existing 320-acre law.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MOORE of Pennsylvania. The gentleman from California indicated that this would do very much toward developing the Western States, and the gentleman from Oklahoma has indicated that 15 Western States are interested, and that there are millions of acres of arid and semiarid lands for disposal under this bill.

Mr. FERRIS. I think there is more acreage than that. I think more than half can well be designated under this law. Perhaps three-fourths of it. Of course, some of it is worthless and would not be taken at all.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman a question. This western distribution of lands is not to the prejudice of the rights of eastern settlers to present their claims along with the residents of the 15 Western States?

Mr. FERRIS. Not in the least. They are invited to come and take up the land. But my thought was that if the people from the cities and the crowded centers and from the East could be induced to come out there and help settle up those States it would be of benefit all around. The people of the East desire homes. The Western States want people to help them develop the West.

Mr. MOORE of Pennsylvania. Will the gentleman explain how the people in the congested cities could obtain a portion of this land? I think such a statement would be interesting.

Mr. FERRIS. I will say to the gentleman, for example, that if a citizen of Philadelphia desired to take up one of these dry grazing homesteads, and take himself and his family, he would first go to the local land office and make application to enter 640 acres of that dry, arid land. The registers and the receivers of the land office, who are the custodians, would make a note of the application, but would not finally allow it. They would hold it in suspense until a representative of the Interior Department could go there and make an investigation, and find, first, if it is nontimber, nonmineral, nonirrigable, and if that 640 acres would be required to support a family. If so, then the entry would be allowed. The settler could move on, live there three years, comply with the provisions of the homestead law, and get his title.

Mr. MOORE of Pennsylvania. And he provides the means for that house himself?

Mr. FERRIS. He does. The applicant has to initiate the settlement and comply with the law. He has to do all that. The Government does not help him on that. And if the little valleys or little draws or little slews have enough moisture in them to raise cane and fodder and Kaffir corn, and those crops that will grow without much rainfall, and let his few sheep and few cattle graze on the untaken land, we hoped in that way he might make a home.

Mr. MANN. "Cain't" is about all they can raise out there.

Mr. MOORE of Pennsylvania. The crop the gentleman from Illinois refers to can be raised in any section of the country, if anybody is disposed to raise it?

Mr. FERRIS. Precisely. Here or elsewhere.

Mr. MOORE of Pennsylvania. But I am after some real information. If the West is to be developed, as indicated by the gentleman from California [Mr. RAKER], who displays a very great interest in the West, I presume the people of the East must be drawn upon largely to attain that purpose?

Mr. FERRIS. That is true. They are invited. Some will succeed; some will fail. That is only the story of a human life everywhere.

Mr. MOORE of Pennsylvania. And if that is worth while to the people of the West, it must be worth while to the people of the East. I would like to ask the gentleman whether, having advanced the apportionment from 320 to 640 acres as proposed here, the 640 acres of land is of such a quality as would enable an ordinary man, without any expert knowledge of farming, or especially of dry farming, as you call it, to actually sustain himself and his family upon that tract of land?

Mr. FERRIS. Well, the gentleman from Pennsylvania and his family, along with myself and my family, journeyed over some of that land last summer and saw it, and now the gentleman knows from personal observation, as I know from personal contact, that upon it, or upon a great deal of it, they can not make a living. But this legislation will enable them to take up a lot of it, and it will increase production and necessarily reduce the cost of living and put some of that land under cultivation and produce homesteads. I do not think they can settle up all that land. Some of it is absolutely worthless. Some people unaccustomed to the privations of homesteading will fail, others will succeed. The entire West and East, too, has been settled on that basis and in that way.

Mr. MOORE of Pennsylvania. Let this be understood: On Sunday last I passed by a place in my own city where 90 men were standing in the snow awaiting an opportunity to go into a clubhouse provided by some church people, to obtain something to eat. Think of it—90 men, in these times of prosperity, were standing on the sidewalk on Sunday afternoon in the snow, waiting for something to eat. That condition would not hold in the gentleman's country, but it sometimes holds in mine. Now, we should enable these men to go onto the land somewhere and obtain a livelihood, if they desire to do it. What I would like to know is where they can go for information? How can they get the information that will enable them to go upon the land?

Mr. FERRIS. Well, I know that the gentleman does not expect me to go into politics about this matter, and I will not pay any attention to his reference to the idle men, because——

Mr. MOORE of Pennsylvania. This is not politics. It is a serious matter, not a laughing matter.

Mr. FERRIS. The gentleman was inquiring of me as to how they would have to go about it, and I was simply——

Mr. MOORE of Pennsylvania. I know; but if we are going to give away 15,000,000 acres or more of land, I want to know if the people of my section will have the right to get some of it.

Mr. FERRIS. They have the right. We in the West, in most cases, have already exhausted our homestead rights and can not enter at all. The gentleman or any of his constituents would have the right to go into any State where the land is situated; but before going there, he would do well to write to the General Land Office for full instructions and details as to what can be done, and, of course, any of the gentleman's constituents can write to the gentleman from Pennsylvania and get a copy of the law, and from that law, and together with the instructions that he can get from the General Land Office he can obtain all the needed information he desires or needs. No one should go out there expecting a snap. It is probable the weaker ones will drop out and fail. They fail everywhere.

Mr. MOORE of Pennsylvania. Does the information that is available now at the General Land Office show where the land is listed?

Mr. FERRIS. The unentered land is listed, and it is available, but under this bill the character of land is not yet avail-

able until the law is signed and rules and regulations to be used in connection with it are worked out under it.

Mr. MOORE of Pennsylvania. I may say to the gentleman that I have gone through that western territory. The gentleman is right about that. I have gone through the northwestern and soutwestern sections, and I noticed that a great many people who had gone in on arid land had not made good.

Mr. FERRIS. That is so, but——

Mr. MOORE of Pennsylvania. I have noticed also that there has been a considerable number of bills coming in here that have extended the time in which homesteaders would be permitted to make good. Many of these people had gone on the lands, much to their own detriment and misfortune. It seems to me that with all these 15,000,000 acres of land unoccupied every man ought to have an equal right to find out about it and get some of it, but he ought to have enough advance information to prevent deception.

Mr. FERRIS. I can say to the gentleman that there will be no preferences or favors shown. Every man will have an equal chance to go out there, after this row is past, and exercise his rights.

Mr. MOORE of Pennsylvania. And the ordinary man in the East can get the necessary information from the Land Office as well as any other man?

Mr. FERRIS. Yes.

Mr. LENROOT rose.

Mr. FERRIS. As chairman of the Public Lands Committee of the House, aided by a faithful committee of 22 members, I have labored in season and out to secure the passage of this legislation. It passed the House of Representatives in January, 1916. It went to the Senate and passed the Senate during the last day of the session, on September 8. It passed the Senate so late in the session that it was impossible to get the amendments agreed to or to secure the appointment of a conference committee during the last day of the session. On the first day of this session—December 4—I immediately had conferees appointed and began the task of getting the legislation finally adopted, through the Congress, and made available for the homeless citizens who desire to enter public lands in the West.

Roughly, there are 300,000,000 acres of public lands in the 15 public-land States of the West and approximately 375,000,000 acres in Alaska. Some of this land is totally worthless and will not be taken up under this law or any other law for homesteading purposes. However, a large portion of it, in my opinion, will be utilized under this law. It is the largest unit that has ever been applied to the entire public-land area. It is found necessary due to the arid character of the lands remaining undisposed of. All over the country there is a cry going up from homeless citizens desiring to acquire a home. All through the sparsely settled States of the West they are appealing for more people to come there and take up residence among them. This legislation will go a long ways toward bringing the landless man in contact with the vacant public domain of this country. It will afford him a unit large enough to enable him to make a living for his family and aid in the development of the West. If the law accomplishes this, we shall feel proud of our labors. I feel confident it will work great good, furnish thousands of homes for homeless citizens, and enable them to get a start in life that they otherwise could not secure.

I beg to print herewith the written report on this legislation from the Interior Department, which goes into this matter quite in detail and makes us feel confident that our labors are justified, that the legislation we have passed is feasible, workable, and of aid in the development of the West. The report follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1915.

MY DEAR MR. FERRIS: I am in receipt of your request for report on H. R. 407, a bill to provide for stock-raising homesteads, and for other purposes.

This bill is identical with H. R. 15799, passed by the House of Representatives January 18, 1915. The matter therein treated was the subject of reports to your committee by this department January 30 and April 24, 1914, in which the importance of the enactment of legislation authorizing the entry, under the public-land laws, of a larger area than is at present permitted for a specified class of lands was urged.

As stated in said reports, the existing homestead laws of the United States show an evolution or adaptation to conditions which developed or were found to exist as public-land settlement and entry progressed. The original homestead laws limited the maximum area which might be entered to 160 acres, an ample area for a farm in the humid regions. The reclamation act of June 17, 1902 (32 Stat., 388), provided for a still smaller farm unit in certain cases adapted to the intensive farming suitable for irrigated lands. In other sections of the West, particularly the high plateaus of the intermountain States, there were areas which would not produce remunerative crops under the ordinary methods of farming, but which will through soil fallowing and moisture-conservation methods of dry farming produce profitable crops of wheat and other grains. Such farming requires the use of a larger area of land, and by what is known as the enlarged-homestead laws of February 19, 1909 (35 Stat., 639), and June 17, 1910 (36 Stat., 531), Congress permitted the entry of not exceeding 320 acres of land of the character described, upon conditions of cultivation to agricultural crops of a prescribed acreage annually.

There remained, however, large areas of public lands to which none of the foregoing laws seem appropriate, and it is believed that a new form of homestead law should be enacted peculiarly adapted thereto. These lands, because of their arid or semiarid character, or because of their location on mountain tops or sides, will not produce agricultural crops for sale or exportation in sufficient quantities to justify acquirement thereof and residence thereon under existing laws. They do, however, possess some value for grazing purposes, and often include tracts of greater or less extent, upon which might be grown forage crops, such as kafir corn, milo maize, fodder, or other rough feed of little value for sale or importation, but valuable for winter feeding or for the fattening of range stock. I believe that with this class of lands a homestead of 640 acres of land would enable bona fide homeseekers to establish and maintain homes for the purpose of stock raising and for such farming operations as will enable them to raise their own supply of rough feed for the stock pastured on the remaining lands entered or acquired.

The following brief comments upon the bill as introduced are herewith submitted:

For the protection of the entrymen, as well as to prevent the entry of lands susceptible of irrigation, containing valuable merchantable timber, or principally valuable for purposes other than those expressed in the bill, it is provided that the lands shall, before being subject to entry, be designated by the Secretary of the Interior. All mineral within the lands are reserved to the United States, together with the right of qualified persons to prospect upon, locate, and enter such deposits under such restrictions as will prevent the destruction or injury of permanent improvements of the entrymen or patentees. This provision, like the requirement of designation, will operate to protect entrymen from protests and contests because of the character of the land, and which might otherwise result in cancellation of entries made. Another reason for the reservation of the minerals is that this law will induce the entry of lands in those mountainous regions where deposits of mineral are known to exist or are likely to be found. To issue unconditional patents for these comparatively large entries under the homestead laws might withdraw immense areas from prospecting and mineral development, and without such a reservation the disposition of these lands in the mineral country under agricultural laws would be of doubtful advisability.

The farmer-stockman is not seeking and does not desire the minerals, his experience and efforts being in the line of stock raising and farming, which operations can be carried on without being materially interfered with by the reservation of minerals and the prospecting for and removal of same from the land.

Because of the fact that the lands designated will be principally valuable for grazing, and that the farming operations will be limited to the growing of forage, no specific requirement is made as to cultivation, but instead the entryman is required to place permanent improvements upon the lands entered, tending to increase their value for stock-raising purposes, of not less than $1.25 per acre.

Provision is made for additional entries where the owners and occupants of tracts within the designated area can find vacant land adjoining the tracts already owned and occupied. In some cases it may not be possible for such entrymen and landowners to exercise the right of additional entry because of the fact that no vacant lands adjoin. In such cases provision is made for the surrender of the lands so held and owned to the United States, after which the party so relinquishing or reconveying may make an original entry under this act of not exceeding 640 acres. This provision will cause an adjustment of holdings in such areas, and the lands so surrendered to the United States may, in turn, be entered by the entrymen or owners of the adjoining tracts.

In this connection provision is made for the exercise of a preference right of entry within 90 days after the passage of the act by the entryman or owner of adjoining land, and provision is made that where vacant lands contiguous to the tracts owned and held by two or more persons entitled to an additional entry are not sufficient in amount to enable each to secure the maximum amount to which entitled, for an equitable division of the lands applied for among the several entrymen or owners. The purpose of the law being the establishment of homes upon the land entered, the bill provides that the commutation provisions of the homestead laws shall not apply to such entries.

As suggested in my report of April 24, 1914, it is believed that it would be advisable to omit the proviso to section 2, found in lines 6 to 10, page 2, of the bill, thus leaving to the settler the responsibility of determining whether or not a specific 640 acres of land, designated under this act, would be sufficient for his purposes. Such has been the law and practice under the original and enlarged homestead acts, as well as the act of April 28, 1904, hereinbefore described. If, however, the committee believes some limitation to be essential, the proviso as it now stands is as far as the limitation should proceed.

I also suggest the advisability of omitting section 6 of the bill, which proposes to give the right of additional entry, where no adjoining lands are vacant, within a radius of 10 miles from the original entry. The purpose of this measure is the making of homes through the use and development of a block of land large enough to afford a home for a family in a combination of farming and stock raising. As already intimated, it is not desired to promote speculation or the concentration of such lands in large holdings. A provision permitting the entry of noncontiguous lands would, in my opinion, not be in harmony with this idea, but on the contrary would promote the sale of and speculation in these noncontiguous parcels of land. It is believed that the other sections of the bill are as liberal in the way of additional entries or in the right to surrender lands already held and the making of new entries of the full amount as is advisable.

Since the last session of Congress the department has been seeking information as to the advisability of the passage of such a law as is now proposed by this bill. Attention has been especially directed to the operation of the act of April 28, 1904 (33 Stat., 547), which authorized the entry of not exceeding 640 acres of land in a considerable area of western Nebraska. The provisions of that act as applying to that limited area were, in the main, designed to meet the same conditions which the present bill proposes to meet as to other areas of the public lands. Eleven years have elapsed since the passage of the law relating to western Nebraska, and the investigations of the department as to the results of that legislation are both important and significant. Prior to the passage of the act of 1904, considerable land in western Nebraska had been entered under other laws, but the marvelous development since the passage of the act of 1904 is so marked that it must in great measure at least be attributed to that law. It has been found that some of the valleys and lower lands which intersperse the larger area have been made to produce through intensive cultivation

varied crops of large value, and that the production of live stock has largely increased rather than diminished. The improvements placed by the settlers upon their claims indicate both prosperity and permanency of occupation, as dwellings of stone, cement, or frame construction, plastered and provided with conveniences, have generally supplanted the original sod houses, and the farmer who has not built barns, silos, or other structures for storing crops and protecting live stock is a rare exception. The live stock raised upon the small ranches is of a higher grade than that which was produced by grazing upon the vacant public lands.

It appears from statistics collected covering 31 counties within the area to which said law is applicable, that the population was 124,508 in 1890, 107,434 in 1900, and 162,217 in 1910; an increase of nearly 50 per cent in population during said 10-year period, during 6 years of which the 640-acre homestead law was in force.

The value of household furniture increased from $174,779 in 1904 to $342,312 in 1914; an increase of 95 per cent.

The value of agricultural implements in 1904 was $139,609; in 1914, $243,304; increase 74 per cent.

The value of cattle in 1904 was $3,176,109; in 1914, $4,267,055; increase 34 per cent.

In 1904 30 counties produced 69,962 bushels of potatoes; in 1914, 2,671,924 bushels; increase 3,719 per cent.

Number of acres planted to rye in 27 counties in 1904, 47,451; in 1914, 91,336; increase 92 per cent.

Number of acres planted to oats in 28 counties in 1904, 137,032; in 1914, 246,722; increase 80 per cent.

Number of acres planted to corn in 28 counties in 1904, 564,554; in 1914, 1,143,916; increase 102 per cent.

Number of acres planted to wheat in 27 counties in 1904, 122,799; in 1914, 297,900; increase 142 per cent.

Number of horses in 31 counties in 1892, 107,295; in 1904, 168,556; increase 57 per cent; in 1914, 282,624; increase 67 per cent.

Number of hogs in 29 counties in 1904, 171,849; in 1914, 225,480; increase 31 per cent.

The acreage of improved land in 27 counties increased 68 per cent in 12 years, 1892 to 1904; increased 77 per cent in 10 years, 1904 to 1914. The value of the improved land decreased 18 per cent the first period and increased 143 per cent the second.

The total assessed valuation of all property in 31 counties in 1892 was $23,468,899.69; in 1904, $27,480,836.57; increase 17 per cent; in 1914, $57,278,766; increase 108 per cent.

Of the land entered in Nebraska under the section law there is an average of 1 settler for every 571 acres. In the 37 counties affected by this law it appears that there are 4,589,870 acres in the hands of the original entrymen, 6,411,963 acres in the hands of small holders, and only 316,453 acres in the hands of what might be termed large holders—that is, those possessing areas in excess of 2,000 acres. The department is informed that the practically unanimous sentiment of the people in western Nebraska is that the law has been a benefit to them and to the country, causing a large increase in the population, promoting the development of the lands, and advancing generally the public welfare.

That a demand for the proposed legislation exists is undoubted not only because existing laws are not adapted to large areas of remaining public lands, but because there is a widespread demand for such legislation in order that additional homes may be made upon the public domain. To secure further data upon the subject, I called upon the various field agents of the General Land Office for information and for an expression of opinion with respect to such legislation. As you are aware, the duties of these agents take them into all parts of the public-land area and they have many and unusual opportunities for observing conditions. The reports generally show the need for some such legislation. The following quotations indicate the view taken by agents on duty in the States mentioned:

MONTANA.

"I believe that the enactment of a law providing for 640-acre homesteads will result in the production of a greater number of cattle than were found on these ranges during the most prosperous days of the cattle kings.

CALIFORNIA.

"After a long experience in the public-land States, it is my belief that at the present time a homestead law allowing a greater acreage than the present 320-acre law would be in order. The land that now remains subject to homestead entry is mostly rough and of doubtful value for agricultural purposes. But give a man enough of it so that he can run a few head of stock and graze a few milch cows and the chances are that he will remain there and make the land his permanent home.

WYOMING.

"A sufficient acreage of these lands should be given the homesteader to insure him a livelihood for his family by putting it to the use to which it is best adapted. The observation of the writer has been that 320 acres of such land is not a sufficient area to support a family by grazing stock, nor is it a unit which can be handled to the best advantage in an economic sense."

NEW MEXICO.

After commenting on the provisions of the enlarged homestead act, which the agent says met with fair success in the northeastern part of the State, he says:

"In the other portions of the State it is not well adapted. Three hundred and twenty acres will not support a family; the productive capacity of the country is not sufficient to maintain a family on each tract of this size. * * *

"The units should be higher; at least 640 acres; with this amount of land some 40 head of cows could be pastured and dairying carried on with the fodder and silage raised and a fair living be assured the homesteader on the 15-inch and better rainfall land, and a poor living on the 10-inch—15-inch rainfall land.

COLORADO.

"Settlement is now pushing west to a different character of land—lands fully as rich and richer for agriculture, but producing naturally a much scantier pasturage—and it requires a larger area for that purpose to support sufficient stock to make the settler a prosperous home and settlement is slower. * * * If the law permitting a homestead on 640 acres is passed, it will tend to build up that section of the country most adapted to grazing, and the land will be put to its best possible use."

As stated at the beginning of the report, the original 160-acre homestead law and the enlarged homestead law permitting the entry of 320 acres have contributed enormously to the agricultural development of the public-land States, and are still being taken advantage of by homeseekers in those localities, where the soil, rainfall, and climate permit the making of homes upon the areas therein described. This measure covers another and different class of lands, extensive in area, to which the existing laws are not suitable, and will, in my opinion, secure the settlement upon and improvement of a very large area of our public-land States, adding materially to the wealth and well-being of the country and providing homes for thousands of citizens who would otherwise be unable to take advantage of the homestead features of our public-land laws. It will wisely supplement existing laws, open a new field, and unquestionably add to the well-being not only of the States wherein the lands are located, but of the entire country.

I recommend that H. R. 407 be enacted as soon as possible.

Cordially, yours,

ANDRIEUS A. JONES,
First Assistant Secretary.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

For the information of those who would care to examine the legislation prior to its being signed by the President and printed in law form, I insert at this point a copy of the engrossed bill for the information of those who want to examine the same critically. It is as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided,* That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal; but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided,* That a former homestead entry of land of the character described in section 2 hereof shall not be a bar to the entry of a tract within a radius of 20 miles from such former entry under the provisions of this act, subject to the requirements of law as to residence and improvements, which, together with the former entry, shall not exceed 640 acres: *Provided further,* That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: *Provided further,* That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman of lands of the character herein described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 20-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 8. That any homestead entrymen or patentees who shall be entitled to additional entry under this act shall have for 90 days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees, applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 9. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of *all the* coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

SEC. 10. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses.

SEC. 11. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. LENROOT. Mr. Speaker, I want merely to supplement what the chairman of the committee said in his explanation of the procedure required in order to secure the benefits of this act. I do not believe he fully stated the situation. He said that anybody might make an application to enter this land, and then the application would be suspended while agents would be sent to the land to determine its character and ascertain if it fell within this particular classification. I think the gentleman will agree with me that that will be done only in an exceptional case. In the vast majority of these cases it is the intention of the bill that the Secretary of the Interior will in the first instance designate without application the lands that may be entered under the provisions of this act.

I want to say further, inasmuch as the gentleman from Pennsylvania [Mr. MOORE] wishes this information, that I hope the people of Philadelphia and of the East will not assume that merely because of the passage of this law they can get 640 acres of land and make a living upon it—upon land that has not been previously designated by the Secretary of the Interior. And I further hope that the Secretary of the Interior in the administration of this law will not designate lands that are not such as in his judgment would enable the settler to support a family upon 640 acres.

Mr. MOORE of Pennsylvania. The gentleman's statement raises a further question that calls for explanation. Does it mean now that the man in the East who would like to take up this land would be taking up land that is worthless? Would he be deceived as to its character and lose whatever outlay he might make in transportation and living expenses?

Mr. LENROOT. That might be possible if he relied upon advertisements and efforts of locaters in the West to get him out there on the assumption that he is going to get 640 acres of good land. In that case he would very likely be mistaken. It would be better for him to rely upon the designation first made by the Secretary of the Interior, and then it would be well for him to make inquiries as to the land.

Mr. MOORE of Pennsylvania. While the gentleman is on his feet, may I ask him whether actual occupancy is required in order to obtain this land?

Mr. LENROOT. It is. I would like to say a word in further response to the inquiry of the gentleman from Pennsylvania. Actual occupancy and improvements are required, as under the general homestead law; but in lieu of the cultivation required by the general homestead law, improvements for stock-raising purposes to the extent of $1.25 an acre only are required.

Mr. FERRIS. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, responding first to the inquiry of the gentleman from Philadelphia [Mr. MOORE of Pennsylvania] I would say that some of those who have been most interested in the passage of this act are people of his city; and I have before me the articles of agreement which are, I understand, to be entered into by a considerable number of the people of Philadelphia, under which, in a cooperative way, they hope to be able to establish homes on some of the land which will be opened under this law in Wyoming. Several of the citizens of his city, one of whom was here yesterday, have already been over the land, and in some cases have made the 320-acre entries, and have determined upon the land which they hope to be able to file upon under the law.

Replying to his further inquiry, as to whether people generally have full and definite information with regard to the lands open to entry under the land laws, I want to say that it is unfortunate, I think, that what information is obtainable is not in many instances of a character that is really useful to a man who is not generally familiar with the western country. Much of the information would be entirely available and useful to farmers in the western trans-Mississippi States, because those farmers understand the technology and the descriptions and locations, and are accustomed to going over public land. But men living farther east, who are not accustomed to that sort of thing and do not know the country and are not familiar with the means of transportation and what is necessary to locate land, are unfortunately not as well supplied with information as they should be, and they never have been. Something ought to be done in that direction. However, the man from the East who is sincerely anxious to acquire a home on these lands in the West, and who is willing to take the same chance that people have taken in the past, to go out and look the land over, may have, and does have, just as good an opportunity as anyone else has to make an entry.

Mr. Chairman, speaking in general of this legislation I want to say that the people of the western and semiarid country have looked forward for a number of years with hopeful expectation toward the passage of legislation which would enlarge the area of the homestead, covering lands which are not of certain value under cultivation, but which are primarily of value for grazing purposes. We hope, of course, that all of the settlers on these lands will make an attempt in some way to cultivate a portion of their land, but the major portion of the land which will be enterable under this law will be land where the dependence must be in the main upon stock raising. I am very much interested in this matter, because I think I first brought to the attention of the House the question of the evolution of the homestead law along these lines, and a number of years ago I introduced the first bill providing for a stock-raising or grazing homestead of 640 to 1,280 acres. I certainly have not any disposition to criticize this bill because of the fact that it is in many essential respects different from the bill that I introduced, but I believe it would not be fair to the western people and to the people of the country generally who are expected

to benefit by this legislation if a brief statement were not made as to the character of the legislation, compared with the expectation of those who have advocated it and of the people in the section to which it applies.

It is quite a remarkable and unusual thing that, from the standpoint of all interested parties, this bill as presented to us by the conferees is not as satisfactory as either the House bill or the Senate bill. This is a very unusual situation, unfortunately brought about largely, I understand, by influences outside of Congress. In other words, there were rumors and suggestions that unless the bill was modified in some essential respects as it had been agreed upon by both Houses it would not become a law. Influenced to some extent, at least, I understand, by those rumors and considerations, the conferees, outside of their authority, felt called upon to make some amendments to the bill, to eliminate from it certain matters upon which both Houses had agreed, and add to it matter which was not and is not properly in conference. I certainly shall not make the point of order on that action of the conference committee, and I hope no one else will, for while I regret it I realize that the bill as presented is the best that can be secured at this time. Yet it is a fact which should be understood, I think, before the bill passes this House that the action of the conferees renders the bill, which was not very satisfactory as it passed the House and was not entirely satisfactory as it passed the Senate, still less satisfactory now than it was either as it passed the House or as it passed the Senate.

In the first place, I think the fact should be emphasized that the bill establishes a new method and theory with regard to minerals in the land legislation in our country. It reverts back to the ancient doctrine of the ownership of the mineral by the king or the crown and reserves specifically everything that is mineral in all the land entered. It was, it was claimed, necessary to accept a provision of that kind in order to secure the larger acreage. The Interior Department insisted upon it, and many supported that view. My own opinion is that that policy is not wise and that in the long run it will be found to be infinitely more harmful than beneficial or useful or helpful to anyone, either the individual or the public generally. When one takes into consideration the wide range of substances classed as mineral, the actual ownership under a complete mineral reservation becomes a doubful question.

The bill as it passed the House contained a number of sections assuming to give those already on the ground as homestead settlers, who held lands somewhat similar to those described in the bill, an opportunity to take additional areas, either contiguous to their lands or at some distance from them, and also a provision under which a purchase could be made in certain cases. Unfortunately, the language of the House bill was so restricted in character that it was very doubtful whether any considerable number of those now holding homestead entries on the public domain could avail themselves of the privileges and the opportunities assumed to be extended by those sections.

In the Senate those sections were liberalized so as to make it quite clear and definite that a very considerable number and character of people now holding public land could avail themselves of the opportunity to secure additional entries. But in conference the Senate receded from all of those liberalizing provisions, and there was a demand from certain quarters that, in addition to that, a right of application before designation contained in section 2 should be stricken from the bill. Instead of doing that, however, the conferees inserted an amendment, out of order, or beyond their authority, under which the rights of those exercising this advance or preferential privilege were largely restricted. That restriction, in my opinion, is not wise and will be unfortunate and hampering to the entrymen. It is, however, much better than striking out the preferential proviso. We could not and would not have stood for that.

There is also a provision for driveways, which, in my opinion, is not entirely what it should be, particularly as affected by the amendment to the proviso to section 2. We have, as I have pointed out, this bill as it comes from conference less satisfactory than as either body passed it, and, I fear, not very satisfactory either to those who now occupy lands in this region or to those who may come in the future to make homes upon them. It seems, however, to be the best that we can get under the circumstances, and so we accept it, not because it is perfect, by any manner of means, not because it is satisfactory, by any manner of means, but because it does give certain opportunities for further development.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Illinois.

Mr. MADDEN. Did I understand the gentleman from Wyoming to say that the conferees put new matter into this bill that was not in controversy between the two Houses?

Mr. MONDELL. A section was stricken from the bill in regard to which there was but one small and unimportant amendment, and my notion would be that the conferees exceeded their authority in doing that, and also in adding a few lines to a certain section of the bill.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. I yield to the gentleman from Wyoming two minutes more.

Mr. MONDELL. I think the conferees did the very best they could. I do not intend to criticize the conferees—certainly not the House conferees. My criticism of the bill is not aimed at the House conferees at all. I believe they did the very best they could under the circumstances, and I believe the conference report ought to be accepted because of that fact. I simply called attention to the fact that conditions were such that we could not get all that the conferees would be glad to secure.

Mr. HICKS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HICKS. Is it possible for any family to get a living out of 640 acres in raising cattle?

Mr. MONDELL. There are lands in the Western States made subject to entry under this law upon which a family can make a good living on 640 acres. To do that in most cases it will be necessary to cultivate some crops, and that can be done on a portion of almost any entry that would be justified under this law. There are, of course, vast areas where one could not make a living for a family on 640 acres. Such land should not be entered.

Mr. MADDEN. I would like to ask the gentleman from Oklahoma a question.

Mr. FERRIS. Very well.

Mr. MADDEN. I would like to ask the gentleman whether, as one of the conferees, he inserted anything in the report that was not in controversy between the two Houses?

Mr. FERRIS. Technically, I rather think we did; but let me qualify that. The three questions at issue all through the different Senate amendments and which occurred in almost every paragraph were, first, the method of initiating the entry; and, second, the method of making an additional entry; and the third was the method of making residence proof of the claim and the character of the land. In order to harmonize these differences we added to section 2, that was not changed or amended by either body, a paragraph which was acceptable to all parties concerned, harmonizing the differences in the other paragraphs that were changed. I think that in so doing, technically, we exceeded our authority, but literally we did not. As I say, on the second section we put in a proviso which I think was in the direction that the gentleman from Illinois would like to go. It was to prevent speculation. It was to aid in adiministration. It was necessary to do justice and get an agreement all around.

Mr. MADDEN. The intention was to harmonize the different sections, and that was the purpose?

Mr. FERRIS. Yes; all through the bill. There was a provision in one of the Senate amendments that the settlers should not necessarily reside on it, and I would not consent to that, because that ceased to make it a homestead and invited speculation. The other proposition embodied in one of the Senate amendments allowing the homesteader to buy additional land we thought would lead to speculation and we struck that out, but we did it to harmonize the whole bill and get an agreement.

Mr. EMERSON. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. EMERSON. The gentleman is familiar with the public lands of the West and the acreage and the climate?

Mr. FERRIS. I try to be. I study it a good deal in my committee work.

Mr. EMERSON. Would it be possible to set aside any public lands where there is a proper climate that would be suitable for persons suffering from tubercular trouble?

Mr. FERRIS. I think Arizona or Colorado would be the better place.

Mr. EMERSON. Is there public land which could be set aside for that purpose?

Mr. FERRIS. There are large areas in both States I have named. I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Speaker, this 640-acre stock-raising homestead bill, as most of the membership of this House know, has been before Congress for the past three years, and several of us have been diligently working for it during all of that time. I introduced the bill in the Sixty-third Congress and reintroduced it on the first day of this Sixty-fourth Congress,

so that the question of the advisability of providing for stock-raising homesteads is not a new subject before Congress.

This bill represents a natural evolution or adaptation of the homestead laws to conditions existing in the public-land States. There are to-day over 250,000,000 acres of unappropriated and unreserved public lands in the United States. This land has been traveled over for 50 years and has not thus far been deemed of sufficient productivity to afford a living for a man and his family upon 160 acres; and since the 19th of February, 1909, the 320-acre enlarged homestead law has been applicable to nearly all of it, and yet it is not taken up.

Land hunger in the United States—that is, the desire and hope to obtain a home, which is one of the noblest instincts of the human race—is greater to-day than ever before. Yet, it is not only folly but almost criminal to invite men with families to go onto a quantity of land that is not sufficient for them to make a living upon. And many of us from the West have for several years felt that the time had come when a new form of homestead law should be enacted to make the settlement a part of those vast areas possible.

This bill will apply to large portions of arid mesas, mountain sides, as well as gulches and rough, broken land, where, by the dry-farming methods and by using crops suitable to the arid regions, a settler can, by acquiring a few head of stock, maintain a home and support himself and family.

There have been some objections to this measure by representatives of large cattle and sheep growers, upon the ground that the bill may interfere with the use of the open public range. On the other hand, some people object to the measure because it is not liberal enough. All of those objections and recommendations have been exhaustively considered, and this bill is a compromise and the best compromise that can be obtained. It does not go as far as I think it might safely go, and there are some restrictions that I think are unnecessary. But it is a long, long and tremendously important step in the right direction. In fact, it marks a very important epoch in the public-land legislation of this country, more even than the passage of the enlarged homestead law, or the enactment of the three-year homestead law, with which I was actively connected. It is true that this bill is not as liberal as either the Senate or House bill; at the same time, if conditions warrant it, Congress can hereafter amend the law, and I feel that we should by all means adopt this report, and I trust the President will approve the measure and that it will be given a fair trial.

The Senate amendment concerning driveways for stock your conferees felt was entirely too broad. While we do not doubt the wisdom of the Interior Department, at the same time we felt that Congress ought to formally express a disapproval of a provision with no limitation, which provides for the withdrawal of land for driveways. I very seriously protested to the Secretary of the Interior and to the conference committee about that Senate provision, and I guess I am not violating any confidence when I say that the last two provisos on that subject were offered by myself and agreed to in conference as an expression of the very emphatic sentiment of your conference committee and the two Public Lands Committees of the Senate and House against this bill being used by the Secretary of the Interior or the Department of Agriculture as a general or unreasonable withdrawal bill. While we fully realize the necessity for reasonable and actual driveways, at the same time we do not want that necessity to be used as an excuse for creating great grazing zones, nor any unreasonable and unnecessary withdrawal of lands that will provide homes.

I feel that the State of Colorado will be benefited enormously by this measure, and I think my congressional district will probably be benefited as much, if not more, than any other district in the entire West by the enactment of this law.

It takes homes to make permanent taxpayers and bring schools and build cities and towns and roads. Lands all over the West that were looked upon as utterly worthless 10 and even 5 years ago are to-day good homes, and in many places there are prosperous cities on former cattle ranges. No one now has sufficient knowledge or foresight to classify our public domain. The people are classifying it every day. The time will probably sometime come when homesteading will practically cease, and there will ultimately, undoubtedly, be some large bodies of land that can not be used for homes, but that time is a long way off yet.

In the State of Colorado, of which I have the honor in part to represent, there are to-day nearly 15,000,000 acres of unappropriated and unreserved public domain outside of the forest reserves, and there are 14,339,994 acres in the forest reserves of Colorado, besides other withdrawals. This law will mean the settlement of, I believe, approximately one-fourth of all the remaining public domain outside of the forest reserves of the United States, and will add thousands of homes to each of the Western States and put several million acres of land that now appears almost utterly worthless into a productive condition and onto the tax rolls of each of those States.

Before closing, I want to say a kindly word about our former colleague, Congressman Fergusson, of New Mexico, since deceased. He devoted an immense amount of time, energy, and painstaking service to the preparation and support of this bill. His whole heart was in the measure, and among us friends of his on the Public Lands Committee, there is a feeling of sadness that he could not have lived to see the enactment of this law. But his State and the entire West will be greatly benefited by his labor in its behalf.

In order that the record may be correct and that the public may have the benefit of seeing this bill before it is issued by the Government Printing Office as a law, which usually takes some little time, I am going to insert in the RECORD as a part of my remarks a copy of the bill identically as we agreed upon it in conference and as the law will be, which is as follows:

An act (H. R. 407) to provide for stock-raising homesteads, and for other purposes.

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided*, That where any person qualified to make original or additional entry under the provisions of this act shall make application to enter any unappropriated public land which has not been designated as subject to entry (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, in duplicate, showing prima facie that the land applied for is of the character contemplated by this act), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located and suspended until it shall have been determined by the Secretary of the Interior whether said land is actually of that character. That during such suspension the land described in the application shall not be disposed of; and if the said land shall be designated under this act, then such application shall be allowed; otherwise it shall be rejected, subject to appeal, but no right to occupy such lands shall be acquired by reason of said application until said lands have been designated as stock-raising lands.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That a former homestead entry of land of the character described in section 2 hereof shall not be a bar to the entry of a tract within a radius of 20 miles from such former entry under the provisions of this act, which, together with the former entry, shall not exceed 640 acres: *Provided further*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land: *Provided further*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage of this act, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 20-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold the land so entered or acquired and against which land there are no encumbrances, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of this act respecting the new entry and with all the provisions of existing homestead laws except as modified herein.

SEC. 7. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 8. That any homestead entrymen or patentees who shall be entitled to additional entry under this act shall have, for 90 days after

the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, or other legal subdivision, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one such tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 10. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior, and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the land as permitted to an entryman under this act.

SEC. 11. That lands containing water holes or other bodies of water needed or used by the public for watering purposes shall not be designated under this act, but may be reserved under the provisions of the act of June 25, 1910, and such lands heretofore or hereafter reserved shall, while so reserved, be kept and held open to the public use for such purposes under such general rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary may, in his discretion, also withdraw from entry lands necessary to insure access by the public to watering places reserved hereunder and needed for use in the movement of stock to summer and winter ranges or to shipping points, and may prescribe such rules and regulations as may be necessary for the proper administration and use of such lands: *Provided further*, That such driveways shall not be of greater number or width than shall be clearly necessary for the purpose proposed and in no event shall be more than 1 mile in width for a driveway less than 20 miles in length, not more than 2 miles in width for driveways over 20 and not more than 35 miles in length, and not over 5 miles in width for driveways over 35 miles in length: *Provided further*, That all stock so transported over such driveways shall be moved an average of not less than 3 miles per day for sheep and goats and an average of not less than 6 miles per day for cattle and horses.

SEC. 12. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes; and

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes; and

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes.

EXTENSION OF REMARKS.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two letters and a statement from The Adjutant General relative to the amount of the receipts and disbursements during our occupancy at Vera Cruz.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether his statement shows what became of the million dollars that was collected at Vera Cruz during the American occupation?

Mr. DILLON. I will say to the gentleman that the letter is dated September 20, and shows that the amount of money deposited at New Orleans in the Subtreasury was $2,604,051.20 in Mexican money. I telephoned this morning to the office of The Adjutant General and was advised that that money still remained in the Subtreasury at New Orleans.

The SPEAKER. Is there objection?

There was no objection.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, and to consider the same at this time.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate joint resolution 186. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I have received a good many telegrams from business men in my district urging immediate and favorable consideration of this resolution. As I understand it, it involves further drain on the Niagara River for water-power purposes in New York State. Is that the purpose of it?

Mr. FLOOD. The purpose of this resolution is to authorize the Secretary of War to issue permits for 20,000 cubic feet per second of water to be taken from the Niagara River above the Falls until the 4th day of March, by which time we hope to enact permanent legislation to control and regulate the taking and using of this water.

Mr. BORLAND. The fact that it requires legislation indicates that the Secretary of War has not now the power to issue those permits.

Mr. FLOOD. He has not. The law which gave the Secretary of War such power has expired.

Mr. BORLAND. We are enlarging his power to issue permits to take water out of the river?

Mr. FLOOD. I think the situation is that the water that is being taken from the Niagara River now by the power companies is being taken without any legal authority. Heretofore there has been a law known as the Burton law, which expired on the 4th of March, 1913, authorizing the diversion of 15,600 cubic feet per second of the water which the United States under the treaty was authorized to grant permits for; but that law has expired by limitation. The companies, however, have gone on, and no one has raised an objection to their taking the 15,600 cubic feet. Some time last year the former Secretary of War, probably putting a different construction upon the law from what the present Secretary does, authorized an additional diversion of, I think, twelve or fifteen hundred cubic feet, and this permit was extended by the present Secretary. That has also been diverted, but no more of the 4,400 feet is being diverted.

The purpose of this resolution as we propose to amend it is to authorize the diversion by the power companies with machinery installed for the purpose of generating power of the entire 20,000 cubic feet per second that under the treaty with Great Britain this country has the right to authorize to be diverted for a period from now until the 4th of next March.

Mr. BORLAND. As a matter of principle I am opposed to taking any more water out of Niagara Falls; but, as I understand it, we have a treaty with Canada giving her a right to take a certain amount of water on the Canadian side, and we are taking a certain amount of water upon our side. I would like to have the gentleman explain whether we have yet reached the limit or whether by this resolution we will reach the limit that is now being used by Canada?

Mr. FLOOD. We can not reach the limit. The treaty authorizes Canada to permit a diversion of 36,000 cubic feet per second and authorizes the United States to permit the diversion of 20,000 feet per second, so that Canada has 16,000 cubic feet per second more than we have.

Mr. BORLAND. This resolution authorizes permits to be issued up to the full 20,000 feet per second?

Mr. FLOOD. It does, but the resolution also provides that permits shall not be issued to any companies that have not now the machinery installed to use the water, and the two companies there that will take the water have the machinery installed that will use the 15,600 cubic feet and probably 3,700 cubic feet of the remaining 4,400 cubic feet.

Mr. BORLAND. Let me ask the gentleman this question. Something has been said about Canada having placed an embargo upon the transmission of power into this country. Is that a new proposition, or has not that always been the case, that she refused to permit hydroelectric power to be used except in Canada?

Mr. FLOOD. No; that is a very recent development. The companies that generated power in Canada sold a greater portion of that power in this country, but the Canadian Government reserved the right to require them to cancel their contracts at any time it saw fit. For instance, one company that is a sister company of an American company was exporting 75,000 horsepower to this country. The Canadian Government has recently required them to cut that down to 30,000 horsepower under the contract which the Canadian Government made with that company. It had the right to do that, and instead of 75,000 horsepower coming from that company into this country, only 30,000 is being imported at this time. Another company that was importing 80,000 horsepower into this country has been cut down to 60,000 horsepower. These reductions—and there are others—create a great shortage of power in that community.

Mr. BORLAND. Is that a complete embargo against the transmission of power?

Mr. FLOOD. It is not an embargo at all. The Canadians need the power and they are exercising the right which they reserved in their contract with these companies, to require them to permit the power to be used in Canada instead of the United States.

Mr. BORLAND. Was it contemplated when we made that treaty giving Canada 36,000 cubic feet and the United States 20,000 cubic feet that we were going to use in this country a part of that power generated in Canada?

Mr. FLOOD. I do not think so. I think that might have been the expectation of citizens of America, because they did not think the Canadians would use that much power, and at first they did not need it. But as a result of the European war there has been large industries built up there for the manufacture of munitions of war and other purposes, and they need the power and they need it right now, and the claim is that they have the right to it, as they have.

Mr. BORLAND. Have they a perfect right under their treaty to place any embargo on the transmission of power?

Mr. FLOOD. They have a perfect right under their treaty to require all the power generated from 36,000 cubic feet per second from Niagara River to be used in Canada.

Mr. BORLAND. As I stated a moment ago, I am quite opposed to further inroads upon Niagara River and Niagara Falls.

Mr. FLOOD. I think the gentleman's objection there will be met by this suggestion. This resolution, as the Committee on Foreign Affairs reported it, limits the permits to the 4th of March. There can not be a reasonable objection to taking water from the Niagara Falls during the winter months when there is a tremendous flow of water——

Mr. BORLAND. No; there can not be——

Mr. FLOOD (continuing). And when the scenic beauty of the Falls could not be affected.

Mr. BORLAND. No; there can not be. As I understand the gentleman, it is not contemplated to permit the right to any tremendous increase of their plants or to make any permanent investments there which we will afterwards be required to protect in any way by giving them a continuous permit.

Mr. FLOOD. That is provided for in the resolution.

Mr. BORLAND. The resolution does not permit the enlarging of their plants or for any new plants to be created.

Mr. FLOOD. That is right.

Mr. WINGO. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WINGO. What is the date of the expiration of our treaty with Canada?

Mr. FLOOD. No date is fixed. It can only be terminated by notice.

Mr. WINGO. It is one of those treaties where notice must be given?

Mr. FLOOD. Yes.

Mr. WINGO. I thought I noticed some time ago that this question had been reopened between the two countries. Is that true?

Mr. FLOOD. What was the gentleman's statement?

Mr. WINGO. Has there not been some discussion in a diplomatic way between the two countries over this question in the last few years?

Mr. FLOOD. There has not been.

Mr. WINGO. What is the object of limiting these permits to the 4th of March?

Mr. FLOOD. Well, there are a great many reasons and one is that this is a mere temporary resolution to meet an emergency in the power famine in that section of the country. There is a bill pending before the Committee on Foreign Affairs, which will probably be reported out the early part of next year, which deals comprehensively with all questions of the use of the water from the Niagara River.

Mr. WINGO. It is the intention of the committee to take up the question and present a bill dealing with the matter on a permanent basis?

Mr. FLOOD. Yes; to deal with it permanently.

Mr. FESS. Mr. Speaker, reserving the right to object, I would like to say I would be rather inclined to oppose any further encroachments upon the water of Niagara Falls, and I wanted to ask whether this resolution would set a precedent by which we would be committed to further legislation of this character?

Mr. FLOOD. I should not think so. This is to relieve a temporary situation. There has been this tremendous withdrawal of power from the manufacturers of this country by the Canadian generators of power within the last two months or six weeks, or even within the last two weeks.

Mr. FESS. I understand this treaty limits the amount to be used by both sides?

Mr. FLOOD. It does.

Mr. FESS. Has the gentleman any estimate as to what will be the lowering of the water by this amount of additional water used?

Mr. FLOOD. Well, that is a disputed question. Some gentlemen contend that it will not lower it at all. I think Gen. Bixby testified before the committee two or three years ago that the effect on the beauty of the Falls depended largely upon the lowering of the water from 5 to 10 inches. Gen. Bixby thought it would be probably 5 or not more than 9 inches.

Mr. TEMPLE. Does not that 5 or 10 inches include allowing 20,000 cubic feet to this side and 30,000 to the other side? But the 4,400 cubic feet, it is estimated, would lower the Falls farther only three-fifths of an inch.

Mr. FLOOD. I am not quite certain about that.

Mr. AUSTIN. I would like to ask the gentleman if in the discussion of this resolution before the Senate the Senator from Wisconsin [Mr. LA FOLLETTE] did not make the statement that he had called up the officials of the War Department and they stated that these permits would not interfere with the amount of water or navigation or scenic beauty?

Mr. FLOOD. I do not know what took place in the Senate. I know the Secretary of War was before the Committee on Foreign Affairs in advocacy of this resolution, which was drawn by the War Department. He stated that, in his opinion, it would have no effect on the scenic beauty, but rather believed it would be helpful.

Mr. FESS. May I ask the chairman whether he has any information that this might be a beginning that would lead to a destruction of the scenic beauty of this great natural wonder?

Mr. FLOOD. I think the Committee on Foreign Affairs made a very careful investigation of this question. Most of them have been on the ground and they have reached the conclusion, I believe I speak correctly, that the diversion of this 56,000 cubic feet of water a second will not affect the scenic beauty of the falls.

Mr. MADDEN. Will the gentleman yield?

Mr. EMERSON. Are the Canadians using their 36,000?

Mr. FLOOD. I do not think they are now; but they are preparing to use all of it. They are using part of it.

Mr. MADDEN. Before the gentleman calls for a vote, can I get five minutes?

Mr. FLOOD. Yes, sir.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. FLOOD. Yes, sir.

Mr. CARTER of Oklahoma. In what way does this resolution differ from H. R. 8038?

Mr. FLOOD. This is a mere temporary resolution giving authority to the Secretary of War to issue temporary permits. The bill the gentleman refers to deals with the whole question and provides for the permanent use of this water, and involves such questions as what the Government should charge for it and the regulation of it.

Mr. CARTER of Oklahoma. This bill only provides for the issue of these permits until March?

Mr. FLOOD. The resolution as it passed the Senate was for the 1st of July. The House committee recommended the 4th of March. They cut it down to that date.

Mr. RAINEY. Mr. Speaker, reserving the right to object, does this permit carry with it the entire amount that can be diverted under the treaty?

Mr. FLOOD. It does; but, as I stated just now, it will not be possible to use all the water diverted under the restrictions of this resolution.

Mr. RAINEY. That is, the intention is to have this permit expire on the 4th of March?

Mr. FLOOD. On the 4th of March.

Mr. RAINEY. And to have this diversion stop at that time?

Mr. FLOOD. Yes.

Mr. RAINEY. The Secretary of War is having some trouble in enforcing a permit of that kind at the other end of the Lakes, and the matter is now pending in the courts as to whether he can do it or not.

Mr. FLOOD. He has never had any trouble at Niagara Falls. I think the companies there have complied with every demand the War Department has ever made on them. They are probably using water now they have no legal right to use, but there has been no suggestion that they stop using it.

Mr. RAINEY. Does this resolution provide in any way for compensation of the Government?

Mr. FLOOD. It does not. It is a mere temporary resolution, and we did not think we could get it through if we brought that question into it. The Cline bill, that is pending in the committee and will be reported soon, will deal with that question.

Mr. RAINEY. With so many gentlemen absent to-day, and it being such an important question, involving the principle of compensation, does the gentleman think this is a proper time to follow it?

Mr. FLOOD. I did not know so many gentlemen were going to be absent, but it is the first time except yesterday afternoon that we have had an opportunity to call it up. It is a matter of great importance to the power companies at Niagara Falls and to manufacturers not only at Niagara Falls, but all over the United States.

Mr. RAINEY. I presume that is true.

Mr. AUSTIN. Is it not equally important there that the municipalities have light?

Mr. FLOOD. I presume some of the municipalities will suffer for want of sufficient light.

Mr. RAINEY. I think if the gentleman will permit this to be called on the first day after the holidays I shall not object.

Mr. FLOOD. That will be 10 days, and men will be thrown out of work all over the country. It is therefore very important that we proceed to-day.

Mr. FITZGERALD. I will say to the gentleman from Illinois [Mr. RAINEY] that the withdrawal of this power by Canada has resulted in serious interference with certain manufacturing concerns. Arrangements are now under way to supply this withdrawn power from plants that will be operated as other plants are. The purpose of this is to tide over the period in which these other plants may be developed. And that was the reason the Senate fixed the time until the 30th of June, so that these plants might be completed, equipped, and utilized.

Mr. RAINEY. I will ask the gentleman to call it up later in the day, after I shall have had an opportunity to look into the hearings and to see what the question involved is.

Mr. FLOOD. I will say to the gentleman that this is an amended resolution.

Mr. SMITH of New York. And it has to go back to the Senate.

Mr. FLOOD. It has to go back to the Senate. I just moved to take this resolution from the Speaker's table.

Mr. MANN. Ask the Speaker to lay the Senate resolution before the House.

Mr. FLOOD. Yes; if there is any objection to unanimous consent.

Mr. RAINEY. I will say to the gentleman that there is no quorum present to take that up. I ask the gentleman to let this matter rest for an hour or so.

Mr. FITZGERALD. Before the gentleman does that, I wish he would yield me a minute or two. I wish to make a statement concerning it.

Mr. FLOOD. I yield to the gentleman from New York.

Mr. FITZGERALD. I desire to make this statement now because I shall be compelled to be absent when the bill comes up later in the day. I do not wish to have it go unchallenged that the United States has an unquestioned right to control or dispose of the water of the Niagara River, or to impose any charge for the use of water diverted for commercial purposes. The only right the United States has is to regulate the control of the water in so far as it may affect the navigation of the Niagara River. No one assumes that the purpose of regulating this flow has anything to do with navigation. Half the bed of this river and half the volume of the water of the Niagara River belongs to the State of New York, and if the right to impose a charge for the use of the water is lodged anywhere it is in the State of New York. In my opinion there is very grave doubt whether the United States has any right whatever to regulate the amount of water that shall be taken from the river. I am in sympathy, however, with those who desire to protect the scenic beauty of Niagara Falls, that great wonder of the world; but I shall not sit here representing the State of New York and have it asserted without any dissent whatever that the Federal Government has rights that it did not possess when the State of New York came into the Union, and which the State of New York has never surrendered to the United States. I have never found any satisfactory authority that justifies any claim upon the part of the United States Government to the rights that it has asserted in this matter.

The hydroelectric power that heretofore has been brought into the United States from Canada and has been utilized to operate certain manufacturing establishments in this country has been withdrawn. Those companies are now suffering because of inability to obtain power. It is realized that it would be impossible hereafter to obtain the same amount of power from Canada as heretofore. Arrangements are under way to erect power plants where the power will be generated other than by water power, so as to supply the needs of those manufacturing establishments that heretofore were supplied from Canada. The purpose of this resolution is to tide over the period during which it will be necessary to obtain those new plants.

Every one realizes that the water withdrawn under this resolution will not affect the scenic beauty of the Falls; that it is only to be temporary; and that it is a desirable thing to do. But beyond that I wish it to be understood that there are some who seriously doubt the right of the United States to exercise any authority whatever over the subject.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to be recognized a moment or two, to reply to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from Wisconsin is recognized for two minutes.

Mr. FLOOD. I will say to the gentleman from Wisconsin, Mr. Speaker, that we will have the resolution up again this afternoon.

Mr. COOPER of Wisconsin. If the gentleman will permit me, I would like briefly to reply now to the gentleman from New York.

Mr. Speaker, the views as to the authority of a State over the waters of a navigable stream, which have just been expressed by the gentleman from New York [Mr. FITZGERALD], were enunciated a long time ago in that State. I refer to a remarkable decision, embodying in principle that view, made by the famous Justice Kent, of the New York Court of Appeals, in the great case of Gibbons v. Ogden. Gentlemen will remember that the Legislature of the State of New York had given the exclusive privilege to Livingston and Fulton to use steamboats in the navigable waters of the State of New York; that litigation arose and that when the case was heard in the highest court of the State the chief justice of that court, James Kent, the author of the famous work, "Kent's Commentaries on American Law," declared, in an elaborate opinion, what the distinguished gentleman from New York has now said, that the authority to control the waters of a navigable stream in the State of New York was in the legislature of the State.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Wisconsin does not think I am making a statement that is identical with the contention in that case. What I said was entirely different, and nobody who listened to me could possibly misunderstand it unless he wished to do it deliberately.

Mr. COOPER of Wisconsin. I did not misunderstand the gentleman.

Mr. FITZGERALD. The gentleman did if he states that the statement which I made was identical with that of Chancellor Kent, although I have a high opinion of the eminent attainments of Chancellor Kent.

Mr. COOPER of Wisconsin. Mr. Speaker, in that case of Gibbons against Ogden, Chief Justice Kent affirmed that a proper construction of the Constitution of the United States required, as did also the dictates of the highest public policy, that the entire authority over the navigable waters in a State was vested, and ought to be vested, in the legislature of the State, under the constitution of the State.

The case was carried to the Supreme Court of the United States. Fortunately for the welfare of the people of this Republic, there chanced at that time to be presiding in the Supreme Court the great Chief Justice John Marshall. He tore to shreds the reasoning and the statesmanship of this decision of Mr. Justice Kent, and in effect, so far as concerns purposes of navigation, forever confirmed in the Congress, under the Federal Constitution, absolute, unlimited authority over all navigable waters anywhere in the United States.

But another opinion, as to what is a lawful control of such navigable waters, is presented in the statement of the gentleman from New York, that the Government of the United States has no authority to control these waters except only for purposes of navigation.

Now, on grounds of the highest public policy that ought not to be the law; and, in my judgment, it is not the law. And the future best interests of the American people demand that it shall not be made the law.

It ought not to be the law because of the immeasurable possibilities of hydroelectric power development; because of such facts as that this power can be carried and successfully used hundreds of miles in every direction from a plant, and that power from one plant can be connected up with power from other plants long distances away, thus making possible, as time will show, such a vast concentration of control of power as the world has never yet seen.

The privilege of using the waters of a navigable stream to generate hydroelectric power is a thing of value. The right to grant or to deny such privilege belongs to the Federal Government; and, therefore, having this authority to be exercised wholly in its discretion, it may in making a grant of such a privilege impose terms and conditions.

That is the wise position for the Government to maintain if it is to look ahead and be careful of the future, and not, as has often been the case in this country, wait until abuses arrive and then be forced into a desperate struggle to remedy them.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I want but one minute more.

The SPEAKER. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The House resolution, when before the Committee on Foreign Affairs, was amended, as the gentleman in charge of the bill has said, so that these revocable permits would expire by their terms on the 4th of March, instead of on the 1st of July next, as is provided in the Senate resolution. I would not agree that this should come up now under the request for unanimous consent unless that House amendment shall go in before the resolution is considered.

I reserve the right to vote against the resolution.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. RAINEY. Mr. Speaker, still reserving the right to object, I would like to ask the gentleman from Virginia [Mr. FLOOD] if he would have any objection to inserting at the end of this joint resolution a proviso as follows: "*Provided*, That the Secretary of War may, in his discretion, impose reasonable rental charges"?

Mr. FLOOD. I do not think that will go through.

Mr. RAINEY. Well, if the bill went through, it would have to go through if we agree on that proposition.

Mr. FLOOD. I do not think the bill will go through with that in it.

Mr. SMITH of New York. Mr. Speaker, I would like to say that the bill will run only two months. It would not be possible for the Public Service Commission of New York to rearrange the rights of these parties, which are now controlled by the public service commission, if a rental were put upon the companies. Another thing: Of course, the tacking on of an amendment like that would surely kill the bill in the Senate, because the Senate has already gone on record against the exacting of a compensation for power.

Mr. RAINEY. The Senate has not gone on record against the exacting of compensation for these privileges any more strongly than the House has gone on record for it.

Mr. SMITH of New York. If this were a plan to continue the permits permanently, we could discuss it more at length; but these permits are to run for only two months, and before these grants will expire the whole question of compensation will come up on this same water power, so that the gentleman will have full opportunity to get a vote, with a quorum present, after a discussion which may last for hours, on the whole subject of compensation.

Mr. RAINEY. May I inquire how it will come up?

Mr. FLOOD. I will say to the gentleman that I am in favor of the proposition which he submits, and I believe the Committee on Foreign Affairs are in favor of it; and they have arranged for the committee to report a bill here dealing with this whole question, and we expect to get it up on the third Wednesday in January, when the call on Calendar Wednesday will rest with this committee.

Mr. RAINEY. Will that bill have reference to this diversion of the water from Niagara Falls?

Mr. FLOOD. Yes. It will deal with no other subject.

Mr. RAINEY. Do the committee expect to stand for the policy which this House has announced so often heretofore?

Mr. FLOOD. I think so.

Mr. RAINEY. If the gentleman can assure me that the bill will contain this provision, I will not object.

Mr. FLOOD. The expressions around the table lead me to believe that undoubtedly the committee will stand for that policy.

Mr. SMITH of New York. The committee have voted favorably for compensation.

Mr. RAINEY. The gentleman assures me that the committee have voted favorably——

Mr. SMITH of New York. Yes.

Mr. RAINEY. To include in the bill which they expect to consider in January a compensation provision?

Mr. SMITH of New York. Yes. I voted against it, but a majority of the committee voted for it.

Mr. FLOOD. They have voted for it, and have appointed a subcommittee to get it into shape to put into the bill.

Mr. RAINEY. Then the chairman assures me that it will be in the bill?

Mr. FLOOD. I think so.

Mr. SMITH of New York. The committee have voted to put it in the bill, and unless the committee should change their minds it will be in the bill.

The SPEAKER. Is there objection?

Mr. RAINEY. The gentleman from Kentucky [Mr. SHERLEY], who has been the leader of the House on this question of compensation—and we have all been following him—is absent from the House to-day, and I see that the other Members of the House who have been making this fight for compensation are largely absent, except myself. If the chairman of the committee will assure me that this will be in the bill to be considered in January, I shall not object, so far as I am concerned, to the consideration of this emergency measure now.

The SPEAKER. What does the chairman of the committee say?

Mr. FLOOD. I can assure the gentleman that it is my belief that it will be in the bill. The committee may change its mind between now and the time of reporting it, but I do not believe it will, and I do not think there is the slightest doubt about it being in the bill.

Mr. RAINEY. I think that is as far as the chairman can go, and I shall not object.

Mr. DAVIS of Texas. Reserving the right to object, I wish to say that I see serious trouble ahead when all the best water power in the country is monopolized by a lot of soulless and conscienceless corporations, and I do not want that to take place. Now, I want to ask, if we fail to give this temporary relief, will it put a lot of plants and cities in the dark and visit a hardship on a lot of people who now obtain power from the Falls?

Mr. FLOOD. It will reduce the light that some cities have. It will reduce the power that a great many manufacturing plants have, and will close up some of them and throw a great many people out of employment.

Mr. MILLER of Pennsylvania. It will throw hundreds and thousands of people out of employment.

Mr. FLOOD. It will affect the entire country. It will affect all the users of acetylene gas. Farmers all over the country will not be able to get the carbide to run their little plants.

Mr. DAVIS of Texas. Are the people who are using this power using it under a permit from the Public Service Commission of New York?

Mr. FLOOD. They are using it under an expired permit from the Secretary of War of the United States.

Mr. DAVIS of Texas. Have they been paying anything to the State of New York for the use of this water?

Mr. FLOOD. No; they have not been paying anybody. They have been paying taxes on their property and franchises.

Mr. SMITH of New York. And paying taxes on their franchises, too.

The SPEAKER. Is there objection?

Mr. DAVIS of Texas. I will not object to the temporary extension.

Mr. COOPER of Wisconsin. I said I should reserve the right to object unless it was understood that that amendment would be made.

Mr. FLOOD. We are certainly going to offer the amendment, and I believe it will be adopted. The gentleman can protect himself, however, by raising the point of no quorum if the amendment is not adopted.

Mr. SMITH of New York. We will put that in.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to issue permits, revocable at will, for the diversion of water in the United States from the Niagara River above the Falls for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river in additional quantities which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided,* That in no event shall the total quantity of water diverted from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *And provided further,* That this resolution shall remain in force until the 1st day of July, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.

Mr. FLOOD. I move to amend the joint resolution on page 2, line 4, by inserting, after the word "diverted," the words "in the United States."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "diverted," insert the words "in the United States," so that it will read:

"*Provided,* That in no event shall the total quantity of water diverted in the United States from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second."

The amendment was agreed to.

Mr. FLOOD. Mr. Chairman, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Page 2, line 8, strike out the word "first" and insert the word "fourth," and, in the same line, strike out the word "July" and insert the word "March," so that the line will read: "This resolution shall remain in force until the 4th day of March," etc.

The amendments were agreed to.

Mr. CARTER of Oklahoma. Mr. Speaker, I wish to say a word in opposition to the resolution.

Mr. FLOOD. How much time does the gentleman wish?

Mr. CARTER of Oklahoma. Just a few moments.

Mr. FLOOD. I yield five minutes to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. Mr. Speaker, realizing that this resolution was important and an urgent matter, I did not object to its consideration by unanimous consent, but I have been advised that there are some rights of the Seneca Tribe of Indians which may be infringed upon by the passage of a permanent bill. I therefore have asked for this time in order that a letter addressed to me by the Seneca Tribe of Indians may be read to the House.

The SPEAKER. Without objection, the letter will be read in the gentleman's time.

There was no objection.

The Clerk read the letter, as follows:

SIR: The Seneca Nation remonstrates against H. R. 3038, Sixty-fourth Congress, first session, entitled "A bill for the control, etc., of the waters of Niagara River," introduced by Mr. CLINE.

This remonstrance is based upon the ground that the right to divert and use the waters of the Niagara above the great Falls for hydraulic power is in the Seneca Nation, because that right has never been ceded by them since they were confirmed therein by authorization of the treaty of Canadaigua in the year 1794.

The bill above referred to ignores this right to the Senecas and proposes to authorize and continue the use of these waters for hydraulic power in disregard of the rights of the Senecas.

In support of this remonstrance we refer to the documents, matters, and considerations submitted in our behalf to the House Committee on Foreign Affairs in the last session, under date of July 15, 1914.

Respectfully submitted.

WILLIAM C. HOAG,
President Allegany-Cattaragua Society.
WM. T. JONES,
President Chiefs' Council, Tanawa Senecas,
721 Powers Building, Rochester, N. Y.

Mr. FLOOD. Mr. Speaker, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, the rights of the Federal Government over the waters of Niagara are exactly the same as they are over any other navigable stream in the United States, any inland water; the same rights as are over the Mississippi River, the same as over the Coosa River in my own State, or any other great inland stream where water power may be developed. In addition to this is the fact that Niagara is a boundary stream, an international stream. So that if the Federal Government has the right to make a charge for the use of water at any place in the United States not located on public lands, it has it at Niagara. If a charge for the diversion of water ought to be made by the Government at any place it should be made at Niagara, because there the power is more convenient, is greater, is cheaper of development, and is more valuable than at any other place in the United States and perhaps in the whole world.

It is important in considering this resolution that we should understand exactly what the situation at Niagara is and what has been done heretofore. The power has been developed on a large scale at Niagara for 20 years or more by two concerns—the Niagara Falls Power Co. and Hydraulic Power Co. These concerns acted during a large part of that time solely under charters granted to them by the State of New York. They acted on the theory that the man who owned the banks of the stream had the right to do as he pleased with the water. During all these years this power of immense value has been developed by these two concerns without paying one cent therefor to the people of the United States or to the people of New York, other than as everybody else pays in taxes. They have never paid one cent for this valuable power to anybody, but they have continued to exercise these rights and privileges of untold value, and have been enabled to heap up vast fortunes. We have gone on in our time-honored American way encouraging industry, making millionaires, and depressing the condition of the proletariat.

During all these years these two concerns have been allowed to go on in their own way without regulation, without any attempt to fix the price for the power, or fix conditions upon which they should deliver it. That they have grossly abused the valuable privileges which they have enjoyed no man who has investigated the situation can for a moment reny.

Mr. AUSTIN. Will the gentleman yield?

Mr. HUDDLESTON. If you please, not just now. In 1906 this matter of the regulation of the diversion of water from Niagara came up as a live question in the Congress. At that time we passed what is known as the Burton law. I wish to refer to that law and will extend it in the RECORD, as follows:

THE BURTON LAW.

[Public, No. 367.]

An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Be it enacted, etc., That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section 2 of this act: *Provided,* That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States, or by the Secretary of War of the United States under its direction.

SEC. 2. That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company, or corporation as aforesaid a maximum amount of 8,600 cubic feet per second, and not exceeding to all individuals, companies, or corporations as aforesaid an aggregate amount of 15,600 cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, 15,600 cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries, in the State of New York: *Provided,* That the said Secretary, subject to the provisions of section 5 of this act, under

the limitations relating to time above set forth, is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by permits be allowed to be transmitted from the Dominion of Canada into the United States shall be 160,000 horsepower: *Provided further*, That the Secretary, subject to the provisions of section 5 of this act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said 160,000 horsepower and the amount generated and used in Canada, exceed 350,000 horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered.

SEC. 3. That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $2,500, nor less than $500, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing by suitable treaty with said Government for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

SEC. 5. That the provisions of this act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

SEC. 6. That for accomplishing the purposes detailed in this act the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 29, 1906.

I read from section 2 of the Burton law as follows:

That the Secretary of War is hereby authorized to grant a permit for the diversion of the water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from waters of said river—

And so on.

By the terms of the act the President was requested to negotiate a treaty with the British Government which would settle the international aspects of the power situation at Niagara.

By section 5 of the Burton law it was provided that the provisions of the act should remain in force for three years from the date of its passage, and that at the expiration of that time the permit granted by the Secretary of War should terminate, and so forth.

During that three years the treaty was negotiated, but was not proclaimed, so that on March 3, 1909, Congress passed a resolution extending the Burton law two years from June 29, 1909.

House joint resolution 262, extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Whereas the provisions of the act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, will expire by limitation on June 29, 1909; and

Whereas a date for the termination of the operation of said act was provided therein, but with a view to the more permanent settlement of the questions involved by a treaty with Great Britain, and by further legislation appropriate to the situation, and such treaty not having been negotiated, it is desirable that the provisions of said act should be continued until such permanent settlement can be made: Therefore, be it

Resolved, etc., That the provisions of the aforesaid act be, and they are hereby, extended for two years from June 29, 1909, being the date of the expiration of the operation of said act, save in so far, as any portion thereof may be found inapplicable or already complied with.

Approved, March 3, 1909.

The treaty with the British Government was negotiated, and the rights of the respective high contracting parties were fixed thereby. The right of the Federal Government of the United States to use 20,000 cubic feet per second was agreed upon, and the right of the Canadian Government to take 36,000 feet was fixed.

I extend the treaty in my remarks, as I think the public ought to know its terms:

TREATY SERIES, No. 548—TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN—BOUNDARY WATERS BETWEEN THE UNITED STATES AND CANADA.

Signed at Washington January 11, 1909.
Ratification advised by the Senate March 3, 1909.
Ratified by the President April 1, 1910.
Ratified by Great Britain March 31, 1910.
Ratifications exchanged at Washington May 5, 1910.
Proclaimed May 13, 1910.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, was concluded and signed by their respective plenipotentiaries at Washington on the 11th day of January, 1909, the original of which treaty is, word for word, as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington.

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways or the portions thereof along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country within its own territory not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects of citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the high contracting parties reserves to itself or to the several State governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the high contracting parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one

side, and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV.

The high contracting parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The high contracting parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country, so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty, under the direction of the International Joint Commission.

ARTICLE VII.

The high contracting parties agree to establish and maintain an International Joint Commission of the United States and Canada, composed of six commissioners—three on the part of the United States, appointed by the President thereof, and three on the part of the United Kingdom, appointed by His Majesty on the recommendation of the governor in council of the Dominion of Canada.

ARTICLE VIII.

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which, under Articles III and IV of this treaty, the approval of this commission is required, and in passing upon such cases the commission shall be governed by the following rules or principles which are adopted by the high contracting parties for this purpose:

The high contracting parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

First. Uses for domestic and sanitary purposes.

Second. Uses for navigation, including the service of canals for the purposes of navigation.

Third. Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may, in the discretion of the commission, be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works, to compensate, so far as possible, for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the commissioners shall have power to render a decision. In case the commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the commissioners on each side to their own Government. The high contracting parties shall thereupon endeavor to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them it shall be reduced to writing in the form of a protocol, and shall be communicated to the commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX.

The high contracting parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the international joint commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The international joint commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the commissions shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The commission shall make a joint report to both Governments in all cases in which all or a majority of the commissioners agree, and in case of disagreement the minority may make a joint report to both Governments or separate reports to their respective Governments.

In case the commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the commissioners on each side to their own Government.

ARTICLE X.

Any questions or matters of difference arising between the high contracting parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the international joint commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred the said commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the high contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the commission failed.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the commissions.

ARTICLE XII.

The international joint commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartialy perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and Canadian sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission incurred by it shall be paid in equal moieties by the high contracting parties.

The commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the high contracting parties agree to adopt such leg-

islation as may be appropriate and necessary to give the commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the commission. The commission may adopt such rules of procedure as shall be in accordance with justice and equity and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII.

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrence or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord, 1909.

(Signed) ELIHU ROOT. [SEAL.]
(Signed) JAMES BRYCE. [SEAL.]

And whereas the Senate of the United States by their resolution of March 3, 1909 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said treaty with the following understanding to wit:

Resolved further (as a part of this ratification), That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as effecting or changing any existing territorial or riparian rights in the water, or rights of the owners of land under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters, and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty.

And whereas the said understanding has been accepted by the Government of Great Britain, and the ratifications of the two Governments of the said treaty were exchanged in the city of Washington on the 5th day of May, 1910;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 13th day of May, in the year of our Lord 1910, and of the independence of the United States of America the one hundred and thirty-fourth.

[SEAL.] WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

PROTOCOL OF EXCHANGE.

On proceeding to an exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In witness whereof they have signed the present protocol of exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, 1910.

PHILANDER C. KNOX. [SEAL.]
JAMES BRYCE. [SEAL.]

It was contemplated all the time that there would be a general law passed by Congress which upon some permanent, fair, and just plan would fix the terms on which the generating companies operating at Niagara Falls might take the water. But no such general law has ever been passed. The two years mentioned in the resolution of March 3, 1909, went by so that again a resolution of extension was passed. The last resolution of extension expired on March 4, 1913. From that time to this good day, over three years, these power companies at Niagara Falls have been enjoying this great natural resource of the people without any authority of law, without color of right, and without paying one cent for it.

In the resolutions extending the Burton law it was provided, as provided in the original law, that the right to use the water should be given only to those two original companies. Their rights were protected and safeguarded. Competition with them was prevented. Again we find that this resolution that we are considering here to-day also provides that the Secretary of War shall continue to give not to anybody who wants it, not to anybody who is entitled to it and willing to pay for it, but to these same two companies who have enjoyed this great monopoly all these years, the complete and sole use of the water on the American side of this great power site, and that they shall continue to have it. That is done upon the ground of emergency, and that is the explanation given as to why we should at this moment, with Congress in the act of taking its recess for the Christmas holidays and a quorum not in the city, pass this resolution. The resolution before us to-day secures the use of the water to the same two companies, without restriction in the charge they may make, without regulation or restraint. It is as follows:

Joint resolution (H. J. Res. 326) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to issue permits revocable at will for the diversion of water in the United States from the Niagara River above the Falls for the creation of power, to individuals, companies, or corporations which are now actually producing power from the waters of said river, in additional quantities, which, with present diversions, shall in no case exceed the capacity of the generating machinery of the permittee and tenant companies now installed and ready for operation, nor an amount sufficient to enable the permittee to supply the now existing hydroelectric demands of the individuals, companies, or corporations which said permittee and tenant companies are now supplying, but not in excess of the capacity of power-using appliances of said consumers now installed and ready for operation: *Provided*, That in no event shall the total quantity of water diverted in the United States from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second: *And provided further*, That this resolution shall remain in force until the 4th day of March, 1917, and no longer, at the expiration of which time all permits granted hereunder shall terminate, unless sooner revoked; and nothing herein contained shall be held to confirm, establish, or confer in or upon any such permittee any right in or to the water which he is now diverting or which he may be authorized to divert hereunder.

How have the power companies exercised the valuable rights which we preserve to them so carefully? Have their powers been abused? Why, without any doubt whatsoever. Have the people of western New York been exploited and sweated for the benefit of these corporations? It is undoubtedly true. Not only is that true in the past, but it is true right down to this very day, and we are contemplating the extension and continuation of that exploitation when we adopt this resolution that we have under consideration.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. RAINEY. Can the gentleman inform me what disposition the Supreme Court of the United States has made of the case pending there which has reference to the attempt of New York State to give away power at the Long Sault Rapids to a company organized by the Aluminum Co. of North America?

Mr. HUDDLESTON. Mr. Speaker, I would not like to speak upon that subject. I am not prepared to answer the gentleman's question as thoroughly as it should be answered.

Mr. RAINEY. I understand the Supreme Court has just decided against the State of New York.

Mr. HUDDLESTON. I do not wish to enter into a discussion respecting the rights of the United States as to these water-power sites, but I do not think any lawyer will doubt that, if it is necessary to get permission from the Federal Government to use and divert the water, we can grant that permission upon such terms as we choose. [Applause.] I do not think there can be any reasonable doubt upon that subject, and if we give away this valuable power to private interests at Niagara, I want to say that no Member can defend himself in charging or making any terms to dam site users in other parts of the country. The same principle applies to all diversion of navigable waters, with the added reason as to Niagara that it is an international boundary stream.

The power companies at Niagara are still abusing their powers, they are still exploiting the people of Niagara, Buffalo, and western New York. I want to take from the hearings some facts that were laid before our committee in that connection.

I should explain first that they have a different way of doing these things in Canada. They have a different method of handling these things. In Canada there is a hydroelectric commission, which undertakes to stand between the people and these exploiters and monopolists of power generation. The Canadian plan is as follows, as testified to in the hearings:

A number of years ago Sir Adam Beck obtained authority for the hydroelectric commission of the Province of Ontario to purchase or

generate power and distribute it at cost to the municipalities through a transmission line. It went into the cost and found that it could generate power at one site for $4 and a fraction per horsepower per annum and at another site for $5 per horsepower per annum. It finally decided upon the price the Ontario company offered of $9.40. That power was purchased and transmitted by the hydroelectric commission at cost. They purchased it at $9.40 per horsepower paid the Ontario Power Co. per annum. Then they built the transmission lines as far west as Windsor, opposite from Detroit.

It has been a great success, to such an extent that they have now decided to introduce radial railways; that is, interurban railways supplied with current through the same transmission lines, so as to take care of the valley of the load and more nearly give a flat load line.

The city of Toronto pays $15 for 24-hour power, but the New York consumer pays $22.

Mr. SIMS. Per horsepower?

Mr. HUDDLESTON. Yes. Citizens of Canada farther away from the Falls than the New York people who are using the power pay 3 cents a kilowatt hour, and the lowest price I heard of in New York at all where it was given to the people for domestic consumption was 4½ cents per kilowatt hour. The flat price in Buffalo is 8 cents, with 1 cent off where they pay the bill promptly. The city of Cleveland has a municipal plant where they generate power by steam, an expensive method of generation, so it is said. In that city they sell the power at 3 cents per kilowatt hour. Cleveland is getting steam-generated power at 3 cents and Buffalo hydroelectric power at 7 cents. That is not, of course, the price that is paid by the large users, but, so far as I can get any information, the lowest price for which the American companies sell power to the large consumers is $16 per horsepower, and it runs on up—they charge whatever the traffic will bear. They get all they can. They discriminate at pleasure, and the price in some instances goes as high as thirty-five and forty dollars per horsepower. Over on the Canadian side, where power may be generated, so it is said, for from four to five dollars per horsepower, the commission is buying it from private generators at $9.40 and selling it at cost to the municipalities and consumers of Canada.

I have no intention to go into this question extensively. I wish merely to bring the situation to the notice of the House. The situation is peculiar. Whether there is an emergency is doubtful, very doubtful, indeed. What are the facts? These two companies at Niagara are taking the 15,600 cubic feet per second that they have been taking all of the time. They have not had any right to take it since 1913, but they are still taking it, and, whether we pass this resolution or not, they will continue to do so.

What more are these companies doing? Why, they went to Secretary Baker last May, and he, in ignorance of what his authority was under the law, gave them the right to take 1,200 cubic feet per second additional, and they took that. This permit expired on the 1st day of November. Did they stop taking it? No; they do not do things that way. They have been going on taking it and are taking it to-day. It is not a case where we are depriving them of anything they have ever had that creates this emergency. They want to take more water; that is why they call it an emergency. They have got a demand for the power, and that is why they want the water to make it.

Mr. LONDON. Will the gentleman permit?

Mr. HUDDLESTON. I will.

Mr. LONDON. If that is the gentleman's opinion, how can he consistently vote for the resolution?

Mr. HUDDLESTON. I do not now intend to do so. We are confronted by a strange situation. These power companies have been so powerful that they have stayed the arm of Congress. Congress has not been able through all these years to write a water bill for the protection of the American people in the development of this water power. [Applause.] That is the situation to which I am calling attention. I doubt whether we will be able during this Congress or any other Congress to pass a law that will justly protect these rights.

Mr. MAYS. Will the gentleman yield?

Mr. HUDDLESTON. I yield to the gentleman from Utah.

Mr. MAYS. I hear of 36,000 cubic feet per second being taken from this river on one side and 20,000 cubic feet per second on the other, and there is a further grant of 15,000 cubic feet per second——

Mr. HUDDLESTON. A further grant of 4,400 cubic feet per second.

Mr. MAYS. Altogether that seems to be like a good deal of dampness. How much water does the Niagara River yield under a normal flow?

Mr. DEMPSEY. About 600,000 cubic feet per second, which is about one-twelfth the total amount.

Mr. HUDDLESTON. The point I am driving at at this time is not the protection of the scenic beauty of Niagara, because that is another question. But where water is diverted we ought to see that it is taken on fair terms, to the public, taken out in such a manner as to protect the American people. I want to see power from Niagara developed under such regulations and in such manner as to protect the actual users and particularly the small users; the man who wants to use electricity in his home. He is the man to whom we should give chief consideration and see that his interests are protected.

I do not care very much about this so-called emergency of industry. These great industries located at Niagara can run by steam just as well as by water; it is purely a question of economy so far as that is concerned. These industries are of no great interest to the people except in a most indirect way, in a most attenuated way. They give opportunity for the employment of a number of American people. But at what wages? Do the employers take the cheap power into consideration in fixing wages? Oh, no, nothing like that; they hire men to work for the very least wage they can get them for. During August of this year several hundred of the employees of these industries went on a strike on the claim that they were unable to live decently on the wages paid. Labor disputes are as acute in Niagara as they are anywhere else.

The SPEAKER. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Speaker, I doubt if there has been any question before the Congress in the last few years where so much misinformation has been given to the Members as in relation to the development of power at Niagara Falls. It is a fact, as many of you undoubtedly know, that the first great power development in this country was at Niagara Falls. The investors went in there and spent probably $20,000,000 on what was an experimental plant. They had the courage to put their money into something which they did not know would ever produce a revenue, and years went by without a revenue, without an opportunity to sell their power, but finally the time came when a market appeared. This plant was established and the power was sold, and then another company came in and began developing electric power and that was sold. Now power plants in all parts of the United States have become common, so to speak. These plants at Niagara Falls are operated under exactly the same conditions as other plants throughout the United States. Their rates are regulated by the public service commission of New York. These rates have been reduced within the last three or four years, and, contrary to the statement made by my friend from Alabama [Mr. HUDDLESTON], the rates are not nearly so high in many cases as they are in the Dominion of Canada. The gentleman spoke about rates in Toronto. I have been informed, and I believe reliably, that the rates in the city of Syracuse for Niagara Falls power are lower than in Toronto, although Toronto is 100 miles from Niagara Falls and Syracuse is 160 miles. Speaking of the rate charged in Canada by the Ontario Power Co. being lower than we have on this side, the gentleman from Alabama said the power is sold at $9 per horsepower. He does not take into consideration, however, the fact that this power is sold at the switchboard, and not to private consumers or municipal plants.

It is to be transmitted to municipalities. It is to be sold wherever it is delivered. Now, I have no doubt that the hydroelectric commission of Canada has established lower rates than we have in the United States, but in many instances power is sold on the American side as low as $12 per horsepower, and I understand in some cases it is sold even below that. And that illustrates the fact that if the rates are properly regulated by a public service commission there is no danger of extortion by the companies which are transmitting or selling the power.

Mr. MANN. Would the gentleman object if I asked him a few questions concerning this matter?

Mr. SMITH of New York. No.

Mr. MANN. How much water is now being diverted on the American side?

Mr. SMITH of New York. There is about 15,600 cubic feet per second and about 1,200 cubic feet in addition which is being diverted, contrary to the statement of the gentleman from Alabama [Mr. HUDDLESTON], with the express permission of the Secretary of War.

Mr. MANN. The Secretary of War has stated that while he granted such a permit it expired November 1, and he had no legal authority.

Mr. HUDDLESTON. He stated that, but at the same time extended the permit.

Mr. MANN. Did he extend the permit after November 1?

Mr. SMITH of New York. Oh, yes; it has been extended until December 31, until the first unit of a steam plant which is now being erected near Buffalo on Niagara River can be completed.

Mr. MANN. When was it extended?

Mr. SMITH of New York. I believe it was in the middle of November.

Mr. MANN. The Secretary did not make that statement when he was before the Committee on Foreign Affairs on December 2. He said he had not extended it.

Mr. SMITH of New York. The Secretary did extend the permit, and he made a statement regarding the extension to a delegation of which I was a member.

Mr. MANN. There are 1,200 cubic feet per second under which they have some kind of permit.

Mr. SMITH of New York. Yes.

Mr. MANN. And 15,600 cubic feet. Is there any authority from the Federal Government for them to take that?

Mr. SMITH of New York. There is no authority except the treaty.

Mr. MANN. The treaty does not give any authority.

Mr. SMITH of New York. No; except it states the limit.

Mr. MANN. The treaty gives the right to grant authority to them.

Mr. SMITH of New York. The exception in that is this, that the Burton law has given express permission.

Mr. MANN. While it existed.

Mr. SMITH of New York. While it existed.

Mr. MANN. While it existed the Secretary of War notified these companies that if they diverted water to the limit of 36,000 cubic feet he would not permit it? They are using 15,600 cubic feet without any authority of law and 1,200 feet under the permit of the Secretary of War, which was granted without any authority of law, and now it is proposed to expend the entire amount and give them the authority of Congress for the whole amount, 20,000, up to the 4th of March.

Mr. FLOOD. That is it exactly. The gentleman has stated the proposition correctly.

Mr. MANN. That gives them the legal authority for the full 20,000, they not having now any authority at all up to the 4th of March? In view of the past, the fact is that when their permits expired before no attention was paid to the expiration, but they continued to use the same amount of water as they did before. Can the gentleman assure the House that if extension is not granted by Congress, after the 4th of March they will not continue the use of the 20,000 cubic feet just as they please?

Mr. SMITH of New York. I am confident the Secretary of War will prevent them from using any water above that amount.

Mr. MANN. Why? They have no authority to use the 30,000 cubic feet; they have no authority to use the 1,200 cubic feet; and the only authority they will acquire at all for any of it, so far as authority is concerned, will be by the passage of this resolution, which expires by the 4th of March. When it expired before they did not pay any attention to it. They did not pay any attention to the permit issued by the Secretary of War on November 1.

Mr. SMITH of New York. They came before the Secretary of War and got permission.

Mr. MANN. Not after November 1.

Mr. SMITH of New York. There was no part of the 1,200 cubic feet of water diverted by either of the power companies without permission by the Secretary of War. I do not know the dates, but I know that to be the fact.

Mr. MANN. Very well. They have not increased the amount they used without asking permission?

Mr. SMITH of New York. No.

Mr. MANN. And in no case have they cut off the amount they had once acquired by the expiration of the permission. Is not that correct?

Mr. SMITH of New York. No; that is not correct.

Mr. MANN. Where did they cut off any?

Mr. SMITH of New York. Secretary Garrison permitted the diversion of 1,200 cubic feet, and that was cut off. They came back to Secretary Baker, and he issued another permit. But under that permit of Secretary Garrison it was cut off instantly.

Mr. MANN. When was that?

Mr. SMITH of New York. Last summer.

Mr. MANN. He was not there last summer.

Mr. SMITH of New York. I say the permit ran until some time in the summer; I believe in July.

Mr. MANN. And Secretary Baker came in and issued a new permit about April 1?

Mr. SMITH of New York. I have forgotten the date; but I know that Secretary Garrison issued the first permit, and I know that Secretary Baker has told this power company that on December 31 the power will be cut off.

Mr. MANN. How will they cut it off?

Mr. SMITH of New York. Secretary Baker will notify them that it must be stopped.

Mr. MANN. Will they stop it? There is no authority. That is what I want to find out.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SMITH of New York. I would like to have one more minute, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute longer. Is there objection?

There was no objection.

Mr. SMITH of New York. I would like to say to the gentleman from Illinois this: That when the Burton law expired I was opposed to extending it at that time because I believed that we would never get permanent legislation on the subject of this development unless the temporary permits were stopped. When the Burton law did expire the power companies were in the position of closing down their plants or continuing as they had been doing. One of the companies began taking more water than it had before, and I went personally to the Secretary of War and notified him of this fact, and he instantly told this company that if it went beyond the limit provided in the Burton law he would cut off all the water. But he stated at that time—and I think he was entirely correct in it—that Congress had failed to provide a law under which these companies could divert water and produce power, and it was not up to him to prevent the continuation of the operation of the plants.

Mr. MANN. That will be the case after the 4th of March. Congress will not pass any permanent legislation, and the gentleman knows it as well as I do.

Mr. SMITH of New York. So far as I am concerned I would go to the Secretary of War and ask him to reduce these companies down to 15,600 feet.

Mr. MANN. This will give them 20,000 feet. Will the gentleman ask the Secretary of War to cut it all off?

Mr. SMITH of New York. No; I will not, Mr. Speaker, because——

Mr. MANN. The gentleman from New York knows there is a vast distinction between 15,600 cubic feet a second in violation of law and 20,000 cubic feet a second in violation of the law.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. RAINEY].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. RAINEY. Mr. Speaker, we are about to legalize in this House the illegal acts of certain companies now diverting water from the Niagara River, and we are informed that, in palliation of this procedure, we are going to pass, or attempt to pass, through this House in January a regulatory measure in which the committee will attempt to compel these companies to pay some compensation for the valuable privileges they enjoy there now.

I know of no better place in this country than this to commence exacting compensation from these companies. The statement was made on the floor that power is sold there as cheap or cheaper perhaps than $12 per horsepower. The evidence available, however, shows that ordinary manufacturers in the American cities near Niagara Falls pay just about as much for their hydroelectric power as they would be compelled to pay for power generated by themselves or by some other company out of coal.

Now, I will undertake to say that an investigation of this subject will show that back of this grab is the Aluminum Co. of America, closely allied with the General Electric, and part of the water-power trust of the United States. The statement has been made on the floor that these factories that now operate with hydroelectric power obtained from the Niagara Falls companies could operate just as well and perhaps just as cheaply with coal, except perhaps they would have to change the organization of their plants. That is true to a large extent. But there is one company up there which could not operate with the power generated by coal, and that is the largest consumer of this power, the consumer who pays the least for it, the Aluminum Co. of North America.

And now I want briefly to review here the history of that company. It could not pay a cent in dividends if it did not have this water power. It owns some small water-power propositions on the Little Tennessee River, which I do not think it utilizes as yet. But if numerous bills, heretofore the subject of much discussion, ever pass they will be able to assemble enough power to establish there a most valuable plant. Aluminum is made out of bauxite, a sort of clay that is dug out of the ground in Arkansas and can be found also down here in Tennessee, Georgia, and Alabama. This company, the Aluminum Co. of America, has acquired its tremendous holdings and pays its tremendous dividends on account of the fact that we have been generous and have given away the power that can be generated there at Niagara Falls without any recompense to this Government.

Prior to 12 or 15 years ago aluminum was almost a precious metal. At that time Prof. Hall discovered a method of making aluminum in electric ovens, and you must have hydroelectric power to do this. Aluminum ware is now manufactured and sold everywhere throughout the world. His discovery resulted in tremendous good to mankind, but his patents were acquired by the Aluminum Co. of America, starting in under the title of the Pittsburgh Reduction Co., operating up here at Pittsburgh.

This company started in 12 or 15 years ago with a cash investment of $20,000. They never invested another dollar in cash, not one; and to-day they are a $30,000,000 corporation. They paid in 1912 15 per cent in dividends on a capitalization of $30,000,000. In 1913 they paid a dividend of 17 per cent on a capitalization of $30,000,000.

I propose to put into the RECORD here the examination of Mr. Davis, the general manager of that company, before the Committee on Ways and Means of this House. On the cross-examination conducted by the gentleman from Pennsylvania, Mr. Palmer, unfortunately for the country not now a Member of this House, and myself, the facts were developed which I propose now to relate. That gentleman, Mr. Davis, admitted that on the actual cash invested by this company, this company was distributing in 1913—I presume its dividends are much larger now—from 180 per cent to 225 per cent each year. The patents have expired, but the Aluminum Co. of America now control the aluminum business of all the world, and they do it in this way. Their story reads like a tale from the Arabian Nights. I do not know what has become of Prof. Hall, who is entitled to the credit of this invention. I presume he received a small compensation and then went out of the business. Here are the facts with reference to the control of the aluminum industry of the world by this aluminum company, as developed in this cross-examination under the admissions of its own general manager: A few years ago aluminum companies, based on the American patents, were organized in France and in Switzerland, and in Norway and in England. In southern France there are the most splendid water-power possibilities anywhere in the world except at Niagara Falls. A world-trust agreement was prepared by the London representative of the American Aluminum Co. and the manager of the American Aluminum Co. The American Aluminum Co. own the Canadian Aluminum Co. also. He admitted that the agreement was to control world prices. All the 11 aluminum companies in the world are under this agreement to control prices the world over, except in the United States.

Mr. BUCHANAN of Illinois. Is not that an illegal combination?

Mr. RAINEY. I will come to that presently.

Mr. BUCHANAN of Illinois. If it is, they ought to be prosecuted.

Mr. RAINEY. They escaped the antitrust laws of this country by not including the American Aluminum Co., and after they had prepared this contract they submitted it to the Attorney General of the United States, Mr. Wickersham, to know whether it violated in any way the antitrust laws of the United States, and he said it did not. In response to my questions the manager of the Aluminum Co. of America stated that the only reason why they did not include the United States in this agreement was that to have done so would have been in violation of our own antitrust laws. But the agreement was prepared here and prepared by him. It was entered into by his Canadian company and by all the other companies in the world, and so under an agreement made here, approved by the Attorney General of the United States, omitting from its terms the United States company itself, it controls the price of aluminum the world over. This situation has been made possible by the fact that we have given away to these companies, without any recompense whatever, or, rather, we have permitted them to steal from our rivers, the only great national asset we now have.

Under the permission granted me to extend my remarks in the RECORD I herewith incorporate extracts from the examination of Mr. Arthur V. Davis, representing the Aluminum Co. of America, of Pittsburgh, Pa., conducted before the Ways and Means Committee of this House in January, 1913, which can be found on pages 1486 to 1509, inclusive, of Volume II, schedule C, of the Tariff hearings conducted before the Committee on Ways and Means of the House of Representatives during the third session of the Sixty-second Congress.

The matter referred to is as follows:

Mr. PALMER. But a large number of customers are willing to pay them, and they are willing to buy the foreign product, are they not? Are you not to-day the largest importers of foreign aluminum?

Mr. DAVIS. No, sir. You mean the largest single importer?

Mr. PALMER. Well, yes.

Mr. DAVIS. We might be, but by no means equal to the aggregate. I should like to explain, Mr. Palmer, if I may, in regard to the metal business. You will remember, perhaps, the remark made by Andrew Carnegie, who said, "The metal business is always either a feast or a famine." And that is very true. The only unfortunate part about it is that the famines last for many years and the feasts last for only a few months.

* * * * *

Mr. PALMER. How much is your capital?

Mr. DAVIS. Our capital invested is about $30,000,000, a large portion of which is reinvested profits. I anticipated your next question.

Mr. PALMER. I was trying to start with the right figures. Is it not nearer $35,000,000?

Mr. DAVIS. Shall I give you the exact figures?

Mr. PALMER. Yes; if you have them there.

Mr. DAVIS. The capital, as it stands on our books at the end of this month—the end of December; I should say last December—is just a shade over $30,000,000.

Mr. PALMER. Have you charged something off since the last year or two years?

Mr. DAVIS. We charged quite a lot off year before last.

Mr. PALMER. Have you reduced your surplus in any way?

Mr. DAVIS. We charged quite a lot off year before last.

Mr. PALMER. How much was your total capital and surplus then?

Mr. DAVIS. $26,000,000 at the end of last year and $30,000,000 at the end of the year before.

Mr. PALMER. Is that the largest that your capital and surplus have reached?

Mr. DAVIS. Yes, sir.

Mr. PALMER. $30,000,000?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Or thereabouts?

Mr. DAVIS. Yes, sir.

Mr. PALMER. How long has the Aluminum Co. of America been in business?

Mr. DAVIS. It has been in business since 1890 on its present basis.

Mr. PALMER. As the Aluminum Co. of America?

Mr. DAVIS. No, sir.

Mr. PALMER. How long has the Aluminum Co. of America been in business?

Mr. DAVIS. Perhaps if I may explain it in my own way, I can give you what you wish.

Mr. PALMER. Perhaps we can do better in this way, because I want to save time. This business was started as the Pittsburgh Reduction Co.?

Mr. DAVIS. The Pittsburgh Reduction Co. was started in 1888, and the company merely changed its name without undergoing any other change as to its finances or condition whatever.

Mr. PALMER. What was the capital of the Pittsburgh Reduction Co.?

Mr. DAVIS. The capital of the original Pittsburgh Reduction Co. was $20,000.

Mr. PALMER. How much of that was cash?

Mr. DAVIS. That was all cash. That company was, however, merely an experimental company. It was a company which was to exploit or test aluminum patents, a patented process, with the agreement that if, at the expiration of a reasonable time, it was decided to continue the manufacture of aluminum under this process that a company should be formed of $1,000,000 capitalization, so the original $20,000 can really be ignored, because it really had no existence except temporarily.

Mr. PALMER. And the $1,000,000 corporation was the Aluminum Co. of America?

Mr. DAVIS. No. The $1,000,000 company was still the Pittsburgh Reduction Co., and that was about in 1890.

Mr. PALMER. How much of that $1,000,000 was cash?

Mr. DAVIS. I can not give you that exact figure. It was all either cash or patents.

Mr. PALMER. How much of it was patents?

Mr. DAVIS. I can not give you that exact figure; I do not remember the exact percentage. I have seen your statement, however, in which you state it was some $700,000, but that is much too large a figure. I am sure it was very much less than that.

Mr. PALMER. Well, the Government in its bill against the Aluminum Co. of America averred that of the original capital of $1,000,000, $10,000 was paid for in cash, $250,000 was to be paid as called for, and the entire balance, $720,000, was estimated as the value of certain letters patent issued to Charles M. Hall, covering the process for making aluminum. Was that averment true?

Mr. DAVIS. I should say that averment was just as true as any other averment in the bill. There was not a single averment in the bill, except merely categorical statements, that was true at all.

Mr. PALMER. Did you deny that in your answer?

Mr. DAVIS. I think we did.

Mr. PALMER. What is the truth, then?

Mr. DAVIS. The truth is, we had a $1,000,000 capitalization, of which a certain portion was given to Mr. Hall, the patentee.

Mr. PALMER. Was it as much as $720,000?

Mr. DAVIS. I am sure it was nothing like that, although I was not familiar with the business at that time, and I do not know just how much it was; and I might say that the books do not show it—the books we have at the present time. I looked to see whether they did show that, but I could not ascertain it.

Mr. PALMER. How long did the capital continue at $1,000,000?

Mr. DAVIS. For a number of years, when we increased the capital to $1,600,000 by issuing $600,000 of preferred stock for $600,000 in cash. The capital then remained at $1,600,000 for another period of years, when we issued $2,200,000 more of common stock, making

the total of common-stock capitalization $2,200,000, and of this $2,200,000, $1,200,000 was for cash and $1,000,000 was a stock dividend.

Mr. PALMER. $1,200,000 was cash?

Mr. DAVIS. Yes sir; and $1,000,000 was a stock dividend. And then at the expiration of our patents—our patents expired in 1909—or at the end, I think, of 1908, we capitalized the earnings which we had always left in the company, because we paid little or no dividends during all those years; we declared a stock dividend and authorized the issuance of $20,000,000 worth of stock, but only $18,750,000 is issued.

Mr. PALMER. Is that all that has been issued?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And since that time you have accumulated a surplus of about $12,000,000?

Mr. DAVIS. Not since that time. We did not declare it all in the form of a stock dividend, but what the surplus was I can not just state now.

Mr. PALMER. But the undivided profits which you had at that time?

Mr. DAVIS. Yes; and the undivided profits since then.

Mr. PALMER. And you have accumulated since then a surplus amounting to about $12,000,000?

Mr. DAVIS. Yes, sir.

Mr. PALMER. So that you now have a $30,000,000 capitalization on which you are earning dividends?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And those dividends are how much on the capital stock?

Mr. DAVIS. We pay 4 per cent on the capital stock.

Mr. PALMER. Four per cent?

Mr. DAVIS. Four per cent; yes, sir.

Mr. PALMER. How much did you earn in 1912?

Mr. DAVIS. In 1912 about 15 per cent.

Mr. PALMER. On the $30,000 000?

Mr. DAVIS. On the investment; yes, sir.

Mr. PALMER. On the total capital?

Mr. DAVIS. Yes, sir.

Mr. PALMER. How much did you earn in 1911?

Mr. DAVIS. About 17 per cent. That is before we made this large writing off that I spoke of. I do not know just what that would have brought it down to.

Mr. PALMER. How much did you earn before that?

Mr. DAVIS. About the same.

Mr. PALMER. It has been running about 15 per cent, 17 per cent, and 18 per cent.

Mr. DAVIS. Yes, sir.

Mr. PALMER. So that if the Government's averments were correct, which you say are not exactly correct, though you can not give the exact figures, the amount of cash that has actually been contributed to your company is only $1,810,000 outside of the earned profits?

Mr. DAVIS. If the averment of the Government is correct that would be correct; yes, sir. No; pardon me. I think that is wrong.

Mr. PALMER. I have $1,200,000; that is the first item which you gave me; $600,000 in preferred and $10,000 cash.

Mr. DAVIS. Yes; that is right.

Mr. PALMER. In the original investment; making altogether $1,810.000.

Mr. DAVIS. Yes, sir.

Mr. PALMER. All the rest of this $30,000,000, assuming the Government's averment as to the origin of your company as correct, was earned profits?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And that $1,810,000 is about——

Mr. DAVIS (interposing). I should think it might be just as well if you would calculate on the basis which we estimate is somewhere near correct rather than to calculate on the basis that the Government figures, which we contend is incorrect.

Mr. PALMER. But you can not give me your figures?

Mr. DAVIS. No.

Mr. PALMER. And in the absence of your figures I am bound to take the Government's averment as being approximately correct, because we can not get any figures to change that averment.

Mr. DAVIS. You are familiar, I think, with the ordinary method of filing a bill, and I think you must admit that there are many averments made in a bill that are not very seriously considered, even by those who make the averments.

Mr. PALMER. Suppose we give you the benefit of, say, $190,000 as being an excess estimate of the amount for which the patent was turned in. That would still leave $2,000,000 of actual cash money invested in the concern.

Mr. DAVIS. Well, if you should take the original $1,000,000 it does not make a great deal of difference, and assuming that $750,000 of that was cash and $250,000 of it was for the patents——

Mr. PALMER (interposing). You would come nearer to it.

Mr. DAVIS. I think so; yes, sir. I think I would like to change that and say $600,000 cash and $400,000. That, perhaps, is nearer my conception.

Mr. PALMER. Even so, the present capital and surplus are from 12 to 15 times the amount of money which was actually paid into the concern.

Mr. DAVIS. Somewhere near that.

Mr. PALMER. So when you earn 15 per cent on your $30,000,000 you are earning from 180 per cent to 225 per cent on the actual money which was invested in your plant?

Mr. DAVIS. Yes, sir.

Mr. PALMER. That is about correct, is it not?

Mr. DAVIS. I have not checked the figures, but I have no doubt they are correct.

* * * * * * *

Mr. PALMER. Have you not as much as 90 per cent of the bauxite supply in this country?

Mr. DAVIS. No, sir.

Mr. PALMER. Seventy-five per cent?

Mr. DAVIS. I do not think so; no, sir. I will answer that positively; no, sir.

Mr. PALMER. Where is your bauxite?

Mr. DAVIS. Our bauxite is most altogether in Arkansas.

Mr. PALMER. That is where all of the bauxite is, is it not?

Mr. DAVIS. No, sir. There is a great deal in Georgia, Alabama, and Tennessee.

Mr. PALMER. Where those States corner is where the bauxite is?

Mr. DAVIS. Yes, sir; the bauxite of those States.

Mr. PALMER. Is there bauxite elsewhere in this country?

Mr. DAVIS. In Arkansas; yes, sir.

Mr. PALMER. You do not know what proportion of it you have?

Mr. DAVIS. No, sir.

Mr. PALMER. The Government averred in its suit against you that you had 90 per cent of it.

Mr. DAVIS. Yes.

Mr. PALMER. And did you deny that?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Did you answer as to how much you had?

Mr. DAVIS. No, sir; we do not know. We know approximately how much we have ourselves, and we know of a great many deposits that we do not own.

Mr. PALMER. Are they commercially valuable or being used commercially now?

Mr. DAVIS. No; they are not being used commercially, but they are commercially valuable. At least the owners seem to think they are pretty valuable.

Mr. PALMER. How do you know that?

Mr. DAVIS. Because they have asked us to purchase from them.

Mr. PALMER. You have been trying to get them?

Mr. DAVIS. No, sir; they have asked us to purchase them.

Mr. PALMER. But they are holding them for too much money?

Mr. DAVIS. They are holding them for more than we think they are worth.

Mr. PALMER. What proportion of the bauxite beds which are being commercially used have you got in this country?

Mr. DAVIS. That are actually being operated?

Mr. PALMER. Yes.

Mr. DAVIS. Quite a large portion of them.

Mr. PALMER. Does that run into 90 per cent?

Mr. DAVIS. It might.

Mr. PALMER. The only reason the other bauxite beds are not being used commercially is because there is nobody to sell it to except the Aluminum Co. of America; is not that right?

Mr. DAVIS. That is true to a large extent; that is not absolutely true; no, sir. There is nobody to sell it to in the United States of America to make aluminum out of it except the Aluminum Co. of America, but there is a very large amount of bauxite which is mined and sold to make alum out of, with which we have nothing to do.

Mr. PALMER. That is not large in proportion to the amount used by you, is it?

Mr. DAVIS. I have a figure here which I think I can give you.

Mr. PALMER. What is the proportion?

Mr. DAVIS. I think I have that figure here. In the year 1911 the bauxite which we ourselves shipped to the alum trade was about 46 per cent of the amount which we used ourselves in making aluminum. In addition to what we ourselves sold to the alum trade there was a very substantial amount sold by other people to the alum trade, but as to the exact amount I have no information.

Mr. PALMER. You sold more to the alum trade than the other people, did you not?

Mr. DAVIS. I think it is quite likely. When I say "we sold to the alum trade," I refer to the Republic Mining & Manufacturing Co., which is our company. It mines bauxite for the alum trade.

Mr. PALMER. Are you trying now to buy more bauxite beds?

Mr. DAVIS. Yes, sir.

Mr. PALMER. You are negotiating with the owners of the beds?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Are you trying also to build more water-power plants?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Your present plants are at Niagara Falls, and where else?

Mr. DAVIS. At Niagara Falls and Massena, New York State. We are going to build, if we are permitted to go ahead, if we are not crushed out by the new tariff, a plant on our rather large water power which we have in North Carolina and Tennessee, and it is in order to provide that plant with sufficient bauxite that we are negotiating for supplies of bauxite, for we have only enough bauxite, in our opinion, as a reserve, for a plant of our present size.

Mr. PALMER. Are those water-power plants in North Carolina and Tennessee being developed by you now?

Mr. DAVIS. We are going to start to develop them right away, we expect.

Mr. PALMER. You have not yet built the power plants there?

Mr. DAVIS. No, sir. We have just finished gathering together the necessary riparian rights.

Mr. PALMER. Are you engaged in that same effort elsewhere?

Mr. DAVIS. No, sir.

Mr. PALMER. In other States?

Mr. DAVIS. No, sir.

Mr. PALMER. Are you not interested in water powers, the promoters of which are endeavoring to secure legislation from Congress?

Mr. DAVIS. We purchased several years ago riparian rights on the St. Lawrence River and formed a company called the Long Saulte Development Co. If Congress, by the way, had given us an opportunity to develop this water power, we would, no doubt, have a sufficient supply of aluminum now to supply all the demands, so that, so far as Congress is concerned, we think it is invidious for them to refuse us an opportunity to go ahead on this water power and at the same time blame us for not supplying the market with aluminum.

Mr. PALMER. Perhaps Congress did not know it was your water power?

Mr. DAVIS. Yes, sir; I told them so myself.

Mr. PALMER. Are there other water-power developments for which the promoters are trying to secure legislation in your interest?

Mr. DAVIS. No, sir; no others.

Mr. PALMER. Is that the only one?

Mr. DAVIS. That is absolutely the only one. I had the pleasure of speaking to the present chairman about that point the other day, in which I endeavored to explain to him about the water power in Tennessee, on the Clinch River, which it had been said we proposed establishing and with which we had some connection. But we know nothing at all about it and have no connection with it.

Mr. RAINEY. You have some water power on the Little Tennessee River, have you not?

Mr. DAVIS. That is in connection with our development in North Carolina.

Mr. RAINEY. And that is not very far from the Clinch River?

Mr. DAVIS. I do not know where the Clinch River is.

Mr. RAINEY. It is right there; just a few miles away.

Mr. DAVIS. Well, we have no connection with it. We own one water power at Massena, N. Y., called the St Lawrence River Power Co. That is a company which we bought after it was developed some years ago. Then we purchased these riparian rights that I spoke of on the St. Lawrence River, and incorporated the company called the Long Saulte

Development Co., and applied to Congress for the right to develop that power, and we were refused. And thinking it impossible at the present time to do anything with this water power we turned our attention to the Little Tennessee River, and have just finished getting together these riparian rights on the Little Tennessee River. So the undeveloped water powers which we have are this Long Saulte Development and this Little Tennessee proposition.

Mr. PALMER. There is no other water power over which you are now seeking control?

Mr. DAVIS. No; absolutely none.

Mr. PALMER. Have you not used as an excuse in writing to several of your customers, who demanded more aluminum than you were willing to let them have, that you have not been able to get legislation through for various projects for water-power development?

Mr. DAVIS. No, sir; we only have the one case, the Long Saulte Development Co.

Mr. PALMER. Have you not used that as an excuse to your customers?

Mr. DAVIS. That is not an excuse; it is a fact.

Mr. PALMER. Do you mean you have only had one development?

Mr. DAVIS. Yes, sir. We only have one development, but I can not say we have positively said it was one or two. We may not have disclosed our plans very fully in each individual letter. I can not say. But that is the only water power that we have.

* * * * * * *

Mr. DAVIS. Our connection with the foreign trade, aluminum trade, is that several years ago, I think about 1899, we built a plant in Canada, on the St. Lawrence River, at a place called Shawanigan Falls. We have been sometimes rather sorry we built that plant, but we felt at that time it was advisable to do it on account of the patent situation. The plant, which is known as the Northern Aluminum Co., and the capital stock of which we own, is selling a portion of its product in Europe.

Mr. PALMER. Have you any connection with foreign aluminum manufacturers on the Continent?

Mr. DAVIS. No, sir.

Mr. PALMER. Have you had contracts with those foreign aluminum manufacturers relative to the disposal of their output?

Mr. DAVIS. You mean the Aluminum Co. of America?

Mr. PALMER. Well, or any of your other companies.

Mr. DAVIS. The Northern Aluminum Co. has; yes, sir; but the Aluminum Co. of America has not.

Mr. PALMER. Those contracts refer to the sale of the European product?

Mr. DAVIS. Yes, sir; the sale of the product. But they have no relation whatever to the United States. Every foreign producer is free to import into the United States without regard to these contracts, and the Aluminum Co. of America is, of course, equally free to export.

Mr. PALMER. Then your only contract is between your Canadian company and the European companies?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Which prevents the European companies from importing into Canada—is that the contract?

Mr. DAVIS. No, sir; that is not the nature of the contract.

Mr. PALMER. What is it?

Mr. DAVIS. Well, the companies agree to subject themselves to certain rules of a committee, both with respect to price and quantity of output, and so forth.

Mr. PALMER. This agreement prevents competition between your Canadian plant and the foreign manufacturers?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Is it successful in preventing that competition?

Mr. DAVIS. Yes, sir.

Mr. PALMER. There is no importing of aluminum into Canada to compete with your Canadian people?

Mr. DAVIS. That is not exactly the way the contract operates. Everybody is free to sell wherever they please; I mean the markets are not divided one to one party and one to another.

Mr. PALMER. What is this agreement? To keep an established price?

Mr. DAVIS. Yes; practically that.

Mr. PALMER. Well, that kills competition, of course?

Mr. DAVIS. Yes; so far as price is concerned; but, as I say, that contract has no relation whatever to the United States, and so far as the United States business is concerned it is a decided detriment from our standpoint?

Mr. PALMER. Why?

Mr. DAVIS. Because these people have got a certain amount of surplus to dump and this is the only place to dump it, the United States, and that is where they send it.

Mr. PALMER. What companies are connected with your Canadian company in a contract? Where do they operate?

Mr. DAVIS. There is a company in Italy; a Swiss company, with plants in Switzerland, Germany, and Austria; two companies, I think, in Norway; some five or six companies in France; two companies in England; and another company in Switzerland independent of the one first spoken of. I think that is all.

Mr. PALMER. That comprises about all the aluminum manufacturers on the Continent?

Mr. DAVIS. Yes, sir; all aluminum manufacturers on the Continent.

Mr. PALMER. Then your Canadian company has a contract with all of the aluminum manufacturers?

Mr. DAVIS. Yes, sir.

Mr. PALMER. Which contract regulates the prices?

Mr. DAVIS. Yes, sir.

Mr. PALMER. What is the price in Canada to-day?

Mr. DAVIS. The price in Canada to-day?

Mr. PALMER. Yes. Is it the same as it is here?

Mr. DAVIS. Yes; the same as it is in England or Italy. Just now it is abnormally high. It has averaged about 12 or 14 cents until just within the last two or three months.

Mr. PALMER. Is there real competition abroad between these various companies which you have mentioned?

Mr. DAVIS. There has been.

Mr. PALMER. Is there now?

Mr. DAVIS. Not now; no, sir.

Mr. PALMER. Why not?

Mr. DAVIS. On account of this contract that I speak of.

Mr. PALMER. Well, I mean in the foreign market; is there real competition?

Mr. DAVIS. This contract covers the foreign market.

Mr. PALMER. As well as the Canadian market?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And the only other territory, then, so far as you are concerned, is the United States?

Mr. DAVIS. Yes, sir; as far as we are concerned.

Mr. PALMER. Did you make an effort at the time to have the United States included within that agreement?

Mr. DAVIS. No, sir.

Mr. PALMER. Why not?

Mr. DAVIS. It was against the Sherman law.

Mr. PALMER. Against the Sherman law for a company in America to make an agreement with a European company?

Mr. DAVIS. Well, I am not enough of a lawyer to tell whether it might be so construed, but we wanted to be absolutely on the safe side and be absolutely a law-abiding company. So we not only made no attempt to make an agreement——

Mr. PALMER (interposing). You made up your mind that you would do nothing that could possibly be construed as a violation of the laws of the United States?

Mr. DAVIS. Yes, sir.

Mr. PALMER. But you have a pretty accurate understanding with those companies over there about the price at all times, have you not?

Mr. DAVIS. Absolutely none, sir. If we had, we would consider that we would be violating the law. I do not think there is a great deal of difference between a secret contract and a written one.

Mr. PALMER. They have made a contract for all the European markets and the Canadian markets between all the manufacturers of aluminum except yourselves, and you now say you are practically competing against a combination which is world-wide?

Mr. DAVIS. No, sir; because none of these companies have any—you mean competing in the United States?

Mr. PALMER. Yes.

Mr. DAVIS. No, sir; because none of these companies have any connection with each other, so far as the United States is concerned. Each of them operates quite independently and without the knowledge of the others at all.

Mr. PALMER. And with no understanding about price?

Mr. DAVIS. Absolutely none.

Mr. PALMER. Is there, in fact, any competition as to price for the American market as between those European companies?

Mr. DAVIS. Absolutely the most open and free, and from every standpoint the most virulent.

Mr. PALMER. Which companies are able to sell the cheapest, the French companies?

Mr. DAVIS. I believe the French people are in a better position; they are in a very much better position than some of the others on account of the fact that they have a 7½-cent tariff, so that the other foreign competitors are obliged to meet their tariff before they can compete wih them in their own market.

Mr. PALMER. They make a great deal more aluminum than their own market consumes, do they not?

Mr. DAVIS. Very much.

Mr. PALMER. And they make it cheaper than you can make it?

Mr. DAVIS. Yes, sir.

Mr. PALMER. So the tariff does not do them any good? Their tariff does not do them any good?

Mr. DAVIS. It prevents anybody from sending in metal as a reprisal. I have mentioned that point in my brief, but my recollection is that they have a capacity for about 45,000,000 pounds and they use 6,000,000 pounds only; all the rest of it is exported, so that the French people are really the people that we have to fear, not only because they are in the best position from a manufacturing standpoint, but because they have such a tremendous output as compared to their home markets that they must export it and——

Mr. PALMER (interposing). And they are in a good position because their bauxite and their water powers are very close together.

Mr. DAVIS. Yes, sir; their bauxite is 63 per cent of aluminum as compared to ours of 52 and 55, and they are very close to their water powers and their water powers are very good and cheap.

Mr. PALMER. You will be in a very much better condition to compete with them when you get your Tennessee and North Carolina water powers operating nearer your bauxite, will you not?

Mr. DAVIS. We will be in a somewhat better position; yes, sir; just that much better position.

Mr. PALMER. Now, there is just another point. How many different subsidiary companies has the Aluminum Co. of America?

Mr. DAVIS. It has a good many.

Mr. PALMER. What are they?

Mr. DAVIS. When we readjusted our business at the expiration of our patents we subdivided our various manufacturing businesses into separate corporations. Our bauxite business we put into the hands of a company called the American Bauxite Co. Our alumina business we put into the hands of a company called the Alumina Ore Co. Alumina is the second step in the manufacture of aluminum.

Mr. PALMER. It is refined bauxite?

Mr. DAVIS. Yes, sir; and a very highly finished product. Our carbon business we put into a company called the Electric Carbon Co., and our finished-goods business, our rolling mills and stamp factories, etc., we put into a company called the United States Aluminum Co. We already had the Northern Aluminum Co., of Canada, of which I have just spoken. These are our principal operating companies, and they are really what you might call incorporated departments, as you can see. In addition to that, we have acquired, in one way or another, some few rather unimportant companies. For instance, at Massena we have a real estate company which we call the Pine Grove Realty Co.; and we operate the lighting of the town from our Massena power house, and of course have to have an electric-light company. But these other companies are quite trivial.

Mr. PALMER. You have taken over some bauxite companies, have you not?

Mr. DAVIS. The Republic Mining & Manufacturing Co.

Mr. PALMER. Are those companies owned exclusively by the Aluminum Co. of America?

Mr. DAVIS. Yes, sir.

Mr. PALMER. You own all the stock?

Mr. DAVIS. Yes, sir.

Mr. PALMER. And is the Aluminum Co. of America simply a holding company?

Mr. DAVIS. No, sir; the Aluminum Co. is both the operating company and the holding company. The Aluminum Co. of America makes all of the aluminum.

Mr. PALMER. In the profits which you have given—earnings of 15 and 16 per cent on $30,000,000—do you include all the earnings of these subsidiary companies?

Mr. DAVIS. All the earnings.

Mr. PALMER. Or simply the dividends paid on the stock of these subsidiary companies?

Mr. DAVIS. No, sir; none of the subsidiary companies pay any dividends. As a matter of fact, since we formed these companies we may have once or twice paid a dividend, but only in an incidental way. These earnings that I referred to are the aggregate earnings of all the companies put together.

Mr. PALMER. How do those earnings get into the Aluminum Co. of America?

Mr. DAVIS. They are held as surplus by the other companies. You see, we only pay 4 per cent dividend, and we can get cash enough for that dividend out of the earnings of the Aluminum Co. of America.

Mr. PALMER. But in figuring this 15 per cent on $30,000,000 you are not including simply the dividends paid on the stock of the subsidiary companies, but the gross earnings.

Mr. DAVIS. The gross earnings of all the companies.

Mr. PALMER. The net earnings of the subsidiary companies?

Mr. DAVIS. The aggregate net earnings of all the companies as applied against the aggregate capital of all the companies.

Mr. PALMER. What do you call your sales company?

Mr. DAVIS. The sales company is really the Aluminum Co. of America. We make a division of our business at the ingot. The Aluminum Co. of America smelts the ore into aluminum and sells it. If the process is carried further and we roll the ingot aluminum into sheets or into rods or draw it into wire, or make it into any kind of a finished article, that further fabrication is done by the United States Aluminum Co., and it theoretically sells its own product, the same as the Aluminum Co. of America sells its own product, but practically speaking the salesmen consider themselves salesmen for all of the companies and we do not draw any distinction. The distinction between these companies is really a bookkeeping distinction and not an operating distinction.

Mr. PALMER. Are the earnings of this selling company, this United States Aluminum Co., also included within these earnings that you have given us?

Mr. DAVIS. Yes, sir; the earnings of every description.

Mr. PALMER. I think that is all.

Mr. RAINEY. You do not anticipate that French bauxite can penetrate very far into this country, do you?

Mr. DAVIS. French bauxite, at the present time, goes in large quantities to Pittsburgh. That is the farthest that I know it goes.

Mr. RAINEY. And that is as far as you expect it to go, on account of the freight rates?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. These foreign companies do not control the bauxite deposits in France and in the other countries where bauxite is found, do they?

Mr. DAVIS. No, sir.

Mr. RAINEY. I understand the situation to be that you own the Canadian company?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And the Canadian company controls the foreign companies?

Mr. DAVIS. No, sir; the Canadian company controls no companies.

Mr. RAINEY. Well, it has an agreement with all of the other foreign companies?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And your company in Canada has a perfect agreement with all the foreign companies?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. Of course, you do not expect your Canadian company to furnish much competition, do you?

Mr. DAVIS. In this country?

Mr. RAINEY. Yes.

Mr. DAVIS. No, sir; naturally not.

Mr. RAINEY. And on account of the agreement of your Canadian company with all of these other foreign companies you would not expect the foreign companies to furnish much competition for you, would you?

Mr. DAVIS. We not only expect it, but we have it. As I tried to explain, this agreement distinctly excludes the United States, and every company under the agreement is at perfect liberty to sell as much as it pleases in the United States and at whatever price it pleases.

Mr. RAINEY. Including the Canadian company?

Mr. DAVIS. Oh, yes; of course, including the Canadian company.

Mr. RAINEY. You do not expect them to do it, do you?

Mr. DAVIS No; we naturally do not expect them to do a great deal; but there are, I think, 11 other companies, which are free to import into the United States, and the figures show that they do import into the United States.

Mr. RAINEY. But you buy all of their importations?

Mr. DAVIS. Oh, no; by no means.

Mr. RAINEY. Except what is taken by the alum trade. You buy all the rest of it? You buy all that is used in the manufacture of the metal, do you not?

Mr. DAVIS. Well, I think you are getting, perhaps, a little mixed between bauxite and aluminum.

Mr. RAINEY. I am talking about aluminum now.

Mr. DAVIS. No, sir; these foreign manufacturers of aluminum ship their product into the United States.

Mr. RAINEY. And you buy it all?

Mr DAVIS. No, sir; we buy but very little. We have had enough of our own except during the last two or three months, during this unprecedented demand; and as soon as these present contracts are over we do not expect to buy any more. But during all of these years there has been a heavy importation into the United States direct from these foreign producers to consumers here. We have nothing whatever to do with that.

Mr. RAINEY. Water power is quite an important item in the production of aluminum, is it not?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. The water-power sites in southern France do not amount to very much, do they?

Mr. DAVIS. They are the best in the world, in my opinion, unless you exclude, perhaps, Norway.

Mr. RAINEY. Better than Niagara Falls?

Mr DAVIS. Yes, sir; on an average. Niagara Falls must be taken as a case by itself.

Mr. RAINEY. Better than your proposed plant up on the St. Lawrence River?

Mr. DAVIS. Yes, sir. Well, I do not know that they are better than that plant; I would not say they were better.

Mr. RAINEY. Then you have two water-power plants that are better than they have in France?

Mr. DAVIS. We do not own any water power at Niagara Falls; we buy power from the power company at Niagara Falls, and our power on the St. Lawrence River we can not develop, so it does not do us much good. The only power we can develop at the present time is the water power on the Little Tennessee River, and that is by no means equal to the water-power plants in either France or Norway?

Mr. RAINEY. I believe that is all.

Mr. HILL. Does your Canadian company, which you own, agree with the European companies as to the price at which the metal shall be sold in Europe only?

Mr. DAVIS. In Europe only. In Europe and Canada.

Mr. HILL. Then it does not affect any other country in the world?

Mr. DAVIS. No, sir.

Mr. HILL. The European companies can sell in any other country except Canada and at any price they please?

Mr. DAVIS. No, sir; you misunderstood me. The agreement covers all of the world except the United States.

Mr. RAINEY. And the only reason why it does not cover the United States is because we have a law here which prevents it?

Mr. DAVIS. I must admit, perhaps, that is a fair way of putting it.

Mr. PALMER. But the United States has a bigger demand than you can supply?

Mr. DAVIS. The United States has had a bigger demand for the past two or three months than we can supply, but for the last years it has had a very much smaller demand than we could supply; and if the conditions go back again, as they seem to be going, if December is to be repeated, the consumption of the United States can be supplied by us very easily. I should like to say that when we went into this boom we had such a heavy stock of aluminum that it actually frightened us, and we did not know exactly how we were going to come out with it. We had been stocking up for four years, and when a manufacturing company reaches that situation it is pretty serious.

Mr. RAINEY. Is it not true that your Canadian company and these foreign companies are on such amicable and friendly relations that it leads to a gentlemen's agreement by which the foreign companies will not interfere with you very much in the United States?

Mr. DAVIS. Absolutely not, sir. I have already answered that question to Mr. Palmer, and would like to reiterate it again to you, that there is absolutely nothing of the sort, and, in fact, just the reverse.

Mr. RAINEY. Does the fact that your Canadian company has a perfect agreement with all of the foreign companies produce a feeling of unfriendliness toward you?

Mr. DAVIS. It produces the keenest competition in this country, because this is the only country in which they can sell. The old saying is that "the proof of the pudding is in the eating of it." Now, the matter of fact is that they imported into this country last year 30 per cent of what we make, which does not look as though there was very much of a gentlemen's agreement.

Mr. HILL. They do not send the aluminum here and put it on sale? It is bought over there, and if it is bought over there it is bought under European terms, is it not?

* * * * * * *

Mr. RAINEY. What good does the contract that your company in Canada has with the foreign companies do you?

Mr. DAVIS. What good does it do the Aluminum Co. of America?

Mr. RAINEY. Yes.

Mr. DAVIS. It does it no good.

Mr. RAINEY. Why not?

Mr. DAVIS. Because it affects the Northern Aluminum Co.

Mr. RAINEY. Your Canadian Company?

Mr. DAVIS. Yes, sir.

Mr. RAINEY. And you own the Canadian company?

Mr. DAVIS. Yes, sir. I have already stated that.

Mr. RAINEY. And you say it does not help you?

Mr. DAVIS. Not as a manufacturing and selling proposition. It helps as far as our Canadian company is concerned, but not as a manufacturing and selling proposition.

Mr. RAINEY. You have such an agreement as takes you beyond the limitations of the Sherman law, have you not?

Mr. DAVIS. I beg your pardon?

Mr. RAINEY. Your arrangement with this Canadian company and the foreign companies is such that you think you have escaped the penalties of the Sherman law?

Mr. DAVIS. That agreement has nothing whatever to do with this country, as I have stated. The fact that these people are coming into this market and fighting us tooth and nail is enough to take us out of the provisions of the Sherman Act. We have no agreement or arrangement, and nothing about this agreement or arrangement affects the United States in any way, shape, or form, except that I think it makes competition more brisk here than it otherwise would be.

Mr. RAINEY. Are there any foreign companies shipping aluminum to purchasers in the United States?

Mr. DAVIS. Every one of them.

Mr. RAINEY. I thought you just told Mr. Hill that purchasers here went over there and bought from them according to your Canadian agreement.

Mr. DAVIS. No, sir. The brokers buy over there and they sell over here. But the largest portion of this material that is imported into this country is sold by New York brokers who have bought on their own account or who act as agents. Sometimes it is one way and sometimes it is another.

* * * * * * *

Mr. DIXON. Have you a copy of that agreement with you?

Mr. DAVIS. No, sir.

Mr. DIXON. You would not like to make that a part of the record?

Mr. DAVIS. I would have no objection myself, but I think perhaps the other people to the agreement would object. I should like to say in regard to this agreement that I submitted the proposed form of agreement to Mr. Wickersham, and when the agreement was signed I sent him a copy of the signed agreement.

Mr. PALMER. Why did you do that?

Mr. DAVIS. I wanted to be absolutely open and aboveboard with Mr. Wickersham.

Mr. PALMER. He had no jurisdiction over all the rest of the world?

Mr. DAVIS. No, sir; he had not.

Mr. RAINEY. The agreement between your Canadian company and foreign companies you submitted to our Attorney General?

Mr. DAVIS. I sent it to him in order that he might be absolutely cognizant of all the facts.

Mr. RAINEY. Then you made the contract yourself between the Canadian company and the foreign companies?

Mr. DAVIS. Our London representative and myself made the agreement.

Mr. RAINEY. That is all.

Mr. BUCHANAN of Illinois. I ask permission to extend my remarks in the RECORD——

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FLOOD. I ask the gentleman to withdraw that point.

Mr. KEATING. Not while this bill is pending.

Mr. FLOOD. We will pass the bill over. I ask unanimous consent to withdraw the bill.

Mr. RAGSDALE. I object to that.

Mr. KEATING. Then, I insist on my point.

Mr. FLOOD. I would like very much to pass this resolution, and it is exceedingly important that it be passed now; but I realize the fact that there is not a quorum in the city, and if the gentleman insists upon the point of no quorum, I will withdraw this bill and let it go until after the holidays.

Mr. RAGSDALE. I object to the withdrawal.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HOWARD. I ask unanimous consent to ask the gentleman from South Carolina [Mr. RAGSDALE] a question.

The SPEAKER. The gentleman from Georgia asks unanimous consent to ask the gentleman from South Carolina a question. Is there objection?

There was no objection.

Mr. HOWARD. I want to ask the gentleman from South Carolina if he will not withdraw his objection to the request made by the chairman of the Committee on Foreign Affairs? The vocational education bill, a matter in which our section as well as the entire country is greatly interested, will follow this bill immediately, as I understand it.

Mr. FLOOD. No; the Diplomatic and Consular appropriation bill will follow.

Mr. HOWARD. And the vocational education bill will follow the Diplomatic and Consular appropriation bill.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] makes the point of no quorum.

Mr. BUCHANAN of Illinois. May I ask the gentleman from Colorado to withhold his point just a moment, until I can request unanimous consent——

Mr. KEATING. I have no objection to withdrawing the point of no quorum so far as these other bills are concerned. My only desire is not to have a vote on the Niagara power bill to-day.

Mr. BUCHANAN of Illinois. I ask unanimous consent that I may be permitted to extend my remarks in the RECORD by inserting some observations by Arthur MacDonald.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting some observations of Arthur MacDonald. Is there objection?

Mr. MOORE of Pennsylvania. I ask the privilege of extending my remarks.

Mr. MANN. What is the request?

The SPEAKER. The request of the gentleman from Illinois is that he may extend his remarks by printing some kind of a document prepared by Arthur MacDonald.

Mr. RAGSDALE. A point of order, Mr. Speaker. The gentleman from Colorado has made the point that there is no quorum present.

The SPEAKER. He withheld it to allow the gentleman from Illinois to make his request. Is there objection?

Mr. MANN. Reserving the right to object, I should like to suggest to my colleague that if a matter of that sort is to be printed at all, instead of being printed in the RECORD it ought to be printed as a House document. He ought to introduce a resolution and have it referred to the Committee on Printing, and I am going to object to inserting it in the RECORD, in the hope that my colleague will offer a resolution and have it referred to the Committee on Printing.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and that is the end of it.

LEAVE TO PRINT.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to print in the RECORD as a part of my remarks a statement from the Internal-Revenue Office giving certain figures about internal-revenue collections which I think will be of great value to the Members of the House.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by including some kind of a document prepared by the Commissioner of Internal Revenue. Is there objection?

Mr. MANN. It is a short document, I suppose?

Mr. McKELLAR. About two columns, not to exceed three.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD on the District of Columbia appropriation bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the District of Columbia appropriation bill. Is there objection?

There was no objection.

The SPEAKER. Both the gentleman from Colorado and the gentleman from South Carolina make the point of no quorum present. The Chair will count.

Mr. RAGSDALE. Mr. Speaker, I did not make the point of no quorum; I objected to the withdrawal of this particular resolution from the consideration of the House.

The SPEAKER. The gentleman from Colorado makes the point of no quorum.

Mr. FLOOD. The gentleman from Colorado withholds it for the present, and I ask unanimous consent to withdraw from consideration this resolution so that we may go on with the diplomatic bill.

DIVERSION OF THE WATERS OF NIAGARA RIVER.

The SPEAKER. The gentleman from Virginia asks unanimous consent to withdraw the resolution relating to diversion of the waters of Niagara from consideration.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This matter now being before the House in the regular order, is it not the unfinished business of the House when the House adjourns, and will it not be the unfinished business when the House meets again? Will it not continue as unfinished business until displaced by some parliamentary action?

The SPEAKER. The gentleman from Illinois is correct.

Mr. MANN. I think we had better dispose of it now. It could never be called up again except by unanimous consent.

The SPEAKER. That is true, and the gentleman from Illinois objects to the withdrawal of the resolution.

Mr. HARRISON of Mississippi. Mr. Speaker, I understood the gentleman from Colorado to withdraw the point of no quorum.

The SPEAKER. He merely withheld it. The Chair has not put the request of the gentleman from Virginia. Is there objection to the request of the gentleman from Virginia?

Mr. MANN. I object.

Mr. HARRISON of Mississippi. Mr. Speaker, I would like to ask the gentleman from Colorado to withhold his point of no quorum for two minutes.

Mr. KEATING. I am perfectly willing to withhold the point of no quorum in order to give the gentleman an opportunity to make a statement; but here is the point, I am not in a position to withdraw the point of no quorum in order to permit legislation affecting valuable water power.

The SPEAKER. Does the gentleman from Colorado withhold it?

Mr. KEATING. I withhold it for two minutes.

Mr. FLOOD. I will yield two minutes to the gentleman from Mississippi.

Mr. HARRISON of Mississippi. Mr. Speaker, I just wanted to say to the gentleman from Colorado, who has threatened the point of no quorum, that as a member of the Committee on Foreign Affairs I felt a good deal as he feels when the bill came over from the Senate, terminating by the terms of it on the 1st of June. But that has been amended by making it run a shorter time, now expiring 4th of March next. The Committee on Foreign Affairs has been considering for six years legislation dealing with this question, and it has proceeded very far. The bill is almost perfected. It regulates the rates, fixes the compensation, and is one of the most progressive pieces of legislation dealing with the water-power question that has been considered by any committee. This provision in this resolution can not run beyond the 4th of March, and without revealing anything that has taken place in the committee, the sense of the committee has been tested, and we propose to bring out a bill for permanent legislation for the consideration of the House by the 15th of January. Under the rules of the House the next committee after the Committee on Agriculture that has the call of the calendar is the Committee on Foreign Affairs, and we will have two calendar Wednesdays some time in the month of January for the consideration of that bill. I am sure that when the bill comes before the House it will obtain the support

of the gentleman from Colorado, who is always for progressive legislation.

Now, the situation up there is serious. Here is water power that has been coming over from Canada under the terms of the treaty giving life to industry on this side, and because of certain exigencies which have arisen in Canada it is now prohibited, and these plants that have been obtaining power from Canada for the purpose of running street cars and lighting the cities will be stopped unless this bill is passed. That situation will confront the people.

Mr. KEATING. These companies have experienced no difficulty in getting the water in violation of law for a number of years. In all human probability they will go on and violate the law until Congress enacts legislation preventing it.

Mr. HARRISON of Mississippi. They can not do anything beyond the 4th of March.

Mr. KEATING. What is to prevent the Secretary of War from permitting these gentlemen from taking 20,000 cubic feet of water——

Mr. FLOOD. He has not the authority, and he will not violate the law.

Mr. KEATING. He has violated the law. If he can violate the law for 15,000 feet, he can violate it for 20,000 feet.

Mr. FLOOD. He did not know that he was violating the law, and he will not grant any permit that is in violation of law.

Mr. RAGSDALE. The Secretary of War came before the committee and stated that the first time he gave these companies the use of the power it was under a ruling by former Secretary of War Garrison, and he had followed the ruling without making any personal investigation himself. Subsequently he made an investigation and reached the decision that Secretary of War Garrison did not have the legal right, and under no situation would he hereafter grant a permit to use water illegally, but would ask for temporary legislation of Congress.

Mr. HARRISON of Mississippi. Here is part of the wording of the bill: "It shall in no case exceed the capacity of that generated by the permittee company." So there will be no new company created under this provision. It is because they obtain now the power from Canada and can not procure it any longer that this resolution is necessary. It is purely emergency legislation, strictly temporary with the period named. I hope the gentleman will not make his point of order.

Mr. FLOOD. Mr. Speaker, I will yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

The SPEAKER. The House must proceed regularly. The gentleman from Colorado made a point of order and withheld it temporarily. The Chair has no disposition to override him or disregard him, but if he wishes to make the point of order he must make it now.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. The Chair will count.

Mr. KEATING (interrupting). Mr. Speaker, if the House will indulge me for a moment, I would like to be heard.

The SPEAKER. The gentleman asks unanimous consent to proceed for one minute?

Mr. KEATING. Yes.

Mr. RAGSDALE. Mr. Speaker, I object.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the regular order.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. KEATING] may have two minutes and that the gentleman from South Carolina [Mr. RAGSDALE] may follow him.

Mr. MANN. That is not possible unless the point of order of no quorum is withdrawn.

Mr. KEATING. Mr. Speaker, I withdraw the point of order of no quorum.

The SPEAKER. The gentleman from Colorado withdraws his point.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman from Colorado such time as he desires—that I may have.

The SPEAKER. The gentleman from Virginia has 16 minutes left, and the Chair will recognize the gentleman from Colorado.

Mr. FLOOD. How much time does the gentleman from Colorado desire?

Mr. KEATING. Just about five minutes.

Mr. FLOOD. I yield that time to the gentleman.

Mr. KEATING. Mr. Speaker, I have withdrawn the point of order because certain distinguished gentlemen in the House, including the chairman of the Committee on Foreign Affairs, the gentleman from Virginia [Mr. FLOOD], have assured me that this is a temporary permit, permitting the use of this water until the 4th of March; that the Committee on Foreign Affairs will, on the reconvening of Congress in January next, after the Christmas holidays, report to the House permanent legislation dealing with this subject; and, in addition, I have the assurance of the gentleman who represents the Buffalo district—Mr. SMITH—and other gentlemen on this side of the House that if permanent legislation is not enacted between the reconvening of Congress in January and the 4th of March they will call on the Secretary of War to shut off the water supply of these companies pending the passage of permanent legislation.

Mr. DEMPSEY. That is of the 4,400 extra cubic feet?

Mr. KEATING. No; the understanding is to shut off all; and, Mr. Speaker, I want the Representatives of the Buffalo district to rise here on the floor of this House and give that assurance to the Members of this House. I want the chairman of the Committee on Foreign Affairs——

Mr. FLOOD. I do not understand the gentleman.

Mr. KEATING. I shall repeat my statement for the benefit of the gentleman. I have said that you, as chairman of the Committee on Foreign Affairs, promise to bring into the House permanent legislation respecting this matter when Congress reconvenes in January, and that if that legislation fails to pass, then you, as chairman of the Committee on Foreign Affairs, in charge of this legislation, and the gentleman from New York [Mr. SMITH], and the gentleman representing the Niagara Falls district [Mr. DEMPSEY], will accompany me on the 5th of March, and such other Members of Congress as may be interested, to the office of the Secretary of War, and there demand that the entire water supply be shut off from these companies until they get authority of law to use the water.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. KEATING. Yes.

Mr. FLOOD. Mr. Speaker, I have not the slightest doubt that the Committee on Foreign Affairs will report legislation dealing fully with this question, permanent legislation. My opinion is that the power companies that are using these 15,600 cubic feet of water per second are using it without authority of law, and if we do not enact permanent legislation I shall take great pleasure in going with the gentleman to the Secretary of War and stating my views and insisting that those companies ought to be cut off from the use of any water out of the Niagara River.

Mr. MADDEN. Mr. Speaker, I think that is an outrageous demand for any Member of Congress to make, and no such agreement ought to be entered into.

The SPEAKER. The gentleman from Illinois has not the floor.

Mr. FLOOD. It meets absolutely with my views on the question, and I shall be glad to accompany the gentleman to the Secretary of War and state my views.

Mr. MADDEN. If that agreement is entered into, I shall make the point of order of no quorum.

Mr. KEATING. Mr. Speaker, I shall now ask whether I have correctly stated the views of the gentleman from the Niagara Falls district [Mr. DEMPSEY]?

Mr. DEMPSEY. Mr. Speaker, the gentleman has not correctly stated my views. I do not agree with the view that the Niagara Falls Power Co. has not the legal right to use the 15,600 cubic feet. They started to use that power under State authority, and as they supposed rightfully, and they have so continued to use it since that time. The question of whether or not they have the right to use it from the United States is a legal question about which there is much debate.

Mr. FLOOD. Mr. Speaker, I would like to know how the gentleman from New York [Mr. DEMPSEY] got the floor. He is not using my time, is he?

The SPEAKER. He obtained the floor in the five minutes that the gentleman from Virginia yielded to the gentleman from Colorado. The gentleman from Colorado propounded a question to the gentleman from New York and he is trying to answer it.

Mr. DEMPSEY. Mr. Speaker, I think that it is a debatable question, a closely debatable question, whether or not the United States has given those power companies the right to use the 15,600 cubic feet. Personally I think they have the right. I would not have any right as a Representative of that district to say that I would ask them or ask the Secretary of War or ask anyone else to waive any rights that they have.

Mr. KEATING. Mr. Speaker, if the gentleman will pardon me, his explanation is quite sufficient, and I now make the point of order of no quorum.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. KEATING. No; it is unnecessary.

Mr. FLOOD. Mr. Speaker, I ask the gentleman to withhold his point.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this a moving-picture show?

The SPEAKER. That is not a parliamentary inquiry. Does the gentleman withhold his point of no quorum?

Mr. KEATING. For the purpose of permitting the gentleman from Virginia to ask for a postponement of this measure.

Mr. DEMPSEY. Mr. Speaker, the gentleman said that he would yield me the floor; that he would withhold his point in order that I may be heard for five minutes upon the merits.

Mr. KEATING. It is useless to do that now.

Mr. COOPER of Wisconsin. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I move that the further consideration of this measure be postponed until the 2d day of January, 1917.

The SPEAKER. The gentleman from Virginia moves that the further consideration of this joint resolution be postponed until the 2d day of January.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the motion prevails when the House meets on the 2d day of January will this be the business before the House——

The SPEAKER. The Chair thinks——

Mr. FLOOD. I would ask to amend my motion by making it the 3d day of January.

Mr. MANN. That motion is not in order because the 3d day of January is Calendar Wednesday, and the House can not do that.

Mr. FLOOD. Well, the 4th day of January.

The SPEAKER. Answering the gentleman's parliamentary inquiry, if that motion prevails the Chair thinks that it is the duty of the Speaker the first thing after the reading of the Journal, and so forth, on the 4th day of January to declare this bill the unfinished business.

Mr. FITZGERALD. Unless the motion is made to consider appropriation bills.

The SPEAKER. Of course, the consideration of appropriation bills is always in order. The question is on the motion of the gentleman to postpone the consideration of Senate joint resolution No. 186 until the 4th day of January.

The question was taken, and the motion was agreed to.

MILEAGE TO OFFICERS AND EMPLOYEES.

Mr. BUCHANAN of Illinois. Mr. Speaker, I would like to ask unanimous consent to take up for consideration the resolution which I send to the Clerk's desk. Due to the fact that the employees of the House and Senate had to go home during the campaign, it seems to me this would be a very nice Christmas present to give them in order to afford them an opportunity to go home for the Christmas holidays, as the Members are at the present time doing.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the concurrent resolution, which the Clerk will report by title.

The Clerk read as follows:

Concurrent resolution (H. Con. Res. 66) authorizing the payment of mileage to officers and employees of the Senate and House of Representatives.

The SPEAKER. Is there objection?

Mr. MANN. I ask to have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, directed to pay out of the contingent funds of the Senate and House of Representatives, to the officers and employees of the Senate and House of Representatives, including clerks to Members, Delegates, and Resident Commissioners, and the Capitol police, borne on the annual and session rolls on the 4th day of December, 1916, mileage at the rate of 5 cents per mile, each way, to be estimated by the nearest route usually traveled in coming from and returning to their homes.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. FESS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Moses Walton (H. R. 3955, 64th Cong.), no adverse report having been made thereon.

OSAGE INDIAN SCHOOL, OKLAHOMA.

Mr. TILLMAN. Mr. Speaker, I take it for granted there will be no opposition to the consideration of the bill which I now ask to have considered by the House——

Mr. MANN. The gentleman ought not to take anything for granted.

Mr. TILLMAN (continuing). So I will ask unanimous consent to take up the bill S. 6864.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of the Senate bill——

Mr. MANN. Where is the Senate copy. There is no use reading that unless the Clerk has the Senate engrossed copy.

The SPEAKER. Where is the official engrossed copy of this bill?

Mr. TILLMAN. I had supposed the Clerk had possession of it.

Mr. FLOOD. I think we had better go on with the Diplomatic and Consular appropriation bill in the meantime, Mr. Speaker, while they are hunting for that bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

S. 6864. An act to provide for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917.

Mr. MANN. Mr. Speaker, I ask to have the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the third paragraph of section 4 of the act of June 28, 1906 (34 Stats. L., p. 539), is hereby amended to the extent that the moneys therein provided for support for Osage schools may be used in the discretion of the Secretary of the Interior for the same purposes as provided in said paragraph for a further period of not exceeding 10 years from the 1st day of January, 1917, on the condition of establishing vocational instruction in such schools.

The committee amendments were read, as follows:

Line 7, page 1, after the word "used," strike out the words "in the discretion of the Secretary of the Interior."

Line 10, page 1, strike out the words "not exceeding 10 years" and insert in lieu thereof the words "one year."

Line 1, page 2, after the word "seventeen," strike out the comma and the words "on the condition of establishing vocational instruction in such schools."

Amend the title of the bill by striking out the words "ten years," in the second line thereof, and inserting the words "one year."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as the bill itself is so drawn that it gives absolutely no indication whatever of what it means, I suggest the gentleman explain to the House, so it will get some intelligent idea of what it is about.

Mr. TILLMAN. Mr. Speaker, for many years this Indian school has been conducted at Pawhuska, Okla. These Osage Indians are the wealthiest, per capita, of all the tribes. There are about 2,500 of them. There is a disposition upon the part of some of the Osages to close the school; others of the tribe desire it to be continued.

It is the desire of your Committee on Indian Affairs to investigate this school, with others, next summer. The Secretary of the Interior, Mr. Lane, recommends that the school be continued for 10 years. The gentleman from Oklahoma [Mr. DAVENPORT], in whose district this school is located, thinks it should be discontinued at once. The House Committee on Indian Affairs thinks that it ought to be continued for another year, in order to give this committee time to investigate as to whether it is desirable to continue it further. It does not involve an expenditure of a cent of Federal money. The school is financed from the funds of the Osage Indians.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Arkansas moves that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917."

DIPLOMATIC AND CONSULAR SERVICE.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19300.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, with Mr. ADAIR in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19300, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, I want to make a very brief statement in reference to this bill. I want to say that it carries an aggregate appropriation of $5,165,746.60. The current appropriation bill for the Diplomatic and Consular Service appropriated five million three hundred and fifty-five thousand and some odd dollars. We have reported in this bill one hundred and eighty-nine thousand and some odd dollars less than was appropriated in the bill for the same purpose for the current year.

A comparison of the estimates for 1918 with the law making appropriations for the fiscal year ending June 30, 1917, follows:

Appropriations carried by law for 1917		$5,355,096.66
Items increased for 1918:		
Secretaries and counselors, etc	$14,000.00	
Transportation, diplomatic and consular officers	75,000.00	
International Boundary Commission, United States and Mexico	2,500.00	
Waterways treaty, United States and Great Britain	6,000.00	
Salaries of Consular Service	139,000.00	
Salaries of consular assistants	10,380.00	
Post allowances, diplomatic and consular officers	75,000.00	
Salaries of interpreters	5,000.00	
Expenses of interpreters, etc	5,000.00	
Contingent expenses, United States consulates	57,000.00	
		388,880.00
New items estimated for in 1918:		
Embassy building at Petrograd	350,000.00	
Legation building, Managua, Nicaragua	80,000.00	
Seamen's Mission, Rio de Janeiro	50.00	
		430,050.00
		6,174,026.66
Items decreased for 1918:		
Boundary line, United States and Canada	6,000.00	
Salaries and expenses, United States Court for China	2,400.00	
	8,400.00	
Items eliminated for 1918:		
Salaries, marshals for consular courts	$10,000.00	
Consular building, Shanghai	355,000.00	
Consular building, Habana	100,000.00	
	465,000.00	
		473,400.00
Amount of estimates for 1918		5,700,626.66
Total estimates for 1918		5,700,525.66
Total appropriations in law for 1917		5,355,096.66
Net increase in estimates for 1918		345,530.00

NOTE.—The following items of reappropriation are carried by the draft of bill:

Nineteenth Conference Interparliamentary Union	$40,000.00
International Commission on Public and Private International Law	15,000.00
Fifth International Conference of American States	75,000.00
Total of reappropriations	130,000.00

We carefully considered every item of the accompanying bill, especially those items where increases over the actual appropriations were asked for, and the new items proposed in the estimates, as will be shown by the hearings had before the committee.

We also investigated the expenditures made by the several commissions and boards, under the supervision of the Department of State, as will also be shown by the printed hearings.

The appendix to the letter of estimates, prepared by the Department of State, gives so fully the reasons for asking for increases in certain appropriations, as well as for the new, and other items carried by the accompanying bill, the committee deems it useless to repeat them herein. This document is attached to this report for the information of Members.

We have made every effort to keep the total appropriations carried by the bill within the bounds of reasonable economy, and yet not impair the efficiency of the Diplomatic and Consular Service. This end your committee believes has been attained, notwithstanding the fact that the total appropriations carried by this bill show a very substantial decrease as compared with the total appropriations for the year 1917—to wit, $189,350.

The changes made in the accompanying bill, as compared with the Diplomatic and Consular appropriations for 1917, are shown in detail by the table following:

Items increased over law of 1917:		
Waterways, United States and Canada		$6,000.00
Salaries in Consular Service		69,500.00
Post allowances		50,000.00
Salaries of interpreters		5,000.00
Expenses of interpreters		5,000.00
Contingent expenses, United States consulates		28,500.00
		164,000.00
New items in bill for 1918:		
For purchase of legation premises at Costa Rica	$40,000.00	
For purchase of legation premises at Nicaragua	80,000.00	
Contribution to Seaman's Mission at Rio de Janeiro	50.00	
		120,050.00
Total increases		284,050.00
Items eliminated from law of 1917:		
Salaries, marshals for consular courts	10,000.00	
Consular building, Shanghai	355,000.00	
Consular building, Habana	100,000.00	
		465,000.00
Items decreased for 1918:		
Boundary line, United States and Canada	6,000.00	
Salaries and expenses United States court, China	2,400.00	
		8,400.00
		473,400.00
Total of decreases (as above)		473,400.00
Total of increases (as above)		284,050.00
Net decrease in total appropriations carried by law for 1917		189,350.00
Total of appropriations carried by the law for 1917		5,355,096.66
Total of appropriations carried by bill for 1918		5,165,746.66
Net decrease in bill for 1918		189,350.00

We deem it proper to say that the continuance of the almost world-wide war has devolved upon our entire Diplomatic Service a large amount of labor as well as unavoidable expense, to meet which conditions the increases carried by the accompanying bill your committee deem just and adequate.

We have made an additional appropriation for the Consular Service of $69,500 to enable the State Department to increase our consulates in South America and Russia, and have increased the contingent fund appropriated for our consulates by $28,500, which will just cover the expense of the additional consulates.

The committee worked very hard over this bill and feels quite proud of the result of its labors. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. On the subject of the Consular Service, the gentleman indicates there has been some increase in the bill. Does that increase mean that some of these very poorly paid consuls of ours in foreign countries—that is, consuls and consular agents—are going to get any more money?

Mr. FLOOD. No; it does not mean that. The increase here is for the purpose of increasing the number of consuls, and the increased appropriation here will go to these new consuls.

Mr. MOORE of Pennsylvania. I want to ask the gentleman why it was not possible by this bill to make provision for increased pay for some of our very poorly paid consuls, in view of the high cost of living that prevails in Europe?

Mr. FLOOD. So far as the high cost of living is concerned, we make an appropriation in this bill of $200,000 to enable the President to add to the allowances of diplomats and their secretaries and to consuls. This fund is carried in the current law to enable the President to adjust salaries and allowances to these officers to meet the high cost of living.

Mr. MOORE of Pennsylvania. That would be only in the matter of expenses, would it not? It would not be in the way of emolument or salary?

Mr. FLOOD. It is the same thing. It is an allowance to meet the high cost of living—an increased appropriation for that specific purpose.

Mr. MOORE of Pennsylvania. The gentleman knows that in some countries, particularly in the Far East, the expenses of transportation and hotel expense have increased so enormously that some of our consuls have been obliged to suggest that they would leave the service unless they could be better paid.

Mr. FLOOD. Some of them have left the service, and have gotten much higher remuneration than when in the service. Some of those who have left have been quite a loss to the service, but I think it would be a good thing for the service if some who are still in the service did leave it.

Mr. MOORE of Pennsylvania. I do not know that I will agree with the gentleman as to that, because consuls are men who should have experience, and you can not dress up a new man and make him a consul all at once. Some of them are getting $1,500 in countries where they have to fraternize with foreign potentates, and it is mighty difficult for them to do it on the income they receive.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARRISON of Mississippi. I cite to the gentleman, on page 23 of the bill, this provision:

> To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $200,000.

Mr. MOORE of Pennsylvania. The gentleman from Virginia answered that no extra compensation was provided for.

Mr. FLOOD. I say that no salary was increased. I stated that we had an item in the bill for $200,000 to enable the President, in his discretion, to make allowances to diplomatic and consular officers to adjust their official incomes to the additional high cost of living in most of the countries of the world.

Mr. MOORE of Pennsylvania. I want the gentleman to know that I am not fishing for any political information at all. We are prone to do that.

Mr. FLOOD. The gentleman is mistaken in saying that any particular consul gets less than $1,500 a year.

Mr. MOORE of Pennsylvania. Well, some of the vice consuls do.

Mr. FLOOD. Some of the vice consuls do not get anything.

Mr. MOORE of Pennsylvania. And some of the consular agents also.

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. And some of them have to keep up their status as American representatives with officials of other nations that are much better paid and who have fixed habitations provided for them by their own governments.

Mr. FLOOD. The Committee on Foreign Affairs deemed it unwise to increase the salaries of any persons in the Diplomatic and Consular Service, except these temporary increases which the President is allowed to make owing to the high cost of living.

Mr. MOORE of Pennsylvania. I take advantage of this opportunity in the gentleman's time to say that it has come to my attention that some cases of severe hardship have resulted from the increase in the cost of living in some of the foreign countries, so far as some of our representatives are concerned. It has been due largely to the question of transportation; the fact that they have been removed from one place to another, and the fact that the transportation rates have been increased and the cost of living has increased, and the fact that their compensation has not been increased commensurate with the charges that they have had to pay. It seems to me that in providing new consulates the committee might have considered the question of providing better pay for some of the able and efficient and experienced consuls we now have representing us abroad.

Mr. FLOOD. The increase of pay was not suggested by the State Department, and if it had been I do not believe it would have been favorably received by the committee. As the gentleman no doubt is aware, for two or three years back and at this time, the cost of living in the belligerent countries and countries adjacent to them has increased greatly, and therefore we put this sum of $200,000 in the hands of the President to enable him to make allowances to diplomatic and consular officers to compensate them for the additional high cost of living in the places they are assigned to at the present time.

Mr. MOORE of Pennsylvania. Then, taking this paragraph on page 3, the President does seem to have authority to make additional allowances in cases where he sees fit, which would meet certain cases of emergency?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state whether it has been called to the attention of the committee that private corporations, many of them with world-wide influence, have made overtures to many of our consuls abroad, and have induced some of them to leave the Government service?

Mr. FLOOD. Yes. That statement was made by a representative of the consular service, and he said that some of our consuls had gone into the service of private corporations, and that probably others would do so in the near future.

Mr. MOORE of Pennsylvania. I mention this because it would seem to indicate that it might be well to raise the compensation of some of our consuls who are now poorly paid and thus prevent their leaving the service.

Mr. FLOOD. Our consuls are pretty well paid. Their compensation ranges from $2,000 to $12,000.

Mr. MOORE of Pennsylvania. I do not think the average consul gets $12,000 a year.

Mr. FLOOD. Some of them do.

Mr. WINGO. Mr. Chairman, I wish to ask the gentleman a question concerning the steam launch at Constantinople. How many years have we carried that item?

Mr. FLOOD. About 10 years.

Mr. WINGO. Is there a law for that?

Mr. FLOOD. The gentleman is speaking of the one at Constantinople?

Mr. WINGO. Yes, sir.

Mr. FLOOD. That is for the use of our embassy staff.

Mr. WINGO. There is no authority or law for it, is there?

Mr. FLOOD. It was first carried in an appropriation bill.

Mr. WINGO. This item is used for the renting of a private launch there by the year?

Mr. FLOOD. Yes. They live in one part of the city and they have their offices in another part. It is cheaper to rent it than it is to own it. It is necessary to convey the embassy staff from Pera across the channel connecting the business and residence sections of Constantinople.

Mr. WINGO. Cheaper to rent it than to own and maintain it?

Mr. FLOOD. Yes. That was the testimony before the committee.

Mr. WINGO. The necessity for the use of that is the necessity of carrying the embassy officials to and from their office?

Mr. FLOOD. Yes.

Mr. WINGO. Is there no other means of transportation available?

Mr. FLOOD. No. That is the only way they can get from the residence to the business section of the city.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. TOWNER. In the last item in the bill, "Acquisition of legation premises at Managua, Nicaragua," I notice that the appropriation carries this language included in the item, "and for the erection on the premises of suitable quarters for the legation guard." Is there a legation guard now at Nicaragua?

Mr. FLOOD. Yes.

Mr. TOWNER. Does that mean the marines who are stationed there?

Mr. FLOOD. There is a permanent guard there.

Mr. TOWNER. I say, does not that mean the marines?

Mr. FLOOD. Yes.

Mr. TOWNER. Do the marines constitute the legation guard?

Mr. FLOOD. Yes. I think there are 114 of them.

Mr. TOWNER. The support of the marines is not included in this bill in any way?

Mr. FLOOD. Oh, no. That is carried in the naval bill.

Mr. TOWNER. Is there any other place except China where the legation guard is now being maintained?

Mr. FLOOD. I think not.

Mr. TOWNER. Nicaragua and China are the only places?

Mr. FLOOD. Yes.

Mr. TOWNER. What is the object of maintaining this legation guard now in Nicaragua?

Mr. FLOOD. The State Department deemed it to be necessary. The conditions have been unsettled there.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. EMERSON. On page 24, as to expenses of prisons for American convicts, I would like, as a matter of information, to know what that means. I refer to the item beginning line 16, "Expenses of prisons for American convicts." Then reference is made to China and later to Siam and Turkey.

Mr. FLOOD. We have to maintain a prison at Shanghai. We have a court there with extraterritorial jurisdiction, and this is a prison maintained to keep any convicts in.

Mr. EMERSON. The Government of China permits us to do that?

Mr. FLOOD. Yes. We have a treaty that permits the court and permits the prison.

Mr. EMERSON. I never heard of it.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Argentina, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, Spain, and Turkey, at $17,500 each, $227,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman in charge of the bill state whether it is the custom of the United States to suggest to a foreign country the raising of an ambassadorship, or whether that suggestion usually comes from the foreign country to the United States?

Mr. FLOOD. I think in the last three cases the intimations have come from the foreign country to the United States.

Mr. MOORE of Pennsylvania. The question has arisen as to whether this country ought to have an ambassador at The Hague. We have a minister there now, or at least had one before he returned to the United States, and I have been asked as to whether the suggestion to raise that relationship from minister to ambassador should come from The Hague or should originate with the United States.

Mr. FLOOD. I think, if The Hague wants it, an intimation—not an official suggestion, but an intimation—that they want it should be made, and if then they should appoint an ambassador to the United States, Congress would be very apt to meet them by passing a law authorizing the President to appoint an ambassador to The Hague; but if the idea originated with us, I think we could make the intimation. I do not think there is any rule as to which country shall take the initiative.

Mr. LONGWORTH. If the gentleman will pardon me, the law originally was—and is now, unless it has been changed—that we could not designate any envoy as an ambassador unless the country to which our envoy was to be accredited had first designated its representative as an ambassador.

Mr. FLOOD. I do not think there is any law on the subject.

Mr. LONGWORTH. Yes; it was carried in one of the bills some years ago, and unless it has been changed that is the law now.

Mr. FLOOD. I do not think the law exists now, but in the last three cases—I happened to handle them; Argentina, Chile, and Spain—the intimation came to our Government in some way that those countries wished it.

Mr. LONGWORTH. At the time our first ambassadorships were created, it was under a law passed by Congress and carried in an appropriation bill, if I remember rightly, which provided that we might designate our ministers as ambassadors if the other country had taken the initial step.

Mr. FLOOD. More recently, however, we have in each case passed a special law authorizing the President to name an ambassador.

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. Has it occurred at any time during the gentleman's experience that the United States has originated the suggestion?

Mr. FLOOD. No.

Mr. MOORE of Pennsylvania. It has always come from the other side, so far as the gentleman knows.

Mr. LONGWORTH. That was the law originally.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Roumania, Serbia, and Bulgaria, $10,000.

Mr. BORLAND. I move to strike out the last word. I want to ask the chairman of the committee a question. The envoy extraordinary and minister plenipotentiary to Roumania, Serbia, and Bulgaria is one individual accredited to all three of those countries?

Mr. FLOOD. Yes.

Mr. BORLAND. He is a joint minister to the three Balkan countries?

Mr. FLOOD. Yes.

Mr. BORLAND. Where does he have his seat of office?

Mr. FLOOD. In Roumania.

Mr. BORLAND. I suppose the intention is to continue at present that joint representation in spite of the fact that there is a line of division now between those countries?

Mr. FLOOD. The State Department was very anxious to have two ministers, one to Bulgaria and the other to Roumania and Serbia, but international conditions are such that it is not thought wise to undertake to make the change at this time.

The Clerk read as follows:

SALARIES OF SECRETARIES IN THE DIPLOMATIC SERVICE.

For secretaries in the Diplomatic Service as provided in the act of February 5, 1915, entitled "An act for the improvement of the foreign service," approved February 5, 1915, $186,000.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BENNET: On page 3, in line 6, after the end of line 6, insert:

"*Provided, however*, That no secretary who, as chargé d'affaires, at any time during 1916 refused any privilege to any American citizen because such citizen criticized the President of the United States shall be paid any salary from this appropriation."

Mr. FLOOD. Mr. Chairman, I reserve a point of order.

Mr. BENNET. Mr. Chairman, it is not subject to a point of order. It is a mere limitation. It simply provides that no secretary who during 1916 refused any privilege to any citizen of the United States because that citizen criticized the President of the United States shall be paid any salary out of this appropriation. The Congress of the United States have a perfect right to limit any appropriation.

Mr. FLOOD. Yes. I withdraw the point of order. I have no objection to the amendment.

Mr. HARRISON of Mississippi. I reserve the point of order for a moment. Because I can not read the amendment, which I have now examined, I withdraw my reservation of the point of order. [Laughter.]

The CHAIRMAN. The point of order is withdrawn.

Mr. BENNET. I understood the chairman of the committee to say he had no objection to the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD at this point in connection with the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. The reason for this amendment is shown in the following correspondence:

To the EDITOR OF THE HERALD.

SIR: I rejoice to see that Americans have entered their protest in your columns against President Wilson's most strange and grotesque felicitations to the Austrian Emperor.

This abominable person represents the antipodes of everything for which America is supposed to stand. He has not one ideal that is capable of being squared with ours. At a time like this, when the fundamentals of our faith are under desperate attack from him and his allies, it is most deplorable to compromise about an issue that transcends everything else in the world. Courtesy is all very well, but if you really believe what you profess can you be courteous to a power that is aiming its guns straight at the heart of democracy. A country is not certain outlines on a map. It is an idea. If the idea of America and the idea of the Austrian Monarchy are compatible, then the Republic must be something very different from our pretensions about it.

CHARLES EDWARD RUSSELL.

HOTEL DE FRANCE ET CEOISEUL,
Paris, August 28, 1916.

—

EMBASSY OF THE UNITED STATES OF AMERICA,
Paris, August 29, 1916.

CHARLES EDWARD RUSSELL, Esq.,
Hotel de France et Choiseul, Paris.

SIR: Since receiving your call this morning, when you requested the good offices of the embassy to facilitate your obtaining privileges from the Belgian Government as accorded to newspaper correspondents, a communication to the Paris edition of the New York Herald over your name has been brought to my attention.

In view of your criticism therein of the President, I do not feel justified in giving you a letter of recommendation to the Belgian legation.

Your letter of credentials from the Newspaper Enterprise Association which you left with me this morning is herewith returned.

I am, sir, your obedient servant,

ROBT. W. BLISS,
Chargé d'Affaires.

—

WASHINGTON, D. C., *December 7, 1916.*

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

MY DEAR MR. BENNET: Allow me to thank you sincerely for your very kind letter of yesterday. I rejoice that you perceive the grave significance of the incident your resolution refers to and are determined to get a ruling upon it. Every American is deeply concerned and should be deeply interested in the issue. The personal aspects of it are nothing whatever, but I desire very much to have an answer to the question I put to Mr. Bliss:

"Is an American citizen that criticizes the President on a different footing with public servants from an American citizen that does not criticize the President?"

I believe that is vital, and I want to know about it.

The newspaper account quoted in your resolution is substantially correct. Some small details are omitted, and there is one slight error. I applied to the embassy, not in a personal capacity but as the repre-

sentative of 205 daily newspapers of the United States, and this fact Mr. Bliss fully understood, for I delivered to him my credentials and he kept them until he delivered to me his letter refusing to grant me the purely technical indorsement that all other American correspondents received without question. The error, which is wholly immaterial, is that the whole incident took place in the same day. It was at 4 p. m. that I returned by request to get Mr. Bliss's response.

I was accompanied by Mr. David L. Patterson, representing the Pittsburgh Gazette-Times. He got his letter of indorsement at the same time that Mr. Bliss handed me his refusal in my case. Patterson is now teaching history in the University of Kansas. Since my return I have had a letter from him, unsolicited, commending the accuracy of the newspaper reports of the case and offering to testify at any time that they were correct.

It seems to me that if the principle on which Mr. Bliss acted is confirmed and indorsed we are confronted with a novel and most disturbing situation. Mr. Hughes criticized the President in the last campaign. Suppose Mr. Hughes was to go abroad now. Is he to be deprived of the protection and courtesies of American embassies and legations? And if his status is altered in the eyes of American diplomatic representatives abroad can it remain the same in the eyes of other public servants at home? How can a distinction be drawn between his status abroad and his status at home? And if we start to undermine any of his rights anywhere because of his attitude toward the President, where shall we draw the line[

I think you are doing a very great public service in pushing this matter. I wish it had arisen in regard to some other citizen, but in an issue of such moment personal considerations are nothing. If I can give you any information or support please command me in any way.

Yours, very truly, CHARLES EDWARD RUSSELL.

—

WASHINGTON, D. C., *December 15, 1916.*

Hon. WILLIAM S. BENNET,
House of Representatives, Washington, D. C.

DEAR MR. BENNET: I inclose a copy of my letter in the Paris edition of the New York Herald that caused the issue to be raised. Several other Americans wrote similar letters that the Herald published. I was always curious to know how the embassy's rule was carried out in their case but never found out. I do not imagine any discrimination could have been made; it was a general principle that Mr. Bliss announced.

Yours, very truly, CHARLES EDWARD RUSSELL.

Any citizen has the right to criticize the President of the United States or any other official. If a man in the Diplomatic Service does not know this he ought not to be in the Diplomatic Service.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $200,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1917, which is hereby reappropriated and made available for this purpose: *Provided*, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

Mr. BYRNS of Tennessee. I make a point or order against the proviso beginning on line 21, page 8. It is clearly a change of existing law.

Mr. Chairman, the legislative, executive, and judicial bill carries a very liberal appropriaton for the clerks and other employees of the State Department in the District of Columbia. I am opposed to provisions in any appropriation bill giving the head of any department the privilege of using a part of a lump-sum appropriation to augment the specific appropriations made for a particular service in the District of Columbia. This matter was considered in the hearings before the Committee on Appropriations on the legislative bill, and the chief clerk of the Department of State stated that there had been a number of employments made under this provision which is carried for the current year, but he was unable to tell the committee exactly what employments had been made or the salaries paid and services rendered.

Mr. FLOOD. Between $4,000 and $5,000 was used.

Mr. BYRNS of Tennessee. I submit that it is not good policy to appropriate specifically for the employment of clerks in the District of Columbia and then have a fund here and a fund there placed at the disposal of the heads of the departments to be used to augment their number.

Mr. FLOOD. Mr. Chairman, the gentleman is right, it is not a sound policy under ordinary conditions, but this is a very extraordinary condition and will continue so for a few years to come. The Secretary of State thought it was necessary in case he brought a man from abroad to render services in the department that he should have some fund out of which he could pay him and that it might be necessary to use some extra fund to enforce this.

Mr. BORLAND. Mr. Chairman, the question has been passed on by the House. The legislative bill of the current year approved May 10, 1916, has a specific provision preventing this very thing. It is not a new question. It provides that none of the money appropriated by any other act shall be used during the fiscal year 1917 for the employment or payment of personal services in the Department of State in Washington, D. C.

In other words, Congress passed on this question at the last session and specifically refused to authorize the provision. It is clearly subject to a point of order.

Mr. FLOOD. I do not question that it is subject to a point of order, but I ask the gentleman from Tennessee, in view of the extraordinary conditions that obtain in the State Department, to withdraw his objections.

Mr. BYRNS of Tennessee. The gentleman states that under the provision in the current law only four or five thousand dollars have been expended. I submit that if the Secretary of State does not need more than four or five thousand dollars to pay these expenses in the department it is not going to work a very great hardship if this provision goes out. I do not think it is good policy or a good rule of legislation to undertake to make appropriations in lump sum and then provide that an unlimited portion may be used for clerical services in the District of Columbia. Congress ought to know what clerks are employed in the District of Columbia and the amount of the compensation. We ought to be able to provide for them, and we do provide for them specifically.

Mr. RAGSDALE. Mr. Chairman, I understand that the gentleman's position is that there ought not to be an unlimited sum. Would the gentleman suggest what he thinks would be a reasonable sum for use in the District of Columbia?

Mr. FLOOD. Here is a whole fund that is to be used, and——

Mr. BYRNS of Tennessee. I am not questioning that. I do not think the Secretary of State would use any more of the fund than he thought necessary. I do not care to place any limit upon it if it is going in at all. I am opposed to the principle of permitting lump sums made for the purpose of taking care of governmental functions outside of the District of Columbia to be used for personal services in the District of Columbia, when in another bill appropriation is specifically made for such particular service.

Mr. FLOOD. The gentleman will admit that the work in the State Department has increased more than in any other department within the last two years.

Mr. BYRNS of Tennessee. That is true, but I submit that this bill is not the bill to take care of the services required by the State Department in the District of Columbia.

The gentleman is familiar with the fact that the current legislative bill carries an appropriation for 100 clerks, more or less, in addition to those formerly employed in the State Department in order to take care of the emergency.

I submit that if the State Department needs an additional force in the District of Columbia the appropriation ought to be carried in the legislative, executive, and judicial appropriation bill, which under the rules of the House is authorized to carry the appropriation, and for that reason I insist on the point of order.

Mr. HARRISON of Mississippi. Mr. Chairman, if the gentleman will withhold his point of order for a moment. I am not going to discuss the point of order. We will concede it if the gentleman insists upon it. If the gentleman will note the wording of this section before the proviso, it is—

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes.

This is an extraordinary case. It is a condition where the President might at any time need the personal services of some one in the District of Columbia to meet unforeseen emergencies attending the execution of our neutrality laws—a most important proposition. The Committee on Foreign Affairs last year was of the same opinion as the gentleman from Tennessee, and they did not desire to put in the proposition until the Secretary of State had talked with the committee explaining its purposes and had written a letter explaining the whole proposition. I want to read a letter written by Mr. Carr, of the Consular Service, touching this appropriation. It is as follows:

DEPARTMENT OF STATE,
Washington, May 25, 1916.

The Hon. HENRY D. FLOOD,
House of Representatives, Washington, D. C.

DEAR MR. FLOOD: Referring to our conversation of a few days ago, in regard to making the emergency fund available for personal services in the District of Columbia, I submit an amendment in the form of a proviso to be added, on line 3, page 9 of the bill as reported by the committee, which I think will accomplish the purpose which I believe the Secretary has in mind. I am sure the Secretary would greatly appreciate any steps which you may take to have this change made in the bill, either in the House or by the Senate Committee on Appropriations after the bill shall have been passed by the House. Without a

provision of this kind the President and the Secretary will be without any means to employ special personal services in the District of Columbia, if at any time such services should be urgently required.

Very sincerely, yours,

WILBUR J. CARR,
Director of the Consular Service.

Now, if the point of order is sustained, as it will be if insisted upon, it might greatly hamper the President and State Department in maintaining our neutrality as well as extending our commercial interests. It is quite different from any other class suggested by the gentleman. It is not the policy of the committee to continue this policy; it is not to be a permanent law, but merely temporary, to meet an emergency that has arisen by virtue of the war.

In all sincerity, I say to the gentleman he may cripple the service of the State Department if he insists upon the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, with all due deference to my distinguished friend from Mississippi [Mr. HARRISON], I can not see any connection between this proviso and the enforcement of the neutrality laws. Of course, the gentleman has read into his argument some connection with it, but the proviso is absolutely unlimited. It provides simply that a part or all of this fund of $200,000 may be employed for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law. That is certainly as broad a provision as could be drawn, and I do not see, as I say, any particular connection between that and the enforcement of the neutrality laws.

Mr. HARRISON of Mississippi. The gentleman will recall that we appropriate quite a large sum of money as a contingent fund for the President to expend in his discretion, and certainly we ought to trust the President of the United States in a matter like this, of maintaining the neutrality laws, especially when we are facing a world condition which the Government has never faced before.

Mr. BYRNS of Tennessee. It is not a question of trusting the President of the United States or the Secretary of State or anyone else, as far as that is concerned. Certainly no one would hesitate to do that. It is true that large lump-sum appropriations are made to be used by the President and the Secretary of State subject alone to their own discretion, and it is highly proper that this should be done, but here is a proposition to employ personal services in the District of Columbia, when, as a matter of fact, the House has already passed a bill making, as I believe, ample provision allowing to the Secretary of State every clerk and every employee estimated for, and I submit that when the House adopts the estimate of the Secretary of State and allows him all of the employees that he asks for his department for the next fiscal year, we ought not to be asked then to give unlimited authority to use a fund of $200,000 in the employment of services here in the District of Columbia.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. CARLIN. What is the difference, if any, in the amount asked for by the various departments and the actual revenues of the Government?

Mr. FLOOD. I will say to the gentleman that, so far as the State Department is concerned and the Foreign Affairs Committee, we have appropriated about $200,000 less in this bill than was asked for.

Mr. CARLIN. I am making the inquiry of the gentleman from Tennessee [Mr. BYRNS] whether it is not a fact that the departments have asked for about $300,000,000 more than the estimated revenues of the Government?

Mr. BORLAND. Yes; they are in the red.

Mr. BYRNS of Tennessee. I think they have asked for a great deal more than the estimated revenues. I do not know exactly how much it is. The gentleman is possibly correct in his figures.

Mr. HARRISON of Mississippi. That criticism ought not to be leveled against the Foreign Affairs Committee. If there has been one committee in this House that has practiced economy in bringing in its bill, it has been this committee.

Mr. CARLIN. I think that is true.

Mr. HARRISON of Mississippi. We have reduced the appropriations in this bill, notwithstanding the world conditions, $189,000.

Mr. CARLIN. I mention this fact because I have recently seen it reported that the Congress was being criticised for its extravagance in appropriations, and I want it to appear that if there is any extravagance, the extravagance is in the departments themselves, who have asked for about $300,000,000 more than the estimated revenues of the Government. As far as this item is concerned, it seems to me that it is a question of jurisdiction as between committees. The Committee on Appropriations does not think that the gentleman's committee ought to provide for this, and yet the Committee on Appropriations had no hesitation in undertaking to take away from the Committee on Military Affairs the jurisdiction over its appropriations.

Mr. BYRNS of Tennessee. Oh, the Committee on Appropriations was not making any effort to take anything from the military committee.

Mr. CARLIN. That was the ruling of the Chair.

Mr. BYRNS of Tennessee. The Appropriation Committee or a portion of it felt that the office of the Chief of Staff and the employees of the Chief of Staff were people who were employed here constantly in the District of Columbia and, therefore, clearly under the rules of the House, that appropriation belongs to the legislative bill. The Chairman of the Committee of the Whole differed from the committee, and it went out on a point of order. There is no quarrel about that.

Mr. CARLIN. Is it not a fact that this is the second time your committee has had a ruling from the Chair on that subject, and did you not appeal from the ruling of the Chair?

Mr. BYRNS of Tennessee. No, indeed; this is the first time the Committee on Appropriations ever carried an appropriation for the office of Chief of Staff in its bill, and it only carries it this time because in the last bill the office of the Chief of Staff was separated from the clerks who were carried upon the field roll, and the gentleman from Wisconsin [Mr. STAFFORD] made the statement—and I feel sure that his memory is correct—that the chairman of the Committee on Military Affairs at the last session stated that his bill would not undertake to carry this appropriation.

Mr. FLOOD. Mr. Chairman, we all know that the Appropriations Committee never tires of taking all the jurisdiction it can get——

Mr. CARLIN. Oh, I have the floor. The point I was trying to make is this, that this House is not subject to the criticism that we are receiving in the press.

Mr. BORLAND. The gentleman from Virginia is unquestionably right about that.

Mr. CARLIN. When the fact is that the departments are extravagant, and are asking for $300,000,000 more than the entire revenues of the Government.

Mr. BORLAND. The departments have estimated for a great deal more than any committee has been willing to give them.

Mr. CARLIN. Haven't they asked for more than the entire revenues of the Government?

Mr. BORLAND. Unquestionably, that is correct.

The CHAIRMAN. The gentleman from Virginia has called for the regular order. Does the gentleman from Tennessee insist upon the point of order?

Mr. BYRNS of Tennessee. Mr. Chairman, in reply to the remark of my friend from Virginia, Mr. FLOOD, I wish to say that in this particular instance, at least, the Committee on Appropriations is not trying to take something that does not belong to it, but is trying to prevent the Committee on Foreign Affairs from assuming a jurisdiction that belongs to the Committee on Appropriations. I make the point of order.

Mr. FLOOD. I did not say that the Appropriations Committee tried to take something that did not belong to it in this case, but I said that we all know that it does reach out and try to grab the jurisdiction of every other committee in the House, if it gets a chance. This is a case where in order to enable the President and Secretary of State to properly enforce the neutrality laws it was thought that the secret emergency fund at the disposal of the President might be used to pay some officials in Washington who were engaged in enforcing those neutrality laws. It is subject to a point of order; we do not deny it. We thought it was wise it should go in this bill and that such discretion should be given to the President to use part of this fund for this purpose. But if the gentleman insists upon the point of order we will not undertake to argue against it.

Mr. CARLIN. Mr. Chairman, I want to ask the gentleman from Tennessee this question if I can get his ear, and that is this: If in an item of this importance, where the discretion for the expenditure is lodged in the President himself, the gentleman does not think that the rule we should adopt here of personal conduct with reference to these items should be one as to whether the item is necessary and not one as to what committee should make the appropriation?

Mr. BYRNS of Tennesee. I do. I am not making the point of order wholly upon the ground that this Committee on Foreign Affairs is attempting to intrench upon the jurisdiction of the Committee on Appropriations. I make it upon this ground, that the Committee on Appropriations allowed to the Department of State every single clerk and employee for which the Secretary of State asked for services here in the District of Columbia,

and, having allowed his estimates as he submitted them, it seems to me we ought not to permit a provision to go into this bill permitting an unlimited expenditure of the entire $200,000, if thought proper, for similar services here in the District.

Mr. CARLIN. I want to interrupt the gentleman at this point——

Mr. FLOOD. I would like——

Mr. CARLIN. The gentleman can not until I have finished. I had the floor, and I think I am reaching the very point.

Mr. FLOOD. I call for the regular order.

Mr. CARLIN. I want to discuss the point of order just a moment.

The CHAIRMAN. The point of order has been made.

Mr. CARLIN. But the point of order is subject to discussion. The fact that the chairman concedes the point of order and the gentleman from Mississippi concedes the point of order, it does not necessarily follow that everybody else concedes the point of order.

The CHAIRMAN. The gentleman will be heard on the point of order.

Mr. CARLIN. In that connection, I want to inquire of the gentleman from Tennessee with reference to this point of order, if it is not true in his opinion that this emergency fund ought to be allowed the department? If the gentleman thinks it ought not to be allowed the department, he ought to insist upon this point of order; but if he thinks the department ought to have the discretion, then, it seems to me, the gentleman ought not to insist upon his point of order. Here is an emergency occasion existing such as we have never experienced before. The fund is in proper hands. The President of the United States can be trusted to exercise properly his discretion, and unless the gentleman feels that it is not going to be exercised properly it seems to me he ought not to insist upon his point of order.

Mr. BYRNS of Tennessee. I have no question as to any improper exercise of authority that might be conferred upon the Secretary of State or any other distinguished officer of this Government. I do repeat that the House already having made provision for the services in the Department of State here in the District of Columbia, and having allowed to the Secretary of State——

Mr. FLOOD. I would like to interrupt the gentleman.

Mr. BYRNS of Tennessee (continuing). We ought not to be asked now to appropriate an unlimited——

Mr. FLOOD. I will say to the gentleman the Secretary of State made an estimate which went before the Committee on Appropriations in the legislative bill with this law existing. This provision was in the law last year. He knew he could use this fund, and he made his estimates upon that basis that he could use this fund, and so the gentleman is not appropriating everything that was needed in reference to the neutrality laws.

Mr. BYRNS of Tennessee. We are not responsible for the fact that the Secretary of State went to both committees for an appropriation for services here in the District of Columbia. The fact is the rules of the House provide that one particular appropriation bill shall carry the appropriation for personal services here, and for that reason I am insisting on the point of order.

Mr. RAGSDALE. Mr. Chairman——

Mr. FLOOD. The fact that Congress passed this very law——

Mr. CARLIN. Mr. Chairman, I had the floor to discuss the point of order when these gentlemen interrupted.

Mr. RAGSDALE. Mr. Chairman, am I recognized as a member of the committee?

Mr. BYRNS of Tennessee. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia had the floor, but the regular order has been called for.

Mr. CARLIN. I was about to discuss the point of order, which I have a right to do.

The CHAIRMAN. But the gentleman makes the point of order, and the Chair sustains it.

Mr. HARRISON of Mississippi. Mr. Chairman, I have an amendment which I desire to offer. At the end of line 20, page 8, after the word "purpose," insert the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 8, by inserting after the word "purpose," in line 20, the following: "*Provided*, That in his discretion the President may employ any such part of this fund to an amount of not more than $5,000 for payment for personal services in the District of Columbia or elsewhere notwithstanding the provision of any existing law."

Mr. HARRISON of Mississippi. I would like to state that its purpose is——

Mr. BORLAND. Mr. Chairman, I reserve the point of order on the amendment.

Mr. HARRISON of Mississippi (continuing). That this amendment answers the criticism which the gentleman from Tennessee just made, that you are giving discretion to the President to expend the sum of $200,000.

This limits the amount he can use in the District to $5,000. I cited the gentleman from Tennessee [Mr. BYRNS] and the committee to the letter here which was written by Mr. Carr in behalf of the Secretary of State, showing that at this time there were great complications coming up, due to conditions throughout the world, that this country above all nations was called upon to exercise a high degree of patience and consideration in maintaining our neutrality, and that at times, in order to maintain our neutrality, it was necessary to employ the services of men who might be in the District of Columbia or persons to do some work to carry on that particular service; that there might be men found in the District who are peculiarly qualified by some especial fitness to do the work; men that they could not find outside of the District; and they wanted to exercise that right if the urgency and emergency should arise. And I feel sure that the amendment ought to be adopted. It is cured of that criticism which the gentleman from Tennessee has just made.

Mr. BYRNS of Tennessee. The gentleman from Mississippi [Mr. HARRISON] unintentionally, I am sure, puts words into my mouth which I did not use. I want to assure the gentleman from Mississippi for the third time that I have absolute confidence in the President and in the Secretary, and it is not upon the ground that I fear that this fund may be improperly used that I make an objection. It is the principle to which I object, Mr. Chairman, and I thought I had made that clear to every Member here present, even to my good friend from Mississippi. I hope the gentleman will now understand that it is the principle to which I object, the principle of making a direct appropriation in one bill carrying a list of all the clerks and employees who were specifically estimated for, and then in another bill, Mr. Chairman, undertaking to devote a portion, whether great or small, of a lump sum for similar services.

Mr. CARLIN. A parliamentary inquiry, Mr. Chairman. Had not debate begun on this amendment before any point of order was made?

Mr. BORLAND. Yes; I reserved the point of order.

Mr. CARLIN. Had not debate begun before any reservation was made?

Mr. BORLAND. No debate had been begun.

Mr. HARRISON of Mississippi. That was the point that was raised, and that was why I started to discuss the proposition.

Mr. BORLAND. I rose to my feet to make the point of order, and the gentleman proceeded with the discussion.

Mr. CARLIN. My question is, Had not debate been begun before there was a reservation of this point of order?

The CHAIRMAN. The Chair thinks not.

Mr. HARRISON of Mississippi. Does the Chair think that point of order was made or reserved?

The CHAIRMAN. The point of order was reserved.

Mr. HARRISON of Mississippi. I am in error, then.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes on this proposition. Unless the gentleman desires to discuss——

Mr. BORLAND. I want to ask the gentleman if he wants to discuss this matter now before the committee or some other matter that he can discuss elsewhere?

Mr. BENNET. I want to discuss this particular amendment, with the hope of inducing the gentleman from Missouri to withdraw his point of order.

Mr. BORLAND. In a moment I may yield to the gentleman.

Mr. Chairman, this is not, as it may seem, a struggle between the committees over the subject of jurisdiction. However desirable it might be to have an emergency fund carried in some other bill, the rules of the House have thought wise to place in one bill, the legislative, executive, and judicial appropriation bill, all the provisions for the pay of these clerical forces in Washington. If any provision was needed, it should have been carried on that bill. My idea is that the legislative bill does carry such a contingent fund. When it is stated that the Department of State has been operating under the belief that they were entitled to an emergency fund in the diplomatic and consular bill, it will be found on examination that they are not entitled to any such belief, from the fact that Congress and the current law regulating the Department of State for the year 1917 has expressly taken away from the Department of State all foundation for any such claim.

Mr. FLOOD. The gentleman is mistaken about that. This proviso that was ruled out just now reads this way:

That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any existing law.

Mr. BORLAND. Yes; but the gentleman stated, as I understood it, that that was the current law. They were relying on some sort of emergency fund in the current law, and it ought to be continued for the year 1918.

I want to call the gentleman's attention to the fact that the current law absolutely forbids it.

Mr. FLOOD. It forbids it if this is in the law.

Mr. BORLAND. Let me read to the gentleman what the current law is. This is from the legislative, executive, and judicial appropriation bill for the year 1917, approved May 10, 1916. It reads:

No money appropriated by any other act—

Including the Diplomatic bill—

shall be used during the fiscal year 1917 for the employment and payment of personal services in the Department of State at Washington, in the District of Columbia.

So that if they ever had any such reliance, Congress expressly legislated on that on the 10th of May, and took it away, and said no money appropriated by any other act should be so used.

Mr. FLOOD. Congress expressly legislated in June, 1916, to the effect that the department did have that power, notwithstanding this law the gentleman refers to as having been enacted in May. One law of Congress is as good as another. This law by implication repeals that law, so far as the Department of State is concerned.

Mr. BORLAND. This illustrates the confusion that results by putting these appropriations in two or more bills.

There is another thing. Every department of the Government feels that it has an emergency of this kind. Not long ago the War Department had placed in the river and harbor bill a provision for the employment of extra service, and for an allowance of extra printing. Without any attention being paid to the matter, it was enacted in one bill, and then when Congress finally found out where the conflict was, it was stricken out in the future bill. Every department of Government may feel that it has this kind of an emergency. The State Department feels it to-day, the War Department to-morrow, and the Department of the Interior may feel it next day.

Now, they will all ask for it in particular appropriation bills outside of the legislative, executive, and judicial bill. There is only one way for Congress to keep track of how much personal service is employed in the District of Columbia, and that is to have it in the legislative, executive, and judicial bill. When a Member reads that bill he has the right to assume that it comprises all the personal services rendered in the District of Columbia. So, Mr. Chairman, I insist upon the point of order.

Mr. BENNET. Mr. Chairman, will the gentleman reserve the point?

Mr. BORLAND. Oh, the gentleman can move to strike out the last word on the next paragraph. The chairman of the committee wants to get along with the bill.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking an inquiry of the Chairman.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. Mr. Chairman, I would like to ask the Chairman under what paragraph of this bill the salary of the counselor of the embassy at Paris, France, is carried?

Mr. FLOOD. The salary of the ambassador?

Mr. BENNET. No; the counselor.

Mr. FLOOD. We have no counselor there. We have a provision in the Diplomatic and Consular appropriation act of the current year authorizing the President to designate the first secretaries of embassies and legations as counselors, and under that authorization has designated at eight of the embassies the first secretaries as counselors, and they draw their salaries from this provision making appropriations for the secretaries.

Mr. BENNET. So the gentleman who has the title of "counselor" at Paris would draw his salary from this provision for secretaries?

Mr. FLOOD. Yes; $3,000 a year.

Mr. BENNET. Whatever it is, under the provision on page 3, lines 1 to 6?

Mr. FLOOD. Yes; that is it.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, rental of offices at Washington, District of Columbia, expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $1,000, and commutation to members of the field force while on field duty or actual expenses not exceeding $2.50 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $105,000, together with the unexpended balances of previous appropriations for these objects: *Provided*, That hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties.

Mr. BORLAND. Mr. Chairman, I reserve a point of order on the proviso, which is clearly permanent legislation. But I wanted to ask the chairman of the committee what the purpose of that change is?

Mr. FLOOD. What change is it?

Mr. BORLAND. The proviso on line 17, page 11, "That hereafter advances of money on appropriations," and so forth.

Mr. FLOOD. That was put in the last year's bill.

Mr. MANN. It is existing law, is it not?

Mr. FLOOD. Yes; it was in the last year's bill.

Mr. BORLAND. Why is it repeated, then?

Mr. MANN. Because they did not realize it is the existing law.

Mr. FLOOD. It was a mistake.

Mr. BORLAND. The word "hereafter" was used last year?

Mr. FLOOD. Yes. This is a copy of what was in last year's bill.

Mr. BORLAND. It is not needed, then?

Mr. FLOOD. No; it is not needed.

Mr. BORLAND. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge, $8,000; district attorney, $4,000; marshal, $3,000; clerk, $3,000; stenographer, $1,800; court expenses, including reference law books, $9,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. I do that for the purpose of asking why the change is made in the appropriation act for the salaries and expenses of the United States court for China?

Mr. FLOOD. What page does the gentleman refer to?

Mr. BENNET. On the first page of the gentleman's report it says:

Item decreased for 1918: * * * Salaries and expenses, United States court for China, $2,400.

Mr. FLOOD. Last year Congress made an appropriation of $355,000 to buy buildings for the consulate and the court at Shanghai, and I will say it was purchased for about $65,000 or $70,000 less than the appropriation.

Mr. BENNET. For rent of premises?

Mr. FLOOD. Yes; there are no rents now.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

NINETEENTH CONFERENCE INTERPARLIAMENTARY UNION.

The appropriation of $40,000 "For the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the Interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the calendar years 1916 and 1917 by the diplomatic and consular act approved July 1, 1916, is hereby extended and made available for the calendar year 1918: *Provided*, That said sum may, in the discretion of the Secretary of State, be expended within the United States, but not elsewhere.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word simply for the purpose of asking the gentleman in charge of the bill a question.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. Is there any provision in the previous law for rendering an itemized account of these expenditures to Congress? There is none here, as I observe.

Mr. FLOOD. Such a provision is usually carried in each item.

Mr. GREEN of Iowa. This is in pursuance of a previous appropriation evidently. Now, if the previous appropriation provides that there shall be an itemized account rendered, it is perfectly proper. If not, there ought to be an amendment here.

Mr. FLOOD. I think an amendment ought to be offered, because I do not think it was in the previous appropriation bill.

Mr. GREEN of Iowa. Then, Mr. Chairman, I move to amend as follows: On page 31, line 6, strike out the period at the end of the word "elsewhere," insert a colon, and add the following: "*Provided further*, That an itemized account of all such expenditures shall be reported to Congress."

Mr. FLOOD. Mr. Chairman, there is no objection to that amendment.

Mr. BENNET. Is it not the same amendment that is placed in lines 15 and 16?

Mr. GREEN of Iowa. Yes. It is the same amendment, except the word "further."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 21, line 6, after the word "elsewhere," strike out the period, insert a colon, and add the following:
"*Provided further*, That an itemized account of all such expenditures shall be reported to Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

To complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism to be held in the United States, to be expended under such rules and regulations as the Secretary of State may prescribe, $10,000, or so much thereof as may be necessary, together with the unexpended balance of previous appropriations for the holding of said congress in the United States: *Provided*, That an itemized account of all expenditures shall be reported to Congress.

Mr. SMITH of New York. Mr. Chairman, I would like to ask the chairman of the committee what is the aggregate amount of the unexpended balance at this time? The gentleman is familiar with that.

Mr. FLOOD. My understanding is, Mr. Chairman, that it is about $45,000.

Mr. SMITH of New York. That would make about $5,000 that has already been expended. I notice that this item does not contain a provision such as we find elsewhere, that "no part of this money should be expended outside of the city of Washington." It is not here.

Mr. FLOOD. That was in both items, and it was stricken out of them.

Mr. SMITH of New York. Would there be any objection to inserting a provision of that kind?

Mr. FLOOD. The committee put that provision in the item providing for the Nineteenth Conference of the Interparliamentary Union and also this item, but the gentlemen in charge of both of these conferences objected to it, and the committee struck it out.

Mr. SMITH of New York. The intention evidently is to prevent junketing trips for these delegates.

Mr. FLOOD. I do not see any necessity of discriminating against this conference. We have stricken it out with respect to the other conferences, and I do not see any reason why we should discriminate against this one. If these gentlemen prefer to meet at Atlantic City, I do not see why we should compel them to come to Washington. They should be allowed to go anywhere they please in the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The appropriation of $15,000 for the payment of compensation to and the necessary expenses of the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the fiscal year ending June 30, 1916, by the Diplomatic and Consular act approved March 4, 1915, and for the fiscal year ending June 30, 1917, by the Diplomatic and Consular act approved July 1, 1916, is hereby extended and made available for the fiscal year ending June 30, 1918.

Mr. MANN. I move to strike out the last word.

Mr. Chairman, the war in Europe has now lasted nearly two and one-half years, which is long enough. I wish simply to express my commendation of the President of the United States for the circular note which he recently sent to the various powers engaged in war. [Applause.] I do not know whether it will accomplish the purpose, or do any good abroad; but I think it was eminently proper that the President of our country, after this long time that these countries have been engaged in war, should call to the attention of the people of the world the desirability of closing the war; and without regard to partisanship I believe that the whole people of this country will warmly congratulate and commend the President for any effort which he has made or may make toward procuring peace in the world again. [Applause.]

The Clerk read as follows:

SALARIES OF THE CONSULAR SERVICE.

For salaries of consuls general, consuls, and vice consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," $1,208,500. No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from this fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post. Every consul general, consul, and, wherever practicable, every consular agent shall be an American citizen.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs whether the International Congress on Social Insurance authorized by the Congress in the third session of the Sixty-first Congress was ever held; and if so, when and where; and if not, what has become of that appropriation?

Mr. FLOOD. My information is that the conference was never held. The appropriation lapsed into the Treasury, and there is no reappropriation of it.

Mr. BENNET. And the project of holding an international conference on social insurance has been for the time being abandoned?

Mr. FLOOD. It would seem so; yes.

Mr. BENNET. The gentleman will recall that he and I were conferees on that item in that session.

Mr. FLOOD. Yes.

The Clerk read as follows:

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Actual expense of renting a prison at Shanghai for American convicts in China, $1,200; for contingent expenses, $1,800; for the wages of a keeper of such prison, $1,200; and for the wages of an assistant keeper of such prison, $800; $5,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the Committee on Foreign Affairs why the usual appropriation for marshals for these courts in China and Turkey has been omitted this year?

Mr. FLOOD. It was thought by the State Department that there was very little for the marshals to do, and that what work they had to do could be done by the interpreters. There was an appropriation of $10,000 for marshals, and the marshals were dispensed with, and the $10,000 was divided between these two items, each item being increased $5,000.

Mr. BENNET. Where was the $10,000 transferred?

Mr. FLOOD. Five thousand dollars of it was added to the item for salaries of interpreters to consulates in China, Chosen, Japan, and Siberia, and $5,000 to the expenses of interpreters, guards, and so forth in Turkish dominions, Persia, Morocco, northern Africa, and Zanzibar.

Mr. BENNET. I think that is a very wise change.

The Clerk read as follows:

Paying for the keeping and feeding of prisoners in China, Chosen, Siam, and Turkey, and of those convicted by the United States Court for China, $9,000: *Provided*, That no more than 50 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Foreign Affairs how long an item has been carried in this bill for two jails in Turkey? When I was on the committee we had, as I recall it, a prison at Smyrna for American convicts, but apparently we now have a prison in Smyrna and one in Constantinople.

Mr. FLOOD. I do not remember when the first appropriation was made, but it was some years ago. I thought I had a

statement of it here, but I have not. I think probably the bill of 1907 was the first one in which it was carried.

Mr. BENNET. I was in Constantinople in 1907, and they had no prison there then. Now, I should like to ask the gentleman how many convicts were kept in either of these prisons, or both of them, last year?

Mr. FLOOD. I could not answer that. Perhaps I ought to have that information, but I have not.

Mr. BENNET. Is it not a fact that they have not had any convicts in either of those prisons for the last 10 years?

Mr. FLOOD. I do not think that is a fact.

Mr. BENNET. I remember when I was in Smyrna in 1907 they had not had anybody in that prison for some years before that. I think it would be in line with what the gentleman's committee did about the other item, for marshals, to leave these items out and add these amounts to the appropriation for officials at these two places. I think they are needed more than the jails.

Mr. FLOOD. We will take that into consideration when we make up the next bill.

Mr. BENNET. All right. I do not want to strike them out now.

The Clerk read as follows:

For the purchase of grounds and buildings at San Jose, Costa Rica, and for such alteration, repair, and additional furnishing of the same as may be necessary for the use of the legation to Costa Rica, both as a residence of the minister and for the office of the legation, $40,000.

Mr. HICKS. Mr. Chairman, I move to strike out the last word merely for the purpose of inquiring of the chairman of the committee if any provision has been made in this bill or previous bills for the repair of the legation buildings at Bangkok, Siam?

Mr. FLOOD. No.

Mr. HICKS. The purpose I have in making the inquiry is this: About three years ago I was in Bangkok, Siam, and visited the American Legation there. The building in which it was housed was in a most pitiful condition. It seems that some 20 years ago the Siamese Government gave to this Government a splendid site on the Menam River, adjoining the English Legation, and also presented us with a building that was standing upon the ground. Yet from that day to this, as I understand it, not one dollar has been expended in keeping that building in a proper state of repair. The result was that when I visited that building there was only one room fit for occupation, and the entire building was in such a state of decay that the American minister was forced to rent quarters in another part of the city, while the building, on one of the most desirable sites in Bangkok, was absolutely neglected, owing to the parsimonious policy of this Government. I think it is a mistake to be so economical, and the failure to provide adequate quarters for our representatives tends to weaken the influence of our diplomatic agents in foreign countries.

Mr. MANN. It is not on account of the policy of Congress. We appropriate $500,000 or $600,000 every year that can be utilized for the repair of such buildings. It is in the discretion of the State Department. I do not think it has ever been entirely used in any year. I think the gentleman ought to make his contribution of experience to the State Department.

Mr. FLOOD. The Congress has made a number of appropriations for the purpose of buying and building embassies. The one the gentleman speaks of has never been brought to the attention of the Committee on Foreign Affairs, nor have we seen any recommendation by the Department of State with reference to it.

The Clerk read as follows:

SEAMEN'S MISSION AT RIO DE JANEIRO, BRAZIL.

Annual contribution toward the support of the seamen's mission at Rio de Janeiro, Brazil, $50.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee how long this item with reference to the Seamen's Mission has been in the bill.

Mr. FLOOD. It is a new item; this is the first time it was ever in the bill.

Mr. BENNET. The language refers to an annual contribution.

Mr. FLOOD. It is expected to be annual hereafter, but this is the first contribution.

Mr. BENNET. What is the particular reason for it at this time?

Mr. FLOOD. I think there is an organization of philanthropic people who have organized a kind of boarding house or hotel for the purpose of protecting the seamen from robbery and exactions by the boarding houses at Rio de Janeiro. They want to interest this Government and also the Brazilian Government in it.

Mr. BENNET. This contribution to a humble mind would seem to be too small to be of any particular benefit.

Mr. FLOOD. It may be that the purpose was to get recognition from the two Governments for this institution, so that the seamen when in this city would be directed to this particular place; but, on the other hand, it may have a better purpose, and we took chances on it.

Mr. BENNET. It is possible that whoever runs the boarding house gets the right to say to those who patronize it or from whom she solicits subscriptions that she has the patronage of Brazil and the American Government and that thereby she will make the enterprise a success.

Mr. FLOOD. It is possible that the recognition will be abused, but in the opinion of those we had before the committee it will not be.

Mr. BENNET. Does the Secretary of State recommend it?

Mr. FLOOD. He does.

Mr. BENNET. As the gentleman knows, the hearings before his committee have not been printed.

Mr. FLOOD. No. The gentleman saw what was in the estimates in regard to this matter.

Mr. BENNET. Yes; and in the report; but that was not conclusive.

Mr. FLOOD. No. I say it is possible that we may be wrong in connection with it, but we had laid before us the statement, and we believed from this statement that this appropriation would be helpful to the American seamen in that port.

Mr. BENNET. Well, it is Christmas; let it go through.

The Clerk completed the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19300, the Diplomatic and Consular appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. CANDLER of Mississippi. Mr. Speaker, the gentleman from South Carolina [Mr. LEVER], chairman of the Committee on Agriculture, has been called away on account of sickness. As acting chairman, by direction of the Committee on Agriculture, I report for him the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918 (H. Rept. 1248).

The bill was read a first and second time and, with accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN reserved all points of order on the bill.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11250, known as the vocational education bill; and pending that motion I will ask unanimous consent of the House to discharge the Committee on Education from further consideration of Senate bill 703, a similar bill; that the Senate bill be considered in lieu of the House bill; that it shall be in order to strike out all of the text of the Senate bill and insert in lieu thereof the text of the House bill; and that the discussion proceed under the five-minute rule upon the Senate bill thus amended.

The SPEAKER. The gentleman from Georgia moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the vocational education bill, and pending that motion he asks unanimous consent that the Committee on Education be discharged from the further consideration of the Senate bill on the same subject and that the Senate bill be considered. Is there objection?

Mr. MANN. Mr. Speaker, that is not all of the request. As I understand the gentleman from Georgia, he asks unanimous

consent that the reading of the Senate bill be dispensed with and that it shall be in order at once, when we reach the five-minute rule, to offer the text of the House bill as an amendment to the Senate bill, strike out all after the enacting clause in the Senate bill, and that the amendment thus offered shall be considered as the original bill, so far as amendment and debate are concerned.

Mr. HUGHES. That is correct.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HUGHES. Before we go into Committee of the Whole, can not we make some agreement on time for debate?

Mr. MANN. Does the gentleman think we can do any more than get through with general debate to-day?

Mr. HUGHES. I do not think so.

Mr. MANN. Then I do not see any object in agreeing now to close debate.

The motion of Mr. HUGHES was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. PAGE of North Carolina in the chair.

Mr. HUGHES. Mr. Chairman, just before this House adjourned at the last session, the House was kind enough to extend to me all of the time that I requested as chairman of the committee to present this bill to the House. Therefore I shall not occupy further time of the committee, but I do wish to say this, that the Committee on Education has had this bill under consideration for many, many months. They have given it their most careful thought, and after doing so they reported that bill out unanimously. Mr. Chairman, the Senate has passed a vocational education bill, and there are only a few controverted points between the Senate and the House, and with this statement I now yield the floor to the gentleman from Iowa [Mr. TOWNER] and reserve the remainder of my time.

The CHAIRMAN. The gentleman from Georgia reserves the remainder of his time, and the gentleman from Iowa is recognized for one hour.

Mr. TOWNER. Mr. Chairman, I hardly know what time of the committee to take in the discussion of this bill (S. 703). I presume it must be familiar generally to members of the committee. Fortunately we have had the particular terms of the bill ably and admirably presented to the House by the gentleman from Ohio [Mr. FESS].

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SHERWOOD. How much will this bill carry, or how much will it require, in the gentleman's judgment?

Mr. TOWNER. The amount, I will state to the gentleman from Ohio, is cumulative. The amount that will be appropriated the first year, if all of the States accept the provisions of the act, would be $1,700,000. The total amount that would be appropriated at the end of the cumulative period would amount to $7,200,000. The gentleman understands that these amounts are increased from year to year.

Mr. SHERWOOD. Who is to have the disposition of this money?

Mr. TOWNER. The commission will have the general disposition of it and the States will have the immediate control of it. It is not expected that the commission will control the money that is appropriated in its immediate application, but having established standards, and the board under the terms of the bill may establish standards, it turns the fund over for its practical and immediate application to the State authorities.

Mr. RUSSELL of Missouri. Mr. Chairman, will the gentleman permit a question upon that point?

Mr. TOWNER. Certainly.

Mr. RUSSELL of Missouri. As I understand the bill every State, before it can get the benefits of the bill, must, by some legislative act, provide for expending a similar amount by the State?

Mr. TOWNER. The gentleman is correct in that.

Mr. RUSSELL of Missouri. What I want to ask, thinking of my own State, naturally, is this: This bill may not become a law until our legislature this winter has adjourned, and it would not meet again for two years. Would there be any probability of the State losing its share of this fund during those two years when there is no legislature in session?

Mr. TOWNER. I think not. Of course affirmative action must be taken by the States. But the right to the fund is not lost. Still it might be considered best to call a special session.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. The good-roads bill had a similar provision, that the law must be accepted by the State legislature, but it contained a provision that pending the meeting of the State legislature the acceptance of the governor would be valid until the last day of the next succeeding session of the legislature. If that provision is not in this law, and I am not sure whether it is or not, it ought to be put in.

Mr. TOWNER. There is no provision of that kind, but I know of no particular reason why it might not be included.

Mr. RUSSELL of Missouri. That is what I had in mind. I thought there ought to be some provision in the law to provide for cases of that kind.

Mr. TOWNER. I know of no reason why an amendment may not be presented to cover the point made by the gentleman from Missouri.

It may be of some interest to members of the committee if something be said as to the origin and development of this legislation.

HISTORIC SKETCH.

In 1859, Senator Morrill, of Vermont, introduced and secured the passage through Congress of the first bill creating State agricultural and mechanical colleges.

This bill was vetoed by President Buchanan, because he feared it would "cause the States to lean upon the National Government for the support of their own educational systems," and because he considered it unconstitutional.

It was reintroduced by Senator Morrill, again passed Congress, and was signed by Abraham Lincoln. It became a law in 1862.

This law gave to each State 30,000 acres of public land for each Senator and Representative in Congress for the support of at least one college in each State, the leading object of which would be to teach agriculture and the mechanic arts. This was the first aid granted by the Nation for vocational education.

In 1887 Congress passed the Hatch Act, under the terms of which a State agricultural experiment station was established in each State, and $15,000 was appropriated from the National Treasury annually for its support.

In 1890 an act was passed by Congress known as the second Morrill Act, granting to the colleges created by the first Morrill Act $25,000 annually in their support.

In 1906 what is known as the Adams Act was passed, by which an additional sum of $15,000 annually was given each State for conducting original research and experiment work in "agricultural industry."

In 1907 another act of Congress was passed, known as the Nelson amendment, which gave $25,000 each year in the further support of the Morrill agricultural colleges, a portion of which was to be expended in preparing instructors for teaching agriculture and the mechanic arts.

In 1907 Mr. DAVIS of Minnesota introduced a bill to make an annual appropriation for industrial education in both agricultural and city schools and for branch experiment stations.

In 1910 Senator Dolliver introduced a bill of similar character on which extended hearings were had. The bill was favorably reported, and it is thought would have become a law but for Senator Dolliver's untimely death.

In 1912 Senator PAGE, of Vermont, introduced what is known as the Page bill. It embodied the main features of the Dolliver bill, but was much wider in its scope and more elaborate in its provisions.

About the same time Senator SMITH of Georgia and Representative LEVER of South Carolina introduced a bill to establish agricultural extension departments in connection with the Morrill agricultural colleges. This bill became a law and is now known as the Smith-Lever Act.

Owing to a friendly controversy which arose between the friends of vocational education as to the scope and terms of the contemplated legislation a joint resolution was passed by Congress providing for a commission which should consider the need and report a plan for national aid to vocational education. The commission consisted of Senators HOKE SMITH and C. S. PAGE, Representatives DUDLEY M. HUGHES and S. D. FESS, and John A. Lapp, Florence M. Marshall, Agnes Nestor, C. A. Prosser, and Charles H. Winslow. Their report was filed June 1, 1914. As might have been expected from a body composed of such able men and women, the report is able, exhaustive, and has been of great value in subsequent consideration of the proposition.

Senator SMITH introduced in the Senate and Representative HUGHES in the House bills embodying in substance the recommendations of the commission. The Smith bill passed the Senate without material alteration. The Hughes bill was reported to the House with some changes, the principal one being the constitution of the board.

In the original bill the Federal board was composed of the Postmaster General, Secretary of the Interior, Secretary of

Agriculture, Secretary of Commerce, and Secretary of Labor. In the amended Hughes bill the board is to consist of the Commissioner of Education and four associate members to be appointed by the President.

NATIONAL CONTROL.

It is not the purpose of this bill to supersede or supervise the great work of educating the people now so successfully carried on by the States.

The need of special work has become manifest. This work will require large additional outlays. It is entirely proper that the General Government shall stimulate and assist in this work. The entire work of supervision, teaching, and administration is left with the States. The only limitations placed upon the States are those which are intended to insure the application of the funds for the purposes intended.

It has been strongly urged that appropriations from the National Treasury for educational purposes are not authorized by the Constitution. That was one of the grounds upon which President Buchanan based his veto of the first Morrill bill. But Abraham Lincoln was at least as good a lawyer and as great a statesman as James Buchanan, and he approved the Morrill bill. It should be remembered that James Buchanan also vetoed the homestead bill, which Abraham Lincoln afterwards signed. Buchanan also considered the homestead act unconstitutional.

Altogether, the National Government has granted for schools and colleges nearly 150,000,000 acres of land from the public domain.

Nor have its grants been limited to land alone. Since 1887 direct appropriations of money from the Treasury have been made in many instances. It is too late now to question the constitutional right of the Government to aid the States in any project of education, broad enough in scope to be considered national, and making for the general welfare of the whole people of the Union.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. I am very strongly in favor of this legislation, and I have no doubt of its constitutionality; but I want to ask the gentleman whether there is not a distinction between making grants of land or even appropriations of money to the States for educational purposes and establishing a supervisory board which shall have executive duties in regard to such education? Is there not quite a distinction between those things, and are we not in this bill, as we were in the good-roads bill, really assuming activities that we formerly thought were not within the scope of the Federal power?

Mr. TOWNER. Mr. Chairman, I recognize the strength of the suggestion, but I think that it can hardly be said that the bill establishes a supervisory board with executive duties. The bill itself establishes standards, or rather requisites, compliance with which entitles the States to their quota; and the board has little to do beyond determining whether the States have complied with the requirements of the bill. I think the gentleman will agree with me that where conditions are imposed by the terms of an act it is entirely proper to leave to some executive department or to some board or commission which Congress may create the duty of determining whether or not those conditions have been met, and that is all this bill does.

Mr. BORLAND. I heartily agree with the gentleman. I think it is unwise for the Federal Government to grant either appropriations of money or land donations unless it reserves to itself the right of supervision and control over the expenditure of that fund; and yet it does seem to me that it is a departure from the real old-fashioned ideas of State rights, which jealously exclude the Federal Government from any of these activities.

Mr. TOWNER. Well, I hardly think, I will say to the gentleman, that this bill goes too far. The gentleman will observe that by the terms of the bill the immediate application of the fund is left with the States. This is not only wise for constitutional reasons, but also because the needs of the States and localities are so varied that it would be impossible to frame general provisions that would be adapted to the needs of the whole country and each particular locality. The State boards, however, are acquainted with local conditions and can wisely and intelligently make application of the funds.

THE COST.

It is admitted that vocational teaching is expensive. The requisite apparatus and material make it so. But on the other hand, there is no other form of education that makes so immediate and so large financial returns. The demand is constant and insistent for skilled labor. The educated mechanic and artisan are in greater demand and command higher wages than ever before. We are the most intelligent of peoples, and have more initiative and adaptation. And yet we are behind other nations in efficiency. Under normal conditions 65 per cent of our exports are unmanufactured, crude products. Every bushel of grain, every bale of cotton, every bar of iron or copper that we send in that form across the seas to be there formed for service by more skilled hands is a confession of our own ignorance, incompetence, and inefficiency.

Appropriations for the industrial education of our people can not be called extravagance or wastefulness. It is not a gratuity, it is an investment. It is not a charity, it is an advancement. As an investment, it will pay better returns than any other that can be proposed. As an advancement, it will bring us not only interest, but the accumulated profits of a larger prosperity and a better citizenship.

AGRICULTURAL TRAINING.

The improvement and development of rural life in the United States is of immense importance. If it shall not keep pace with the progress of the times and the growth and development of the Nation in other regards, the results will be not merely unfortunate but calamitous. We have as a heritage the greatest national resources for agricultural production and development of any nation in the world, greater even than all the nations of Europe combined.

Farm life in the United States offers the surest, healthiest, happiest means of livelihood. But neither happiness nor success can be obtained on farm, plantation, or ranch without knowledge. The drudgery of farm life which has been so marked a feature in the past, and which still discredits it in the general esteem, will slowly disappear in the light of wider knowledge and better methods.

Science has touched farm life as with a magic wand, and it has blossomed beneath its potent touch. In the sunny Southland where one-third of a bale of cotton has with difficulty been obtained from an acre of land, it has been demonstrated that three bales can be added to the Nation's wealth. On the broad prairies of the West, where 15 bushels of corn per acre by hard and arduous toil were in the years gone by secured, 75 bushels are now being added to the food products of the world. In the farther West, where on the sandy barrens nothing but burrs and cactus were found, millions of acres of wheat are now yearly yielding their golden store. A machine does the work of a dozen men. Swine and cattle and horses have doubled in average size. Farm appliances have multiplied and cunning inventions lessened toil.

This and more science has done and can do for agriculture. Still these are individual instances. Unfortunately, general conditions are not so good. Our average yield of wheat per acre is 15 bushels. That of Germany is 32 bushels. We have the superior soil and climate; Germany superior knowledge and skill. We can easily double our present average production of cotton and corn. What is needed is better education, wider knowledge, vocational training.

Ignorance not only prevents success, it brings disaster. We have not only the largest agricultural area, but the richest and most productive soil in the world. But our virgin soils of almost unlimited original fertility have been and are being despoiled of their productive capabilities by our wasteful, improvident methods of farming. We have been stealing our stored-up wealth of nitrogen and potash and humus, and not restoring them. And restoration can easily be made by rotation of crops, by fertilization, and by better methods of cultivation. But that, too, demands knowledge, education, vocational training.

In our extension work so successfully inaugurated by our Department of Agriculture in collaboration with the State agricultural colleges, and in our experiment stations, we are taking to the adult farmer of to-day these lessons as well as we can. But the greater need is to teach the boys of to-day who will be the farmers of to-morrow these lessons so important and necessary. This is vocational education.

It is singular how educational methods have been controlled for so long in the interests of the professions and the merely theoretical branches of knowledge. It has been considered important to solve a problem in geometry, but not of any value to be able to analyze soils. It has been considered a great accomplishment to parse a sentence, but not necessary to know how to test seed corn. It has been deemed essential to name the boundaries of Bolivia, but of no importance to judge live stock. The boys' and girls' clubs have shown what a combination of scientific knowledge with youthful enthusiasm can accomplish. It is to spread abroad this knowledge, and to vivify and fuse it with the energy and ambition of all rural young America that vocational training in agriculture is intended.

IN INDUSTRY AND TRADE.

From 85 to 90 per cent of our boys in the cities leave the schools in the grades. Less than 8 per cent graduate from our high schools. Less than 3 per cent attend college.

Leaving schools as most of them do at 14 or 15 years of age, they go out into the life of the world unprepared for its duties, undeveloped in capacity, untrained in judgment. Not qualified for effective work, and unable to obtain a job, idleness like a blight settles upon them. The lure of vice and crime is ever before them. It is a wonder so many escape becoming degenerates and criminals.

It is believed that by making vocational training an adjunct and supplement of our present school work two things can be accomplished. First, it will keep the youth in school a longer period and so increase their store of general knowledge. Second, it will so vocationally prepare them that immediately on leaving school they may go into remunerative employment without the intermediate period of idleness or desultory work.

It has been well said that a vocational education helps a boy "to find himself." It enables him to become at the outset of life independent. It is democratic, because it makes skill and efficiency the criterion of success, rather than wealth or social caste. It impresses, as nothing else can, the dignity of labor. It makes idleness disgraceful and loafing a reproach and a shame. Socially it will be valuable, politically it will be beneficial, economically it will be indispensable.

In the trade wars which will surely come when the European wars shall end the nation which depends for its skilled labor upon those prepared only by the "rule of thumb" will be forced to surrender to the trained armies of industry, who will win every victory because they will be better prepared.

We are greatly concerned about our military preparedness, and are spending hundreds of millions to correct our defects in that regard. But apparently we are little concerned about our industrial preparedness. We have seen our commerce driven from the seas. We have seen the markets of the world controlled by our trade rivals. We only prosper under normal conditions by furnishing with rude work the raw material for those better trained to fashion for use. Theirs is the higher employment. Theirs is the greater profit. With the greatest opportunity, with the greatest natural resources, with the best human intelligence available in all the world, we see ourselves vanquished in every industrial campaign. Our indolence, our conceit, and want of preparation are our constant menace.

Every boy vocationally trained is a vital factor in our problems. He is taken from the waste and useless, or the dangerous and destructive class, and immediately becomes a dynamic unit making for the progress of our industries and the development of our trade. There is no investment that society can make that will yield such large dividends as an industrial organization trained and effective. There is no adjunct making for social betterment and a wider diffusion of happiness than industrious, ambitious, energetic workingmen. There is no better way to elevate and dignify labor than to train it, to educate it, to make it efficient. That is why industrial education is so necessary. That is why the Government must become interested in the vocational training of its citizens.

HOME ECONOMICS.

Home economics is a much more comprehensive term than would probably be inferred. In its broad sense it is the science of home making. It includes all those means by which the conditions of home life in America can be improved.

Elementary studies would include heat, light, water, and sanitation. Cooking, sewing, the growing of food, its preparation, and preservation; the making, purchase, care, and repair of clothing; the care of babies and children; the means and taste in making the home attractive—these are among the things that will occur to everyone.

Besides, the true home maker should know how and have the means to give first aid to the injured, should understand the preparation of foods for invalids, the value of foods that enter into daily consumption, both on the market and as body builders. She should understand ventilation, hygiene, practical physiology, the prevention of preventable diseases, house planning, laundry work, all forms of useful and decorative needlework, household decoration, and household bookkeeping.

There can be no more important work than to aid directly and efficiently in home making. Ninety out of every 100 girls in the United States leave school in the seventh and eighth grades. Without any knowledge of the practical affairs of life, without any experience except that derived from observation, they go into the world to become the mothers and home makers of America.

Under present conditions the girls' education is more directed to the making of school-teachers or shopgirls than to the making of home makers.

Medical authorities tell us that 500,000 deaths occur each year in the United States from preventable diseases. The economic waste and human suffering from illness not resulting in death that could have been avoided by a greater knowledge of hygiene and sanitation is beyond computation. The infant mortality in the United States is now about 13 for every 1,000 of the population. This could be reduced, as has been practically demonstrated, to at least 4 for every 1,000 by merely a wider diffusion of knowledge and the application of known and easily applied rules of health.

The greatest of all vocations is that of home making and motherhood. The American home is our surest safeguard, as it is our surest source of happiness. Our home makers are our real nation builders.

Every girl should be fitted for home making and for motherhood. No matter what may be the intermediate means of livelihood, it is as a wife and mother that she will attain her fullest development and fulfill her manifest destiny. It may be well for her to prepare to earn her own living, but it will be unfortunate for her and unfortunate for the Nation if she be not prepared as well for home making and motherhood. This is why the subject of home economics is of so great, so supreme importance.

Mr. Chairman, I am not going to take any further time of the committee unless there are some questions in the minds of Members which they desire to present.

Mr. RUSSELL of Missouri. The gentleman has studied this question and no doubt can advise me. There are some matters which have suggested themselves to my mind in connection with the bill. It is provided that the States shall in some way provide a board to give attention to the expenditure of the funds in the several States. Now, will the State boards provide the places where this money is to be expended?

Mr. TOWNER. Certainly.

Mr. RUSSELL of Missouri. They could, if they desired, give it to one institution in the State, the university of the State, for instance?

Mr. TOWNER. I hardly think so under the terms of this act.

Mr. RUSSELL of Missouri. I find the State board is to file plans of the way in which the money is to be expended, and that must be approved by the national board, but I think in all probability the action of the State board in determining where it should be expended would be approved by the national board, and it seems to me that there may be danger of this fund not reaching the State at large but that it might be confined to a few.

Mr. TOWNER. I will say to the gentleman that somewhere must rest responsibility for the distribution of the funds. If we have this double check upon an unwise distribution or application of them, it occurs to me we are pretty well guarding its use.

Mr. RUSSELL of Missouri. It seems to me that the money ought to be, by the State board, fairly distributed in all sections of the State among the institutions that are now maintaining successfully departments of agriculture and of other subjects as are provided and required to be taught by this bill.

Mr. TOWNER. I quite agree with the gentleman.

Mr. FESS. Will the gentleman yield to me?

Mr. TOWNER. I will do so very gladly.

Mr. FESS. In reference to the application of it, no university would get any of this money save that particular portion which is intended to teach or to train the teachers for this kind of work, and the limit of that amount is $1,000,000, while $6,000,000 is to go for the payment of teachers for doing the work.

Mr. RUSSELL of Missouri. Now, the Missouri State University has a department of agriculture. Would not they get a part of this money?

Mr. FESS. Not unless it is under the college grade. There is a provision that none can go for teaching above the college grade.

Mr. RUSSELL of Missouri. I know the gentleman has given this a great deal of study.

Mr. FESS. No; it can not be applied to anything above the college grade; it has to be under the college grade.

Mr. RUSSELL of Missouri. Then, it could probably be applied to the high schools of the State which teach agriculture?

Mr. FESS. They would on the requirements of the State board; yes.

Mr. RUSSELL of Missouri. I understand from the gentleman it might include the high schools, but not the State universities?

Mr. FESS. Yes; those schools under public control.

Mr. TOWNER. Not exclusively the high schools. The gentleman is well aware that in many of the States consolidated rural schools are being formed that can very well use this fund, or part of it, as well as other schools under the college grade.

Mr. RUSSELL of Missouri. Well, that will meet with my approval in every way. I think it ought to be distributed over the State so as to benefit equally the people of all sections of the State.

Mr. FESS. That is the idea.

Mr. TOWNER. I will say to the gentleman that is the principal object of this legislation. Mr. Chairman, I reserve the balance of my time.

Mr. POWERS. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] has given a very able dissertation upon the general purposes of this bill. I think I shall take the bill up rather section by section, and I shall explain, as well as I can, the purposes of the bill as gathered from its various sections. Section 1 of the bill sets out its general purposes. It provides there shall be authorized to be annually appropriated to the States certain sums of money, which other sections of the bill set out, for the purpose of cooperating with the State in paying the salaries of teachers, supervisors, and directors of agriculture subjects and of teachers of trade and industrial subjects and in the preparation of teachers of agriculture, trade, industrial, and home economics subjects, and there is another section—section 7—that sets out that $200,000 shall be annually appropriated for the use of the Federal board.

It will be observed, then, that section 1 sets out that the purposes of these appropriations are, first, for the paying of the salaries of teachers, supervisors, and directors in teaching agricultural subjects; and, second, paying the salaries of teachers in trade, home economics, and industrial subjects. The third appropriation is for the purpose of paying the salaries of teachers who instruct teachers to teach these various branches. I want to say at this point that the Committee on Education has had a meeting or two since the beginning of this session of Congress, and it was our purpose to go over this bill again section by section and see whether or not any members of the committee had any amendments to offer to the bill. The lack of time has prevented us from doing this. This bill was unanimously reported by the Committee on Education on the 12th of February last. Some of us have been giving some study and investigation to it since that time, and since this bill can not be acted on until after the holidays I am going to suggest to the committee certain amendments, which, I think, ought to be incorporated in the bill, and I will do that as I go along. Then they will have an opportunity to look it over between now and the convening of Congress after the holidays. I hope we can have a meeting before Congress convenes after the holidays and go over all of them carefully.

We set out here, for instance, in section 1, that the money shall be used to pay the salaries of teachers, supervisors, and directors of agricultural subjects, but when we come to the teachers of home economics and industrial subjects we leave out the words "supervisors and directors." My judgment is that we have just as much use and need for paying of the salaries of supervisors and directors in the teaching of these other subjects as we do in the teaching of the subject of agriculture. And on page 1, line 9, I shall offer an amendment to add the words "supervisors and directors."

Section 2 of the bill provides that this appropriation which the Federal Government is to make shall be paid for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects. It authorizes an appropriation of $500,000 for the fiscal year ending June 30, 1917, for this purpose. Each year thereafter this amount is to be increased until the year 1925, when it reaches the sum of $3,000,000, and annually thereafter $3,000,000 is to be appropriated for this purpose.

Mr. FESS. Will my colleague yield there?

Mr. POWERS. Very gladly.

Mr. FESS. The agricultural work admits, or rather invites, the supervisor and the director, because the recitation work would be done largely in the winter months, and the demonstration work, under the head of director or supervisor, would be in the spring and fall months, when farming could be properly done, outside, of course, of the wintertime.

Mr. POWERS. Yes.

Mr. FESS. Now, we saw no particular reason why the Government should furnish money for directors and supervisors of trade and industrial teaching, largely because those people do not exist as they do in the agricultural work. We would be legally creating what are not now in existence. And that is why the commission, before it got to the committee, omitted "director and supervisor of trade and industrial subjects."

Mr. POWERS. I will say to the gentleman that it is not my purpose at this particular time to enter into a discussion of the reasons for the amendments which I propose to offer. I hope to do that when we consider the bill under the five-minute rule. I do not want to consume too much of the time of the House, and it will take a good deal of time to explain the provisions of the bill section by section. I thank the gentleman, however, for the information he has extended.

Now, this $3,000,000 that is to be paid in salaries for the teachers of these agricultural subjects annually is to be apportioned to the various States in the proportion that the entire rural population of a particular State bears to the entire rural population of the United States, not including the outlying possessions. This bill further provides that up to 1923 from the time this act takes effect that no State shall receive less than $5,000 in its allotment, and from 1923 it shall not receive less than $10,000. The idea of the commission was that money less than those amounts going to a State would not be of any practical value.

Mr. HASTINGS. Will the gentleman yield?

Mr. POWERS. I gladly yield.

Mr. HASTINGS. How is this money expended in the States under this provision? Suppose the gentleman's State of Kentucky was to get $30,000 or $40,000. To whom does that go, and what authority in your State says how it shall be contributed or used and in what schools it will be used?

Mr. POWERS. This bill provides in section 5, I believe it is, that the legislatures of the various States must accept by legislative enactment the provisions of this bill and create or designate what is known as a State board composed of not less than three parties. Now, this State board will act as the agent of the State. This Federal board will act as the agent of the Federal Government in working out, or applying, rather, the provisions of this bill, if it should become a law.

Mr. RUSSELL of Missouri. There is no provision in this bill, is there, providing for the payment to any State its share of this fund until the State by legislative act provides some way for paying a like amount out of the State funds?

Mr. POWERS. The gentleman is correct.

Mr. RUSSELL of Missouri. Now, the question I asked the gentleman from Iowa [Mr. TOWNER] a moment ago I would like to ask you; don't you think this bill should be amended so as to provide in some way that my State and other States shall not lose their part of this fund pending the session of the legislature, that may not convene for two years or more after this bill becomes a law?

There is $500,000 to be paid, I believe, in this fiscal year under this bill?

Mr. POWERS. Yes, sir. More than that.

Mr. RUSSELL of Missouri. Five hundred thousand dollars in this fiscal year, as I understand.

Mr. FESS. Three times five hundred thousand dollar funds; total, $1,500,000.

Mr. RUSSELL of Missouri. Whatever it may be. The legislature of my State will convene now in about two weeks, and it sits only 70 days, and it will probably adjourn before this becomes a law. There will be no other session of the legislature unless a special session is called. What is the probability of the State of Missouri getting its share of this fund pending the session of the legislature that may be two years off?

Mr. POWERS. I will say to the gentleman from Missouri that section 5 sets out that after June 30, 1918, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, unless it has complied with the provisions of this law in regard to paying the salaries of teachers to train teachers to teach these subjects.

Now, I agree with the gentleman from Missouri [Mr. RUSSELL] that that ought to be moved up a little bit; that 1918 will not possibly be time enough to give the various States opportunity by legislative enactment to accept the provisions of this bill.

Mr. RUSSELL of Missouri. The State of Mississippi has a session of the legislature but once in four years.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. POWERS. Yes.

Mr. FESS. The limit of 1918, there, is applied to this provision?

Mr. POWERS. Yes; as to preparing teachers to teach.

Mr. FESS. It is provided that if any State does not care to accept all these features, the agricultural training and the trade

and economic teaching, it can take any one of the three; but the States are required to use but the portion for 1918 for the training of teachers. Otherwise they can not get what they want. In other words, if they do not use the portion for teaching up to 1918, they can not have an option.

I think, with my colleague, it is proper for us to move that date up so as to include the situation that the gentleman from Missouri [Mr. RUSSELL] says exists there, and the situation that Alabama has and Mississippi also. I think that can very easily be done. The funds will be cumulative, however, so that the States will not lose it. If they can not take advantage of it immediately, they can take advantage of it later on.

Mr. POWERS. If any State should take advantage of this provision as to preparing teachers to teach, later on, they can take advantage of that part relating to the payment of salaries of the teachers to teach, either in these agricultural subjects or the trade subjects or economic subjects. All that they are required to do before 1918 is take advantage of that part of the fund providing that they shall expend so much in the preparation of teachers to teach. So far as the other two divisions of it are concerned, I know of no other limitation than this.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Oklahoma?

Mr. POWERS. Yes.

Mr. MURRAY. Mr. Chairman, in the gentleman's response to the question of my colleague [Mr. HASTINGS] he explained one part of his question, but in order to get it direct I wish to ask him this: Is there anything in the bill that fixes a uniform method of instruction and industry? Is not that left, in other words, to be changed by the boards on the part of the States and the Federal Government?

Mr. POWERS. I shall be glad to point out to the gentleman from Oklahoma, and also to other gentlemen, the provisions of the bill touching that particular question. As I said a moment ago, section 5 provides that the legislature shall accept the provisions of this act and appoint a State board of not less than three people to cooperate with the Federal Government in carrying out the provisions of the law.

Now, this State board is to formulate all the plans for the expenditure of this money. They are to set out what the qualifications of the teachers shall be to teach these various subjects. The State shall provide the equipment and the buildings, and all that. In these plans the State board sets out what subjects are to be taught, except what this bill a little later on sets out. The purpose of this act, so far as the teaching of agricultural subjects is concerned, is to provide training for useful employment. No part of a college grade shall be taught. The pupils shall be over 14 years of age. These State boards shall arrange their program and plans and present them to the Federal board. The Federal board will make sure that the money is expended for teaching agricultural subjects. Such persons only as are entering upon agricultural life or are preparing to enter upon agricultural life or farm-home making are to be taught. These plans will all be submitted to the Federal board. They will either approve or reject them. So far as placing the money in any particular part of a particular State is concerned, or in any particular school, that is left entirely to the State board.

Mr. MURRAY. It does not follow under the law that each State has to have the same plan?

Mr. POWERS. No. Each State submits its own plans. This bill specifically provides that the State may take advantage of one or another of the funds, submitting its own plans, but it must take advantage of the provision requiring the preparation of the teacher within a given period, or it loses the chance to participate in the other funds.

Mr. MURRAY. Has the gentleman noticed the provisions of the Davis bill of a few years ago?

Mr. POWERS. I have not. Other Members may have done so.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS. Yes.

Mr. TOWNER. Mr. Chairman, referring further to the inquiry of the gentleman from Oklahoma [Mr. HASTINGS], the bill provides in section 13, I will say to the gentleman, that the fund is to be delivered to the State treasurer of each State, and it is to be by him disbursed as he may determine in conjunction with the action of the State commission. It is not expected that the requirements will be uniform in the various States. In fact the contrary is expected. It is expected that between the commission here in Washington and the commission of the particular State to be affected they may by conference agree upon the proper disposition of that fund, providing they come under the requirements of the act.

Mr. POWERS. Yes. I thank the gentleman for his further explanation.

Now, referring to section 3. That section provides for the authorization of an appropriation finally to be $3,000,000 annually to be paid in salaries to teachers for the purpose of teaching trades, home economics, and industrial subjects. In other words, $3,000,000 annually, beginning with the year 1925, is to go to the teaching of agricultural subjects under section 2, and under section 3, $3,000,000 is to go annually to the teaching of all three of these subjects—trades, home economics, and industrial subjects.

Section 4 of the bill acts upon a somewhat different theory, just a little bit. That provides that for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects, and of teachers of trades, industrial and home economic subjects, there shall be appropriated for the fiscal year ending June 30, 1917, $500,000. This is increased until the year 1920, when it reaches a million dollars, and it stays at a million dollars each year thereafter. In other words, this is the section which authorizes the money to be appropriated to be paid teachers to train other teachers to teach these various subjects, agricultural, home economics, and industrial subjects.

Mr. COX. Will the gentleman yield?

Mr. POWERS. Yes.

Mr. COX. As I understand it, all this money is to be paid over by the Federal Government to the State board of education in the State, and then it is to be paid out upon order of the State board. Is that correct?

Mr. POWERS. That is hardly correct. As I understand the bill, these State boards act merely as the agents of the States. Now, this money is to be paid to the treasurer of each State, and the legislature of the State must designate that the treasurer of the State shall be the treasurer of this fund, and the treasurer of the State shall pay out the money upon the order of the State board, with the approval of the Federal board.

Mr. COX. Then, instead of my question being answered in the affirmative, it should have been answered, I presume, in the negative, that the salaries of these people employed for the purpose of qualifying teachers to teach the various things here set out in this bill will be paid on the order of the board or commission provided for in this bill.

Mr. POWERS. Yes; that is correct.

Mr. COX. They will fix the salaries?

Mr. POWERS. With the approval of the Federal board.

Mr. SHERWOOD. I understand that this bill is patterned after the technical schools in Germany, to give scientific, technical education. Am I right about that?

Mr. POWERS. So far as the teaching of the people to enter useful employment is concerned, it is patterned after the system in Germany.

Mr. SHERWOOD. That being true, should not this bill provide for a uniform system in all the States rather than leave it to the States to provide the system?

Mr. POWERS. The committee felt—and I think the commission felt—that the various interests in the States were so diversified that it would be a rather difficult thing to frame a bill that would cover all the various States uniformly.

Mr. SHERWOOD. I am in favor of the principle of the bill.

Mr. MURRAY. The gentleman from Missouri [Mr. BORLAND] would like to know whether this bill would compel them to work eight hours?

Mr. BORLAND. I should like to ask whether it would tend to educate men away from the idea of working eight hours? [Laughter.]

Mr. POWERS. I do not think it considers the exact number of hours that anybody shall work. I should like to call the attention of the chairman of the committee and also of the other members of the committee to this suggestion which I want to offer at the proper time. On page 6, line 4, we use the word "preparing" teachers, supervisors, directors, and so forth, to teach.

Now, as I understand it, this appropriation on the part of the Federal Government is to be used in paying the salaries of teachers engaged in the training of teachers to teach. The word "preparing" is perhaps broader than the idea we want to convey. To prepare means to provide with what is appropriate and necessary—to equip and fit out. I think we ought to strike out the word "preparing" and in its place insert the word "training." I think that is the purpose of the committee—to pay the salaries of teachers, supervisors and directors engaged in training teachers to teach, and I believe that word conveys the idea more clearly.

Section 5 of the bill has virtually been gone over. It provides how the State shall accept the provisions of this bill, by

legislative enactment, and create or designate its State board. It further provides how any one State can accept one of the funds or benefits under and not accept under another, provided it prepares its teachers to teach. It must do that.

And I want to suggest further to the chairman of the committee that the word "until," on page 8, line 7, should, I think, be "unless"; and the same thing is true in line 13, page 8.

Mr. TOWNER. Will the gentleman yield?

Mr. POWERS. I gladly yield.

Mr. TOWNER. If the gentleman would just as lief, I would suggest to him that the members of the committee had an informal conference, at which we endeavored to secure the gentleman's presence, but we could not find him, before taking up this bill; and if he will be kind enough to reserve section 6, which refers to the constitution of the board, until we can have an opportunity of talking it over, perhaps it will be better all around, unless that interferes with the gentleman's plan.

Mr. POWERS. It does not interfere at all, except in this particular, that I wish to offer an amendment to this section of the bill, and I thought I might have that read, so that it would appear in the RECORD, in order that the committee might have a chance to look at it during the holiday recess if they desired to do so. However, if the committee feel that we ought to have an informal conference, I will not offer it at this time.

Mr. RUSSELL of Missouri. The bill provides, as the gentleman has just stated, that a State may accept either one of these three objects for which the money is to be expended—that is, agriculture, trade, or economics. There are three divisions, and a State may accept either one or all.

Mr. POWERS. Yes.

Mr. RUSSELL of Missouri. If they accept one, does that mean that they get one-third, or can they get the entire amount?

Mr. POWERS. Section 2 provides that so much shall be appropriated to teach agricultural subjects and section 3 provides that so much shall be appropriated to teach other subjects. It is separated into different amounts.

Mr. RUSSELL of Missouri. I see.

Mr. POWERS. Mr. Chairman, I want to comply with the committee's request, so far as section 6 is concerned. I thought I would put forth the amendment which I have and will offer at the proper time. I will put it in the RECORD so as to let the membership have a chance to read it, unless the committee want me to withhold it.

Mr. LENROOT. I would be glad to have the gentleman do that. I would like to get the gentleman's ideas on this section.

Mr. POWERS. I will state that section 6 is possibly the section that will create the most contention. The Senate has enacted Senate bill 703, and it provides in section 6 that the Postmaster General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Labor, and the Secretary of Commerce shall constitute the Federal board. The Commissioner of Education shall also be one of the members.

The bill as presented by the Committee on Education has taken a different plan. Our bill provides that the Commissioner of Education shall be the chairman of this board; that there shall be four other members appointed by the President, no more than two of whom shall affiliate with one political party. After giving this subject very careful consideration, I have come to the conclusion that neither one of these suggestions should be adopted, but that we ought to have a different sort of a board. I will ask the Clerk to read the amendment, which I will offer at the proper time along this line.

The Clerk read as follows:

Strike out all of section 6, on page 8, from lines 17 to 25, inclusive, and the words "per annum," first line on page 9, and insert in lieu thereof the following:

"That a Federal board for vocational education is hereby created, to consist of five citizens of the United States, four of whom shall be appointed by the President. Not more than three members of said board shall be of any one political party. One of these members shall be an employer of labor engaged in manufacturing, one an employer engaged in commercial pursuits other than manufacturing, one a representative of labor, and one a person engaged in agriculture. The Commissioner of Education shall be a member of the board. The board shall elect annually one of its members as chairman.

"In the first instance one of the members of the board shall be appointed for six years, one for five years, one for four years, one for three years, and the successors in office of such officers shall be appointed for a term of six years.

"The members of the board shall be paid for their services on the board a salary at the rate of $5,000 per year, said salary to be paid out of the money appropriated for the work of the board in section 7 of this act: *Provided*, That the Commissioner of Education shall not receive for his services as commissioner and as a member of the board a total annual salary of more than $7,000."

Mr. POWERS. I shall make no further comment on the proposed amendment at this time further than to say that the Senate bill contains this provision:

That there shall be selected by the board, among other assistants, a specialist on vocational education, to be the director of all vocational educational work, at a salary of $7,500 per year; a specialist in agricultural education, at a salary of $7,000 per year; a specialist in education in trades and industries, at a salary of $7,000; a specialist in education in home economics, at a salary of $5,000; a specialist in commercial education, at a salary of $7,500 per year, who shall be paid out of the appropriations provided for in section 7.

The bill that we have presented to the House does not contain any section along this line, but merely provides, as I said awhile ago, that the Commissioner of Education shall be the chairman of the board, and that the other members shall be appointed by the President. My judgment is that if our bill is finally accepted we ought to have a provision in it in the way of covering not exactly this provision in the bill but something along this line. I will ask the Clerk to read that.

The Clerk read as follows:

On page 10, following line 19, add a new section, as follows:

"SEC. 6b. It shall be mandatory upon the Federal board for vocational education to appoint from time to time advisory committees made up of persons representing industry, commerce, labor, agriculture, home-making or general or vocational education, to assist them by advice in the administration of this act; but not more than $50,000 shall be expended by the board in any fiscal year for this purpose."

Mr. POWERS. Mr. Chairman, I want to state to the membership that this bill was unanimously reported out by the Committee on Education, and, whether any of these amendments that I propose are adopted or not, I shall support the bill. I regard it as one of the greatest pieces of constructive legislation that has been presented for the consideration of this body since I have been a Member of it.

Section 7 of the bill provides that an annual appropriation of $200,000 shall go to this Federal board for the purpose of carrying out the provisions of the act, and the duties of the Federal board are set out in section 6. It provides:

It shall be the duty of the Federal board for vocational education to make or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics.

This money is to be expended largely along that line.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. POWERS. Yes.

Mr. FESS. The Senate bill provided this board of experts for investigation.

Mr. POWERS. Yes.

Mr. FESS. The commission authorized that power without specifying who those persons should be. The only difference between the House bill and the gentleman's proposition is that the House bill carries that power, and this section appropriates the $200,000 for the purpose, and we thought it was a little better to omit specifying that there should be a board made up of specialists, but to leave that with the Federal board to use its discretion, so that I think what the Senate has in its bill and what the gentleman suggests in his amendment is already carried, in fact I know it is carried, within the section, but it is not specified. That is the only difference.

Mr. POWERS. The section, as I understand it, provides that this board shall employ whatever assistance, and so forth, may be necessary to carry out the provisions of the act.

Mr. FESS. And those provisions to be carried out are to make these special studies or investigations which the gentleman mentioned a moment ago. The provision of the Senate bill to which I refer is as follows:

Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships; trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home processes and problems and requirements upon home workers; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects; and problems, requirements, and methods for the proper training of foreign-born persons for intelligent citizenship and industrial efficiency.

The difference is that we have specified what is to be done, while the Senate bill appoints this special board to be paid out of the $200,000 appropriation, and as I understand the gentleman's amendment, it is something approaching the Senate bill. However, we thought it would be better, specifying what is to be done, to allow the latitude in the Federal board to appoint these commissioners, rather than to have them appointed by virtue of authority granted here.

Mr. POWERS. The gentleman refers to my second amendment?

Mr. FESS. Yes; the last one.

Mr. POWERS. I would remind the gentleman from Ohio [Mr. FESS] that section 7 of the bill further points out that the Federal board for vocational education may allot any part of

such appropriation to any United States department or bureau, for the purpose of making any study or investigation or any part thereof under the provisions of the act.

Mr. FESS. Yes.

Mr. POWERS. In other words, if this board should be composed of educators as suggested, with the Commissioner of Education, of course, himself an educator, it would be within the power of the board to allot the entire $200,000, or any part of it it might deem proper to the Bureau of Education to make these investigations. Those of us who are afraid that a Federal board would be appointed largely of educators believe that this section 6 should be so amended that the great industries of the country that this bill proposes to try to reach and help should have representation on the board, and that they should be called in from the fields of agriculture, and that the commercial interests should be represented, and that the educational interests should be represented. The purpose of the bill is to reach and prepare the students for useful employment. That is the idea of it; that is the foundation of it; that is the reason of its existence. Statistics show that less than 2 per cent of the students who enter the schools finally go through college or the university. Statistics further show that of the people who finally enter the high schools not 1 in 10 ever go through the high schools of this country.

Mr. FESS. I am aware of those figures.

Mr. POWERS. Forty per cent of the students leave school before they reach the age of 14 years. Seventy per cent leave before they reach the age of 15 years and 85 per cent leave before they reach the age of 16 years. Now, this bill specifically provides that none of this money shall be used in teaching folks in the college grade, and it specifically provides that the purposes of this appropriation, the meaning of the act and the reason for its existence, is to teach the students some useful trade at which they can make a living with their hands after they leave the schools at the ages of 14 to 16 years. I now gladly yield to the gentleman.

Mr. FESS. I was referring not to the gentleman's amendment on section 6, but I was referring to the amendment that was given in lieu of the Senate amendment providing for specialists.

Mr. POWERS. It was not necessarily in lieu of the Senate amendment, I beg the gentleman's pardon, and if our bill goes through as we have framed it we will still leave the entire discretion to the board, the Commissioner of Education, and the four people to be appointed by the President. There is no provision in our bill at all along the line that the Senate has or along the line of the amendment I have suggested.

Mr. FESS. The power is in the section?

Mr. POWERS. The power is there. I agree that the power is there.

Mr. FESS. Now, would my friend yield?

Mr. POWERS. I will gladly yield.

Mr. FESS. In the discussion of the constitution of the Federal board there were a great variety of opinions. One man to whom we felt like yielding considerably wanted an ex officio board entirely and wanted the executive officer of that board the Commissioner of Education in the belief that nearly all the work would be done by the commissioner and the ex officio board would be made up of Cabinet members in order that we might work through these various executives heads. That was that contention. Then there were others who wanted a board of three ex officio members and four associate members, one of them to be the commissioner and the three ex officio members were to be the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. They wanted to link up the associate members, who would be the working element, with the governing authority of those three departments. Then there was still another contention, that we ought to have it organized on the basis of the Federal Reserve Board and let the ex officio members be the Secretary of the Interior, then let his subordinate, the Commissioner of Education, be a member of the board, and four other associates and have, say, the Secretary of the Interior at the head, the Commissioner of Education, and the four associates, so there was not any serious contention. It was just simply a sort of compromise and I do not think that the committee is going to be insistent at all upon any particular one of these.

Mr. POWERS. As I said to the gentleman from Ohio, I propose to support the bill whether any of these amendments are adopted or not. I simply offer them at this time so that members of the committee as well as Members of the House may have a chance to consider them if they desire.

Mr. LENROOT. Will the gentleman yield?

Mr. POWERS. I will yield.

Mr. LENROOT. With reference to section 7 and the maintaining of these advisory committees. If I understood the gentleman he conceded in reply to the question of the gentleman from Ohio [Mr. FESS] that under section 7 this board would be entirely free to appoint such advisory committees as have been mentioned by the gentleman. I want to ask him whether under section 7 the Federal board is not practically directed, in connection with the language of section 6, to make all of these investigations, through existing departments, and without some amendment there is not that discretion of which the gentleman speaks.

Mr. POWERS. I am not quite sure whether they are virtually directed to do it or not, but they have the power to do it.

Mr. LENROOT. The language is that they are required "so far as practical" to make these studies through these various departments.

Mr. POWERS. I believe that is the language of the section itself.

Now, I do not want to occupy too much of the time of this committee. I will speak of one further matter, and then if there are any questions——

Mr. HASTINGS. Before the gentleman gets away from the board that is provided for in section 6 of this act, I wish to say that I do not see any length of time for which this board can be appointed reported to the House. Is it four years?

Mr. POWERS. I think there is a provision covering that.

Mr. HASTINGS. Where is that found?

Mr. FESS. In section 6.

Mr. POWERS. Four years is the time.

Mr. TOWNER. It is found in line 22, page 8.

Mr. HASTINGS. I see; the last two lines at the bottom of page 8.

Mr. POWERS. I have a suggestion and observation that I would like to make concerning section 8. It provides that in order to secure the benefits of the appropriation for any of the purposes specified in this act the State board shall prepare plans showing the kinds of vocational education for which it is proposed that the appropriation shall be used, the kinds of schools and equipments, courses of study, methods of instruction, qualifications of teachers, and so forth, and that these plans are subject to the approval of the Federal board.

Here is one suggestion I want to offer to the chairman and the other members of the committee, and that is this, that this section as it now stands puts it up to the Federal board to accept the plans provided for by the State boards. They can either accept or reject, as they see fit. But there is nothing in the section which gives the Federal board the power to pass upon the real work done in the schools. The plans of the various States might be satisfactory, and yet the real work of the school might be very far from satisfactory. I think that not only the plans put up to us by the State boards should be satisfactory, but that the real work to be done in the schools should meet the approval of the Federal board.

Mr. FESS. Will my colleague yield?

Mr. POWERS. I gladly yield.

Mr. FESS. That provision says "plans," and then it goes on with other features, such as teachers, qualifications, methods of teaching, and so on.

Mr. POWERS. That is true.

Mr. FESS. And I think the results of the work would fall under that. I think that what my colleague said is pertinent, but I believe it is included in the bill.

Mr. POWERS. Well, these things ought to be submitted by the State board. I agree with my friend from Ohio [Mr. FESS] that the qualifications of teachers and plans and methods, and all that, are to be submitted by the State board. In other words, under the word "plans" these things are all included; and if these plans "meet the provisions of this act"—is the language here—if the plans submitted be in conformity with the provisions of this act, then it is up to the Federal board to approve the plans. The point I make is that the plans might be all there, and at the same time the quality of the teaching, the worth of the thing done, might be far from meeting the approval of the Federal board.

Mr. FESS. If any one of these items, like the method of teaching, would fall below the requirements of the Federal board, the Federal board could cure it by refusing the Federal allowance until that was corrected.

Mr. POWERS. That is very true.

Mr. FESS. And I was going to say, too, that that provision answers the question raised by the gentleman from Oklahoma [Mr. HASTINGS] a while ago as to the uniformity. The plan does not have to be uniform in all the States.

Mr. POWERS. I understand.

Mr. FESS. As the Members said, there was a great diversity.

Mr. POWERS. My suggestion is that the plan should not only meet the approval of the Federal board but the real work done should meet its approval.

Mr. RUSSELL of Missouri. Mr. Chairman, if the gentleman will permit, the language covering that idea is as follows:

The State board shall make an annual report to the Federal board for vocational education on or before September 1 of each year on the work done in the State and the receipts and expenditures of money under the provisions of this act.

That is at the bottom of page 11.

Mr. POWERS. That may cover the work done.

Mr. FESS. There is another provision, that when it does not meet the approval of the Federal board the State board will be punished by receiving no further allowance.

Mr. RUSSELL of Missouri. I understood the gentleman from Kentucky to say that this does not provide that State boards shall report to the Federal board on the work done. I think the language does cover that item.

Mr. POWERS. I am inclined to think that the gentleman from Missouri is correct in his contention, as well as the gentleman from Ohio. I had failed to note carefully that section of the bill.

Now, Mr. Chairman, unless there is some further question, I shall not occupy further time of the House. There are others here who desire to be heard.

The CHAIRMAN. The gentleman from Kentucky yields back the remainder of his time.

Mr. HUGHES. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Massachusetts [Mr. DALLINGER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. DALLINGER] is recognized for 10 minutes.

Mr. DALLINGER. Mr. Chairman, it is not my intention to go into the details of this bill now pending before the House. That has already been thoroughly done, first, by the distinguished chairman of the Committee on Education at the last session of this Congress, and next at this session by my learned friend, Dr. FESS, of Ohio, during the general debate on the Indian appropriation bill. Both of these gentlemen were members of the original commission which investigated this subject very carefully and exhaustively.

What I shall attempt to do in the brief time allotted to me is to point out the vital connection between his proposed legislation and certain other questions that have been engrossing the minds of the American people.

Throughout the last session of Congress the question uppermost in our minds was that of national preparedness. We were particularly concerned and the people of the country were particularly concerned with military and naval preparedness. Congress voted the largest appropriations for the Army and Navy ever made in the whole course of our history. In order to meet the demands of this expensive program for national defense we were obliged to resort to greatly increased taxation, thus diminishing the wealth of the Nation for purposes of destruction without any provision for replenishing the loss thus created. It must be evident that if we are to continue along this line—and the exigencies of the times in which we live seem to render it necessary—there must be a conservation of our national resources, another problem in regard to which much has been spoken and written in recent years.

A great deal of attention has been devoted to the conservation of our forests, our mines, and our water power, but very little regard has been paid to the conservation of our labor supply, upon which all production in the last analysis depends.

In this regard we are far behind the other great nations of the earth. The census of 1910 shows that in the United States only 38 per cent of the population were bread winners, whereas in France the percentage was 48; in Italy, 53; and in Austria, 55. In Great Britain 64 per cent of the population are engaged in manufacturing, mining, trade, and commerce, whereas in the United States it is only 40 per cent. More important than the construction of battleships and the purchase of munitions of war is the conversion of our large percentage of idle consumers into producers of national wealth. Hundreds of thousands of boys who are now running wild in our large cities can by industrial education be turned from paths of vice and crime into self-respecting, self-supporting, and contented, productive laborers. Moreover, while each year 3,000,000 boys and girls graduate from our elementary schools, an equal number, most of them less than 14 years of age, leave school by the end of the sixth grade, not fitted in any way to earn a livelihood and without any particular aim in life. Not only that, but a large proportion of those who do graduate from the elementary schools and have the opportunity to secure a high-school or academic education are fitted only for general clerical work, and help only to still further increase the supply of a kind of labor already very much underpaid. Everywhere there are thousands of young men wasting their efforts along unprofitable lines of endeavor who would be valuable members of society if they could only have had the advantages of a special training in their earlier years.

Mr. Chairman, I am very proud of the fact that my city of Cambridge, Mass., was almost the first, if not the first, city in this country to establish a manual training school, known the country over as the Rindge Technical School. Over the main door of that school building, which was given to us by the generosity of one of our public-spirited citizens, in letters of gold are written these words:

Work is one of our greatest blessings. Everyone should have an honest occupation.

Now, the great purpose of this bill, the great fundamental principle underlying this bill, is to promote industrial education, not in our colleges, because a very large percentage of our boys and girls never have an opportunity to go to college, but in our secondary schools, and that sort of industrial education is absolutely essential to the conservation of our national resources and to any real national preparedness.

Another question in which a great many people are interested is the divorce evil, which has come to be a national scandal. Now, it is a well known fact that a very large proportion of the divorces in this country to-day might have been avoided if the girls had been good home makers. One of the objects of this bill is to establish throughout the country the teaching of home economics in our public schools so that the women of to-morrow may become good home makers and good mothers. It is estimated that every year at least 500,000 infants die under 2 years of age in the United States, while at the same time millions of children fail to reach their best physical development because their mothers and fathers do not understand how to properly care for them. Moreover, it has been estimated by the American School of Home Economics that at least $1,000,000,000 of the $10,000,000,000 annually spent in this country for food, clothing, and shelter could, with greater knowledge and efficiency, be saved and added to the productive wealth of the Nation. The possible economic saving to the people of the United States as a result of the scientific teaching of home economics is beyond calculation.

Still another question which has assumed very great importance and is at the present moment engrossing public attention is the high cost of living. One of the principal reasons for the increase in the cost of food products is the fact that our agricultural production has not kept pace with the increase in population. This in turn is due to the fact that a larger and larger proportion of our population are becoming consumers and a constantly smaller proportion are becoming producers. In support of this statement I wish to read from the testimony of Mr. Joseph Chapman, jr., chairman of the committee of northwestern State agricultural colleges, at a hearing before the Senate Committee on Agriculture and Forestry in March, 1912, which was referred to by Senator PAGE, of Vermont, the pioneer in the movement for vocational education, in a speech delivered in the Senate in 1912:

We found our boys and girls were leaving the farms and going to the cities. In Minnesota one-third of the population of that State lived in three cities. We went about to find out the reasons why the boys and girls were leaving the farms and flocking to the cities, leaving our men and their wives, who ran the farms, without help, or with very incompetent hired help. It was a discouraging situation. At the Hull House, in Chicago, last June a man made a canvass of the chief lodging houses in that city and found that there were 20,000 young men under the age of 25 who were sleeping in basements where the water would ooze up through the floors and where they would lie down to sleep with nothing but a newspaper between them and the floor. Those young men were from the farms of our Central States—men looking for jobs in cities. We reached the conclusion that it was largely an educational problem. We found in Minnesota that in 1909 there were 435,000 children of all ages in our schools, which schools were conducted at an expense of about $14,000,000 to the State. Of that 435,000, Mr. Chairman, 1,832 were in our agricultural schools and colleges. In other words, Minnesota was educating 99.6 per cent of the coming generation to be consumers and four-tenths of 1 per cent to be producers, and if you think those figures are exaggerated and do not fit in there, look into the situation in your own State, and you will find Minnesota is not alone.

We have drifted away from practical education and have gotten largely into theoretical and what is called intellectual education, so that the problem in Minnesota is now to get the knowledge from the agricultural schools in our great States out to the 1,000,000 people who live on the farms in the State of Minnesota. There are $400,000,000 worth of products produced annually by these million people living on the farms, and yet Minnesota practically stood still in her rural population in the last 10 years, while the great States of Iowa and Missouri dropped backward.

But, gentlemen, it is going to take a very long time before this information is going to percolate and get to the people under our present methods. In our own school system in the State of Minnesota we have changed in the last three years. There are now in Minnesota 80 high schools where agriculture, domestic science, and vocational training are taught, and the reason there are not more is because we can not get the instructors.

Mr. Chairman, it is the main purpose of this bill to provide the several States with a sufficient number of teachers competent to teach these very subjects.

Another reason for the high cost of the necessaries of life is the inefficiency of our agriculture, as a result of which we do not get anywhere near as much production from our farms as we should. In support of this statement I wish to call your attention to a table showing the increase in yield of five staple crops in Germany and the United States, from 1878 to 1909, to be found on page 13 of Senate Document No. 76, Sixty-second Congress, first session.

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878–1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	Bushels per acre.	*Bushels per acre.*	*Bushels per acre.*	*Bushels per acre.*	*Bushels.*	*Bushels.*	*Per cent.*	*Per cent.*
Rye	15.7	29.4	14.5	16.1	13.7	1.6	87.2	10.9
Wheat	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley	24.5	39.4	24.0	24.3	14.9	.3	60.8	1.2
Oats	31.8	59.1	28.7	30.3	27.7	1.6	85.8	6.7
Potatoes	115.5	208.9	98.9	106.8	93.4	7.6	80.8	7.6

From this table the following facts appear:

In rye Germany increased her production 87 per cent, the United States only 10 per cent.

In wheat Germany increased her production 58 per cent, the United States only 14 per cent.

In barley Germany increased her production 60 per cent, the United States only 1 per cent.

In oats Germany increased her production 85 per cent, the United States only 6 per cent.

In potatoes Germany increased her production 80 per cent, the United States only 7 per cent.

The Yearbook of the Department of Agriculture for 1914 shows that in the year 1913 the Empire of Germany, with an area equal to Minnesota, Iowa, and Missouri, produced more barley, almost twelve times as much rye, three-fifths as much oats, and more than six times as many potatoes as we do in the whole United States.

In 1913 Germany had 44,213,000 acres sowed to wheat, barley, rye, oats, and potatoes and harvested therefrom 3,498,775,000 bushels, while from 102,307,000 acres sowed to the same crops in the United States American farmers harvested only 2,436,243,000 bushels. In other words, from considerably less than one-half of the area German farmers harvested more than 1,000,000,000 more bushels.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. DALLINGER. Yes.

Mr. POWERS. Will the gentleman state how long it has been that Germany put on foot her industrial and mechanical training schools?

Mr. DALLINGER. I can not tell the gentleman exactly. I know that it has been for at least a generation.

Mr. POWERS. It has been about 30 years.

Mr. DALLINGER. Yes; that is what I understand. The fact that Germany has been cultivating her soil for centuries proves conclusively that our lands may be made to double their yield by progressive and scientific farming.

The Republic of France has the same area as three of our greatest wheat-producing States—Kansas, Minnesota, and North Dakota. In 1913 France sowed 16,166,000 acres to wheat, while the three States in question sowed to the same crop 18,420,000 acres. In the same year the French farmers harvested 321,000,000 bushels, or 20 bushels to the acre, while the farmers of Kansas, Minnesota, and North Dakota obtained only 233,878,000 bushels, or 12.9 bushels to the acre.

In short, what we need in this country to meet the problem of the high cost of living is more farmers and better farmers, and this bill properly administered will give us both.

Mr. Chairman, the passage of this bill will mean better homes, better men and women, and a better citizenship. The bill itself is a genuine measure for the conservation of our natural resources without any confiscation of private capital. It establishes a kind of national preparedness that is not destructive, but constructive. Its wise administration will inevitably result in an abundant food supply and hence a lower cost of living for the masses of our people. In short, it is a wise, comprehensive, and farsighted piece of legislation for the common welfare of the people of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DALLINGER. I ask permission, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HUGHES. Mr. Chairman, I yield five minutes of my time to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] is recognized for five minutes.

Mr. HUDDLESTON. Mr. Chairman, education of the masses is the imperative requirement of every democracy. Without it no government of and by the whole people can be good or successful. When the masses are without education, democracy is in danger, and the liberties of the whole people are threatened.

The education required for successful self-government is not mere literacy and acquaintance with letters, the ability to read and write; it must include training to think, to reason, and to decide upon public questions. Ability to read is in itself a source of danger when the power to discriminate, to accept the true and reject the false, does not accompany it.

Always the affairs of government have been under the control of the few, of a small class which by reason of its wealth, prestige, and superior opportunity was able to impose its will upon the many. In former years the few were able to control public affairs through selfish or corrupt bosses and similar influences. With the spread of literacy the many have been reached and public opinion has been controlled through the press and other printed propaganda. Though the form of the government be a democracy, it is plain that there can be no real and effective democracy unless the masses are trained to think for themselves, to have the courage of their convictions, and to reject the poison which selfish interests are able to distill through the corrupt newspaper and the false printed page.

Education in its broad sense has no particular relation to letters. A man is not educated merely because he is filled with the lore of schools and familiar with books. Education in the big sense is training, training in self-control of mind and heart and hand. A man may be illiterate and yet have a mind so trained that he may set it to grapple with a problem, as a skilled workman would use his hand upon a machine. We of the latter time are too prone to look upon the knowledge of printed books as all sufficient and to lose sight of the great purpose of true education which is to fit a man for the duties and responsibilities of life so that all the world may be happier and better because he has lived.

Education in its narrow scholastic sense is merely a kit of tools which enables the mental workman to perform his task more easily. The illiterate man goes into life with his bare hands. He can not use the tools fashioned by the experience of others. He must make his own ax with only rough stones to shape it. His hammer, his saw, and his plane are created by his own experiments, with his bare hands and of crude materials. That an illiterate man may do fine work is possible; that his task is more difficult and requires a higher ingenuity, greater initiative, and more industry and determined effort is absolutely sure.

In every civilized community in the world the State either in its general or local form has assumed responsibility for many of the phases of liberal education, especially those of an elementary grade in which the large majority of children are concerned. It is an accepted principle of social organization that the State should encourage individuals to develop and exercise all those functions which are useful to society. Private agencies like the home, the church, the press, the stage, and the library contribute much to liberal education, but it has been demonstrated that many elements of liberal education can be guaranteed to all alike only through State action.

In progressive communities the State is also assuming responsibility for phases of physical education. This is evidenced by laws requiring the teaching of hygiene; by public control of such phases of school environment as seating, building, textbooks, facilities for play, and other factors of a hygienic nature; and, finally, by the development of a medical inspection of school children and the use of school nurses to make this medical inspection effective. Though this physical education is not, directly speaking, a part of liberal education it is expected to react on it and it also possesses ends of its own which justify State action.

By vocational education is meant all that training and instruction whose controlling purpose is to enhance in a permanent fashion the productive capacity of the individual. Vocational education thus aims primarily at developing the capacity for

self-support and capacity to produce a surplus, but it also aims to insure that capacity for self-support which shall be of a prolonged character, and, at least, not antagonistic to physical, civic, and cultural well-being. That is vocational education which aims to train the producer, the worker, the wage earner in different callings. Education for law, medicine, salesmanship, stenography, farming, stock raising, trades, factory specialties, or household management is all vocational education. Vocational education may aim to give not merely the immediate technique, skill, knowledge, and insight necessary, but also to give the general intelligence, the ideals and appreciations of civic situations, and the physical wholesomeness which will insure, as far as practicable, growth in productive capacity, satisfaction in work, and the capacity to develop and maintain good social relations with other producers, whether fellow workers, employees, employers, or consumers. Though vocational education and liberal education may have essentially different aims they mutually reenforce each other. Any division of organized knowledge or skill may be made an end either of vocational or of liberal study. Music is a vocational study for the musician, and a liberal study for workers in other fields. Cotton manufacturing may be studies for cultural purposes by boys and girls destined for other callings or for vocational purposes by those who are to specialize as producers in this field. To the workingman some study of law may have a cultural or civic significance, but such study is vocational mainly for the lawyer.

It is the highest duty of governments to concern themselves with the education which will fit their people for citizenship. Such education no less includes the ability to earn a livelihood than the knowledge of letters which gives the individual a larger outlook on life. Man's first necessity is for bread. That he must have. It is a mockery to take up the child's time with a training which leaves him at its end unable to earn a living. A minimum of necessaries of food, clothing, and shelter is essential to peace, good order, and the public welfare. Every interest of public health, economics, and spirituality is bound up with the well-being of the humblest member of society.

Education needs to be practical and for a certain and definite purpose. College men are often scoffed at as being unfitted for any useful vocation, as having been taught a smattering of many things with a thorough knowledge of nothing. Education as a whole is less popular with the masses because of the general impression that it is based on faulty principles. There is much ground for this criticism. Too close have we adhered to the idea that education is designed to make "a scholar and a gentleman" instead of a useful man. Too closely have we followed the old ideal of seeking by our schools to duplicate the type of the English country squire, an amiable, accomplished, brave, and high-minded parasite on society.

I have often feared that certain sections of America have followed the old ideals in education more closely even than the people of the Old World. We have been more conservative even than they. Too much are our boys encouraged to enter the professions. More brains is frequently required in business and industry than in professional life, and the rewards are greater. Frequently a high-class and useful mechanic is spoiled in the making of an indifferent physician or lawyer. Ridicule is sometime heaped on professional men that they are more poorly paid than a good mechanic; but this is not a matter for sneers nor even for comment, for often the mechanic is the more useful citizen and frequently expends more talent and energy in his work than the professional man in his calling. Even our trade schools are devoted too much to teaching theory instead of practice and to fitting men for superintendence and the higher branches of industry. We have too many men trained for engineers of various kinds and for managers and foremen. Too many are trained to aspire to be officers, when the great need is for privates in the industrial army.

Public education is the cause of the masses. It is their only hope and their vital necessity. The wealthy classes can always be sure of such training as they desire for their young, but the man who toils for a day's wages must educate his boy and his girl at the public school if they are to be educated at all. The common man should make the public school his chief concern, for upon it depends the future of his own children and all similarly situated. As a citizen he should bend his every energy to see that the public school is properly equipped and maintained and that the course of instruction is practical, such as will fit the common people for the life that they are compelled to lead whether they will or not, a life of usefulness and self-support. And since the welfare of the masses, the producing class, is of chief importance, every patriot, every lover of his country, whether he belongs to the workers or not, should make the public school the object of his deepest solicitude. All men are indeed brothers and all must stand or fall together, but though the citizen fails to recognize this eternal truth he must still cherish public education if he would preserve the institutions of our country.

The vocational education that I contend for is that which fits the youth of the land to make its way in the world, that teaches horse sense and good judgment as applied to the business of earning a living. Such training should produce better mechanics, better-kept homes, better farmers, and more fruitful fields. By it the workingman will increase his output and must be secured in a larger wage and shorter hours of labor for a day's work. By it the yield of the farm will be enhanced so that the cost of living will be reduced, farm incomes multiplied and reflected in better farm dwellings, more of the comforts of life, rural life made more attractive, and the farming population increased.

In providing for vocational education we should carefully preserve the democracy of the public school. It is the Nation's real melting pot, where prejudices of caste and class are broken down and where young Americans learn to respect their fellow citizens of differing types, blood, and antecedents. It is the mightiest influence in our great young Nation to soothe the antagonisms of varying sects, parties, and associations. We must be careful to preserve this democracy. Those who expect to enter manual occupations must not be segregated from their fellow pupils, but must be kept in close touch with them, so as not to constitute a separate class. We must not make the mistake which has been made by some European countries where children designed for useful occupations are from the beginning separated from those who are seeking a mere liberal education.

The vocational education which I support is not that which would teach a mechanic a trade. It would not fit him to enter directly into a vocation or to avoid a reasonable period of apprenticeship. The training should be general and fundamental. It should be such as perhaps to shorten the apprenticeship, but it should not take the place of a period of practical instruction under the guidance of a skilled workman.

In dealing with education for industry we should keep in mind as our chief consideration the interest of labor rather than that of the industry itself. The matter should be handled from the standpoint of the workman instead of that of the employer. We should not interfere with the apprentice systems of the trade-unions, and in no respect should the labor organizations be antagonized. We must bear in mind that the trade-unionists comprise a majority of the highest class skilled workmen. No system of vocational education can hope to be successful except with the cooperation of organized labor. We should recognize that organized labor is the best judge of its own problems and of labor questions generally, and should be guided largely by its advice. Above all other things, we must be absolutely sure that any system of vocational instruction is not used to oppress labor or to destroy labor's organizations. It must not be possible to train pupils in vocational schools for use as strike breakers or for other direct effect upon labor disputes. No instrumentality of government should be permitted to intervene other than by mediation and advice in any ordinary labor dispute.

By the bill under consideration an aggregate of $38,400,000 is appropriated for vocational education for the next 10 years. This is a small sum compared with the over $650,000,000 appropriated for the current year alone for our Army and Navy. The appropriations proposed for next year for preparation for war aggregate about $800,000,000, so that in the 10 years in which we are spending $38,400,000 for education of the people for purposes of peace it is proposed to spend the vast and inconceivable sum of eight billions of dollars for war. Think of it, $38,400,000 for welfare and happiness, $8,000,000,000 for ruin and disaster. I would much rather reverse the expenditures, for with a productive people in a state of comfort and well-being, peace is assured, while for a nation burdened with tremendous taxes for militarism and saddled with a powerful and complex organization for fighting, war would seem inevitable.

I am for preparedness for peace, the only preparedness worth while, the preparedness which multiplies homes in the land and adorns and furnishes them, which promotes good morals and a higher spiritual life, which makes more useful and productive citizens, and gives to the world more food and more of the comforts of life. I am for preparedness for peace. It means pure religion, better physical life, and a better-founded love for liberty and for American institutions. It means the development of civilization and evolution into a higher and nobler existence for mankind. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby annually appropriated, out of the money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects, and in the preparation of teachers of agricultural, trade, and industrial, and home economics subjects; and the sum provided for in section 7 to the Federal Board for Vocational Education for the administration of this act, and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

Mr. HUGHES. Mr. Chairman, I move to amend by striking out all after the enacting clause and substituting therefor the text of the House bill.

The CHAIRMAN. The gentleman from Georgia moves to strike out all after the enacting clause and substitute the House bill.

Mr. POWERS. Mr. Chairman, did not we some days ago, by unanimous consent, get permission to substitute the House bill for the Senate bill?

The CHAIRMAN. That is the effect of the adoption of this motion.

Mr. POWERS. I understand that; but if we got it by unanimous consent there is no need of this motion.

The CHAIRMAN. The present occupant of the chair is not informed of any such agreement.

Mr. LENROOT. The House, under the unanimous-consent agreement, is considering the Senate bill, and the motion of the gentleman from Georgia is pending.

The CHAIRMAN. That is correct.

Mr. HUGHES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 703, and had come to no resolution thereon.

Mr. KITCHIN. Mr. Speaker, I give notice that this bill will be taken up on the 2d day of January immediately after the reading of the Journal. I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House, under the concurrent resolution previously adopted, adjourned until Tuesday, January 2, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting a copy of a circular issued by the Nobel committee furnishing information as to the distribution of the Nobel peace prize for the year 1917 (S. Doc. 644); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting report of the Director of the Bureau of War Risk Insurance giving details of the receipts and expenditures of the bureau from December 1, 1915, to November 30, 1916 (H. Doc. No. 1795); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Chief Justice of the Supreme Court of the District of Columbia, transmitting decree of the court in the case of United States of America *v.* Littlefield, Alvord & Co., Christian Heurich, and the Cranford Paving Co. (H. Doc. No. 1796); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimate of deficiencies required by the Quartermaster Corps, United States Army, to complete the service of the fiscal year ending June 30, 1917 (H. Doc. No. 1797); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the president of the Board of Commissioners of the District of Columbia submitting an urgent estimate of deficiency in the appropriation for the Public Utilities Commission of the District of Columbia for the fiscal year ending June 30, 1917 (H. Doc. No. 1798); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Quartermaster Corps for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1799); to the Committee on Military Affairs and ordered to be printed.

7. A letter from the Superintendent of the State, War, and Navy Department Buildings, transmitting report concerning the purchase and exchange of typewriters during the fiscal year ended June 30, 1916 (H. Doc. No. 1800); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ending June 30, 1916 (H. Doc. No. 1801); to the Committee on Expenditures in the War Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HERNANDEZ, from the Committee on Indian Affairs, to which was referred the bill (S. 5424) to construct a bridge in San Juan County, State of New Mexico, reported the same with amendment, accompanied by a report (No. 1246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 18421) to reimburse Robert Reid and Charles C. Eckliff, United States local inspectors of steamboats, for defending themselves on account of their arrest and prosecution growing out of the steamer *Eastland* disaster on the Chicago River, July 24, 1915, reported the same without amendment, accompanied by a report (No. 1247), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 19350) to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. MORIN: A bill (H. R. 19351) for the enlargement of the post-office building in Pittsburgh, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DILLON: A bill (H. R. 19352) to authorize the Secretary of War to make a survey of the Missouri River between Yankton and Vermilion, S. Dak., for the purpose of preventing ice gorges; to the Committee on Rivers and Harbors.

By Mr. WHALEY: A bill (H. R. 19353) waiving the age limit for admission to the United States Marine Corps in the case of Bartley Bull; to the Committee on Naval Affairs.

By Mr. HICKS: A bill (H. R. 19354) providing for a survey at Gardiners Island in the State of New York; to the Committee on Rivers and Harbors.

By Mr. GREEN of Iowa: A bill (H. R. 19355) to fix the tax imposed on manufacturers of adulterated butter at $50 per annum; to the Committee on Agriculture.

By Mr. KALANIANAOLE: A bill (H. R. 19356) granting to the Legislature of the Territory of Hawaii the power to legislate concerning the public lands of the Territory of Hawaii; to the Committee on the Territories.

Also, a bill (H. R. 19357) granting to the Legislature of the Territory of Hawaii the power to prohibit the importation of intoxicating liquors into the Territory of Hawaii, to prohibit the manufacture and sale of such liquors therein, and to submit to the qualified electors of the Territory the question of whether the importation, manufacture, and sale of such liquors may be prohibited; to the Committee on the Territories.

Also, a bill (H. R. 19358) granting to the Legislature of the Territory of Hawaii additional powers relative to elections and qualification of electors; to the Committee on the Territories.

By Mr. LEVER: A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918; to the Committee of the Whole House on the state of the Union.

By Mr. BARKLEY: A bill (H. R. 19360) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BENNET: Resolution (H. Res. 419) to provide for a committee to investigate emigration from and immigration to the United States as affected by the European war; to the Committee on Rules.

By Mr. WOOD of Indiana: Resolution (H. Res. 420) asking for investigation of conflicting interpretations placed upon President's note to belligerent powers by the State Department, and fluctuations of market caused thereby; to the Committee on Rules.

By Mr. BAILEY: Resolution (H. Res. 421) authorizing the investigation of the prices of print paper; to the Committee on Rules.

Also, resolution (H. Res. 422) indorsing and approving the action of the President of the United States in notes relative to terms of peace; to the Committee on Foreign Affairs.

By Mr. MORRISON: Joint resolution (H. J. Res. 327) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 19361) granting an increase of pension to Samantha McCann; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 19362) granting an increase of pension to James Irvine; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 19363) granting a pension to Elbert B. Marshall; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 19364) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.; to the Committee on Claims.

By Mr. CANDLER of Mississippi: A bill (H. R. 19365) granting an increase of pension to William A. Griner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19366) granting an increase of pension to W. W. Townley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19367) granting an increase of pension to Luther Sealey; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 19368) granting an increase of pension to William Mooneyham; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19369) granting an increase of pension to Dwight D. Wilbur; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 19370) granting an increase of pension to Michael J. Rowland; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 19371) granting an increase of pension to James McKittrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19372) granting a pension to Lizzie A. Seamans; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19373) granting an increase of pension to William H. Phelps; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 19374) granting an increase of pension to James F. Bellew; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 19375) granting an increase of pension to Samuel D. Mowery; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19376) granting an increase of pension to John P. Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19377) granting an increase of pension to Lucinda Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19378) granting a pension to David C. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 19379) granting a pension to Benjamin H. Kimbler; to the Committee on Pensions.

Also, a bill (H. R. 19380) granting a pension to G. W. H. Kimbler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19381) granting an increase of pension to William Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19382) granting an increase of pension to Jackson Cornett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19383) granting an increase of pension to James Alumbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19384) granting an increase of pension to Anderson Amis; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 19385) granting an increase of pension to Ebenezer Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19386) granting an increase of pension to James F. Doyle; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19387) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 19388) granting an increase of pension to G. E. Gleason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19389) granting an increase of pension to Henry L. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19390) granting a pension to Benjamin C. Read; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 19391) granting an increase of pension to Frank B. Gorman; to the Committee on Pensions.

By Mr. MOSS: A bill (H. R. 19392) granting an increase of pension to William B. Zenor; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 19393) for the relief of the estate of P. A. Clute, deceased; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 19394) granting an increase of pension to Jesse Palmatier; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 19395) granting an increase of pension to Charles Baker; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19396) granting an increase of pension to Lytle McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19397) granting an increase of pension to La Fayette Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19398) granting an increase of pension to Riley Rickards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19399) granting a pension to John T. Garrett; to the Committee on Pensions.

Also, a bill (H. R. 19400) granting an increase of pension to William Neely; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19401) granting a pension to George S. Polen; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 19402) granting a pension to John Bresett; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 19403) granting an increase of pension to Greenbury Vickery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19404) granting a pension to Kate Frances Getts; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 19405) granting a pension to Rosa L. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19406) granting an increase of pension to Margaret E. Dunn; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19407) granting a pension to Asa W. Coplin; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 19408) granting an increase of pension to Henry H. Parsons; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19409) granting an increase of pension to Amos B. Horton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 19002, for relief of Crawford Byers; to the Committee on Invalid pensions.

By Mr. CLINE: Petition of 55 Indiana citizens favoring the passage of House bill 16060, the Lobeck bill, for the classification of salaries of the 3,000 employees of the Bureau of Animal Industry; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of the Pictorial Review Co. against increase in postage expense; to the Committee on the Post Office and Post Roads.

Also, memorial of Bronx Board of Trade against curtailment of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen against national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of 47 citizens of West Philadelphia, Pa., to exclude liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Liquor Dealers' Protective Association of Illinois against national prohibition; to the Committee on the Judiciary.

Also, petition of Variety Manufacturing Co., of Chicago, Ill., against abandonment of the pneumatic mail-tube service in Chicago; to the Committee on the Post Office and Post Roads.

Also, petition of John H. Ganger & Co., of Chicago, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Theodore Gilbert, of Hartford, Conn., favoring bill for maimed soldiers' pensions, House bill 14428; to the Committee on Invalid Pensions.

Also, memorial of American Association of State Highway Officials, favoring completion of the topographic map of the United States; to the Committee on the Public Lands.

Also, petition of Brotherhood of the Calvary Baptist Church, Washington, D. C., favoring bill for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GALLIVAN: Petition of terminal railway post-office clerks relative to classification of terminal railway post offices; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petitions of St. Louis business houses, urging reduction in postal rates on first-class matter; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of John Garver and 11 other post-office employees of Mount Pleasant, Mich., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of postal employees of Clinton, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petition of Caradine Harvest Hat Co., Bradley-Steach Machine Co., Meyer-Schmid Grocery Co., St. Louis Sticker Co., and Silver Laundry Co., all of St. Louis, Mo., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Workingmen's Mutual Aid Association of St. Louis, Mo., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of J. C. Staples, of Philadelphia, and Rev. James Henry Darlington, of Harrisburg, both in the State of Pennsylvania, for 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of John Hoehn, secretary of the International Union of the United Brewery Workmen of Pittsburgh, Pa., protesting against the District of Columbia prohibition bill, also national prohibition bill; to the Committee on the Judiciary.

Also, petition of International Union of United Brewery Workmen of Cincinnati, Ohio, and Trades Union Liberty League of Pittsburgh, Pa., against prohibition in the District of Columbia and national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 16848, granting an increase of pension to James K. Nichols; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of various employees of the customs service at Rouses Point, N. Y., urging that all employees of that service be given an increase of salary at the present session of Congress; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Memorial of General Crook Post, No. 33, Grand Army of the Republic, Devils Lake, N. Dak., favoring passage of the volunteer officers' retired bill; to the Committee on Military Affairs.

SENATE.

TUESDAY, *January 2, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast in Thy providence brought us once more to the place of our reckoning of time. It is a place of holy memories and of divine inspiration. We turn our faces toward the coming days with high hopes and with confidence in the final supremacy of the great national ideals. The ship of state turns its way upon a stormy sea. A hundred million spirits depend upon the leadership of the men whom Thou hast called into places of authority and power. Give to them spiritual vision and hearts to see God, leading us on in the great conquests of peace. Grant, we pray, that this year we may achieve a nation's highest ideal and ambition in the establishment of peace and good will among men. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Senator WILLARD SAULSBURY) took the chair.

JOSEPH E. RANSDELL, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of the proceedings of Friday, December 22, 1916, was read and approved.

PERSONAL EXPLANATION.

Mr. STONE. Mr. President, I rise to a question of personal privilege. Much has been said recently about what has been called a "leak" from official sources with respect to certain important official acts, which "leak," it is said, affected the stock market in New York. I need not say more about that, for the reason that everyone within my hearing is familiar with the newspaper gabble about the subject referred to.

My attention has been called to an article appearing in the Ottumwa (Iowa) Daily Courier of December 21 of the year just ended. This article is apparently in the form of a dispatch from New York, and I would think from its printed appearance that it was sent out by some news agency, telling about the break in the stock market, the losses, and the profits of speculation. I read the closing paragraph of this dispatch, which is as follows:

> Total sales up to 1 o'clock December 21 approximated 2,000,000 shares, indicating that the full day's trading would probably exceed all records. Of this amount, United States Senator STONE alone contributed 574,900 shares.

I do not think I would dignify this statement by any notice whatever except for the fact that so much has been said and is being said about this affair. The article is headed "Market in a panic," and if this dispatch be true, inasmuch, according to this dispatch, I was either selling or buying about one-fourth of all the stock dealt in on that day of panic, I must have had a great deal to do with the panic.

I take it, Senators, that it is needless to say, and yet I feel I ought to say, not in my defense but as emphasizing an example of newspaper mendacity or news agency mendacity, that I did not buy or sell one penny's worth of stock of any kind. The story as to me is just simply an unvarnished falsehood.

I do not care to say more about that; what I have said is enough. And yet I crave permission to add that these wild, panicky stock speculation stories do concern me at least in two ways: First, if it be true that any public official has used any confidential or secret information, as has been alleged, to further his interests in speculation on the stock markets, he is an unspeakable scoundrel. If any man in legislative life did a thing like that, which I am bound to believe impossible; if any Senator did a thing like that, which still more I believe to be impossible, he ought to be dismissed from the body he dishonors.

Mr. President, I do not know whether there is any foundation for these sensational stories; I mean I know nothing of the facts in this particular instance—only I believe, for the most part, the charges are lies. I do know that some things have occurred in the State Department that ought not to have been possible. I do know that confidential communications made years ago by foreign Governments to the State Department, communications that would never have been made, which could not have been made, except in the faith that our State Department would hold them sacred, have by some means found their way into the hands of men not authorized to receive them. I am not the only Senator present who knows that; yet I think I might take this occasion to refer to it. The things to which I refer did not concern stock markets; they could not have affected stock values or speculations; but they did concern the honor of the Nation. This was treachery on the part of some departmental officials. Such things could have happened only through the infidelity of employees in the department. I fear that this betrayal of public confidence is in some way traceable to our wonderful civil service. Let me say, without a moment's halting, if I could have my way I would have every administration put its own trusted men—men of its own choosing—in every really responsible place. Do not understand me as saying that the civil service should be swept off the statute books; but there are men now holding important and confidential relations to the State Department, and no doubt in other departments, who have no reason, except as they individually may be honest men and true, to be faithful to their chiefs. Many of them, I am sure, would be happy to see the administration in which they serve a failure. I think those who hold positions of control and of dominating influence—the chiefs of divisions and up—should be in hearty sympathy with the administration under which they serve. Otherwise you have unfriendly captains on guard. That is all I care to say about that, but I think this an opportune occasion to impress the importance of this view.

The second view I have of this stock-market business is this, that I do not care the snap of my fingers about whether the

stock gamblers in Wall Street lose or win. I am deeply concerned to know that no public official has betrayed a trust or profited by speculations. But, so far as the Lawson type is concerned, I do not care whether they win or lose; it is a gamble in which I feel no interest. I hope we have come to a period in our public life—our progressive public life—when the Government of the United States does not have to wait upon the stock exchange of New York or any exchange anywhere to determine when it shall communicate with foreign Governments or what it shall say to foreign Governments. I hope we have reached a time when the President can say what he pleases to foreign Governments, or say what he pleases to the Congress, without waiting with bated breath to find out whether his utterance may have some effect on Wall Street speculations. So far as I am concerned, these gamblers may take care of themselves and the Government take care of itself without regard to them, provided always, I say again, that no public official in any department of the Government is guilty of wrongdoing.

Mr. President, I had thought to say something about this Lawson talk. Is it worth while to speak of it? However, I will say this much, that all this Lawson talk disgusts me. It disgusts me that any man in public life would give a moment of serious thought or attention to such talk from such a source, unless he should know that it would lead to the exposure and disgrace of an undeserving public servant; but he should be sure of that. If there is anything that I despise, it is the sensational fakir who is always advertising himself by talking about public bodies and public men. If you were to believe this fellow Lawson, you would suppose there were no honest men in the Senate or in the House or in any position in public life. He makes bold to say that Senators and Representatives are ready to suppress something for fear that if an honest investigation were entered upon there would not be next day a quorum in either House. Think of that, Mr. President! that a creature of this low type, this abominable and contemptible human thing—another and perhaps worse type than the imprisoned Wolf of Wall Street—should make a statement of this character and have it considered by Members of Congress and exploited column after column in the newspapers of the country. It is shameful!

To say nothing of Congressmen, I am sorry that our great newspapers—I am not now speaking of the gentlemen of the press up there, for they have had little to do with it; nothing, so far as I know; but I speak of the papers they represent—I am sorry that great papers should give voice to the braying of this ass and exploit his libels against the Government through their columns. I despise the one; I am sorry about the other.

Mr. CUMMINS. Mr. President, I know nothing about the article to which the Senator from Missouri [Mr. STONE] has referred. I accept, of course, implicitly the statement that he has made. Indeed, it would not have required any statement from him to have convinced me that the charge or suggestion made had no foundation.

I feel, however, that I ought to say this: The newspaper in which the article occurs is one of the most reputable publications of which I know. Its editor and its owners are high-minded, honorable men, and they would not intentionally publish a falsehood about any man. It is certain to me that they have been misled through some agency or correspondent. I say this in their behalf lest it should be thought that the article emanates from a cheap or sensational newspaper.

Mr. BORAH. Mr. President, has the Senator from Iowa the article to which he refers?

Mr. CUMMINS. I have not.

Mr. BORAH. May I see the article to which the Senator from Missouri has referred?

Mr. STONE. I will hand it to the Senator.

Mr. BORAH. Mr. President, I take it that this article is an Associated Press dispatch, and, in my judgment, all this is due to a mistake somewhere in transmission. Being an Associated Press dispatch it would have appeared in hundreds of newspapers if we are not to assume an error as to this paper. This undoubtedly refers to United States Steel instead of United States Senator STONE. [Laughter.] I think it would be found upon examination that it was not intended to use Senator STONE'S name at all, but that it was merely a mistake in the transmission of the telegram—either in the reading in the beginning or the reading when it was taken from the dispatch or in proof reading. If you will look up other similar dispatches, you will find it says United States Steel, and so forth.

REPORT ON SUBMARINE BATTERIES (S. DOC. NO. 651).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of December 16, 1916, a copy of the statement of the Secretary of the Navy made before the Committee on Naval Affairs, House of Representatives, December 11, 1916, which includes the reports on submarine batteries in 1916 and the report on the explosion on submarine *E–2*, inclusive, which, on motion of Mr. BRANDEGEE, was, with the accompanying paper, referred to the Committee on Naval Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1814).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting lists of documents and files of papers which are not needed or useful in the transaction of current business of the Department of the Interior and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints as the committee on the part of the Senate the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE]. The Secretary will notify the House of Representatives thereof.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate the following communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

John W. Hartnett, son and one of the heirs of William J. Hartnett, deceased, *v.* The United States (S. Doc. No. 653);

Mary E. Lovell, widow of Bezaleel W. Lovell, deceased, *v.* The United States (S. Doc. No. 654);

Margaret Ryan, widow of Patrick R. Ryan, deceased, *v.* The United States (S. Doc. No. 655);

Mary L. Freeman, widow of Robert L. Freeman, deceased, *v.* The United States (S. Doc. No. 656); and

Celestia A. Wolfe, widow of John S. Wolfe, deceased, *v.* The United States (S. Doc. No. 657);

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 19300) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 306) authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma, and it was thereupon signed by the President pro tempore.

SENATOR FROM ARIZONA.

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of the governor of Arizona certifying to the election of HENRY F. ASHURST as a Senator, which will be printed in the RECORD and placed on the files of the Senate.

The certificate is as follows:

CERTIFICATE OF ELECTION.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, HENRY F. ASHURST was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency, our governor, George W. P. Hunt, and our seal hereto affixed at Phoenix this 21st day of December, in the year of our Lord 1916.

[SEAL.]

GEORGE W. P. HUNT,
Governor of Arizona.

By the governor:

SIDNEY P. OSBORN,
Secretary of State.

SENATOR FROM CALIFORNIA.

The PRESIDENT pro tempore. The Chair lays before the Senate the credentials of HIRAM W. JOHNSON, chosen by the qualified electors of the State of California a Senator from that State, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November 1916, HIRAM W. JOHNSON was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

In witness whereof I have hereunto set my hand and caused the great seal of the State of California to be hereto affixed, at the State capitol in the city of Sacramento, this 19th day of December, in the year of our Lord 1916.

[SEAL.] HIRAM W. JOHNSON,
Governor of the State of California.

By the governor:

FRANK C. JORDAN,
Secretary of State.

SENATOR FROM MICHIGAN.

The PRESIDENT pro tempore presented the certificate of the governor of Michigan certifying to the election of CHARLES E. TOWNSEND as a Senator from that State for the term of six years beginning March 4, 1917, which was ordered to be filed.

SENATOR FROM OHIO.

Mr. HARDING. I present the credentials of Hon. ATLEE POMERENE, duly elected as a Senator from the State of Ohio, which I ask to have read and placed on the files of the Senate.

The credentials were read and ordered to be placed on the files, as follows:

In the name and by the authority of the State of Ohio.

To all who shall see these presents, greeting:

This is to certify that at a regular election held in the State of Ohio on the 7th day of November, A. D. 1916, ATLEE POMERENE was duly elected a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Frank B. Willis, and our seal hereto affixed at Columbus, Ohio, this 23d day of December, in the year of our Lord 1916.

[SEAL.] FRANK B. WILLIS, *Governor.*

By the governor:

C. Q. HILDEBRANT,
Secretary of State.

SENATOR FROM FLORIDA.

Mr. FLETCHER. I present the credentials of Hon. PARK TRAMMELL, duly chosen by the qualified electors of the State of Florida a Senator from that State for the term of six years, beginning on the 4th day of March, 1917, which I ask may be received and read.

The credentials were read and ordered to be placed on the files of the Senate, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, PARK TRAMMELL was duly chosen by the qualified electors of the State of Florida a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 4th day of March, 1917.

Witness his excellency our governor, Park Trammell, and our seal hereto affixed at Tallahassee this 26th day of December, in the year of our Lord 1916.

[SEAL.] PARK TRAMMELL, *Governor.*

By the governor:

H. CLAY CRAWFORD,
Secretary of State.

SENATOR FROM PENNSYLVANIA.

Mr. OLIVER. Mr. President, I take pleasure in presenting the certificate of election of Hon. PHILANDER C. KNOX, who has been chosen as my successor in the Senate.

The PRESIDENT pro tempore. The Secretary will read the certificate.

The certificate was read and ordered to be placed on the files of the Senate, as follows:

In the name and by authority of the Commonwealth of Pennsylvania, executive department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, PHILANDER C. KNOX was duly chosen by the qualified electors of the Commonwealth of Pennsylvania a Senator from said Commonwealth to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed at the city of Harrisburg this 19th day of December, in the year of our Lord 1916 and of the Commonwealth the one hundred and forty-first.

[SEAL.] MARTIN G. BRUMBAUGH, *Governor.*

By the governor:

CYRUS E. WOODS,
Secretary of the Commonwealth.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the District of Columbia Society of the Sons of the American Revolution, praying for the enactment of legislation to protect the flag of the United States, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of sundry citizens of Bridgeville, Pa., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Uniontown, Pa., praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government on Christianity, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Girdland and Bellefonte, in the State of Pennsylvania, praying for national prohibition, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Commiittee on the Judiciary.

He also presented petitions of the Local Union No. 2739, United Mine Workers of America, of Gipsey, and of Local Union No. 1031, United Mine Workers of America, of Robertsdale, in the State of Pennsylvania, praying for an investigation into the high cost of living, which were referred to the Committee on the Judiciary.

Mr. WORKS presented a petition of Local Grange No. 357, Patrons of Husbandry, of Greenfield, Cal., praying for Government ownership of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry employees of the United States Arsenal, Benicia, Cal., praying for an increase in their salaries, and also for the adoption of a civil-service retirement system, which was referred to the Committee on Appropriations.

He also presented memorials of the Wholesalers' Board of Trade and the Credit Men's Association, of Los Angeles, Cal., remonstrating against the proposed repeal of the national bankruptcy law, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the congregation of the Swedish Salem Mission Church, of Minneapolis, Minn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Minnesota Rural Carriers' Association, of Winona, Minn., praying for the enactment of legislation to allow equipment maintenance to rural carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Crookston, Minn., praying for the enactment of legislation to restore to the Government certain coal and petroleum lands now held by private parties, etc., which was referred to the Committee on Public Lands.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Willow Valley Farmer Club, of Alvina, Minn., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of sundry citizens of Berkeley and Oakland, in the State of California, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. GRONNA presented a petition of the Commercial Club of Fargo, N. Dak., praying for the enactment of legislation to prohibit discrimination in the enforcement of distant tariff rates, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a memorial of the Springfield (Mass.) Union of the United Brewery Workmen, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Provincetown, Wellesley, Winthrop, Shelburne Falls, Framingham, Holyoke, and South Hadley, all in the State of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

He also presented memorials of the Typographical Union of Springfield; of the Electrotypers' Union of Springfield; of Indian Hill Council, No. 11, Junior Order United American Mechanics, of West Newbury; and of Northampton Lodge, Loyal Order of Moose, of Northampton, all in the State of Massachusetts, remonstrating against any increase in postal rates on second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Lawrence, Mass., praying for an investigation of the so-called Garden City building movement at Lomax, Ill., which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a petition of Local Branch No. 35, United National Association of Post Office Clerks, of New Haven, Conn., praying for an increase in the salaries of post-office clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Union No. 126, International Union of United Brewery Workmen, of Waterbury, Conn., remonstrating against prohibition in the District of Columbia, and also against national prohibition, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Wallingford, Conn., praying for national prohibition, which was ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Boston, West Roxbury, Newton, Cambridge, Watertown, Arlington, Brighton, and Waban, all in the State of Massachusetts, praying for the placing of an embargo on coal, which were referred to the Committee on Foreign Relations.

COMMON-LAW PROCEDURE.

Mr. SUTHERLAND, from the Committee on the Judiciary, to which was referred the bill (S. 4551) to authorize the Supreme Court to prescribe forms and rules and generally to regulate the pleading, procedure, and practice on the common-law side of the Federal courts reported it without amendment and submitted a report (No. 892) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio; to the Committee on Commerce.

A bill (S. 7557) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 7558) for the protection of migratory birds; to the Committee on Forest Reservations and Protection of Game.

By Mr. THOMAS:

A bill (S. 7559) for the relief of Guy A. Richards, Jesse L. Robbins, Isaac M. Grimes, William L. Irvine, and David Cox; to the Committee on Public Lands.

By Mr. OLIVER:

A bill (S. 7560) to increase the limit of cost of the Bureau of Mines building in Pittsburgh, Pa., $50,000; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Georgia:

A bill (S. 7561) to amend an act entitled "An act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to fix the terms of office of the superintendent of prisons, the wardens, and the deputy wardens, to provide for their appointment, and for other purposes; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 7562) to provide for the purchase of a site and the erection of a public building thereon at Laurinburg, in the State of North Carolina; to the Committee on Public Buildings and Grounds.

A bill (S. 7563) authorizing the President of the United States to date the commissions of graduates of the United States Military Academy one year ahead of the date of their graduation; to the Committee on Military Affairs.

By Mr. CUMMINS:

A bill (S. 7564) granting an increase of pension to Emily Robinson (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7565) to provide for the erection of a public building at Dayton, Tenn.; to the Committee on Public Buildings and Grounds.

A bill (S. 7566) granting an increase of pension to Grover Cleveland McMahon; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 7567) granting an increase of pension to Jennie M. Hobbs; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7568) granting an increase of pension to Emelia Branner (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7569) granting an increase of pension to William Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 7570) granting a pension to John F. Crowley;

A bill (S. 7571) granting an increase of pension to Jerome McWethy; and

A bill (S. 7572) granting a pension to John J. Callanan; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7573) for the relief of Albert H. Campbell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7574) granting an increase of pension to Emma J. Bratton (with accompanying papers);

A bill (S. 7575) granting a pension to Jesse McAllister (with accompanying papers);

A bill (S. 7576) granting an increase of pension to Francis M. Cramer (with accompanying papers);

A bill (S. 7577) granting an increase of pension to Daniel R. Caton (with accompanying papers);

A bill (S. 7578) granting a pension to Mary Alcinda Wingert (with accompanying papers);

A bill (S. 7579) granting a pension to Lucy A. Cole (with accompanying papers);

A bill (S. 7580) granting an increase of pension to Jasper Taylor (with accompanying papers);

A bill (S. 7581) granting an increase of pension to Elvina Kelly (with accompanying papers); and

A bill (S. 7582) granting an increase of pension to Peter L. Leuszler (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 7584) granting a pension to Margaret M. King; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 7585) granting an increase of pension to George Whitcher (with accompanying papers); to the Committee on Pensions.

FARM-LAND BANK AT DENVER, COLO.

Mr. SHAFROTH. Mr. President, I wish to introduce a bill and want to say a word of explanation with relation to it. I wish to protest in the name of Colorado against the action of the Federal Farm Loan Board in leaving a stretch of territory extending 1,400 miles east and west without a farm-land bank being located therein. All the western banks have been located near the Missouri River within 250 to 400 miles of each other and on the Pacific coast, and there is a vast intermediate domain where no bank has been located. There are lands in my State that are more than 800 miles by the nearest line of travel from the farm-land bank established for that district.

I want to say on behalf of my State and the Rocky Mountain region that the State of Colorado has as many acres of irrigated land as has the entire country of Egypt, which supports a population of 9,000,000 people. We have problems there that can not as accurately be solved in the other portions of the United States. We have the semiarid problem that is entirely different from those of the Mississippi Valley.

It seems to me, Mr. President, that we should have had a bank located somewhere in that part of the country, and that the Federal Farm Loan Board did not take into consideration the due interests of the great Rocky Mountain region in their finding as to where the banks should be located.

It is true that people used to think that Colorado was only a gold and silver State, but I want to say that we produce in agriculture four times as much in value as we do of gold and silver. This is a growing section, because every acre of land between the Rocky Mountains and the eastern border of our State, as well as of the large mesas and valleys of the mountain region, will be cultivated and will produce remunerative crops. It is this new growing section, where interest rates are high and money is essential to development, that a farm-land bank is most needed. In the older sections farms have already been improved and many farmers have money to lend.

I therefore ask leave to introduce the bill and that it be printed in the RECORD.

The bill (S. 7583) to amend the Federal farm-loan act by providing for the establishment of the thirteenth Federal farm-land bank district, to be composed of the States of Colorado,

Wyoming, Utah, and New Mexico, and to establish a Federal land bank therein at Denver, Colo., was read twice by its title, and referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the act entitled "An act to provide capital for agricultural development; to create a standard form of investment based upon farm mortgage; to equalize rates of interest upon farm loans; to furnish a market for United States bonds; to create Government depositaries and financial agents for the United States; and for other purposes," approved July 17, 1916, be amended by adding at the end of the second paragraph of section 4 thereof the following:

"There is hereby established a Federal land-bank district, to be designated as district No. 13, to be composed of the States of Colorado, Wyoming, Utah, and New Mexico, and there shall be established by the Federal Farm Loan Board a Federal land bank for said district at Denver, Colo. The above-named States shall be withdrawn from the districts in which they have been included from and after the passage of this act."

Mr. THOMAS. Mr. President, I shall ask the indulgence of the Senate for a moment only to announce and emphasize my sympathy with the attitude of my colleague with regard to the subject of the bill which he has just introduced. The great Rocky Mountain region, as he has well said, is no longer, strictly speaking, the mineral section of the United States exclusively, by which I mean it is neither dependent upon nor is population attracted to it as formerly by its wonderful mineral resources. It is a great agricultural country, and is becoming more so with the passing of every year. With regard to the irrigated portions of the country it occupies a position peculiar to itself, and, as a consequence, it would seem to be only natural that such a situation should appeal very strongly to the selecting power in determining where its Federal farm-loan banks should be located. It is a remarkable fact, one for which I can assign no intelligent reason, that in the distribution of these banks this region seems to have been entirely ignored or forgotten.

What is more remarkable, the place selected for the Federal farm-loan bank in the district of which Colorado forms a part is geographically out of touch with the greater part of the district. It is not even upon a main line of east and west travel. The roads which traverse it do not, generally speaking, run north and south. They supply a section of the United States which forms another district, excepting, of course, the State of Oklahoma. In order to reach it from New Mexico and from Colorado it is necessary to make at least one change of cars, and because of its geographical situation its selection might as well, for all practical purposes, have not been made at all.

Mr. BORAH. Mr. President——

Mr. THOMAS. Just one moment. If this bank had been located at Topeka, or, if you please, in Kansas City, Kans., it would have been easily accessible to the entire district and would have been much more favorable and much more convenient, therefore, to our people. I now yield to the Senator from Idaho.

Mr. BORAH. I desire to ask the Senator from Colorado if there is any farm-loan bank site or location agreed upon which is to be found in any of that arid region where irrigation projects are going on?

Mr. THOMAS. With the exception of Spokane, I know of none. But the Senator is more familiar with that region of the country than am I.

Mr. BORAH. I suppose it was for the reason that the farm-loan act would not perhaps be applicable to that region where irrigation projects are located because of the defect of titles as yet; that there would, therefore, be no opportunity for the farmers to avail themselves of it.

Mr. THOMAS. Well, Mr. President, the Senator from Idaho will agree that a large proportion of the lands in the region of country which he and I in part represent are lands that are obtained from the Government of the United States and are cultivated as such, and that the title is or ought to be quite as good as other titles emanating from the United States to its citizens.

Mr. BORAH. But the farmers who most need the benefits of this act are those who are now acquiring titles; that is, those who are just acquiring their lands and their homes. As I understand, by reason of the fact that there is this lien of the Government upon all these lands, the act could not be made available.

Mr. THOMAS. Well, that, Mr. President, may result from the actual operation of the law, but I do not think so.

Mr. SHAFROTH. If my colleague will allow me, I desire to state to the Senator from Idaho that the amount of land under Federal reclamation projects is insignificant compared with the total number of acres that are being brought under reclamation by private enterprise. Consequently, as to all those lands which are being improved under private enterprise, there can be no question but that the act can apply.

I wish also to call the attention of the Senate to the fact that I supposed the act was intended to aid and assist those who are trying to build up homes, who are pioneers, while, as a matter of fact, the people in the older settled communities do not need assistance so much as it is needed by those in the new communities.

Mr. BORAH. Mr. President, in my judgment the defect of the law, if I may say so, is that it can not be made applicable to or does not reach those who are pioneers and who are building up their homes, and so forth, unless they have actually completed their title. There is a vast number of people in that region who need it most whom it does not reach at all, and, in my judgment, whom it can not reach. I hope I am in error, but I fear it will not reach those who have a lien on their lands for water rights. If so, it is a serious defect and ought to be remedied.

Mr. THOMAS. Just another word. If the States of Colorado and New Mexico were not in the arid region, if the district for which Wichita has been selected as the point for the Federal loan bank were a purely agricultural one, with lands and titles and climate similar to those in Kansas and Nebraska and Missouri and Iowa, I would still protest against the action of the board in selecting a place for the bank, which is designed to contribute to the well-being of the entire section of the country, where it is geographically inconvenient of access and not centrally and fairly located. That is the main point of my complaint.

As I said before, if the location, however insignificant it might be as a community, were upon the main lines of east and west travel, so that it were readily and easily accessible, so that it were convenient to the mutual demands of the entire district, while I should still feel that the city where I live has not been fairly treated in this matter, I would voice no complaint, but accept the result with the best possible grace. Of course I am aware that the action of the board is final, unless it can be induced to reverse itself, and that, however inconvenient or inappropriate the place which has been selected may be, it will be difficult, indeed, to change it, except in the manner which is proposed by the bill which my colleague has just introduced. As a matter of fairness, as a matter of justice, however, to the great arid region of the Rocky Mountain West, either one of these banks should be located in some central position there, or the measure which my colleague has introduced should be incorporated into the law.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STONE. I submit an amendment authorizing the President to extend to the Governments of Central and South America an invitation to be represented by their ministers of finance and leading bankers, not exceeding three in number in each case, to attend the second session of the Pan American Financial Conference in the city of Washington at such date as shall be determined by the President, and so forth, which I intend to propose to the Diplomatic and Consular bill (H. R. 19300). I ask that the amendment be referred to the Committee on Appropriations and printed, and that the letter from the Secretary of the Treasury, which accompanies the amendment, be referred to the committee to be considered in connection with the amendment.

The PRESIDENT pro tempore. The amendment will be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SUTHERLAND submitted an amendment providing that hereafter each of the district judges of the United States shall receive a salary of $9,000 a year, to be paid in monthly installments, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the deputy clerk of the police court, District of Columbia, from $1,600 to $1,800, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CURTIS submitted an amendment relative to the transfer of documents, maps, plats, or other papers belonging to the executive departments, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing that the appropriation for surveys and resurveys of public land for the fiscal year ending June 30, 1917, as provided for in the sundry civil appropriation act of that year, be made immediately available for the services in the General Land Office of a sufficient number of competent surveyors, etc., intended to be proposed

by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—RICHARD HUDSON.

On motion of Mr. SMOOT, it was

Ordered, That the papers accompanying the bill S. 84, Sixty-fourth Congress, granting an increase of pension to Richard Hudson, be withdrawn from the files of the Senate, no adverse report having been made thereon.

ANNUAL COST OF FEDERAL PRISONS.

Mr. SMITH of Georgia. Mr. President, I submit a resolution which I send to the desk and desire to have it read.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 301) was read, as follows:

Resolved, That the Attorney General be, and he is hereby, directed to furnish to the Senate a statement of the annual cost of the office of superintendent of prisons, his assistants, prison examiners, and clerks, together with the annual cost of the position of pardon clerk and the force in his office; also all expenses incurred as an incident to holding meetings of the parole board; also names and pay of each person connected with the offices of superintendent of prisons and pardon clerk.

Mr. SMITH of Georgia. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Will the Senator from Georgia kindly explain the object of the resolution and why it should be agreed to?

Mr. SMITH of Georgia. I shall be glad to do so. The American Prison Association has passed resolutions criticizing our prison-parole system and advising a different system. There are those who are studying the question, and in connection with their study they desire the present cost of the existing system. To obtain that information is the only object of the resolution.

The resolution was considered by unanimous consent and agreed to.

ELLA M. JONES.

Mr. KERN submitted the following resolution (S. Res. 302), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Ella M. Jones, widow of Frank G. Jones, late a private of the police force of the Senate Office Building, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE-SESSION PROCEEDINGS (S. DOC. NO. 652).

Mr. CUMMINS. Mr. President, I send to the desk a notice of a motion which I shall make to-morrow, looking to a proposed amendment of the standing rules of the Senate relative to proceedings in the executive sessions of the Senate. Ordinarily I would ask that the notice be read, but it is somewhat lengthy, and I ask that it may lie on the table and be printed in the RECORD, and also be printed in the usual form so that Senators can familiarize themselves with it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The notice and proposed amendment of the rules are as follows:

Senate resolution 306.

TUESDAY, JANUARY 2, 1917.

To the Senate:

Notice is hereby given that on the next legislative day I will move to amend certain of the standing rules of the Senate. A copy of the motion is hereto attached and made a part hereof.

ALBERT B. CUMMINS.

IN THE SENATE OF THE UNITED STATES.

I move to amend the standing rules of the Senate as follows, to wit:

Amend Rule XXXV so that it will read as follows:

"On a motion to close the doors of the Senate on the discussion on any legislative business, no Senator shall speak more than once nor more than five minutes and a two-thirds vote shall be required for its adoption."

Amend paragraph 2 of Rule XXXVI so that it will read as follows, to wit:

"Executive business, including nominations and treaties, shall be considered in open executive session: *Provided, however*, That after the Senate upon motion made and adopted passes into executive session it shall be in order to move that any particular item of such business shall be considered and acted upon in secret, and upon the motion no Senator shall speak more than once nor more than five minutes. If the motion is adopted by a two-thirds vote, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy: *Provided further*, That treaties and confidential communications laid before the Senate by the President shall not be made public until the Senate enters upon their consideration, and not then if it is ordered as hereinbefore provided that they shall be considered and acted upon in secret, and all remarks, votes, and proceedings in secret session shall be kept secret until the Senate by resolution takes off the injunction of secrecy."

Strike out paragraph 3 of Rule XXXVI.

Change present paragraph 4, making it 3, and also amend it by striking out in the second line thereof the words "or confidential."

Strike out paragraph 5.

Amend Rule XXXVII as follows, to wit:

By striking from the fourth and fifth lines the words "to remove the injunction of secrecy, or to consider it in open executive session."

Also, by striking out the ninth line on page 34 and substituting therefor the words "if it has been or is being considered in secret session."

Insert after the word "indefinitely," in line 20, page 34, the words "and a motion to consider it in secret session."

Also, by striking out paragraph 3.

Amend Rule XXXVIII by striking out paragraph 2 thereof.

If these amendments are made, Rules XXXV, XXXVI, XXXVII, and XXXVIII will read as follows, to wit:

"RULE XXXV.

"On a motion to close the doors of the Senate on the discussion of any legislative business, no Senator shall speak more than once nor more than five minutes, and a two-thirds vote shall be required for its adoption.

"RULE XXXVI.

"EXECUTIVE SESSIONS.

"1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

"2. Executive business, including nominations and treaties, shall be considered in open executive session: *Provided, however*, That after the Senate upon motion made and adopted passes into executive session, it shall be in order to move that any particular item of such business shall be considered and acted upon in secret, and upon the motion no Senator shall speak more than once nor more than five minutes. If the motion is adopted by a two-thirds vote, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Minute and Journal Clerks, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy. *Provided further*, That treaties and confidential communications laid before the Senate by the President shall not be made public until the Senate enters upon their consideration, and not then if it is ordered as hereinbefore provided that they shall be considered and acted upon in secret, and all remarks, votes, and proceedings in secret session shall be kept secret until the Senate by resolution takes off the injunction of secrecy.

"3. Any Senator or officer of the Senate who shall disclose the secret business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

"RULE XXXVII.

"EXECUTIVE SESSION—PROCEEDINGS ON TREATIES.

"1. When a treaty shall be laid before the Senate for ratification it shall be read a first time, and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate.

"When a treaty is reported from a committee with or without amendment it shall, unless the Senate unanimously otherwise direct, lie one day for consideration, after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, 'Will the Senate concur in the amendments made in Committee of the Whole?' And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, if it has been or is being considered in secret session.

"The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless by unanimous consent the Senate determine otherwise, at which stage no amendment shall be received unless by unanimous consent.

"On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely and a motion to consider it in secret session, which shall be decided by a vote of two-thirds.

"2. Treaties transmitted by the President to the Senate for ratification shall be resumed on the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

"RULE XXXVIII.

"EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS.

"1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, 'Will the Senate advise and consent to this nomination?'

which question shall not be put on the same day on which the nomination is received nor on the day on which it may be reported by a committee, unless by unanimous consent.

"2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

"3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

"4. When the Senate shall adjourn or take a recess for more than 30 days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate which shall be pending at the time of taking such adjournment or recess shall fall, and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

"5. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than 30 days all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President and shall not again be considered unless they shall again be made to the Senate by the President."

COMPULSORY-ARBITRATION LAW OF NORWAY (S. DOC. NO. 650).

Mr. NELSON. Mr. President, I have here a translation of the compulsory-arbitration law of Norway, which was approved last June. I ask to have it printed as a Senate document. The cost will not exceed $15.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

ABSENTEE VOTING.

Mr. GALLINGER. Mr. President, I have in my hand a paper prepared at my request by the legislative reference division of the Library of Congress on the matter of absentee voting—something that at the present time is interesting the people in more than one State where the legislatures are in session. I ask that the paper be referred to the Committee on Printing, and I will venture to suggest to the committee that I trust they will consider it at as early a day as possible.

The PRESIDENT pro tempore. It will be so ordered.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

Mr. OVERMAN. I submit a resolution for which I ask immediate consideration. I ask that the resolution may be read.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 300) was read, as follows:

Whereas the Republic of Cuba moved in the Supreme Court of the United States to be permitted to institute an action of debt against the State of North Carolina upon certain bonds purporting to be issued by the said State of North Carolina in the years 1868 and 1869, which said bonds are particularly described in the declaration of the Republic of Cuba filed with its motion: Now, therefore, be it

Resolved, That the Secretary of State of the United States is directed to use his offices with the Republic of Cuba to ascertain when and under what circumstances the Republic of Cuba acquired these bonds, and from whom it acquired them, and for what purpose it holds them, and what price, if any, it paid for said bonds; and if the Republic of Cuba has moved to institute suit against the State of North Carolina in behalf of itself, or in behalf of others who may own said bonds; and to communicate said information to the Senate of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SUTHERLAND. Mr. President, it seems to me that is a somewhat remarkable resolution to be adopted by the Senate. Perhaps I did not catch the reading of it very clearly; but as I understand it the Republic of Cuba has filed an application in the Supreme Court of the United States to be permitted to bring an action against the State of North Carolina. Therefore a judicial question is presented to the Supreme Court. It seems to me rather a remarkable thing when an action of that sort has been instituted for the Senate or for any department of the Government to take steps to compel a party litigant to disclose his case to the Senate. I never have heard of such a thing being undertaken before.

Mr. OVERMAN. All the State of North Carolina wants is information. I want to say, Mr. President, that the holders of these bonds have attempted to donate them to many of the States. For example, the great State of New York, when they were tendered to it, turned the offer down with contempt. When they were tendered to the great State of Rhode Island they were accepted by reason of an act of the legislature. The legislature passed an act authorizing the governor to accept them and to bring suit, and after the governor had inquired into the matter he called an extra session of the legislature, and in one of the most patriotic messages I have ever read, showing him to be a wise and patriotic man, urged the legislature to repeal the law, which they did unanimously. The holders of the bonds attempted to donate them to the great State of Michigan and Michigan turned down the offer with contempt, because, as they said—and other great States, to wit, the great State of Missouri—these bondholders were trying to use a sister State in order to coerce the State of North Carolina to make good bonds that had been repudiated, issued during the reconstruction days. That has been done many times.

All the State wants to know is the bona fides of this transaction. I think it is due to Cuba herself that these facts should be brought to her knowledge. I am satisfied that Cuba would like to know what was the ultimate object of these bondholders in the donation of these bonds or whether or not it is a scheme of the bondholders to use a sister Republic to aid them. All we ask is information as to how they were acquired, and whether Cuba owns them. I do not know that Cuba owns them. Is there any objection to North Carolina having information as to whether Cuba owns these bonds and how she acquired them? If it turns out that they were not donated to Cuba, and Cuba was not the bona fide holder, the Supreme Court would not take jurisdiction of the matter.

Mr. THOMAS. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. OVERMAN. I do.

Mr. THOMAS. What obstacle, if any, is there to prevent the State of North Carolina in its official capacity from making this request of the Secretary of State? In other words, why is it essential that action of this kind be taken by the Senate?

Mr. OVERMAN. I do not know that the State of North Carolina would have a right to ask the Secretary of State for any information. The request would properly come from the Senate.

Mr. THOMAS. My impression is, with all due deference to my friend the Senator from North Carolina, not only that the request of the State would receive due consideration, but that it has a perfect right to go to the Secretary of State for this identical information in view of the facts which are recited by the resolution.

Mr. OVERMAN. There is also an international question which might come in here, as the Senator will find out.

Mr. THOMAS. If that is the case I think this should be a matter for congressional action, if we are to take any action at all, rather than a mere resolution of the Senate.

Mr. OVERMAN. Mr. President, all we want is this information.

Mr. THOMAS. I am not opposing the Senator's resolution.

Mr. OVERMAN. I understand.

Mr. THOMAS. But it seems to me that it is an unnecessary thing for the Senate to do.

Mr. OVERMAN. Mr. President, why should not the Secretary of State use his good offices with a sister Republic to get this information for a great State of this Union? The question is whether or not they can sue on these bonds. That question is pending in the Supreme Court now; but if we get information which satisfies Cuba that the object of these people is to establish certain bonds that the States have repudiated, I am satisfied that Cuba itself would withdraw this case. Here is a sister State, one of the great States of this Union asking simply for some information. That is all it is. I do not see why the Senator should object to it.

Mr. SUTHERLAND. Mr. President, I am only interested in preserving the distinction which exists between the different departments of this Government. It seems to me that this is a matter with which the Senate of the United States has nothing to do; that it would be a mere intrusion on the part of the Senate to pass a resolution of this character.

The resolution recites that a proceeding has been brought in the Supreme Court of the United States. Now, either that proceeding is well founded or it is ill founded. If it is well founded, the Supreme Court of the United States will hold so. We have not anything to do with it. We can not interfere with it. It is a judicial question. If it is ill founded, then the Supreme Court will discover it, and the proceeding will be dismissed.

Mr. OVERMAN. Why, that is so, Mr. President.

Mr. SUTHERLAND. But the proceeding is brought by the Republic of Cuba, and evidently brought upon the theory that a cause of action exists; and I can not see upon what thory the

legislative department of the Government can interfere in the matter at all. In other words, it is not any of our business.

Mr. OVERMAN. Why, Mr. President, does the Senator say it is none of the business of the Senate to aid a great State in getting certain information—in aid of doing justice? Not only is North Carolina involved, but there may be 14 or 15 other States concerned in this very question. Let me read from the bill for just one second, and the Senator will see what I mean:

The authority of the attorney for the Republic of Cuba to bring this suit was conferred by a decree of the Government of that country, which is ready to be exhibited to the court if desired.

Now, there is something concealed. They do not furnish the court even with the decree. All we want is information. The Senator can see himself that they simply make that broad statement—"the decree will be shown if desired."

Mr. SUTHERLAND. Let the Senator go to the tribunal that has jurisdiction over the question and get that information.

Mr. OVERMAN. I could not go before the Supreme Court and ask the Supreme Court to inquire of the Government of Cuba for certain information.

Mr. SUTHERLAND. The State of North Carolina can.

Mr. OVERMAN. No; I do not think so. I do not think the lawyers could ask the Supreme Court of the United States in their suit for certain information as to the bona fides of this gift. We know in this country—we must take notice of the fact—that in the case of South Dakota——

Mr. CLARK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. OVERMAN. I do.

Mr. CLARK. Has the Senator considered any other means by which this information might be obtained?

Mr. OVERMAN. I do not know of any other means.

Mr. CLARK. Does not the Senator think that application to the State Department, without this resolution of the Senate, would bring the same information that this resolution would bring?

Mr. OVERMAN. I candidly say to the Senator that I believe if I were to write a letter to the Secretary of State asking him to furnish the information, the Secretary of State would do it; but I think it would come with more grace from the Senate to ask for this information, to show Cuba that not only one of the great States of this Union is interested in this matter, but it interests the whole country.

Mr. CLARK. Of course, if the Senator's purpose is to rebuke the friendly Republic of Cuba, that is correct; but if he wants the information, as he says, undoubtedly he can get it without taking this legislative action.

Mr. OVERMAN. There is no rebuke in it or intended. All the resolution asks is that the Secretary of State shall use his good offices to get information. All we want is information.

Mr. CLARK. Then why not get it from the Secretary without this resolution?

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. OVERMAN. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to ask the Senator whether he has any information as to whether the motion made in behalf of the Republic of Cuba for permission to file a suit itself discloses anything about the ownership of the bonds? Does it allege that Cuba owns the bonds?

Mr. OVERMAN. Why, Mr. President, it is so mixed up in doubt that I can not tell whether it does or not. It says:

The authority of the attorney for the Republic of Cuba to bring this suit was conferred by a decree of the Government of that country, which is ready to be exhibited to the court, if desired.

They do not exhibit the decree in their bill at all.

Mr. CLARK. That is just the authority to bring the suit.

Mr. BRANDEGEE. I know very little about this matter, although I have heard incidentally that there was such a proceeding about to be instituted and that it did not clearly develop whether the bonds were owned by the Republic of Cuba or had been acquired by a subordinate department of the Republic, and whether they were actually owned by the department or whether simply an arrangement had been made with the attorney who represents the owner.

Mr. OVERMAN. That is just what I want to get at. This petition does not disclose that fact, and while I do not know about it personally, my information is that the Republic of Cuba really does not own them.

Mr. CLARK. Mr. President, if the Senator will pardon me——

Mr. OVERMAN. Yes.

Mr. CLARK. The application is not printed, but the memorandum in support of the application for leave to institute suit begins as follows:

This is an application on behalf of the Republic of Cuba for leave to bring an action at law in this court against the State of North Carolina upon a number of bonds of that State, payable to bearer, and now the property of the Republic of Cuba.

This is simply the memorandum.

Mr. BRANDEGEE. I assume, of course, that in any suit, if permission is granted, the Republic of Cuba, or whoever the plaintiff may be, will have to prove its interest and prove its bona fides. As I understand, these are old bonds that the State has never recognized, and several transactions have been had with bonds issued under similar circumstances. The bonds are frequently passed around from one hand to another and sold at very small prices.

Mr. OVERMAN. Mr. President, if the Senator will let me interrupt him there, I want to say that these bonds, some $13,000,000 of them, were issued for the purpose of building railroads. There was not a crosstie laid nor an iron laid, and the bonds were hawked around on the market at 5 cents on the dollar. The State never received any return from them. The bonds are fraudulent, and because they were issued by fraud the State repudiated them. I am not going into the merits of the case, but most of the States have turned down these bonds, as I say. I have heard just what the Senator says, that the Cuban Republic does not own these bonds; but they have used that country by some sort of legislation to get before this court. Now, unless Cuba owns them, of course the Supreme Court could not have jurisdiction; and if we knew that fact that would be the end of the case. I think Cuba itself, our sister Republic, would be very glad for us to take this action and let us get this information. It is simply information that we want. There is no reflection involved on anybody.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. OVERMAN. I yield.

Mr. SUTHERLAND. Why can not the State of North Carolina, which is a party to this proceeding, apply in the Supreme Court itself for a bill of particulars? Is there any reason why it can not do that?

Mr. OVERMAN. That is a question about which the Senator knows better than I do. I do not know; I have never looked into that question; but this is such a simple way to deal with the matter that I can not see why the Senator should object to it. Why not let the Secretary confer——

Mr. SUTHERLAND. The Senator says he can not see why I should object. I object upon exactly the same theory that I should object if a resolution were presented by the Senator asking to have information obtained by the Secretary of the Interior in some action that had been brought in which public lands were involved. My objection is that it is not any of our business; that it is the business of the court where the action is pending. I will say further, if the Senator will permit me, that I know something about these bond transactions, and I sympathize with the Senator's point of view.

Mr. OVERMAN. I think the Senator does.

Mr. SUTHERLAND. I think that the State of North Carolina ought not to be compelled to pay these bonds, if I understand the facts, but it is the business of the court where the action is pending to determine, and it is not our business to determine, the question. It is not our business to aid either of the litigants to develop its case.

Mr. OVERMAN. It is not for the purpose of developing the case; it is where a great State, a part of this great Union, says, through its Senators, the State would like to have certain information, and the Senate should aid in getting the information. We would like to have the Secretary of State get the information for us. I do not know whether the court would do that, and the Senator does not know.

Mr. SUTHERLAND. Let me ask the Senator another question: If this is a proper way to proceed—that is, to invoke the aid of the State Department—why does not the State of North Carolina ask the intervention of the State Department, or why does not the Senator himself ask it? Why is it necessary to make the Senate of the United States an errand boy between the State of North Carolina and the State Department?

Mr. OVERMAN. It is not an errand boy. I can do it, and I will do it if the Senate should turn me down. I would be glad to do it, and I believe the Secretary will comply with my request, but I want them to know that the Senate of the United States is behind the great State of North Carolina in asking Cuba to furnish information to a sister State. I

can not understand why the resolution should not be passed. I can ask for the information; I will ask for it, but I would rather have this great body stand behind the State Department and say we would be very glad if you would give us this information.

There is a great deal involved in this question, Mr. President. Suppose that this is carried to its ultimate limits, every State in the South would be involved, because hundreds and hundreds of millions of dollars were issued during those carpetbag days, from which the States reaped no benefit. Then, if the bondholders could get a judgment against any of these 11 States by a scheme to use foreign countries for their nefarious purpose it would be finally taken to The Hague, and the question would have to be settled there, and international trouble would be the result. So, in the last analysis, there is an international question involved. If we can show that they are doing in Cuba what they have tried to do in a dozen or more of the great States of the Union, knowing the facts incidentally, they would spurn the attempt at coercion with contempt. So it does seem to me that the Senator should agree to let the resolution pass.

Mr. CUMMINS. Mr. President——

Mr. OVERMAN. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to make this suggestion to the Senator from North Carolina. I believe he is right in saying this is a matter for diplomacy, or at least concurrently with the court, but it seems to me that he does not put the resolution on the right ground. He asks our State Department to secure from the Republic of Cuba certain information. Why does he not ask our Secretary of State to take up with the Republic of Cuba an inquiry as to the propriety of a foreign country coming into the United States and seeking to sue one of the States? I do not know of any provision in the Constitution that gives a foreign country the right to sue a State in the Supreme Court of the United States or in any other tribunal. I think it would be distinctly an affront to our country to make any such proposition. Suppose Germany were now to come to the United States and ask for leave to sue a State or to sue the United States in the Supreme Court of the United States on account of our violation of the law of neutrality, it would be distinctly a matter for settlement between the State Department and the Empire of Germany. Just so here; unless one can point out some distinction for a suit instituted by a foreign country against a State in the Supreme Court of the United States, I think that the Senator from North Carolina ought to broaden his resolution and ask the State Department to take up with the Republic of Cuba the propriety of making any such application.

Mr. OVERMAN. The Senator states it much better than I could possibly state it. I think he is right, and I think the Senator's statement, patriotically and broadly made, would be covered in the resolution. In other words, the Secretary of State will consider all the questions suggested as well as get this information.

It is a great matter of international concern that is involved. The Constitution, in Article III, section 2, states that in certain matters foreign Governments can sue a State.

Mr. SUTHERLAND. May I call the Senator's attention to the language of the Constitution? Article III, section 2, provides that—

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and—

To this I call special attention—

> And between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Then, further along, the provision is:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction.

So the Constitution recognizes that there may be a case where a foreign State may sue one of the States of the Union, of which case the Supreme Court of the United States has original jurisdiction.

All I am insisting upon is that here is a case which upon its face appears to be properly brought, and the Senator is invoking the aid of the legislative branch of the Government to find out what evidence one of the party litigants has against the other. I insist that the remedy which the State of North Carolina has in that respect is to go into the tribunal which has jurisdiction of the subject matter and there make application for a bill of particulars if the petition which has been filed is not sufficient.

Mr. OVERMAN. Suppose it be true——

Mr. SUTHERLAND. Just a moment further. I am not going to object to the consideration of the resolution. I think it has no place here. With all due respect to the Senator—I hope the Senator will not misunderstand me——

Mr. OVERMAN. I do not.

Mr. SUTHERLAND. I think it is a ridiculous thing for the Senate of the United States to pass such a resolution, but that is all I desire to say about it. I reserve the right to vote against it, but I make no objection to the consideration of the resolution.

Mr. OVERMAN. As far as the bill of particulars is concerned, in a bill of particulars we would not possibly get the information we desire because it is left to the parties to state the particulars. We want this great Government to use its good offices in getting the information which we would not get in a bill of particulars, to use its good offices as the Senator has stated in reference to this sister Republic, for which we have spent millions, made war for, and given the people their liberty.

Mr. STONE. I should like to ask the Senator from North Carolina as to a question of fact. Are the securities which are the basis of this suit held ostensibly by the Government of Cuba or by citizens of Cuba?

Mr. OVERMAN. That is just what I want to find out. The Senator from Utah read from the Constitution. If the Republic owns them and they are the property of the Republic, the court might have jurisdiction, though I deny that the Supreme Court has jurisdiction, no matter what the facts are. I understand that is not the case; I do not know that it is; they say here they are owned by the Republic. That is just the information I want. If this Government could use its good offices with Cuba, it would ask, "Cuba, do you own these bonds? If so, let us know just how you own them and why this suit is brought on bonds which have been absolutely repudiated by the State itself to make good bonds which a great sovereign State has by constitutional amendment repudiated?"

I hope no one will object to the resolution. All we want is the information. I am glad the Senator from Iowa made the statement he did, because it will go to the Secretary of State and the State Department will use its good offices accordingly. That has broadened the resolution, after what the Senator from Iowa has said about the resolution, and this would give them the authority.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

Mr. CLARK. Mr. President, I am not going to object, but I want to enter my protest about making the Senate of the United States a party litigant in this proceeding, which, if properly brought and authority exists under the Constitution for bringing it, is cognizable by only one tribunal. The parties litigant are the State of North Carolina and the Republic of Cuba. The resolution simply makes the Senate of the United States one of the parties litigant. That is all it does. If the real information is all that is desired, as the Senator himself says, undoubtedly it could be obtained without objection.

Mr. OVERMAN. I say I think we could use our good offices to do it.

Mr. CLARK. It seems to me, as indicated in the remarks of the Senator from Utah, that we are meddling with something in which we have no present affair. It is a case solely for the consideration of the Supreme Court of the United States, which has original jurisdiction in such matters. If it has original jurisdiction and originally takes jurisdiction of the case, it should be unhampered by any outside parties by interfering either with the procedure or the facts of the case. If it has jurisdiction, the case should be presented as all other cases should be presented, and its ultimate result will depend upon the evidence which either party will produce.

Mr. OVERMAN. The Senator does not see the point. It may have original jurisdiction under certain conditions. It has not under other conditions.

Mr. CLARK. I suppose the Supreme Court is able to determine whether it has jurisdiction or not, and no action by the Senate can take from or add to whatever jurisdiction the Supremen Court may have. The question of the jurisdiction of the Supreme Court is not a question for the Senate to determine.

Mr. OVERMAN. Not at all.

Mr. CLARK. It is a question for that tribunal itself to determine. Therefore inasmuch as the Republic of Cuba, believing evidently that it has the right to make this application to the Supreme Court, makes it, it does seem to me, as

the Senator from Utah says, that we are meddling with something we ought not to meddle with.

Mr. GALLINGER. Mr. President, the Senator from North Carolina knows how kindly disposed I am toward him and how loath I would be to interrupt anything that appeals to him as this matter evidently does, but I am going to venture to ask the Senator if he does not think in view of the differences of opinion on the part of eminent lawyers in this body the resolution might well go over one day for consideration?

Mr. OVERMAN. This matter is very important, and I hope the Senator will not object.

Mr. GALLINGER. It will come up to-morrow automatically if it goes over one day. Does not the Senator think it might be well to take that course?

Mr. OVERMAN. I am willing to have it go over if the Senator desires.

Mr. GALLINGER. I suggest that the resolution go over until to-morrow.

The PRESIDENT pro tempore. Under objection, the resolution will go over for a day.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on December 27, 1916, approved and signed the following acts:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912; and

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

PEACE OVERTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution heretofore submitted by the Senator from Nebraska [Mr. HITCHCOCK], coming over from a previous day.

Mr. HITCHCOCK. Mr. President——

Mr. GALLINGER. Let the resolution be read, Mr. President.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 298) submitted by Mr. HITCHCOCK December 22, 1916, as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. HITCHCOCK. Mr. President, it has been my desire, and still is my desire, to have the resolution considered to-day and acted on by the Senate. I am, however, particularly anxious that when considered and acted on it may be a nonpartisan way and, if possible, by a unanimous Senate. It has been suggested to me by Senators on both sides of the Chamber that, in the interest of that result, it might be better by unanimous consent to have the resolution go over until to-morrow, still holding its privileged position. Personally I am willing to have that action taken if any Senator desires further time or if Senators desire an opportunity for consultation and further consideration; otherwise I should like to have the resolution considered to-day.

Mr. GALLINGER. Mr. President, when the resolution was presented a few days ago I asked that it might go over. I did not make that request in a spirit of hostility to the resolution, but for the purpose of examining it with some care. I find that on a previous occasion the Senator from Nebraska offered a somewhat similar resolution, which went to the Committee on Foreign Relations, and I will venture to suggest to the Senator from Nebraska that it would be better, in my judgment, that this resolution should go to that committee and that the committee should take it up. The Senator is a member of the committee, and I have no doubt he would get speedy action. If it is desirable that the Senate shall commit itself on this very grave question, it will be largely guided by the judgment of that great committee; and I will ask the Senator if he does not think that that would be a better procedure?

Mr. HITCHCOCK. Well, Mr. President, in answer to that question, I will state I had considered that course, but I prefer this method for two reasons: First, it is more expeditious, and, in the second place, the moral effect of this resolution will, in my opinion, be better if the Senate, now that it is before it, should act upon it. The Senate is a coordinate authority with the President on international matters, at least on many international matters; it is in fact the only legislative body in the world with functions and powers relating to international matters. The parliaments of the old countries and the legislative bodies of other nations practically, in so far as the great nations at least are concerned, have no such functions and powers; but the Senate possesses them, and it has a reputation, it has a standing in the world similar, if not equal, to that of the President.

Now, it seems to me that the Senate has a duty to perform independently of the President. The President has performed his duty. The world is confronted with the greatest disaster in its history. Men are being killed at the rate of 3,000 a day; the wealth of the world is being used up to the extent of $105,000,000 a day; and millions of men are being crippled each year. In the face of this tremendous calamity, now that the President has taken a step with the object and purpose of showing that the United States as a great neutral desires that the belligerent nations state what the possible terms of peace might be, it seems to me that it is timely that the Senate should act, and act at once.

Mr. President, there is no complication involved in this issue. I have been careful in my resolution so to limit its import and language as not to involve the Senate in an indorsement of the President's foreign policy, not even to involve the Senate in an indorsement of the argumentative parts of the President's letter, but to confine the indorsement entirely to an approval of the President's act in asking the nations at war to state terms of peace. I can not think there is any doubt in the mind of the country or in the mind of Senators here, without regard to party, that it will be the first step toward the end of the war if terms of peace can be stated. The nations may be far apart; we suppose they are; but some day, at some time, they must state what the possible terms of peace may be, and the sooner that step is taken the better. The importance, to my mind, of having the Senate, as the coordinate authority with the President, go on record in expressing the American desire that the terms of peace be stated lies in the fact that in all these countries there is a growing sentiment in favor of action looking to peace. That sentiment will be given great impulse if the Senate can add its plea to the plea already made by the President, and the end of the war may be in sight.

To my mind, Mr. President, it is of such importance and the issue is so simple that it ought not to be necessary to refer the resolution to the Committee on Foreign Relations. I hope that it may be considered in a nonpartisan way, and I know that there are men on the other side of the Chamber who long as much as I do, and as any Senator could, to have a stop put to this awful horror. I am not speaking of our material interests; they are great; but we, as a neutral, have a right to ask this thing, not only a right given us by international law but specifically given to us in the terms of The Hague Convention.

So it seemed to me that the Senate ought to act on the resolution. I had not expected to say much on the subject, but I have felt that, if the question once arose here in the Senate, it probably could be settled in a nonpartisan way, and possibly even by a unanimous Senate. I know that the Senator from New Hampshire sympathizes with the general object in view, and I only suggested, if it were so desired, that this matter go over until to-morrow in the interest of greater harmony. If there is anything in the language of the resolution that should be amended, I should be glad to consider any such change.

Mr. GALLINGER. Mr. President, if the Senator from Nebraska will permit me——

Mr. HITCHCOCK. I yield to the Senator.

Mr. GALLINGER. I yield to no man either in public or in private life in my desire to have the horrible condition in Europe terminated. I certainly would not under any circumstances, by voice or by vote, halt any movement that I believed would accomplish, or tend to accomplish, that result; but in reference to this resolution, Mr. President, I have received a large number of letters from men, whose judgment I deeply appreciate and whose wisdom I highly respect, saying that this resolution is not in good form, and that it will not tend to accomplish what the Senator from Nebraska has in view.

I have also read in influential journals, Mr. President, the very grave suggestion as to what our action may result in if we forget Washington's advice and enter into entangling alliances with foreign policies and foreign nations. I am not sufficiently well versed in constitutional law to know whether the objections which have been made are well grounded; but from one very influential source we are warned that we may endanger the supremacy of the Monroe doctrine if we interfere in these quarrels in any way with the nations of Europe. I do not know how that may be, but I should like a little time to look into it.

Mr. President, if the Senator from Nebraska does not feel like having the resolution go to the Committee on Foreign Relations—and I shall not make a motion looking to that end—I

hope it will go over until to-morrow, and I trust that we may have time to calmly and dispassionately debate this question. So far as I am concerned, I shall take very few minutes in what I may have to say, and perhaps may not take any time at all; but there are great lawyers here on both sides of the Chamber who have looked into these matters of international concern very deeply, and whose opinions, if they care to express them, I would very much desire to avail myself of and to have the benefit of the conclusions that they may reach. So I say, Mr. President, if the Senator feels that the resolution ought not to go to the committee—though I think that would be the wise action to take—I trust it will go over without objection, and in due form come up to-morrow for consideration.

Mr. LODGE. Mr. President, I think this resolution ought to go to the Foreign Relations Committee, where similar resolutions have already been sent. I think it ought to have the consideration of the committee.

This seems to me a very grave, a very large, and a very important subject. It is not one that can be whipped through in the morning hour as if it were an agreement to adjourn the Houses. It is of a most serious character. It deserves the examination of the Foreign Relations Committee and their advice to the Senate. There will be ample discussion of it, I am sure. I do not mean to say that there is the slightest desire to delay action upon it. The subject is altogether too important, in the opinion of some of us, certainly, to allow it to pass without discussion. I should like to say something in regard to it myself, and there are others who feel the same way. It will have to meet with thorough discussion before it leaves the Senate; also, there will have to be opportunity possibly to amend it if it is to pass.

I think, moreover, that we ought to have the necessary official papers before us. We have nothing now except the President's note that has come to us in an official form. I know that the fashion has been adopted lately of communicating with the Senate through the newspapers; but it seems to me that in this case there are a number of very important statements and notes that we ought to have in official form. It is not just to the Senate, it is not just to the department or to the administration, not to have them in proper form.

We have, as I have said, the President's note. There was a very important statement made by the Secretary of State after that note of the President had been published, in which he said that one reason for the note being sent was that we were on the verge of war. In the afternoon of the same day there was published another statement by the Secretary of State modifying the first statement; and on Sunday, the 24th of December, there was a third statement from the State Department in regard to the note. These were all official. We ought to have them in proper form. It is not just to the Secretary of State to discuss here what appeared in the newspapers. It may be accurate; it may not be.

We ought to have the German note of reply in full and in official form. The substance of it, it is stated in the newspapers, has been printed there. We ought to have the whole note before us. We ought to have the note of the entente allies, as they are called, in reply to the German note. We ought to have the Swiss note. We ought to have the Spanish note. We ought to have all these important State documents in official form. It is only just to us, just to the country, and just to the executive department, that before we discuss these questions we should have these papers before us in such a form that we know that they are accurate and official. We have none of them now, except the President's note.

I think to carry on this discussion on the basis of newspaper reports is not the way in which so serious a subject should be approached. I had hoped that sufficient time would be allowed to enable us to get those documents and those papers from the State Department, so that we might know before we acted. Also, I think the terms of the resolution require amendment; but that is a question of detail.

Therefore, Mr. President, I wish to say to the Senator from Nebraska, that I hope he will allow the Committee on Foreign Relations to consider this question. I trust, also, he will realize that this thing can not be hurried through. We must have an opportunity to discuss a matter so grave as this, which involves our relations with all the nations of the world. It ought not to be, and it can not be, hurried through as if it were some general matter of no special importance.

Of course, if the Senator prefers to let the resolution remain on the table, to come up to-morrow, I am not going to make any objection or make a motion to send it to the Foreign Relations Committee; but I am sure that there will be time for us to give it the discussion which it certainly deserves.

Mr. STONE. Mr. President, I think it is unnecessary to send this resolution to the Committee on Foreign Relations. The resolution is simple in its terms, stating only a single proposition. What is that proposition? The President sent an identical note to the various belligerent powers of Europe, which note has been laid before the Senate officially. We have that; we know what that is. The resolution of the Senator from Nebraska is that the Senate approve this action of the President in sending to these belligerent nations the communication referred to. That is the whole of the resolution.

This note called upon the nations engaged in war for a statement as to the exact issues involved between them; in other words, to let the world know just what are the real, essential issues at stake in this bloody contest, and asking for such suggestions as might be made by them to us, a friendly power, as to the terms upon which peace might be discussed between them. That is a simple, plain forward proposition, quite easily understood. There is nothing in the note of the President to the powers that can not be easily understood. He sent this note of inquiry, asking questions of vital and world-wide moment. The act of the Chief Executive was manifestly taken with the hope of opening the door to negotiations which might lead to peace, which might lead to a cessation of these frightful hostilities which appall the world. Now, the question before the Senate to-day is whether the President acted rightly and whether we approve what he did. Why not take the judgment of the Senate on that? What is the need of sending that question to a committee, to have a committee debate it, and bring forth to you a report of their opinion?

The only possible good affirmative effect of any action whatsoever taken by the Senate must be the good effect of having the Senate approve the act of the President. If it is to amount to anything, the Senate must express itself as being in sympathy with the movement projected by the President to bring about world peace and normal world conditions. That is a question which necessarily addresses itself to every Senator here on the floor of the Senate, as well as it would to Senators in a committee room. If this resolution is to be referred to a committee, if a committee is to take it up and debate it for I know not how long, if it is to be made the subject of delay, if the Senate hesitates to approve the President's act, then the moral effect of even an approving Senate expression will be diminished.

Mr. President, the Senator from Massachusetts [Mr. LODGE] has suggested that the resolution should be discussed in a committee, and that we should wait to have all the papers that are to come from the different belligerent powers in reply not only to the German note transmitted through our Government, but also the replies to the President's note. We would no doubt through these papers get the point of view of the belligerent nations when these papers come; but at this moment it seems to me we are up to this question: Whether the Senate, without waiting for foreign advices, shall express its own point of view on the President's note. Did the President do right in asking that the warring powers should state concisely and definitely the questions at issue and the terms upon which they would consider peace proposals? Shall we wait to hear from the capitals of Europe before we say whether we approve or disapprove what the President did?

Mr. President, I see no need of referring this resolution to a committee. I accord with the view of the Senator from Nebraska, since it is his request, that the resolution go over until to-morrow. I have no wish to foreclose any expression from any Senator with respect to this matter. Let every Senator say what he thinks; but I think, inasmuch as this matter is here in the form in which it appears before us, that the Senate should speak its opinion right out without any kind of evasion.

Mr. NEWLANDS. Mr. President, I favor the adoption of a resolution such as has been suggested by the Senator from Nebraska [Mr. HITCHCOCK]. On the 20th day of April, 1916, I introduced in the Senate a resolution calling upon the warring powers for a calm consideration of the views that impelled the restoration of peace; and later on, on the 3d day of May, I offered a substitute for that resolution, which was then pending in the Foreign Relations Committee. I think it might be well, in addition to the approval of the President's note, for the Senate itself to make some expression upon this subject; and I shall therefore call attention to this substitute resolution for the one originally introduced by me, in the hope that it may furnish some suggestions upon this matter. I ask the Secretary to read the resolution.

VOLUNTEER OFFICERS' RETIRED LIST.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon, with retired pay, certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives for reference.

HOUSE BILL REFERRED.

H. R. 19300. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1918, was read twice by its title and referred to the Committee on Appropriations.

OSAGE INDIAN SCHOOL, OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6864) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1917, which were: On page 1, lines 7 and 8, to strike out "in the discretion of the Secretary of the Interior"; on page 1, line 10, to strike out "not exceeding 10 years" and insert: "1 year"; on page 2, lines 1 and 2, strike out ", on the condition of establishing vocational instruction in such schools," and to amend the title so as to read: "An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of one year from January 1, 1917."

Mr. OWEN. I move that the Senate agree to the amendments of the House.

Mr. SMOOT. Will the Senator state what are the amendments of the House?

Mr. OWEN. The House limited the extension of the fund for the maintenance of the Osage school to 1 year instead of 10.

Mr. SMOOT. Is that the only amendment?

Mr. OWEN. That is the only amendment.

Mr. LANE. I should like to ask if the Indians themselves object to continuing the school?

Mr. TOWNSEND. Mr. President, I shall have to insist on the regular order.

The PRESIDENT pro tempore. The Chair under the rule laid before the Senate the amendments of the House of Representatives to the bill and a motion was made to concur in the amendments.

Mr. LODGE. At that point the privilege expired.

Mr. OWEN. I think it will take no time at all.

Mr. LODGE. I have no objection at all.

Mr. BRANDEGEE. I have no objection if it does not displace the unfinished business.

The PRESIDENT pro tempore. The Chair would rule that it did not displace the unfinished business. The Senator from Oklahoma moves that the Senate concur in the amendments of the House.

Mr. LANE. I ask the Senator if he will not allow the bill to go over. I received a communication this morning protesting against this identical measure, I think.

Mr. OWEN. I will say to the Senator that the half-breed element oppose it and the full bloods are in favor of it, and that is where the matter stands.

Mr. LANE. I do not know; but there was a claim made by a man representing himself to be an Osage Indian that these Indians maintain their own schools; that they have paid their taxes for public schools; and if this is the measure, although I may be mistaken, that there was no necessity for a further continuance of this institution at their expense. I should like to have time to look at it and check up against it. I ask that it may go over.

The PRESIDENT pro tempore. The regular order is called for, which is the unfinished business.

PEACE OVERTURE.

Mr. NEWLANDS. Mr. President——

Mr. HITCHCOCK. Will the Senator allow me?

Mr. NEWLANDS. I will yield for a moment, but I should like to have the resolution read which I sent to the desk.

Mr. HITCHCOCK. I desire to ask the Senator from Michigan [Mr. TOWNSEND] if he will consent to lay aside temporarily the unfinished business until we can decide whether my resolution shall go over until to-morrow by unanimous consent.

Mr. LODGE. The resolution has gone to the calendar under the rule. It is disposed of now.

Mr. HITCHCOCK. I think we have had unanimous consent on other occasions under such circumstances.

Mr. LODGE. We had no unanimous consent; it never was granted. The resolution, under the rule, has gone to the calendar. The unfinished business is before the Senate.

Mr. HITCHCOCK. Mr. President, I move that the Senate proceed to consider the resolution.

Mr. LODGE and Mr. GALLINGER. That is debatable.

Mr. TOWNSEND. I hope the Senator from Nebraska will not insist upon the motion at this time. It will simply delay matters and the resolution will not be disposed of.

Mr. HITCHCOCK. I am certainly in sympathy with the bill represented by the Senator from Michigan, but I feel that I have not been properly treated with this resolution. The resolution came before the Senate as a privileged matter, and I then, in order to concede to views on the other side, asked that unanimous consent be granted that it go over until to-morrow. Now the Senator from Massachusetts desires to take advantage of a technicality to deprive me and my resolution of what was about to be granted by unanimous consent and what he himself had consented to. I have no other recourse except to make the motion, unless by unanimous consent my resolution may go over until to-morrow.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. I made no objection to the unanimous consent. The Senator failed to get unanimous consent and now the resolution has gone to the calendar under the rule. I do not see why the Senator should try to put the resolution forward and crowd everything else out of the way. All I ask is a fair discussion, and I can assure the Senator that he will not advance his resolution by adopting these high-handed methods.

Mr. HITCHCOCK. I am not adopting such methods. I have endeavored to do everything by unanimous consent, Mr. President; the Senator from Massachusetts himself consented to it; and by unanimous consent now this can be done.

Mr. BORAH. Mr. President, a parliamentary inquiry. Could we by unanimous consent now permit the resolution to go over to occupy the same position that it had before 2 o'clock?

Mr. HITCHCOCK. I think so. It has been done on other occasions.

Mr. SMOOT. The resolution is on the calendar.

The PRESIDENT pro tempore. The status of the resolution now is fixed, under a ruling of Vice President Sherman, as being on the calendar. That is the status of it, which would have to be changed.

Mr. HITCHCOCK. Then I have no recourse except to make this motion, and I make it only for the purpose of bringing the resolution before the Senate long enough to get unanimous consent for its consideration to-morrow. That is my only purpose.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. The Senator will have the same right to-morrow morning at the close of the morning business.

Mr. STONE. He has the same right now. Why not do it now?

Mr. SMOOT. The Senator, of course, can do it now, if he wants to.

Mr. STONE. He has made the motion.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. Certainly.

Mr. BORAH. Can we not by unanimous consent take the resolution off the calendar and give it the status which it occupied before 2 o'clock?

The PRESIDENT pro tempore. The Chair thinks that that can be done by unanimous consent.

Mr. HITCHCOCK. Then I make the request.

Mr. BORAH. I think we ought to do so for the reason that the Senator from Nebraska understood, and all understood, that it was to go over until to-morrow, but by reason of the fact that a Senator was occupying the floor it went to the calendar. As to the resolution in its present form, I am not speaking for the resolution when I make this suggestion, but I think if unanimous consent can be had under the rule it ought to be given.

Mr. GALLINGER. It is evident, Mr. President, that that can be granted. I hope the Senator will ask for it, and I hope it will be granted.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HITCHCOCK. I do.

Mr. TOWNSEND. I shall have no objection to the resolution going over until to-morrow if it is to be considered during the morning hour, but the Senator from Nebraska has asked for its status to be fixed for determination to-morrow.

Mr. HITCHCOCK. I am not asking for that.

Mr. TOWNSEND. If unanimous consent is granted so that the Senator's resolution shall take its place on the calendar for consideration to-morrow the same as though it had not gone to the calendar to-day, I have no objection to it.

Mr. HITCHCOCK. Then, Mr. President, I make the request that the resolution be taken from the calendar for consideration to-day, and that it go over under its privileged character for consideration to-morrow.

Mr. GALLINGER. In the morning hour.

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. Would this displace the unfinished business?

Mr. GALLINGER. No.

The PRESIDENT pro tempore. The Chair has stated that it would not.

Mr. LODGE. It comes up only as a resolution to-morrow at the close of the morning business, occupying then the same position it occupied this morning.

Mr. JONES. The Senator's request was that it be taken up for consideration to-day.

Mr. LODGE. No; from the calendar.

Mr. HITCHCOCK. That it be taken from the calendar.

Mr. LODGE. Taken from the calendar and placed where it was before with the privilege it then had. I have no objection to that course.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

Mr. NEWLANDS. I now ask that the resolution which I sent to the desk may be read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Secretary read the resolution (S. Res. 303), as follows:

Resolved, That the people of the United States of America, consisting for the most part of the children by birth or descent of the warring nations in Europe, view with profound distress the continuance of a war, calamitous to all and beneficial to none.

From the small beginning of a movement made by a Teutonic State to punish a Slav State for an alleged conspiracy against its national life, resulting in the assassination of its Crown Prince, the most destructive and frightful war in history has resulted.

The distinguishing characteristics of this war include on the part of each participant the disclaimer of responsibility for its commencement or continuance, the assurance that it is not animated by a desire for conquest, the declaration that it is fighting for its national life, and mutual protests against dominant individual militarism either on land or sea.

The frightfulness of the past two years has surpassed the predictions of the most sinister imagination. The warring nations are dimly conscious of the terrors of the future, through the experiences of the past, but interlocked in the deadly but indeterminate struggle of the trenches, can not stop to deliberate. The continuance of the war means loss to all and gain to none. The only hope of peace lies apparently in the exhaustion of all, accompanied perhaps by a barren victory for the power whose exhaustion is least complete. Victory so attained will be at a stupendous cost, far exceeding its value, and thus the only result of continued warfare will be the common deterioration of race and impoverishment of condition.

The Senate of the United States, conscious that this Government owes a duty to posterity in the maintenance of the long-established principles of civilized warfare as applied to neutral rights, and fearful lest it be drawn into the vortex, seizes this opportunity when its relations with one of the warring powers are in the balance to urge the combatants who are now conducting the world's tragedy to express in some concrete form, without acrimony, taunts, or threats, what proposals can be made the basis of a desired peace, and to suggest to the Teutonic powers that having accomplished the declared purpose of the war, the punishment of Servia, they may, without imputation of weakness, make such reasonable proposals regarding the restoration of the status quo, the gradual reduction of military burdens, and the substitution of reason for force in the adjustment of international disputes as to command the favor and impress the judgment of the people of the neutral and warring nations.

Mr. NEWLANDS. Mr. President, when this matter comes up for discussion I shall ask for the consideration of the resolution offered by me in May last regarding the restoration of peace in Europe in connection with the resolution offered by the Senator from Nebraska. I have no fixed views now as to whether it is wise to add anything to the resolution offered by the Senator from Nebraska, but it may well be a subject of serious consideration as to whether an independent statement made by the Senate of the United States expressing its views regarding this calamitous condition will not be of great influence in bringing about a restoration of peace. I invite particular attention to the suggestion in the resolution that whatever proposals are made should be made without acrimony, taunts, or threats.

Mr. GALLINGER. Mr. President, I have in my hand a very important and illuminating editorial from the New York Sun in reference to the matter that has been under discussion. I ask unanimous consent, and I do it at the request of several Senators, that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The editorial referred to is as follows:

PRESIDENT WILSON ATTEMPTS TO PLEDGE UNITED STATES TO REVERSAL OF TRADITIONAL FOREIGN POLICY.

NEW YORK, *December 26.*

The New York Sun, in a strong editorial, points out some of the serious implications of the recent "peace note" of President Wilson. The Sun says:

"Mr. Wilson may not be proposing peace; he may not be proposing mediation; he may not be interposing his hand or his head between the belligerents who are fighting this European war; he may not be suiting his acts to Germany's present desires—but the fact remains that he is not only proposing something which no President of the United States ever before proposed, but also pledging this Nation to something which no President of the United States has the right or the power to pledge.

"That something is the annihilation of the Monroe doctrine, which has governed the policy of the Republic for almost one century of the Republic's existence.

"Mr. Wilson speaks with feeling of the interests of the United States as a neutral power in relation to the war waged for European politics.

"There is no other interest of the United States of such transcendent importance as that which lies behind the traditional refusal of our Government to mix in the political affairs of the European nations and its traditional determination, so often and in so many forms declared, to permit no European interference with the destinies of the Republics of North, Central, and South America, no extension of European political influence in the Western Hemisphere.

"We are not discussing the merits of the Monroe doctrine or now examining its health to see if it is senile, moribund, fit for no further progress except a journey to the last resting place of obsolete and superseded national policies. We merely call attention to the outstanding fact that the proposal and pledge which occur in the course of President Wilson's eloquent expression of the natural hope of American civilization and humanity to see peace restored on a lasting basis would incidentally send the Monroe doctrine straight to the tomb. This is not to be dismissed as a matter of academic interest; its bearings on our international relations are those of a revolutionary change with practical consequences immeasurable. It means not only the utter abandonment of our attitude of aloofness from the complications of European politics, but also the absolute surrender of the position which we have maintained against all comers with regard to the American Republics south of our border. The participation of the United States in European guaranties inevitably means the entering of the European powers into the affairs of the Western Hemisphere wherein we have assumed and exercised an exclusive function. Specifically, it means European cooperation and tutelage in the affairs of Mexico, of Guatemala, of Honduras, of Nicaragua, of San Domingo, of Costa Rica, of Panama, of Colombia, of Venezuela, and so on, down to the jumping-off place of Pan American policy at Cape Horn. There is no avoiding the fact that the United States can not abolish one-half of the Monroe doctrine and preserve intact the other half.

"Here is President Wilson's proposal and his pledge:

"'In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interests, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.'

"In this passage as the World justly remarks, 'the President pledges the cooperation of the United States in the enforcement of future guaranties of the peace of the world and the integrity of the small and weak nations of Europe. It can not be made too clear that whether this is or is not a desirable departure from past policy, it is a departure involving not only our participation in the control of the destinies of Belgium and Servia and Roumania, but also participation of Great Britain and Germany and Russia and France and Italy in the control of the destinies of Mexico, of the Central American States, of Venezuela; why not even of Cuba?

"For—the Monroe doctrine thus blithely swept away in the exuberance of emotional rhetoric is beyond the power of President Wilson to annul. The Government of the United States, by the joint action of Executive and legislature, has officially declared the Montroe doctrine to be its policy. Our participation in the peace conferences at The Hague, and our assent to the conventions there framed, were distinctly qualified and limited by this declaration:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions or internal administration of any foreign State, nor shall anything contained in the said convention be so construed as to require the relinquishment by the United States of America of its traditional attitude toward purely American questions.'

"As the American historian of the first peace conference at The Hague, himself one of the American delegates, well said: 'Not even in the supposed interest of universal peace would the American people have sanctioned for one moment an abandonment or the slightest infraction of a policy which appeals to them as being founded, not only upon legitimate national desires and requirements, but upon the highest interests of peace and progress throughout the world.' And the general conventions both of the first conference at The Hague in 1900 and of the second in 1907 were ratified by the Senate of the United States with this broad and significant reservation specifically recorded as part of the contract.

"President Wilson can, if he sees fit, propose the relinquishment of the Monroe doctrine as the traditional policy of the United States by negotiating with European countries new treaties affecting the entry of this Government into political entanglements of European concern and conversely admitting European powers into political engagements of purely American concern. The Senate of the United States can, if it

chooses, validate such proposed treaties by the constitutional process of ratification.

"But until that has been done the Monroe doctrine stands as our declared policy in international relations, and there is no more power in the White House to extinguish it, or to pledge the people and the Government of the United States to the guarantee of European boundaries, than there is in this newspaper or in the executive offices of the Pennsylvania Railroad."

VOLUNTEER OFFICERS' RETIRED LIST.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. TOWNSEND. Mr. President, in the interest of expedition, I had thought to consume no time of the Senate in discussing this bill. It has been before the Senate and on its calendar for several years and is, I believe, well understood by most, if not by all, Senators, but inasmuch as so much prejudice has been displayed and so much misinformation has been submitted it seems best that I should state briefly its provisions and objects.

The bill proposes to establish a retirement roll for the benefit of honorably discharged volunteer officers of the Civil War. It is offered in compliance with precedent established by Congress in 1828 and 1832 when the surviving officers of the Revolutionary War were placed upon a similar roll with full pay of the highest rank held by them in that war, not exceeding, however, in any case the full pay of a captain.

The officers and men of the Revolutionary War were inadequately paid, but at the close of that war Congress gave the officers full pay for five years thereafter. It also gave to officers and privates large grants of land. Each enlisted man received 100 acres and to officers, according to their rank, larger grants were made. To a captain 300 acres were given, as I recall it now, 500 acres to a colonel, and so forth. Many of the States also gave lands in even larger amounts to their Revolutionary soldiers. In some States, North Carolina, for instance, 25,000 acres were granted to a major general.

Furthermore, it is approximately, but all too tardily, carrying out what was supposed to have been a sacred promise made to these men by their Government through its Congress and President in 1861. That promise was that the officers, noncommissioned officers, and privates organized under the acts calling and providing for volunteers should in all respects be placed on the same footing as to pay and allowances of similar corps of the Regular Army; that every volunteer received into the service who should be wounded or disabled in such service should be entitled to the benefits which had been or might thereafter be conferred upon members of the Regular Army.

There has been some question exactly as to what those acts of Congress were, and I will insert in full the acts of July 22 and July 25, 1861. Those enactments must be construed as one act, the second having been passed but three days after the first, and evidently to make a correction in the first. The act of July 22, 1861, section 5, provided:

And be it further enacted, That the officers, noncommissioned officers, and privates, organized as above set forth shall, in all respects, be placed on the same footing, as to pay and allowances, of similar corps of the Regular Army.

Opponents of the bill say that was intended to apply simply to the pay of the volunteer officers and men during their service in the Civil War, but three days thereafter the same Congress passed this act, as if to correct an omission which had been made in the first law:

SEC. 2. *And be it further enacted,* That the Volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the rules and articles of war, and shall be upon the footing, in all respects, with similar corps of the United States Army, and shall be mustered into the service for "during the war."

Afterwards, in August, The Adjutant General of the United States promulgated this order to the Army, quoting the two statutes, the one of July 22 and the other of July 25, thereby stating to the soldiers who enlisted that they should be treated not only for the present but for all time the same as were the officers of the Regular Army, and if any benefit should accrue to an officer or private in the Regular Army because of his service in the Civil War, that benefit should also accrue to the volunteer.

It seems to me there can be no possible question as to that proceeding. This promise meant, if it meant anything——

Mr. SMITH of Georgia. Will the Senator allow me a question?

Mr. TOWNSEND. Certainly.

Mr. SMITH of Georgia. Have any copies of those acts been printed, specially for this discussion, where we could lay our hands on them?

Mr. TOWNSEND. I have just read the sections, but I will include the whole acts of July 22 and July 25 in my remarks.

Mr. SMITH of Georgia. I was under the impression the Senator had them put in the RECORD before and that we then could get a copy of the RECORD containing them.

Mr. TOWNSEND. The act of July 22 is in the House hearings. The act of July 25 is not in the House hearings. For some reason or other that has been omitted, but I will put both acts in the RECORD in connection with my remarks. They appear in General Orders, No. 49, issued by Adjt. Gen. Thomas on August 3, 1861.

The acts referred to are as follows:

[General orders, No. 49.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, August 3, 1861.

1. The following acts of Congress are published for the information of the Army:

"An act to authorize the employment of Volunteers to aid in enforcing the laws and protecting public property.

"Whereas certain of the forts, arsenals, customhouses, navy yards, and other property of the United States have been seized, and other violations of law have been committed and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore

"*Be it enacted, etc.,* That the President be, and he is hereby, authorized to accept the services of Volunteers, either as Cavalry, Infantry, or Artillery, in such numbers, not exceeding 500,000, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property: * * *

"SEC. 2. *And be it further enacted,* That the said Volunteers shall be subject to the rules and regulations governing the Army of the United States. * * *

"SEC. 5. *And be it further enacted,* That the officers, noncommissioned officers, and privates organized as above set forth shall in all respects be placed on the same footing as to pay and allowances of similar corps of the Regular Army. * * *

"SEC. 6. *And be it further enacted,* That any Volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have or may be conferred on persons disabled in the Regular Service; and the widow, if there be one, and if not, the legal heirs, of such as die or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of $100. * * *

"Approved, July 22, 1861."

—

"An act in addition to the 'Act to authorize the employment of Volunteers to aid in enforcing the laws and protecting public property,' approved July 22, 1861.

"*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to accept the services of Volunteers, either as Cavalry, Infantry, or Artillery, in such numbers as the exigencies of the public service may in his opinion demand, to be organized as authorized by the act of the 22d of July, 1861: *Provided,* That the number of troops hereby authorized shall not exceed 500,000.

"SEC. 2. *And be it further enacted,* That the Volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the Rules and Articles of War, and shall be upon the footing in all respects with similar corps of the United States Army, and shall be mustered into the service for 'during the war.'

"SEC. 3. *And be it further enacted,* That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the Volunteer forces, such number of major generals and of brigadier generals as may in his judgment be required for their organization.

"Approved, July 25, 1861."

By order.

L. THOMAS, *Adjutant General.*

Mr. SUTHERLAND. Before the Senator passes from that point, may I ask him whether there is any change other than that to which he has called attention made by the second act?

Mr. TOWNSEND. No material change. The second act does not confine the words "in all respects" to "pay and allowance," but deliberately omits those words and puts the Volunteers on the same footing in all respects with soldiers of the Regular Army in the Civil War.

Mr. SUTHERLAND. The only difference between the two act, then, as I understand the Senator, is that in the second act they omitted those qualifying words.

Mr. TOWNSEND. As to this particular matter.

Mr. SUTHERLAND. As to the particular matter in the second act. In other words, they broaden the act.

Mr. TOWNSEND. They broaden the act so as to include Volunteers in all the privileges and benefits which could come to them.

Mr. SUTHERLAND. It would seem to indicate very significantly that that was the particular thing they desired to accomplish. Let me ask the Senator, further, was there a report of the committee accompanying the second act?

Mr. TOWNSEND. No; the second act was not reported by the House committee at all. It was not presented to the committee. The first one was, but the second was not. My attention was afterwards called to this subject by officers who were interested in the matter, and I investigated and found they were absolutely correct in their position.

Mr. SUTHERLAND. There was no discussion on the floor of the House in reference to it when originally presented.

Mr. TOWNSEND. When the law was passed? I have not investigated to see.

This promise meant, if it meant anything, that volunteer officers and privates should receive not only the same pay and emoluments as were received by officers and privates of the Regular Army for service in the Civil War, but it meant that any emolument or benefit which, as a result of service in the war, carry to the Regular Army officer should be shared by the volunteer officer for an identical service. The private volunteer was by the act of 1912 rewarded for his service, and to-day he is receiving from 75 to 100 per cent more than he received in the war. But the volunteer officer not only does not receive what he received during the war—and of this he does not complain, for he has never asked for such pay—but by the act of 1890 his pride in and benefits of rank to which he was entitled having earned them through years of the greatest patriotic service ever rendered by men to their country, were taken from him. Prior to 1890 disabled officers were pensioned in accordance with their rank, but the act of that year demoted them to the ranks, although the rank of the Regular Army officer was retained for pensionable or retirement purposes.

By the acts of Congress officers of the Regular Army have been retired upon reaching the age of 64 years and at three-fourths pay of their highest rank. This fact, however, is justified by the opponents of the pending bill on the ground that the Regular officer has been a long time in the service and his retirement is in recognition of such service. Now, I must not be understood as condemning the retirement of Regular Army officers. I know that such action is in harmony with the dictates of notions for the public welfare and the needs of national defense. I am, however, constrained to meet the argument as presented against this bill, and if the comparison is invidious to the Regular Army officer it is not because I am antagonistic to him, but because the opponents of this measure have used him to belittle the service and sacrifice of those men who mustered, trained, and led more than 90 per cent of the men who fought the battles and preserved the Union in 1861 to 1865. More than 95 per cent of the officers of the Regular Army never engaged in a battle, thank God, never knew what actual war was. For years they have been secure in the knowledge that their financial and social career was established for life. Old age, penury, and want have no terrors for them.

This city is decorated with hundreds of old retired Army officers who never saw an armed enemy, who never heard a hostile gun. Hundreds of widows of officers with similar service are living here in greatest comfort, the recipients of their Government's bounty. Not only here are such as these found, but they are scattered all over the country. I am not complaining at this treatment by the Government. I would not take one dollar from these beneficiaries. But what has this Government done and what is it doing for the men, 95 per cent of whom by actual service on the field of battle won the rank which a grateful country then conferred upon them for organizing, training, and leading the forces which preserved the Union and maintained amidst the almost universal standards of monarchy the one great flag of democracy? It is true that most of these officers when the war was over and their country no longer needed their services retired modestly to their homes and helped to repair the waste of war. Some of them were successful in business. They were great men and capable of great things, but most of them had impoverished their strength, impaired their nervous and vital energy during long years of service in camp and march and battle. The opportunities which were theirs when they entered the war were either taken by the home guard or else these soldiers were physically incapable of taking advantage of them. The years rolled on and these men were crowned not with the honor and emoluments which every other great nation has conferred upon those who fought its battles, but with neglect and ignominy.

Time has bred forgetfulness, if not contempt, until, as I have said, the precious boon of merited rank has been taken from them, and when the few who remain, many living in soldiers' homes, others the objects of different forms of public charity, and still a few others in comfort, when these ask that their Government's promises be kept they are held up to scorn and ridicule.

I have stated that these volunteer officers feed that the Government's promise to them in 1861 has not been fulfilled, and I concur in their belief.

When the war closed not all the volunteer officers returned to their homes. Some of them enlisted in the Regular Army, and afterwards, when they reached the age of 64 years, they were by acts of April 23, 1904, June 29, 1906, and March 2, 1907, retired, not at the rank held by them at the date of retirement, but exclusively because of their service as volunteers in the Civil War at a rank and pay one grade in advance of their highest rank in the service. In other words, a captain in the Regular Army 64 years old who had served one day or more as a volunteer in the Civil War is now retired with the rank and pay of a retired major and a colonel is retired as a brigadier general. Under these acts I am informed that about 1,000 officers of the Army and Navy are receiving increased pay solely for service in the Civil War. Can Congress say that the Volunteers have been treated the same as the Regular Army officers? Not only this, but on March 3, 1905, Congress placed upon the retired list of the Army Gens. Hawley and Osterhaus, with rank of brigadier generals. They were general officers of Volunteers in the Civil War and had never served a day in the Regular Army.

Shall Congress longer permit tactics of obstruction to prevent this act of justice to the remnant of its greatest benefactors?

But, sir, there are other than obligations based on contract which impel me to support this bill. Our Nation has embarked upon the policy of largely providing for its defense through the call for Volunteers. Already that system is said to be breaking down. At this moment the militia volunteers feel that they have been induced to enlist under false pretenses; that, indeed, the Republic is ungrateful and looks upon the militiaman as a man who owes a duty to his country not shared by others and that the sacrifice of home and opportunity will finally win for him the title of "old vet" or "old pensioner," and if he shall insist that he is not a pawn to be played for and by others and asks for a discharge he may be branded as coward or traitor. If we are to depend upon the volunteer in case of actual war, our Government must demonstrate that it is not ungrateful and that its word is good. It is already very late to do what ought to have been done a dozen years ago. The beneficiaries are now on an average about 80 years old. They are dying at the rate of about 15 per cent a year, and the death rate is rapidly increasing. Since I first introduced this bill in the Senate there have been six different chairmen of the officers' committee. Five of them have gone to their great reward. These were grand men who survived the carnage of war but sacrificed their lives in an effort to secure recognition of their brother officers at the hands of a Government which they, perhaps, more than any other influence helped to preserve.

A letter was placed in the RECORD some weeks since by the senior Senator from Georgia [Mr. SMITH] from a private soldier of the Civil War protesting against the passage of this measure. Mr. President, that letter does not voice the sentiment of the survivors of the great Grand Army of the Republic. Its writer has not only misrepresented his comrades and slandered the volunteer officers of the Civil War, but evidently with malice aforethought he has falsified the facts.

I have stood sponsor for this bill in the House and in this Senate for eight years. It has been known to the Civil War veterans of the country that I was especially interested in the measure, and yet I do not recall having received during that period a communication of protest. I have, however, received memorials from many Grand Army posts expressing sympathy and support. I can conceive of no man more lacking in the spirit of gratitude and patriotism than the alleged private soldier who opposes the bill for the reasons given by the correspondent of the Senator from Georgia. Why, sir, this bill does not affect by the fraction of a mill the pension received by the privates. Note the difference between the spirit of this defamer and that demonstrated by the volunteer officers. Every general pension law written into our statutes has been urged upon Congress by committees composed of volunteer officers. When the act of 1912 was before Congress this committee of volunteer officers asked me to withhold pressure for this pending bill until the general law could be enacted, lest in some way the latter might be retarded. The officers, as in war so in matters of pension legislation, have led the forces to victory.

But the Senator's correspondent says that the services rendered and the responsibilities assumed by the officers were no greater than those by the private soldier. Mr. President, I will not make comparison between the patriotism of officers and men. He who places his all upon his country's altar has made the supreme sacrifice. Whether he leads or follows, whether it is his duty to command or obey, whether he plans the campaigns and directs the forces or blindly follows the orders of his commander, there is no one ranks him in patriotism. That there are, however, grades in service and responsibility is evident to everyone. Every nation has recognized this difference and every nation recognizes it to-day.

The officer as a rule is older and more experienced. As a rule he is selected to command because of his proven fitness. At the beginning of the Civil War he raised companies and regiments and drilled them for service. He was made responsible for the health and lives of the men. He was charged with thousands of dollars' worth of Government property. It was his business to know not only military tactics but to understand the campaign. He furnished his own equipment and paid for his own food. He was the head of his particular division of men, and the military and civil history of the world recognizes the head as of the greatest importance. If it is true that the volunteer officer is entitled to no greater or other recognition than the enlisted man, then our Army and Navy to-day is improperly organized as to pay and emoluments. The officers should receive no more than the privates, if such philosophy is to be applied.

But, Mr. President, the most voluble argument and the most unworthy one used against the bill is its cost. As for myself, sir, I would not be swerved from my advocacy of the measure if I knew it would cost double what I believe it will cost. With me it is a question of sacred obligation and duty and not one of dollars and cents. If it is true that these old patriotic heroes did more than any others to preserve our Union; if it is true that our Government in its time of threatened destruction made promises which have not been kept; if it is true that the greatest security which our Nation may know is keeping faith with the people from whom must come its future defenders; if it is true that a majority of the men who organized, trained, and led victorious armies of the United States from 1861 to 1865 are now either in want or the occupants of soldiers' homes, I hold it to be my patriotic duty to my country as well as to these old men, who at the end of 80 years are now standing in open graves waiting for the falling earth, but with ears strained to catch the word from Washington, which keeps the half-century-old promise to their hearts, I hold it to be my sacred duty to grant this belated recognition. Aye, I hold it to be my duty to vote whatever sum may be necessary to grant this relief.

Let us cut out a few unnecessary river and harbor improvements. Let us refuse to pass a political emergency public-buildings bill, but let us not longer delay even the partial satisfaction of an obligation as high as patriotism and as sacred as human sacrifice.

But, Mr. President, it is right and proper that Congress should know approximately at least the amount of money this bill, if enacted into law, will carry. Unfortunately an approximation of the cost is the best that is possible. Since 1890 there has been no separate lists kept of officers in the Pension Department. They are now rated the same as enlisted men.

Every possible means has been employed to determine the exact number except the unpracticable method of examining all of the more than 300,000 list of pensioners in the Pension Department. There are several ways for obtaining an approximation, and all have been used, and inasmuch as the results obtained separately by each is practically the same as the others, it is absolutely safe to conclude that such result is correct.

First, there are 21 commanderies of the Loyal Legion in the United States whose membership is composed entirely of officers who saw service in the Civil War. They have been especially interested in discovering all the volunteer officers who served in that war. They are peculiarly equipped to obtain information on this subject. They have aided the committee in every way possible.

On January 31, 1914, these commanderies had as members 3,310 volunteer officers. Their investigation induced them to believe that this number was two-fifths of all the surviving volunteer officers, and that there were therefore a total of 8,275 living on January 31, 1914.

On August 31, 1915, these commanderies had 2,960 volunteer officers as members, which was two-fifths of 7,220, the total living at that date. They determined at that time that the death rate was at least 45 deaths a month. It is larger now. From August 31, 1915, to December 31, 1916, is 16 months, and during that time the deaths would be approximately 22 times 45, or 990. Deducting 990 from 7,220, we would have living, under the Loyal Legion calculation, 6,230 volunteer officers.

Second, Henry W. Littlefield, of Germantown, Pa., president of the Pennsylvania Association of Union Volunteer Officers, made an independent investigation through the Grand Army posts, Loyal Legion commanderies, and the Pension Department and presented the results to the House Committee on Military Affairs. He worked out a table showing the number in each of the different ranks and their length of service. His table was inserted in the House hearings on a bill similar to the one pending here. His calculation was of December 31, 1915, and showed 7,200 survivors at that time. If we are to deduct the deaths at 45 a month since December 31, 1915, his total of living on the 31st of December, 1916, would be 6,660.

Third, Col. C. R. E. Koch, chairman of the Volunteer Officers' legislative committee, last year went to the Commissioner of Pensions and asked that several thousand pension certificates be drawn promiscuously from the files and actual inspection be made with a view to determining what proportion of the pensioners were officers and what privates. This was done, and the result showed that out of every 55 pensioners 1 was an officer. In other words, the ratio of officers to privates was 1 to 54. On October 31, 1916, the Commissioner of Pensions reported officially that there were 353,034 Civil War invalid pensioners on the roll. Applying the ratio of 1 to 54, we would have as a result of this actual list 6,419 officers living on October 31, 1916, and deducting 90 for the deaths occurring in November and December there would be 6,320 living on December 31, 1916, according to this calculation.

From these three reliable, yet different, computations, we obtain the following results: The Loyal Legion estimate is 6,230; the Pennsylvania Association, 6,660; the pro rata count of actual pensioners makes the number 6,320.

Now, the Commissioner of Pensions on March 30, 1916, wrote a letter to Congressman Hay, chairman of the Military Affairs Committee of the House, submitting a tabular statement showing that there were on the pension rolls on February 29, 1916, 12,598 volunteer officers of the Civil War. How he obtained the number he does not state, and inasmuch as he has repeatedly said that he could not determine the matter, I am curious to know how he obtained this number. I am sure that he has simply made an estimate and that it is as wrong as was his former estimate that the Sherwood bill granting a general increase of pensions to all soldiers of the Civil War would cost $75,000,000. In this regard, I quote from the testimony of Gen. SHERWOOD, given before the House Committee on January 29, 1914. He was speaking about this bill now before the Senate——

Mr. BRYAN. Mr. President——

Mr. TOWNSEND. I think perhaps if the Senator will wait until I get through quoting this extract he will not want to ask the question which he evidently desires to put, because I imagine the subsequent portion will answer his query.

Mr. BRYAN. I want to ask the Senator a question in connection with a statement he has already made.

Mr. TOWNSEND. Very well.

Mr. BRYAN. The Senator says the prediction was that the cost of the Sherwood bill would be $75,000,000 a year.

Mr. TOWNSEND. In regard to that I wish the Senator would wait until I get through with that branch of the subject and until I come to that question, when perhaps I shall answer it; but if I do not I shall be very glad to have the Senator again ask the question. I am quoting from Gen. SHERWOOD'S testimony on this subject in reference to this very bill or a similar one which was before the House committee. This was in 1914. He said:

> I do not know what the estimate of the department is, but I had some experience with the department on my so-called dollar-a-day pension bill. It was said on the floor of the House by authority of the Commissioner of Pensions that my bill would carry $75,000,000, and after the bill passed, as a compromise between the Senate and House, it was stated in all the leading magazines and in all the papers in a series of articles written by Gen. Adams, of Massachusets, that the bill would carry $75,000,000. So only a few days ago, when I reported my first omnibus pension bill, I presented the official figures of the cost of that bill—
>
> His general pension law—
>
> and it was $20,800,000; so that the difference between the estimate made by the Pension Office and certified to as being absolutely correct was the difference between $75,000,000 and $20,800,000, and the figures I gave on the floor of the House and printed in the RECORD only a few days ago have not been contradicted and can not be contradicted.

Now, I imagine the Senator wishes to ask me if I discriminate between the dollar-a-day pension bill and the bill as it was finally passed and became a law. I do.

Mr. BRYAN. The figures quoted by the Senator do not.

Mr. TOWNSEND. The figures quoted by the Senator were the figures officially given as to the dollar-a-day pension bill; but Gen. SHERWOOD said that after the bill passed, as it did pass, the department was repeatedly quoted as saying that it would cost $75,000,000.

Mr. BRYAN. Well, Mr. President, if the Senator will permit me, the department estimated that the Sherwood bill, as passed by the House, would cost in the first three years an average of $58,000,000 a year. It was estimated that the bill as amended by the Senate, if passed, would cost an average of $22,000,000 a year. Now, it is hardly fair to say that the Pension Bureau made a mistake of over $55,000,000, as is inferred in the quotation read by the Senator, when the figures given do not apply to the situation which the Pension Bureau

had in mind at the time. That was the purpose I had in interrupting the Senator.

Mr. TOWNSEND. I recognize that——

Mr. BRYAN. The department's estimate of the amount that would have been carried by the dollar-a-day Sherwood pension bill was $58,000,000, and no man can say whether that was an overestimate or an underestimate because that bill never became a law. As to the bill that did become a law, it was estimated by the department that it would cost about $22,000,000 a year.

Mr. TOWNSEND. And it cost $20,000,000.

Mr. BRYAN. It cost $20,800,000, according to the figures which the Senator read, which was a pretty close estimate; and those figures are not for the first year or two.

Mr. TOWNSEND. I beg the Senator's pardon.

Mr. BRYAN. The figures the Senator read were not for the first year or two. Does the Senator know what the cost was for the first year under the Sherwood bill?

Mr. TOWNSEND. I have read the statement from the testimony of the author of the bill before the Committee on Military Affairs of the House.

Mr. BRYAN. I am talking about what it cost, and I think that it cost the full amount estimated by the department.

Mr. TOWNSEND. The Member from Ohio, Gen. SHERWOOD, who was the author of the bill, made the statement which I have read in his testimony before the committee, in which he says that repeatedly the department stated that the bill would cost $75,000,000.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. Yes.

Mr. BRYAN. That is the reason I wanted to interrupt the Senator, to state that the bill introduced by Mr. SHERWOOD did not become a law.

Mr. TOWNSEND. I said that.

Mr. BRYAN. And it is not fair to say that the department overestimated the expense of the bill $50,000,000 a year.

Mr. TOWNSEND. I have not misstated the facts. I said all that the Senator has said; I had read the testimony of Gen. SHERWOOD, and I do not think there is any evidence to dispute the testimony as given by Gen. SHERWOOD on that occasion.

Mr. BRYAN. Mr. President, the facts dispute it.

Mr. TOWNSEND. I do not think so.

Mr. BRYAN. There is no occasion for a misunderstanding about that. Gen. Sherwood, according to the hearing from which the Senator has read, stated that the department claimed that the Sherwood bill would cost $75,000,000. He said that, as a matter of fact, it cost $20,800,000, and sought to draw the inference that the department had made that tremendous mistake in its estimate of over $50,000,000, when the department was estimating upon a bill that never passed, which estimate no man, neither Gen. Sherwood nor anybody else, can demonstrate was wrong. The department's estimate of the cost of the bill that finally passed was very close to its actual cost.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. TOWNSEND. I yield.

Mr. GALLINGER. Mr. President, I think I am correct in saying that the average age of the veterans of the late Civil War is about 70 years at the present time. The officers were, as a rule, much older than the men in the ranks, and I will ask the Senator if I have read correctly in some publication that the officers for whose benefit this bill is intended average about 80 years?

Mr. TOWNSEND. The Senator is correct. I do not think anybody disputes that fact.

Mr. GALLINGER. So that at best this burden, if it is a burden—I think it is an obligation, a duty—will not rest very long upon the Treasury if we pass this bill, as I apprehend we are going to do.

Mr. TOWNSEND. I think the Senator is absolutely correct about that.

I should like to discuss a little further the question of the commissioner's estimate of the cost of this bill—that is, the estimate made by him as of February 20, 1916—in which he said that the net cost would be something over $7,000,000, and that there were something over 12,000 living officers at that time, a year ago next February. That his figures are grossly incorrect an analysis of the situation will disclose. He states that there were 13,534 naval and military Regular and volunteer officers who served in the Civil War and on the pension rolls February 29, 1916. He deducts 936 who are now receiving a pension or retired pay in excess of what this bill would give them, leaving 12,598 as the number who would be benefited by this proposed act.

On October 31, 1916, as I have stated, the commissioner made his official report, showing the total number of Civil War invalid pensioners, officers and privates, to be 353,034. Deducting from the total number 13,534 officers, as reported by him, we have 339,860 privates, or one officer for fewer than 26 men. When, however, the test case was made last year by actual count of the pension certificates examined for Col. Koch at the department it was found, as I have stated, that there was 1 officer for 54 privates, and that proportion was thought to be large by everyone familiar with the situation.

No man who employs his reason can accept the ratio of 1 to 25. The ratio of officers to men was not so large during the war and it has been growing less every year since. The officers averaged, as the Senator from New Hampshire [Mr. GALLINGER] has said, from 5 to 10 years older than the privates. Their mortality has been necessarily greater, and it is not possible for me to believe that there can be living to-day more than 1 officer for 50 living privates. So if we apply the ratio of 1 to 50—and that is a very large ratio—to the last report of the commissioner, the total would be 6,665 officers living.

If my statement that there are now living fewer than 7,000 men who could be benefited by the bill, the next question to be determined is the additional cost to the Government which it would incur, and to determine it we must apply the provisions of the bill as to retired pay. And at the outset let it be understood that the pensioned officer who comes under its provisions will not thereafter draw his pension. In other words, retirement pay is in lieu of pension, and from the total amount carried by the bill must be deducted the amount now paid in pensions in order to obtain the actual net additional cost to the Government.

Now, in determining the total cost of the bill we must again use an approximation. The bill provides that officers of the Army and Navy who served in the Civil War for two years or more and were honorably discharged may be retired as of the highest rank held by them, on a payment for life of one-half the salary now paid to Regular Army officers of similar rank, and that the officer who served one year may be similarly paid one-quarter such salary, and those who served not less than six months may be paid one-eighth of such salary, but in no case can an officer be paid more than three-fourths of the initial pay of a captain in the Army. If we knew the exact number and length of service of all these officers, we could readily multiply and determine the total amount. But here again the records of the Grand Army of the Republic posts, the Loyal Legion commanderies, and the Pension Department have been employed to secure a reasonably correct result. The officers of highest rank are fewer in number and more readily determinable.

The initial salary of a captain in the Regular Army is $2,400, and the maximum that any officer could receive under the bill is three-fourths a captain's salary, or three-fourths of $2,400, which is $1,800. Colonels and officers of higher rank than colonels who have served two years or more are the only men who will receive that sum. Officers below the rank of colonel who served two years or more receive one-half of the salary now paid to officers of equivalent rank in the United States Army, Navy, or Marine Corps, and in every case one-half of such salary is less than $1,800. Colonels and officers of higher rank than colonels who served one year would receive one-half as much as the officer of equivalent rank who served two years, or $900, and colonels and officers of higher rank who served six months would receive one-fourth as much as the officer who served two years, or $450.

Lieutenant colonels who served two years or more would receive one-half of the pay of lieutenant colonels to-day, or $1,750. Lieutenant colonels who served one year would receive $825. Lieutenant colonels who served six months would receive $412.50.

A major who served two years would receive one-half of a major's salary to-day, which is $3,000, or $1,500. A major who served one year would receive one-half as much, or $750, while a major who served six months would receive $375.

A captain who served two years would receive one-half a captain's salary, which is $2,400, or $1,200. A captain who served one year would receive $600, while a captain who served six months would receive $300.

A first lieutenant's salary to-day is $2,000. Under the bill a first lieutenant who served two years would receive one-half that amount, or $1,000, and one who served one year would receive $500, and one who served six months would receive $250.

A second lieutenant who served two years would receive one-half of a second lieutenant's salary, which is $1,700, or $850, and those who served one year and those who served six months, respectively, would receive $425 and $212.50.

Col. C. R. E. Koch, chairman of the committee of volunteer officers, submitted a table to the Committee on Military Affairs of the House as of December 31, 1915, which showed that on that date there were approximately 144 colonels and generals living, 216 lieutenant colonels, 360 majors and officers equivalent to majors (surgeons and paymasters), 2,520 captains and officers of equivalent rank (assistant surgeons and chaplains), 2,304 first lieutenants and officers of equivalent rank (adjutants and quartermasters), and 1,656 second lieutenants, a total of 7,200 officers of all ranks.

Since that table was made on December 31, 1915, a year has elapsed, as I have stated, and the death toll has been at least 15 per cent. It is certain that at least 30 per cent of the colonels and generals have died. I have letters, I think, which mention several hundred deaths.

Now, just what length of time each officer served it is impossible to determine, but from the figures which have been presented by the department as well as those furnished by the different Loyal Legion commanderies and Grand Army posts it is safe and fair to suppose that much the larger number served two years or more and therefore would be entitled to the maximum pay under the bill. It is also absolutely certain that the number of who would draw $1,800, the maximum provided for any officer, would be small. It is also true that the retired pay of captains, first lieutenants, and second lieutenants who had served but six months would be less than the amount of pension which they are now receiving, and therefore, except for the distinction which comes from official recognition, there would be no inducement for these short-term men to come under the provisions of the bill. If they did come, however, it would be at a sacrifice in pension or pay, and to that extent at least the bill would induce a saving rather than an additional expenditure. For instance, a captain who served but six months under this bill would receive but $300 a year, a first lieutenant but $250, and a second lieutenant but $212.50, and yet it is undoubtedly true that a majority of them, if not all, are now drawing $30 a month, or $360 annually. There are probably in the neighborhood of 2,000 captains, first lieutenants, and second lieutenants who served a year, and their pay under the bill would be, respectively, $600 for captains, $500 for first lieutenants, and $425 for second lieutenants, or, in other words, such captains would receive $240 a year more than they are now receiving, first lieutenants $140 more, and second lieutenants $65 additional over what they are now receiving in pensions.

I do not believe that there ever was a more conscientious set of men working upon any problem before Congress than have been the volunteer officers' committees who have devoted their time and attention in order to arrive at the actual cost of the measure. I am satisfied that their work is approximately correct. My own judgment is that the bill will not cost to exceed $3,600,000 the first year and that it will be from 12 to 20 per cent less the second, and the decrease thereafter will be even greater. Under no circumstances can the additional cost created by this bill over and above what is now paid for pensions equal $5,000,000. That it will be much less than that is indicated by the excessive estimates made by the Pension Department in all previous years when pension bills have been before Congress.

I repeat that the death rate among the officers is appalling. The hundreds of letters which come to me from various parts of the United States, giving the physical and financial condition of officers who were once the pride as well as the salvation of the country, have touched me very deeply, and I have felt that it was a disgrace to our Government to allow this condition to exist longer. With the utmost expedition possible in passing the measure through both Houses of Congress scores of these worthy, patriotic men will have passed beyond its benefits.

There certainly can be no legitimate charge made that this movement is political in its nature and designed to distribute benefits for political advantage. These old men, now averaging, as I have stated, at least 79 years of age, have passed the time when they are great political factors in the affairs of the country. They have entered the "sear and yellow leaf" period; and while this bill would bring a degree of comfort to a great majority of them who are now recipients of public institutions, and all of them would feel that they could close their eyes to earth more hopefully if they felt that their posterity could know that sacred promises made in war were not simply scraps of paper, but that patriotism and sacrifice were recognized as its essential fundamental principles by the Republic which they preserved.

Mr. SMITH of Georgia. Mr. President, it is well for us, if we can, to reach a reasonably accurate estimate as to the cost of this proposed legislation. We have the report of the Pension Office and of an Acting Secretary of the Interior Department. The estimate of the department was that if this bill had been passed in 1914 the first year's charge upon the Treasury would have been $9,208,159.89. This estimate of the department, the Secretary states, is based upon an estimate made upon a similar bill introduced April 8, 1913. The estimate by the department for the first year on this first bill placed the net cost at $10,283,122 for the first year. The letter of the Secretary declares that the factors used in ascertaining this amount were 16,472 officers then surviving, as determined by deduction on account of percentages of loss by death from a number theretofore found by actual count to be living and borne on the pension rolls. So that the estimates of the department began with an actual count, as stated by the Secretary, and proceeded with deductions based upon estimates. This last deduction allowed 8 per cent deduction for one year, but it made the figures for the year following the spring of 1914, or for the fiscal year 1914–15, as I understand, $9,208,159.89.

According to this estimate, under the present bill the first year's charge upon the Treasury would be between seven and eight millions of dollars. But the Senator from Michigan (Mr. TOWNSEND) doubts the accuracy of estimates by the department, and quotes from a speech of a Member of the House with reference to prior estimates. Mr. President, it need not be a matter of dispute as to what the department estimated with reference to the Sherwood bill, which was before us a few years ago. The Senator from Florida (Mr. BRYAN) states definitely that the estimate of the department for the Sherwood bill as it passed the House was that for the first year it would cost $58,000,000. We know the accuracy of the Senator from Florida, and we know what attention he gave to this subject. We have sent out now and are endeavoring to obtain a copy of the report of the department at that time. We know that fortunately for the country that bill as it passed the House was substantially amended in the Senate, and that the Sherwood bill as passed by the House never became law. Now the Senator from Florida states that the estimate of the department as to the first year's cost of the bill which we actually passed was $22,000,000, which was practically correct. Why, Mr. President, for a Member of the House or of the Senate to undertake to assail the estimates of the department by loosely charging that the department estimated that a bill which we passed would cost $75,000,000 annually, and therefore that estimates of the department can not be relied upon, is for the Senator or the Member of the House to be quite careless in his statements, and very inaccurate.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Georgia yield to the Senator from Nevada?

Mr. SMITH of Georgia. I do; but I wish to assure the Senator from Michigan that it is not prearranged upon my part, for I would gladly go on.

EXECUTIVE SESSION.

Mr. NEWLANDS. Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. Daniels for the Interstate Commerce Commission.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hardwick	Oliver	Smith, Md.
Brandegee	Hitchcock	Overman	Smoot
Bryan	Hughes	Page	Sterling
Chamberlain	Jones	Pittman	Stone
Chilton	Kenyon	Poindexter	Sutherland
Clark	Kern	Ransdell	Swanson
Culberson	Lane	Reed	Thomas
Cummins	Lewis	Saulsbury	Thompson
Curtis	Lodge	Shafroth	Tillman
Dillingham	McCumber	Sheppard	Townsend
Gallinger	Martine, N. J.	Sherman	Underwood
Gore	Nelson	Simmons	Wadsworth
Gronna	Newlands	Smith, Ariz.	Walsh
Harding	Norris	Smith, Ga.	Weeks

Mr. HUGHES. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained on account of illness, and will not be able to be with the Senate to-day. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Kentucky [Mr. BECKHAM] and the Senator from Mississippi [Mr. VARDAMAN]. They are both detained on official business.

Mr. CHILTON. I wish to announce that my colleague, the junior Senator from West Virginia [Mr. GOFF], is absent, and he understands that he is absent by leave of the Senate. If there is any mistake about that, I ask unanimous consent of the Senate that he be granted leave of absence during his illness.

The PRESIDING OFFICER. That is a matter which it is not possible to look after at this time. Fifty-six Senators have answered to the roll call. A quorum is present. The Senator from Nevada moves that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL], which I transfer to the junior Senator from South Carolina [Mr. SMITH], and will vote. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Indiana [Mr. WATSON] and will vote. I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], who I understand is absent from the Senate. As I understand that upon this question he would vote as I shall vote, I feel at liberty to vote. I vote "nay."

Mr. LEWIS (when his name was called). I beg to announce that I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE] upon the main question of the confirmation or not of Mr. Daniels. Not knowing how he would vote on this executive session, I beg to withhold my vote.

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is necessarily absent. He is paired with the senior Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Arkansas [Mr. KIRBY] and will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called.) The senior Senator from Michigan [Mr. SMITH] is absent, but is paired with the junior Senator from Missouri [Mr. REED].

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and will vote. I vote "nay."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

The roll call was concluded.

Mr. REED (after having voted in the affirmative). I voted when my name was called. I desire now to announce the transfer of my pair with the senior Senator from Michigan [Mr. SMITH] to the senior Senator from Tennessee [Mr. LEA] and will allow my vote to stand.

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. He being absent, I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and will allow my vote to stand. I make this announcement for the day.

Mr. CHILTON. I withdraw the announcement made a moment ago of the transfer of my pair to the Senator from South Carolina [Mr. SMITH] and transfer it to the junior Senator from Wisconsin [Mr. HUSTING] and allow my vote to stand.

Mr. McLEAN. I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. WEEKS. I have a pair with the senior Senator from Kentucky [Mr. JAMES]. I inadvertently voted, as he is absent. I therefore withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 29, nays 26, as follows:

YEAS—29.

Bryan	Kern	Reed	Stone
Chamberlain	Lane	Saulsbury	Swanson
Chilton	Lee, Md.	Shafroth	Thomas
Culberson	Newlands	Sheppard	Underwood
Gore	Overman	Simmons	Walsh
Hardwick	Pittman	Smith, Ariz.	
Hitchcock	Pomerene	Smith, Ga.	
Hughes	Ransdell	Smith, Md.	

NAYS—26.

Borah	Gallinger	Martine, N. J.	Smoot
Brady	Gronna	Nelson	Sterling
Brandegee	Harding	Norris	Sutherland
Clark	Jones	Oliver	Townsend
Cummins	Kenyon	Page	Works
Curtis	Lodge	Poindexter	
Dillingham	McCumber	Sherman	

NOT VOTING—40.

Ashurst	Goff	McLean	Thompson
Bankhead	Hollis	Martin, Va.	Tillman
Beckham	Husting	Myers	Vardaman
Broussard	James	O'Gorman	Wadsworth
Catron	Johnson, Me.	Owen	Warren
Clapp	Johnson, S. Dak.	Penrose	Watson
Colt	Kirby	Phelan	Weeks
du Pont	La Follette	Robinson	Williams
Fall	Lea, Tenn.	Shields	
Fernald	Lewis	Smith, Mich.	
Fletcher	Lippitt	Smith, S. C.	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 3, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 2, 1917.

UNITED STATES SHIPPING BOARD.

William Denman, of San Francisco, Cal., to be a member of the United States Shipping Board for a term of six years.

Bernard N. Baker, of Baltimore, Md., to be a member of the United States Shipping Board for a term of five years.

John A. Donald, of New York City, to be a member of the United States Shipping Board for a term of four years.

James B. White, of Kansas City, Mo., to be a member of the United States Shipping Board for a term of three years.

Theodore Brent, of New Orleans, La., to be a member of the United States Shipping Board for a term of two years.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Thomas U. Raymond, Medical Corps, to be colonel from December 18, 1916, vice Col. Henry S. T. Harris, who died December 17, 1916.

Maj. Clarence J. Manly, Medical Corps, to be lieutenant colonel from December 18, 1916, vice Lieut. Col. Thomas U. Raymond, promoted.

Capt. Henry C. Pillsbury, Medical Corps, to be major from December 18, 1916, vice Maj. Clarence J. Manly, promoted

POSTMASTERS.

CALIFORNIA.

Lucius R. Barrow to be postmaster at San Diego, Cal., in place of C. H. Bartholomew. Incumbent's commission expired May 20, 1916.

Frederick Donaghy to be postmaster at Universal City, Cal. Office became presidential October 1, 1916.

Frank J. Kolash to be postmaster at Norwalk, Cal. Office became presidential October 1, 1916.

DELAWARE.

Grover C. Gregg to be postmaster at Yorklyn, Del. Office became presidential October 1, 1916.

ILLINOIS.

Ardelia M. Field to be postmaster at Dietrich, Ill. Office became presidential October 1, 1916.

John D. Harpole to be postmaster at Nebo, Ill. Office became presidential October 1, 1916.

Drew Tufts to be postmaster at Centralia, Ill., in place of Max H. Prill, removed.

INDIANA.

Frankie L. Allen to be postmaster at Clayton, Ind. Office became presidential October 1, 1916.

Andy E. Smith to be postmaster at Wolcott, Ind., in place of Robert F. Dobbins, deceased.

Marquis D. Yotter to be postmaster at Silverlake, Ind. Office became presidential October 1, 1916.

KANSAS.

William Barrett to be postmaster at Pratt, Kans., in place of C. A. Hopper, resigned.

KENTUCKY.

W. T. Dudgeon to be postmaster at Walton, Ky. Office became presidential October 1, 1916.

Richard F. Neely to be postmaster at Franklin, Ky., in place of Emmett S. Robey, resigned.

MASSACHUSETTS.

Edward L. Harkins to be postmaster at Shirley, Mass., in place of Kate E. Hazen. Incumbent's commission expired February 23, 1915.

MICHIGAN.

Verd H. Carpenter to be postmaster at Central Lake, Mich., in place of F. R. Wallbrecht, deceased.

MAINE.

John L. Donohue to be postmaster at Rockland, Me., in place of D. M. Murphy, deceased.

Thomas M. Nichols to be postmaster at Jackman, Me. Office became presidential October 1, 1916.

MINNESOTA.

John A. Eastlund to be postmaster at Kennedy, Minn. Office became presidential October 1, 1916.

Robert B. Forrest to be postmaster at Lake Wilson, Minn. Office became presidential October 1, 1916.

Frank H. Griffin to be postmaster at Good Thunder, Minn. Office became presidential October 1, 1916.

Fred E. Joslyn to be postmaster at Mantorville, Minn. Office became presidential October 1, 1916.

Martin McGuire to be postmaster at Claremont, Minn. Office became presidential October 1, 1916.

William E. Murphy to be postmaster at Holdingford, Minn. Office became presidential October 1, 1916.

Charles A. Stewart to be postmaster at Howard Lake, Minn., in place of Enoch E. Ritchie, resigned.

MISSOURI.

Aubra M. Green to be postmaster at Armstrong, Mo. Office became presidential October 1, 1916.

Clifford E. Miller to be postmaster at Verona, Mo. Office became presidential October 1, 1916.

Clyde A. Perkins to be postmaster at Barnard, Mo. Office became presidential October 1, 1916.

Goldie Wilson to be postmaster at Parnell, Mo. Office became presidential October 1, 1916.

NEBRASKA.

Hertha L. Mershon to be postmaster at Wilcox, Nebr. Office became presidential October 1, 1916.

NEW JERSEY.

George M. Keebler to be postmaster at Glassboro, N. J., in place of Thomas M. Ferrell, deceased.

NEW YORK.

Raymond J. Carden to be postmaster at Mountain Dale, N. Y. Office became presidential October 1, 1916.

Michael Culligan to be postmaster at Wurtsboro, N. Y. Office became presidential October 1, 1916.

Francis O. Driscoll to be postmaster at Staten Island (late Tompkinsville), N. Y., in place of Mary L. McRoberts, to change name of office.

Oscar M. Grubb to be postmaster at Kennedy, N. Y. Office became presidential October 1, 1916.

Thomas M. Keegan to be postmaster at Ferndale, N. Y. Office became presidential October 1, 1916.

Patrick H. Townsend to be postmaster at Essex, N. Y. Office became presidential October 1, 1916.

George E. Wroten to be postmaster at Trudeau, N. Y. Office became presidential October 1, 1916.

NORTH CAROLINA.

J. N. Fuquay to be postmaster at Lillington, N. C., in place of J. E. Ligon, removed.

NORTH DAKOTA.

Walter W. Lee to be postmaster at Sykeston, N. Dak. Office became presidential October 1, 1916.

Emil F. Neumann to be postmaster at Gackle, N. Dak. Office became presidential October 1, 1916.

John W. Stevenson to be postmaster at Flasher, N. Dak., in place of J. R. Krueger, resigned.

OHIO.

Charles J. Quelette to be postmaster at Shepard, Ohio. Office became presidential October 1, 1916.

OKLAHOMA.

W. A. Byrne to be postmaster at Hartshorne, Okla., in place of Jasper P. Grady. Incumbent's position expired August 16, 1916.

Mark J. Courtney to be postmaster at Copan, Okla. Office became presidential October 1, 1916.

Clark L. Hussey to be postmaster at Tipton, Okla. Office became presidential October 1, 1916.

Robert M. Mowntcastle to be postmaster at Fort Gibson, Okla., in place of Bertha M. Nash, resigned.

PENNSYLVANIA.

George L. Anderson to be postmaster at Avondale, Pa., in place of Anne D. Moore. Incumbent's commission expired July 13, 1916.

Nettie Beatty to be postmaster at Beatty, Pa. Office became presidential October 1, 1916.

Isaac P. Boogar to be postmaster at Oaks, Pa. Office became presidential October 1, 1916.

Jacob H. Gallmoyer to be postmaster at Topton, Pa. Office became presidential October 1, 1916.

George B. Kirk to be postmaster at South Brownsville, Pa., in place of Wesley B. McAlpine, resigned.

C. M. McGinnis to be postmaster at Genesee, Pa. Office became presidential October 1, 1916.

Miles L. Ritter to be postmaster at Newport, Pa., in place of John S. Leiby, resigned.

Margaret E. Taylor to be postmaster at Orbisonia, Pa. Office became presidential October 1, 1916.

Alvin L. Wenzel to be postmaster at Webster, Pa. Office became presidential October 1, 1916.

Jessie R. Wilson to be postmaster at St. Benedict, Pa. Office became presidential October 1, 1916.

SOUTH DAKOTA.

William McFarland to be postmaster at Dell Rapids, S. Dak., in place of Fred C. Bowles. Incumbent's commission expired July 16, 1916.

Mary A. Pike to be postmaster at Tyndall, S. Dak., in place of M. E. McCormick, resigned.

TENNESSEE.

Luther M. Roberts to be postmaster at Soddy, Tenn. Office became presidential October 1, 1916.

Patrick H. Toomey to be postmaster at Englewood, Tenn. Office became presidential October 1, 1916.

TEXAS.

Carrie M. Brooks to be postmaster at McCaulley, Tex. Office became presidential October 1, 1916.

Frank Farrington to be postmaster at Diboll, Tex. Office became presidential October 1, 1916.

A. W. Melton to be postmaster at Bellevue, Tex., in place of A. A. Weeks, resigned.

VERMONT.

George N. Clark to be postmaster at Groton, Vt. Office became presidential October 1, 1916.

Charles S. Dole to be postmaster at Danville, Vt. Office became presidential October 1, 1916.

VIRGINIA.

Benjamin W. Councill to be postmaster at Holland, Va. Office became presidential October 1, 1916.

George E. Honts to be postmaster at Eagle Rock, Va. Office became presidential October 1, 1916.

John L. T. Sneed to be postmaster at Gordonsville, Va., in place of Gertrude Blakey, resigned.

John A. Whitelaw to be postmaster at Monterey, Va. Office became presidential October 1, 1916.

WASHINGTON.

Oscar W. Behrmann to be postmaster at Fairfield, Wash. Office became presidential October 1, 1916.

Richard Nagle to be postmaster at Marcus, Wash. Office became presidential October 1, 1916.

WEST VIRGINIA.

Edward H. Shanklin to be postmaster at Union, W. Va. Office became presidential October 1, 1916.

WISCONSIN.

Charles J. Anderson to be postmaster at Clayton, Wis. Office became presidential October 1, 1916.

Harry Bradley to be postmaster at Taylor, Wis. Office became presidential October 1, 1916.

Alphonse R. Eichman to be postmaster at Trempealeau, Wis. Office became presidential October 1, 1916.

F. W. Mitchell to be postmaster at Ogema, Wis. Office became presidential October 1, 1916.

John E. Nolan to be postmaster at Reedsville, Wis. Office became presidential October 1, 1916.

George L. Reed to be postmaster at Darien, Wis. Office became presidential October 1, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 2, 1917.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

Herbert S. Goold to be a secretary of embassy or legation of class 4.

Livingston Phelps to be a secretary of embassy or legation of class 4.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

William Hitz to be associate justice of the Supreme Court of the District of Columbia.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Ensign Justin McC. Miller to be a lieutenant (junior grade).
Boatswain James E. Quirk to be a chief boatswain.
The following-named machinists to be chief machinists:
Robert G. Greenleaf and
James MacIntyre.
The following-named citizens to be assistant surgeons in the Medical Reserve Corps.
Orlando H. Petty,
Charles D. Shannon,
Raymond W. McNealy,
Warren F. Pearce,
Rudolph D. Joldersma, and
Bertram L. Cunningham.
Lieut. (Junior Grade) Francis D. Pryor to be a lieutenant.
Ensign Walter E. Doyle to be a lieutenant (junior grade).
The following-named ensigns to be lieutenants (junior grade):
Frank Hindrelet and
August Schulze.

POSTMASTERS.

CONNECTICUT.

Frank O. Davis, Pomfret Center.

NEW MEXICO.

C. L. Loughridge, Gallup.

OKLAHOMA.

W. L. M. Burton, Shamrock.
Walter R. Franklin, McLoud.
Henry S. Howell, Mill Creek.
M. F. Landon, Lehigh.
Clifford P. Martin, McCurtain.
Cora M. Murdock, Oilton.
Lillian M. Newhouse, Prague.
J. P. Renfrew, Alva.
Charles H. Roosevelt, Verden.
C. C. Speakman, Wellston.
Robert H. Speck, Vici.
Millie D. Swift, Bigheart.
Sam Swinney, Durant.
J. W. Westbrook, Ada.
Vida E. Woolverton, Redrock.

PENNSYLVANIA.

Isaac H. Albright, Cochranville.
David H. Caldwell, Manor.
Mary A. Jefferis, Wynnewood.
Joseph C. McCormick, Marion Center.
John J. McCoy, Crum Lynne.
Chester A. Moore, Howard.
Harry F. Moyer, Robesonia.
Sylvester W. Smith, Center Hall.
J. Hayes Turner, Lincoln University.
Robert P. Whitman, Schwenkville.
Murray D. Zechman, Sinking Spring.

SOUTH CAROLINA.

William B. Blakeley, Andrews.
George A. Bessellieu, Meggett.
Lewis B. Freeman, Paris Island.
John A. Patjens, Mount Pleasant.
Hattie J. Peeples, Varnville.
Grover L. Smith, Springfield.

TENNESSEE.

S. H. Allen, Petersburg.
Charles R. Brumley, Mascot.
Leon Caraway, Big Sandy.
Willis H. Claxton, Stanton.
Thomas Lee Fowlkes, Ridgely.
J. B. Gilbert, Huntingdon.
Henry E. Hudson, Whitwell.
Mary Coker Parker, Mont Eagle.
York A. Quillen, Bullsgap.
Clyde E. Smith, Rutledge.
James B. Sugg, Adams.
Mary A. Varnell, Altonpark.
Perry B. West, Lafayette.

WITHDRAWAL.

Executive nomination withdrawn January 2, 1917.

Capt. Edward M. Shinkle, Coast Artillery Corps (major, Ordnance Department), for appointment by transfer as captain of Field Artillery.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 2, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit our Heavenly Father, that through the dispensation of Thy providence we have been brought to the beginning of a new year. The past with its experiences, its mistakes and achievements, its defeats and victories, its accumulated knowledge and wisdom is ours by inheritance, if we will. The future looms before us with its perplexing problems, great possibilities, and hidden issues.

Give us wisdom, strength, courage, and fortitude to go forward with renewed faith and with brave and manly hearts remembering that we are not bound to succeed, but we are bound to try and leave the results to Thine infinite wisdom, power, and goodness.

Grant, O we beseech Thee, that the nations now engaged in war may find a happy solution of all their differences, and that out of the turmoil, suffering, and sorrow a light may shine which shall guide us to a lasting peace; that the bonds of brotherhood may never again be broken under the spiritual guidance of our Lord and Master. Amen.

The Journal of the proceedings of Friday, December 22, 1916, was read and approved.

LEAVE OF ABSENCE.

Mr. OAKEY. Mr. Speaker, I ask unanimous consent for 10 days' leave of absence for my colleague, Mr. GLYNN, of Connecticut, on account of illness.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that his colleague, Mr. GLYNN, may be excused for 10 days on account of illness. Is there objection?

There was no objection.

By unanimous consent leave of absence was granted to Mr. LOBECK for one week on account of illness.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the question of the international commerce commission.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD upon the subject of the international commerce commission. Is there objection?

Mr. MANN. By inserting a lot of stuff, or the gentleman's own able remarks?

Mr. RAKER. There will be but a few of my able remarks, and the bulk of it will be the remarks of Mr. David Lubin, of Sacramento, Cal., whom we know, and who is a man of great learning upon this subject and who has spent many years upon it.

Mr. MANN. Is that the document which has just been received through the mail and has been printed by Senator FLETCHER?

Mr. RAKER. This has nothing to do with Senator FLETCHER. This is Mr. Lubin's own statement.

Mr. MANN. But Senator FLETCHER just printed a statement of David Lubin.

Mr. BARNHART. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. DILLON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of House bill 15852, a bill to lay an embargo upon print paper, pulp, and its products.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD upon the subject of an embargo upon print paper, wood pulp, and so forth. Is there objection?

There was no objection.

Mr. BRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a newspaper statement made by me upon the result of the recent congressional election in my district.

The SPEAKER. The gentleman from North Carolina [Mr. BRITT] asks unanimous consent to extend his remarks in the RECORD by printing a newspaper article written by himself, touching the recent congressional election in his district. Is there objection?

Mr. GARRETT. Mr. Speaker, I object.

Mr. MANN. Oh, I hope the gentleman will withdraw his objection. A Member of the House ought to have the opportunity to make a statement in reference to an election in his district.

Mr. GARRETT. Let me understand clearly what it is.

Mr. MANN. It is a statement which the gentleman from North Carolina has written in reference to the election recently held in his district.

Mr. GARRETT. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from the Ocala (Fla.) Banner upon the subject of public buildings.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD by printing an editorial upon the subject of public buildings. Is there objection?

Mr. BARNHART. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon the military highway bill, which I recently introduced, and also the remarks of others in relation to it.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD upon the subject of the military highway bill. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

POST OFFICE APPROPRIATION BILL.

By direction of the Committee on the Post Office and Post Roads, Mr. MOON reported the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, which was read a first and second time and, with the accompanying report (No. 1249), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. STEENERSON. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Minnesota reserves all points of order.

RESIGNATION OF MR. QUEZON.

The SPEAKER. The Chair lays before the House the following communication, transmitting a letter of resignation of MANUEL L. QUEZON, which the Clerk will report.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, December 28, 1916.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I have the honor to transmit herewith an official copy of a letter addressed to the Governor General of the Philippine Islands by Hon. MANUEL L. QUEZON, under date of October 15, 1916, in which he tenders his resignation as Resident Commissioner from the Philippine Islands to the United States.

Sincerely, yours,

NEWTON D. BAKER, *Secretary of War.*

—

MANILA, *October 15, 1916.*

Hon. FRANCIS BURTON HARRISON,
Governor General of the Philippines, Manila.

DEAR GOVERNOR GENERAL: I beg hereby to tender my resignation as Resident Commissioner from the Philippine Islands in the United States.

In this capacity I have served my country for seven years, and for the last three I have been fortunate enough to receive the whole-hearted cooperation of the administration of the Philippine Islands.

I am indebted to you for life. Without your cordial and decided support it would have been impossible for me to accomplish anything in the very difficult mission entrusted to me by my people. I want to leave to posterity this public testimony of my deep appreciation of what you have done for the people of the Philippines. They owe you something that they can never in this world repay. You have been in part their liberator. History will yet give you full credit for the unselfish and patriotic devotion to the noble task you have been called upon to perform in these islands. You were sent here as the representative of the Government of the United States, and as such it has been your paramount duty to show us in deeds the ideals of your country, how we are regarded by your people, and what they propose to do by us. You have done your duty. We are now convinced that your country stands for freedom for all; that we are regarded by your people with paternal care, and that they will go to any extent to secure for ourselves and for our children the blessings of democracy. As you have endeavored to relax and have succeeded in relaxing the political ties between your country and mine you have become the bond of everlasting friendly union between your people and my people. You have earned our love and admiration. You are entitled to the recognition of your own Government and of your own people.

Personally you have been very kind to me. You have proven to be my true friend. You know that I am yours for ever.

Very cordially,

MANUEL L. QUEZON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PUBLIC BUILDINGS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to proceed for six minutes upon the subject of public buildings.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for six minutes upon the subject of public buildings. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I ask that the article which I send to the Clerk's desk be read.

The SPEAKER. The Clerk will read the newspaper clipping.

The Clerk read as follows:

[From the Ocala (Fla.) Banner, Dec. 30, 1916.]

FRANK CLARK, "THE GETTER."

The big newspapers of the country are hammering FRANK CLARK because he believes that the Public Treasury is a national affair and does not belong solely and exclusively to the big cities.

The Brooklyn Eagle, for example, says:

"Representative FRANK CLARK, of the second district of Florida, which has a population, exclusive of tourists, of approximately 200,000, is chairman of the House Committee on Public Buildings and Grounds."

Because his district is so small the Brooklyn Eagle seems to be possessed of the idea that FRANK CLARK has got no business being in Congress, and, in its opinion, it goes without saying that he has no business being chairman of so important a committee as the one on Public Buildings and Grounds.

In the opinion of the Eagle, the chairmanships of important committees should be the especial inheritance of the Members of Congress from our larger cities, which are supposed to be the depositaries of all intelligence and culture.

Then the Eagle goes out of its way to slander our State in the following fashion:

"But we must come back to Mr. CLARK, 'the getter.' He must not be too severely condemned. Environment has a lot to do with the spirit of getting. Florida is full of environment. In fact, it has more of it to the square mile than any State in the Union. Cynics have said that Florida's population is equally divided between those with the money and those after it. When there is a scarcity of the former, the latter seems to increase. It is an endless chain. What the east coast system takes from the rich it must defend against the onslaught of politicians, whose eagerness may account for the fact that the State legislature meets biennially and sessions are limited to 60 days. What is more natural than that Florida's Representatives in Congress should make most of a limitless opportunity?"

The editor of this paper has traveled just a little bit. He has visited Brooklyn, New York, Philadelphia, Washington, Cincinnati, Chicago, and many of the larger cities of the country, and in all of which his heart thrilled and swelled with pride and patriotism as he beheld the splendor and adornments of their Federal buildings. He could well imagine that in grandeur and architectural beauty they put to the blush Solomon's temple and the palace of the Caesars.

They cost millions upon top of millions, but never a word has he heard uttered that it was a wasteful extravagance of the Nation's money. These magnificent structures, costing millions merely for their sculptural figures and other ornamentations, carry with them no taint of the "pork barrel."

It is only when a rural population of a few thousand souls secures a Federal appropriation amounting to a few thousand dollars that the "pork barrel" cry is heard.

On all occasions these big cities act the hog.

They reserve the right to themselves to loot the Public Treasury.

If rigid economy and simplicity is to prevail, why erect any Federal buildings costing five and ten and more millions of dollars?

The business of the country can be done in buildings without any architectural frills and furbelows just as satisfactorily as in one with marble columns, mural decorations, and golden domes that glitter in the sunlight.

Neither do those newspapers in the big cities across the line complain of the millions appropriated for the improvements of their harbors.

The "tainted" cry of "pork" is only heard when an appropriation is asked for for some building, river, or harbor in some rural localities, where the population is supposed to pay the toll and be content.

No wonder FRANK CLARK arose in his seat and in his wrath, in answer to one of his critics, said:

"That is an absolute, bald, unsupported, snaggle-toothed, and unqualified falsehood."

His language was not very parliamentary, but was no more than the occasion demanded.

The Government should not be niggardly or parsimonious. It should erect a Federal building in every incorporated city and town in the

United States, and in architectural design and finish it should set the pace. These buildings would cultivate the taste and accentuate the patriotism of the people. They would give them a broader vision of the grandeur and glory of our Republic.

The SPEAKER. The time of the gentleman has expired.

POSTAL RATES.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the zone system of postal rates for newspapers and magazines.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the zone system of postal rates for newspapers and magazines. Is there objection?

Mr. MANN. Reserving the right to object, are these the gentleman's own remarks?

Mr. RANDALL. The gentleman's own remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the vocational education bill (S. 703), and pending that, Mr. Speaker, I ask unanimous consent that 10 days be granted to the Members of the House for the purpose of printing their speeches in the RECORD upon this subject.

Mr. LEVER. Mr. Speaker, reserving the right to object to the latter part of the request, I would like to ask the gentleman from Georgia [Mr. HUGHES] if it is his hope to complete the consideration of this bill to-day?

Mr. HUGHES. I will say to the gentleman that all general debate on this bill has been concluded, and the bill is up now under the five-minute rule and we certainly expect to complete it to-day.

Mr. LEVER. In view of that statement, I will not make another motion. The Agricultural appropriation bill is ready for consideration, but I myself am in favor of this bill and will be glad for the gentleman to complete it to-day.

Mr. MANN. Does the gentleman from South Carolina [Mr. LEVER] intend to take up the Agricultural appropriation bill on Thursday after the conclusion of the Niagara bill?

Mr. LEVER. I do if I can get recognition.

Mr. MANN. Suppose that this bill should be completed early to-day?

Mr. LEVER. Then I shall hope to go on to-day.

The SPEAKER. The gentleman from Georgia [Mr. HUGHES] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 703), and pending that motion he asks unanimous consent that all gentlemen have leave to print remarks on the bill for 10 legislative days.

Mr. MADDEN. Mr. Speaker, I think I will object to the request for 10 days in which to print remarks.

The SPEAKER. The gentleman from Illinois objects. The question is on the motion to go into the Committee of the Whole House on the state of the Union for the further consideration of the vocational-education bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 703) to provide for the promotion of vocational education, etc., with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 703, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture, the trades, industries, and home economics; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to authorize the appropriation of money and to regulate its expenditure.

Mr. RUSSELL of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUSSELL of Missouri. When we last adjourned the House bill had been offered as a substitute for the Senate bill, but had not been disposed of. Now the House bill, the substitute, as I understand, is open for amendment?

The CHAIRMAN. The understanding of the Chair is that by unanimous consent the bill, S. 703, was stricken out and the text of the House bill (H. R. 11250) substituted therefor.

Mr. RUSSELL of Missouri. My question is whether that substitute is now subject to amendment?

The CHAIRMAN. Yes. Under the five-minute rule and under the ordinary rules of the House it is subject to amendment by section.

Mr. LENROOT. Mr. Chairman, under the unanimous-consent agreement that was made this substitute is to be treated as an original bill, read section by section, and each section open to amendment as read.

The CHAIRMAN. That is the understanding of the Chair and the Clerk will read the text of the House bill.

Mr. RUSSELL of Missouri. Mr. Chairman, if my request is correct, the first section of the House bill has already been read?

The CHAIRMAN. The first section of the Senate bill was read.

Mr. RUSSELL of Missouri. And we will now proceed to read the House bill?

The CHAIRMAN. We will now proceed to read the House bill, commencing with section 1.

Mr. RUSSELL of Missouri. I desire to offer an amendment to section 1 when it is read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects; and the sum provided for in section 7 for the use of the Federal Board for Vocational Education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

Mr. RUSSELL of Missouri. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 1 by inserting at the end of line 7, on page 2, the following:

"*Provided*, That all sums accepted by and paid to any State shall, by the State board controlling its expenditures, be equitably distributed in all parts or sections of the State, so far as it may be possible and practicable to do it under the provisions of this act."

Mr. RUSSELL of Missouri. Mr. Chairman, I have offered this amendment as a friend of the bill, and its purpose is to try to make more specific and, if possible, more certain the fair distribution of the benefits of the measure that are intended by its author and friends.

Assuming that this bill becomes a law and that its provisions are accepted by all of the 48 States of the Union, and that the funds as herein provided are distributed among the States as proposed, the State of Missouri, from which I come, will, it is estimated, receive in 10 years $1,553,980. This sum when duplicated by the State will amount to $3,107,960.

According to the latest information I have been able to obtain we have in Missouri 923,963 children of school age and 9,873 public schools and 584 public high schools. Of course, it will not be possible for every pupil in the State to receive his or her share of the proposed appropriation, nor will it be possible for every public school in the State to receive its proportionate share of this fund, as the average annual amount to the average public school would be only about $31 per annum, which would be so reduced in amount as to be of little value if distributed in that way, but the average annual rate to the high schools of the State if equally distributed would amount to $532 per annum. So that it seems to me that it will probably be desirable to expend this fund in the normal schools, the high schools, and such of the other public schools as are prepared to give instructions in the branches provided for in the bill, but in any event it can and ought to be so distributed as to reach every section of the State and to be helpful to all the boys and girls of every quarter of the country who are striving for or desirous of obtaining vocational training along the lines proposed.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RUSSELL of Missouri. I yield.

Mr. MADDEN. What has the gentleman in his mind as to how they can distribute this money equitably throughout the State? For example, does the gentleman propose in the first place to distribute this money equitably throughout a State?

Mr. RUSSELL of Missouri. My amendment provides that it shall be the duty of the boards in every State to distribute the money that goes to each State equitably over that State.

Mr. MADDEN. The gentleman would, then, try to instruct the boards to give this character of education in every school throughout the State?

Mr. RUSSELL of Missouri. Oh, no; but that the money should be distributed throughout the State equitably, so as to carry a part of its benefits to all parts of the State and avoid the possible danger of its being concentrated in a few places to the exclusion of other parts of the State.

Mr. MADDEN. Does not the gentleman think that if the money expended is going to be of any use it must be concentrated to the extent of having an efficient organization wherever they are going to teach these vocational branches?

Mr. RUSSELL of Missouri. I think so; but if the gentleman will read my amendment he will find it provides that it shall be distributed by the States, so far as it can practically be done under the provisions of this bill, so that the purposes of the bill will in nowise be destroyed.

Mr. MADDEN. Does the gentleman suggest it shall be the duty of the board to administer it in a particular section of a State?

Mr. RUSSELL of Missouri. The bill provides that it shall be distributed in proportion to population among the States. I take it that the same principle should be followed of distributing it equitably throughout the State. I know that there is some apprehension on that ground. Some fear that if the money is appropriated and paid to States it may go to a few sections of the several States and the other sections be neglected.

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Ohio?

Mr. RUSSELL of Missouri. Yes; I yield.

Mr. FESS. Who is to be the judge—the Federal board or the State board—as to the equitable distribution?

Mr. RUSSELL of Missouri. The State board; but I understand their actions in all cases will be supervised by and subject to the approval of the Federal board, but it should be the duty of the State board to try at least to make a fair distribution of the funds.

Mr. FESS. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN. Does the gentleman yield?

Mr. RUSSELL of Missouri. I yield.

Mr. FESS. I just wanted to make an observation upon what my colleague had stated.

Mr. RUSSELL of Missouri. When I get through. The gentleman does not want to do so in my time, I hope.

Mr. FESS. No.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. RUSSELL of Missouri. Yes.

Mr. WALSH. I would like to ask the gentleman from Missouri if the effect of his amendment would not be to take this appropriation out of the control of the Federal board?

Mr. RUSSELL of Missouri. Not at all; because the bill itself is not interfered with in the least, and the other provisions of this bill provide that the members of the Federal board shall supervise the entire matter.

Mr. WALSH. But this is in conflict with the other provisions of the bill, is it not?

Mr. RUSSELL of Missouri. I think not. This amendment says, "In so far as it is practicable under the provisions of this bill." It is not intended to interfere with its other provisions.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RUSSELL of Missouri. Yes; I yield to the chairman of the committee.

Mr. HUGHES. We have attempted in this bill not to affect the economy of the States. We have guarded that in every possible feature. It is assumed that this board, which is to be constituted under the provisions of the bill in each State, shall best understand how to distribute this money.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUSSELL of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUGHES. I ask the gentleman if the State board provided for in this bill would not have better information as to the plan of distribution of this money to the schools, and so forth, which must be submitted to this Federal board for their approval?

Mr. RUSSELL of Missouri. I think perhaps that is true. I think that what the gentleman from Georgia suggests is true, but at the same time I think that an amendment like this, incorporated in the bill, would have a good influence upon the State boards and possibly induce them to make greater efforts to secure the fair distribution of the funds throughout a State.

Mr. HUGHES. I will say to my distinguished friend that the committee tried not to be captious at all in the drawing of this bill and tried to devote itself to the great principles promulgated in this bill. We felt that we could not go into the minor details. We felt that those should be left to the States, to these State boards, and we discussed this principle and this very question before the committee; and the committee was of the unanimous opinion that this bill carried just what the gentleman really expected and wanted.

Mr. RUSSELL of Missouri. The gentleman from Georgia understands that I am heartily in favor of this bill.

Mr. HUGHES. I am very glad to know that that is true. Yes; I know it.

Mr. RUSSELL of Missouri. I am prepared to give it my hearty support, whether this amendment is adopted or not. But I do know that there is some apprehension in my State that when the money is sent there by the Federal Government it may be concentrated in a few sections or parts of the State. I can not see that the amendment I have offered can do any harm, because it provides that whatever is done shall be done in accordance with the provisions of the bill. It is simply an instruction to the boards of the State that they shall try, as far as practicable, under the provisions of the bill, to fairly distribute the money throughout the State, and would clearly show our intention and understanding when we vote to pass it.

Mr. HUGHES. Should not that be left to the board that is created under this bill? This is taking from them, I think, no rights that they ought to have. It is a suggestion by Congress, by passing this law, how Congress feels the money should be expended.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. RUSSELL of Missouri. Yes. I yield to my colleague with pleasure.

Mr. BORLAND. I observe that by the bill $500,000 is appropriated for agricultural education and $500,000 for industrial education.

Mr. RUSSELL of Missouri. It is divided into three parts.

Mr. BORLAND. Yes. Now, $500,000 distributed among the States would be only $10,000 distributed throughout each State, and $10,000 more for industrial work, which is separate, however. Now, under a State such as ours, with 114 counties in it, it strikes me it would be hardly practicable to use $10,000, the first experimental appropriation, very widely over a State. It seems to me it would be necessary to concentrate that $10,000 somewhere where results would appear. If the appropriation were larger, it might be expanded. If we made it compulsory that the money should be distributed throughout the State, the money itself would not go very far among 114 counties.

Mr. RUSSELL of Missouri. My amendment provides that—

So far as it may be possible and practicable to do under the provisions of this act.

If it is not practicable to divide it over all parts of the State, of course, under my amendment, they would not be required to do so.

Mr. WHEELER. Then this amendment is simply an expression of opinion on the part of Congress, and does not compel the board to distribute the money over the entire State?

Mr. RUSSELL of Missouri. Only so far as practicable under the provisions of this bill, expressing to the State boards the feeling of Congress upon that question.

Mr. WHEELER. As I understand, then, it is an expression from the Members of Congress. The State board can do as they please with the fund, anyway.

Mr. SLAYDEN. Why does the gentleman think the State educational organizations can not be trusted to make a fair and equitable distribution of this contribution?

Mr. RUSSELL of Missouri. I do not know. I guess they can be trusted, but I know that there is a controversy going on now in my State as to how the money appropriated under the road law we passed shall be divided. There are some people in that State who now favor expending it all on a few roads, and many people in other parts of the State are afraid they may not get their share. It seems to me that it will be entirely proper for this Congress to express its feeling as to how the money should be expended.

I congratulate the author of this bill for his good intentions that led him to prepare and to introduce it, and likewise I commend the several members of the Committee on Education who have participated in perfecting and reporting it to the House for its consideration. Its purposes are praiseworthy, and I hope and believe its practical operation will be very useful to a great many individuals, and of great benefit to the country at large.

After being called upon at the last session of this Congress to vote for more than $843,000,000 to sustain the military arm of the Government, including pensions for service in past wars, and since observing the invitation contained in the estimates now submitted, to vote at this session for more than $892,000,000 for military purposes, amounting together to more than $1,735,000,000 in the two sessions of the Sixty-fourth Congress, it is with a feeling of genuine pleasure and a delightful relief to be given the opportunity to-day to vote for an appropriation like this without associating with its expenditure the contemplation of bloodshed, misery, and death.

This bill proposes within the next 10 years to expend about $45,000,000 in training the boys and girls of our land for useful civil pursuits that will promote their own success and happiness in the world and at the same time benefit humanity.

In my opinion it is one of the most meritorious bills considered by this House in either session of this Congress. I hope my amendment will be agreed to, and that the bill will be passed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUSSELL of Missouri. I ask unanimous consent to include as a part of my remarks a letter from Prof. W. S. Dearmont, president of the State Normal School at Cape Girardeau, Mo., giving very convincing reasons why this bill should be passed, and urging me to give it my support.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter referred to above is as follows:

MISSOURI STATE NORMAL SCHOOL,
Cape Girardeau, Mo., January 13, 1916.

Hon. J. J. RUSSELL,
House of Representatives, Washington, D. C.

DEAR MR. RUSSELL: I have to ask another favor of you, in addition to the many that you have granted. I am informed indirectly through the Hon. HOKE SMITH, Senator from Georgia and chairman of the Commission for National Aid to Vocational Education, that the commission's bill will be reintroduced in the present Congress, in the Senate and House, and that strong efforts will be made to secure the passage of this measure offering national aid to vocational education.

I have read the commission's report very carefully and the bill as introduced in the last Congress. I feel sure that the measure of national aid proposed in this bill is very much needed. This is especially true in the Southern States, and the commission's own investigations and thoroughly reliable investigations made by other commissions and associations show that there are at the present time in the United States fully 2,000,000 boys and girls between 14 and 16 or 17 years old who are undertaking to earn a livelihood in various employments without having received an education that will make it possible for many of them ever to become self-supporting citizens. In other words, these 2,000,000 boys and girls for lack of a proper education are wholly unable to increase their earning capacity and to advance themselves in life to the position of self-supporting and self-respecting citizens. These 2,000,000 boys and girls must at best remain throughout life on the border line between self-supporting and self-respecting citizens and the great body of the submerged classes who are always more or less dependent upon society for their support. No doubt a very large proportion of them will fall into the ranks of helpless pauperism, and many of them will enter the ranks of the criminal classes.

Unless more adequate provisions can be made for the better education of the working classes in this country, this large body of our people, who are absolutely unable to become self-respecting and self-supporting citizens without better educational opportunities, must continue to grow still larger from year to year. Many of the communities in which there is this lack of educational facilities could no doubt supply the need for themselves. In many other communities it is well-nigh impossible for the local communities to meet this need fully. Under the circumstances it seems to me that it is only wise and proper that, knowing all the conditions so fully, the Congress of the United States should come to the aid of the States, for the present at least, and, through the bill recommended by the Commission on National Aid to Vocational Education, furnish part of the money needed in order that the several States and local communities may be brought to realize the importance of this work and may be moved to join with the United States Government in providing for the more adequate education of this large body of boys and girls whose needs at present are being neglected.

We hear very much just now of the need of "preparedness" on the part of the people of the United States to meet certain possible future contingencies. I think that if the great war in Europe has taught one lesson more strongly than another, it is the fact that the best possible preparation that a nation can make, for war even, is to develop its people to the highest possible degree in their industrial efficiency. Industrially, I think the most efficient people on earth to-day, perhaps, are the Germans and the French; and the industrial efficiency of these people has not only contributed to the national wealth, so necessary in war, but has contributed very largely to the ability of both the Germans and the French to manufacture the necessary war munitions and armaments, and no doubt the skilled mechanics of the Germans and the French, even without previous military training, can be very readily trained for duty as soldiers in time of need. Personally I feel that better industrial education and more specific preparation for industrial efficiency for all our people constitute the best possible preparation for the discharge of every social obligation of the citizen, including that of defending his nation, if need be, in time of war.

I hope that among the multitude of calls upon your time you may be able to give this important measure your consideration; and, if it meets with your approval after careful examination of its merits, I hope you will give the measure your hearty support. I feel sure myself that no more meritorious measure has been before Congress during the past two or three years.

Very respectfully, yours, W. S. DEARMONT.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Missouri [Mr. RUSSELL] may be reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amend section 1 by inserting, at the end of line 7, on page 2, the following:

"*Provided*, That all sums accepted by and paid to any State shall, by the State board controlling its expenditure, be equitably distributed into all parts or sections of the State so far as it may be possible and practicable to do it under the provisions of this act."

Mr. POWERS. Mr. Chairman, if the amendment offered by the gentleman from Missouri [Mr. RUSSELL] is adopted, it will change the plan and purpose of this bill. It is the purpose of the bill as framed by the committee not to interfere with the autonomy of the State, but to let the State work out its own salvation, so far as plans for the expenditure of this money are concerned, except, of course, that they must be approved by the Federal board. Now, if this amendment is adopted, it will put it up to the Federal board to be the judge as to whether or not the State board is to expend this money in one section of the State or in another section of the State or still in another section of the State. That is one difficulty with the gentleman's proposed amendment. Another is that it provides that this State board shall, in so far as practicable, see that the money appropriated by the Federal Government is expended equally or proportionately in the various sections of the State. The plans of the States for the expenditure of this money have not as yet been worked out. We can not tell what those plans will be. Whether they will try to connect up with the public-school system and teach these various vocational subjects through that channel, or whether they will try to form independent schools and classes for this purpose, we do not know. The community in the State that is willing to take advantage of this Federal money will have to put up dollar for dollar to match the Federal moneys. Now, if every division of the State should be willing to put up dollar for dollar in order to get the Federal money, I can see the force of the gentleman's proposed amendment. But suppose that a certain section of the State makes a demand for two or three of these schools and the other sections of the State fail to make any demand. In my judgment, it ought to be left to the discretion of the State board to expend this Federal money when the State matches it, in whatever section of the State there is a demand for these vocational schools.

Mr. SLAYDEN. Mr. Chairman, I dare say that under the terms of this bill the State which I have the honor partly and humbly to represent will get as good a percentage of the appropriation as any. Personally I would have preferred that the States should not shirk their obligation to provide an education for their children. I am not in favor of these schemes for relieving States of all their obligations, nor can I indorse the theory which seems to be held by some gentlemen that what we get out of the Federal Treasury is clear gain. The same people pay these appropriations when they come by this more expensive and circuitout route who pay them when they are collected directly from the taxpayers of the State. But that was not the purpose of my taking the floor. I do not see why there should be any distrust, any lack of faith, in the mind of any gentleman as to the proper distribution of such funds as may be contributed by the Federal Government when turned over to the State educational agencies, and I was much impressed by the point raised by the gentleman from Missouri [Mr. BORLAND], who said that his State had 114 counties, and he intimated that if the allotment of butter under this bill is spread over the school necessities of 114 counties it will be so thin as to be of no value. Mr. Chairman, there are about 250 counties in the State of Texas, and that great enlargement of the area for the spreading of this butter makes it, to my way of thinking, still less effective.

Mr. RUSSELL of Missouri. I will ask the gentleman if he has read my amendment? If so he will see that it does not provide that the money shall be expended in all of the counties of any State.

Mr. SLAYDEN. It says "as far as practicable."

Mr. RUSSELL of Missouri. As far as practicable under the provisions of this bill, in all sections of the State.

Mr. SLAYDEN. Is it not the idea of the gentleman's amendment to meet the clamor which you hear from all parts of the

State of Missouri, that they shall get their share? Now, if they are to get so small a share that it will be of no practical benefit, why waste the money?

Mr. RUSSELL of Missouri. The report says that there are $1,500,000 in 10 years that will go to the State of Missouri. That is a considerable sum of money. Now, it ought to be fairly distributed and not be concentrated in a few or a dozen schools to the exclusion of all the others.

Mr. SLAYDEN. I do not think a million and a half dollars is a large sum for a great Commonwealth like Missouri, when distributed over 10 years. But even if it is considered a great sum, and it were not granted, I can not believe that the State of Missouri should or would fail to do her duty in the education of her children.

Mr. RUSSELL of Missouri. Does not the gentleman think that it ought to be fairly and justly distributed over the whole State?

Mr. SLAYDEN. Frankly I think it ought to be kept in the Federal Treasury.

Mr. RUSSELL of Missouri. But if it is going to be paid to the State, does not the gentleman think it should be fairly and justly distributed?

Mr. SLAYDEN. If it is going to be paid out of the Federal Treasury it is fair to the State to give it to the State superintendent and the board that supports him and rely on their honesty and judgment for its effective distribution.

Mr. FESS. Will the gentleman from Texas yield?

Mr. SLAYDEN. I will.

Mr. FESS. The bill was written on the principle that the control of education would be left entirely with the State board. I fear that this amendment injects an initiation of an opportunity for the Federal board to take control instead of the State board. As I say, the bill was written on the idea that the State board should make the arrangement and that it should be approved by the Federal board. It seems to me that this amendment will change the whole order of the bill.

Mr. SLAYDEN. I think the gentleman's fear is well grounded, but the idea seems to be that the injection of Federal control is not objectionable provided it is accompanied by an appropriation. [Laughter.]

Mr. HASTINGS. Mr. Chairman, I move to strike out the last three words. From my standpoint I think there is no more important bill pending before Congress. It is very important to the agricultural States like Oklahoma. I want to say that I am in favor of this amendment proposed by the gentleman from Missouri [Mr. RUSSELL]. If you read the report of the committee, it goes on to state that many children leave school in certain grades below certain ages, and that many are unable to complete the high-school course, and the report indicates that this bill and the appropriation made is really to help the poor boy and the poor girl. That is the class of children who need assistance.

I labored some time the other afternoon in asking a number of questions of those in charge of the bill, how it was contemplated that the appropriation should be distributed, but I am frank to say that I do not believe I got a satisfactory reply. Now, under the terms of this bill, out of the first appropriation for the first year my State of Oklahoma would get a minimum appropriation of $5,000. The State and local community, or both, has to supplement that appropriation by adding another $5,000. So that you have $10,000 appropriated. Now, there are 76 counties in the State of Oklahoma. Will anyone volunteer to advise me how this $10,000 can be expended in a State that has 76 counties so that it is going to help the poor boy and the poor girl out on the farm throughout the entire State?

The wealthy boy and the wealthy girl can, of course, pay their expenses in attending the State university, the normal schools, or the agricultural school or the district agricultural school, but how is this fund going to be expended through the State board of education so as to reach the poor boy and the poor girl out on the farm that it is intended to benefit?

Mr. FESS. Will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. FESS. The State of Oklahoma, when the maximum appropriation is reached, will get $81,000 for agricultural purposes and $22,500 for industrial purposes.

Mr. HASTINGS. But suppose the gentleman from Ohio was a member of the State board of education and there were 76 counties in the State, and you also had a State university, a State agricultural school, six district agricultural schools, six normal schools, and a number of other preparatory schools throughout the State, how would you distribute that fund so as to reach the poor boy and the poor girl on the farm who is unable to pay board or go away from home to some city? How are you going to help the rural school?

Mr. FESS. The committee believed that a Federal appropriation of $100,000 to Oklahoma, being supplemented by another $100,000 by the State—and that is the minimum, because it might be $400,000. That has been the rule as to the contribution by the State, where the Federal Government has contributed one dollar the State has contributed four. That is in accordance with our past history of appropriation, and it is supposed that that will be done later on by the State. It certainly would be unwise for us to undertake to say how it should be distributed in Oklahoma. It ought to be left to the State board of Oklahoma that is on the ground and who would not undertake to divide it up by a common multiple and give five or six dollars in one place, but leave it to the State board to put it in one place or a dozen places or 10 places or 100 places. In other words, it would not do at all for the Federal board located in Washington to undertake to say how this money should be distributed in Oklahoma. That must be left to the State board of Oklahoma and if you can not trust the board there, that is an argument against the bill entirely on principle, because we can not utilize the money. But I think we can if we leave it to the State board.

Mr. HASTINGS. The gentleman from Ohio is a student not only of this bill but of educational matters in general. He is at the head of one of the principal colleges of the State of Ohio. I want to ask him this question: Suppose you were on the State board of education in Oklahoma, how would you suggest that the $82,000 supplemented by an additional fund of $82,000 could be expended in Oklahoma so as to reach the poor boy and the poor girl on the farm? That is the class that it is our purpose to reach.

Mr. FESS. It is the business of the State board to guard against the waste of it.

Mr. HASTINGS. I do not want to vote for a "pig in a poke." I would like to be a little more practicable. Is it contemplated that this money should be used in the State universities?

Mr. FESS. It certainly is not, because it is limited to students or pupils under college grade, and that prevents the State universities from getting it.

Mr. HASTINGS. In what schools could it be expended, say, in the State of Ohio?

Mr. FESS. In the first place, there are three funds. One is to pay the salaries——

Mr. HASTINGS. We will take the agricultural funds.

Mr. FESS. When you talk about State universities, I would suggest to the gentleman that none of this money would go to the State universities, unless it receives a portion for training teachers.

Mr. HASTINGS. Will it be used in the high schools?

Mr. FESS. Yes; if they meet the age between 14 to 18.

Mr. HASTINGS. Then, will any of it be used in rural schools?

Mr. FESS. Certainly; wherever the State board would apply it.

Mr. HASTINGS. But the State board could pick out any rural school in any county in the State of Ohio, or in any other State it saw fit.

Mr. FESS. Yes.

Mr. HASTINGS. To the exclusion of all other rural schools?

Mr. FESS. We should not interfere with that from this point. We have to trust the State board upon this matter. We ourselves can not dictate that. The gentleman's fear that it will go to the State universities or to a special college or to some favored institution is not well founded, because it does not go to any institution teaching pupils of college grade. They must be below college grade, except the small proportion that goes for the training of teachers. That, of course, will go to the special training schools, whether it be the State university or the State normal schools or whatever your State board will decide upon.

Mr. HASTINGS. Then, these funds will be distributed through the State boards of education, and they may or may not go to the rural schools?

Mr. FESS. It would certainly have to go to the rural schools for the payment of salaries of teachers in agriculture, for there is where the agricultural teachers and pupils are. The gentleman's fears are unwarranted.

Mr. HASTINGS. I am heartily in favor of the principles of the bill. I wanted to make sure about the distribution of the money, so as to guard against the concentration of it in a few schools. I favor the amendment of the gentleman from Missouri, because I would like to see each county and each community receive some of the benefits from this appropriation. Thousands of boys and girls are not able to pay board and other expenses of attending schools away from home. The object of this bill is to bring these advantages as near to the people as possible.

Mr. GARRETT. Mr. Chairman, I am fearful that this bill when it goes into practical operation will prove a very distinct

disappointment. It is an effort to do that which has been tried heretofore concerning other matters, namely, to bring about a cooperation between the Federal Government and the various State governments touching a matter that should belong and does belong either to the one or to the other. If the entrance into vocational educational training is a proper Federal function then it ought to be done by the Federal Government without connecting it with or making it dependent upon State cooperation. If it is not a proper thing to be done by the Federal Government then the Congress should dismiss the subject and leave the matter to the States to work out. Somewhat on all fours with this proposition, Mr. Chairman, is the road bill that passed Congress last year. I believe that when that act goes into operation it will prove a very distinct disappointment to the people throughout the several States. Under the terms of this vocational educational bill, if I interpret the language correctly, States can not enjoy the benefits of it after a certain time unless those States make appropriations equal in amount to the Federal appropriations authorized in this measure. I do not believe that that is sound governmentally, and I feel quite sure that in its practical application a policy of that sort will create local jealousies, will create local contests that will eventually lead to the destruction of whatever good there is in this bill or else will lead away from that to the point where the Federal Government will take over the entire situation. I believe that the bill ought to be re-formed in its entirety, and, as I said a moment ago, if it is a proper funcion upon which the Federal Government should enter, then the Federal Government should do it independently of asking State cooperation or aid.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GARRETT. Yes.

Mr. HUGHES. I would like to say to the gentleman from Tennessee that we have a precedent for everything incorporated in this bill, for since the foundation of the Goveernment Congress has passed more than 42 acts embodying these very principles.

Mr. TOWNER. Mr. Chairman, I have very great respect, indeed, for the opinion and good judgment of the gentleman from Tennessee [Mr. GARRETT]. I am quite sure, however, that he will understand me when I say that I do not believe that he has given to this question the consideration that would warrant him in forming the conclusion that he states. This question is not a new question, let me say to the gentleman from Tennessee and to the committee. It has been discussed for more than 10 years in educational circles all over the United States. It has not only been discussed from its educational side, but it has been discussed as a constitutional question. The objections that the gentleman suggests have all been carefully considered. This bill is, of course, a novelty, as the good-roads bill was. The gentleman states that disappointment from the operation of this bill and the good-roads bill will occur. I, on the contrary, expect more of satisfactory returns than have ever been promised by the supporters of either bill. This bill is of stimulating quality, and it seeks to do that or to bring about the doing of that which everyone admits would be a great blessing to the country.

If the General Government can do this, as we have the constitutional right to do, if the General Government can bring to bear upon the educational interests of each State this stimulus and assistance that will lead them to extend their work in this direction, then certainly it will be of great benefit to the people of the United States. This fund is to be appropriated in only two ways, neither of which can possibly interfere with the operation of the States or their autonomy in the control of their methods of education. There are only two methods by which this fund is to be applied—first, to the training of teachers, and, second, to the payment of teachers. Everybody understands that this is specialized work. It requires the special training of teachers, and in order to encourage this special training a part of this fund is set apart for that particular purpose. Certainly no one could object to such a method of encouraging that form of education.

And the other method is for the payment of teachers. Gentlemen will understand that this specialized work must be to a great extent taught by expert teachers, especially in the inception of the work, and so the work is graded with a smaller appropriation at the first, to be increased yearly until a maximum is reached. For instance, a township in any of the counties where they may have a half dozen or more schools may not have any teachers that will be able to teach any of these economic subjects or agricultural subjects that we desire to have taught. They should have an expert teacher to go around to the country schools for a while in order to teach them the specialized subjects. There are many ways in which this fund can be particularly applied so that, as suggested by the gentleman from Oklahoma [Mr. HASTINGS], it will not go to the benefit of any particular school or section, but will be applied, as he says, and as I agree with him, to the education of the children who will most need it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa [Mr. TOWNER] yield to the gentleman from Massachusetts?

Mr. TOWNER. I yield.

Mr. WALSH. I would like to ask the gentleman from Iowa if he can state in how many States of the Union vocational education has already been inaugurated? It says in the report that it has been inaugurated in many localities. In how many different States have they inaugurated this system of vocational education?

Mr. TOWNER. I think in practically nine States. In some other States, however, they have commenced in a desultory way the teaching of vocational education.

Mr. WALSH. And can the gentleman state about how much money has been expended by these nine States and is being expended annually?

Mr. TOWNER. I can not answer that question. I will say to the gentleman, however, it is comparatively an inconsiderable amount. It is not nearly large enough to obtain the practical results we hope to obtain under this bill.

Mr. POWERS. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. POWERS. The gentleman from Tennessee [Mr. GARRETT] seems to fear that the participation of the Federal Government in this matter will interfere with the working out by the States of their own educational problems.

Mr. GARRETT. If the gentleman will permit me, I did not make that observation or anything from which, I think, that conclusion can be reasonably drawn. The gentleman, I am sure, misunderstood.

Mr. POWERS. I beg the gentleman's pardon if I did. At any rate, he was under the impression that this bill would work very unsatisfactorily and that it would be either abandoned by Congress or the Federal Government would have to take over the question altogether. I believe that is the substance of what the gentleman has stated. Is it not true that this bill is merely a proposition to the State to spend so much money under this section, provided we spend so much, and that any State in the Union can take advantage of it or reject it, just as it sees fit and proper?

Mr. TOWNER. That is true to a certain extent, but not wholly true. Certain conditions are prescribed that must be complied with.

Mr. GARRETT. What I wish to say is this: If any State wishes to take advantage of it, that State is paying its pro rata of the Federal taxes. If that State fails through its own entity to tax its citizens to raise a similar amount, it loses both, and, while it continues to pay its taxes which go to the Federal Government, it gets no benefit whatever.

Mr. TOWNER. That is very true, and I will say the same is true in regard to the appropriation for the improvement of the Mississippi River or any other particular appropriation. Not many people of the United States will receive any direct benefit from any particular appropriation. Nine-tenths of all the appropriations we make here in Congress are not so made or so arranged that the entire people of the United States can participate in the benefit, but we hope to make our appropriations, and it certainly should always be the object to make legislation so general as to reach the largest number that we possibly can. In other words, to secure the greatest good to the greatest number. And I believe, Mr. Chairman, that there can be no possible method by which so many of the people of the United States could receive a direct benefit as to bring to them this method of better education and preparation for the active pursuits they must follow when they go out into the world to act for themselves.

Mr. MONDELL. Does the gentleman from Iowa understand that the sums appropriated under this legislation by the Federal Government could be used in the payment of a part of the salary of a teacher who, teaching the subjects provided for, also teaches other subjects?

Mr. TOWNER. I think there is no doubt about it.

Mr. MONDELL. The gentleman thinks there is no question about that?

Mr. TOWNER. I think there is no doubt about it at all.

Mr. MONDELL. If that is not true, then the sums in a large agricultural State would be of little value in the ordinary common schools?

Mr. TOWNER. That is very true.

Mr. MONDELL. And the gentleman thinks there is no question about it?

Mr. TOWNER. I do not think there is any doubt about that.

Mr. MONDELL. What raised the question in my mind was that a moment ago the gentleman in his remarks referred to the fact that it might be necessary to have teachers especially trained that might go about teaching these various subjects in the school of a county or of a considerable agricultural community. The gentleman thinks, however, that that would not necessarily be required under the bill?

Mr. TOWNER. No.

Mr. MONDELL. But that in an ordinary district school the teacher qualified to teach agricultural subjects, we will say, or to teach industrial subjects, could have a part of his or her salary paid out of this appropriation?

Mr. TOWNER. Certainly.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TOWNER] has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ROUSE having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On December 22, 1916:

H. J. Res. 324. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1916; and

H. R. 19178. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1917, and for other purposes.

On December 27, 1916:

H. J. Res. 282. An act authorizing the Postmaster General to provide the postmaster of Springfield, Ill., with a special canceling die for the one hundredth anniversary of the admission of the State of Illinois into the Federal Union;

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved August 24, 1912; and

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

On December 29, 1916:

H. R. 407. An act to provide for stock-raising homesteads, and for other purposes.

On December 30, 1916:

H. R. 1788. An act for the relief of Thomas M. Jones.

VOCATIONAL-EDUCATION BILL.

The committee resumed its session.

Mr. LENROOT. Mr. Chairman, I think there has been and is now to a great degree a very unfortunate misapprehension as to the real purpose and object of this bill, at least as I understand its purpose and objects. The gentleman from Oklahoma [Mr. HASTINGS] raises the question that because Oklahoma will receive only $100,000 aid through this bill it is such a small amount that it could be of no particular value in educating the poor boy and the poor girl in Oklahoma.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HASTINGS. I said that $5,000 the first year out of the fund would be of no particular value.

Mr. LENROOT. Well, whatever the sum is, the gentleman from Oklahoma and other gentlemen assume that the money that is to be expended in the education of the poor boy and poor girl will be the amount of Federal aid extended plus a like amount of State aid or contribution.

Now, Mr. Chairman, I sincerely hope and believe that that will not be the case at all; that the Federal aid extended will only be a very small percentage of the amount that will be expended within the States for these purposes. Take the case of a rural community, we will say, in the State of Oklahoma.

If they are spending now in one county $1,000 for agricultural education, and the State of Oklahoma shall receive $100,000 from the Federal Government to be expended for that purpose, that county will receive aid in proportion only to the number of counties in Oklahoma that will adopt the necessary standards and qualify themselves under this bill to receive aid. It may be 5 per cent of the amount that that county raises for these purposes; it may be 10 per cent, or 20 per cent, as the case may be. But if it is only 5 per cent or 10 per cent, if it is an inducement to that county to raise its standard of agricultural education so as to conform to the standard required by this bill in order to get that aid, great good will have been accomplished in the education of that poor boy and poor girl in Oklahoma.

Now, the gentleman from Tennessee [Mr. GARRETT] fears that the passage of this bill will result in local contests. Mr. Chairman, if the passage of this bill does not result in local contests, the bill in my judgment will very largely fail in the accomplishment of its purpose. I hope and expect it will result in local contests. There will be contests between the localities as to which will be the first to adopt the standard approved by these Federal boards, so that they can avail themselves of the portion they are entitled to of Federal aid; so that instead of this being considered as a proposition of Federal aid plus an equal amount of aid by the State, it should be considered as only a sufficient amount of Federal aid to stimulate the States and localities to give the boys and girls of their States such education as shall be a practical vocational education.

Mr. HUGHES. Mr. Chairman, I wish to say that this section was thoroughly discussed by the commission appointed by the President for three months. It was also adopted by the Senate. It was under discussion by the Committee on Education of the House for about 10 months. All three have agreed upon this amendment. I regret not to be able to agree with my distinguished friend from Missouri [Mr. RUSSELL], a man of magnificent ability and judgment. But, Mr. Chairman, I sincerely hope that that amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. RUSSELL].

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state to the gentleman from Oklahoma that there is nothing pending.

Mr. MORGAN of Oklahoma. I desire to ask the gentleman from Georgia a question.

The CHAIRMAN. The gentleman will proceed.

Mr. MORGAN of Oklahoma. I would like to ask the chairman of the committee or some member thereof for information as to the meaning of the term "agricultural subjects." This bill provides, among other things, for the paying of teachers and the training of teachers to teach "agricultural subjects."

Now, then, does that include rural credit or cooperative business methods among farmers? That is what I desire to know.

Mr. HUGHES. The word "agricultural" means that which pertains to agriculture, to the soil.

Mr. MORGAN of Oklahoma. I understand. That is what Webster says. Now, what is agriculture? My understanding is that the word "agriculture" refers entirely to the cultivation of the soil, the tillage of the soil, to the production of plants, and has nothing to do with the business end of farming.

Mr. HUGHES. If the gentleman will excuse me there, we have supervisors and directors out in the field to explain to the farmer and show him how to reduce theories to practice, so that he will study the scientific part of agriculture, and then it will be made operative in the field.

Mr. MORGAN of Oklahoma. Yes. That is what I understand "agriculture" to mean, to go out and teach the farmer how to do better farming, scientific farming. I do not understand that that includes business affairs relating to farmers—relating to rural credits.

Mr. HUGHES. No.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. TOWNER. I think the gentleman is hardly justified in his fears regarding that. The object of agriculture is not alone to produce, because if the farmer produces only he never gets anywhere. It is also the object of the farmer to dispose of his production as well as to produce it. I am quite sure the gentleman has in mind the question whether or not this would include assistants and help that would assist in the solution of questions that would teach the farmer how to dispose of his crop as well as how to produce it.

Mr. MORGAN of Oklahoma. Yes.

Mr. TOWNER. I have no hesitation in saying that the language would include that, in my judgment.

Mr. MORGAN of Oklahoma. Well, let me ask the gentleman from Iowa, as well as the gentleman from Georgia, if they intended to include the teaching of the system or the principles of rural credits and better business in farming, such as cooperation in business, collective selling and collective buying, and so on?

Mr. TOWNER. I should certainly say collective selling would be within it. I do not know about collective buying. I am inclined to think that possibly might be outside the range. However, I would not venture an opinion on that question.

Mr. MORGAN of Oklahoma. What does the chairman of the committee or the gentleman from Ohio [Mr. FESS] think of it?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. FESS. There were four fields discussed by the commission. One was the agricultural, one was the commercial, one was the nautical, and one was the industrial. The commission decided that commercial education was well cared for in high schools, and therefore need not be treated in this bill. The nautical, which would go to the merchant marine, was a matter that was specialized, and this bill would not take care of that. But the agricultural and the industrial were the two great fields that called for help.

Now, in attempting to designate what would be included in the agricultural, they considered that it would be so attenuated that they chose the term "agricultural subjects," in order to avoid the necessity of undertaking to name certain things, because if you undertake to name anything and do not name everything the things not named would be excluded. Therefore my own opinion is that while the principle of rural credits would not be likely to be discussed to children of 14 to 16 years, it certainly is not excluded from the purview of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 2, line 7, after the word "*Provided*," insert "That the words 'agricultural subjects' when used in this act shall include rural credits and cooperation in business among farmers."

Mr. MORGAN of Oklahoma. Mr. Chairman, in the remarks which I have already made I think I have explained the purpose of this amendment so that most of the members of the committee understand it. If this act is passed simply providing for the paying and preparation of teachers and directors and supervisors in "agricultural subjects," in my judgment, it may be construed that none of this money can be used to teach rural credits or cooperative business methods among farmers. I believe that would be an unfortunate result. Now, in order that there may be no question about the intention of Congress to include rural credits and better business methods among farmers I have offered this amendment.

Mr. GARRETT. Will the gentleman from Oklahoma yield?

Mr. MORGAN of Oklahoma. I am glad to yield to the gentleman from Tennessee.

Mr. GARRETT. Does the gentleman mean that there shall be provided teachers to go out and teach the farmers how to cooperate? I understand that this is to teach the children who are studying in school.

Mr. FESS. Children of 14 to 16 years.

Mr. GARRETT. Between the ages of 14 and 16. Does the gentleman contemplate the hiring of men to go out and teach the farmers how to form farmers' unions and fruit growers' associations and things of that sort?

Mr. MORGAN of Oklahoma. Mr. Chairman, I mean simply this, that the boy who is old enough to understand scientific methods of farming is old enough to understand the principles of business and of cooperation in business. More than this, we need to educate teachers to teach rural credit and cooperation in business among farmers.

Mr. Chairman, this Nation is perhaps abreast if not in the lead of any other nation in the world in providing instruction to farmers in the methods of farming. This is accomplished by our Agricultural Department, by our great agricultural colleges, by the work that is being done under the Smith-Lever bill, and through many other activities. We are spending many millions a year by these methods, but very largely this large expenditure is used to aid the farmer to produce more crops. Now, in the matter of business methods we are far in the rear of the most of the great nations of Europe. Our farmers are losing many millions of dollars every year because they have not been taught and trained to apply better business methods to farming. Some one has said that in agriculture we must have better farming, better business, and better living. So far as the farmers are concerned to-day the importance of having better business methods is greater than the necessity of having a better knowledge of the principles of scientific farming. We are behind in one matter; we are in the lead in the others; and under this bill it is proposed to leave us still in the rear on that one subject. The one great question for the farmers of the United States to solve in the future, and the one thing above all others that the Congress of the United States should aid the farmer to solve properly, is how to enable the farmer to conduct his business on better principles.

During the last session of Congress we passed a bill making a beginning in the providing of farmers with better credit facilities, but that applied only to land credits and to the question of getting credit upon better terms upon farm mortgages. We have done nothing yet in the matter of providing better personal credit. Our farmers know nothing about cooperating together in order to enable them to have better credit on personal accounts, so that they may transact their business better. The fact is that there is nothing that will do so much to enlarge the products of the farm as will the providing of better credit facilities for farmers and better business methods among farmers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. We have already made a start, but only a start, in the matter of providing farmers with better credit. When you go to Germany, to France, to Italy, and to many of the smaller European States, you find that the farmers not only have special institutions to provide them with farm-mortgage credit but they have thousands of institutions which aid the farmers in having a better system of personal credit and a better business system. In Germany there are over 20,000 cooperative business societies among farmers.

We have had up the subject of providing a better system of marketing. Our farmers do not cooperate in business. All the rest of the business interests of the country are united. In the last half century we have gone from individuals and partnerships in business to the great corporations which dominate and control the business interests of this country. When the farmer sells his product it goes at once into the hands of great corporations, great concentrated business concerns, and these corporations control and finally distribute it among the consumers. We have a very complex system of sale and distribution, so much so that it takes one-half of the value of the farm product in order to get it from the farmer to the consumer. This is not only a great loss to the farmer, but it is a great loss to the consumers of the country. There is too much going to the middle man, and I do not wish specially in that way to throw out any reflection upon the middle men, who constitute the business interests of this country, but still, when confronted with the high cost of living, we must know that the one way to obviate that, the one way to make living cheaper, is to lessen the cost of bringing the products from the farm to the consumer.

So the farmers should cooperate in business, follow the lead of the business interests. Here you are going to pass a bill through Congress providing for the expenditure of millions of dollars, which will go on increasing from year to year, and not any of it may be used to teach the farmers to cooperate in business, and thus be able to help the farmer to produce more products of the farm and to compete with the great business interests of the country and secure his proper share of the wealth that he produces. The way to do that is to teach them to unite in their business efforts and cooperate in their business, and so far as they can sell direct to the customer and thus cut out the cost of distribution.

That is just what I propose in my amendment—that we shall make it plain beyond peradventure and doubt that we may use a part of this money to educate the farmers in better business methods.

Take my own State, her agricultural products amount to $300,000,000 a year. Suppose by better business methods, by cooperation, by reducing the cost of transportation, the cost of manufacture, and the cost of distribution in the sale of farm products there would be 10 per cent saved; that would mean a saving of $3,000,000 annually to the farmers of Oklahoma. But when you talk about going back to the farm, leading the people of the cities back to the farm and having our boys and girls stay on the farm, after all there is one thing that is necessary, and that is to make the farm more profitable. On that point hinges the future of our agricultural interests. Make the farm profitable and the boys will not leave it. The farmers must make money or they can not live in suitable dwellings, they can not have proper educational facilities, they can not have suitable vehicles for transportation, they can not have their houses prop-

erly furnished, and can not have facilities and opportunities for self-improvement and recreation. It is not what farmers produce that determines the money they make; it is a question of profits. What do the farmers make? is the question. And what farmers make depends largely upon the use of credit and in cooperation in business.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think the amendment offered by the gentleman from Oklahoma [Mr. MORGAN] should be adopted. The gentleman is always eloquent in behalf of the farmers of the country. No man who knows him or who appreciates his long service in this House would say that he has not been a true friend of the farmers of Oklahoma. He has been eloquent in his fight for the interests of the farmers. He wants the farmers to make more profit. He is anxious that the farmers should succeed in business. He is willing to destroy the middle man who carries the product of the farm to the city. He is willing to utterly forget the consumer of his product after it comes into the city. He is for the farmer first, last, and all the time, though it means, in the last analysis, that without his customer the farmer shall stay upon his farm, raise his own product for himself, and get it nowhere.

My idea of the purpose of this bill is that it is to generalize the education of the farmer, to assist at the same time the farmer's best friend, the consumer in the city, by education. If I have read this bill wrongly, it is my misfortune; but my belief is that if the bill is passed at all it ought to be passed not because it specializes in the interest of the farmer or prejudices the farmer's mainstay and best friend, the man in the city——

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MORGAN of Oklahoma. Does not the gentleman think that if the farmers could sell directly to the consumers in the city that that would furnish these products to the consumers in the city at a less price?

Mr. MOORE of Pennsylvania. Undoubtedly it would.

Mr. MORGAN of Oklahoma. Does not the gentleman see——

Mr. MOORE of Pennsylvania. Wait a moment. I want more time if I am to be interrupted at length.

Mr. MORGAN of Oklahoma. I will ask that the gentleman have more time. Does not the gentleman see that my amendment is as much in line for the benefit of the consumers in the city as it is for the benefit of the farmers? In fact, the gentleman, I think, hardly construes my purpose correctly.

Mr. MOORE of Pennsylvania. If the gentleman is to go on and state his position over again, I shall have to object. The gentleman asked the question whether or not it would not be a good thing for the farmer or the producer of the product to sell directly to the city man and consumer of the farm product, and I unhesitatingly answer yes. But the gentleman fails to take into account the middleman, whom he has decried, who is not only the man who markets the product but is also the man who constructed the railroad and obtained employment for thousands of men and made it possible for the farmer to obtain the tremendous prices he is now receiving for everything he produces from the toilers in the city. The gentleman from Oklahoma would abolish railroads when he abolishes the middleman; the gentleman would abolish the steamships; the gentleman would abolish the stores; the gentleman would abolish every union of farmers who are brought together for the purpose of facilitating the distribution of farm products when the gentleman destroys the middleman.

Why, a great department-store proprietor declared in public recently that he wanted the middleman destroyed. In that event what is to become of the shop girl? What is to become of the man who goes out to buy of the farmer? What becomes of the man who handles his goods?

The CHAIRMAN (Mr. BYRNS of Tennessee). The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the population of this country is not solely upon the farm. One-half the population at least is engaged in industrial enterprises, and if there is a hiatus between the man who is the consumer and the man who is the producer, it is the middle man who is at the service of both. The individual farmer sometimes has a complaint against some commission merchant who may have done him a wrong, and he grieves about it, and he gets it published in the newspapers, and his Congressman comes here and makes frequent speeches about it; but God help the farmer of this country the moment he goes so far as to destroy the means of transportation, the means of communication, the means of distribution, every one of which gives employment to the middle man.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HASTINGS. As I understand it, then, the gentleman contends that the middle man renders a distinct service both to the farmer and the consumer?

Mr. MOORE of Pennsylvania. Of course, he does.

Mr. HASTINGS. If that be true, the more middle men the better.

Mr. MOORE of Pennsylvania. How far is Oklahoma from New York City?

Mr. HASTINGS. About 2,000 miles.

Mr. MOORE of Pennsylvania. And the gentleman is a farmer and he is the farmers' friend. He is raising cotton or raising potatoes, I care not which. Let him put his cotton upon his back, or his potatoes and eggs and deliver them to me in New York City. I will pay a fair price for them. If the gentleman will have his farmer do that, he will help to bring about an intercommunication between the farm and the city. All the farmer has to do is to put his product on his back and deliver it. That will abolish the middle man, even if it brings stagnation in Oklahoma. If you are going to have communication, if you want to look at the question broadly, you have got to consider the means of transportation, the means of communication, and the means of distribution. Do not destroy the middle man right off the bat. Give the middle man a little chance for his white alley. Dear Mrs. Farmer in Iowa is not delivering her eggs to the consumers in Philadelphia at 60 cents a dozen—not much. She has not the opportunity to deliver them unless some one constructs a railroad, unless some poor thrifty fellow in my city puts enough money into the savings funds to be invested in the construction of a railroad to bring Iowa to the market, and that is all middle man.

I know people now who are denouncing the railroads, who want to have them regulated to death, and yet on picking up the reports of the savings funds in my city and in New York and in other great centers I find that it is the savings of the poor people, in whose behalf you are constantly pleading, that are maintaining, that are building, the railroads of the country and are bringing the East to the West and the West to the East.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PLATT. Would it not be possible to deliver some of these things by water transportation? [Laughter.]

Mr. MOORE of Pennsylvania. Yes; and the sooner you all get that into your heads in the House of Representatives the better it will be for the welfare of the country. [Applause.]

Mr. Chairman, I think I want this bill passed, not because the gentleman from Oklahoma [Mr. MORGAN] wants it specialized, but because I believe that the one great crying need of this country to-day is the practical education of the children of the land. [Applause.] There are too many seeking a higher education that fits them only to make other men work, and too few who are willing to be educated to do the work themselves. My father ran a farm of 200 acres in extent, and he failed at it. If he had been scientifically trained, he probably could have made a good living on 40 acres.

Mr. MORGAN of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MORGAN of Oklahoma. That is the point. The gentleman's father would not have failed if he had been taught the business of farming. And that is the object of this measure.

Mr. MOORE of Pennsylvania. My father was not able to give me a college education, and the more I get along in life the more grateful I am to my father for having let me go to work at an early age. [Applause.] If I have been useful at all, it has been because I was not afraid to work. I think we are training lots of young men through the colleges to a magnificent champagne appetite when they are not capable of acquiring a beer income. [Laughter.] If this bill proposes to give a practical education through teachers trained for the purpose to the boys who work upon the farms, well and good. If it gives a practical education to the man or the boy who is willing to work with his hands in the city in any of the great industries, so much the better.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HUGHES. Mr. Chairman, I sincerely hope that this amendment will not be adopted. The committee feels that it could not possibly go into all of the numerous details that would surround this bill under such an amendment as that, and therefore I move that all debate upon this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Georgia moves that all debate on the section and all amendments thereto be now closed.

Mr. PLATT. Mr. Chairman, I desire to offer an amendment to the section.

Mr. HUGHES. Then I will withhold that motion.

Mr. MANN. Make it in 10 minutes.

Mr. HUGHES. Very well, I will make that motion.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that all debate upon this section and all amendments thereto close in 10 minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken; and on a division (demanded by Mr. MORGAN of Oklahoma) there were—ayes 1, noes 21.

So the amendment was rejected.

Mr. PLATT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. PLATT: Page 1, line 9, after the word "trade," strike out the words "home economics," and also on page 2, line 1, strike out the words "and home economics."

Mr. PLATT. Mr. Chairman, I yield to no one in appreciation of the importance of home economics, but home economics is an endless subject, more or less taught and generally pretty well taught in every school in the country, in almost every school in the country, even the district schools, and its inclusion in this bill offers an opportunity to dissipate this whole fund in trifles. It does not belong in this bill at all. This is a vocational education bill, and home economics is not, strictly speaking, vocational education. I think we would greatly improve the bill if we took the question of home economics out of it. I think if the bill is subject to any legitimate criticism it is that it goes too far, anyway, and tries to take in too many subjects. It would be better if agricultural training were taken out of it and that subject left to another bill. We are dividing this fund up in such a way and making the bill so broad that the encouragement will be distributed around so that it may not do any good at all.

Mr. TOWNER. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. TOWNER. I will say to the gentleman that the gentleman from Wisconsin [Mr. LENROOT] has an amendment which we will offer subsequently, limiting the amount to 20 per cent. Will that be satisfactory?

Mr. PLATT. I should like to see it all go out. I should like to have a vote on that.

Mr. TOWNER. Would you like to submit it?

Mr. PLATT. Yes.

Mr. FESS. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. FESS. Have you excluded home economics for the training——

Mr. PLATT. On page 2, line 1, I take it out.

Mr. FESS. Was it the intention of the Member to exclude from it the teaching of teachers for home economics?

Mr. PLATT. Why, I think so. It seems to me it is dividing up the bill too much. The States are all teaching home economics now. They do not need any encouragement in this line. It is giving encouragement to something that does not need encouragement and taking away from the subjects that do need encouragement.

Mr. FESS. The very fact that we have so many schools teaching home economics would be an argument for training teachers for that subject, would it not?

Mr. PLATT. Certainly, but I know of no reason why the Federal Government should seek to encourage something which does not appear to need encouragement. An amendment to limit the amount would help some.

Mr. HUGHES. Will not the gentleman withdraw his amendment until we reach the point where an amendment will be in order along that line?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. PLATT. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Is it the gentleman's understanding that home economics includes sewing?

Mr. PLATT. It includes everything under creation—sewing, cooking, and sweeping the floor, and so forth.

Mr. MOORE of Pennsylvania. Does the gentleman think we should strike out of the bill that part providing for industrial education of children?

Mr. PLATT. It does not need encouragement. It is already being taught everywhere.

Mr. MOORE of Pennsylvania. Evidently it is not, because there are ladies who grow up to be magnificent dancers, and who know nothing about this subject. Why could we not teach them?

Mr. PLATT. You could not teach those ladies home duties no matter how much you might spend.

Mr. Chairman, I would like to have a vote on the amendment.

Mr. HUGHES. Let us pass this now.

Mr. MANN. Oh, let us dispose of it now.

Mr. TOWNER. Mr. Chairman, I think with the limitation that is suggested the gentleman would hardly be justified in asking that this amendment which he offers should carry. To do so, Mr. Chairman, would be to exclude one of the subjects of industrial education that has always been connected with the subject of vocational education. The gentleman is entirely mistaken in his views that this is outside of it. If you should adopt the gentleman's amendment you would teach the girls to become shop girls and factory workers and go into trades, and you would give them no instruction whatever regarding home making and motherhood. And that certainly is vastly more important than to become shop girls and milliners' assistants. The subject of home economics has been associated with industrial education from the very commencement of this great movement in the United States. It is certainly as important to teach the girls as it is the boys. The gentleman's view would limit practically the operation of this bill to the teaching of the boys of the United States and leave nothing whatever to the teaching of the girls. All over this country women of intelligence, with philanthropic minds, have become interested in this subject. They believe that the girls who are to become the home makers of the future, should be taught at least the fundamentals of these great subjects on which so much of the welfare and the happiness of the people depend. They are interested in helping to prepare the future mothers of American citizens how to make and keep an American home, how to insure sanitary surroundings, how to make the home attractive, how to care for the injured, how to treat the ordinary diseases and prevent infection and contagion.

Mr. PLATT. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. PLATT. Is not that very fact, that people all over the country are already interested in it, the reason why we should not include it in this bill?

Mr. TOWNER. Oh, the gentleman's idea, that because they are already interested is a sufficient reason why we should do anything, is entirely erroneous. It is to satisfy this growing demand that we should act. Men and women are becoming interested in this subject because they see the need of action, and it is to do something that will accomplish the desired results that this bill is framed and presented.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from New York?

Mr. TOWNER. Yes.

Mr. BENNET. I doubt very much whether they teach domestic science in Port Jervis, in my colleague's district. I was born in that city. I think they ought to teach it there. We do teach it in New York City, and I think they ought to teach it in Orange and Dutchess Counties.

Mr. PLATT. They do teach it as well there as they do in New York City.

Mr. TOWNER. Mr. Chairman, I really believe there is no one particular item contained in this bill that will bring so much good to the homes of this country and to the people of the generation that is to come as the assistance and stimulus it will give by teaching home economics. I think it will bring to us a better knowledge of the sanitation of the home, of the care of children, and in first aid for the injured in a dependency on good care and sensible treatment instead of a reliance upon patent medicines and quack nostrums. It will benefit the whole scheme of home-making and home-keeping if you elevate the home in the mind of a girl who thinks too much about becoming a shop girl, or a factory worker, rather than of going into the home and becoming a mother. In my estimation there is nothing that will so enlarge and ennoble the ideal of home-making and motherhood as to make them the subjects of research and scientific investigation. I hope that this amendment will be voted down.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. Did it come to the attention of the committee that the boys were constantly leaving the farm and drifting into the cities, and was the prevention of that a part of the scheme entered upon in this bill?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. Is it not a fact that the young women of the country are very much disposed to leave the farmhouse and respond to the allurements of the city also?

Mr. TOWNER. Yes.

Mr. MOORE of Pennsylvania. Would it not therefore be judicious, so long as you are going to distribute money throughout the Union, that each State should induce its young women as well as its young men to stay on the farm?

Mr. TOWNER. I would say, "Yes, stay on the farm," rather than enter the factory or the shop. I would say to the girl, "Better stay in the home," until she becomes herself the mistress of a home than to go out into other fields of industry.

Mr. MOORE of Pennsylvania. I agree with the gentleman.

The CHAIRMAN (Mr. BYRNS of Tennessee). The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1917, the sum of $500,000; for the fiscal year ending June 30, 1918, the sum of $750,000; for the fiscal year ending June 30, 1919, the sum of $1,000,000; for the fiscal year ending June 30, 1920, the sum of $1,250,000; for the fiscal year ending June 30, 1921, the sum of $1,500,000; for the fiscal year ending June 30, 1922, the sum of $1,750,000; for the fiscal year ending June 30, 1923, the sum of $2,000,000; for the fiscal year ending June 30, 1924, the sum of $2,500,000; for the fiscal year ending June 30, 1925, and annually thereafter, the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than $10,000 for any fiscal year thereafter, and of the sums herein authorized to be appropriated the following sums, or so much thereof as may be necessary, shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1917, the sum of $48,000; for the fiscal year ending June 30, 1918, the sum of $34,000; for the fiscal year ending June 30, 1919, the sum of $24,000; for the fiscal year ending June 30, 1920, the sum of $18,000; for the fiscal year ending June 30, 1921, the sum of $14,000; for the fiscal year ending June 30, 1922, the sum of $11,000; for the fiscal year ending June 30, 1923, the sum of $9,000; for the fiscal year ending June 30, 1924, the sum of $34,000; and annually thereafter the sum of $27,000.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I make this motion purely to take the opportunity to call the attention of the House to the fact that notwithstanding the statement made by Mr. Thomas W. Lawson, of Boston, we had a quorum this morning to do business. If the newspaper reports that have been published are true, Mr. Lawson made the statement that if the truth concerning some stock manipulations on Wall Street were made public, it would empty the seats of Congress. There are a great many seats evidently that it did not empty.

I do not desire to usurp the functions of any committee that may have this subject under its control, but I feel that the accusations, if they really have been made by Mr. Lawson against the Members of the Senate and the House of Representatives, should be investigated, at least to clear our own skirts and to exonerate any Members of this House from any blame in connection with this transaction to which he refers, and make Mr. Lawson put up or shut up.

As I say, I do not wish to usurp the functions of any committee, but I have introduced a resolution into the House of Representatives asking for the appointment of a committee of three Members of the House of Representatives and three Members from the United States Senate to investigate the charges made by Mr. Lawson, giving that committee authority to subpœna witnesses and compel their attendance, asking that committee to subpœna Mr. Lawson to find out what he knows about these accusations that he has made, and appropriating the sum of $10,000 to cover whatever expenses may be needed.

Now, I do not know what you think about it, but the people of the country pay considerable amount of attention to accusations of this kind that are made against Members of Congress or persons who hold public offices, and I feel that here and now we should set an example in connection with accusations of this kind and, to use a slang expression, "put it up to Mr. Lawson's teeth." I have nothing to fear.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. MOORE of Pennsylvania. Does not the gentleman think he is taking these newspaper statements too seriously?

Mr. EMERSON. Well, the people are taking them seriously, and whether properly or not pay much attention to what Mr. Lawson says.

Mr. MOORE of Pennsylvania. Does not the gentleman know that the mails are filled every morning with the cranky notions of somebody from every State in the Union, and if Congress took time to investigate everything that was said about it, it would not adjourn on the 4th of March, or until the 1st of next January?

Mr. EMERSON. But Mr. Lawson and every man, woman, and child in this country knows that some attention is paid to what he says.

Mr. MOORE of Pennsylvania. Not much. Does not the gentleman know that Mr. Lawson has been scolding, scolding, scolding for some time?

Mr. EMERSON. That may be true, but it is up to us to do something to end these continued accusations and make Mr. Lawson either name the persons guilty or admit he is wrong.

Mr. HARRISON of Mississippi. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON of Mississippi. The gentleman is not discussing the bill.

Mr. EMERSON. I admit that, but I am taking advantage of this opportunity to urge this House to take some action on this matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LENROOT. Mr. Chairman, I call the attention of the chairman of the committee with reference to the date in this bill as reported. It was reported to the House on February 12, 1916, nearly one year ago; and very properly the dates named in the bill at that time related to the fiscal year 1917. In view of the present situation and the condition of the Treasury I want to ask the gentleman whether he does not think all of these dates ought to be moved forward one year?

Mr. HUGHES. I will state to the gentleman that I had intended to offer that amendment.

Mr. LENROOT. Will the gentleman make that motion?

Mr. HUGHES. I will offer that amendment, that all the dates be moved ahead one year, that 1916–17 be made 1917–18, and 1925 be made 1926.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent that all the dates be corrected.

Mr. HUGHES. I ask unanimous consent that they be moved forward one year.

The CHAIRMAN (Mr. BYRNS of Tennessee). The gentleman from Georgia [Mr. HUGHES] asks unanimous consent that the bill be so amended as to move up one year the various dates set forth in section 2. Is there objection?

There was no objection.

Mr. MANN. A parliamentary inquiry. Was that request granted as to the dates all through the bill, or simply those in this section?

The CHAIRMAN. As the Chair stated it, it applied only to section 2.

Mr. HUGHES. I think it ought to apply to all the dates in the bill.

Mr. MANN. The dates run all through the bill.

Mr. HUGHES. I intended to include all of them.

The CHAIRMAN. The gentleman from Georgia makes a similar request as to the dates appearing in subsequent sections of the bill. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word, for the purpose of making an observation that is very pertinent to this bill and all other bills of this character.

Of course, the Federal Government exercises its beneficient influence very largely through the expenditure of money. This bill calls for an appropriation, during a 10-year period, of $38,400,000. At the present time there is considerable question in the minds of Members of Congress as to just exactly how the expenses of the Federal Government should be met. Yet there is an increasing demand upon the part of the people that the Government engage in various activities helpful to the people, similar to the one under consideration.

Mr. FESS. Will my colleague yield?

Mr. BORLAND. In a few minutes. These subjects include not only this great work, which means the development of the industrial and agricultural population of the country to a higher producing value and a higher social life, but rural sanitation and good roads and countless other activities of the Federal Government which are exercised in that way.

Now, my theory is, and always has been, that the important question is not how much money the people spend, although that question is often thrown at us, but the important question is as to the way in which that money is spent. If we spend the money of the people wisely and in a way which reflects a better industrial and social life of the people we are justified in spending it and in raising the taxes for that purpose, and I am perfectly willing to do it. But the fact that we are engaged in these enlarged activities and these constantly increasing demands is, in my judgment, another reason why we should not waste the people's money, why we should not throw any of it away, and why every dollar that we make the people pay for the activities of the Government should be expended for the efficient operations of the Government.

At the beginning of the last Congress and of this Congress I called attention to the fact that we waste between $4,000,000 and $5,000,000 a year of the people's money by not requiring a standard day's work of eight hours of our employees in the District of Columbia. I have figured it up that this $38,000,000 expended during a period of nine years is just a fraction over $4,000,000 a year. In other words, for years we have been wasting in the District of Columbia enough money to carry on this kind of an activity all over the United States. I want to put that fact in the RECORD in connection with this bill, because I think that the people in the country who are interested in this subject and the people interested in rural sanitation, in good roads, and in other activities of the Government, are entitled to know whether there is or is not money available in the Federal Treasury to meet the demands of these activities. If we had an efficient operation of the departments in the city of Washington we would be in a position to spend this money to-day without a single dollar of additional drain upon the Public Treasury.

Now, that is not all. We are not only wasting four and a half million dollars of the people's money to-day in the present operation of the departments in the District of Columbia, but there is a propaganda going on for a Saturday half holiday all the year in the District of Columbia. They now get a Saturday half holiday 13 weeks in the year, and they want it for the other 39 weeks. That will mean 19½ more working-days taken off from their year, which is only 208 working-days long now. They work 208 days and they want 19½ days taken off that. That is practically a 10 per cent reduction in their working time. If these men give any service to the Federal Government at all in response to their employment that means that we would have to increase the force 10 per cent in order to do the same amount of work for the Government. That means an addition of $5,000,000 to the $50,000,000 pay roll now in the District of Columbia. In other words, that little demand, so innocent, so insidious, for a half holiday 39 more weeks in the year for this favored class of Government employees means the expenditure of $5,000,000 of the people's money, or more than enough to carry on the activities involved in this bill.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I wish to ask my friend from Ohio, Dr. FESS, what his understanding is and his interpretation of the words "rural population" in the bill?

Mr. FESS. The commission made the figures of 2,500; that is, all cities that would have a population of over 2,500 would be urban and cities with 2,500 and less would be rural.

Mr. MONDELL. The gentleman does not think it necessary to embrace in the law a definition of those terms.

Mr. FESS. It was thought that it was not necessary.

Mr. MONDELL. Then, the understanding of the gentleman is that "rural population" has a definite meaning?

Mr. FESS. Yes; under the law for the taking of the census, as we understood it.

Mr. MONDELL. There is no legal definition even under the census law, is there?

Mr. FESS. There is in my State; I do not know about the Federal law.

Mr. MANN. Does not this bill provide that it shall be according to the census?

Mr. FESS. Yes.

Mr. MONDELL. The language is—

Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census.

I suppose that would control it. Mr. Chairman, I want again to call attention to the language of the bill relative to the payment of salaries of teachers. I asked the gentleman from Iowa a short time ago whether he understood that a part of the salary of a teacher could be paid out of this fund and he said he thought there was no question about that. That is very important, but it seems to me that the language of the bill is such that we might have a comptroller who would decide that none of these sums could be paid except for the salaries of teachers whose time is wholly occupied in teaching these particular branches. That could all be made very clear and definite by slight amendments to the bill. I shall not offer such amendments, but I suggest them to the committee; instead of using the words in section 2 "the salaries of teachers, supervisors," and so forth, the word "the" be stricken out and the word "for" inserted in lieu of the word "of," so that it would read "in paying salaries for teachers, supervisors," and so forth. And then in section 3 a like amendment, so that the language would be "in paying salaries for teachers of trade," and so forth.

I am perfectly willing to leave the language of the bill as it is if it is clear beyond question that these sums can be used in payment of part of the salary of a teacher in a district school, that part of the salary which was proper and in proportion to the time that the teacher used in teaching these subjects. Unless that is clear and definite beyond question, the funds appropriated would be of little value in an ordinary country school.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. I want to ask whether this would cover the gentleman's objection. Here is a school that teaches commerce but does not teach industrial vocation. The question of the gentleman is, Could that teacher, teaching now commerce, that is not provided for in this bill, be paid to add to his teaching field the teaching of vocational trades?

Mr. MONDELL. I think I can better explain what I mean.

I can explain what I mean by referring to the case of an ordinary district school or a small graded school in which there might be one, two, three, or four teachers, but the size of which would not be such as to justify the employment of teachers to teach agriculture or home economics or trade or to teach any one or all of these subjects—a school where the instruction must necessarily be given by teachers a considerable portion of whose time is occupied in teaching other subjects and other branches. If the appropriation is going to be of real value except in the city schools, it must be clear that the appropriations could be used to pay a part of the salary of a teacher teaching a variety of subjects in addition to those specified in the bill.

Mr. POWERS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. POWERS. I want to say that there is no question about the proposition that the teacher can be paid a part of his salary out of this fund and at the same time teach other subjects.

Mr. MONDELL. I have had that assurance from several members of the committee; but at the same time the fact remains that the language of the bill is such that an auditing officer inclined to be a little technical could, with a considerable show of reason, hold that none of this appropriation could be used except to pay the salary of teachers whose time was exclusively occupied in teaching subjects provided for and appropriated for in the bill.

It would be very regrettable if that should be the interpretation, because that would deprive the small communities of the benefits of the appropriation, and it would include practically all of the agricultural communities. I shall not offer an amendment. I am offering these observations simply for the consideration of gentlemen who have studied the bill and are familiar with the provisions, so that, if there be any question at all in regard to that, amendments may be offered.

Now, Mr. Chairman, as to the general provisions of the bill. I was much impressed by what the gentleman from Tennessee said a moment ago, and the fear expressed by him that there would be great disappointment relative to the benefits that might be derived from the legislation. It is true beyond a question that if the character of instruction and preparation for instruction provided for in this legislation were to be paid for wholly and exclusively in this country by these appropriations, or by these appropriations supplemented by an equal appropriation by the State, if that was to be all and the end of it, then our people would be greatly disappointed.

As I have said, they would be greatly disappointed, because neither the sums proposed to be ultimately appropriated, nor twice those sums, nor several times those sums, would be sufficient for the instruction of the youth of this great country in industrial lines in home economics and in agriculture.

The principal virtue that the bill has, according to my point of view, is the virtue of stimulation. If the bill shall stimulate instruction in these lines, if it shall have the effect of challenging the attention of the country and the communities of the country through these appropriations and these aids

to the necessity and the importance of these lines of study, then we shall have accomplished a great good, and it is only because I hope and believe it will so stimulate instruction along these lines that I vote for the bill. I have but little confidence in it as a mere Federal contribution to aid the communities and provide for this instruction. I agree with the gentleman from Tennessee [Mr. GARRETT], or what I assume to be his attitude, that in the main the communities must provide for the education of their own children. I have had some doubts as to the wisdom of the Federal Government engaging in this sort of thing at all. It can not in my opinion be justified from the viewpoint that it is an aid coming from on high, from the Federal Government to the people of different districts, which they must have or otherwise their people will not be educated. It can only be justified upon the ground suggested by several members of the committee, that it will stimulate and encourage industrial education, the sort of education which we so very greatly need in this country. That it will lead to increased activity, increased expenditures, for these purposes for the excess of the sum that must be contributed to match the Federal appropriation. If it does not have this effect, it will, indeed, be disappointing.

Mr. MADDEN rose.

Mr. HUGHES. Mr. Chairman, I will ask the gentleman from Illinois to yield to me for a moment.

Mr. MADDEN. Certainly.

Mr. HUGHES. Mr. Chairman, I move that all debate upon this section and all amendments thereto conclude in 10 minutes.

Mr. MADDEN. Mr. Chairman, I would like to have 10 minutes.

Mr. REAVIS. I would like to have five minutes.

Mr. CANNON. I suggest that the gentleman defer his motion a little bit.

Mr. MANN. I think we better make some agreement as to time.

Mr. HUGHES. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto conclude in 30 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate upon this section and all amendments pending thereto conclude in 30 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague [Mr. MADDEN] may proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I have had some experience in the matter of educating boys along industrial lines, and my judgment is that this bill will not under its provisions accomplish the object sought. The distribution of the fund proposed to be appropriated in the bill, if apportioned throughout the States as the bill indicates, will result in nothing more than the expenditure of the money, in my judgment. If you want to accomplish industrial education or vocational education, whatever you may please to term it, you will have to establish educational plants along the lines that you propose to teach, where you will have a complete plant, where the boys and the girls may be educated from the ground up in the art of mechanics or whatever the line may be. You can not select a teacher here and there who can occasionally say to those under his jurisdiction, "You ought to train your minds along certain lines"; but, Mr. Chairman, you must teach the hand to work with the mind if you expect the coming generations to be proficient in the different callings in which they may be required to exercise their abilities and energies. I recall very well several years ago that boys learning different lines in the building trades learned only to use the tools of the trade. They were experts in the use of the tools, but they knew nothing whatever about what the material they were shaping with the tools was intended to be used for after they were through with it. So a few of us who were engaged in the building trades organized a trade school, and we maintained the trade school at our own expense in our State.

We compelled every apprentice boy indentured to a trade in the building line to attend this trade school for three months every year, and there we taught those boys mechanical drafting, we taught them all of the complicated questions connected with the building art. They were learning how to use the tools at their work, but they knew nothing whatever about the place the material they were making had in the building which was to be erected. They knew nothing whatever about how to measure tensile strength, they knew nothing about carrying loads or the weight of material and the character of construction that was required to make the building safe. We taught them that, and we compelled every man who employed an apprentice to send his apprentice boys to the school and to pay their full compensation during the period of their attendance at the school. Later on the State of Illinois took over this school, and the State of Illinois is to-day conducting this school. We are educating men in the building arts at the expense of the State of Illinois, and we are educating men and women in the art of agriculture at the expense of the State of Illinois. We are going to continue to do that. If the Government of the United States, through any appropriations that may be made by Congress, expects to accomplish any results, you are bound to consider the question of a complete plant in which every branch of the trade sought to be taught to the children who attend the schools can be displayed to their minds. You must teach them how to handle tools; you must teach them how to use their brains; you must teach them how the things they make are to be applied, and that is something you can not do in the ordinary school.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COX. The gentleman's talk is very interesting. Did these boys who are taught the primary work in the building industry learn that in private establishments?

Mr. MADDEN. They learn the primary work in the private establishments, but they are compelled to attend school while learning it, and the man who employs them as apprentices is compelled to pay them their salaries while they are at the school.

Mr. COX. They get their practical work in the private establishments?

Mr. MADDEN. Yes.

Mr. COX. And while doing that work they are compelled to go to school?

Mr. MADDEN. They are required to go to school for three months in every year.

Mr. COX. How old were these pupils?

Mr. MADDEN. They can not begin to learn the trade until they are about 14 or 15 years of age, and they are required to serve four years before they can be graduated.

Mr. COX. And they must continue in that school for three months during all of the four years?

Mr. MADDEN. Yes.

Mr. KELLEY. Some years ago in our State we determined to teach agriculture, and we were up to the question of whether we should establish separate schools such as the gentleman speaks of or whether we should conduct the work in conjunction with existing high schools. After canvassing the situation pretty thoroughly we decided upon the latter course and have established some 30 or 40 agricultural schools in Michigan in connection with high schools. And, if the gentleman's time is not too limited, I would like to tell him how that worked.

Mr. MADDEN. I would be very glad to hear it.

Mr. KELLEY. The State pays half the expense in conducting those schools in connection with high schools and the district pays the other half. The teacher is supplied from the agricultural college. Now, in the spring the classes in agriculture are taken out into the surrounding country and they study orchards; they study the crops during the various seasons, also animal industry, soil, and everything that pertains to farming. And the system has worked out most satisfactorily. And at the same expense we are educating in Michigan probably thirty or forty times as many young men as farmers as in Wisconsin, where they have adopted the other plan, that of having separate institutions.

Mr. MADDEN. They likely could do that with agriculture, because the farms are adjacent to the country schools, but you can not do it if you are going to educate a man as a machinist or a stonecutter or carpenter, or for any other trade, because you have not the plants.

Mr. KELLEY. May I interrupt the gentleman?

Mr. MADDEN. Yes, sir.

Mr. KELLEY. Not very far from your city of Chicago is the city of Gary, where they connect the public schools with the industries of the city, and as a part of the regular course of instruction in the high schools boys work a certain number of hours in the factories of the city. Why could not that plan be adopted everywhere?

Mr. MADDEN. They can work at a certain trade where they have a factory, but the thing is to realize before you take this money out of the Public Treasury that you are not going to accomplish the object for which you are making the appropriation unless you adopt some different method than the one proposed in the bill.

Now, I am for the bill, but I am largely for it as a matter of sentiment, and not because my judgment dictates that the plan is wise. The gentleman is an educator, a prominent one, distinguished in his State and in the Nation, and recognized as one of the leading educators of the country; but quite as distinguished men as he have appealed to me to vote for this bill and advocate its adoption, men from my own State, and when I asked them the reason why they were for the bill they said that it would bring $2,700,000 to the State of Illinois. I said, "If you want to get my vote for the bill and my assistance to enact it into law, you have got to appeal to my brain and not to my avarice, for, after all, Illinois is able to educate its own children, and for every dollar that Illinois gets out of the Treasury under this bill she will pay $20 in. We are paying the bills to maintain the Government of the United States, and there is not any inducement whatever to the State of Illinois and States like that to pay $20 in order to get $1 out; and we are able to do the work ourselves." However, if the bill will in the least particular advance the cause of education, or make for greater efficiency among our future citizens, or the better qualify them to successfully compete in the struggle for supremacy, or add to the prestige of the country, or prepare it to meet the competition of other nations in the race of life, I am in favor of its enactment into law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I doubted at one time whether I would be able to attend the session of the House to-day on account of my health, but I have always entertained a desire to do something to pass the pending bill. We have had it up frequently in the House and in the Senate, but owing to a disagreement on the part of the two Houses were compelled to delay final action by sending it to a commission. It is not what I would like to have. It is not all we need, but it is a beginning; it is an entering wedge on what I consider one of the greatest pieces of meritorious legislation ever submitted to the American Congress. It only carries an appropriation of thirty-odd millions of dollars over a term of years. It really ought to be at least $30,000,000 for the first year instead of $500,000.

The people of this country are going to demand of Congress and those who are elected to serve them that they shall go into the question of national aid in the construction of public roads thoroughly, and hand in hand with that they are going to demand that of the immense amount of money collected from the taxpayers and disbursed through appropriation bills that every boy and girl of this country shall have an opportunity to be educated not in a 5 or 6 months' school but in a 9 or 10 months' school, by competent teachers justly and adequately paid.

I have always regretted as a southern man that certain leaders of the South in Congress, when that great Senator from New Hampshire, Mr. Blair, proposed national aid for education, did not pass his bill. They objected to it on the line of being a violation of the Constitution and in conflict with the rights of the States. Had that measure become a law thirty-odd years ago the South, where the great bulk of the illiteracy of the country existed, would have been educationally cleared up.

Now, Europe will be prepared at the end of the present war along vocational lines. I received a few days ago in the mail an illustrated book mailed in London, England, showing the pictures of the women, girls, and boys who have been trained industrially in the various manufacturing plants of England. If we are going to seriously enter upon the question of preparedness in this country, let us begin by educating our children [applause] not only in the public schools, but let us go far to equip them with a vocational or practical education in the right way. It would be the greatest blessing and good we could confer upon the American people, and would be of great and lasting benefit to the Republic. We would get more for the dollars we would spend in that way than if invested in any other way.

Now, I want to commend the gentleman from Georgia [Mr. HUGHES], in charge of this bill. This measure, I am sure, is not all he would like to have it. He has had to contend with the Senate committee, and we have all been here long enough to know that in proposed legislation, where there is conflict of opinion, we must concede and compromise; but I want to commend him for his hard, efficient, and zealous work, and at the same time I want to say that the State of Georgia never committed a greater mistake than in not returning him to Congress. Had his reelection been submitted to a vote of this House, in my opinion there would not have been a dissenting voice. He would have been the choice of every Democratic and every Republican Member. [Applause.]

While I have served in this House eight years, I would rather go out of it with my name as the author of a vocational education bill than anything else to my credit.

I commend the gentleman from Georgia [Mr. HUGHES] for the splendid work he has done not only for his district and State and the South but for the entire country. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. REAVIS. Mr. Chairman, I do not want anything that I may say regarding this bill to be construed as opposition on my part, for I shall be pleased to vote for the measure when the time comes. I am frank to say, however, that I shall vote for it with many misgivings. I have grave doubts as to the accomplishments of its practical operation and as to whether much that is promised will be performed.

I was greatly impressed with the statement of the gentleman from Tennessee [Mr. GARRETT] to the effect that the duty of education belongs either to the General Government or to the State government, that it did not nor could not belong to both. I have frequently wondered during my service in this body as to where the demands for Federal aid will ultimately lead us. In the last year I have witnessed the appropriation of money for the relief of the flood sufferers in the Mississippi Valley, for combating the citrus-fruit canker, for the construction and maintenance of good roads, and now, at last, for education. The purpose in each instance was primarily a State duty, a State obligation. I have sometimes wondered, if the States are determined to shirk their obligations and their duties and are determined to depend upon the National Government for their performance, if in the evolution of the hurrying years the General Government will not say to the States, "If we must bear the burden of your obligations; if we must perform your duties; if you are determined that the General Government is to assume all of these, then to the extent of such assumption we will take of your sovereignty."

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Ohio?

Mr. REAVIS. In just a moment. I find many Members talking loudly of State rights who are silent on State duties. These Members are breaking down State sovereignty. In all of these Federal-aid propositions the General Government is slowly, insidiously encroaching on the powers of the State. In the good-roads bill we have the provision relating to the Federal Government's supervision and maintenance of the road after construction.

The evil of that is not in the supervision of the road. The evil of it is the encroachment of the General Government upon the sovereignty of the States. In this bill we find in some measure a Federal board supervising the educational facilities within the States. Now I yield to the gentleman.

Mr. FESS. The Federal board initiates nothing in this bill, but simply approves of plans to be initiated by the various States, and, second, no State can get a dollar from the Federal Government without matching it with the dollar that the State furnishes. That is cooperation, and not gratuity.

Mr. REAVIS. I understand, Mr. Chairman, that the object of this bill is for the General Government to offer a financial consideration to the States for performing a manifest duty. In only nine States, as we are informed, has vocational education been inaugurated. We are now offering not only to those States, but to the rest of the States of this Union as well, a financial consideration as an inducement to them to educate their children. We are by this bill saying to them, in effect, "If you will perform your duty you shall have this money, otherwise you shall not." It is true that the plan is to be formulated by the State boards, but the plan as formulated by the State boards can not be acted upon without the approval of the Federal board, so that in the last analysis you will have the General Government taking over the sovereignty of the States with respect to the education of the children within the States. I think I can see as a part of the philosophy of this movement for Federal aid—it may not come in your time or mine, but it will come sometime if the present tendency be continued—when the State will retain only that portion of its sovereignty which it demonstrates it can perform better than the National Government, and in the survival of the fittest, the National Government, if this process keeps on, will eventually take over those duties and obligations and sovereignties of the States which it can perform better than the States themselves.

I think it but wise that we consider which way we travel, that we may in some measure learn of our probable destination.

Mr. GARRETT. Mr. Chairman, am I encroaching upon the time that has been allotted?

Mr. CANNON. Go ahead.

Mr. MANN. The gentleman from Illinois has some time.

Mr. GARRETT. The gentleman from Illinois [Mr. CANNON] is entitled to five minutes.

Mr. CANNON. I understand that 10 minutes remain.

The CHAIRMAN. Yes. There remain 10 minutes.

Mr. GARRETT. Mr. Chairman, may I ask unanimous consent for five minutes, not to interfere with the time allotted?

Mr. HUGHES. I yield to the gentleman five minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for five minutes.

Mr. GARRETT. Mr. Chairman, while we are philosophizing touching these matters, I should like to indulge in just a few moments more of discussion. I have been very much impressed with the remarks of the gentleman from Nebraska [Mr. REAVIS] and the way in which he points out the danger of the encroachment of Federal power. If I may be permitted to make this observation, Mr. Chairman, I want to say that all the encroachments of Federal power since the War of Secession have been made through the use of the taxing power of the Federal Government, and the reason for it is this: The citizen has not known when he paid his Federal taxes. The system of taxation has been indirect, rather than direct. The State taxation has been direct. The citizen has known when he paid his State taxes, because he went to the collector's office and he took the cash from his pocket, he paid it over, and he obtained only a tax receipt in return. He has not known when he paid his Federal taxes, because of the indirect system of taxation. The hand of the tax gatherer was hidden. The natural result has been—a perfectly natural result—that the State legislative bodies have hesitated to appropriate moneys for those things for which they probably should have appropriated money, and so there has come a demand upon the Congresses to make appropriations for things for which the States themselves should have appropriated. I believe gentlemen who have studied the history of taxation in this country and the development of the institutions of this country within the last 40 years will agree that that statement is correct.

Mr. TOWNER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. GARRETT. I will; certainly.

Mr. TOWNER. How will my friend from Tennessee reconcile the fact that up until the last four or five years the States were increasing their taxation very much more, proportionately, than the National Government was?

Mr. GARRETT. Well, I do not agree with the fact stated by the gentleman.

Mr. TOWNER. I can not give the gentleman the exact figures, but I think the gentleman will find that within the last quarter of a century, up until the time these extraordinary expenditures for preparedness, and so forth, were imposed upon the Federal Government, the increase of State taxes was very much more, proportionately, than the increase of national taxation. I will say that in very many of the States of the Union now it is five or six times per capita greater than the amount of the national taxes.

Mr. GARRETT. To that State, or taking the country as a whole?

Mr. TOWNER. To that State. Not all the States have made a like increase, of course.

Mr. GARRETT. I shall not quarrel with the figures presented by the gentleman. He is doubtless more familiar with them than I am; but I do undertake to say that during the 12 years I have been in the House of Representatives there has been this constant pressure upon Congress continuously to take care of things that ought to have been taken care of in the States themselves. I think that will increase. I do not anticipate that we shall learn economy here until the Federal Government goes to a basic system of direct taxation. When it does reach that point, then there will be economy in the Federal expenditures.

The CHAIRMAN (Mr. PAGE of North Carolina). The time of the gentleman has expired.

Mr. GARRETT. Mr. Chairman, I dislike very much to trespass upon the time of the House, but may I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for 5 minutes more, not to be taken from the 30 minutes agreed upon for debate upon this section. Is there objection?

Mr. HUGHES. Mr. Chairman, I shall not object to this request, but I wish to give notice that at the conclusion of the gentleman's five minutes I shall have to object to any further extensions.

Mr. GARRETT. The time for debate upon this section having been limited by motion, I withdraw my request.

Mr. CANNON. I think I am entitled to the other five minutes, and I will yield the remaining time, if I may, to the gentleman from Tennessee.

Mr. GARRETT. No; I will not take the time of the gentleman from Illinois. I withdraw my request.

Mr. CANNON. Mr. Chairman, I have listened with much interest to the gentleman from Nebraska [Mr. REAVIS] and the gentleman from Tennessee [Mr. GARRETT]. I agree with some of the things that they have said. Not having given much attention to this bill, I am trying to find out whether I am going to vote for it or not. As I have heard it discussed and have glanced over the report and over the bill I have wondered whether, if it be enacted, it will result in much good to the people whom we are trying to benefit, and that means all our people, the present and the coming generations. In many of our State governments we have too much machinery. We have too much machinery in Illinois. Think of it! As nearly as we can find out, 100 commissions, with separate jurisdictions, with secretaries and employees, and all kinds of expenditures. Our expenditures in Illinois are climbing and climbing. I hope and believe there will be a reform there in the way of lessening expenditures and giving better service. It is wonderful how we are progressing in the Federal Government, too, in the matter of personnel. I quite agree with the gentleman from Nebraska [Mr. REAVIS] and I sympathize with the fear expressed by the gentleman from Tennessee [Mr. GARRETT]. But what does this bill propose? It proposes cooperation with the States in the expenditure of a comparatively small amount of money, with the approval of the Federal Government. If this bill passes I apprehend that very little of the money that is provided to be appropriated from year to year will ever get to the 14 or 16 year old boys and girls. I apprehend that the Bureau of Education here will grow marvelously. I am not now speaking of any individual, but it is wonderful how machinery increases and what a grist it will grind when there is something paid for it. I say again, I doubt whether I shall vote for the bill. Oh, if you want me to express a desire that all people shall be educated practically, I have that desire; but there seems to be a great deal of sympathy for the farmer.

The farmer in Illinois does not need any sympathy. He has made his way. We have gone through much of effort and sometimes of suffering, but the farmer in Illinois—and I think generally, so far as I know in all the States, certainly in the Northern States—is better off than the other two-thirds of the population. The farmers constitute one-third. If you could put all of the other two-thirds of the people into a mixing machine and grind them all up together, including the magnates, the plutocrats, the college professors, the Socialists and the uplifters, the millionaires, and the business men of all kinds and thoroughly mix them so you could not distinguish one from another, you would find that the one-third of our population, the farmers, could give to either of the other two-thirds cards and spades from every standpoint, both in wealth and intelligence, and then win. So I resent somewhat this desire to be charitable to the farmer. He is able to take care of himself. That which costs nothing is not appreciated. We are getting much by direct taxation, when we could have gotten it just as well, without increasing the cost of living, by indirect taxation, the same as we have done in former years. [Applause on the Republican side.] But I do not intend to start an economic discussion or a discussion as to the proper method by which the money is to be raised at this time. I notice that we are getting great amounts of money from the income tax and the inheritance tax and other direct taxation, but we are keeping that taxation away from the multitude. When we took off the stamp tax in the last session of this Congress our honorable friend the majority leader [Mr. KITCHIN] said the stamp tax was not popular. I asked him why he did not refund it, and he said it would take too much bookkeeping to refund that which had already been paid.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

SEC. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is hereby authorized to be appropriated for the use of the States, for the fiscal year ending June 30, 1918, the sum of $500,000; for the fiscal year ending June 30, 1919, the sum of $750,000; for the fiscal year ending June 30, 1920, the sum of $1,000,000; for the fiscal year ending June 30, 1921, the sum of $1,250,000; for the fiscal year ending June 30, 1922, the sum of $1,500,000; for the fiscal year ending June 30, 1923, the sum of $1,750,000; for the fiscal year ending June 30, 1924, the sum of $2,000,000; for the fiscal year ending June 30, 1925, the sum of $2,500,000; for the fiscal year ending June 30, 1926, the sum of $3,000,000; and annually thereafter the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United

States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than $10,000 for any fiscal year thereafter, and of the sums herein authorized to be appropriated the following sums, or so much thereof as may be needed, shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of $66,000; for the fiscal year ending June 30, 1919, the sum of $46,000; for the fiscal year ending June 30, 1920, the sum of $34,000; for the fiscal year ending June 30, 1921, the sum of $28,000; for the fiscal year ending June 30, 1922, the sum of $25,000; for the fiscal year ending June 30, 1923, the sum of $22,000; for the fiscal year ending June 30, 1924, the sum of $19,000; for the fiscal year ending June 30, 1925, the sum of $56,000; for the fiscal year ending June 30, 1926, and annually thereafter the sum of $50,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Ohio a question which was suggested by the inquiry of the gentleman from Wyoming [Mr. MONDELL] some time ago as to whether this money could clearly be used for the payment of teachers who were engaged in teaching, for instance, home economics and other subjects. I call his attention to the language in section 9, which is:

That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education.

Is not there really danger that a teacher who only gives a part of her time to these subjects would not come in under this provision, and would it not be made certain that she would by adopting the slight change of language which was suggested by the gentleman from Wyoming?

Mr. FESS. My own opinion is that section 9 does not exclude the right of a teacher who is teaching commerce, for example, to add to his teaching some such thing as provided for in this bill.

Mr. BENNET. I do not state dogmatically that it does. Of course, it does not affect the city that I have the honor in part to represent, because where we have a manual science teacher or any one of those teachers, he devotes his whole time and is supposed to be specialized, and in most cases he is. But it did seem to me that the bill ought not to keep the promise to the ear and break it to the hope of the rural community, but, of course, the gentleman is far more directly interested in that than I am.

Mr. FESS. Section 9 was written by the commission before the committee got hold of it, and it was to prevent the money from being expended for a purpose foreign to that of the bill, and that very point suggested by the gentleman from New York and the gentleman from Wyoming was discussed, and it was thought that there was no embarrassment or confusion of any kind. If one school wanted to add a subject provided for in this bill that was not already in its course, if the State board would permit it, it would get the amount required. But that must be exclusively used for that teaching—the part they get from the Federal Government must be used for the exclusive purpose of teaching the additional subject.

Mr. BENNET. The gentleman may be right, but as I get older and more gray headed I realize the benefit of the maxim "safety first"; and, in view of the suggestion of the gentleman from Wyoming that the slight change of language would remove all doubt, it seems to me and I suggest to the gentleman whether it would not be worth while to return to the section and amend it.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MANN. As to section 9, the only limitation is that the payment of the money must be to teachers who have the minimum qualifications set up by the State board.

Mr. BENNET. Yes; I read that.

Mr. MANN. That is what the gentleman read, and I do not see how he makes any application further.

Mr. BENNET. It seemed to me that the language, taken in connection with section 3, some State controller might raise a doubt. I am not offering an amendment. I am not dogmatic about it.

Mr. MANN. I do not know whether they may get a crazy State controller somewhere, but I do not think any gentleman who reads this language would so construe it, and there is no better interpreter of the English language than the gentleman from New York.

Mr. BENNET. I thank the gentleman.

Mr. SLAYDEN. Mr. Chairman, I was interested in the question raised by the gentleman from New York, and I am going to tell one or two things that I saw during the vacation which, I think, have some pertinence and application here, and I will ask the gentleman from Ohio [Mr. FESS] how under such circumstances these features would be affected by the proposed legislation?

During the vacation, not being very much engaged in active politics—my Republican opponent having been put to sleep early [laughter]—I was invited to visit some of the schools in my home town of San Antonio. First I visited a negro school, one of the most efficient and best conducted schools that I ever saw in my life, an immensely better school than I ever had the privilege of attending in my youth, which was during that period in the history of the South when we had comparatively few and usually inefficient schools. This particular school was a public school of the city of San Antonio. One of the most important features of its work, perhaps the most important, was the teaching of what is called domestic science—cookery, and so forth, and I was served with a wonderfully fine luncheon cooked by the pupils—including dressmaking and things of that kind, and carpentering and blacksmithing. My information was that these things were taught by teachers who also taught other things.

In another school, the great central high school, I saw immense shops for carpenters and smiths, and they were making all the school furniture. They were doing all kinds of work like that, and doing it admirably; and so efficiently and rapidly did they do it that the superintendent of schools of the city told me that he had some doubt of the wisdom of the policy, because, he said, the boys became efficient so soon, and so very efficient, that their services were sought for in the industries of San Antonio, and that they were tempted to abandon their ordinary scholastic pursuits by the high wages offered.

Now, I would like to know of the gentleman from Ohio or the gentleman from Georgia, the chairman of the committee, whether unless this fund, if it shall be appropriated, is turned over to the State educational authorities to be distributed in their judgment, the teachers engaged in teaching grammar, reading, writing, and things of that kind, who also are capable of teaching and engaging in the work of teaching other things provided for in this bill, will be cut off from any benefit from this fund? Will there be any doubt about the right to pay part of their salaries from this fund?

Mr. FESS. Mr. Chairman, I will say to the gentleman from Texas [Mr. SLAYDEN] that, in my judgment, there will be no doubt. The bill provides that in order for a State to receive the money the State must provide for the plant.

Mr. SLAYDEN. We have already provided these particular plants the gentleman apparently has in mind.

Mr. FESS. And the State board or other authority must provide for a minimum qualification of teachers.

Mr. SLAYDEN. I heard the remarks of the gentleman from Illinois upon that point, which were somewhat reassuring.

Mr. FESS. And third, they must provide also for expenditure that is to be fixed as a minimum, and all of this is to be submitted to the Federal board, and if the Federal board approves of it the money can go for that particular purpose. I see no reason at all why the case the gentleman speaks of is not covered by the bill.

Mr. SLAYDEN. Does not the gentleman appreciate the fact that vocational training is being very generally adopted and rapidly made a more important part of the school curriculum everywhere?

Mr. FESS. I have just looked through the vocational commission report. There are nine States that by law provide for vocational training, but there are cities upon cities that have done it without reference to the State authorities, so that if the gentleman would ask me how many cities or localities have taken it on, I could answer that they are very numerous, though there are only nine States that have done it by law.

Mr. SLAYDEN. I know from personal observation that the country schools are doing it in Texas.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, at the end of section 3, adding the following:
"That not more than 20 per cent of the money authorized to be appropriated under this act for the payment of salaries of teachers of trades, home economics, and industrial subjects for any year shall be expended for the salaries of teachers of home-economics subjects."

Mr. LENROOT. Mr. Chairman, if this amendment be adopted, and I understand that it is acceptable to the members of the committee, not more than 20 per cent of the aid provided for in this section can be expended in the payment of salaries of teachers of home-economics subjects.

As the language in the bill now reads, without this limitation I am satisfied that a great many States would be able to receive all of the money provided for in this section without any new activities whatever upon the part of those States, and the whole purpose of the bill is to stimulate the States into doing those things which are not being done now, or, if done, not properly done, in order that they may provide a practical system of vocational education. This amendment will at least insure that 80 per cent of this fund will be used for subjects other than home economics subjects. I am a good deal in sympathy with the view of the gentleman from New York, Mr. PLATT, that home economics ought not to have been in the bill at all, so far as providing for the payment of the salaries of teachers is concerned.

Mr. FESS. It was not in the original bill.

Mr. LENROOT. It was not in the original bill, and it is not in the Senate bill for which this is a substitute. I say this not because I feel less interested in the subject of home economics than any other Member, but in my judgment the subject of home economics should be a part of the general educational system of the country. It ought to be a part of the curriculum of every school. Every girl, irrespective of what vocation she may ultimately follow, ought to be taught home economics, and the whole idea and object of this bill is to provide a vocational education. But it is in the bill, and I realize very well that many Members may not appreciate as I do or feel as I do concerning the incorporation of home economics in this bill. As I said a moment ago, this limitation of 20 per cent will at least insure 80 per cent of the fund to be used for new activities upon the part of the States, rather than merely an aid to the States in bearing the burdens they now bear and that they ought to bear.

Mr. MANN. Mr. Chairman, a Congress met here at the beginning of the Civil War, a Congress that was confronted with some very difficult problems, which have probably not been equaled since then, and yet that Congress passed a law providing for the creation of agricultural and industrial colleges and making an appropriation amounting to $15,000 a year for each of the States for agricultural experiment stations. We carry now in the Agricultural appropriation bill every year, without opposition, an appropriation of more than $3,000,000 under the heading of States Relations Service, about half of which goes to the agricultural experiment stations to aid in education. I make profert of myself as evidence—not too proud of it—of what the agricultural colleges, the land-grant colleges, could do years ago. In the early days of those colleges I became a student at what is now called the University of Illinois, and went there partly because my father was interested in such subjects, and partly, I imagine, because there was little if any tuition fee. I believe they have done a great good. The appropriation in the course of these many years has been somewhat increased, and yet it is not exorbitant to-day. While the General Government makes some appropriation for this class of education, it has not assumed the entire burden. The great increase in the cost of the agricultural colleges, the land-grant colleges, has come from the people of the States through the State treasuries and not out of the General Treasury. We have reached that point where most of the States now prohibit children from doing anything but loafing or going to school. They are not permitted as we were, when we were young—not only permitted, but required—to work, and we can not go on without providing that the children shall have the opportunity of learning how to do things. It is not difficult in this country to learn how to think, but it is difficult to learn how to do. I sometimes think that if we had fewer thinkers and more doers we would be just as well off; but when we can add thinking and doing together, that is where we reach the summit of education. [Applause.] That is the theory of vocational education, and as the General Government in the sixties started with its land-grant college provisions the vocational idea of giving the farmer a training, so now through this bill it proposes to encourage the idea of giving the boy and the girl the right to learn how to do things while thinking as well.

I welcome the day when we shall engage upon this wonderful undertaking. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Chairman, the enactment of this bill is in keeping with the progressive spirit of the age. Vocational training began on an extensive scale in this country in the schools some 20 years ago. It was difficult at that time to find a teacher who could teach vocational training. We have a State normal school in Kansas, located in Pittsburg, my home town, that trains over 1,000 teachers. There are over 1,000 students there now from Texas, from Vermont, from Maine, from California, from every State, almost, in the Union, taking vocational training, and they are trained to teach in the schools of the country—how to think and how to do at the same time. One school teaches girls not only how to find out how much three pounds of coffee will come to at 28 cents a pound, but teaches them how to make the coffee, which is just as important as to know how much it costs. It also teaches them how to take care of a sick baby and how to clean up a sick room. It teaches girls how to repair a chair, a sewing machine, or any piece of furniture in the house. It teaches the young men how to do things that will be necessary for them to do on the farm, as merchants, or mechanics. It teaches young men how to use their hands and their brains, so that they can become experts in the industries of the country. And, as stated here a moment ago by the gentleman from Texas [Mr. SLAYDEN], the difficulty is in keeping young men in the school long enough. They become so expert that the industries want them and want them at once, and they are taken out of the school before they have finished the course and before they have fully equipped themselves to become instructors. They get an offer of better wages than school-teachers are ordinarily given to go into some of the industries of the country because of the learning they have acquired in this vocational school. As teachers they get better salaries than other teachers. So, whatever this bill may be able to do to advance vocational training throughout the country will be for the great betterment of the people of the country in every vocation in life—farming, manufacturing, housekeeping, and every phase of life and every activity that administers to the comforts and happiness and prosperity of the people.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Kansas yield?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Excuse me. I thought the gentleman had finished.

Mr. CAMPBELL. If I have any more time, I will yield it to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]——

Mr. HUGHES. Will the gentleman allow me to interrupt him for just a moment?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. HUGHES. Mr. Chairman, we are exceedingly anxious that this bill should be absolutely perfected, and it is of vital importance that we should do it this afternoon. I move now——

Mr. MOORE of Pennsylvania. Mr. Chairman, I will not yield to the gentleman to make his motion in the midst of my five minutes. I know the gentleman does not want to impose a cloture rule on the House?

Mr. HUGHES. I do not, sir.

Mr. MOORE of Pennsylvania. The gentleman is one of the most courteous gentlemen in the House and would not close anyone out from a fair time for debate. I understand that is the gentleman's position. No one has opposed the amendment of the gentleman from Wisconsin, and I desire to discuss it, because if it is adopted it would appear, providing we were to deal only with the education of girls, that 20 per cent of the pupils would be taught home economics, which means the development and the preservation of the home, and 80 per cent would be left free to be given instruction as to how to work in the mills. Carried out literally, that is what it would mean.

Mr. LENROOT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. LENROOT. Does not the gentleman know that vocational education in commerce is as much for the benefit of the girls as for the boys, and is not the operation of mills to-day quite as much for commerce as manufacturing?

Mr. MOORE of Pennsylvania. That may be; but I doubt if the gentleman wants to limit the education of girls to several branches of industry to the prejudice of their education in properly conducting a home. I have some feeling on this subject, because I come from a mill district. If I had my way, I would not permit a girl to work in a mill. [Applause.] If 80 per cent of the girls who are to be taught under this paragraph are to be taught industrial trades, I am certainly against the proposition of the gentleman from Wisconsin that only 20 per cent of them shall be taught the useful life and occupation of conducting a home.

Now, why this amendment is offered I do not know. The committee seems to have yielded upon this proposition for some reason or other. Many of the girls of this country are being weaned away from the home life, which they ought to learn to respect, and encouraged to go into the mills, factories, and foundries, if you please, for the purpose of competing with men.

The industrial schools in Philadelphia have an honorable history. One of the best of them was organized by private contributions, but was compelled to abandon its work largely

because the students of that school could not obtain employment in the trades in which they became competent, because of union-labor regulations. And if we are to train girls to be mill workers, train them to compete with the men, take them away from the homes, make home life humiliating to them, why, then, perhaps, we had better adopt an amendment limiting the amount of teaching there shall be for those of our daughters whom we hope will be kept out of the mills, and who, contracting honorable marriages, may be able to manage a home rather than to depend upon somebody else in an apartment house or hotel to manage a home for them. I want to see the youth of this country properly educated on vocational lines. I want to see the boy master his job. I would like to see the housewife able to conduct the affairs of the home, and I would not confine her to the mill. Neither would I limit this public benefaction we are conferring upon the States, so that only 20 per cent of the young women would be able to manage a home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, earlier in the day I stated that there was a most unfortunate misapprehension upon the part of some Members of this House as to the purposes and objects of this bill. The gentleman from Pennsylvania [Mr. MOORE] has now revealed himself as being one of those Members who are under a total misapprehension of the purposes and objects of this bill. He does not seem to have gathered any of the principles that lie behind this bill.

Why, he talks of this amendment that I have proposed as proposing to educate only 20 per cent of the girls in home economics and compel 80 per cent of them to be educated for the mills. Why, if the gentleman would read this bill before he undertook to get up on the floor and debate it, he would furnish more information to the Members of the House.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Pennsylvania?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. Apart from home ecomonics, which the gentleman would limit to 20 per cent, what else are these teachers to teach except trade and industrial subjects?

Mr. LENROOT. Trade and industrial subjects.

Mr. MOORE of Pennsylvania. That is all. Eighty per cent trade and industrial subjects and 20 per cent for domestic economics.

Mr. LENROOT. The purpose of this bill, as has been stated time and time again by Members on both sides on this floor, and the purpose revealed in the bill itself, if the gentleman will take the trouble to read it, is not that this money is to be used to furnish the education of these boys and girls, but to stimulate the States into doing for themselves what they ought to do; and this limitation is for this purpose: That where a State furnishes the home economic education, as my State is doing, and as I hope the gentleman's State is doing, there is no occasion for invoking aid from the Federal Government where the State is doing it for itself.

But let us see what the gentleman's position would lead him to. He desires no limitation. That means that every dollar provided by this bill could be drawn from the Treasury and used in a State for home economics alone. That would mean that in the State of Pennsylvania they could draw all this money for the purpose of educating girls alone in home economics and deprive the girls and boys of the gentleman's district in Philadelphia of the privilege of receiving a vocational education in training and industry.

The purpose of this amendment is to make this bill do that which it is intended to do—to stimulate the States into doing those things which the States either are not doing now at all or are not doing in such a way as to provide practical vocational training for the boys and girls of this country.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FESS. Mr. Chairman, the question of home economics was fully considered by the President's commission in three months' study, and our information was that home economics was being very well cared for in almost every State and in almost every city of the country. The question immediately arose that if you were to appropriate for that particular subject, every school would get a portion of it and there would certainly not be money to go to any one school large enough in its sum to amount to anything. Consequently the commission's report omitted it entirely. The Senate bill omitted it. Our original bill omitted it. But in our committee the matter was taken up and the argument was pretty strongly pressed that we ought to recognize home-economics teaching as well as home-economic training. The committee had already recognized the latter; that is, money paid to institutions for the training of teachers, but not for the payment of salaries of teachers teaching these subjects. So that home economics was placed in the House bill, and is in the bill now.

The committee, I think, would agree to allowing it to be limited to 20 per cent along the line of what has been suggested by the gentleman from Wisconsin [Mr. LENROOT], not because there is any opposition to home economics; furthest from it. There are 12,000,000 boys and girls between the ages of 14 and 16 that are in the agricultural field to-day. There are 12,660,000, to be exact. There are 14,250,000 that are in urban life; in the rural population a little less than in the urban population. There was no provision for home economics in the agricultural appropriation of $3,000,000. There is a provision for home economics in the trade and industrial lines.

Now, if we devote all of the $3,000,000 to agriculture, that will go to one class of our population engaged in one thing. If we devote the $3,000,000 to urban population, it will be divided among home economics and trade schools and industrial schools which are not equivalent to trade schools. We ought to make a distinction between those, and in that way it would seem to me that probably, unless we limit the amount for home economics, there might be some misfortune that we do not want admitted into the bill. Personally—and I think I can speak for the members of the committee—we would be willing to vote for a limitation upon the amount to go to this particular fund, and I shall vote for the amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Ohio [Mr. FESS] a question.

Mr. HUGHES. Mr. Chairman, in behalf of the committee, I accept the amendment of the gentleman from Wisconsin.

Mr. MADDEN. I was wondering whether, from the statement made by the gentleman from Ohio, he was endeavoring to impress the House with the fact that the expenditures under the authorization in this bill would be made in segregated institutions such as I described when I was talking on the bill.

Mr. FESS. That would have to be left entirely with your State board.

Mr. MADDEN. The only conclusion I could reach from what the gentleman said was that he believed in having special plants created for the teaching of special lines of instruction.

Mr. FESS. The bill provides that the State board must submit all plans, and must establish a plant by State expenditure, and that plan and plant must be approved by the Federal board.

Mr. HUGHES rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HUGHES. Mr. Chairman, I am willing to accept the amendment of the gentleman from Wisconsin. I move that all debate on this section and amendments thereto be closed.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

Mr. MOORE of Pennsylvania. One moment. There has been no action taken upon the amendment of the gentleman from Wisconsin. I do not think the gentleman from Georgia [Mr. HUGHES] can pass an amendment by merely accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 60, noes 7.

Accordingly the amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MORGAN of Oklahoma: Page 6, line 2, after the words "$50,000," strike out the period and insert a semicolon and the following:

"*Provided*, That the words 'industrial subjects' when used in this act shall include cooperative credit and business."

Mr. HUGHES. Mr. Chairman, I ask unanimous consent that the debate upon this amendment be limited to 10 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that debate upon this amendment be limited to 10 minutes. Is there objection?

Mr. BENNET. Reserving the right to object, I have an amendment that I should like to offer, and to discuss for a few moments.

The CHAIRMAN. This request is as to the pending amendment. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Chairman, judging from the fate which my amendment received this morning it is probable that this amendment will not carry, although I hope it will. This morning I was talking about the importance of cooperative credit among the farmers. Now, this section provides for the teaching of industrial subjects and the training of teachers to teach those subjects. The gentleman from Pennsylvania [Mr. MOORE] seemed to think that my whole interest was in the farmers—that they should be provided with better credit—but that is not true. During the last few years we have been studying better credit facilities, especially for the farmers; and I wish to say that the European countries have also provided cooperative credit institutions for persons engaged in industrial pursuits, for small dealers, for small traders, for small merchants, while in this country we have made no progress in that direction. Now, take our banks as a whole, if I remember correctly they have invested and loaned out about $20,000,000,000. One-half of that entire amount is loaned to the corporations of this country. This does not mean that I am attacking the corporations, but it does mean that the advantages of credit in our banks are used to make money for the corporations. That fact has been recognized in Europe, and hence European countries have provided cooperative credit societies, not only for the corporations and for the owners of farms, but also for the persons of small means in the towns and cities. The history of those institutions shows that they have contributed immensely to the advantage and benefit of the poor. I call the attention of the gentleman from Pennsylvania [Mr. MOORE] to this matter. In the last few years, when we have been trying to provide better credit facilities for the farmers and the men who largely represent agricultural districts, what has been done by the gentleman from Pennsylvania or any other man representing a great city constituency to provide better credit facilities for the poor men in the great cities of our country? In the great cities of Europe there are special institutions through which men can purchase homes on terms and at a rate of interest not duplicated here in the United States.

Mr. DALLINGER. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I yield to the gentleman.

Mr. DALLINGER. I should like to ask the gentleman from Oklahoma if he is at all familiar with the work of the cooperative banks in Massachusetts and with the fact that thousands and tens of thousands of workmen have been able to obtain homes through them?

Mr. BENNET. Is the gentleman also familiar with the system in operation in New York by which a street car conductor can borrow the money to buy his uniform when he gets a job on a street car, and anybody else in a similar situation can do the same thing?

Mr. MORGAN of Oklahoma. I am somewhat familiar with what both these gentlemen call attention to, and yet I know that in our great cities as a whole the poor man is without credit facilities. Our banks are loaning their money to the great corporations and the great merchants, and the man of small means does not have access to credit facilities, as he does in Europe.

Mr. MOORE of Pennsylvania. Does the gentleman know that while we were giving $15,000,000 out of the Public Treasury to start farm-loan associations for the benefit of the farmer, we in the cities had already provided ourselves, out of our own funds, with building associations by which the workmen were obtaining homes in the cities?

Mr. MORGAN of Oklahoma. The building and loan associations are doing a great work——

Mr. MOORE of Pennsylvania. I thought the gentleman would recognize that they were.

Mr. MORGAN of Oklahoma. But it is comparatively insignificant compared to the great field that is open.

Mr. MOORE of Pennsylvania. Does not the gentleman know that we in the cities are paying the farmer the highest prices he has ever received for all that he produces?

Mr. MORGAN of Oklahoma. Mr. Chairman, I decline to yield. I should like to know what bill the gentleman from Pennsylvania has presented——

Mr. MOORE of Pennsylvania. The farmer is receiving now the highest prices for everything that he produces, from eggs to potatoes.

Mr. MORGAN of Oklahoma. I am not now discussing the problems of the farmer. This amendment applies to cooperative credit for the millions in our great cities. There is a great field for the activities of both Federal and State authorities. In this bill we are appropriating many millions of dollars. We are entering a new field for the National Government. We should see to it that these funds are utilized in a way that will not only make the farmer and mechanic a larger producer of products in his line but will give both the farmer and mechanic greater profit on his labors. This will be done by promoting cooperation in business and credit among our farmers and wage earners throughout every section of our country.

The CHAIRMAN. The time of the gentleman has expired. The debate is open to anyone who desires to oppose the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I oppose the amendment. The gentleman from Oklahoma [Mr. MORGAN] is the best friend of the Oklahoma farmer on this floor, with apologies, of course, to the other Representatives from Oklahoma. Next to them he takes the rag off the bush. He is for the farmer who is now "bleeding" because he can not get anything (?) for his cotton down in Oklahoma. The poor farmer down in Oklahoma, getting $100 a bale, is impoverished just now, because we do not give him a little more rural credit.

Mr. MORGAN of Oklahoma. Mr. Chairman——

Mr. MOORE of Pennsylvania. Wait a minute. My heart bleeds for the downtrodden farmer of Oklahoma. I have heard so much from my friend from Oklahoma that I feel I can sympathize with him from the very depths of my heart; but I want to tell the gentleman that we have been buying eggs lately up our way, and they have cost us as high as a dollar a dozen, and the farmer has been getting it, except the very little slice that the gentleman thinks goes to the middleman who builds the railroad to get the eggs up from Oklahoma, or from somewhere out in Kansas, so we can get them at a dollar a dozen in Philadelphia and New York.

Mr. MORGAN of Oklahoma. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Surely.

Mr. MORGAN of Oklahoma. I want to ask what the gentleman has done in this Congress, we will say, in an effort to provide better facilities for the laboring men and the small business men of his State with better credit?

Mr. MOORE of Pennsylvania. I have tried hard to have a few canals built to improve transportation [laughter] in order that the laboring man might have work and the farmer facilities for getting his crops to the market, but at such times the gentleman from Oklahoma could not see anything but the Oklahoma farmer, who seems to keep himself within the confines of his own State. I want communication with Texas and with Oklahoma, and if we can not get it by rail I want it by water. I know if we get it by water we will keep hundreds and thousands of people employed in the transportation business, which is a middleman's business, so that the farmer can get higher prices for his cotton and eggs. [Laughter.] Why, a little talk of this kind is educational. This is an educational vocation bill, and the farmers, those who support this bill, want to limit the right of the teachers who are to be paid out of the Public Treasury to educate their children in home economics; they want them taught a higher form of college art—to trip the light fantastic toe, and let the mothers and fathers do the work. [Laughter.]

Mr. FERRIS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly; any gentleman from Oklahoma is welcome now. [Laughter.]

Mr. FERRIS. I want to know if the gentleman in his generosity would bring his interoceanic canal to Oklahoma.

Mr. MOORE of Pennsylvania. Yes; if I could get in, but it takes all our money to help the gentleman from Oklahoma irrigate farms of 40 acres, at $7,500 per farm, whereas if we had a small proportion of the sum the gentleman gets for his semi-arid farms we could take care of most of his population in two counties in New Jersey.

Mr. FERRIS. I want to say that the gentleman from Pennsylvania will not get my support for his interoceanic canal.

Mr. MOORE of Pennsylvania. I have always supported the gentleman in his arid-land schemes, and I observe the gentleman always takes the public money for that purpose and always does it in the name of the farmer, without regard to the fact that he is making the farmer pay the taxes; but the farmer is making so much money now that by and by the income tax will reach him as it reaches Carnegie and Rockefeller. From the reports I have here the farmers of the West are making barrels of money, while in the East we are paying European-war prices for everything we eat. The "downtrodden farmer" is buying his fine limousines, with which he goes to church and the moving-picture shows just now. He is having a most delightful time in the gentleman's country and my people are paying the bill. Sometimes when I get up and call attention to these facts the gentleman from Oklahoma rises and wants to know what we

have done in the city to relieve the situation. We have at least tried to call attention to the fact that the farmer is getting it all. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to amend by striking out all of the section after the word "census," line 3, on page 5.

The CHAIRMAN. The gentleman from New York proposes an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 5, by striking out the proviso beginning after the word "census" down to and including line 2, on page 6.

Mr. HUGHES. Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in 10 minutes.

Mr. BENNET. I object. Mr. Chairman, as I understand the purpose of this proviso, it is to make it possible that States that do not earn the minimum under this bill by their own contribution, or who are not entitled to it by population, either rural or urban, shall nevertheless get the minimum sum. It strikes me that that is unfair. The gentleman from Tennessee [Mr. GARRETT] awhile ago started a very scholarly speech—and he was scholarly all the while he talked and some time he will conclude it—but he called attention to the change of situation that some day Congress must take into account. The wealthy States are now contributing all out of proportion to the population, and receiving from the National Treasury sometimes up to the proportion of their population but not always.

Mr. BORLAND. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. BORLAND. Does not the gentleman realize that the prosperity of New York, the great metropolis, is founded not alone upon the local business of New York but the general prosperity of the country?

Mr. BENNET. The gentleman from Missouri has made the next sentence in my speech. I think I might have made it just as well. I agree with him. We are all one country, and Oklahoma can not prosper unless New York does, and New York can not prosper unless Oklahoma does. I recognize the propriety of taxing wealth, even though that wealth happens to be in the State which I in part represent.

But I am certain of this fact, not in connection with this particular bill so much, that if taxation continues to be ingeniously added to the wealth and spread out as little as possible over population there will come a time when the old spirit of our forefathers that rebelled against taxation without representation will rebel again—this time against unequal taxation. I do not object because States which contribute less are under this bill getting just as much per person for rural and urban education as is New York. It would be grotesque to insist that because New York happens to contribute six or eight times as much per capita as some States to the National Treasury her children in the rural communities should receive six times the per capita for education that the children of the other States do; but it does seem to me that the large contributing States have a legitimate objection to the provision that States which do not either by population or by their own contributions make themselves eligible to receive the sums stipulated in this bill, shall receive them, nevertheless, as a minimum, simply because Congress wants to give them to them.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. The principle upon which the minimum requirement is written is that if you do not make a contribution of a certain size it will be too small other than to be just frittered away. The rural population of Wyoming is two-tenths of 1 per cent of the rural population of the United States, and under the provision of allotment it would get about $1,050. The $1,050 appropriated to Wyoming for any purpose of education would be so small that it would be frittered away, and it ought to receive at least $5,000 or nothing. Its industrial population is only one-tenth of 1 per cent. There are 4 States which would be beneficiaries in industrial matters and 16 States in agricultural matters, and that is why that minimum provision was inserted.

Mr. BENNET. Mr. Chairman, this bill, on the whole, is so fairly drawn that the particular amounts mentioned in it really amount to very little. It was not to them especially that I was addressing myself; but, if I may use the phrase, I was indulging in a little bit of a look into the future. As my days here are numbered, I wish to leave my contribution toward the problem that those of you who will succeed me in the Sixty-fifth and other Congresses will have to face. The gentleman from Ohio [Mr. FESS] will have to face it, as will the gentleman from Illinois [Mr. MADDEN], the gentleman from Massachusetts [Mr. DALLINGER], the gentleman from Wisconsin [Mr. LENROOT], and so on, in the large contributing States on which are being piled yearly and on which in this Congress will be piled additional burdens of taxation—not according to the population, but according to their wealth. They will, sooner or later, have to face a feeling among the constituencies which elect them that if a certain proportion of the taxation comes from their States, then a certain proportion of the moneys put out in this way ought to go back to those States. I do not think that feeling is entirely fair, but I think it is the part of proper statesmanship to recognize now that the danger of that feeling does exist.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. I think it is the part of proper statesmanship at the earliest moment when this new system of direct taxation is novel among us to be facing the problems that that system is going to bring about.

Right in connection with that I want to say a word or two about the remarks of the gentleman from Oklahoma [Mr. MORGAN], who asked those of us from the city what we have done to enlarge the credit facilities of the people in the cities. We have not done anything in the Sixty-fourth Congress, because there is no place on the face of the footstool where the credit facilities of the poor man are better than in the large cities. We do not believe in creating Government enterprises to do that which is already well done by private enterprise. I will tell you what the gentleman from Oklahoma [Mr. MORGAN] and I could do to-morrow morning, and he and I are possibly about the same age—both of us over 40. We could land in New York City to-morrow morning, and with not 1 cent in the world we could go to the Bowery Young Men's Christian Association, where we could be trusted in the beginning with more credit than we would be entitled to according to our visible wealth if we had no money. We could be trusted from the beginning for our food and shelter, and in addition that institution would undertake the contract of finding employment for us suitable to what we could do. I speak now of the case of the very poorest man. Supposing we got what we could get, a job on the elevated railroad or the subway, we could go to the Morris Plan Bank in New York City, and we could get the money to buy the uniform that would be necessary, and then go right back there to that Young Men's Christian Association in the Bowery, and they would continue to trust us, at least for our board and shelter, until the first pay day. If we were mechanics and had tools, we could make arrangements by which we could retain our tools, and the Provident Loan Association would loan us money upon the apparent credit caused by the fact that we had tools. If we were merchants in a small way and needed as small a sum as $50, there are at least a half dozen State banks in the city of New York, which under our State law have local branches in the different sections of the city which would be glad to loan us seventy-five or fifty or one hundred dollars to carry on our little business.

In a big city a man who has character and willingness to work and ability to work never has to complain of the lack of proper means of credit up to the amount of credit that he ought to have. That is the reason why we have not done anything in this Congress, and why the Representatives from the city will not do anything in the Sixty-fifth or the Sixty-sixth or the Sixty-seventh Congress or thereafter. The large cities have facilities such as I have described. Take the smaller towns in the States like Ohio, Illinois, Indiana, and New York. Let us take the case of a brakeman on a railroad and let us suppose that he saves up $150. With that he can buy a lot in a city up to as large as 10,000 inhabitants, and with nothing in the world but that $150 lot and his job he can go to the building and loan association and borrow money at 5 per cent with which to build his entire house, and have 14 years in which to pay it back.

I have indicated only one place where the gentleman and I, if penniless, could nevertheless immediately obtain more credit than our financial condition really warranted.

There are many such. If we were Hebrews, we could go to the Hebrew Sheltering and Immigrant Aid Society or the Young Men's Hebrew Association or the Hebrew Sheltering Home of Harlem.

Protestant Christians, as we are, we could nevertheless go to the Hebrew Free Loan Association and obtain a small loan, without interest, for the association makes loans to all creeds

and races among the poor, and always without interest, because the law of Moses says (Exodus xxii: 25):

If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer; neither shalt thou lay upon him usury.

"Usury" is used here in the ancient sense and is synonymous with "interest." There is no place where credit for those who have character, but no assets, is so easy to obtain as in a large city. The feelings of those in smaller communities are as kindly, but their impulses are unorganized. The gentleman from Oklahoma [Mr. MORGAN] seems surprised that the banks loan large sums principally to rich people. They do this because rich people can repay large loans and give good security. No sound system of banking has yet been devised by which large sums of money can be safely and profitably loaned to irresponsible people. But the poor man in a large city can borrow far more money than his financial standing alone would permit and far more than any properly conducted Government enterprise ought ever to be permitted to loan him.

Mr. HUGHES. Mr. Chairman, I move that all debate on this section and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this section and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman withdraws the amendment, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby authorized to be appropriated, for the use of the States for the fiscal year ending June 30, 1918, the sum of $500,000; for the fiscal year ending June 30, 1919, the sum of $700,000; for the fiscal year ending June 30, 1920, the sum of $900,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1919, nor less than $10,000 for any fiscal year thereafter. And of the sums herein authorized to be appropriated the following sums, or so much thereof as may be needed, shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1918, the sum of $46,000; for the fiscal year ending June 30, 1919, the sum of $32,000; for the fiscal year ending June 30, 1920, the sum of $24,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $90,000.

Mr. POWERS and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Kentucky, a member of the committee, is recognized.

Mr. POWERS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. POWERS: On page 6, line 4, strike out the word "preparing" and insert in lieu thereof the following: "paying the salaries of teachers, supervisors, and directors engaged in training."

Mr. POWERS. Mr. Chairman, this bill was reported last February. The committee intended to get together and run over any amendment which any member of the committee might want to offer, but we had no opportunity to do that. Since the report of the committee on this bill certain objections have reached me as to the word "preparing." Section 2 of the bill is predicated upon the theory of appropriating $3,000,000 a year after 1925 for the purpose of paying the salaries of teachers to teach agricultural subjects. Section 3 of the bill is predicated upon the theory of paying $3,000,000 annually after 1925 for the purpose of paying the salaries of teachers to teach trade and home economic subjects. Section 4 of the bill, the one to which I offer my amendment, is predicated upon a little bit different theory from either section 2 or section 3. Section 4 provides that the Federal Government shall expend $1,000,000 a year after the year 1920, I believe it is, for the purpose of paying the salaries of teachers to teach or to train people how to teach these various subjects—agriculture, home economics, and industrial subjects. The purpose of this bill is that the $1,000.000 shall be expended in paying the salaries of teachers to train other teachers to teach these subjects. The objection has been raised that if the word "preparing" is left in the bill the normal schools of the country will largely take over this entire fund. Now, there is no purpose on the part of the committee or any member of it to deprive the normal schools of their full share of this fund, but my amendment provides that this $1,000,000 a year shall go to paying the salaries of teachers in training these various folks to teach these various subjects. The word "prepare" means to equip, to fit out, to provide with whatever is appropriate and necessary; that covers more ground and includes many for which this money ought not to be expended. My amendment does not change the purposes of the bill as it has been framed by the committee, but it makes sure that this money shall be used for the purpose for which it was intended.

Mr. HUGHES and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Georgia [Mr. HUGHES], the chairman of the committee, is recognized.

Mr. HUGHES. Mr. Chairman, I wish to say that the committee has carefully considered this bill line by line and section by section, and we have agreed that the word "preparing" is a proper one.

Now, Mr. Chairman, I move that all debate on the section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate on the section and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, I have listened to the debate upon this measure and am led to the conclusion that a Federal appropriation is a wonderfully efficacious thing to furnish stimulation to the States.

Now, the matter of education is a duty that either rests upon the State or it does not rest upon the State. If there is a demand that the youth of the land be educated along vocational lines that demand should be sufficient to force the States to take care of and provide that sort of education. If an appropriation such as this is justified, and if legislation of this sort is warranted, when coupled with an appropriation, then we here would be warranted in passing a bill saying to the States, "You shall furnish this education, although we make no appropriation therefor." And if there is need for this stimulation, I say, Congress ought to pass a law requiring every State within the Union to furnish this sort of legislation at their own expense, at least that is the way this scheme ought to be inaugurated.

Already nine States, we have been told, have embarked upon this program, and if nine States can do that, paying the expense out of their own treasury, why can not all States in the Union adopt that same program?

The proper way, I submit, for a project of this sort to be handled would be for the Nation to create and establish a national university or a series of universities which would be under distinct Federal control. But, it is said, we have embarked upon this policy in the road appropriation. Yes; we have, and I am credibly informed that one of the great enterprising States of the Middle West, through agitation in the newspapers, by the leading newspapers of that State, and by citizens interested in the subject within that State, will not probably undertake to cooperate with the Federal Government in the improvement of roads. And a spirit of resentment is going forth throughout that State because they realize it is an encroachment upon the powers and duties that belong distinctively to the Commonwealth, and such stimulation is not looked on with favor. And so I feel that I probably can not support this measure in this form. I believe that if nine States can do this without the wonderful stimulant of a Federal appropriation, the other States can see to it that they will do it. They say, "Oh, $1,500 will accomplish nothing for Wyoming; therefore we will make a minimum appropriation of $5,000." Yes; they sought to do that in the road bill by giving them a gratuity of $6,500, but after that bill came back to this body it was found that a change had been wrought in it. It was agreed to in the form in which it came here. There should at least be some equitable scheme devised whereby each State should receive its share, if it be justified, and that instead of stimulation with Federal funds we might well enact a compulsory statute minus the appropriation, which will in no certain terms bring the States to a realization of their duty in this respect. What a spectacle is presented when States will brazenly admit they neglect their duty in regard to educational matters, but are willing to fulfill them if Uncle Sam will help bear the expense.

The CHAIRMAN. The gentleman's time has expired. All time has expired. The question is on the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal Board for Vocational Education in the ad-

ministration of the provisions of this act. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purposes of this act.

Any State may accept the benefits of any one or more of the respective funds herein authorized to be appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: *Provided*, That after June 30, 1918, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this act.

Mr. HUGHES. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Georgia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 8, line 5, after the word "and," strike out the word "eighteen" and insert in lieu thereof the word "twenty."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABERCROMBIE. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. POWERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POWERS. I offered an amendment myself. I am a member of the committee.

The CHAIRMAN. The Chair will state that the gentleman from Alabama [Mr. ABERCROMBIE] is also a member of the committee. The Chair will recognize the gentleman from Kentucky later.

Mr. POWERS. I take it, Mr. Chairman, that the Chair was not aware of the fact that I offered my amendment awhile ago.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Alabama.

Mr. ABERCROMBIE. Mr. Chairman, under the circumstances I will withdraw my amendment for the time being.

The CHAIRMAN. The gentleman from Alabama withdraws his amendment temporarily, and the Clerk will report the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The Clerk read as follows:

Amendment by Mr. POWERS: Page 8, line 7, strike out the word "until" and substitute the word "unless," and on line 13 strike out the word "until" and substitute the word "unless."

Mr. POWERS. Mr. Chairman, this bill provides that after June 30, 1920—I believe it has been so amended—"no State shall receive any appropriations for salaries of teachers, supervisors, and directors of agricultural subjects until it shall have taken advantage at least of the minimum amount appropriated for the training of teachers." Now, that word "until" evidently ought to be "unless," and the same thing is true in the subsequent line 13.

If there is no opposition to it, I will say no more at this time and will reserve the balance of my time.

Mr. FESS. Mr. Chairman, I see no objection whatever to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. POWERS. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky demands a division.

The committee divided; and there were—ayes 22, noes 34.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Alabama [Mr. ABERCROMBIE] offers an amendment.

The Clerk read as follows:

Amendment offered by Mr. ABERCROMBIE: Page 7, line 12, after the word "designate" insert the words "the State department of education."

Mr. ABERCROMBIE. Mr. Chairman, section 5 of the bill provides—

That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal board of vocational education in the administration of the provisions of this act.

In the State of Alabama and some other States there is no State board of education. The public-school system is under the direction and supervision of a State officer, designated as the "superintendent of education." There is some doubt as to whether the Legislature of Alabama under its constitution would have the power to comply with this requirement.

Mr. HUGHES. Mr. Chairman, will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. ABERCROMBIE. With pleasure.

Mr. HUGHES. I would like to ask my colleague whether the extension of the time from 1918 to 1920 would not overcome the very obstacle or trouble of which he complains?

Mr. ABERCROMBIE. Mr. Chairman, the extension of the time from 1918 to 1920 would remove this obstacle if it were certain that our legislature has the power under its constitution to create a State board of education. We had a State board of education at one time, provided for in the constitution of the State. As a substitute for that board our constitutional conventions of 1875 and 1901 created a State department of education, to be under the direction of a State officer, known as the "superintent of education."

I offer this amendment, Mr. Chairman and gentlemen, in order that there may be no doubt that my State will be able to meet this requirement, and I trust that the committee will adopt it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. FESS. Mr. Chairman, I am not sure that I got the full force of the amendment to line 12.

Mr. ABERCROMBIE. The amendment which I offer, Mr. Chairman, provides that after the word "designate," in line 12, page 7, section 5, the words "the State department of education" be inserted. If this amendment should be adopted, the section would read as follows: "Any State shall, through the legislative authority thereof, accept the provisions of this act and designate the State department of education, or create a State board consisting of not less than three members and having all necessary power," and so forth.

Mr. FESS. Mr. Chairman, I would like very much to meet the requirements of my friend from Alabama, but I think that changes entirely what the bill wants to do. We want to do this work through a State board. Now, in my own State we have not a State board of education, but we ought to have, and I feel that if Ohio will not meet the requirements by creating a State board of education, she will be honestly and worthily punished for not doing it, and I am speaking advisedly, because I know of the constitution in my State. I would like to keep the requirement that all of this fund must be apportioned and applied through the State board of education, and not through any particular individual who might be called the head of the State board.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. FESS. I will.

Mr. ABERCROMBIE. Is it possible under your State constitution for your legislature to create a State board of education?

Mr. FESS. Without a doubt.

Mr. ABERCROMBIE. I am not certain that it is possible under our State constitution, in view of the fact that we at one time had a constitutional provision establishing a State board of education, for which we substituted a provision establishing a State department of education under the direction of a superintendent of education.

Mr. BORLAND. I should like to ask the gentleman from Ohio [Mr. FESS] a question.

Mr. FESS. I yield to the gentleman.

Mr. BORLAND. What virtue is there in administration by a board greater than in administration by a State educational department or superintendent?

Mr. FESS. The work of education in a State is sufficiently important that there ought to be an organization with complete control of the educational work, and every State in the United States, with a very few exceptions, has a State board. Some of our States, however, have neglected to take on that particular phase of educational organization.

Mr. BORLAND. Is not a board a rather clumsy method of doing business?

Mr. FESS. No; not if it is a small board.

Mr. BORLAND. There is a tendency to create more boards than we really need. In fact, I very gravely doubt—and it is my one doubt about this bill—whether we need this Federal education board, and whether it would not be entirely better and

more efficient and appropriate to have it managed by the Federal superintendent of education or Commissioner of Education.

Mr. FESS. I think the work is so very comprehensive that it ought to have a board of managers well equipped for this particular work.

Mr. BORLAND. It sounds very well to speak of a board of high-class men, but in my State we have found that we have more boards than we need, and that it results in a great deal of lost motion and lost efficiency; and I heard the governor elect of my State announce that he proposed to consolidate a large number of our State boards into fewer organizations and fewer hands, which struck me as being a very good reform.

Mr. FESS. That is all right, to centralize these duties.

Mr. KELLEY. I should like to inquire of the gentleman from Alabama [Mr. ABERCROMBIE] or the gentleman from Ohio [Mr. FESS], if the amendment is inserted as stated after the word "designate," whether that would not preclude the designation of the State board where one already exists?

Mr. ABERCROMBIE. No; because the following sentence states specifically that the State board, where it exists, may be designated.

Mr. KELLEY. Your amendment being put in after the word "designate," then how would it read? Please read that once more.

Mr. ABERCROMBIE. Beginning in line 11—

Any State shall, through the legislative authority thereof, accept the provisions of this act and designate the State department of education, or create a State board——

Mr. KELLEY. Or create a State board?

Mr. ABERCROMBIE. Yes. Further on it is provided that the State board of education or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State, may, if the State so elects, be designated as the State board for the purposes of this act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. I should like to ask one or two questions with regard to this matter. The gentleman from Alabama [Mr. ABERCROMBIE] asked the gentleman from Ohio [Mr. FESS] whether under his constitution the State legislature had the right to create a board of education. Now, of course, it is a fact that boards of education and State educational departments are created in the constitutions of some States, and it would be impossible to change the department without changing the constitution.

Mr. FESS. It is not intended to change the department. It just adds one thing.

Mr. PLATT. If the State constitution creates an educational department, there would be no opportunity to create a board of education without changing the constitution.

Mr. ABERCROMBIE. That is exactly the trouble in Alabama, and in that connection I desire to read a telegram which I received a few days ago from Hon. William F. Feagin, the State superintendent of education for Alabama. It reads as follows:

Before passing vocational bill see that proper amendment makes it possible for Alabama to get benefit immediately, as you know our legislature does not meet until 1919, and the constitution of the State does not allow a State board of education.

Mr. Chairman, I hope the committee will accept the amendment which I have offered.

Mr. HUGHES. Mr. Chairman, I move that debate on this section and all amendments thereto close in five minutes.

Mr. GARRETT. If the gentleman will withdraw his request for a moment, after this section is perfected I propose to make a motion to strike out the section, and I want five minutes on the motion to strike out.

Mr. HUGHES. Then make it 10 minutes.

Mr. GARRETT. My motion would not be in order until the others are disposed of.

Mr. ABERCROMBIE. I have one or two other amendments that I desire to offer to this section.

Mr. HUGHES. Then I withdraw my request.

Mr. DOUGHTON. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. ABERCROMBIE].

The amendment was agreed to.

Mr. ABERCROMBIE. I desire to offer another amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ABERCROMBIE. Amend section 5 as follows: Add to the conclusion of line 16, on page 8, the following: "*Provided*, That until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient, and until that time the governor of such State may designate the agency to cooperate with the Federal board of vocational education under the provisions of this act."

Mr. ABERCROMBIE. Mr. Chairman, in a number of the States, my own being among them, the legislatures will not meet again in regular session until 1919. This amendment is offered for the purpose of making it possible for such States to participate in the distribution of these funds prior to that time without the necessity for special sessions of their legislatures. I might say that the first part of the proposed amendment is expressed in the exact language used in a similar amendment to the Federal roads bill. As Members will recall, that bill provided for acceptance through the State legislatures, but in order to render it possible for States to share in that fund prior to the regular meetings of their legislatures the bill was amended after this fashion.

Mr. FESS. Will the gentleman yield?

Mr. ABERCROMBIE. Certainly.

Mr. FESS. Does not the change of dates in the bill as we have amended it meet the requirements of the gentleman's State?

Mr. ABERCROMBIE. Only in part. Under the terms of the bill there is no way for a State to participate in the use of any of the funds until its legislature has accepted and designated the agency to cooperate with the Federal board for vocational education.

Mr. FESS. Does my friend believe that it is wise legislation to make a provision that this must be accepted by the legislative action and then make an exception to it?

Mr. ABERCROMBIE. The proposed exception is temporary. It is to continue only until the legislature has had an opportunity to act. I submit that it would be unfair to compel a State to call a special session of its legislature, which would probably cost more than the State's first annual allotment, or forego for a period of two years the benefits to be derived by acceptance.

Mr. LENROOT. Will the gentleman yield?

Mr. ABERCROMBIE. Certainly.

Mr. LENROOT. Of course, Congress can not grant authority to the governor of any State to accept the provisions of any act.

Mr. ABERCROMBIE. I am not sure about that. Congress granted such authority to governors in the act providing Federal aid to the States for improving and constructing public roads.

Mr. LENROOT. Whether it did or not, Congress has no authority to grant authority to the governor of a State to bind the State. Is not that true?

Mr. ABERCROMBIE. Mr. Chairman, there is precedent for such action by Congress, and it occurs to me that the need, in this instance, is as great as it was in the good-roads legislation. Is haste in the construction of public highways of greater importance than promptness in the vocational training of our boys and girls who are growing into manhood and womanhood by the thousands day by day?

Mr. LENROOT. It must be granted, of course, that Congress can not authorize the governor of a State to bind the State, and then I want to ask by what authority the governor, in the absence of legislative authority, can bind the State?

Mr. ABERCROMBIE. That raises a constitutional question that I am not prepared to answer. If the granting temporarily of such authority is unconstitutional, it is a matter that has been overlooked heretofore in other legislation, notably the act providing Federal aid to roads.

Mr. TOWNER. Mr. Chairman, I hardly think my friend from Alabama will insist on that amendment. Of course the very object of the bill is to submit to the people of a State through its legislature the question of whether they will accept the provisions of the act and give power to the governor to accept the various provisions of the act. To give the power to the governor would be an utter subversion of the purposes of the bill. I do not know whether he would have the constitutional right to act upon it, but I am very sure that he would not have the authority to bind the State. The legislature could repudiate his action if it desired. I think it would involve the bill in very grave embarrassment, and I hope the gentleman will not insist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. GARRETT. Mr. Chairman, I move to strike out the section. Mr. Chairman, this is the section which provides that before the States can obtain the benefits of this act they shall severally appropriate an amount equal to the amount to be allotted under the rules and regulations to be laid down. I do not believe in that character of legislation. I recognize the Federal Government as one sovereign entity, and I recognize the several State governments as sovereign entities.

I do not believe that the Federal Government ought to make an appropriation from the Federal Treasury to be expended in a State for any purpose and place upon it a limitation that it shall not be expended in that State unless the State itself responds in an equal amount.

Gentlemen say that this bill is not designed to destroy the autonomy of the States. It is not upon its face. And yet, what is the situation? The Federal Government, under the terms of this bill, will say to a State—well, say the State of Illinois, for example—"Here is $10,000, provided you tax yourselves in an equal amount. I have already taxed you to obtain this $10,000, which we now come and offer to you provided you tax yourselves again to raise an equal amount."

Mr. FESS. The gentleman is on the wrong section. Section 8 is what he talks about, but we are on section 5.

Mr. GARRETT. Well, I will let my remarks apply to section 8 when we get to it, and I will complete my speech. If the State of Illinois says, "No; we do not choose to tax ourselves $10,000," then the Federal Government will say, "Very well; give us $1,000 and we will take that and distribute it among other States." The State of Illinois will obtain nothing under the provisions of this act unless it taxes itself in an equal amount, and yet gentlemen say that it does not propose to coerce the State. It is proposed, just as was in the roads bill, to coerce the State through the most powerful instrumentality of coercion that now exists in this country, and that is through the use of the taxing power.

I do not believe, Mr. Chairman, that that principle ought to apply in legislation. I repeat what I said earlier in the day if the Federal vocational bill is essential, let it be a Federal vocational education bill, and let us not undertake——

Mr. LENROOT. Will the gentleman yield?

Mr. GARRETT. Yes.

Mr. LENROOT. Does the gentleman think that the Federal Government would have the right to impose a vocational education bill on the people of a State?

Mr. GARRETT. I doubt that very much; but the State might be willing to submit to that imposition. As a legal proposition it might not have the right. But I do undertake to say that it is bad policy to enter into this arrangement whereby you practically coerce a State to send one dollar after another, or are you proceeding on the principle, "For unto every one that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath"? Mr. Chairman——

Mr. TOWNER. Will not the gentleman withdraw his amendment to section 5?

Mr. GARRETT. I think in the proviso, if I interpret the language correctly——

Mr. TOWNER. Mr. Chairman, the gentleman is entirely mistaken. It is in section 8 that the requisite for State action is made.

Mr. GARRETT. It would be absolutely necessary if section 8 goes out that this section shall go out also, would it not be?

Mr. TOWNER. I think not. Of course, if the gentleman desires to insist upon his amendment, well and good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 6. That a Federal board for vocational education is hereby created, to consist of the United States Commissioner of Education, who shall be chairman of the said board, and four associate members, no more than two of whom shall be of any one political party, to be appointed by the President. In the first instance two members shall be appointed for two years and two for four years, and all subsequent appointments shall be for four years. The associate members of the board shall each receive a salary of $5,000 per annum. The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers, trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits, commerce and commercial pursuits and requirements upon commercial workers, home management, domestic science, and the study of related facts and principles, and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

Such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, shall, so far as practicable, be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, shall, so far as practicable, be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, shall, so far as practicable, be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, shall, so far as practicable, be made in cooperation with or through the Bureau of Education.

The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the Commissioner of Education to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

Mr. POWERS rose.

Mr. HUGHES. Mr. Chairman, I would like to ask if we can not agree on some time in which to discuss this section? It is growing late, and we are very anxious indeed to complete this bill this afternoon.

Mr. POWERS. I shall only consume a very little time myself.

Mr. HUGHES. I would like to agree upon some time in order that we may expedite the consideration of the bill.

Mr. LENROOT. Mr. Chairman, I would like to suggest to the gentleman that this is really the only controverted section in the bill. I would not like to see the time limited at this time. I have several amendments that I desire to offer.

Mr. MANN. I do not think that it is possible to complete the bill to-night, much as I would like to do so.

Mr. LENROOT. I suggest that we go on and take an amendment at a time.

Mr. POWERS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. POWERS: Amend section 6, page 8, by striking out all of lines 17 to 25, inclusive, on page 8, and the words "per annum," on page 9, and insert in lieu thereof the following:

"SEC. 6. That a Federal board for vocational education is hereby created to consist of the United States Commissioner of Education and four citizens of the United States, to be appointed by the President; one of said four citizens shall be a representative of manufacturing interest, one a representative of commercial interest other than manufacturing, one a representative of labor, and one a representative of agriculture. The board shall elect annually one of its members as chairman. In the first instance two members shall be appointed for two years, and two for four years, and all subsequent appointments shall be for four years. The members of the board, other than the United States Commissioner of Education, shall receive a salary of $5,000 per annum."

Mr. POWERS. Mr. Chairman, the pending Smith-Hughes bill, providing for national aid to vocational education, has been heralded far and wide as a Democratic measure. Vocational education as defined in the bill means that kind of practical education which is designed to prepare girls and boys for useful employment or occupation. Its purpose is to prepare workers for the more common occupations in which the great mass of our people find useful employment. The bill will soon become a law, and in the next political campaign it will be proudly spoken of by Democratic orators as one of the great achievements of the Democratic Party, and especially of this administration.

One not conversant with the facts would be led to believe that the Democratic Party is the grandfather of vocational education and the great-grandfather of national aid to same, and but for its wise statesmanship the world would never have had the slightest conception of what vocational education really means to the individual or to the Nation, whether procured through national aid or otherwise. No Republican will be given any credit for having had anything to do in helping to bring vocational education about, and especially national aid therefor; for was it not President Wilson who said in his Indianapolis speech that the Republican Party had not had a new idea in the last 30 years? Under the circumstances a brief review of the efforts to secure national aid for vocational education in this country will not be amiss. Let me say now that the real worth of vocational education to the individual and to the Nation, and especially national aid therefor, so far as this country is concerned, was largely conceived in Republican brains and pushed forward by Republican hands. In 1862 Justin S. Morrill, then a Representative from the State of Vermont and later a Republican United States Senator from the same Commonwealth, introduced and secured the passage of what has since become known as the Morrill Agricultural College Act. He believed that the welfare of the country demanded special education along the lines of agriculture and

the mechanic arts. The original Morrill bill was vetoed by a Democratic President, James Buchanan, on the ground that education in all its forms was purely a State and local problem. He feared Federal aid would "cause the States to lean upon the National Government for the support of their own educational systems," as he expressed it in his veto. Abraham Lincoln, however, in 1862 signed the Morrill Agricultural College Act, which granted to the various States tracts of land on which to erect great agricultural and mechanical colleges for the purpose of training young men of college grade to become leaders in the great fields of agriculture and industry; and thus was established the policy of Federal aid to vocational education in this country.

OTHER LAWS FOLLOWED.

In the wake of this measure, which founded the agricultural and mechanical colleges, have come a series of congressional acts appropriating large sums of money and giving grants in furthering its purposes. Among these acts was one, in 1890, by Mr. Morrill himself. In 1887 Representative Hatch succeeded in passing through Congress a bill, since known as the Hatch Act, which provided an annual appropriation of $15,000 to each State for the maintenance of an agricultural experiment station. Subsequently this was increased to $30,000 per year. Other acts followed. Now an annual Federal appropriation of $80,000 goes to each of the 48 States in the Union for the support of their agricultural and mechanical colleges and experiment stations. The Smith-Lever Act of 1913 commences with an annual appropriation of $10,000 to each State for agricultural extension work, and this sum is increased from year to year until it finally reaches the average sum of $95,000 to each State. Effective farm extension work is now carried on in not more than one-third of the counties in the United States, and probably less than one-fifth of the farmers have been reached at all. Only a few thousand of the farm women have been reached by extension work in household arts. Including the agricultural college in Porto Rico and the one in Honolulu, Hawaii, both of which this Government helps to support, there are now 52 white and 17 colored in all. They receive an annual cash appropriation of over $4,000,000. The entire appropriation for their support has now reached the enormous sum of $46,000,000, and this does not include the 15,000,000 acres of land which have been given for the benefit of our State universities and agricultural and mechanical colleges. I am speaking, of course, of Federal appropriations.

The several States have appropriated about fourteen times this amount; some put these figures less. Each of the 48 States in the Union has a great agricultural and mechanical college or university. Many of them owe their existence and all of them the great good they have done in large measure to the grants they have received from the Federal Government. The official reports of the 50 white agricultural and mechanical colleges and universities to the Bureau of Education for the year ending June 30, 1910, show that they had enrolled in that year 56,834 students. The Morrill Act and those following it have given to this country these high-grade colleges, whose thousands of highly skilled and essentially specialized graduates have added untold value not only to the so-called cultural side of education but also to our agricultural and industrial development. Nobody questions the great good that has been done. But great as has been the results flowing from the Morrill Act, still the good confidently hoped for by its author has not been realized. He believed that his bill would furnish to the country a great army of trained farmers; that the college student would return to the farm to invigorate farm life by greatly improved farm methods. This was his hope and his dream. Instead of its fruition, the colleges have turned out technicians in agriculture and the mechanic arts, and but few of these in comparison with the number of students attending these colleges and universities. Of the 56,834 students enrolled in these agricultural colleges and universities for the fiscal year ending June 30, 1910, only 6,587 were agricultural students. The others were taking courses in English, history, mathematics, physics, and other sciences. Great as has been the results of the Morrill Act, it has failed to carry vocational education to the great masses of our people.

As I say, nobody denies its great achievements, but it has failed to send the farmer college boy back to the farm imbued with an enthusiasm for either agriculture or the industries or even their great possibilities.

OTHER REPUBLICAN MEMBERS OF CONGRESS TOOK A HAND.

Other Republican Members of Congress took up the task of extending national aid for vocational education so as to reach and better prepare for their labors, the man on the farm, the laborer in the mine, the housewife with her arduous household duties, the girl in the factory giving her young life to labors most uncongenial to her. The gentleman from Minnesota [Mr. DAVIS], now a distinguished Republican Member of this body, introduced a number of bills along these lines and devoted years of his life in pushing the cause along. The brilliant Senator Dolliver from Iowa, the sturdy and gifted Senators from Nebraska, Burkett and Pollard, Republicans all, introduced bills and furthered the cause for national aid to vocational education along useful and practical lines. The struggle went on. Other champions appeared upon the scene. Realizing that supplemental legislation was needed to the Morrill and allied acts, if the great mass of our people were to be reached and prepared for useful occupation in agriculture, industry, and home economics, Senator CARROLL S. PAGE, also a Republican United States Senator from the State of Vermont, began and for years has been giving the best efforts of his life to the solution of this great question. He fought hard to pass through the United States Senate a measure for Federal aid, which has since become known as the Page vocational education bill.

The proverbial uncertainty of American politics swept into the United States Senate a Democratic majority on March 4, 1913; and Senator HOKE SMITH of Georgia, became chairman of the Committee on Education and Labor. Senator PAGE took his place in the ranks.

The substance of the Page bill was introduced by Senator SMITH, as the chairman of the Committee on Education and Labor, following the report of a commission to investigate the question, and the measure then became the Smith bill. But let it ever be said to the credit of Senator SMITH that he has not tried to deprive Senator PAGE and other Republicans of the honor of fathering this great legislation. In a speech in the United States Senate on the 31st day of July, 1916, Senator SMITH, in speaking of the services of Senator PAGE, said:

> The responsibility for the measure would have continued with him rather than to have fallen to me but for the change which took place in the organization of the Senate three years ago. With the Republican majority he was leading in the work and I was helping him. Since that time, as I am chairman of the Committee on Education and Labor, the situation is reversed just a little, but I am always glad to stop at any time the opportunity is presented to give to the Senator from Vermont every possible credit for his splendid work upon this subject and almost to regret that we have a Democratic majority and that he has not charge of the bill instead of myself.

The present distinguished chairman of the Educational Committee of the House, Mr. HUGHES, introduced a bill for vocational aid along the lines of the Smith bill, and the joint measure is now referred to as the Smith-Hughes bill. Every Republican on the Committee on Education, of which the gentleman from Georgia [Mr. HUGHES] is chairman, is giving this bill his enthusiastic support. Just a few moments ago the brilliant and able Republican leader, the gentleman from Illinois [Mr. MANN], made a masterly speech favoring this bill. The Republicans, in the main, are friends and champions of the cause. This, then, in brief, is the history of this soon-to-be legislation, and like other legislation conceived in Republican brains, has been taken over by this Democratic administration and heralded to the country as its very own.

WHAT THE PURPOSES OF THE BILL ARE.

What then in substance is the legislation for which Senator PAGE and other Republicans stood? What is the legislation proposed in the Smith-Hughes bill? What is vocational education as herein advocated and for which national aid is now proposed? What need is it intended to fit and fill that other education fails to reach? Why can we not depend and why do we not depend upon our great colleges, universities, and our splendid system of public schools for all the education of every character that we need? It should be remembered that we have more than 600 colleges and universities in the United States. The running expenses of our public schools now cost in round numbers $600,000,000 every year. There are now, in round numbers, 30,000,000 children in this country between the ages of 6 and 20 years inclusive. About 50 per cent of these are urban or city children, 50 per cent live in the country. The history of education in this country shows that 40 per cent of these 30,000,000 children, or 12,000,000 of them, will have left school at the age of 14 years; 70 per cent, or 21,000,000 of them, will have left school by the time they are 15 years of age; and 85 per cent, or 25,5000,000 of them, will have left school by the time they are 16 years of age, although every State in the Union, with the exception of six, have laws compelling parents to send their children to school. Less than 10 per cent of the 30,000,000 children will ever go through high school, and of those that do go through high school less than 2 per cent will graduate from a college or university. Only half the children who enter the city elementary schools of the country remain to the final elementary grade. One million of

them go out every year to join the great army of workers. They fill the vacant places caused by old age and death. At a pitifully young and inexperienced period of life they go out to face the cold, hard, sordid business world. They struggle through painful years of small wage and poor product.

If it should be said that these figures and these results are a pretty severe arraignment of the efficiency of our public-school system to reach the mass of our people, I shall have to admit that it is. If it should be said that 93 per cent—some put the figures as high as that—of our children should not stop school before they are 16 years of age, I readily agree that that is true. But the fact remains that they do stop. The fact remains that they leave school with inadequate general education and with no special education to fit them for life's work. The problems, then, confronting us are, What can we do to keep the children in school longer than they have been accustomed to go? What can we do for them while yet in school to better prepare them to meet the actual problems of life when they do go out? What can we do for those that have already gone and those that will go without that character of training that fits them to face without too great a disadvantage the real work of life before them? What can we do for our older and more mature people, male and female, now actually engaged in the real battle of life and many of them hard pressed by its stern necessities? That our present system of education is not measuring up to the real needs of the hour, nobody doubts or denies. That the courses of study in our present school system, collegiate, secondary, and common, are not sufficiently attractive and practical to keep the children and youths of our land, at ages frightfully young, from either going into idleness or the work of the world is proven by the painful truth that 85 per cent of the children leave school before they are 16 years of age and less than 2 per cent graduate from a college or university.

That the courses of study in our present school system are not practical enough and fail to connect, as they should, education with life, is abundantly proven by the all-to-many educated good-for-nothings and misfits in life. Our system of education ought to prepare people for the practical affairs of life and make them self-sustaining. Our theory of education and courses of study are predicated too largely upon the idea of preparing people for the professions.

WHERE THE BULK OF OUR PEOPLE WORK.

According to the census of 1910 there were 12,659,203 persons in the United States, both male and female, engaged in farming. There were 14,261,376 persons engaged in manufacturing, mechanical pursuits, and allied industries. Probably less than 1 per cent of those engaged in agriculture have had adequate preparation for so doing. This means, then, that there are over 12,000,000 people engaged in farming in the United States who have not been trained to deal with the soil through scientific methods in such a way as to make it yield what it should to the support of the present and future life of this Nation. It is equally correct to say that there is not 1 in 100 of the workers engaged in industrial pursuits that have had adequate training for the work in which they are engaged. A remedy ought to be found for this condition. Since less than 2 per cent of our children—largely the future citizens of our country—go through a college or university, and therefore less than 2 per cent of them are directly benefited by Federal grants to our agricultural and mechanical colleges, some way ought to be devised to reach and aid the other 98 per cent. That is partly the purpose of the bill before us. We must not be too sorely disappointed, though, if it fails to accomplish the object intended. It is a big problem we are tackling, and many there are who believe that we are not ready for Federal aid as provided for in this bill. Others believe that it is essentially a State and local problem and that the Government ought not to interfere. Others say that the courses of study in our schools should be modified so as to more adequately prepare people for the ordinary affairs of life, and that the reformation of our school system should come from within rather than from without.

I agree that there is much force of reasoning in the statement that the needed reform in our school system should come from within; and but for the conditions confronting us, as well as the imperative necessity for more practical training of the 25,000,000 workers now engaged in farming, mining, manufacturing, and the other occupations, as well as the other 1,000,000 workers that join the ranks of labor every year, I would be willing to let the States and local communities work out their own educational problems. But when we realize the great waste there is going on along agricultural lines—for example, the misdirected effort, the lack of proper yields from the soil, the high prices of all we consume, at least partly due to these things—we are bound to come to the conclusion that something ought to be done.

THE BILL PROVIDES FOR AGRICULTURAL TRAINING.

Among other things, the bill before us offers Federal aid to each State, first, in the teaching and preparing teachers to teach agricultural subjects; second, in the teaching and preparing teachers to teach home economics, trade, and industrial subjects. I shall speak first of the proposed Federal grant to aid the States along agricultural lines.

Section 2 of the bill provides "that for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects" there is hereby authorized to be appropriated certain sums of money to the States each year till June 30, 1925, when it reaches the sum of $3,000,000. Each year thereafter it is to be that sum. The sum allotted to each State will be in the proportion that its rural population bears to the entire rural population of the United States. Kentucky would be entitled, under this arrangement, to $105,300 each year from the Federal Government. But before Kentucky or any other State would be permitted to share in these funds the State would have to match dollar for dollar with the Federal Government under the plans and arrangements provided for in the bill.

The instruction to be given must be under public supervision and control and "the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon the work of the farm or the farm home." The bill provides that the schools in which any of the Federal money is to be expended "shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm for at least six months per year." The bill also provides for the expenditure on the part of the Federal Government of $1,000,000 each year (the State putting up dollar for dollar) for the purpose of paying the salaries of teachers to train teachers to teach agricultural, trade, and home economic subjects.

THE IMPERATIVE NEED OF INTENSIVE AND SCIENTIFIC FARMING.

In order to support the present and future life of this Nation and make farming pay as it should, our farmers need to know more about the soils, orcharding, dairying, poultry raising, truck gardening, horticulture, bee culture, stock raising, stock breeding, rotation of crops, the testing of seeds, drainage, the chemical properties and value of fertilizers, and divers other things. I was reared on a farm and have at least a limited knowledge of the needs of the farmer. The demands upon our country for food products are such as to make more intensive and more progressive farming an absolute necessity.

For years the drift of our population has been from the country to the city. According to the United States census of 1880, 70.5 per cent of our people lived in the country, while 29.5 per cent lived in the cities and towns. The 1890 census showed that 63.9 per cent lived in the country while 36.1 per cent lived in the cities and towns. The 1900 census shows that 59.5 per cent lived in the country and 40.5 per cent lived in the cities and towns. The 1910 census shows that 53.7 per cent, or about 49,000,000, of our people are rural, while 46.3 per cent, or about 42,000,000, are urban or city.

In other words, we have just about as many people living in the cities and towns over 2,500 population as we do living in the country. By counting those who live in towns and villages under 2,500 in number we now have a greater urban than we have a rural population. The statistics I have cited show that people are constantly leaving the country and going to the cities and towns to live. Those who live in the cities, those who live in the mines, shops, and factories, and those who do not produce foods must be fed by those who do. In some sections of our country there is a good deal less land under cultivation today than there were 50 years ago. For example, the New England States had 72 per cent less land in cultivation in 1910 than they had in 1850. In certain agricultural sections, too, our rural population is decreasing. Iowa, the greatest agricultural State in the Union, 98 per cent of her land being capable of cultivation, has 4 per cent less population now than she had 10 years ago. In one-sixth of the total land area of the United States our population decreased during the years 1900 to 1910. In that decade our population decreased in 769 counties out of the 2,841 counties in the United States. The decrease covered an area of 472,462 square miles, 42,937 square miles of which were in the State of Missouri. The decrease in the State of Ohio amounted to 43.5 per cent. During the decade from 1900 to 1910 our urban population increased by 11,013,738, or 34.8 per cent; the total increase in our rural population was only 4,963,953, or 11.2 per cent. Our population is increasing at an enormous

rate, but that increase is in the cities and towns, not the country. In the past there has been too much drudgery in farm life. Its profits have been comparatively small, its inconveniences many. The tendency has been—and naturally so—for too many of our industrious, progressive, and enterprising young men and women to leave the farm and seek more profitable and sometimes more congenial employment in the cities and towns.

Farm life will have to be made as pleasant and profitable as that found elsewhere in order to attract to it the young men and women of to-day. There is a big temptation for far too many to seek the bright lights of the city. The United States has been blessed with an immense acreage of virgin soil. That condition no longer obtains. Unscientific agriculture can not be profitably carried on except on a virgin soil and under conditions which permit of extensive culture. It is therefore indispensable that our farming be more intensive, more scientific, and more profitable, if we are to sustain our ever-increasing population, which to-day exceeds 100,000,000. One of the scientific staff of our Federal Bureau of Soils recently made this statement:

If the possibilities of increased profit are not a sufficient inducement to undertake the training of our farmers, certainly in the immediate future the exigencies of the increasing population will force upon our public authorities the responsibility for making our agriculture adequate.

It is estimated by the Bureau of the Census, as well as by the Department of Agriculture, that "within the lifetime of children now entering our public schools the population of the United States will be no less than 450,000,000." We know this is not an extravagant prediction when we stop to realize that our population increased from a little over 7,000,000 in 1810 to over 91,000,000 in 1910.

It is the part of wisdom and statesmanship to look out for the future. Aside from conserving our human resources, the conservation of our natural resources, "of which the fertility of the soil is the most important," is our most important social duty. Our soil must be made to yield more each year without impairment. This can not be done with our present careless method of agriculture, nor can we continue our present method of agriculture without the food supply becoming relatively less from year to year.

The pressure of population upon our food resources will increase not merely for a few years but for all time to come. It will be constant and more insistent as the years go by. It is vitally essential that there be established in general practice a restorative and permanent system of soil culture. This agricultural education should not only reach the mature farmer of to-day through agriculture extension work and otherwise, but it is even more essential that the youths of our land be prepared and thoroughly instructed in the right theory and practice of farm work. This practice and training must not be merely State; it must be Nation wide in its scope. Our agriculture must be highly productive. It must be permanent. Science has taught other countries how to restore and maintain the fertility of their soil and increase its productivity. Germany, for example, has within the last 30 years increased her production of rye from 15 to 29 bushels per acre. Within the same period the United States increased her production of rye from only 14 to 16 bushels per acre. Germany increased her production of barley from 24 to 29 bushels per acre; the United States from 24 to 24.3. Germany increased her production of wheat from 19 to 30 bushels per acre; the United States from 13 to 15 bushels. Germany increased her production of oats from 31 to 59 bushels per acre; the United States from 28 to 30. Germany increased her production of potatoes from 115 to 208 bushels per acre; the United States from 98 to 100 bushels.

Senator PAGE, in a great speech before the Senate in July of last year, said:

Mr. President, Germany has an area equal only to the three States of Minnesota, Iowa, and Missouri, but she produced three-fifths as much oats, four-fifths as much barley, three times as much sugar, six times as many potatoes, and nine times as much rye as we produced in the whole United States.

Germany had, in 1907, 43,000,000 acres sowed in wheat, barley, oats, and potatoes. She harvested 3,000,000,000 bushels. We had in the United States the same year 88,500,000 acres in the same crops and harvested only 1,875,000,000 bushels. Germany had less than half the acreage and harvested nearly double the same number of bushels. Kansas, Minnesota, and North Dakota are our three greatest wheat-producing States. France is about the same size as these three States. France sowed, in 1907, 16,000,000 acres in wheat. The States of Kansas, Minnesota, and North Dakota did the same. In that year France harvested from her 16,000,000 acres 325,000,000 bushels of wheat. Kansas, Minnesota, and North Dakota harvested from the same number of acres only 188,000,000 bushels. They have 45,000 agricultural schools in France. France is the greatest producing nation in the world to-day. Germany, France, England, and some other countries produce from two to three times more of all sorts of products per acre than we do, and yet they have no better soil and no better climate. Science must do for us what it has done for these other countries. We have got to have better soil doctors in this country. We are compelled to give more attention to rotation of crops, fertilization, better seeds, and better breeds of stock. An expert in agricultural matters has recently said:

The nineteenth century farmer was no farmer at all; he was a miner, mining the fertility of the soil and selling it for the bare cost of mining.

He might have truthfully added that in too many cases the farmer does not raise anything to sell at all, but merely produces enough on which to live. I know that there are no better people than the ones I have the honor to represent.

I know that with our present methods of agriculture the problem of producing enough on which to live and laying a little something aside for a rainy day is a serious one. My district, too, has some 8,000 people engaged in mining. These people must be fed. The people living in the cities and towns must be fed. It would be infinitely better for all concerned if we could produce in our own district enough to support our own people.

In order to do this we will be compelled to make a study of our soil. We have got to find out whether it lacks in potash, phosphate, nitrogen, or other things, and then apply the remedy. We have got to quit putting the same piece of land in the same crop so often. We have got to find out what a certain piece of land is best adapted to produce and the best way in which to produce it.

Dr. Hopkins, of Illinois, one of the greatest soil chemists in America, was once lecturing down in the southern part of Illinois, near Egypt, where the land is poor. He explained to the farmers in that section how, by the application of $1.50 worth of phosphate to the acre, the normal yield of corn would be increased from 12 to 13 bushels per acre to 50 or 60. At the conclusion of his lecture a gray-haired old farmer, with tears in his eyes, stepped up to him and said:

Mr. Hopkins, I want to thank you for what I have seen to-day, but, God help me, if I only knew that thing 40 years ago. I have got six boys in my family, and I have labored night and day to keep body and breeches together and to keep the family together, and what have I got on my farm? Twelve to fifteen and sixteen bushels of corn to the acre is all that I could make. Now, I would like to have sent my boys to college; I would like to have given those children an education; but I could not raise enough crops on that piece of land that I have owned, and so I have tilled all my lifetime and have earned barely enough to support my family. Now, if a man had only come to me when I was a comparatively young man and told me the thing that you have told me to-day—that $1.50 of rock phosphate would have given me the 50 bushels of corn crop, the crop which was raised right over the fence from where I am—I could have sent my children to the high school and to a university, and—

He said, with tears running down his face—

I am at the end, and nobody told me that.

Too many good men have grown gray and worn their lives out as the old man in Illinois has done without knowing what to do to the soil to make it productive. This knowledge ought to be carried to them and their children. We have it already in the laboratories of our experiment stations and agricultural colleges. It is the purpose of the bill before us to help carry, especially to the children of these farmers, such knowledge as will make them practical and highly productive farmers. It will take years to solve the problem. The knowledge, I say, has in great measure already been obtained.

The men in charge of our agricultural colleges, experiment stations, and other institutions have for many years been giving the best efforts of their lives along these lines. The problem facing us is to carry the results of their experimentation and research into the homes of the people we represent and make it a part of the lives, especially "of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or the farm home," as the bill expresses it. In each State this important work will be placed in the hands of a board of three or more persons, to be designated or created by the State legislature. Whether in Kentucky, for example, this State board will try to establish independent schools or classes for the purpose of imparting the valuable information of which I have been speaking, or whether they will try to do it largely through our public schools, I do not know. My own judgment is that the only effective way to reach the masses of our people, and especially the ones this bill is largely designed to reach and help, will be through our public schools. There is no other agency so powerfully effective in carrying this knowledge into the homes and into the lives of our farmers, actual and to be, as our public-school system, when its courses of study are vocationalized and made to respond to the actual needs and necessities of life. It is vitally essential that a restorative and permanent system of soil cul-

ture be established in general practice throughout our country, else the people will soon be in dire distress for the bare necessities of life.

Mr. Davenport has said:

The world has not yet learned to feed such a population as is just ahead of us, and before the present century is ended the largest single public issue will be that of bread.

We do not have to wait for the century to end, for bread, the high cost of living, the actual necessities of life to be the biggest public question for solution before our country to-day. It is the most vital question now before our people. It was so vital in 1912 that the Democratic Party in its platform adopted at Baltimore declared:

The high cost of living is a serious problem in every American home. The Republican Party in its platform attempts to escape from responsibility for present conditions, by denying that they are due to a protective tariff. We take issue with them on that subject.

That was two years before the war in Europe began. Upon that, more than any other one issue, the Democrats won the Presidency. But for that issue, hopelessly divided though the Republicans were, the Democrats would not have won. The Democrats declared in their platform and on the stump that the high robber protective tariff that the Republicans had foisted upon the people was the cause of the high cost of living. They said they would reduce the tariff and bring down the cost of living, so that the poor man would always have enough money in his purse to purchase a decent meal. On that issue largely the Democrats came into power. They did reduce the tariff. On October 3, 1913, they did erase from the statute books of our country a Republican protective tariff law and in its stead placed a so-called free-trade tariff law of their own. The high cost of living, however, did not come down. It is higher to-day than it has ever been. At no time since the Democrats came into power, now nearly four years ago, has anyone been able to buy a single thing that men or women either eat, drink, or wear at less cost than when the Republicans were in power.

Upon the contrary, the average cost of the necessities of life are higher to-day by more than 25 per cent than they were when the Democratic Party came into power on March 4, 1913. As a matter of fact, the price of foodstuffs have been going up for years.

The following table shows the average retail price of food in the United States and the amount that could be bought for $1 in each year from 1890 to November, 1916; sirloin steak excepted:

Year.	Articles.	Average retail price.	Amount bought for $1.
			Pounds.
1907	Sirloin steak, per pound	$0.181	5.5
1916	do	.268	3.7
1890	Round steak, per pound	.123	8.1
1916	do	.239	4.2
1907	Rib roast, per pound	.150	6.7
1916	do	.210	4.8
1890	Pork chops, per pound	.107	9.3
1916	do	.228	4.4
1890	Bacon, smoked, per pound	.125	8.0
1916	do	.303	3.3
1890	Ham, smoked, per pound	.152	6.6
1916	do	.302	3.3
1890	Pure lard, per pound	.093	10.8
1916	do	.213	4.7
1890	Hens, per pound	.135	7.4
1916	do	.241	4.1
			Dozen.
1890	Eggs, per dozen	.208	4.8
1916	do	.506	2.0
			Pounds.
1890	Butter, per pound	.255	3.9
1916	do	.439	2.3
			Quarts.
1890	Fresh milk, per quart	.068	14.7
1916	do	.099	10.1
			Bags.
1890	Wheat flour, per bag	.711	1.41
1916	do	1.89½	.72
			Pounds.
1890	Corn meal, per pound	.019	52.6
1916	do	.036	27.8
			Pecks.
1890	Irish potatoes, per peck	.247	4.0
1916	do	.511	2.0
			Pounds.
1890	Sugar, per pound	.069	14.5
1916	do	.086	11.6

The same thing is true of other foodstuffs. The same thing is true of clothing. The high cost of living is the most serious problem confronting us.

Never in the history of the world have taxes been so high or have visited us in so many of their obnoxious forms. The estimated deficit in the United States Treasury on June 30 next is $300,000,000. The Democratic Members of Congress are now racking their brains to find out how they can still further tax the people in order to meet this deficit. How many of our people can live under existing conditions is a problem. The people have again intrusted the Democratic Party with the task and duty of solving their problems and remedying their wrongs. It is up to the Democrats, not to us. It is not certain at all that we will even control the House of Representatives after March 4. Democratic statesmen and near statesmen are now coming forth with this nostrum and that as the sure cure for the high cost of living, but among all the panaceas proposed no one of them charges that the high cost of living is due to a high protective tariff or that a free-trade tariff will bring it down. A food embargo, among other things, is proposed. After all is said and done, and after these remedies are tried out, if they are, it will doubtless be discovered that the high cost of living will still continue, and that the surest way to bring permanent relief is through more extensive, intensive, and scientific agriculture. The farmer is not now getting any more for his products than he ought to get. The consumer, though, pays twice as much for the farmer's products as the farmer sells them for. The price is raised by the middlemen, the commission merchants, the great cold-storage concerns, food trusts, and others after it leaves the farmer's hands on its way to the table of the ultimate consumer. Laws already on the statute books are probably ample to protect the people if they are vigorously and fearlessly enforced. This would help reduce the high cost of living. Those criminals who for the sake of paltry gain are cornering the food supply of the country and holding it from the mouths of hungry men and the stomachs of starving children, should be prosecuted to the limit of the law. Taxing these cold-storage concerns and others for holding foods longer than a certain period of time would help; but let me repeat that after all is said and done the fact will be found to still remain that we have got to have a greater production to meet the ever-increasing demand for foodstuffs. If we fail in this, prices will still remain distressingly high.

HOME ECONOMICS.

Home economics is the science of home making. It includes a knowledge of ventilation, cooking, hygiene, household sanitation, preparation of foods for the sick, care of children, motherhood, food values, what foods constitute a well-balanced meal, what foods are compatable and what are incompatable, and many other things of immense practical value. It is not the purpose of this bill to make provision for the farmer's boy and leave the farmer's girl and the farmer's wife to look out for themselves. It is not the purpose of this bill to make provision for the practical instruction of the miner's son and leave the miner's wife and daughter unaided in these things that are so essential to the welfare and well-being of the family. It is in the home where the chief happiness of mankind is found. All must eat some sort of food; all must live in some sort of a home. It is there where character is formed and the principles of good conduct and good citizenship instilled. It is a trite old saying that the hand that rocks the cradle rules the world. Good home makers—good mothers are the greatest asset any nation can have. The foundation of all good government is laid in the home. And since every girl is a potential mother and mistress of a home it is just as essential that she be educated along practical and useful lines as it is that her brothers be. So this bill provides that the Federal Government shall not only aid the States in paying the salaries of teachers to teach home-economic subjects but shall also aid the States in paying the salaries of teachers to train other teachers to teach these subjects. Home-economic subjects ought to be a part of the curriculum in all our public schools and their teaching made compulsory. Statistics show that 5,000,000 people in this country become ill every year from preventable diseases and 600,000 infants under 2 years of age terminate their little span of life, most of them from a lack of proper care. The young women of to-day are the home makers of to-morrow. They should be fitted and trained for their important tasks. This training should reach down to the average girl who goes to neither high school nor to college, but who one of these days will have the care of a home and a family.

COMMERCE AND INDUSTRIES.

The acquiring of a commercial education is now pretty well provided throughout the country, and, while this bill makes provision for Federal aid to such education, I shall not now take time to discuss it. The feature to which I want to call your special attention is that provision of the bill which seeks to promote the welfare of the boy and girl whose parents are engaged in the industries—whose parents, and especially whose fathers, are every-day laborers. Whether they be blacksmiths, carpenters, masons, machinists, plumbers, barbers, engineers, miners, or otherwise engaged in manual labor, it matters not.

This bill is designed to reach those who are not able to send their sons and daughters to college or the university; those who need the labor of their offspring to help support the family. We are all laborers. Some work more with their heads than they do with their hands, and some work more with their hands than they do with their heads. One is just as honorable as the other. The farmer longs for the so-called leisure of the lawyer's office. The overtaxed lawyer and public servant longs for the health-giving freedom of the farm. This bill is designed to help fit for useful employment the boys and girls who can not go through high school or college but who must go to to work to help support themselves and the family. And, as I have said, there are less than 2 out of every 100 of our American boys and girls who ever reach the college or university, and 9 out of every 10 never even pass from the elementary grade to the high school or academy. This bill is designed to reach and benefit that great army of our boys and girls who never reach high school, college, or academy. The purpose of this bill is to help fit for useful employment in some trade or industry this great and ever-increasing army of American youths.

The Federal Government proposes to pay $3,000,000 annually in cooperation with the States toward the payment of salaries of teachers to teach trade, home economics, and industrial subjects, and in addition to that, $1,000,000 annually toward the payment of salaries of teachers to train teachers to teach these and agricultural subjects. All these teachers should have had actual experience in the trade or subject they undertake to teach. In the language of the bill the controlling purpose of such education shall be to "fit for useful employment" and "shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit."

There are to be three kinds of schools established—all day, part time, and evening. In the all-day schools the instruction is to be given for at least nine months out of the year to persons over 14 years of age who have not entered upon employment. The instruction for "at least half of the time" shall "be given to practical work on a useful or productive basis." The part-time schools are designed to aid workers over 14 years of age "who have entered upon employment." The evening schools are designed to aid workers over 16 years of age. The instruction to be given is to be "supplemental to the daily employment." One, if not the controlling, reason why so many children leave school at such an early age is that neither they nor their parents can see any practical benefits growing out of such education. They fail to see, and they are not alone in that, how the study of algebra, higher arithmetic, Latin, or Greek is going to aid them very materially in knowing how to feed the cow, bake the beans, or break the horse, or how to plant and till the corn or mine and load the coal, or how to paint the house or dig the ditch. It is a great sacrifice on the part of many parents not to put their children over 14 years of age into the ranks of the breadwinners.

In the great majority of cases the only way to induce the child or its parents to continue the child's education after the age of 14 is to show, at least the parents, that what the child is to learn in school will enable it to command a better wage, fit it to do something really useful, and enable it to solve life's greatest problem—the bread-and-butter one. It is essential, not only to the child but to the country of which he is an important part, that he be trained and taught in useful employment and made to know that it is just as honorable to work with the hands as it is with the head. The minds of the laboring man's children are as acute, their perceptions as keen, as those of any other class. The laboring man himself, the man who works with his hands, should hold up his head in any company and feel, what he has a got a right to feel, that he is just as honorable as any man in it.

CONCLUSION.

I am for this bill because it is designed to help develop and conserve both our natural and human resources. I am for it because it will help to promote a productive and prosperous agriculture. I am for it because it will help to increase the wage-earning power of our productive workers and greatly enhance the price of the output. It will help both employer and employee. It will greatly increase our wealth. The distinguished chairman of our committee, Mr. HUGHES, recently said in a speech:

> If we assume that a system of vocational education pursued through years of the past would have increased the wage-earning capacity of each of these 25,000,000 workers to the extent of 10 cents a day, this would have made an increase of wages for the group $2,500,000 a day, or $750,000,000 a year, with all that this would mean to the wealth and life of the Nation. This is a very moderate estimate, and the facts would probably show a difference between the earning power of the vocationally trained and the vocationally untrained of 25 cents a day. This would indicate a waste of wages through lack of training amounting to $6,250,000 every day, or $1,875,000,000 for the year. That is difficult for us to conceive and believe, but these figures are true.

The money expended for vocational education is a wise business investment. The practical training of men in any pursuit brings lasting economic returns in increased production and wage-earning power.

Miss O'Reilly, in her statement before the committee, said:

> The nation of the future which will hold the industrial supremacy of the world will be the nation which makes the things best for the markets of the world. That can only be done through the scientific organization of industry; that scientific organization of industry can only come through the training of the workers.

Miss O'Reilly is undoubtedly right in what she says.

American agriculture has prospered in the past because we have the richest soil in the world. Our people have treated it as though it were inexhaustible and as though its fertility would last forever. We know better now. To conserve our soil and feed the increasing population every farmer must be an expert.

Our American manufacturers have prospered in the past, first, because our raw materials have both been cheap and abundant; second, because of the abundance of poorly paid foreign labor that has been admitted to our shores; third, because of the executive and inventive genius of our people; and fourth, because of our production on a large scale. All these conditions can not always prevail. All of them do not prevail now. We have been selling too much raw material and not enough finished products. We ought to "sell more brains and less material." While the United States in volume of output leads the four other great manufacturing nations of the world, still our exports consist largely of "crude materials." As a matter of fact, less than one-third of the volume of our foreign commerce consists of manufactures ready for consumption. We have exploited the soil beneath our feet. We have slain the forest and robbed the hills, and in our national anthem still continue to sing that we "love" them.

The maintenance and development of our foreign trade will, as the years roll by, depend more and more upon our ability to compete with foreign nations in the products of skilled labor.

The vocationally trained artisans of England, France, and Germany excel our own in skill and efficiency. If the future battles of nations are largely to be fought in the markets of the world, as many see it; if the victory is to depend largely upon the skill and efficiency of our workers; if there is now scarcely an untrained man in all of Germany; if the workers in still other countries are better trained than in our own; if there is to be added yearly 1,000,000 untrained workers to our already 25,000,000, not 2 per cent of whom have been adequately trained for their work, then it does not take a prophet to foresee the results of the contest.

We need national aid to vocational education, because the question is a national one in its scope and because the States are unable to properly handle it. In only nine States has the work by the State as such been undertaken, and not even 1 per cent of the workers who need training have been reached.

We need national aid to vocational education because the National Government ought to introduce into our educational system, since the States have not, the needed elements to make it purposeful and useful. The Federal Government ought to stand for the principle that the aim of utility in education is just as important as the aim of culture, and is entitled to take its place in dignity by the side of it. This will do more than any other one thing to bring about a reform in our public-school system and cause the courses of study to be planned to fit the student for the practical and the useful.

It is not the purpose of this bill to take away from the State either their power or responsibility in educational matters. It is rather to stimulate and encourage them into right action along educational lines.

Its purpose is to put a practical training in the reach of the 92 per cent of our children who leave school before they ever complete a high-school grade. Its purpose is to reach out a helping hand to the poor man's son and the poor man's daughter.

I do not want to be understood as predicting that the bill before us, when enacted into law, will work any immediate revolution in our public-school system or in the lives of those now in being. It will take time for even a semblance of its influence to be seen, at least in some parts of our country. Nobody assumes that this bill has reached a solution of this great problem. Time and experience will change and modify the provisions in this bill and add to them many important features that in our ignorance, inexperience, and shortsightedness we have omitted. The future historian of our country, however, will vindicate the position of those who have sponsored and

voted for this measure. The country will be indebted to them for having inaugurated a movement that will be, at least, in years to come, of far-reaching effect in determining the standing and prestige of our Nation and the usefulness of its citizenship. I am glad that the House saw fit to adopt my amendment which provided that the members of the Federal board shall be practical men and be selected from the various interests to be affected.

Mr. HUGHES. Mr. Chairman, this section is the controverted section. It was discussed at length before the committee not only for weeks but for months. We thought that the wording of that section as presented by the committee was simple, and allowed the board to be appointed by the President and gave him full power to appoint the board, but after consultation I think that I can say that on behalf of the committee we are willing to accept the gentleman's amendment.

Mr. ABERCROMBIE. Mr. Chairman, my good friend, the chairman of the Committee on Education, is somewhat in error in the statement that the committee is unanimously in favor of accepting the proposed amendment.

Mr. HUGHES. Oh, I beg the gentleman's pardon. I discussed it with him a few minutes ago, and I understood that he agreed to it.

Mr. ABERCROMBIE. When my friend spoke to me about the matter, I understood him to refer to another amendment—an amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. I regret sincerely that there should have been any misunderstanding.

I prefer to let section 6 stand as it is written, but since the gentleman from Kentucky [Mr. POWERS] has offered an important amendment, which seems to be favored by a majority of the committee, I shall at the proper time offer a substitute for the entire section, and I ask that I be permitted now to submit my proposed substitute.

The CHAIRMAN. The section has not yet been perfected, and, as the gentleman's amendment is in the nature of a substitute, it would not be in order until the section is perfected.

Mr. ABERCROMBIE. Then, I desire to have my substitute read at this time for the information of the committee.

The CHAIRMAN. Without objection, the substitute will be read at this time for information.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. ABERCROMBIE: Amend the bill by striking out all of section 6 and substituting the following:

"SEC. 6. That, for the purpose of carrying out the provisions of this act, there is hereby created an executive department of the Government to be known as the department of education, which shall be under the supervision of a secretary of education, who shall be appointed by the President by and with the advice and consent of the Senate, who shall receive a salary of $12,000 per annum, and whose term of office shall be the same as that of the heads of the other executive departments. The said secretary shall cause a seal of office to be made for said department of such device as the President shall approve, and judicial notice shall be taken of said seal.

"There shall be in said department an assistant secretary of education, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $6,000 a year, and who shall perform such duties as may be prescribed by the secretary or required by law. There shall also be such clerical assistants as may be authorized by Congress.

"The department of education shall have power to cooperate with State boards in carrying out the provisions of this act, and it shall be the duty of said department to make or cause to have made studies, investigations, and reports with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HUGHES. Division, Mr. Chairman.

The committee divided; and there were—ayes 45, noes 8.

So the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the comma after the word "workers," on page 9, line 11; also, in line 14, after the word "pursuits"; also, in line 15, after the word "workers"; also, in line 17, after the word "principles." All of those commas should be changed to semicolons.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 9, line 11, after the word "workers," strike out the comma and insert a semicolon; same page, line 14, after the word "pursuit," strike out the comma and insert a semicolon; same page, line 15, after the word "workers," strike out the comma and insert a semicolon; and in line 17, after the word "principles," strike out the comma and insert a semicolon.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LENROOT. Mr. Chariman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 10, after line 11, add the following:

"Said board may from time to time appoint advisory committees made up of persons representing industries, commerce, labor, agriculture, home making, or general or vocational education, to assist them by advice in the administration of this act, and may fix the compensation of such advisory committee, but not more than $50,000 shall be expended by the board for this purpose."

Mr. LENROOT. Mr. Chairman, the amendment that has just been adopted, proposed by the gentleman from Kentucky [Mr. POWERS], providing for a representative board, was one of the amendments that I stated in general debate upon the Indian bill I would offer. Another amendment that I stated at that time I would offer is the amendment that is now pending, providing that this vocational board may appoint from time to time advisory committees, with a limitation upon the expenditures that it may make of $50,000 per year. Now, Mr. Chairman, upon this section 6, in many respects the most important in this bill, two great bodies have given it great consideration and have united in their conclusions upon it—the United States Chamber of Commerce and the American Federation of Labor. Both of those bodies, usually more or less antagonistic to each other, urged the adoption of this amendment that is now pending. The United States Chamber of Commerce in a pamphlet, which no doubt all Members have received, in digesting the House and Senate bills, have this to say concerning this proposition:

The change asked by the national chamber's committee is that the Federal board should be required to appoint advisory committees of five each, representing industry, commerce, labor, agriculture, homemaking, and general or vocational education. Each committee should be appointed only for such a time as the Federal board determines, and the members should receive for the time of their actual service both compensation and their traveling expenses. The members of each committee should be chosen to represent as many different parts of the country as the geographical distribution of the industry being studied will permit.

That is the attitude of the United States Chamber of Commerce. Now, in reference to the attitude of the American Federation of Labor, I read from the report of the executive council made to the last annual convention of the federation, as follows:

It is our opinion that this new board should be composed of representative men but not partisan representatives of the administration in power. Its personnel should represent the great fundamental activities of life, namely, agriculture, labor, commerce, industry, and education, and the local advisory boards should be equally representative, so that the human activities of the Republic could feel assured that experienced, tested men from their own vocations, such as labor, commerce, agriculture, industry, and education should be fairly and efficiently represented.

That, Mr. Chairman, expresses the views of these two great bodies that are primarily interested in this great subject, the employer of labor and the labor employees themselves.

Now, I am anxious to expedite the consideration of this bill, and I shall not take the time to go into the reasons for these advisory committees as I would under other circumstances, but it can all be summed up in the proposition that this bill should be perfected to the greatest extent possible, so as to insure practical vocational education to the youth of our land, and that means that practical standards should be adopted by this board, composed of practical men, and in so far as they need advice they should have it from practical men. As the bill now stands, Mr. Chairman, it is made mandatory upon this vocational board to get their information through the various departments, the Department of Labor, the Department of Agriculture, and other departments, and that means that this bill—with all due respect to the committee, and I do respect it most highly—in its operation, although that was not the intent of the committee, would make the administration of this bill based upon theory rather than upon practical knowledge.

Mr. HUGHES. Mr. Chairman, I would like to interrupt the gentleman just a minute.

The CHAIRMAN. Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. HUGHES. I would like to ask the gentleman a question, and refer him to lines 17 to 19, page 10 of the bill, where this language occurs:

The Federal board for vocational education shall have the power to employ such assistants as may be necessary to carry out the provisions of this act.

Would not that give them the right kind?

Mr. LENROOT. Oh, that is the phraseology that we always use in bills contemplating permanent employees or officials. It does not contemplate this kind of a board at all.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LENROOT. Now, we need the practical men in order to get these uniform standards, in order that they shall be standards that will not merely make an avenue to drain the money from the Federal Treasury to the States for the purpose of paying it over to them upon some theoretical system of education, but in order to make every dollar that goes out of the State treasury mean something of value to the boys and girls of the land; and if that is to be done we need practical advice, instead of compelling this board to get their information through college graduates, specialists if you please, and trained people if you please. After all, in the performance of this great work there is no graduate in economics, there is no professor of economics anywhere in the United States that can give the effective advice required for the making of these standards, the practical standards that we would have by actual advice of men who know what they are talking about because they have lived in their trade or business and have been brought up in it. I sincerely hope that the amendment may be adopted.

Mr. CANNON and Mr. TOWNER rose.

Mr. TOWNER. Mr. Chairman, I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. Mr. Chairman, I understand what the bill carries, and I think I understand the amendment that has been agreed to by the House. But if I understand this present amendment, it proposes to create boards, at an expense of $50,000 a year, not exceeding $50,000 a year. Am I correct in that?

Mr. LENROOT. Yes; coming out of the $200,000 already provided for.

Mr. CANNON. Precisely; coming out of the $200,000. That is the whole amount provided for?

Mr. LENROOT. For the administration of the board.

Mr. CANNON. Yes. Now, the amendment, if we must have a board, provides for the appointment by the President, to be confirmed by the Senate, of a board of five. That other provision cares for all this appropriation to be cared for, not by a board of several or by several boards but at a total expense of $20,000. This is a proposition to make an additional expense at least of $30,000. It may be $130,000, as the case may be. The only limit is the $200,000, as I understand it. Am I correct in that?

Mr. LENROOT. If the gentleman means the expense of these advisory committees, that is $50,000.

Mr. CANNON. Then this is an increase of $30,000. It is $50,000 for the advisory committees that the gentleman's amendment covers. Is that right?

Mr. LENROOT. A limit of $50,000.

Mr. CANNON. Yes; a limit of $50,000. Now, I have listened and have gained my knowledge of this bill not by prior investigation but as the debate has proceeded and from reading the bill and report. I apprehend that it is going to pass. Perhaps it ought to pass. I may get into a condition where I will vote for it [laughter], if I keep on learning, before the final vote comes.

But we have been urged to pass this bill. What for? To encourage the States. That is it; not to take possession. It is a donation from Uncle Sam for the education of the people, to encourage the States to participate. How are they to participate? They are to participate through the State boards. Well, I suppose those State boards ought to know what they want. I presume they will know what they want, with the approval now of the Federal board that is provided for by the amendment that is agreed to.

Great Heavens! It looks to me more and more as if this is a proposition to create unnecessary offices, and God knows if there is a government in the world that has now so many unnecessary offices, multiplied and multiplied, and a disposition to multiply further, and with a notice now to make a Cabinet officer out of the head of the Bureau of Education, which is to be offered in an amendment later. Let us give something to the States, to encourage the States, and if they do not select boards that are skilled, then the whole thing fails, because they must cooperate if they get a part of this fund.

Maybe I have grown old; maybe I am not practical. But with the amazing amount of legislation that we have had for the last decade, some of it under us God-blessed Republicans [laughter], saints, as I call them [laughter]—but you have "seen us" and "raised the limit" [laughter]—do you not think you had better take an account of stock for a little while? Let us be practical. Let us have something out of all this legislation to go to the children, for whose betterment we are trying to legislate. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment.

Mr. BROWNE. Mr. Chairman, I am in favor of the Lenroot amendment, for the reason that I think it will make this bill more practical. I believe the amendment just adopted, proposed by the gentleman from Kentucky [Mr. POWERS], has made this bill more practical and I am heartily in favor of it. When we consider that an army of a million of young people of school age finish their education each year before they are 15 years of age, before completing the eighth grade, we must come to the conclusion that this measure is the most important measure that we have considered, not only at this session but the most important measure that has been considered for many sessions of Congress. It is the greatest conservation movement before the people—the conservation of the efficiency of the industrial workers.

In Wisconsin we have had some experience with vocational education. We passed a law in 1911, and while it contained a board like the one proposed by the gentleman from Kentucky, we did not have these advisory committees, and we did not administer the law in a practical way. The educators on the board administered the law, and not the practical men on the board. But in the last two years we have had advisory committees similar to the one proposed in the Lenroot amendment, and we have accomplished more in the last two years in making vocational educaction practical than we did in the several years before. The Wisconsin Board of Industrial Education is composed of three employers of labor, three skilled employees, the State superintendent of public instruction, the dean of the College of Engineering, and the dean of the extension department of the University of Wisconsin. This board is well balanced, very efficient, and is doing a wonderful work.

We went through the motions of vocational education for several years before. Our young men who were studying manual training and vocational training spent their time making bootjacks and birch-bark bird houses and coat hangers, but did not get down to the real, practical work of vocational education.

Mr. CANNON. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. CANNON. If Wisconsin has done so admirably upon her own motion, can not the other States, under this law that we propose to pass, be trusted to be as wise as Wisconsin through their various boards, providing one-half of the amount from their State treasuries? Oh, we have got some wisdom in the other States. [Applause.]

Mr. BROWNE. I think the other States can be trusted, but if we can hurry this matter up it is important to do so. Every year there are a million young people going out of school before finishing the eighth grade, with no education that will help them to make a living, and if we can hurry up their training a few years we shall be doing a great service to them and the entire country, and really making more advancement in conservation than by any of these other conservation movements. It will simply get us along quicker if the Government gives some aid, as it is giving aid in all these other activities. Now, this amendment is simply the adoption of the German system. About 30 years ago Bismarck said to his educators that the education system of Germany was not practical enough, and he practically took the vocational education or industrial education of Germany out of the hands of the schoolmasters and placed it in the hands of practical men and created boards composed of employers of labor and skilled laborers, and as a result of that practical education we have the great efficiency of the German people to-day. There are practically no able-bodied people in Germany who are not self-supporting. She sets an example for the world in this respect.

The city of Munich probably has greater efficiency in its industrial workers than any other city in the world, due to its board of vocational education which is composed of 23 representatives of local occupations, and Dr. Kirchen Steiner, its superintendent, says of his advisory board:

> I could not have gotten along in any other way. The personnel of my board causes each local occupation, 50 in all, to be taught with a particularity and an intensiveness that make the city lead in its industries in all the markets of the world.

Munich has an advisory board of some 20 members who are conversant with all the different industries taught, of which there are about 50. Now, as I say, we can not make this bill too practical. We have made it practical in one way by the amendment of the gentleman from Kentucky [Mr. POWERS], and I believe we will make it still more practical by adopt-

ing the amendment of my colleague [Mr. LENROOT]. The great weakness of industrial education in the different States to-day is that it does not give a practical education that will enable a boy to be proficient enough in his trade to earn a good living. The great fault in many of our law schools to-day is that we have theoretical lawyers, law professors who have never appeared in court and never tried a case, who are teaching law; while the law schools that have practical men, who are in active practice and who come to the lecture room from the courts, are the ones that are turning out young men who are practical and efficient lawyers, and I believe we should proceed in this way in vocational education, along practical lines, by having a representative board and giving them the opportunity offered by this amendment to consult with practical and experienced men from all the various industries.

Mr. TOWNER. Mr. Chairman, I desire to oppose the amendment of the gentleman from Wisconsin. The provision of the amendment is that there shall be five advisory boards appointed by the Federal board.

Mr. LENROOT. The number is not limited.

Mr. TOWNER. The number is not limited. There may be more than that. I accepted the statement that was submitted to the United States Chamber of Commerce. These boards shall consist of five or more members. These gentlemen are to have $50,000 appropriated among themselves each year for the purpose of enabling them to advise the central board here in Washington regarding the performance of its duties. I was very much amused with the suggestion of my friend from Wisconsin that these advisory boards, that are to come here from all over the United States to tell the commission how to perform their duties, are a practical institution. I imagine them coming here from all over the country to advise the commission in a practical way about how to perform the duties of their office.

I thought the President ought to have a free hand in the appointment of the commission. I yielded in my judgment to the limitation that has been placed upon the President in the appointment of the commission. I have done this against my judgment, but for the purpose of securing a speedy conclusion of the consideration of this bill. But when it comes to taking $50,000 out of the $200,000 fund for the purpose of making a holiday excursion for men from California and Colorado and all over the United States to come here and advise this general board how to perform its duties, it seems to me that the proposition is nothing else than ridiculous. The provision of the bill is—

Such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, shall, so far as practicable, be made in cooperation with or through the Department of Agriculture.

I wonder if my friend from Wisconsin considers that the work of the Department of Agriculture is merely theoretical? Yet this work is to be done in conjunction with the Agricultural Department of the Government, so as to save this additional expense and make the work of the commission more effective. The bill says that—

Such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, shall, so far as practicable, be made in cooperation with or through the Department of Labor.

I wonder if my friend thinks that the Secretary of Labor is a purely theoretical man, and that those who are associated with him would give the board merely theoretical advice? And so on with regard to the other departments.

This bill is framed on the idea that there shall be cooperation with these various departments named in the bill, and that the various specialists shall aid in advising and assisting the commission in the conduct of its work. I sincerely hope, Mr. Chairman, that this amendment will be voted down, because I believe it will be a useless and a needless expenditure of $50,000 of money that could be better applied for the practical work of the board.

Mr. LENROOT. Mr. Chairman, the gentleman from Iowa [Mr. TOWNER] has built up a man of straw and then has proceeded to demolish it. The gentleman says that we propose to throw away $50,000 in furnishing junketing trips for the members of this committee. The gentleman from Iowa knows that in the language of the bill as it now stands, and which he approves of, it appropriates any sum up to $200,000 for the purpose of making this very study and investigation. The difference between my amendment and his proposition is that I want some practical knowledge brought through these studies and investigations and he does not care whether there is any practical knowledge or not.

The gentleman talks about the Department of Agriculture. I frankly admit that these studies can be made through the Department of Agriculture, because their experts are made up to-day of efficient, practical men, as a rule. But when he comes to the other departments, when he speaks of the Department of Labor he furnishes no argument when he says that the Secretary of Labor is a competent man. He is, but Secretary of Labor Wilson is not going to make these studies and investigations. The Department of Labor is a splendid bureau through which to get information and statistics, but it is valueless, practically speaking, so far as furnishing this board with information concerning the one great question of making uniform standards for vocational education.

The gentleman talks as if my amendment was mandatory. It is discretionary with this board whether they call upon these men or not, and if this board desires the views and experience of practical men in fixing these standards, will anyone say why the board should not have the authority to call upon practical men to furnish it? They are not required to call upon them, they are not required to appoint a single committee unless they choose to do it, but my amendment gives them the right to do it. Mr. Chairman, I insist that if this bill is to be something more than a drainage tube from the Federal Treasury to the State treasury, that we ought to adopt every safeguard possible, and this amendment furnishes one of the safeguards.

Mr. MADDEN. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. MADDEN. I want to ask the gentleman if it would not be very much better to call men in who have practical information to convey to the board than it would be for the board to hold hearings in order to obtain the information or facts that practical men might have?

Mr. LENROOT. Yes; very much better for this board to meet men face to face and get its information from them than to get it from specialists from some bureau second hand.

Mr. FESS. Mr. Chairman, just one minute. Lines 17, 18, and 19 of this section gives the power to the Federal board that this amendment proposes to give.

Mr. LENROOT. Will the gentleman read it?

Mr. FESS (reading)—

It shall be the duty of the Commissioner of Education to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

Mr. LENROOT. I want to ask the gentleman—who is familiar with the phraseology used in legislative acts—whether he thinks for one moment that the word "assistants" in that section contemplates anything of this kind?

Mr. FESS. That is the way it is written.

Mr. LENROOT. Then it differs from all other bills that we have had.

Mr. FESS. The purpose of this provision is to link up the Federal board with the Government agencies and to get through these special organizations now already created what is needed without creating a separate organization with increased expenditure.

Mr. MADDEN. Will the gentleman yield?

Mr. FESS. Yes.

Mr. MADDEN. Does not the gentleman from Ohio think that the language he has just read authorizes the Federal board to employ clerks, and nothing else?

Mr. FESS. It authorizes the board to employ anyone without limit of salary that it sees fit to make the investigation and to make the board effective. We state that this investigation shall be made as far as possible in matters of labor through the Labor Department, and in matters of commerce through the Commerce Department, and in matters of agriculture through the Agricultural Department, and our purpose is not to create a separate commission with increased salaries—a thing we are all tired of—but to get this work done by experts in departments already created. There is no place in the world where we have as many investigators, such a group of scholars, such a group of practical men as we have in the various executive departments now under control of the President of the United States, and we do not want needlessly to create a special commission to do this work, but we wish to do it through already created boards under the jurisdiction of our cabinet officers. This was the purpose of omitting this special advisory board, and it seems to me unwise to create a new commission with an additional expense. The amendment providing for representation of the various fields which we just adopted insures against impractical methods.

Mr. LENROOT. The gentleman stated a moment ago that the language of the bill permitted the very thing that my amendment proposes, and then at the conclusion of his argument he says that that is not the intention. What is the gentleman's view of it?

Mr. FESS. The gentleman's view of the matter is that the Federal board can make the investigation that it thinks is necessary to make it effective, to make the bill practicable through all the existing departments here instead of creating a separate commission to do it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. MOORE of Pennsylvania. Would not the effect of the amendment of the gentleman from Wisconsin [Mr. LENROOT] be to create a number of new place holders and supernumeraries, who would be simply in addition to the officers already created by us?

Mr. FESS. That is one reason I am objecting to it.

Mr. MADDEN. Mr. Chairman, I think the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] is the most important feature of the bill and that it ought to be adopted. The language read by the gentleman from Ohio [Mr. FESS], contained on lines 17, 18, 19, of page 10, if it does anything, authorizes the board which the bill creates to employ a permanent staff of investigators who will be on the pay roll for all time, whereas the amendment of the gentleman from Wisconsin [Mr. LENROOT] proposes to authorize the appointment of an advisory board or boards of practical men in their various lines. The gentleman from Ohio [Mr. FESS] says that the bill proposes to make the investigations through the Agricultural Department, through the Department of Labor, and through the Department of Commerce, and I want to ask the gentleman from Ohio what the Department of Labor knows about the various trades of the United States, or what the Department of Commerce knows about the various activities in the commerce of the United States, excepting in so far as they are able to compile a lot of statistics in connection with the movement of commodities. If you want to get information about the activities of the commerce of the United States and of the practical things in connection with the movements of men engaged in commerce, you want to talk to the men who are engaged in the industries of the United States. If you want to get the practical information about the trades of the United States, you must talk to the men who are in the trades of the United States, and not to the Department of Labor, whose offices are filled with a lot of politicians who know nothing about trades.

Mr. FESS. Mr. Chairman, the gentleman asks why you would go to the Department of Agriculture to find information pertaining to agriculture.

Mr. MADDEN. Oh, let the gentleman talk about the other things. I have not criticized that part of it.

Mr. FESS. I think I would go to the Department of Agriculture because I would find a group of people there who probably know more about the science of agriculture than any other group that probably could be found anywhere.

Mr. MADDEN. Mr. Chairman, my friend does not do me justice. He does not state what I stated. I said you provided in this bill that you should. I did not say that you ought not to go. What I say is that you ought not to go to the Department of Labor or to the Department of Commerce, because neither of these departments knows anything about the practical side of the things with which they deal.

Mr. CANNON. Then they ought to be abolished.

Mr. MADDEN. They do not treat of the practical side of the life of the country. They are compiling statistics; they are making records of things done by people who have practical knowledge; and if you want to get practical knowledge, you must go to the man who has it. It is not in the possession of any man in either of these departments, for he is not working at his trade, and most of the men in the departments have no trade and have no knowledge of trades.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. What is this Federal board of vocational education, consisting of the United States Commissioner of Education and four members appointed by the President of the United States, to do?

Mr. MADDEN. They are to regulate the conduct of the education which is provided for in the bill.

Mr. MOORE of Pennsylvania. Does not the gentleman think that the President will appoint five men competent to do this work?

Mr. MADDEN. I have no knowledge of what the President will do. Judging from what he has done in the past, I would rather doubt it.

Mr. MOORE of Pennsylvania. Does the gentleman think we ought to appoint an advisory board for the Interstate Commerce Commission to tell it what to do?

Mr. MADDEN. We have already provided for the appointment of an advisory board for a more important board than the Interstate Commerce Commission. The Federal Reserve Bank Board is being advised by men of intelligence, men of practical experience.

Mr. MOORE of Pennsylvania. If we create these Federal boards and then create advisory boards to wet-nurse them, why do not we create the United States Chamber of Commerce on one side and the American Federation of Labor on the other to wet-nurse the Congress of the United States and tell it what to do?

Mr. MADDEN. We are only providing that the appointments shall be made, and any provision for appointments that may be made ought to be on practical lines, and that is suggested in the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 27, noes 55.

So the amendment was rejected.

Mr. POWERS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, line 12, after the word "education," add the following: "or any member thereof."

Mr. POWERS. Mr. Chairman, I would like to get the attention of the gentleman from Georgia [Mr. HUGHES] for just a moment. This amendment that I have offered is for the purpose of perfecting the section in accordance with the amendment of mine which was adopted a little while ago. The bill provides that the Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. That was upon the theory that he was to be the chairman of the board. My amendment, which was adopted a while ago, provides that this chairman shall be annually elected by the members of the board, and so I have added, after the word "education," the words "or any member thereof" may make these recommendations to the board. That is the gist of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. POWERS) there were—ayes 16, noes 39.

So the amendment was rejected.

Mr. POWERS. Mr. Chairman, I desire to offer a further amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

Page 10, line 15, strike out the words "Commissioner of Education" and insert in lieu thereof the words "chairman of the board."

Mr. POWERS. Mr. Chairman, this is another amendment, offered for the purpose of perfecting the bill as amended. The original bill provides it shall be the duty of the Commissioner of Education to carry out the rules and regulations and decisions which the board may adopt. That was under the theory that the Commissioner of Education was going to be the chairman of the board, and that has been changed. He may be the chairman and he may not be the chairman. Therefore I move to strike out the words "Commissioner of Education" and say "the chairman of the board."

Mr. LENROOT. Mr. Chairman, I simply want to say that I sincerely hope the committee will accept the amendment, since the amendment has been adopted providing the board shall elect its own chairman. The duty of carrying out the regulations should devolve upon the chairman and not upon the Commissioner of Education, who now merely becomes a member ex officio of the board.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. POWERS].

Mr. DOWELL. Mr. Chairman, it occurs to me in view of the amendment that has been adopted that we should strike out of the bill, beginning at line 12, down to the word "adopt" in line 17, for the reason that the Commissioner of Education is now a member of this board and acts with the board at all times.

Mr. BORLAND. Will the gentleman yield?

Mr. DOWELL. And this provision which is made with the view that the Commissioner of Education should be chairman of the board is now unnecessary, and this part of the bill should be stricken out.

Mr. BORLAND. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. DOWELL. Certainly.

Mr. BORLAND. It strikes me that the provision there that the Commissioner of Education should make recommendation to the board is not based solely on the fact that he is chairman of the board, or based on the fact that he is an officer of the Government. It is presumed that he has the same policy in regard to education that is common to the other members of the board. His investigation as an expert educator should be useful to the board. On no other theory would he make any recommendation at all. The board meets in order to make their own recommendation.

Mr. DOWELL. In answer to the gentleman I merely desire to say that the Commissioner of Education under the amendment is now one of the commissioners. He is present and acts with this commission and is a part of it. He may submit at any time any suggestions or recommendations he desires, the same as any other commissioner. Why should we give one commissioner a certain right to recommend that we do not give to all, when they now stand upon an equal footing? It seems to me that these lines should be stricken out, and when it is in order I desire to make the motion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I send an amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 17, strike out section 6 and insert in lieu thereof the following:

"The administration of this act shall be under the control of the Commissioner of Education."

Mr. LENROOT. Will the gentleman yield? I have one or two amendments to offer in order to perfect the section. If I do not waive the right, I have no objection to his going on.

The CHAIRMAN. If the gentleman from Missouri will allow, there has been read prior to this time an amendment by way of substitute to the entire section, offered by the gentleman from Alabama [Mr. ABERCROMBIE], and until the section is perfected the Chair would hold that the gentleman's amendment is not now in order.

Mr. BORLAND. I think the Chair is right about that, and I withdraw the amendment.

The CHAIRMAN. The gentleman from Missouri withdraws the amendment.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 21, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is an agreeing to the amendment.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I make the same amendment on line 1, page 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 1, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. And the same amendment, Mr. Chairman, in line 5, page 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 5, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. And on line 9 strike out the word "shall" and insert the word "may."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 9, strike out the word "shall" and insert the word "may."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. KELLEY. Mr. Chairman, I would like to ask the chairman of the committee whether or not, in view of the fact that the Commissioner of Education is no longer chairman of the board, lines 14, 15, and 16 should not come out on page 10.

Mr. HUGHES. It has been amended to cover that part.

The CHAIRMAN. The question now recurs on the amendment by way of substitute——

Mr. DOWELL. Mr. Chairman, I desire to offer an amendment which in view of the amendment of the gentleman from Kentucky (Mr. POWERS) should now be offered, inasmuch as the language has been changed. I move to strike out lines 12, 13, and 14 to the period.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOWELL. Page 10, lines 12, 13, and 14, strike out the following language:

"The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable."

Mr. GARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT. Was that amendment not voted on a few moments ago?

The CHAIRMAN. That amendment was not voted upon. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. DOWELL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 21, noes 37.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment, by way of substitute for the entire section, offered by the gentleman from Alabama [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, for the information of the committee I ask unanimous consent that the Clerk be permitted to read the whole substitute.

The CHAIRMAN. Without objection, the amendment by way of substitute will again be reported.

The Clerk read as follows:

Amendment offered by Mr. ABERCROMBIE: Amend the bill by striking out all of section 6 and substituting the following:

"SEC. 6. That, for the purpose of carrying out the provisions of this act, there is hereby created an executive department of the Government to be known as the department of education, which shall be under the supervision of a secretary of education, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $12,000 per annum, and whose term of office shall be the same as that of the heads of the other executive departments. The said secretary shall cause a seal of office to be made for said department of such device as the President shall approve, and judicial notice shall be taken of said seal.

"There shall be in said department an assistant secretary of education, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of $6,000 a year, and who shall perform such duties as may be prescribed by the secretary or required by law. There shall also be such clerical assistants as may be authorized by Congress.

"The department of education shall have power to cooperate with State boards in carrying out the provisions of this act, and it shall be the duty of said department to make, or cause to have made, studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics."

Mr. GARRETT. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman from Illinois makes a point of order, and the gentleman from Tennessee reserves it. But the gentleman from Illinois makes it. The Chair will hear the gentleman from Illinois.

Mr. MANN. It clearly is not germane to the bill. It creates an executive department of the Government.

The CHAIRMAN. The Chair will hear from the gentleman from Alabama.

Mr. ABERCROMBIE. Mr. Chairman, I realize that the gentleman from Illinois is a universally recognized authority in the matter of the interpretation and application of the rules of this House. In fact, I have never known his superior as a parliamentarian. I submit, however, that the proposed substitute seems to be germane. Section 6 provides an agency for carrying into effect the provisions of this act, and the substitute which I offer for section 6 provides an agency for carrying into effect the provisions of this act. Their purposes are the same; their duties the same.

Section 6 as originally drawn created a board, to be composed of five Cabinet officers and the Commissioner of Education. Section 6 as reported by the Committee on Education creates a similar board, to be composed of the Commissioner of Educa-

tion as ex-officio chairman and four members to be appointed by the President. The substitute which I offer creates an agency for a similar purpose. Instead of creating a board it establishes a department and charges it with the duty of administering the provisions of this act. The proposed substitute confers upon the proposed department no power, no duty, that is not directly connected with the purposes and provisions of this act and that is not conferred upon the proposed board.

Therefore, Mr. Chairman, it occurs to me that the proposed amendment is germane.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois [Mr. MANN]. The proposed amendment, a substitute, is not germane to the bill under consideration.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 8, line 17, strike out section 6 and insert in lieu thereof the following: "The administration of this act shall be under the control of the Commissioner of Education."

Mr. BORLAND. Mr. Chairman, if this amendment should be adopted it would, of course, necessitate unanimous consent or subsequent amendment to change the other portions of the bill. It seems to me that there is no magic in the word "board." In fact, we may sometimes attribute to a board virtues that it really does not possess.

The first bill passed by Congress providing for cooperation with the States in an activity which was formerly considered to be entirely within the State's jurisdiction was the road bill. The road bill, I think, furnished the model for this bill. But in the road bill, in order to get it passed and approved by the people and their Representatives, it was provided that as much of the money as possible should go directly to the object to be accomplished, namely, the construction of roads. Care was taken that an undue amount of the money should not be absorbed in the creation of salaried positions. It seems that that reasoning is just as cogent in this matter as it was in the case of the road bill. In other words, it seems that what we want to do is to stimulate education and provide as much of the Federal activities in that direction as possible and to spend as little as we can on the machinery of the administration.

Now, I say that is what we want to do. I take it that that is what the House wants to do. I would not want to assume that the House wants to create unnecessary offices. But if we did not find it necessary in administering the great road fund—more than twice the size of this fund—to provide for a board, but considered that the whole result could be accomplished by having the States submit their plans to the Department of Agriculture and having the proper officials there approve that plan and have it carried out under the direct supervision of the States, it seems to me that method can be followed here. And if the real plan is to stimulate the States and encourage them to submit a plan of vocational education to the approval of the Federal Government, that approval can be rendered by one official much more expeditiously and effectively than it could be done by a board. We did not find it necessary to create a board to administer the road law, and yet it apparently seems to be desired here to create a board to administer this law. With all due respect to the committee, it does seem to create unnecessary offices.

Nor can I understand why a bipartisan board should be necessary in this particular matter when it was not necessary in the case of the road law. Here is each State presumably with its own political policy and aspiration; it has to submit certain plans of education, and then those plans of education are to be passed upon and approved and cooperated in by the Federal Government. There does not seem to be in that anything requiring a bipartisan board.

But I can very easily understand—and this, I think, is the real evil to be avoided—that, if we create such a bipartisan board, in a few years it will not be limited in its total expenditures to $200,000, but we will be the recipients of telegrams and letters and newspaper articles and other inspired literature demanding that we increase the amount available for that tremendous and important board of the Federal Government. Every board runs its tentacles—its roots—down into the social, industrial, and commercial bodies of the country, and the first thing you know we have got support from some source for that board. That does not always occur with a strictly administrative officer. It does seem to me that we can strengthen this bill very materially and add to its efficiency in many respects if we will dispense with the board. The board, after all, can agree upon only one plan of action. If they disagree we certainly have a source of weakness instead of a source of strength. All the board can accomplish is to unite, to agree, upon a policy. It seems to me that policy can be carried out much more efficiently by one executive officer than by a board. I think the total result of section 6 as now drawn, and especially as amended by the amendment, which I voted against, to create classes out of which this board shall be selected—the total result is to weaken the section, and we will still more weaken it if we leave the board in existence at all. I think the board ought to be stricken out and the commissioner of education left in charge.

The CHAIRMAN. The question is on the amendment by way of a substitute offered by the gentleman from Missouri [Mr. BORLAND].

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 10, noes 39.

Accordingly the amendment was disagreed to.

The CHAIRMAN. The Clerk will read.

Mr. HUGHES. Mr. Chairman, I move that all debate on section 6 be now closed.

The motion was agreed to.

Mr. HUGHES. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture, the trades, industries, and home economics; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to authorize the appropriation of money and to regulate its expenditure, and had come to no resolution thereon.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following request:

FLORENCE, S. C., *January 2, 1917.*

Hon. CLAUDE KITCHIN,
Washington, D. C.:

Please secure five days' leave of absence and arrange pairs. I am in favor of probe.

J. W. RAGSDALE.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

By unanimous consent, leave of absence was granted to Mr. KITCHIN, indefinitely, on account of illness in his family.

LEAVE TO EXTEND REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks on the vocational educational bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the vocational educational bill. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Oklahoma makes a similar request. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting some remarks made on yesterday in Philadelphia by the gentleman from Ohio [Mr. FESS] on Thirty Months of War.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent to extend his remarks in the RECORD by printing a speech made yesterday by Dr. FESS at Philadelphia on Thirty Months of War. Is there objection?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the vocational education bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend his remarks on the pending bill. Is there objection?

There was no objection.

MINORITY VIEWS ON POST OFFICE APPROPRIATION BILL.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent that I be allowed two days in which to file minority views on the Post Office appropriation bill (H. R. 19410).

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for two days in which to file minority views on the Post Office appropriation bill (H. Rept. No. 1249, pt. 2). Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 3, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting statement showing in detail what officers or employees of the Navy Department who were paid out of appropriations contained in the legislative, executive, and judicial appropriation act, traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1916 (H. Doc. No. 1809); to the Committee on Expenditures in the Navy Department and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Ashley River, N. C. (H. Doc. No. 1810); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ended June 30, 1916 (H. Doc. No. 1811); to the Committee on Expenditures in the War Department and ordered to be printed.

4. A letter from the Secretary of War, transmitting report of the publications received and distributed by the War Department during the fiscal year ended June 30, 1916 (H. Doc. No. 1812); to the Committee on Expenditures in the War Department and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of the Merrimack River, Mass., from Lowell to the sea, and on preliminary examination of Merrimack River, from Lowell, Mass., to Manchester, N. H. (H. Doc. No. 1813); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of War, transmitting a petition from a number of employees in the War Department occupying low-salaried positions asking for an increase in their compensation because of the high cost of living; to the Committee on Appropriations.

7. A letter from the Secretary of Commerce, transmitting a petition from the employees in the office of the local inspectors at Evansville, Ind., requesting an increase in salaries; to the Committee on Appropriations.

8. A letter from the Secretary of Commerce, transmitting a petition from the employees in the office of the local inspectors at Dubuque, Iowa, Steamboat-Inspection Service requesting an increase in salaries; to the Committee on Appropriations.

9. A letter from the Secretary of Commerce, transmitting a petition from the employees in the office of the local inspectors at Apalachicola, Fla., Steamboat-Inspection Service, requesting an increase in salaries; to the Committee on Appropriations.

10. A letter from the Secretary of Commerce, transmitting a petition from the employees in the office of the local inspectors at Galveston, Tex., Steamboat-Inspection Service, requesting an increase in salaries; to the Committee on Appropriations.

11. A letter from the Secretary of the Department of the Interior, transmitting lists of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest (H. Doc. No. 1814); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

12. A letter from the Secretary of War, transmitting report of the commanding officer of Watertown Arsenal of "tests of iron and steel and other materials for industrial purposes" made at that arsenal during the fiscal year ended June 30, 1916; to the Committee on Military Affairs.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Boughan, son and one of the heirs of William M. Boughan, deceased, *v.* The United States (H. Doc. No. 1815); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emma R. Burlingame, widow of Andrew J. Burlingame, deceased, *v.* The United States (H. Doc. No. 1816); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sidney E. Harrison, widow of Samuel H. Harrison, deceased, *v.* The United States (H. Doc. No. 1817); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Alonzo D. Hosmer *v.* The United States (H. Doc. No. 1818); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. McDowell, widow of Cyrus D. McDowell, deceased, *v.* The United States (H. Doc. No. 1819); to the Committee on War Claims and ordered to be printed.

18. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Yelton *v.* The United States (H. Doc. No. 1820); to the Committee on War Claims and ordered to be printed.

19. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. Martin, widow (remarried) of Samson M. Archer, deceased, *v.* The United States (H. Doc. No. 1821); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Belle W. Morris, niece of John H. Benham, deceased, *v.* The United States (H. Doc. No. 1822); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary J. Camp, widow of Samuel C. Camp, deceased, *v.* The United States (H. Doc. No. 1823); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Kate C. Carey and Fannie C. Eldridge, daughters and sole heirs of Milton Carpenter, deceased, *v.* The United States (H. Doc. No. 1824); to the Committee on War Claims and ordered to be printed.

23. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William C. Cotton, son of Joseph Cotton, deceased, *v.* The United States; (H. Doc. No. 1825); to the Committee on War Claims and ordered to be printed.

24. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cornelia Cress, widow of Edwin Cress, deceased, *v.* The United States (H. Doc. No. 1826); to the Committee on War Claims and ordered to be printed.

25. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nancy P. Crosson, widow of Francis M. Crosson, deceased, *v.* The United States (H. Doc. No. 1827); to the Committee on War Claims and ordered to be printed.

26. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ella C. Daniels, widow of Charles Daniels, deceased, *v.* The United States (H. Doc. No. 1828); to the Committee on War Claims and ordered to be printed.

27. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lillian J. Hines and Frances D. Clark, nieces of Thomas Dean, deceased, *v.* The United States (H. Doc. No. 1829); to the Committee on War Claims and ordered to be printed.

28. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Matilda D. Edgerton, widow of William H. Edgerton, deceased, *v.* The United States (H. Doc. No. 1830); to the Committee on War Claims and ordered to be printed.

29. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary St. C. Ferguson, widow of William G. Ferguson, deceased, *v.* The United States (H. Doc. No. 1831); to the Committee on War Claims and ordered to be printed.

30. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Minerva Groom, widow of John C. Groom, deceased, *v.* The United States (H. Doc. No. 1832); to the Committee on War Claims and ordered to be printed.

31. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Maggie M. Deisch, formerly Maggie M. Guild, widow of George H. Guild, deceased, *v.* The United States (H. Doc. No. 1833); to the Committee on War Claims and ordered to be printed.

32. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary C. Griffin, widow of Daniel F. Griffin, deceased, *v.* The

United States (H. Doc. No. 1834); to the Committee on War Claims and ordered to be printed.

33. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of David Isaacs, Jane Davis, Phoebe Isaacs, and Julia Einstein, children and sole heirs of Lyon Isaacs, deceased, *v.* The United States (H. Doc. No. 1835); to the Committee on War Claims and ordered to be printed.

34. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frances J. Van Tuyle, widow (remarried) of Henry W. Jacobs, deceased, *v.* The United States (H. Doc. No. 1836); to the Committee on War Claims and ordered to be printed.

35. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph B. Presdee *v.* The United States (H. Doc. No. 1837); to the Committee on War Claims and ordered to be printed.

36. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Orville T. Perkins *v.* The United States (H. Doc. No. 1838); to the Committee on War Claims and ordered to be printed.

37. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Robert H. M. Donnelly *v.* The United States (H. Doc. No. 1839); to the Committee on War Claims and ordered to be printed.

38. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Devol *v.* The United States (H. Doc. No. 1840); to the Committee on War Claims and ordered to be printed.

39. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hattie Reaver and Ola Baird, daughters and sole heirs of Jacob E. Taylor, deceased, *v.* The United States (H. Doc. No. 1841); to the Committee on War Claims and ordered to be printed.

40. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth A. Smith, widow of Thomas J. Smith, deceased, *v.* The United States (H. Doc. No. 1842); to the Committee on War Claims and ordered to be printed.

41. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary F. Silsbee, widow of Eri Silsbee, deceased, *v.* The United States (H. Doc. No. 1843); to the Committee on War Claims and ordered to be printed.

42. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Annie E. Perigo, widow of Ephraim Y. Perigo, deceased, *v.* The United States (H. Doc. No. 1844); to the Committee on War Claims and ordered to be printed.

43. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. Sweisfort, widow (remarried) of Benjamin M. Frank, deceased, *v.* The United States (H. Doc. No. 1845); to the Committee on War Claims and ordered to be printed.

44. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Albert Reynolds *v.* The United States (H. Doc. No. 1846); to the Committee on War Claims and ordered to be printed.

45. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph Brinton *v.* The United States (H. Doc. No. 1847); to the Committee on War Claims and ordered to be printed.

46. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Bayless *v.* The United States (H. Doc. No. 1848); to the Committee on War Claims and ordered to be printed.

47. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Whitney *v.* The United States (H. Doc. No. 1849); to the Committee on War Claims and ordered to be printed.

48. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hannah C. Wainwright, widow of William A. Wainwright, deceased, *v.* The United States (H. Doc. No. 1850); to the Committee on War Claims and ordered to be printed.

49. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cleveland Robinson, son of John C. Robinson, deceased, *v.* The United States (H. Doc. No. 1851); to the Committee on Claims and ordered to be printed.

50. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucius H. Ives *v.* The United States (H. Doc. No. 1852); to the Committee on War Claims and ordered to be printed.

51. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emma G. Harris, daughter of Henry Gephart, deceased, *v.* The United States (H. Doc. No. 1853); to the Committee on War Claims and ordered to be printed.

52. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank Erdlemeyer *v.* The United States (H. Doc. No. 1854); to the Committee on War Claims and ordered to be printed.

53. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Rowland J. Beatty *v.* The United States (H. Doc. No. 1855); to the Committee on War Claims and ordered to be printed.

54. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Margaret G. Augustine, administratrix of Henry Augustine, deceased, *v.* The United States (H. Doc. No. 1856); to the Committee on War Claims and ordered to be printed.

55. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Wiley, widow of Thomas C. Wiley, deceased, *v.* The United States (H. Doc. No. 1857); to the Committee on War Claims and ordered to be printed.

56. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eliza J. Van Doren, widow of Archibald Van Doren, deceased, *v.* The United States (H. Doc. No. 1858); to the Committee on War Claims and ordered to be printed.

57. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frances D. Tenney, widow of Luman H. Tenney, deceased *v.* The United States (H. Doc. No. 1859); to the Committee on War Claims and ordered to be printed.

58. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph H. Bigley, administrator of Charles C. Suydam, deceased, *v.* The United States (H. Doc. No. 1860); to the Committee on War Claims and ordered to be printed.

59. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isora S. Cottrell, widow (remarried) of Gideon J. Stivers, deceased, *v.* The United States (H. Doc. No. 1861); to the Committee on War Claims and ordered to be printed.

60. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary S. Sheffield, widow of Eugene S. Sheffield, deceased, *v.* The United States (H. Doc. No. 1862); to the Committee on War Claims and ordered to be printed.

61. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Dwight L. Bathurst, administrator of Horace A. Russell, deceased, *v.* The United States (H. Doc. No. 1863); to the Committee on War Claims and ordered to be printed.

62. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Arthur C. Page, son of Francis M. Page, deceased, *v.* The United States (H. Doc. No. 1864); to the Committee on War Claims and ordered to be printed.

63. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George D. Millett, brother of John Millett, deceased, *v.* The United States (H. Doc. No. 1865); to the Committee on War Claims and ordered to be printed.

64. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary L. Martin, widow of Jeremiah C. Martin, deceased, *v.* The United States (H. Doc. No. 1866); to the Committee on War Claims and ordered to be printed.

65. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary L. Jennings, daughter of Benjamin F. Lee, deceased, *v.* The United States (H. Doc. No. 1867); to the Committee on War Claims and ordered to be printed.

66. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of C. T. Wathen, administrator of William H. Lawrence, deceased, *v.* The United States (H. Doc. No. 1868); to the Committee on War Claims and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 13311) granting a pension to Mrs. Dicie J. Sullivan, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOON: A bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the State of the Union.

By Mr. KINKAID: A bill (H. R. 19411) providing for construction of bridges and culverts on public highways out of the reclamation fund when rendered necessary or appropriate by the construction of canals or laterals under the reclamation law; to the Committee on Irrigation of Arid Lands.

By Mr. RANDALL: A bill (H. R. 19412) to provide for the purchase of a site and the erection of a public building at Pomona, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL (by request): A bill (H. R. 19413) for the inclusion of certain lands in the Wyoming National Forest, Wyo.; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 19414) for the erection of a public building at the city of Auburn, State of California, and appropriating moneys therefor; to the Committee on Public Buildings and Grounds.

By Mr. MURRAY: A bill (H. R. 19415) to remove restrictions against alienation and taxation on all lands in the Five Civilized Tribes immediately upon the death of the allottee; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 19416) to provide for an auxiliary reclamation project in connection with the Minidoka project, Idaho; to the Committee on Irrigation of Arid Lands.

By Mr. RAKER: A bill (H. R. 19417) to amend section 1 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912 (37 Stat., pp. 539–560, chap. 389), relating to publications admitted to the second class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. PARK: A bill (H. R. 19418) to promote the reclamation of arid and swamp lands of the United States, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 19419) for the reduction of the rate of postage chargeable on first-class mail matter for local delivery; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 19420) to authorize the President of the United States to advance officers on the retired list who were wounded in battle in the service of the United States; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 19421) to authorize entry of the public lands by school districts for schoolhouse site and ground; to the Committee on the Public Lands.

By Mr. HENRY: A bill (H. R. 19422) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 19423) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 19424) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52–53); to the Committee on Indian Affairs.

By Mr. McKELLAR: A bill (H. R. 19425) to raise revenue by taxing certain articles of food held in cold storage; to the Committee on Ways and Means.

By Mr. DENT: A bill (H. R. 19426) to amend an act to establish a uniform system of bankruptcy throughout the United States; to the Committee on the Judiciary.

By Mr. STEELE of Iowa: A bill (H. R. 19427) authorizing the Secretary of War to deliver to the trustees of the Onawa Public Library, Onawa, Iowa, two condemned bronze or brass cannon, with their carriages and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 19428) to authorize the granting of a town-site patent to the town site of Petersburg, Alaska, and contiguous land; to the Committee on the Public Lands.

By Mr. HILLIARD: A bill (H. R. 19429) fixing interstate passenger rates in certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: A bill (H. R. 19430) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for the filing with the Interstate Commerce Commission by telephone and telegraph companies of their rates, fares, and charges for the transmission of messages; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 19431) to provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 19432) for the relief of the Wichita and affiliated bands of Indians; to the Committee on Indian Affairs.

By Mr. GRIFFIN: A bill (H. R. 19433) changing the designation, fixing the status of, and granting an increase of pay to clerks of the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. KAHN: A resolution (H. Res. 423) directing the Attorney General of the United States to transmit to the House certain information relating to the shipment of arms and munitions of war into Mexico in violation of the provisions of the joint resolution of Congress, approved March 14, 1912, and the proclamation of the President issued in compliance therewith; to the Committee on the Judiciary.

Also, a resolution (H. Res. 424) directing the Secretary of the Treasury to transmit to the House certain information relating to the shipment of arms and munitions of war into Mexico in violation of the provisions of the joint resolution of Congress, approved March 14, 1912, and the proclamation of the President issued in compliance therewith; to the Committee on Ways and Means.

Also, a resolution (H. Res. 425) directing the Secretary of War to transmit to the House certain information relating to the shipment of arms and munitions of war into Mexico, in violation of the provisions of the joint resolution of Congress, approved March 14, 1912, and the proclamation of the President issued in compliance therewith; to the Committee on Military Affairs.

By Mr. McKELLAR: A resolution (H. Res. 426) indorsing President's peace policy; to the Committee on Foreign Affairs.

By Mr. LENROOT: A resolution (H. Res. 427) amending the rules of the House by the creation of a committee on salaries of officers and employees; to the Committee on Rules.

By Mr. EMERSON: Joint resolution (H. J. Res. 328) to investigate the charges made by Thomas W. Lawson against Members of Congress; to the Committee on Rules.

By Mr. TAVENNER: Joint resolution (H. J. Res. 329) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the United States, and to report thereon to Congress as early as practicable; to the Committee on Apprpriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19434) granting an increase of pension to Samuel V. Templin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19435) granting an increase of pension to John B. Mendenhall; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 19436) granting an increase of pension to William C. Martin; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 19437) granting a pension to Susannah Ditterline; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19438) granting an increase of pension to Zaphnath Stephens; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 19439) granting an increase of pension to Clark L. Stilwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19440) granting an increase of pension to Hiram C. Wood; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19441) granting a pension to J. H. Kissinger; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 19442) granting a pension to Mary A. Baker, widow of Fletcher D. Baker, Company B, Eleventh Regiment Illinois Infantry; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 19443) granting an increase of pension to David Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19444) granting an increase of pension to Mrs. F. B. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19445) to waive the age limit and the disqualification of being married in the appointment of Edgar N. Caldwell as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. CROSSER: A bill (H. R. 19446) granting an increase of pension to Joseph Smolen; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 19447) for the relief of Ferdinand A. Roy; to the Committee on Military Affairs.

Also, a bill (H. R. 19448) granting an increase of pension to Philip P. Keller; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19449) granting an increase of pension to Garrett W. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19450) granting an increase of pension to John Norfleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19451) granting an increase of pension to John Barker; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 19452) granting an increase of pension to Lemuel Cross; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19453) granting an increase of pension to Amanda J. Yockey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19454) granting an increase of pension to Elizabeth York; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 19455) granting a pension to Lilla J. Darling; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19456) granting an increase of pension to William W. Bailey; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 19457) for the relief of T. M. Francis; to the Committee on Claims.

By Mr. GUERNSEY: A bill (H. R. 19458) granting an increase of pension to Frank S. Trickey; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 19459) granting an increase of pension to Robert N. Hawkins; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 19460) granting an increase of pension to Belle W. Dexter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19461) granting an increase of pension to Herman Brumley; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 19462) granting an increase of pension to Morris Lincoln; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19463) granting an increase of pension to Eli Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19464) granting an increase of pension to William Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19465) granting an increase of pension to Theodore M. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19466) granting a pension to David Leroy Reed; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19467) granting an increase of pension to Elizabeth Cross; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 19468) for the relief of Messrs. Palmer and McBryde; to the Committee on Claims.

By Mr. KELLEY: A bill (H. R. 19469) granting a pension to Alvin Jackson; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 19470) granting an increase of pension to George H. Bostwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19471) granting an increase of pension to Mary J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19472) granting a pension to Francis G. Babcock; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19473) granting an increase of pension to Jonathan Wells; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19474) granting a pension to Joseph Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19475) granting a pension to William M. Helvey; to the Committee on Pensions.

Also, a bill (H. R. 19476) for the relief of James Clay Colson; to the Committee on Claims.

By Mr. LEWIS: A bill (H. R. 19477) granting an increase of pension to Adolph van Reuth, jr.; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 19478) granting an increase of pension to Lou West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19479) granting an increase of pension to Fannie Brosius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19480) granting an increase of pension to Lucy Hulett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19481) granting a pension to Lewis Spriggs; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 19482) to provide a suitable medal for Charles P. Bragg; to the Committee on Naval Affairs.

By Mr. McCLINTIC: A bill (H. R. 19483) granting an increase of pension to John A. Quick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19484) granting a pension to James R. Hays; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 19485) granting an increase of pension to G. W. Gleason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19486) granting a pension to Nellie Plew; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 19487) granting an increase of pension to G. W. Bunyan; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 19488) granting an increase of pension to George Edward Blackmer; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 19489) for the relief of Thomas Ford; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 19490) granting an increase of pension to Samuel Crews; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 19491) granting an increase of pension to Josiah James; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 19492) granting an increase of pension to Hobart Hamilton; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 19493) granting an increase of pension to Mary E. McCoy; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 19494) granting a pension to Catherine R. Reader; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19495) granting an increase of pension to James W. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19496) granting an increase of pension to William D. Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19497) granting an increase of pension to William B. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19498) granting a pension to T. McElvaney; to the Committee on Pensions.

Also, a bill (H. R. 19499) granting a pension to Grant Gooch; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 19500) granting a pension to Fred G. Brooks; to the Committee on Pensions.

By Mr. SCULLY: A bill (H. R. 19501) granting an increase of pension to Thomas Lingle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19502) granting an increase of pension to James H. Wood; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19503) granting a pension to George W. Sanford; to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 19504) granting an increase of pension to Benjamin F. Kester; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 19505) granting an increase of pension to Louisa N. Tobey; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 19506) granting a pension to Mary Glover; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19507) granting an increase of pension to De Foris Thayer; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 19508) granting an increase of pension to John U. Whitford; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19509) granting an increase of pension to George M. Loring; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19510) granting an increase of pension to Isaac Boyce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19511) granting an increase of pension to Jacob J. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19512) granting an increase of pension to Luke P. Brooks; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 19513) granting an increase of pension to Frederick C. Schriefer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19514) granting a pension to Luda Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19515) granting a pension to Earl P. Ridgman; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 19516) granting an increase of pension to Stephen Konicka; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19517) granting an increase of pension to Mary J. Utter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19518) granting an increase of pension to George W. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19519) granting a pension to Henry S. Gooch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19520) granting a pension to Thomas S. Garen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19521) granting a pension to Jennie Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19522) for the relief of S. Reamey; to the Committee on War Claims.

Also, a bill (H. R. 19523) for the relief of the legal representatives of Archer Hays, deceased; to the Committee on War Claims.

Also, a bill (H. R. 19524) for the relief of the heirs of Abraham Elrod; to the Committee on War Claims.

Also, a bill (H. R. 19525) for the relief of the heirs of Lot Quinn; to the Committee on War Claims.

Also, a bill (H. R. 19526) for the relief of heirs of Nathan Pumphrey; to the Committee on War Claims.

Also, a bill (H. R. 19527) for the relief of the legal representatives of Jennie Hunter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 19528) for the relief of Jennie Belle Cox, Robert Isaac Clegg, and Thomas Neel Clegg, children and only heirs of Thomas Watts Clegg, deceased; to the Committee on War Claims.

Also, a bill (H. R. 19529) granting an honorable discharge to Phillip Totten; to the Committee on Military Affairs.

Also, a bill (H. R. 19530) to correct the military record of Andrew J. Flanders; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 19531) granting a pension to Americus Watt; to the Committee on Pensions.

Also, a bill (H. R. 19532) granting a pension to Angeline E. Nourse; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 19533) to correct the military record of William J. Kerrigan; to the Committee on Military Affairs.

By Mr. TOWNER: A bill (H. R. 19534) granting an increase of pension to Hamilton L. Karr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19535) granting an increase of pension to Daniel Ambrosier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19536) granting an increase of pension to William Henry Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19537) granting a pension to Lucia L. Clark; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 19538) granting an increase of pension to Marvin J. Boughton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Red Polled Cattle Club of America, Gotham, Wis., protesting against proposed embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of citizens of Kings County, N. Y., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill 18089 for the special relief of Louisa Casy; to the Committee on Pensions.

Also, petition of Licking Lodge, No. 499, Loyal Order of Moose, of Newark, Ohio, against the increase of postage for periodicals, etc.; to the Committee on the Post Office and Post Roads.

By Mr. BROWNE: Petition of Fred Dethloff, W. H. Slatter, and many other residents of Marathon County, Wis., in favor of the Lindbergh resolution, No. 264; to the Committee on Rules.

By Mr. BRUCKNER: Petition of National Child Labor Committee, New York City, favoring passage of the Smith-Hughes vocational education bill; to the Committee on Education.

Also, petition of Board of Aldermen, New York City, protesting abolishment of pneumatic-tube mail system now in operation; to the Committee on the Post Office and Post Roads.

Also, petition of Paragon Plaster Co., Syracuse, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen of America, Cincinnati, Ohio, protesting against passage of national prohibition law; to the Committee on the Judiciary.

Also, petition of Lincoln Society, Brooklyn, N. Y., favoring compulsory universal military training; to the Committee on Military Affairs.

Also, petition of G. O. Manley, New York City, favoring passage of House bill 15312; to the Committee on Expenditures in the Treasury Department.

Also, petition of Woman's Benefit Association of the Maccabees, Port Huron, Mich., protesting against increase of pound rate on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. CALDWELL: Memorial of Board of Aldermen of the city of New York, against autotruck service for mail; to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of sundry citizens, favoring increase for railway mail clerks and others; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of International Union of Brewery Workmen, of Schenectady, N. Y., against prohibition of any character; to the Committee on the Judiciary.

Also, petition of International Brotherhood of Electric Workers, of Schenectady, N. Y., favoring embargo on exportation of foodstuffs; to the Committee on Foreign Affairs.

Also, petitions of the Loyal Order of Moose, of Gloverville, Amsterdam, and Johnstown, N. Y., against increase of postage on certain periodicals; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Christian Herald, New York City, protesting against proposed increase on second-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of New York Photo Engravers' Union, No. 1; New York State Federation of Labor; International Typographical Union; Hardware Age; Central Federated Union; Christian Work; New York Freeman's Journal; Curtis Publishing Co.; Woman's Benefit Association of the Maccabees; and W. D. Boyce Co., protesting against proposed increase of the rate on periodicals, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Cigarmakers' International Union of America, Local Union No. 132, Brooklyn, N. Y., protesting against passage of national prohibition law, etc.; to the Committee on the Judiciary.

Also, petition of National Child Labor Committee, New York City, favoring the passage of the Smith-Hughes vocational education bill; to the Committee on Education.

Also, petition of International Union of United Brewery Workmen of America and Central Federated Union, favoring increase of pay for Federal employees; to the Committee on Appropriations.

Also, petition of Boufort's Wine & Spirit Circular (Inc.), Louisville, Ky., favoring certain changes in the Randall bill prohibiting sending of periodicals with liquor advertisements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Ridgewood Board of Trade, Brooklyn, N. Y., favoring an increase in number of ways for Brooklyn Navy Yard in order that two ships may be built simultaneously; to the Committee on Naval Affairs.

Also, petition of Rotary Club of New York and the New York Board of Aldermen, against curtailment of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of National Model License League, Louisville, Ky., protesting against passage of prohibition laws; to the Committee on the Judiciary.

Also, petition of C. K. Gleason, of New York City, and Lincoln Society, of Brooklyn, N. Y., favoring passage of compulsory universal military training law; to the Committee on Military Affairs.

Also, petition of American Bar Association, in favor of the passage of Senate bill 4551, vesting certain power in the United States Supreme Court; to the Committee on the Judiciary.

By Mr. DALLINGER: Petition of Middlesex-Essex Pomona Grange, No. 28, Everett, Mass., favoring embargo on wheat and

foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Texas: Petition of sundry firms and citizens of Dallas, Tex., in favor of bill for relief of Niagara Falls power situation; to the Committee on Foreign Affairs.

Also, petition of Cuero Commercial Club, of Cuero, Tex., and Texas Industrial Traffic League and sundry citizens and firms of Cuero, Tex., favoring passage of bill increasing the membership of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. DENISON: Petition of certain letter carriers of Marion, Ill., for increased compensation for railway mail clerks and others; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of sundry citizens against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Wisconsin Dairymen's Association favoring the passage of laws for reasonable national standards for all dairy products, etc.; to the Committee on Agriculture.

By Mr. FESS: Papers to accompany House bill 19016, granting an increase of pension to Frank M. Gibson; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7059, granting an increase of pension to Philip H. Lind; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Rockford (Ill.) Merchants and Business Men's Association, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Elsone, of Northville, S. Dak., favoring House bill 18531, concerning proofs of widowhood in claim for pension; to the Committee on Invalid Pensions.

Also, petition of East St. Louis (Ill.) Commercial Club, favoring the continuation and extension of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, petition of Winnebago National Bank, of Rockford, Ill., favoring House bill 17606, amending Federal reserve act; to the Committee on Banking and Currency.

Also, petition of Curtis Publishing Co., of Philadelphia, Pa., opposing the zone system and increase of postage rates for second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of L. W. Brewer, of Ottawa, Ill., favoring House bill 13275, relative to military-bounty land warrants; to the Committee on the Public Lands.

By Mr. GOODWIN of Arkansas: Evidence to accompany House bill 19020, for the relief of Mort Bradshaw; to the Committee on Pensions.

Also, petition of H. S. Speer, of Tinsman, and W. T. McKimon, of Wesson, Ark., for increase in pay of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 18941, granting increase of pension to Lydia Elliott; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Memorial of Sanitary and Reclamation Commission of Astoria, Oreg., asking for erection of modern post-office building; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: Memorial of Greenfield (Cal.) Grange, No. 357, indorsing Government ownership of railroads; to the Committee on the Judiciary.

By Mr. IGOE: Petition of John W. Hays, president of Union Label Trades Department of American Federation of Labor, representing 720,000 workmen, protesting against all prohibition measures now pending before Congress; to the Committee on the Judiciary.

Also, petition of Joseph Fessner, of St. Louis, Mo., secretary of the International Union of United Brewery Workmen of America, protesting, on behalf of 60,000 employees of the breweries of St. Louis, Mo., against the enactment of pending prohibition measures now before Congress; to the Committee on the Judiciary.

Also, petition of Local No. 43, St. Louis, Mo., consisting of 650 members of the International Union of Brewery Workmen, filed by William Frech, secretary, urging the defeat of all prohibition measures now before Congress; to the Committee on the Judiciary.

By Mr. KAHN: Memorial of San Francisco (Cal.) Labor Council, against high cost of living; to the Committee on Interstate and Foreign Commerce.

Also, memorial of California Bean Dealers' Association, San Francisco, Cal., relative to the standardization of all food products; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Memorial of Board of Aldermen of the city of New York, against autotruck service for mail; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of employees of the United States arsenal at Benicia, Cal., urging Congress to give consideration to the enactment of legislation for increasing the pay of civil-service employees generally and providing for the retirement of the aged and disabled employees in line with the trend of times; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of Redding, Cal., urging embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of San Francisco (Cal.) Labor Council, favoring a national building in the San Francisco civic center; to the Committee on Public Buildings and Grounds.

Also, memorial of Los Angeles (Cal.) Wholesalers' Board of Trade, opposing repeal of national-bankruptcy act; to the Committee on the Judiciary.

Also, memorial of California Bean Dealers' Association, favoring standardization of all food products; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the post offices in Los Angeles and Pasadena, Cal., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. RIORDAN: Memorial of Board of Aldermen of the city of New York, against autotruck service for mail; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of New York State Federation of Labor against increasing rates of postage on certain periodicals; to the Committee on the Post Office and Post Roads.

By Mr. SPARKMAN: Petition of sundry citizens of Pasco, Fla., favoring passage of immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: Petition of W. F. Davis and other railway mail clerks of Amarillo, Tex., asking for increase of pay, etc.; to the Committee on the Post Office and Post Roads.

By Mr. SULLOWAY: Petition of employees of Laconia, N. H., post office, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Petition of J. F. Kelly, president Massachusetts Council, Friends of Irish Freedom, urging Congress to see that delegates of the United States to the proposed peace conference act as the champions of Irish freedom, etc.; to the Committee on Foreign Affairs.

Also, petition of C. O. Chadwich and other coal dealers of Newton, Mass., for the regulation of the price of coal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Union Label Trades Department of the American Federation of Labor, protesting against proposed prohibition legislation; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *January 3, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee in prayer because our confidence and hope is in Thy steadfastness. Thou dost not change. Thou dost not wait upon our willingness to follow. Thou hast led us by Thy hand in paths that we have not known, paths that lie beyond the reach of our thoughts and plans. Thou hast led us; Thou hast increased us in prosperity; Thou hast lavished upon us the blessings of the divine mind. We come before Thee to pray that Thou wouldst guide us this day in the discharge of our duties and lead us forward true to the great principles that we have committed ourselves to as a Nation, and loyal to the name of the God of our fathers. For Christ's sake. Amen.

THE JOURNAL.

The PRESIDENT pro tempore. The Secretary will read the Journal of the proceedings of the preceding day.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bryan	Culberson	Gronna
Bankhead	Chamberlain	Cummins	Harding
Beckham	Chilton	Curtis	Hardwick
Brady	Clapp	Fletcher	Hitchcock
Brandegee	Clark	Gallinger	Hollis

Hughes	Norris	Sheppard	Thompson
Jones	Oliver	Sherman	Tillman
Kenyon	Overman	Simmons	Townsend
Lane	Page	Smith, Ga.	Vardaman
Lee, Md.	Phelan	Smith, Md.	Wadsworth
Lewis	Pittman	Smoot	Walsh
Lodge	Ransdell	Sterling	Watson
McLean	Reed	Stone	Weeks
Martine, N. J.	Saulsbury	Swanson	Works
Nelson	Shafroth	Thomas	

Mr. VARDAMAN. I have been requested to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate on account of illness.

Mr. HUGHES. I wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES], who is detained from the Senate on account of illness.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the preceding day.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION—SECRETS OF STATE DEPARTMENT.

Mr. STONE. Mr. President, I ask leave to consume a minute or two at this time.

On yesterday, in discussing a question of personal privilege, I adverted to the fact that confidential communications made to the State Department had been shown to people, and perhaps copies of documents given to people not entitled to have them. I ought to have said then, what I ask leave to say now, that these official misdeeds did not occur since Secretary Lansing has been at the head of that department, but occurred long before. I am absolutely sure that no Secretary of State or any other high official in that department has at any time had cognizance of the acts to which I referred and which I condemned, but quite the contrary.

Wishing to make my statement of yesterday complete and plain, I have thought I should supplement the statement of yesterday by what I have just said, showing that nothing I referred to occurred since Mr. Lansing has been at the head of the State Department; moreover, I will add that I am sure Secretary Lansing has taken every step possible to prevent a recurrence of such misconduct as I adverted to.

ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation for salary of an assistant to the Secretary of the Treasury, to be appointed by the Secretary, with compensation at the rate of $5,000 per annum, etc. (S. Doc. No. 660), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation for increase of salary of the Government actuary under control of the Treasury Department, from $2,500 to $4,000 per annum (S. Doc. No. 661), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of Pomona Grange, Patrons of Husbandry, of Greenfield, Cal., praying for Government ownership of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Labor Council of San Francisco, Cal., praying for the erection of a Federal building on a site in the Civic Center, at San Francisco, Cal., which was referred to the Committee on Public Buildings and Grounds.

Mr. LODGE presented a petition of the Citizens' Association of West Roxbury, Mass., praying for national prohibition, which was ordered to lie on the table.

Mr. LIPPITT presented a memorial of sundry citizens of Newport, R. I., remonstrating against the deportation of Belgians by Germany, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of sundry citizens of Walla Walla, Wash., praying that the pensions granted by the Government be paid monthly instead of quarterly, which were referred to the Committee on Pensions.

He also presented petitions of the Spokane (Wash.) Branch of the Railway Mail Association, and of sundry citizens of Bremerton, Wash., praying for an increase in the salaries of postal clerks, and for the adoption of a noncontributory civil-service retirement system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Stevens County Pomona Grange, Patrons of Husbandry, of Colville, Wash., remonstrating against the passage of the so-called Shields water-power bill, which was ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Boston, Newton, Dorchester, Brookline, and Roxbury, all in the State of Massachusetts, praying for the placing of an embargo on coal, which were referred to the Committee on Foreign Relations.

Mr. WATSON presented a petition of sundry citizens of Fort Branch, Ind., praying for the establishment of a colony for the care and treatment of persons suffering from leprosy, which was referred to the Committee on Public Health and National Quarantine.

ABSENTEE VOTING (S. DOC. NO. 659).

Mr. CHILTON. I report favorably from the Committee on Printing a resolution (S. Res. 304), and I call the attention of the Senator from New Hampshire [Mr. GALLINGER] to it. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 304), as follows:

Resolved, That the manuscript submitted by the Senator from New Hampshire [Mr. GALLINGER] on January 2, 1917, entitled "Absentee Voting," prepared by the Legislative Reference Division of the Library of Congress, be printed as a Senate document.

Mr. GALLINGER. I ask that the manuscript be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent for the immediate consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

SAFETY AT SEA (S. DOC. NO. 658).

Mr. CHILTON. On the 22d of December I reported from the Committee on Printing Senate resolution 299, to print a manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], who is now at his home ill. I asked unanimous consent at that time for the immediate consideration of the resolution, and I thought it was granted and the manuscript ordered printed. I see by the RECORD, however, that it was not, and I now ask unanimous consent that Senate resolution 299 be taken up out of order from the calendar and passed. I send to the desk a letter from the Secretary of Commerce, showing the importance of printing the document, and I ask that the letter be printed in the RECORD. The cost will be only about $70. It is an important matter.

The PRESIDENT pro tempore. Does the Senator from West Virginia desire to have the letter read?

Mr. CHILTON. No; let it be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, October 3, 1916.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Printing, United States Senate,
Washington, D. C.

SIR: I am returning herewith a pamphlet entitled "Safety at Sea—proposed coastwise pilot charts showing the safety zones and danger spaces for the prevention of collisions at sea," by Capt. Armistead Rust, United States Navy, which was forwarded with your letter dated September 5, 1916.

In view of the great and increasing importance of the general subject of steamship lanes and the desirability of making readily available all contributions on the various points involved in safeguarding navigation on the high seas, it is recommended, without passing upon the merits of the details of the plan proposed by Capt. Rust, that the text and illustrations of Capt. Rust's paper be printed as a Senate document.

Respectfully, yours,

WILLIAM C. REDFIELD,
Secretary.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 299) reported by Mr. CHILTON from the Committee on Printing December 22, 1916, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on July 25, 1916, entitled "Safety at Sea—proposed coastwise pilot charts, showing safety zones and danger places," by Capt. Armistead Rust, United States Navy, be printed as a Senate document, with illustrations.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 7367) to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark., and I submit a report (No. 893) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE (by request):

A bill (S. 7586) to establish a retired list in the civil service of the United States, and for other purposes; to the Committee on Civil Service and Retrenchment.

By Mr. THOMPSON:

A bill (S. 7587) amending an act entitled "An act divesting intoxicating liquors of their interstate character in certain cases," which became a law on the 1st day of March, 1913; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 7588) for the relief of Melissa Gurin (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7589) to establish an Indian boarding school at or near the city of Rolla, in the State of North Dakota; to the Committee on Indian Affairs.

A bill (S. 7590) granting an increase of pension to Morris Dumas; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 7591) for a survey of channel connecting Houston Ship Channel with Goose Creek Oil Field; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 7592) to provide for the construction of a dam and reservoir in the North Platte River near Guernsey, Wyo.; to the Committee on Appropriations.

A bill (S. 7593) to amend section 2237 of the Revised Statutes, fixing the salaries of registers and receivers of United States land offices; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 7594) for the relief of Willis Alden; to the Committee on Claims.

By Mr. JONES:

A bill (S. 7595) granting an increase of pension to Rufus Mapes (with accompanying papers);

A bill (S. 7596) granting an increase of pension to Henry Felton (with accompanying papers); and

A bill (S. 7597) granting an increase of pension to James H. Hopkins (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7598) for the relief of John H. Kidd; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 7599) granting an increase of pension to Ellen A. Sawyer (with accompanying papers); and

A bill (S. 7600) granting an increase of pension to Caleb P. Nash (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7601) for the relief of Caleb T. Holland; to the Committee on Military Affairs.

A bill (S. 7602) for the relief of Mary C. Mayers; to the Committee on Claims.

A bill (S. 7603) granting an increase of pension to Joseph Carter; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 7604) authorizing the President to appoint J. Benjamin Hayes a first lieutenant in the Regular Army; to the Committee on Military Affairs.

A bill (S. 7605) granting a pension to Mary A. Cummings (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7606) granting an increase of pension to Charles T. P. Bass;

A bill (S. 7607) granting an increase of pension to John T. Johnson;

A bill (S. 7608) granting an increase of pension to William A. McClure;

A bill (S. 7609) granting a pension to Matilda J. Hall;

A bill (S. 7610) granting an increase of pension to Nathaniel Burton;

A bill (S. 7611) granting an increase of pension to Elbert M. Deffendoll;

A bill (S. 7612) granting an increase of pension to David A. Byers;

A bill (S. 7613) granting an increase of pension to George Douglass;

A bill (S. 7614) granting an increase of pension to Thomas B. Alexander;

A bill (S. 7615) granting an increase of pension to Herman Alleman;

A bill (S. 7616) granting a pension to Mary E. Parker;

A bill (S. 7617) granting a pension to Mary Werner;

A bill (S. 7618) granting an increase of pension to James C. Pratt; and

A bill (S. 7619) granting an increase of pension to Samuel S. Carson; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7620) granting a pension to Sophia J. Fitts Baker (with accompanying papers);

A bill (S. 7621) granting an increase of pension to Angenette Barber (with accompanying papers);

A bill (S. 7622) granting a pension to George F. Bemont (with accompanying papers);

A bill (S. 7623) granting an increase of pension to Lucina Bennett (with accompanying papers);

A bill (S. 7624) granting an increase of pension to Jabez R. Bowen (with accompanying papers);

A bill (S. 7625) granting an increase of pension to Hannah A. Clark (with accompanying papers);

A bill (S. 7626) granting a pension to Sarah Esther Collins (with accompanying papers);

A bill (S. 7627) granting a pension to Grace Mable Copeland (with accompanying papers);

A bill (S. 7628) granting an increase of pension to Elsie Davis (with accompanying papers);

A bill (S. 7629) granting an increase of pension to Margaret Downey (with accompanying papers);

A bill (S. 7630) granting an increase of pension to Lucina Rosamond Gilpatrick (with accompanying papers);

A bill (S. 7631) granting an increase of pension to Horace Griggs (with accompanying papers);

A bill (S. 7632) granting a pension to William A. Hoyle (with accompanying papers);

A bill (S. 7633) granting an increase of pension to Sarah Mumford Law (with accompanying papers);

A bill (S. 7634) granting an increase of pension to Emma L. Leach (with accompanying papers);

A bill (S. 7635) granting an increase of pension to Annie M. Lincoln (with accompanying papers);

A bill (S. 7636) granting an increase of pension to Ellen Manchester (with accompanying papers);

A bill (S. 7637) granting an increase of pension to Mary E. Newbury (with accompanying papers);

A bill (S. 7638) granting an increase of pension to Timothy Quinn (with accompanying papers);

A bill (S. 7639) granting a pension to Margaret A. Semple (with accompanying papers);

A bill (S. 7640) granting an increase of pension to Frank S. Shaffer (with accompanying papers);

A bill (S. 7641) granting an increase of pension to Elizabeth Stoughton (with accompanying papers);

A bill (S. 7642) granting an increase of pension to Eliza S. Wilcox (with accompanying papers); and

A bill (S. 7643) granting an increase of pension to Edward D. Woodmansee (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the superintendent of the Botanic Garden from $2,000 to $2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

MINING ON INDIAN RESERVATIONS.

Mr. ASHURST. Mr. President, I apprehend that when the appropriate order of business is reached the resolution submitted by the Senator from Nebraska [Mr. HITCHCOCK] will consume in its discussion a good part of the morning hour. Before we reach that, knowing that I could not get the matter for which I desire to ask consideration considered at that time, I should like to call the attention of the Senate to Order of Business on the Calendar 790, being the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations. It is a bill which passed the House at the last session; it has been reported favorably from the Committee on Indian Affairs of this body; and while I do not now seek, of course, to secure its passage during the morning hour, I am anxious to have a date set upon which a vote may be had upon the bill.

I have, therefore, prepared the following request for a unanimous-consent agreement:

IN THE SENATE OF THE UNITED STATES.

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at 3 o'clock p. m. on Tuesday, January 30, 1917, the Senate will proceed to the consideration of H. R. 12426, an act to authorize mining for metalliferous minerals on Indian reservations, and during that calendar day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 4 o'clock p. m. on said day, January 30, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or upon any amendment offered thereto.

I do not wish in any way to interfere with the progress of the resolution which has been submitted by the Senator from Nebraska, but I have read my proposition for a unanimous-consent agreement, so that I might anticipate if there is going to be an objection, and thereby save the calling of the roll.

Mr. GALLINGER. Mr. President, I have no knowledge of the bill in which the Senator from Arizona is interested; very likely it is a most meritorious measure, but I desire to suggest a point of order to the effect that we can not by unanimous consent agree to consider a bill that is not before the Senate.

Mr. ASHURST. The bill has been favorably reported from the Committee on Indian Affairs of the Senate.

Mr. GALLINGER. But it is not before the Senate for consideration, and I make the point of order, Mr. President. If we should agree to such propositions as this we might consume all the time in asking for unanimous-consent agreements to consider bills when they were not under consideration.

Mr. ASHURST. Mr. President, I confess that the point of order is well taken. Then I move that the Senate proceed to the consideration of House bill 12426.

Mr. GALLINGER. Mr. President, I shall have to make the point of order on that motion, that until the hour of 1 o'clock has arrived, under the rules, the motion is not in order.

The PRESIDENT pro tempore. The point of order must be sustained by the Chair.

Mr. ASHURST. I confess the point of order. I do not wish to press the matter this morning, but I merely desire to state that this is a bill which has passed the other House; that it is of great importance, not only to the entire West but to all the Indians, and I have felt that I have been somewhat negligent in not pressing the matter before. I now give notice that at the earliest opportunity, when I am in order, and when convenient to the Senate, I shall move that the Senate proceed to the consideration of the bill.

GARDEN CITY MOVEMENT.

Mr. SHEPPARD submitted the following resolution (S. Res. 305), which was referred to the Committee on Agriculture and Forestry:

Whereas the garden city and garden suburb movement in Europe has made wonderful progress during the first eight years of its existence; and

Whereas the object of this movement is to secure permanent and comfortable homes for the people on terms within the reach of the average income and to combine the advantages of town and country in the same community; and

Whereas this movement is contributing materially to the health, comfort, and prosperity of the people who have experienced its benefits; and

Whereas the movement, in the estimation of many, points the way to the long-sought goal of a contented, home-owning population; and

Whereas a beginning along this line is claimed to have been made in the United States; and

Whereas thousands of American citizens have petitioned Members of Congress for an investigation of the movement both in Europe and the United States: Therefore be it

Resolved, That the Senate Committee on Agriculture and Forestry be authorized and requested to hear and consider such testimony as may be produced before said committee in Washington regarding this movement both in Europe, in the United States, and elsewhere, and to report its findings to the Senate.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

The PRESIDENT pro tempore. If there be no further concurrent and other resolutions, the Chair lays before the Senate a resolution coming over from a previous day.

Mr. OVERMAN. Mr. President, I ask that the resolution which I submitted on yesterday, being Senate resolution 300, go over without prejudice, to be called up to-morrow.

The PRESIDENT pro tempore. The Senator from North Carolina requests that the resolution submitted by him and coming over from a previous day may go over until to-morrow without prejudice. Is there objection? The Chair hears none, and it is so ordered.

PEACE OVERTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution (S. Res. 298) submitted by the Senator from Nebraska [Mr. HITCHCOCK] and coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 298) submitted by Mr. HITCHCOCK December 22, 1916, as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. HITCHCOCK. Mr. President, there is very little that I care to say, or that I can profitably say, on this resolution in addition to what I said on yesterday, unless and until some objections are raised to it. I have endeavored to avoid objections by putting the resolution into such concise and limited shape as would make its passage simply an indorsement of the President's act in asking the warring nations to state the terms on which they will consider peace. I have carefully avoided those portions of the President's notes which might provoke controversy.

I realize that in this Chamber, as elsewhere in the United States, there may be two opinions upon some of the suggestions made by the President in those notes, but I do not see how anywhere there can be any two opinions upon the proposition that in the interests of humanity and of civilization this country should appeal to the nations now at war to state the terms upon which they will consider peace. I realize that such a statement, if made at the present time, would indicate that the nations are far apart; but some time that statement must be made. It is the inevitable first step that must be taken.

Mr. President, we have in our minds a precedent for similar action of quite recent date. It was, I think, in January when peace talk between Japan and Russia, who were then at war, first started, and it was not until a number of months after that time that it was possible to bring those two great warring nations together. The then President of the United States, Theodore Roosevelt, undertook to do it. In his instructions to our ambassadors abroad, he used this language:

The President feels that the time has come when in the interest of all mankind he must endeavor to see if it is not possible to bring to an end the terrible and lamentable conflict now being waged. With both Russia and Japan the United States has inherited ties of friendship and good will. It hopes for the prosperity and welfare of each, and it feels that the progress of the world is set back by the war between these two great nations.

The President accordingly urges the Russian and Japanese Governments not only for their own sakes but in the interest of the whole civilized world, to open direct negotiations for peace with one another. The President suggests that these peace negotiations be conducted directly and exclusively between the belligerents; in other words, that there may be a meeting of Russian and Japanese plenipotentiaries or delegates, without any intermediary, in order to see if it is not possible for these representatives of the two powers to agree to terms of peace. The President earnestly asks that the Russian [Japanese] Government do now agree to such meeting and is asking the Japanese [Russian] Government likewise to agree.

While the President does not feel that any intermediary should be called in in respect to the peace negotiations themselves, he is entirely willing to do what he properly can if the two powers concerned feel that his services will be of aid in arranging the preliminaries as to the time and place of meeting. But, if even these preliminaries can be arranged directly between the two powers, or in any other way, the President will be glad, as his sole purpose is to bring about a meeting which the whole civilized world will pray may result in peace.

Mr. President, the author of this book from which I am reading, entitled Termination of War and Treaties of Peace, is Mr. Coleman Phillipson, an Englishman, and he goes on to describe how Japan showed a disposition to accept at once this suggestion from this great neutral country. He describes also how averse the Russian Government was to accepting, but how finally, by the urgings of the President of the United States, carried even to the Czar personally, the President was finally successful in inducing Russia to undertake those negotiations which finally resulted, as we all know, in peace.

Now, Mr. President, the President of the United States has not gone as far as Theodore Roosevelt went. He has only asked these warring countries to say what are the possible terms of peace. He has not asked them to make peace; he has not asked them to cease the war; he has not invited them to a conference; he has made a request even less than the request made by Theodore Roosevelt at that time. And, Mr. President, if, as stated by Theodore Roosevelt in this document, it was important for the welfare of humanity and civilization to end that war, how much greater strength is there in the plea at the present time to end the existing war, which is so many times more terrible, so many times more destructive, and loaded with so many times more dangers to civilization and to humanity? If there was occasion then to make that request from a great neutral to the warring nations of the world, how much greater is the occasion at the present time, when all civilization is in danger, when four or five of the great nations of the world are threatened with famine, when a million men are being killed every year and possibly two or three millions crippled, when even the existence of neutral nations is becoming difficult and almost impossible, when the rights of neutrals are being

trampled on as they were not trampled on in the Russo-Japanese war, and when the very existence of civilized society is endangered by the continuation of a war which is revolutionizing conditions in every great country of the world?

Mr. President, that is my reason for believing, in short, that the Senate of the United States is charged with a great responsibility. It is the one great legislative body of the world that has a right to speak, because under the Constitution it is charged with great duties coordinate with those of the President in international affairs. I sincerely hope, Mr. President, that this resolution may have the general support of this great body.

Mr. SMITH of Georgia. Mr. President, ordinarily I believe that all matters of importance connected with our foreign relations should go to the Committee on Foreign Relations before we act upon them, but this resolution is so simple and the propriety of its passage seems so clear that I was gratified yesterday to hear the chairman of the committee, the Senator from Missouri [Mr. STONE], express a desire for senatorial action without further delay.

The resolution clearly and briefly states what the Senate is asked to do. We only approve and strongly indorse "the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed."

There can be no step toward peace without a statement from each side of the terms upon which peace might be reached. The door seemed a little ajar looking toward negotiations and toward peace, and the President sought to prevent the door from closing hard and fast to prevent negotiations.

Mr. President, I conceive that the neutral nations of the world have a right to express a view upon this subject. The rights of our own country have been disregarded over and over again by each of the contending forces. We have protested; we have called attention to the disregard of our rights. We have not contemplated becoming a party to the war, I feel sure. We might have had occasion——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I yield.

Mr. BORAH. I desire to ask what is the Senator's idea of the present situation with reference to this matter? The President sent his note asking that the belligerent nations state the terms upon which they would be willing to consider the proposition of peace. Germany has replied to that note, and the entente are replying, and perhaps their reply is on the way. What possible good could be accomplished by the adoption of the resolution by the Senate at this time with reference to that note, which simply called for replies which are now upon the way? It will not accelerate the replies, nor will it change them.

Mr. SMITH of Georgia. I answer the Senator that it is an expression from the Senate of the United States, which is a part of this Government in the conduct of our diplomatic affairs, of an earnest desire that negotiations may continue and that peace may be brought about. To fail to pass the resolution would seem to indicate a lack of interest.

Mr. BORAH. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Idaho.

Mr. BORAH. The note of the President is not a note of peace or of mediation, but it distinctly states that aside from that it is simply a request for terms; and the answer to that is now on the way. The answer has been made by Germany. Everyone has his own opinion as to the effect of it, but the answer of Germany is here. The answer of the allies is on the way. Now, what can the Senate do effectively by indorsing a note which has spent its force. The President expressly stated that it was not a peace note nor yet a mediation note, but a note calling for a statement of issues and terms, and those statements and terms, in so far as they are willing to make them, are now on the way or here.

Mr. HITCHCOCK. Mr. President, will the Senator permit me to suggest to him that I have just read the precedent in the case of Japan and Russia. In that case Russia first gave an adverse answer. Her minister of foreign affairs gave an adverse answer that did not satisfy Theodore Roosevelt, and he appealed directly to the Czar. Now, I think the Senator from Idaho would hardly expect that these nations will rush into this opening which we extend. We must make a beginning. We must expect rebuffs on the start.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. SMITH of Georgia. I do not desire to yield until I finish answering at least some of the questions asked or suggestions that have already been made. Later on, if the Senator from Indiana desires to make a suggestion or ask me a question, I shall be glad to hear from him.

Mr. President, these answers from the countries engaged in war are not yet complete. There may be an answer from Germany, and there has been. There may be an answer from the allies on the way; but that does not amount to a final answer. The whole subject is still open. Now, if it is really desirable and if it is really proper for this Nation to express a wish, it certainly is proper for the Senate to do so.

Mr. President, our rights as neutrals, as I stated before, have been disregarded over and over again from each side and by each side. If this war goes on, a continued disregard will come from each. Angered as they are, almost crazed by the terrible struggle in which they are engaged, we can not expect, we know we can not hope for them to regard the rights of neutrals according to rules of international law which heretofore have been accepted as the standards for belligerent conduct.

I think we have done right to protest. At times I have desired our protests even to have gone further than they went—not to the extent of war, however. Nothing has happened during this struggle that I would have been willing to see involve the United States in the war. But, Mr. President, we do not know what is still ahead. The smaller neutral nations and all the neutral nations of the world find the rights of their citizens, and at times the lives of their citizens, involved by this terrible struggle; and I think the neutral nations of the world would be justified in saying to those engaged in war, "We feel that your slaughter has gone far enough. We feel that your disregard of our rights has gone far enough, and we beg you to state your causes of complaint against each other and the terms upon which you would be willing to end the war."

It may be true that the President's letter did not go that far. It may be true that this resolution does not go as far as the view that I have expressed; but this resolution does, at least, express our wish that they may each state the grounds upon which they would be willing to consider peace, and that would be a step toward peace and one from which peace may come. If the letters now on the way decline, I still would be glad to have the Senate express its view upon the subject. I would still be glad to have the neutral nations of the world understand that this part of the Government of the greatest of neutrals declares its desire that each of the contestants should state the terms upon which peace might be made. It comes, and it will go to them, as an expression of our earnest desire, modestly stated, that war may cease. Outside of our rights as neutrals, if we have a spark of love for humanity we must long to see this slaughter cease. Why, in the terrible struggle between the States during our Civil War, there were less than 3,500,000 men enrolled on the two sides. More than that number have died as the result of this war.

Mr. President, I hope that partisanship will be laid aside and that we may unite in at least going as far as this resolution goes.

Mr. LODGE. Mr. President, I said yesterday, in expressing the hope that we might consider this resolution with some care, that it was a resolution of extreme importance. I do not think its importance can be exaggerated. It projects Congress—for the resolution is not confined to this body—in the first place into the field of foreign negotiations, which under our Constitution and form of government is reserved to the Executive. It does more than that. It also projects Congress into the field of European politics, and involves us in the affairs of Europe.

Hitherto, Congress has avoided, in accordance with our traditional policy, any steps which would *directly* involve us in European affairs. Such resolutions as have been passed in regard to events in Europe have been of a general character, usually an expression of sympathy for peoples struggling for their liberties or their independence. This resolution is not of that character, it is not a general resolution in regard to peace. It does not simply say that in the interests of humanity the United States hopes that peace will soon be reached among the belligerents, and that this desolating war will be brought to an early end. Whether or not such a declaration of opinion on the part of Congress would have any effect it is not necessary to discuss; but it would certainly express a sentiment which must be shared by everybody who has any feeling of humanity or any capacity for connected thought.

This resolution goes very much further than that. This resolution commits the Senate, and similar resolutions introduced in the other body commit the House, to the most absolute approval and indorsement of the note of the President. Therefore it is desirable to consider to just what propositions approval of that note would commit Congress and the country. This resolution not only commits us to approval of the Presi-

dent's note but also specifically to demanding of the nations engaged in war on what terms they will make peace. With those terms of peace, as the war is to-day, we have no national or legal concern. The terms of peace, as the war now stands, are wholly beyond and outside our national interests. The ostensible causes of the war—Servia, for example—did not touch the interests of the United States. Such interest as we may have in the terms of peace can only be that of sentiment or of humanity; but legally and nationally we have nothing to do with them. Those who fight the war must make the peace and settle the terms.

It is also to be remembered, Mr. President, that Congress, in acting on a matter of this great seriousness, can not be content with a mere clamor for peace. A peace which meant merely a breathing space until the belligerent nations could gather strength for a fresh struggle, which in all probability when renewed would involve this country, is not a peace which would be worth having. The peace which we desire and must desire, not only for our own selfish interests but in the interests of humanity, must be a just and righteous peace that offers some promise of permanence, and some guaranty that the horrors of the last two years shall not be again poured out upon the world.

Mr. President, before coming to a detailed consideration of the note I wish briefly to trace the policy pursued by our Government under similar conditions.

The right of a neutral country to offer either its good offices or mediation is undoubted. It is discussed and recognized by every writer on international law, from Vattel to the present day. We have a right through the organ of our Government intrusted with that duty—and that is the President—to offer our good offices to bring about peace between warring nations with which we are on friendly terms. That right was explicitly recognized in The Hague Convention, and it was provided there that the offer of good offices by a neutral should not be considered cause of offense by a belligerent. I do not think The Hague provision in any way strengthens the general practice of nations or the law as it now exists. The Hague Conventions have been trampled under foot and utterly disregarded since this war began, and their destruction has been watched with indifference by ourselves and all other neutrals. But the general practice of nations, as I have said, and the recognition of international law, make the right to offer good offices and mediation by a neutral undoubted, and under our form of government the President is the proper authority to make that offer. It must be remembered that, except where mediation is imposed upon belligerents by a more powerful neutral, or by several neutrals, offers of good offices have always followed certain well-recognized lines.

In the first place, it is not to be forgotten that belligerents engaged in active war may, without any breach of friendship or good will, absolutely decline and even resent interference from outside. I wish to call the attention of the Senate to the attitude of our Government in regard to mediation during the Civil War:

June 15, 1861, Lord Lyons, British minister, and M. Mercier, French minister at Washington, called on Mr. Seward and proposed each to read an instruction which he had received from his Government and to leave a copy of it if desired. Mr. Seward, before consenting that the papers should be officially communicated to him, inquired as to their contents; and, after inspecting them, he "declined to hear them read, or to receive official notice of them."

He wrote subsequently to Mr. Adams:

The British Government, while declining, out of regard to our natural sensibility, to propose mediation for the settlement of the differences which now unhappily divide the American people, have nevertheless expressed, in a very proper manner, their willingness to undertake the kindly duty of mediation if we should desire it. The President expects you to say on this point to the British Government that we appreciate this generous and friendly demonstration, but that we can not solicit or accept mediation from any, even the most friendly, quarter.

I quote that paragraph from Moore's International Law Digest, but those who are interested will find a much fuller account of the incident in the recently published life of Lord Lyons, and of the interview which he and the French minister had with Mr. Seward.

At a later time Mr. Seward said, in 1862, more than a year later—and this is published in the Life of Charles Francis Adams, by his son of the same name:

If the British Government shall in any way approach you, directly or indirectly, with propositions which assume or contemplate an appeal to the President on the subject of our internal affairs, whether it seems to imply a purpose to dictate or to mediate or to advise, or even to solicit or persuade, you will answer that you are forbidden to debate, to hear, or in any way receive, entertain, or transmit any communication of the kind. You will make the same answer whether the proposition comes from the British Government alone or from that Government in combination with any other. If you are asked for an opinion of what reception the President would give to such a proposition if made here, you will reply that you are not instructed, but that you have no reason for supposing it would be entertained.

Mr. HITCHCOCK. Will the Senator yield?

Mr. LODGE. Yes.

Mr. HITCHCOCK. I wish to draw the Senator's attention to the great distinction which all writers make between a civil war and a war between independent powers.

Mr. LODGE. Mr. President——

Mr. HITCHCOCK. If the Senator will permit me——

Mr. LODGE. I am permitting.

Mr. HITCHCOCK. I think the Senator will not find a precedent or an authority for the position that the attempt of a neutral to bring about peace between belligerent powers can be resented or regarded as an unfriendly act, and if he will observe the precedents he will see that the exercise of this right—that is, the right of a neutral to intervene——

Mr. LODGE. Mr. President, I yielded for a question; I did not yield for a speech.

Mr. HITCHCOCK. Is it not a fact, then, that the exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act, and can the Senator point to a case, except a case of civil war or a case of admitted war of conquest, where interference has been or can be resented?

Mr. LODGE. Mr. President, I explicitly said when I began that it was not an unfriendly act. Without pretending to any very profound knowledge, I was aware that the war in this country was what is ordinarily called a civil war. That it was a war between the States, I knew. I also am aware that the present war is not a civil war. But the belligerency of the Confederate States had been recognized; it was recognized at the very beginning by England, and our belligerency, of course, was recognized. I only quoted what Mr. Seward said to show that every nation had the right to decline good offices or mediation, and that we had illustrated that ourselves.

I now come to the Franco-German War. On September 9, 1870, this dispatch went from Mr. Fish to Mr. Bancroft, our minister at Berlin:

Washburne telegraphs—

Mr. Washburne was our minister to France—

Washburne telegraphs that France requests United States to join other powers in effort for peace. Uniform policy and true interest of United States not to join European powers in interference in European questions. President strongly desires to see war arrested and blessings of peace restored. If Germany also desires to have good offices of United States interposed, President will be glad to contribute all aid in his power to secure restoration of peace between the two great powers now at war, and with whom United States has so many traditions of friendship. Ascertain if North Germany desires such offices, but without making the tender thereof unless assured they will be accepted.

FISH.

On September 30 Mr. Fish wrote to Mr. Bancroft:

WASHINGTON, *September 30, 1870.*

SIR: Your dispatch No. 133, of the 12th instant, has been received.

The reasons which you present against an American intervention between France and Germany are substantially among the considerations which determined the President in the course and policy indicated to you in the cable dispatches from this office on the 9th instant and in rejecting all idea of mediation unless upon the joint request of both the warring powers.

It continues to be the hope of the President, as it is the interest of the people of this country, that the unhappy war in which France and North Germany are engaged shall find an early end.

This Government will not express any opinion as to the terms or conditions upon which a peace may or should be established between two Governments equally sharing its friendship, but it is hoped that the prolongation of the war may not find its cause either in extreme demands on the one side or extreme sensitiveness on the other.

HAMILTON FISH.

The administration of President Grant followed the well-established method of offering good offices or mediation; that is, the first step, and one without which our Government declined to move, was to ask belligerents, those on both sides of the war, whether it would be acceptable. That not being the case, no offer was made; and our Government was careful to point out that they were not concerned in the terms, that their only desire was peace, but that they would not offer their good offices unless both sides desired them to do so.

That was the course pursued by President Roosevelt when he brought the representatives of Japan and Russia together. He did not send that note to Japan and Russia until he had found that it would be agreeable to both. In his Autobiography, on page 583, he says:

I first satisfied myself that each side wished me to act, but that, naturally and properly, each side was exceedingly anxious that the other should not believe that the action was taken on its initiative. I then sent an identical note to the two powers proposing that they should meet, through their representatives, to see if peace could not be made directly between them, and offered to act as an intermediary in bringing about such a meeting, but not for any other purpose. Each assented to my proposal in principle. There was difficulty in getting them to agree on a common meeting place; but each finally abandoned its original contention in the matter, and the representatives of the two nations finally met at Portsmouth, in New Hampshire.

It will be observed that President Roosevelt, following the precedents of our own country and of others, first sounded both sides to the conflict to discover whether his good offices would

be acceptable. Having discovered that they would be, he then wrote to Russia and to Japan an identical note proposing that they should meet, not suggesting that we, a neutral power, should take part in the conference, but that they should meet, and, as he said, confining himself to that and to no other purpose. The rest is known.

Mr. WATSON. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. WATSON. I ask the Senator if, in the case of President Roosevelt's note, any resolution was introduced into the Senate for a confirmation of his proposal?

Mr. LODGE. I do not remember that any resolution was passed by either House of Congress indorsing and approving the action of the President. The President was acting wholly within his right as Chief Executive, as the present Executive is acting, and it was not sought by him certainly to project the Congress of the United States into the negotiations, if you choose to call them so, or with the good offices he had offered in hopes of bringing the belligerents together.

Now, Mr. President, we are asked to give our full approval to the President's note, which, as I shall proceed to show, goes far beyond any proposition of merely bringing the belligerents together. The President had a perfect right to send that note and to make that experiment. The experiment, as I shall show later, so far as one of the belligerents is concerned, has failed. We have no reason to suppose from reports which come to us that it will have any better success with the other side.

This is the note:

The President of the United States has instructed me to suggest to His Majesty's Government a course of action with regard to the present war which he hopes that the British Government will take under consideration as suggested in the most friendly spirit and as coming not only from a friend but also as coming from the representative of a neutral nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how best to safeguard those interests if the war is to continue.

The suggestion which I am instructed to make the President has long had it in mind to offer. He is somewhat embarrassed to offer it at this particular time because it may now seem to have been prompted by a desire to play a part in connection with the recent overtures of the central powers. It has in fact been in no way suggested by them in its origin and the President would have delayed offering it until those overtures had been independently answered but for the fact that it also concerns the question of peace and may best be considered in connection with other proposals which have the same end in view. The President can only beg that his suggestion be considered entirely on its own merits and as if it had been made in other circumstances.

The President suggests that an early occasion be sought to call out from all the nations now at war such an avowal of their respective views as to the terms upon which the war might be concluded and the arrangements which would be deemed satisfactory as a guaranty against its renewal or the kindling of any similar conflict in the future as would make it possible frankly to compare them.

Now, apart from the statement about our own interests, which lies outside of bringing the nations together, the first proposition of the President is to obtain a statement of the terms from all the belligerents:

He is indifferent as to the means taken to accomplish this. He would be happy himself to serve, or even to take the initiative in its accomplishment, in any way that might prove acceptable, but he has no desire to determine the method or the instrumentality. One way will be as acceptable to him as another if only the great object he has in mind be attained.

He takes the liberty of calling attention to the fact that the objects which the statesmen of the belligerents on both sides have in mind in this war are virtually the same, as stated in general terms to their own people and to the world. Each side desires to make the rights and privileges of weak peoples and small States as secure against aggression or denial in the future as the rights and privileges of the great and powerful States now at war.

This, again, seems to be going rather far in stating the views, the objects, and the intention of the people to whom he is offering his good offices:

Each wishes itself to be made secure in the future, along with all other nations and peoples, against the recurrence of wars like this, and against aggression of selfish interference of any kind. Each would be jealous of the formation of any more rival leagues to preserve an uncertain balance of power amidst multiplying suspicions; but each is ready to consider the formation of a league of nations to insure peace and justice throughout the world. Before that final step can be taken, however, each deems it necessary first to settle the issues of the present war upon terms which will certainly safeguard the independence, the territorial integrity, and the political and commercial freedom of the nations involved.

Now, we come to the second request, and that is the measure to be taken for the preservation of the future peace of the world after the war has concluded:

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

I am not going to discuss now the merits of our engaging and associating ourselves with the powers of Europe. I merely point out that it is a departure from the hitherto unbroken policy of this country, a departure so important that it does not seem to me that it ought to be hastily taken. This part of the note does not concern peace; it concerns the future policy of the United States. If carried out, it means an abandonment of the policy we have hitherto pursued of confining ourselves to our own hemisphere and makes us a part of the political system of another hemisphere, with the inevitable corollary that the nations of that other hemisphere will become a part of our system.

But the war must first be concluded. The terms upon which it is to be concluded they are not at liberty to suggest; but the President does feel that it is his right and his duty to point out their intimate interest in its conclusion, lest it should presently be too late to accomplish the greater things which lie beyond its conclusion, lest the situation of neutral nations, now exceedingly hard to endure, be rendered altogether intolerable, and lest, more than all, an injury be done civilization itself which can never be atoned for or repaired.

The President therefore feels altogether justified in suggesting an immediate opportunity for a comparison of views as to the terms which must precede those ultimate arrangements for the peace of the world, which all desire and in which the neutral nations as well as those at war are ready to play their full responsible part. If the contest must continue to proceed toward undefined ends by slow attrition until the one group of belligerents or the other is exhausted, if million after million of human lives must continue to be offered up until on the one side or the other there are no more to offer, if resentments must be kindled that can never cool and despairs engendered from which there can be no recovery, hopes of peace and of the willing concert of free peoples will be rendered vain and idle

The life of the entire world has been profoundly affected. Every part of the great family of mankind has felt the burden and terror of this unprecedented contest of arms. No nation in the civilized world can be said in truth to stand outside its influence or to be safe against its disturbing effects. And yet the concrete objects for which it is being waged have never been definitively stated.

It has not been usual to criticize the people to whom you are offering your good offices, but I dare say that may be perfectly suitable under the new dispensation, although it has not been the habit to do it.

The leaders of the several belligerents have, as has been said, stated those objects in general terms. But, stated in general terms, they seem the same on both sides.

I doubt very much if that would be accepted by the belligerents. I think their objects seem to them, however erroneously, to be different.

Never yet have the authoritative spokesmen of either side avowed the precise objects which would, if attained, satisfy them and their people that the war had been fought out. The world has been left to conjecture what definitive results, what actual exchange of guaranties, what political or territorial changes or readjustments, what stage of military success even, would bring the war to an end.

It may be that peace is nearer than we know; that the terms which the belligerents on the one side and on the other would deem it necessary to insist upon are not so irreconcilable as some have feared; that an interchange of views would clear the way at least for conference and make the permanent concord of the nations a hope of the immediate future, a concert of nations immediately practicable.

The President is not proposing peace; he is not even offering mediation. He is merely proposing that soundings be taken in order that we may learn, the neutral nations with the belligerent, how near the haven of peace may be for which all mankind longs with an intense and increasing longing. He believes that the spirit in which he speaks and the objects which he seeks will be understood by all concerned, and he confidently hopes for a response which will bring a new light into the affairs of the world.

LANSING.

Putting aside the general statement about conditions, we come down to the essential points that are made in the note which we are asked to indorse by this resolution and to commit the country to, so far as we can commit it, from the first word to the last.

It will be observed that the President found it necessary to say that in making his offer at this particular time he was embarrassed in making it, because it might seem to have been prompted by the recent overtures of the central powers; and he assures us that, of course, it had nothing to do with them. Coming at the time it did, however, it was unfortunate in producing a widespread impression to the contrary. Of course, I accept the President's statement absolutely. I mean never to impute motives to anybody, and I have no power to divine intentions. The President says that it was in no way associated with the note of Germany to the other powers, which had just preceded it; but, unfortunately, I repeat, a different interpretation was placed upon it abroad very generally and also here at home. Those who sympathized most warmly with Germany regarded it as friendly and as done at a time when it would help Germany to make peace at the moment and on the terms she desired; and it was regarded in the same way by those whose sympathies were adverse to Germany and in favor of the allies. It could hardly be otherwise, coming at the moment it did.

But, Mr. President, we are not left wholly to conjecture as to what the feeling was. It is an unwritten rule in both Houses—from which I should be the last to deviate and which I have never seen set aside but once—not to refer in debate to the representatives of foreign Government in the United States. The only occasion on which I remember to have seen that rule set

aside, and properly set aside, was when a letter written by Mr. Dupuy de Lome, the Spanish minister, came to light, in which he attacked the President and Congress, which led to his voluntary recall by the Spanish Government. That letter was discussed.

I know that in referring to an ambassador I am doing an unusual thing, although I refer with all respect; but it is an unusual circumstance which calls it out, and it is an explanation, perhaps, of why the President's note was so widely misinterpreted as being put forth in the German interest.

On December 24, in the New York Staats Zeitung—I have the original here—was a message from the German ambassador, Count von Bernstorff, from which I quote the two essential paragraphs, which I have translated into English. He says:

> Just as once the Star of Bethlehem led the kings from the East on their long journey through the night in the fulfillment of their hopes, so there now gleams into the darkness of this useless slaughter in Europe out of the words of President Wilson the light of a new message of peace on earth. Germany stands ready to follow it. Confident of her strength, but not boastful, conscious that she drew the sword not through lust of conquest but only in defense of her national existence, she asks no foreign territory, but only assurance against future attack and against alliances which threaten the peace of the world.

It is hardly to be wondered at that after such a statement as this from the German ambassador there should be a general impression or general misinterpretation of the President's note, that there should be a general belief that it was designed and timed so as to help Germany in obtaining peace at the moment she desired it and on the terms she wished to impose.

It is unusual, I think, for an ambassador, so far as my experience goes, to approve or to oppose the utterances and declarations of the President of the United States. Washington demanded the recall of Genet because of his public statements in opposition to the policies of Washington's administration. President Cleveland demanded the recall of a British minister because a private letter of the minister had been published in which he had advocated Mr. Cleveland's election, and the demand was made within 48 hours, I think, after the note had been printed.

Mr. STONE. Did the Senator from Massachusetts say that the British minister had advocated Mr. Cleveland's election?

Mr. LODGE. He spoke favorably of Mr. Cleveland's election in that note to his correspondent in California. I think if the Senator from Missouri will look the matter up he will find I am not mistaken in saying that the letter was favorable to Mr. Cleveland. In the one case, that of President Washington, the minister had spoken in opposition; in the case of Mr. Cleveland he had spoken in favor. Of course, I do not cite these as precedents. The traditions and practices of President Cleveland and Mr. Bayard, I know, are no longer in force, but I think they justify me in saying that this utterance of the German ambassador at this time was unusual, and that I am further justified in citing it as showing why President Wilson's note has been so misinterpreted on the very point which he disclaims. I regard that misinterpretation, which has gone widely over the world, as presenting a very serious objection to our indorsing and approving without a word the President's note.

We have been a neutral in this great war. I think we have all tried—I know I have in my official capacity, whatever my sympathies might be—to preserve both in speech and in action a neutral attitude. Now, it is quite as possible to be unneutral in entering upon negotiations for peace as to be unneutral during the operations of war.

If that misinterpretation of the President's note, owing to the time at which it appeared, and which he thought it necessary to forestall, is so general throughout the world, as I believe it to be, then we are in danger when, without any abatement or any modification, we adopt that note, of saying to the whole world that the Senate of the United States, and, if the House acts, the Congress of the United States, are ranging themselves on the side of one belligerent in seeking to bring about peace favorable to that belligerent.

I do not wish to see this country officially ranged on the side of either belligerent either in war or in peace; but certainly I should not wish through any vote of mine to have my action misinterpreted. I am willing and glad to do anything to promote peace, if neutrality is preserved in seeking it; but I am not willing by interpretation or misinterpretation to have myself ranged by my vote as trying to help one side in the negotiations of peace against the other; and particularly I do not want to be ranged against the side which I personally believe is fighting the battle of freedom and democracy as against military autocracy. I do not wish to be put in that false position. I do not want to be ranged in peace negotiations or to have the country ranged on the side of the allies; I certainly do not want it to be ranged on the side of Germany; and with this widespread misinterpretation, which has gone all over the world as to the note, a misinterpretation so general and probable that the President thought it necessary to anticipate it, I think we should be very slow before we approve and indorse that note without modification or subtraction of any kind.

Mr. President, the next point is the demand for terms. My own belief is that, according to all good practice, the terms must be the work of the belligerent nations, especially when the nation offering its good offices has no national or local interest in the questions involved.

The third point is the suggestion of the President as to what we are to do after the war is over with a view of preventing future wars. That I do not myself misinterpret his purposes there or give them too great extension, I shall ask the privilege of reading to the Senate an article clipped from one of the great Democratic papers of the country, the Louisville Courier-Journal. The article referred to quotes the passage which I have read in the President's note, beginning with the words:

> In the measures to be taken to secure the future peace of the world, the people and the Government of the United States are as vitally and as directly interested as the Governments now at war. * * * They stand ready and even eager to cooperate—

And so forth; and then says:

> That is plain speaking, whose plain meaning is that if the speaker is to shape the future foreign policy of this country we are to assume a full share of responsibility for the future peace of mankind. It means that we are a world power; that the world's affairs are our affairs; that never again in any great war convulsion shall we be a neutral; that with the coming of peace in Europe will begin our new responsibilities as a guarantor of peace, backed, of course, by our resources in men, money, and arms. It means, indeed, that the President of the United States, in view of the assumption of those responsibilities, would not be averse to having a voice in shaping that peace, if not actually sitting at the council board which shall draw up its terms.

It goes on at some length—I will print the whole of the article without reading—and then says at the end:

> There are resolutions before Congress for the indorsement by that body of this note of the President's. It might be well for Congress before taking that action to go slow enough to be sure of just what it is indorsing.

I now ask that the article from the Louisville Courier-Journal, to which I have referred, may be printed in full in the RECORD.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Without objection, permission is granted.

The article in full is as follows:

THE WILSON DOCTRINE—THE PRESIDENT'S NOTE A PUZZLING PROCEEDING—COVERT DECLARATION OF THE FUTURE POSITION OF THE UNITED STATES—NEVER AGAIN A NEUTRAL POWER—A REVOLUTIONARY SUGGESTION TO BE ANSWERED BEFORE INDORSED.

[From the Louisville Courier-Journal, Democrat.]

In commenting on the President's note to the belligerent powers the Courier-Journal characterized it as "a puzzling proceeding." It is now evident that it is just that to all the world, for all the world is asking what it means, what's its motive, and the answers to the riddle to be read are almost as many and as diverse as the readers.

But, as the Courier-Journal sees it, the feature of that note of greatest significance is embodied in a paragraph which has escaped particular notice and has nowhere been emphasized by the press by display in distinguishing type or position. That paragraph is this:

"In the measures to be taken to secure the future peace of the world the people and the Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and as ardent as that of any other people or government. They stand ready, and even eager, to cooperate in the accomplishment of these ends when the war is over, with every influence and resource at their command."

That is plain speaking, whose plain meaning is that if the speaker is to shape the future foreign policy of this country we are to assume a full share of responsibility for the future peace of mankind. It means that we are a world power; that the world's affairs are our affairs; that never again in any great war convulsion shall we be a neutral; that with the coming of peace in Europe will begin our new responsibilities as a guarantor of peace, backed, of course, by our resources in men, money, and arms. It means, indeed, that the President of the United States, in view of the assumption of those responsibilities, would not be averse to having a voice in shaping that peace, if not actually sitting at the council board which shall draw up its terms.

DOES THIS ANSWER?

Read again your President's note to the powers, easy-going citizens of our once isolated Republic, and say whether that is a far-fetched answer to its puzzle.

It is an answer which is entirely consistent with Mr. Wilson's known views. Repeatedly within the past year or two he has publicly declared that as a Nation the United States can no longer tread the path its founders marked out for it; that its international relations have become such that new perils and new obligations compel it to take the very path against which the founders so sollcitously warned and guarded. Less than three months ago he was openly proclaiming that this is the last great war that the United States can keep out of, and judging by his explanations of his note to the belligerents, he is not at all confident that it can keep out of this.

The Courier-Journal does not discuss here the new policy on which he would launch this Nation. It merely points to the evidence that he expects to launch it on such a policy, and to the additional fact, made possible by a mistake of the constructors of our constitutional system, that one American who happens to be President can, in the secrecy of

his study and the counsel only of his typewriter, go so far as to revolutionize in a single night the character of the Government that has been nearly 150 years in building.

A FAIR INTERPRETATION.

That the foregoing is not a strained interpretation of the President's purpose as indicated by his note is shown by the latest authoritative explanation of the much-explained note, "stated officially for the administration" through the Associated Press. "As to permanent guarantees," says this authorized explanation, "it was officially declared that the United States stands ready to enter any kind of international agreement that may seem most desirable to the nations, whether permanent peace is to be secured by force, if necessary, or by law. The country is not committed to any one plan and President Wilson is entirely open to suggestions. It is the administration view that the country can be committed to an abandonment of the policy of isolation, much as President Monroe committed it to the Monroe doctrine, without Senate action. In the plans so far contemplated, however, it is probable the nations would be bound by treaty agreements which would necessarily have to be ratified by the Senate, so far as the United States is concerned."

Is not the puzzle solved?

Is it not the President's purpose that we shall have a Wilson doctrine, as we have a Monroe doctrine—a Wilson doctrine of far greater scope than the Monroe doctrine; for whereas the latter committed the United States to the regulation of certain affairs in the Americas, the Wilson doctrine would commit us to participation with a strong hand in the regulation of the affairs of the world?

There are resolutions before Congress for the indorsement by that body of this note of the President's. It might be well for Congress before taking that action to go slow enough to be sure of just what it is indorsing.

Mr. LODGE. Let me say also, as I have already pointed out, that it has been the practice to sound belligerents before sending an offer of good offices. That course has been always pursued, and I think it is the general practice of nations. According to the published statement of the representatives of the allies the note came to them as a complete surprise. They were not sounded in any way in regard to it, and I do not know that Germany was; but one side was certainly not sounded. Mr. Lansing says no one was sounded, and this was, of course, a radical departure from the accepted practice in offering either mediation or good offices.

Mr. President, there is a good deal of subsequent history attached to the President's note. When we indorse that note in this general and sweeping way and approve it without any reservation whatever, it is well to know just what it means and what official glosses have been put upon it. It appeared on December 21, and early on that same day it received its first explanation by the Secretary of State, which was as follows:

The reasons for the sending of the note were as follows:

"It isn't our material interest we had in mind when the note was sent, but more and more our own rights are becoming involved by the belligerents on both sides, so that the situation is becoming increasingly critical.

"I mean by that, that we are drawing nearer the verge of war ourselves, and, therefore, we are entitled to know exactly what each belligerent seeks in order that we may regulate our conduct in the future.

"No nation has been sounded. No consideration of the German overtures or of the speech of Lloyd-George was taken into account in the formulation of the document. The only thing the overtures did was to delay it a few days. It was not decided to send it until Monday. Of course, the difficulties that faced the President were that it might be construed as a movement toward peace and in aid of the German overtures. He specifically denies that that was the fact in the document itself.

"The sending of this note will indicate the possibility of our being forced into the war. That possibility ought to serve as a restraining and sobering force, safeguarding American rights. It may also serve to force an earlier conclusion of the war. Neither the President nor myself regards this note as a peace note. It is merely an effort to get the belligerents to define the end for which they are fighting."

This appeared almost immediately after the President's note. If it had any purpose—and I believe it had, for Mr. Lansing is a most accomplished international lawyer; he is a man of discretion; he certainly would not have made this statement without purpose and without approbation from the Executive—if that statement is correct, and interprets the note aright, then the whole note becomes perfectly simple. By putting it on the ground that our own interests are involved, that we are on the verge of war, we are at once justified in sending that note to the belligerents without notice beforehand, without sounding them. I do not know, but I assume, that this statement before it appeared in the newspapers was made in those precise terms to every one of the foreign nations, belligerent and neutral, in order to explain to them why the so-called peace note was sent. If it was a note of mediation and of good offices, the belligerents should have been notified, and we should have kept ourselves within the well-defined lines which offers of good offices always observe. But if the purpose of the note was to say to the world, "We have a direct national interest in this question, because we foresee that in the continuance of war we shall be brought to the verge of hostilities, if not engaged in them," then that note is justified in form and substance from beginning to end, except, of course, the portion which relates to our conduct after the war.

That was the first statement.

Almost immediately, the same evening, in fact, the second explanation appeared, also from Secretary Lansing:

I have learned from several quarters that a wrong impression was made by the statement which I made this morning, and I wish to correct that impression.

My intention was to suggest the very direct and necessary interest which this country as one of the neutral nations has in the possible terms which the belligerents may have in mind, and I did not intend to intimate that the Government was considering any change in its policy of neutrality, which it has consistently pursued in the face of constantly increasing difficulties.

I regret that my words were open to any other construction, as I now realize that they were. I think that the whole tone and language of the note to the belligerents shows the purpose without further comment on my part. It is needless to say that I am unreservedly in support of that purpose and hope to see it accomplished.

How far that changes the character or meaning of the first explanation I leave it to others more ingenious than I am to determine.

On the 24th of December there was given out the following official statement:

This outline, and what follows, was stated officially yesterday for the administration.

It is the third explanation of the note. Mr. Lansing's name is not attached to it; but the Associated Press and all the press so far as I saw said that it was an official utterance, and it certainly reads as if it were a carefully prepared statement:

This Government does not know, and feels that it has had no real means of knowing, what terms would be required by each of the belligerents to make peace. It regards the recent speeches of the leading statesmen in all countries as vague and undefined and sees nothing in them that would enable a conference to draw up a treaty.

All speak of the rights of small nations, the repugnance of conquest, and the guaranties of a permanent peace, but no one nation has yet gone into what it means by those phrases in a way that the Government of the United States can understand.

Recent press comment has been taken to enhance that vagueness. France, for instance, has not disclosed if what she considers a just peace means the evacuation of her northern Provinces; or, in addition to that, the restoration of Alsace-Lorraine; or if in addition to both those claims she expects a money indemnity for the damage of invasion; or, beyond that, if she has an actual program for doing away with so-called German militarism. In short, the United States asks what would she accept to-day as the basis of peace.

Similar issues apply to all the belligerent countries in merely a varying form. What President Wilson wants is the details. As the largest neutral facing grave problems and as the friend of all parties concerned, the United States feels most earnestly that it is entitled to know those facts. Unless some one of the groups lays down its actual terms there will be no basis for negotiation and no possibility of peace till the world is bled white, officials declare.

There is not the slightest expectation here that the terms laid down will be reconcilable at first. It is known that some of the nations will demand what in actuality is impossible. Nevertheless, the naming of those terms will afford a basis of negotiation, a starting place from which the conflicting interests can begin to converge.

Nor is any embarrassment seen to any of the nations in naming such terms. It is understood in advance that they are apt to fluctuate with the military changes and are not permanently binding under new conditions. Whatever any nation feels must be included in its terms, for moral reasons can also be added to the terms without embarrassment it is said.

As to permanent guaranties, it was officially declared that the United States stands ready to enter any kind of international agreement that may seem most desirable to the nations, whether permanent peace is to be secured by force, if necessary, or by law. The country is not committed to any one plan, and President Wilson is entirely open to suggestions. It is the administration view that the country can be committed to an abandonment of the policy of isolation, much as President Monroe committed it to the Monroe doctrine, without Senate action. In the plans so far contemplated, however, it is probable the nations would be bound by treaty agreements which would necessarily have to be ratified by the Senate, so far as the United States is concerned.

Then there are further explanations, which I will ask to have printed, if there be no objection—the rest of the article.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

A fuller understanding of the embarrassment caused to the administration by the coincidence of its note with the German proposals was given yesterday, when it was said that, despite the early unfavorable effect which the note was expected to have in the allied countries through the that fact, it was decided to risk it in view of the greater interests involved. It is expected it may be some time before the American viewpoint will be accepted abroad, but it is felt that in the end it certainly will prevail.

NOT AIMED AT LLOYD-GEORGE.

It also stated most emphatically that the note was not rushed off Monday in order to get it to Premier Lloyd-George before he had irrevocably committed the allies against peace in his speech to Parliament Tuesday. That assumption was foreseen, but officials expect it to lose weight and importance as the first impressions wear off.

The early resentment in London and Paris on the assumption that the President's note declared both belligerents were fighting for the same object is regarded as unwarranted at the State Department, where it was said great pains had been taken to avoid that very inference.

Stress was laid on the President's words to show that he had not expressed any conviction that both sets of belligerents were fighting for the same objects. On the other hand, the language of the note, it was pointed out, specifically said the statesmen of both groups of belligerents had so stated their objects in general terms to the people of their own countries. Officials were gratified to see this view being pointed out in some of the later foreign comment received.

VAGUENESS HAS INCREASED.

The phrase was written, it was said, after study of the more recent statements of the belligerents rather than the statements at the time they entered the war. Then the avowed objects of all he nations were more specific, Italy, for instance, coming into the war with an official statement of what she felt necessary for her future. Since then, however, on all sides, it is felt a constantly increasing vagueness has been growing up, which now is expanding into the most nebulous terms.

General hostility to the note, at first, both in allied and Teutonic countries, as conveyed in news dispatches, was regarded by officials as one of the most hopeful signs, as it indicated that the note was neutral. Especially was the hostility in some of the German papers pleasing, as it was thought that when the allies realized that the plan was not so welcome to their enemies they would give to it more earnest and more impartial consideration.

EARLY REPLY NOT EXPECTED.

The possibility of an early reply is discounted here. The central powers have indicated that they will not risk laying down their peace terms until they have had a reply to their own proposals from the entente. While the reply now is finished, it will take a week to distribute it to the various powers.

The entente, having both that reply and the President's note to consider, and consisting of 10 different nations, all with different interests, is expected to require considerable time to get its views into shape for transmission.

The allies' reply to the central powers will not be made public here.

Mr. LODGE. I merely wish to call attention to the fact that this is the third explanation of the note issuing from official headquarters. They have reviewed it and explained it, and they have particularly laid stress on the United States entering any kind of international agreement, to which I have already called attention, and they bring up the Monroe doctrine. It is stated here:

It is the administration view that the country can be committed to an abandonment of the policy of isolation, much as President Monroe committed it to the Monroe doctrine, without Senate action.

President Monroe committed his administration to that doctrine when he sent in that message. He committed nobody else.

Mr. SMITH of Georgia. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Yes.

Mr. SMITH of Georgia. I wish to say to the Senator from Massachusetts I feel absolutely sure that the President does not agree to the view that the Government or the Nation could be committed to the policy indicated without Senate action.

Mr. LODGE. Then he should not allow the Associated Press and all the press of the country to come out with an uncontradicted official statement, repeated over and over again.

Mr. SMITH of Georgia. I am sure that the President approves no such publication, had nothing to do with it, and approves no such view.

Mr. LODGE. I am delighted to hear it.

Mr. SMITH of Georgia. I state that in my place with absolute knowledge of what I say.

Mr. LODGE. I am delighted to know that the Senator makes that statement on his own authority.

Mr. SMITH of Georgia. I do.

Mr. LODGE. I am glad to know that the President—who is certainly as familiar as any living man with the history of his country—knows that President Monroe could not commit anybody but himself and his administration. The Monroe doctrine has become part of the policy of the United States because it has received the repeated approval of Congress and of the people of the United States. It is not a treaty. It is not binding. It is a policy to which this country is deeply committed in every way in which a country can be committed; but the country committed itself to the doctrine laid down by President Monroe, and I hope it will be a long day before that doctrine is impaired or abandoned.

Mr. President, that interpretation of the note may be mistaken, but there can be no mistake about the note itself:

In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

I am not now attacking the merits of that policy. I am only saying at this time that it is a question of very great moment. The world is aware—those who have given any attention to the subject and those who are anxious, as we all are, to promote and maintain peace—that the limit of voluntary arbitration has been reached. Elsewhere, on other occasions, I have said that, and have gone into the question at some length. The only way in which the settlement of disputed questions between nations can be carried further, the limit of voluntary arbitration having been reached, is by putting behind the decision of the international tribunals force to compel the acceptance of the decisions of those tribunals as the force of the United States stands behind the courts of the United States and compels the acceptance of their decisions.

That next step is charged with difficulties, as I have pointed out. Great obstacles arise. It may be possible that something can be done in that direction to remove causes of war, to promote the cause of peace; but the difficulties and the obstacles can not be overlooked. If we make the attempt too sweeping and pledge ourselves to too much, it will break down just as surely as all these empty treaties about a year's delay, and so forth, would break down under the stress of war and the danger of the country. Whatever we do in that direction, if anything is possible—which I very much doubt—must be done with the utmost care. Above all nothing of the sort should be urged or pressed now before the conclusion of the present war. As is said in that statement, this movement would involve treaties. Cooperation in everything, the submission of all possible questions to arbitration with the force of the Governments of the world behind it—how far is that to go? Is it to include the Monroe doctrine? Is it to include the sovereign right to admit and exclude whomever we please from immigration to this country? Where is the line to be drawn? Those are some of the questions which are opened up by this sweeping proposition of cooperation with other nations.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield for a question.

Mr. HITCHCOCK. I should like to know if the Senator will yield to permit me to ask unanimous consent to have this resolution go over until to-morrow? The morning hour is about to close.

Mr. LODGE. Yes; I have not quite concluded, but I am perfectly willing to let it go over. I want the Senator from Michigan [Mr. TOWNSEND] to get his bill up.

Mr. HITCHCOCK. Then, Mr. President, I ask that this matter may go over until to-morrow, retaining its privileged character.

Mr. LODGE. I should like it understood that I can have the floor to-morrow to complete what I have to say.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska. The Chair hears none, and it is so ordered.

Mr. GALLINGER. Mr. President, I did not rise to object, but before the unfinished business is laid before the Senate I submit a proposed substitute for the resolution now under consideration. The substitute ought to be supported by every Senator on both sides of the Chamber. I ask that it be read and printed.

The PRESIDENT pro tempore. It will be read and ordered printed.

The Secretary read as follows:

Resolved, That the Senate of the United States, in the interests of humanity and civilization, expresses the sincere hope that peace between the warring nations of Europe may be consummated at an early day.

VOLUNTEER OFFICERS' RETIRED LIST.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

EXECUTIVE SESSION.

Mr. NEWLANDS. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. On that I ask for the yeas and nays.

Mr. TOWNSEND. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. CURTIS (when Mr. DU PONT's name was called). I wish to announce the unavoidable absence of the senior Senator from Delaware [Mr. DU PONT]. I will let this announcement stand for the day.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. He is absent from the Chamber. I transfer the pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. CHILTON (when Mr. GOFF's name was called). I wish to announce that the Senator from West Virginia [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. VARDAMAN (when Mr. GORE's name was called). I was requested to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE] on account of illness. I will let this announcement stand for the day.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I understand that he would vote as I would on this question, and therefore I am at liberty to vote. I vote "nay."

Mr. HUGHES (when Mr. JAMES's name was called). I desire to announce the unavoidable absence of the Senator from Kentucky [Mr. JAMES]. He is paired with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. LEWIS (when his name was called). I am paired with the Senator from Wisconsin [Mr. LA FOLLETTE] and withhold my vote.

Mr. McLEAN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. I will let this announcement stand for the day.

Mr. WALSH (when Mr. MYERS's name was called). I wish to announce the continued absence of my colleague [Mr. MYERS] on account of illness. I am happy to state, however, that he will be here during the week.

Mr. OVERMAN (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and vote "yea." I will let this statement stand for the day.

Mr. OWEN (when his name was called). I transfer my pair with the Senator from New Mexico [Mr. CATRON] to my colleague [Mr. GORE] and vote "yea."

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS]. As that Senator is absent, I will withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from South Dakota [Mr. JOHNSON]. I will allow the transfer to stand for the day. I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his general pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Utah [Mr. SUTHERLAND] and I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the Chamber and from the city. He is paired with the Senator from North Carolina [Mr. OVERMAN]. I will let this announcement stand for the day.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. HARDING (after having voted in the negative). The junior Senator from Alabama [Mr. UNDERWOOD] has not answered to the roll call, and because of my general pair with him I withdraw my vote.

The result was announced—yeas 35, nays 27, as follows:

YEAS—35.

Ashurst	Hughes	Ransdell	Smith, Md.
Bankhead	Lane	Reed	Stone
Beckham	Lee, Md.	Saulsbury	Swanson
Bryan	Newlands	Shafroth	Thomas
Chamberlain	Overman	Sheppard	Thompson
Chilton	Owen	Shields	Tillman
Culberson	Phelan	Simmons	Vardaman
Hardwick	Pittman	Smith, Ariz.	Walsh
Hollis	Pomerene	Smith, Ga.	

NAYS—27.

Borah	Dillingham	McCumber	Smoot
Brady	Gallinger	Nelson	Sterling
Brandegee	Gronna	Norris	Townsend
Clapp	Jones	Oliver	Wadsworth
Clark	Kenyon	Page	Watson
Cummins	Lippitt	Poindexter	Works
Curtis	Lodge	Sherman	

NOT VOTING—34.

Broussard	Harding	Lea, Tenn.	Smith, Mich.
Catron	Hitchcock	Lewis	Smith, S. C.
Colt	Husting	McLean	Sutherland
du Pont	James	Martin, Va.	Underwood
Fall	Johnson, Me.	Martine, N. J.	Warren
Fernald	Johnson, S. Dak.	Myers	Weeks
Fletcher	Kern	O'Gorman	Williams
Goff	Kirby	Penrose	
Gore	La Follette	Robinson	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened.

COMMITTEE ON APPROPRIATIONS.

Mr. OVERMAN. Mr. President, I ask that the subcommittee of the Committee on Appropriations be authorized to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. OLIVER in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. NEWLANDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 4, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 3, 1917.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF HAWAII.

James L. Coke, of Honolulu, Hawaii, to be associate justice of the Supreme Court of the Territory of Hawaii, vice Edward M. Watson, resigned.

GOVERNOR OF THE PANAMA CANAL.

Lieut. Col. Chester Harding, Corps of Engineers, United States Army, for appointment as Governor of the Panama Canal, provided for by the Panama Canal act, approved August 24, 1912, vice Maj. Gen. George W. Goethals, United States Army (retired), resigned.

JUDGE ADVOCATE GENERAL, NAVY DEPARTMENT.

Lieut. Commander William C. Watts to be Judge Advocate General in the Department of the Navy, with the rank of captain, for a period of four years.

COAST GUARD.

Third Lieut. James Marsden Earp to be a second lieutenant in the Coast Guard of the United States, to rank as such from June 26, 1916, in place of Second Lieut. Edward D. Jones, promoted.

Third Lieut. William Patrick Kain to be a second lieutenant in the Coast Guard of the United States, to rank as such from June 26, 1916, in place of Second Lieut. Lloyd T. Chalker, promoted.

Third Lieut. Floyd Jesse Sexton to be a second lieutenant in the Coast Guard of the United States, to rank as such from December 1, 1916, in place of Second Lieut. Stanley V. Parker, promoted.

Third Lieut. Jeremiah Allen Starr to be a second lieutenant in the Coast Guard of the United States, to rank as such from January 18, 1916. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

Third Lieut. Joseph Edward Stika to be a second lieutenant in the Coast Guard of the United States, to rank as such from January 18, 1916, and to take rank next after Second Lieut. J. A. Starr. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Francis J. Cleary to be a lieutenant commander in the Navy from the 29th day of August, 1916.

Lieut. Herbert H. Michael to be a lieutenant commander in the Navy from the 29th day of August, 1916.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 18th day of December, 1916:

William J. C. Agnew, a citizen of New York, and

Alanson L. Bryan, a citizen of Minnesota.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 3, 1917.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocates.

Capt. Irvin L. Hunt.
Capt. Dennis P. Quinlan.
Capt. Arthur W. Brown.
Capt. Kyle Rucker.

QUARTERMASTER CORPS.

Brig. Gen. Henry G. Sharpe to be quartermaster general with the rank of major general.
Col. Abiel L. Smith to be brigadier general.
Col. Thomas Cruse to be brigadier general.
Second Lieut. John Q. A. Brett to be first lieutenant.

CHAPLAINS.

Rev. Joseph Simon Loughran to be chaplain with the rank of first lieutenant.
Rev. Ora Jason Cohee to be chaplain with the rank of first lieutenant.
Rev. Charles O. Purdy to be chaplain with the rank of first lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Homer Samuel Warren.
Franklin Townsend Bower.
Edgar Erskine Hume.
Joseph de Roulhac Moreno.
Willis Power Baker.
Louis Frank Boyd.
Asa Bartholow Carmichael.
Sewell Munson Corbett.
John Francis Corby.
Louis Anatole LaGarde, jr.
Harrison John McGhee.
Samuel Reily Norris.
Robert Eunice Parrish.
Herbert DeWitt Porterfield.
Penrose Herr Shelley.
James Stevens Simmons.
Shannon Laurie Van Valzah.
Luther Thomas Buchanan, jr.
Joseph Madison Greer.
Henry Louis Krafft.
Louis John Regan.
James Francis Roohan.
Cyrus Boynton Wood.
Dean Flewellyn Winn.
Albert Walton Kenner.
George Patrick Gill.
Herbert Clarence Neblett.
Frank La Mont Cole.
Bernard Johan Beuker.
Henry Brooks.
Merlon Ardeen Webber.
Jesse Lee Byrd.
George Charles Henry Franklin.
Donald Murdock McRae.
Matthias Miller Wagner.
Hugh David Ward.
Charles Wesley Waters, jr.

MEDICAL DEPARTMENT.

To be dental surgeons.

Samuel John Randall.
Charles Taintor.
Don Gordon Moore.
Oscar George Skelton.
Harlan Lee Thompson.
Robert Beeghly Tobias.
Harry Clothey Peavey.
William S. Rice.
Emmett Parsons Varvel.
J. Craig King.
Leigh Cole Fairbank.
Charles Clare Mann.
Richard Barnett Clark.
Dale Ellsworth Repp.
Terry P. Bull.
Raymond William Pearson.
A. J. Skillman.
Donald William Forbes.
James Louis Pierre Irwin.
Thomas Chester Daniels.
Ben Harrison Sherrard.
Frederick Randolph Wunderlich.
Wilfurth Hellman.
Bruce Harold Roberts.
Samuel Kaufman.
Lee Stanley Fountain.
John Lloyd Schock.
Charles Walter Lewis.
Gerald Dominic Byrne.
E. Henry Valentine.
Oscar Peter Snyder.
William Mann.
Joseph Hawkins Tyler.
Rex McKinley McDowell.
Charles Melville Taylor.
Thomas Lovet Smith.
Elbert Earle Rushing.
Earp Theodore Dickmann.
Walter Sheldon Smith.
Brantley Ingold Newsom.
George Ray Tressel.
Lee Benjamin Schrader.
Frederic Harold Bockoven.
Aaron Fouts Eidemiller.
Howard Irving Benedict.

PORTO RICO REGIMENT OF INFANTRY.

To be second lieutenants.

Manuel Benigno Navas.
Enrique Manuel Benitez.
Vicente Nicolas Diaz.
Andres Lopez.
Ramon Salvador Torres.
Modesto Enrique Rodriguez.
Ernesto Francisco Colon.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Lieut. Col. Charles R. Krauthoff to be colonel.
Maj. Harry E. Wilkins to be lieutenant colonel.

MEDICAL CORPS.

Capt. Guy V. Rukke to be major.

CORPS OF ENGINEERS.

Lieut. Col. Charles L. Potter to be colonel.
Maj. Harry Burgess to be lieutenant colonel.

COAST ARTILLERY CORPS.

Lieut. Col. Henry D. Todd, jr., to be colonel.
Maj. Frank K. Fergusson to be lieutenant colonel.
Capt. John W. C. Abbott to be major.
Capt. Harry T. Matthews to be major.
Second Lieut. Joseph J. Teter to be first lieutenant.

INFANTRY ARM.

Lieut. Col. George B. Duncan to be colonel.
Lieut. Col. Lucius L. Durfee to be colonel.
Maj. Truman O. Murphy to be lieutenant colonel.
Maj. William H. Bertsch to be lieutenant colonel.
Maj. Ross L. Bush to be lieutenant colonel.
Maj. John B. Bennet to be lieutenant colonel.
Maj. Melville S. Jarvis to be lieutenant colonel.
Capt. Ralph E. Ingram to be major.
Capt. Robert C. Davis to be major.
Capt. Joseph F. Janda to be major.
Capt. Alvan C. Reed to be major.
First Lieut. John S. Davis to be captain.
First Lieut. Earl C. Buck to be captain.
First Lieut. Jere Baxter to be captain.
First Lieut. Russell James to be captain.
First Lieut. Floyd R. Fredendall to be captain.
First Lieut. Rowan P. Lemly to be captain.
First Lieut. A. Ellicott Brown to be captain.
First Lieut. James M. Lockett to be captain.
First Lieut. Eugene Robinson to be captain.
First Lieut. Clyde L. Eastman to be captain.
First Lieut. Jesse C. Drain to be captain.
First Lieut. Alexander W. Chilton to be captain.
First Lieut. William E. Morrison to be captain.
First Lieut. Donald J. MacLachlan to be captain.
First Lieut. Charles H. Rice to be captain.
First Lieut. Irving J. Palmer to be captain.
First Lieut. Melvin G. Faris to be captain.

First Lieut. Alexander W. Maish to be captain.
First Lieut. William J. McCaughey to be captain.
First Lieut. Eugene R. Householder to be captain.
First Lieut. James G. Taylor to be captain.
First Lieut. Eugene Stanschi, jr., to be captain.
First Lieut. William A. Ganoe to be captain.
First Lieut. Elmer F. Rice to be captain.
First Lieut. Edwin C. McNeil to be captain.
First Lieut. Benjamin F. Castle to be captain.
First Lieut. Charles L. Wyman to be captain.
First Lieut. John W. Lang to be captain.
First Lieut. Harry W. Gregg to be captain.
Second Lieut. Herbert J. Lawes to be first lieutenant.

CAVALRY ARM.

Maj. George P. White to be lieutenant colonel.
Maj. Louis C. Scherer to be lieutenant colonel.
Maj. Robert J. Fleming to be lieutenant colonel.
Capt. Pierce A. Murphy to be major.
Capt. Frederick T. Arnold to be major.
Capt. James N. Munro to be major.
Capt. William S. Valentine to be major.

To be captains.

First Lieut. William N. Hensley, jr.
First Lieut. Berkeley T. Merchant.
First Lieut. Hugh H. Broadhurst.
First Lieut. Arthur W. Holderness.
First Lieut. Louis A. O'Donnell.
First Lieut. William W. West, jr.
First Lieut. Reynold F. Migdalski.
First Lieut. Henry R. Smalley.
First Lieut. Robert Blaine.
First Lieut. Jonathan M. Wainwright.

To be first lieutenants.

Second Lieut. Chapman Grant.
Second Lieut. Duncan G. Richart.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Felix Emmanuelli to be captain.
First Lieut. Louis S. Emmanuelli to be captain.

POSTMASTERS.

ILLINOIS.

Theodore J. Schweer, Beardstown.
James H. Spiker, Bushnell.

MARYLAND.

William E. Hurlock, Hurlock.
John F. Wiley, White Hall.

MASSACHUSETTS.

Joseph A. Mahan, Natick.
John F. Malone, Southwick.
Frank M. Tripp, Marion.

RHODE ISLAND.

James F. Grant, Barrington.

UTAH.

Anna M. Long, Marysvale.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 3, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast ever been, our Refuge and our Strength, Life of our life, Father of our souls, lead Thou us on unto the perfect day by the inspiration of faith, the hope of the heart, the forward look of love with its keen perceptions of the things eternal; that as individuals and as a Nation we may continue to grow intellectually, morally, spiritually until we all come unto the measure of the stature of the fulness of Christ; and songs of praises we will ever give to Thee; in His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM COMMITTEES.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Owing to my election to a place on the Committee on Naval Affairs, I herewith tender to the House my resignation from the following committees: Indian Affairs, Arts and Expositions, Patents and Copyrights, and Expenditures in the Department of Commerce.

Respectfully, W. W. VENABLE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE.

Mr. HEATON, by unanimous consent, was given leave of absence for one week on account of death in the family.

COMMITTEE TO INVESTIGATE INTERSTATE AND FOREIGN COMMERCE.

Mr. ADAMSON. Mr. Speaker, the gentleman from North Carolina, the distinguished Democratic leader [Mr. KITCHIN], is absent. I ask unanimous consent for a few minutes to make a speech touching an important matter.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Speaker, I wish to call the attention of the House to the fact that only five days remain of the time allotted to the so-called Newlands committee to investigate and report to Congress. On a former occasion I explained to the House the impossibility of making the investigation and the report and doing justice to it within the time limited. It is very important that the committee having begun the work and carried it as far as we have we should finish it up. We have heard practically one side of the case, the railroad side, if you can call it one side, but one view of the case, and I think it exceedingly important that the whole case be heard. It will probably require 30 or 40 more working days to do it. I think it important that at a very early day the House consider whether or not it will make the extension asked for in a joint resolution pending in the House. I do not know whether it is the pleasure of the House, this being Calendar Wednesday, to take it up now, but if objection is made to its being considered to-day, I hope that I may have it considered to-morrow.

The SPEAKER. What is the gentleman's request?

Mr. ADAMSON. My request is, Mr. Speaker, that it be taken up now, if the Speaker will submit the question.

The SPEAKER. On account of the pressing necessities of the occasion, the Chair is inclined to submit the gentleman's request. If the gentleman from Georgia will consent to withdraw it in case a wrangle ensues over it the Chair will submit the question.

Mr. ADAMSON. I will do that, Mr. Speaker.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the resolution, of which the Clerk will report the title.

The Clerk read as follows:

House joint resolution 323.

Joint resolution to amend a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee, approved July 20, 1916.

The SPEAKER. Is there objection?

Mr. STAFFORD. Let the resolution be reported.

The Clerk read the resolution, as follows:

Resolved, etc., That S. J. Res. 60 (Public Res. No. 25, 64th Cong.), approved July 20, 1916, entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," is hereby amended to read as follows:

"That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce; also the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, and railroads engaged in interstate and foreign commerce, and report as to the wisdom or feasibility of Government ownership, of Government regulation and control as compared with Government ownership and operation, with authority to sit during the recess of Congress and with power to summon witnesses, to administer oaths, and to require the various departments, commissions, and other Government agencies of the United States to furnish such information and render such assistance as may, in the judgment of the joint subcommittee, be deemed desirable; to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject and report to Congress on or before the second Monday in January, 1918. When the members of said joint subcommittee have been selected and the said joint subcommittee has organized and commenced work the present Representatives from the House Committee on Interstate and Foreign Commerce shall continue to serve on said committee, notwithstanding the investigation may extend over the expiration of the Sixty-fourth Congress, and if any member of said subcommittee, Senator or

Representative, shall cease to be a Member of Congress he is hereby authorized to continue to serve as a member of the said joint subcommittee, which shall fix reasonable and adequate compensation and pay him for such service as he may render after ceasing to be a Senator or Representative. That if a vacancy should occur on said subcommittee when Congress is not in session the chairman of the committee from which the retiring Member was selected at the time of his selection or the Representative or Senator ranking next to such chairman shall select another member of such committee to fill the vacancy. That the joint subcommittee may fix and pay appropriate compensation to its employees in addition to any salary received from any committee of Congress or from the United States in any capacity. That the sum of $40,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee."

The SPEAKER. Is there objection?

Mr. RAYBURN. I object.

A QUESTION OF PRIVILEGE.

Mr. WOOD of Indiana. Mr. Speaker, I rise to introduce a privileged resolution, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution (H. Res. 429) providing for an investigation into certain charges made by Thomas W. Lawson.

Whereas Thomas W. Lawson, of Boston, gave to the public a statement which appears in the daily newspapers under date of December 28 and 29, 1916, in which he says, amongst other things, that "If it was actually believed in Washington there was to be a real investigation of last week's leak, there would not be a quorum in either the Senate or House next Monday, and a shifting of bank accounts similar to those in the good old sugar-investigation days," and in another statement, which appears in the daily press of December 31, 1916, he says, "The good old Capitol has been wallowing in Wall Street leak grafts for 40 years, wallowing hale and hearty"; and

Whereas the statements of the aforesaid Thomas W. Lawson, and each of them, affect the dignity of this House and the integrity of its proceedings and the honesty of its Members:

Resolved, That the Speaker appoint a select committee of five Members of the House and that such committee be instructed to inquire into the charges made by the aforesaid Thomas W. Lawson, and for such purposes it shall have the power to send for persons and papers and enforce their appearance before said committee, and to administer oaths, and shall have the right to make report at any time.

Mr. GARRETT. Mr. Speaker, I make the point of order that the resolution is not privileged.

Mr. WOOD of Indiana. Upon that, Mr. Speaker, we want to be heard.

Mr. GARRETT. In the first place, it is Calendar Wednesday and nothing can come up except by unanimous consent.

Mr. GARDNER. I would like to be heard on that point of order.

The SPEAKER. The Chair will hear all gentlemen.

Mr. GARRETT. In the next place, it does not present a question of privilege.

The SPEAKER. Why not?

Mr. GARRETT. In what way does it?

The SPEAKER. The Chair is asking the gentleman why it does not.

Mr. GARRETT. Is every loose charge that can be made by anybody living on earth to be considered a question of personal privilege unless directed to some Member of the House? In what way is it a question of personal privilege? Not a Member is mentioned in it.

Mr. BENNET. It is a question of the privilege of the House.

Mr. MANN. It is of the highest privilege.

Mr. BENNET. It is higher than a personal privilege.

Mr. BUTLER. It involves the whole membership.

Mr. GARRETT. In what way does a resolution of this sort have the right to come up on Calendar Wednesday?

The SPEAKER. If this resolution is privileged at all, it is a privilege of the House. Rule IX of the House Rules provides:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Mr. GARRETT. Then it is the opinion of the Speaker——

The SPEAKER. The Chair will hear anyone on the other side, if the gentleman from Tennessee has concluded.

Mr. MANN. Mr. Speaker, if these charges do not affect the dignity of the House or the integrity of its proceedings, I can not imagine any charges which would. Here is the direct charge made publicly by a man of prominence that the House Members are so engaged in stock manipulation through secret information which could only be obtained officially, that you can not get a quorum of the House together if there is to be an investigation. There can be no question that it affects both the dignity of the House and the integrity of its proceedings.

The SPEAKER. Unless some other gentleman desires to be heard, the Chair is ready to rule.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois assumes that this resolution recites facts that it does not contain. There is no statement in the resolution that Members have been guilty of misconduct in which they could engage only as a result of information obtained in an official capacity. There is a statement which appears in the public press that some person has asserted that if a proposed investigation were made of certain transactions upon a stock exchange, a quorum of either House could not be obtained. I do not think that so preposterous, so ridiculous, so absurd, and notoriety-seeking a statement as that can be construed by Members in their serious senses as a reflection upon this body. It is so palpably, so notoriously, and so outrageously false, without foundation in fact, that it can not be assumed that we must take notice of it or of every other scandalmonger in the United States who is seeking notoriety at the expense of Members of this body. We owe something to ourselves and to the dignity of the House, and we ought not to elevate and magnify and advertise everyone who tries to throw mud without the slightest justification for his accusation.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. If the truth were known, if there be any leaks in the State Department, because of his assumed familiarity, it could only have been known by him because of his connection at some time, recent or remote, with them. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the gentleman says that the statements are falsely scandalous and consist in the throwing of mud. At whom?

Mr. FITZGERALD. I do not know—not at me.

Mr. MANN. At the Members of the House?

Mr. FITZGERALD. Not necessarily.

Mr. MANN. If it is not throwing mud at the Members of the House at whom is it throwing mud, and if it is throwing mud at the Members of the House, that is a question of the highest privilege. The gentleman is arguing the merits of the proposition and not whether this is a question of privilege. Of course, if the House desires to vote down the proposition, that is another question.

Mr. FITZGERALD. We have not yet come to that point. That can be discussed later.

Mr. MANN. That is what the gentleman was arguing.

Mr. FITZGERALD. I do not intend to be scared off my feet by either the gentleman from Boston or the gentleman from Chicago. If this resolution comes to the House I am willing to vote to refer it to the Committee on Rules, where it belongs.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. EMERSON. Does the gentleman not think that this is a charge directly against the individual Members when Mr. Lawson, a man known all over this country, having a national and international reputation——

Mr. FITZGERALD. As a stock manipulator.

Mr. EMERSON. It does not make any difference about that, for people pay a great deal of attention to what he says. He makes an accusation that if the truth were known about this leak we would not have a quorum here in the House of Representatives. I think we owe it to ourselves and to the country to pass this resolution.

Mr. CALDWELL. Mr. Speaker, the gentleman from Ohio says that people pay some attention to what Mr. Lawson says. Does he know of a single widow in the United States who has paid any attention to anything that he has ever said concerning a stock transaction that was not trimmed?

Mr. EMERSON. It does not make any difference about that.

The SPEAKER. The gentleman from New York has the floor.

Mr. FITZGERALD. Mr. Speaker, the only question of privilege that has ever been held in order, if I recall correctly, on Calendar Wednesday was a question that was asserted to be in order because of some constitutional prerogative, something outside of the rules of the House.

The rules of the House control its business, and on Calendar Wednesday the rule provides that immediately after the approval of the Journal the Speaker shall call the committees. The House did on two occasions pass upon what questions of privilege were in order on Calendar Wednesday. It held at one time that a question supposed to be privileged because of the constitutional provision that the census should be taken every 10 years was not privileged or was privileged—was not privileged, I believe.

Mr. MANN. That had nothing to do with Calendar Wednesday.

Mr. FITZGERALD. It had. The matter first came up on Calendar Wednesday, and the House declined to consider it on Calendar Wednesday because it was not in order and then afterwards it held differently on another day.

Mr. MANN. The question was whether or not it was privileged.

Mr. FITZGERALD. Oh, no; it first came up on Calendar Wednesday. The House held that it could not be considered on Calendar Wednesday, but could be considered on another day.

Mr. GARRETT. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. GARRETT. I wish to direct the attention of the gentleman from New York to the language of the resolution.

Mr. FITZGERALD. Read it to the Speaker.

Mr. GARRETT. The quotation contained in the resolution is this, reported to come from Mr. Lawson:

If it was actually believed in Washington that there was to be a real investigation of last week's leak, there would not be a quorum in either the Senate or House next Monday, and a shifting of bank accounts similar to those in the good old sugar-investigation days.

Now, Mr. Speaker, if the gentleman will permit, I want to ask the gentleman from New York to inquire of the gentleman from Indiana how that language is a possible reflection on the House? It does not say if it is believed in the House.

Mr. FITZGERALD. I saw another statement coupled with that which shows what was in the mind of the gentleman, and that was, he believed there was one man in the United States who could make a real investigation. There was some doubt as to whether he meant the President of the United States or himself. But it seems to me the manner in which this resolution is worded does not raise the question of privilege respecting the House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. LONGWORTH. Suppose this statement had said "the gentleman from New York," or "the gentleman from Maine," or "the gentleman from Ohio"—myself—"would not be present to make up a quorum on that occasion," does he not think that would present a question of personal privilege?

Mr. FITZGERALD. It depends on the manner in which it was said.

Mr. LONGWORTH. As it was said in the words quoted in the resolution, if it reflected on either the gentleman from New York or myself?

Mr. FITZGERALD. I would not say it would reflect on me. The gentleman from Ohio can speak for himself.

Mr. LONGWORTH. I quoted two gentlemen of the highest virtue that I could think of at the moment.

Mr. HAMILTON of Michigan. That is a reflection on the rest of us.

The SPEAKER. Does the gentleman from Massachusetts [Mr. GARDNER] desire to be heard?

Mr. GARDNER. Not if the Chair is ready to rule.

The SPEAKER. Does the gentleman from Iowa [Mr. TOWNER] desire to be heard?

Mr. TOWNER. Yes, Mr. Speaker; for a moment.

Unfortunately, whenever a decision is based upon a question of this kind it becomes more or less a precedent. The question before the House now is whether or not this is a reflection upon the House in general. The rule—and I will ask the privilege of reading it again—is as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Now, in the precedents that are stated following this rule we have the following notes given in the Manual and Digest:

The privilege of the House—

And I understand them to be under consideration in this resolution—

the privilege of the House, as distinguished from that of the individual Member, includes questions relating to its constitutional prerogatives, in respect to revenue legislation and appropriations, including revenue and other treaties; its power to punish for contempt, whether of its own Members, of witnesses who are summoned to give information, or of other persons; questions relating to its organization, and the title of its Members to their seats, including various questions incidental thereto.

I cite these—and the others are all alike—for the purpose of showing that newspaper statements such as this can not possibly be considered as within this rule. Suppose it should be said in some newspaper here in Washington that if a certain vote came up on a particular day one-half of the Members would be absent on that occasion because they would not dare to vote upon it, would that be within the rule? Certainly not. We are continually hearing and seeing statements of that kind made, and a great deal worse than that, and it is not, as suggested by the gentleman from Ohio [Mr. LONGWORTH], applicable to individual Members, because individual Members are not specified. They must be stated so that they can be identified.

Mr. MANN. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. MANN. Suppose that a Washington newspaper should state that on a certain vote coming up half the Members would be absent because they had been bribed, or from any other corrupt motive, would that be a matter of privilege?

Mr. GARRETT. The language quoted does not say that.

Mr. MANN. I think it does. It is my reading of the language of Lawson—that it is corrupt.

Mr. TOWNER. I still say that I doubt whether that will be a reflection on the House sufficient to warrant such proceedings.

Mr. MANN. He states he would be absent because afraid to vote.

Mr. TOWNER. I could imagine a great many imputations that might be indulged that would not be within the rule. I deprecate as much as any individual Member of the House these statements of the newspapers. But I entirely agree with the gentleman from New York [Mr. FITZGERALD] when he says that by our taking such action as is urged to-day we dignify them and give them character and make them seem as if they were important in the eyes of the people of the United States.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. TOWNER. Yes.

Mr. BUTLER. Suppose it was added that gentlemen of this House would not be present to vote upon a measure to be submitted until they had changed or altered their bank accounts. Would that be a reflection on the Members of the House? I ask the gentleman from Iowa now to consider all the statements that were made by Mr. Lawson.

Mr. TOWNER. The reason that statements of that character are not within the rule is that they are general, they do not particularize.

Mr. HENRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY. Would it be in order to refer this resolution at this time?

The SPEAKER. You can not take a Member off his feet. As soon as this question of order is closed up; yes.

Mr. HENRY. I wanted to move to refer it.

Mr. TOWNER. Mr. Speaker, there has never been, so far as I know, any instance in which the House of Representatives has ever taken any action such as it is here asked to do upon newspaper statements of this general character, statements such as those that are here made; and it occurs to me that if we now make it a precedent we will bring before the House a continual consideration of resolutions of this character.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield right there?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Wisconsin?

Mr. TOWNER. Certainly; I yield.

Mr. STAFFORD. Is the gentleman familiar with the proceeding that initiated the famous Michael Mulhall investigation, in which he made charges against particular Members of the House, of different character from these only in respect to the fact that these charges are being made generally instead of against individual Members?

Mr. TOWNER. I am arguing to the Speaker now that this is a vastly different proposition when it applies generally, with indiscriminate and sweeping statements which can not be identified. I admit that if these charges were made against individual Members and stated so that they could be identified in any way a different rule would apply.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. TOWNER. Yes.

Mr. EMERSON. Are not the charges individual?

Mr. TOWNER. No; because a direct answer can not be made to them.

Mr. EMERSON. It is a direct charge against every Member of this House.

Mr. TOWNER. If the newspapers should say this House was too ignorant to consider a resolution or a bill, that would be a charge against every Member of this House, and certainly it would not be within the rules and precedents.

Mr. EMERSON. Does not the gentleman admit that an accusation which is believed by nine-tenths of the people of this country should be investigated?

Mr. TOWNER. My belief is that it is exactly opposite. I do not think 10 per cent of the people of the country believe it. Coming from the source it has come from, it is utterly discredited in the eyes of the people of the United States, and I should think it entirely unworthy of the House to take action on this resolution.

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman from Iowa has taken his seat, but he is up again.

Mr. TOWNER. Yes; I yield.

Mr. CHIPERFIELD. I desire to inquire of the gentleman whether, if 10 per cent of the people of this country do believe that there has been improper action on the part of this House, or of any considerable number of Members of this House, he thinks that it should not warrant an investigation to disclose the truth of it?

Mr. TOWNER. Under some circumstances it could be justified; in others not. In this case I do not believe it is warranted under the precedents.

Mr. WOOD of Indiana rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. I rise to discuss the question whether or not it is a privileged question.

The SPEAKER. The Chair will hear the gentleman.

Mr. WOOD of Indiana. Mr. Speaker, it is not a question of whether or not 5 per cent or 10 per cent or 3 per cent of the people of the United States believe the vaporings of Mr. Thomas W. Lawson. The question is whether or not this is or is not a privileged question. We are not entirely without precedents on this proposition. I desire to call the attention of the Speaker and the attention of the House to section 2705 of Hinds' Precedents, on page 1145 of volume 3, where it is stated:

A newspaper article charging Members of the House generally with abuse of the franking privilege was held to involve a question of privilege.

The SPEAKER. The Chair would inquire of the gentleman who rendered that opinion?

Mr. WOOD of Indiana. That opinion was rendered by Mr. Winthrop, of Massachusetts.

The SPEAKER. Well, go on.

Mr. WOOD of Indiana. No; it was rendered by Mr. Speaker CANNON in the Sims case. Now, I desire to call the attention of the Speaker to another precedent, section 2709, on page 1147 of volume 3, of Hinds' Precedents:

A newspaper allegation that a certain number of Representatives, whose names were not given, had entered into a corrupt speculation was held to involve a question of privilege.

The charge made here is that so many of the Members of this House were engaged in this speculation and profited by reason of this leak, that if an investigation was had there would not be a sufficient number of Members either of the House or of the Senate present on Monday to constitute a quorum. In addition to that, it further charges corruption by stating that the ill-gotten gains from the transaction would be transferred from the present bank accounts to some hidden bank accounts. Every Member of this House is charged directly—not specifically, but directly—with corruption. His honesty is impugned. The integrity of this House is impugned—not only its individual Members but the integrity of the House is impugned, and challenged before the people of the United States.

And as to the merits of this question, there are plenty of facts to warrant this investigation, but I choose not now to argue the merits of this proposition, but submit, Mr. Speaker, that the precedents are numerous where the charges are not so direct and culpable as the charge in this instance.

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. WOOD of Indiana. I will.

Mr. GARRETT. I ask the question with a view to withdrawing the point of order. If the gentleman now states upon his responsibility as a Member that there are plenty of facts to justify this investigation, and will give to the House some intimation of it, I shall be glad to withdraw the point of order. I want something from a responsible source.

Mr. WOOD of Indiana. I will state to the gentleman, who asked me a fair question and in good faith, whether or not I have plenty of facts to warrant investigation, that different minds might form different conclusions as to the sufficiency of the facts I might present, depending upon the prejudice or want of prejudice in such case. That I have facts to warrant an investigation, I will say to the gentleman I am quite sure, and that there are means of ascertaining further facts as to whether these charges are false I am equally sure if the proper machinery is put in motion. I say again that I have facts which I believe will warrant this body in believing that an investigation should be had, not only for the protection of this House but for the protection of its esteem throughout the country.

Mr. GARRETT. I do not ask the gentleman now to mention names, but has the gentleman facts in his possession that he believes will reflect on any Member of the House in connection with the speculation——

Mr. WOOD of Indiana. No, sir; I have no facts that I believe will reflect upon any Member of the House; but in order that this House may not be accused before the people of the United States because of its silence I ask that this investigation be had.

Mr. GREEN of Iowa. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. GREEN of Iowa. To discuss the point of order.

The SPEAKER. The Chair is ready to rule.

MANY MEMBERS. "Rule!" "Rule!"

Mr. GARRETT. Mr. Speaker, I want to make just one observation. The language quoted in the resolution offered by the gentleman from Indiana is general in its character, and it is at most nothing more than the expression of the personal opinion of an individual, without a single recitation of anything that even looks like a fact contained in the charge.

Mr. Speaker, if that be a privileged resolution, there is not a day in the year on which gentlemen could not arise and present similar resolutions, quoting as a basis the language of publications, daily, weekly, semiweekly, magazines, and every other kind. It does seem to me that before a resolution should be taken seriously, before this body should commit itself to the idea that it is under suspicion, there ought at least to be somewhere an allegation of fact to back up the proposition of privilege.

Mr. GARDNER. Will the gentleman yield?

Mr. GARRETT. Men express their opinions——

Mr. GARDNER. Will the gentleman yield?

Mr. GARRETT. I will.

Mr. GARDNER. Is the gentleman discussing the point of order?

Mr. GARRETT. I am trying to. It does seem to me that in order to make a matter privileged, as presenting a reflection upon the House, or upon any individual Member of the House, there ought to be something more than an expression of opinion about the House or about the individual Member. There ought to be an allegation of fact about the House as a whole or about the individual Member.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. I will.

Mr. GREEN of Iowa. Is not the gentleman aware that this language would be libelous as a matter of law?

Mr. GARRETT. Oh, I do not think it would be libelous at all. In what way would it be libelous? Why, Mr. Speaker, there are men in every congressional district in the United States who express their opinions touching individual Members representing particular districts, and those opinions would not be complimentary to the Members; but would any man for a moment be so absurd as to arise and demand an investigation because some political enemy of his had expressed an opinion adverse to him without making a single allegation of fact? There is no allegation of fact contained in the language quoted in the resolution offered by the gentleman.

Mr. HAMILTON of Michigan. Is there not after all an allegation of fact? Here is an expert who declares that Members of this body——

Mr. GARRETT. An expert on what?

Mr. HAMILTON of Michigan. On the stock exchange, and he is recognized as knowing something about it, and he says that Members of this body have made large sums of money and are endeavoring to put their ill-gotten gains out of sight. That sounds like a charge, does it not? It seems specific, does it not?

Mr. FITZGERALD. It sounds like it, without being so.

Mr. GARRETT. He does not say so. He ingeniously uses language apparently for the purpose of—well, I will not say what—and I am extremely sorry that gentlemen of such great intelligence, as are some of the proponents and backers of this resolution, seem disposed to aid or attempt to aid in a sensational matter of this sort.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Yes.

Mr. MANN. Does not the gentleman think after all that Lawson's reputation is quite as good as Mulhall's?

Mr. GARRETT. I do, Mr. Speaker.

Mr. MANN. We ordered an investigation on Mulhall's charges as a privileged matter.

Mr. GARRETT. We did, Mr. Speaker, and I was the chairman of that special committee. We did order it, but contained in those charges were specific allegations touching seven Members of this House.

Mr. HOUSTON. And calling names.

Mr. GARRETT. And calling them by name, reflecting as they conceived upon their honor and integrity; and it was upon that basis, and for that reason, that the House consented to order that investigation.

The point of order which I make is that this resolution does not present a question of privilege, because the language quoted as its basis is merely the expression of a personal opinion by somebody outside, backed up by no allegation of fact.

Mr. STAFFORD. Mr. Speaker, will the gentleman give me a moment for a word in connection with the ruling——

The SPEAKER. The gentleman from Wisconsin desires to ask the gentleman from Tennessee a question.

Mr. STAFFORD. No; I desire to refresh the memory of the Speaker on his ruling on the Mulhall investigation, for the convenience of the Speaker.

The SPEAKER. The Chair will recognize the gentleman in a minute.

Mr. FITZGERALD. Mr. Speaker, this question has been ruled upon by a very distinguished Speaker, one who was always very jealous of the dignity of the House, and one who was held in very high esteem by gentlemen upon the other side of the House.

On July 31, 1890, Mr. Speaker Reed made a very notable ruling. The paragraph is headed—

A newspaper article vaguely charging Members of Congress generally with corruption may not be brought before the House as involving a question of privilege.

This resolution was submitted to the House:

Whereas in the National Economist of July 26, 1890, a newspaper publication known as the official organ of the National Farmers' Alliance and Industrial Union, and which has a wide circulation, the following editorial appears on page 305, to wit: "The bond owners are now happy; they have won the fight, and the bonds they now hold are payable, principal, interest, and premium, in gold only. It would be interesting to know just how many millions it took to force this bill through Congress. Men in these days of corruption and trickery do not change their avowed beliefs and betray their constituencies without a consideration. It will now be in order to placate those whom they have so wickedly betrayed"; and

Whereas the said editorial charges that a measure has been passed through Congress by bribery and the corruption of its Members, the integrity of this House and the rights of the people alike demand that the truth or falsehood of the charge shall be known and dealt with as it deserves.

Then there was a resolution providing for a committee of seven Members to investigate. JOSEPH G. CANNON, of Illinois, since Speaker of the House for four terms, made the point of order that the resolution was not privileged, and after debate Mr. HINDS's Digest shows that Speaker Reed sustained the point of order on the following grounds:

Whether this is or is not a question of privilege does not in the slightest degree prevent its being brought before the House at the proper time; for, even if it is not a question of privilege, any Member has a right to present a resolution and have it referred to the proper committee for examination. But the question whether this is a matter of privilege or not is one which concerns the transactions of business in the House.

It is not always easy to determine the line of demarcation between matters which are questions of privilege and matters which are not. Still there are questions which are very plainly on the one side of the line, and the Chair thinks this is one of them. Here is a newspaper paragraph of the very vaguest character, which makes no assertion except by implication, which makes no statement upon which anybody can be expected to predicate a belief or a conviction. That paragraph is brought before the House, and it is proposed to stop the business of the House until a committee of investigation is ordered. No gentleman on the floor, notwithstanding the number that have spoken, has in any way made himself responsible for the paragraph by expressing the slightest confidence or belief in its statements or by giving any indication that there can be any testimony produced which would have a tendency to prove either the truth or the falsity of the insinuation there made.

Now, it is within the knowledge of every Member of this House that there must be floating about at this time, as there probably have been at any time within the last 10 or 20 years, paragraphs of the same kind and character almost without number; but the House will at once see the inconvenience that would result to the transaction of its business if any Member had the right at any time, upon the production of a newspaper paragraph like this, to demand that we should proceed to investigate it to the exclusion of other business. It seems very clear to the Chair that this is not a question of privilege.

Mr. Speaker, it may be that there should be an investigation of the matters that have been discussed by Mr. Lawson and in the public prints relative to the profit making of individuals, either connected with or not connected with the Government, by operations in the stock market upon information obtained in advance from the Department of State. That is not the question at this time. If there be a belief or any justification for the belief that there should be such an investigation, the matter should be presented and taken up by a committee with a report to this House, so that when it acts it will act with definite knowledge whether it is doing the proper thing. If the House is to precipitate an investigation in order to convince the country that its Members are honest, that its proceedings are straightforward, that its conduct is above reproach, every time some skillful advertising, notoriety-seeking, semipublic man undertakes to indulge in a general slur on its Members, the House will be occupied in making such investigations and in doing nothing else, because it is unfortunately true that there are sufficient persons of the character mentioned who would be only too willing to obtain the nortoriety and advertising that such investigations afford.

I am one of those who believe the House should be sensitive as to assaults upon its integrity or charges against its Members, but I do not believe that it should be hastened pell mell into an investigation without that deliberate procedure after preliminary examination and report by a committee that would convey a moral conviction that it is acting not because of fear but in the discharge of a high and important duty.

Mr. EMERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. EMERSON. While Mr. Lawson was in the city yesterday why did not the committee bring him before it, place him under oath, and ask him these questions and save all this trouble?

Mr. FITZGERALD. I can not speak for the committee and I do not know why it did or did not do certain things. I do not know whether the resolution was before the committee, or whether any resolution had been introduced so that the committee was in a position to act. The Committee on Rules can not initiate an investigation. Unless there be a resolution before it, it has no authority to act or initiate one.

Mr. CAMPBELL. Will the gentleman yield.

Mr. FITZGERALD. That committee, unless there be a resolution before it, is not in a position to act. I will yield to the gentleman from Kansas, he is a member of the Committee on Rules.

Mr. CAMPBELL. For the information of the gentleman from New York I will state that there is a resolution before the Committee on Rules, and has been for several days.

Mr. FITZGERALD. Not for several days.

Mr. CAMPBELL. Yes; it was introduced before the holidays, and there has been a request from the minority members of the Committee on Rules for public inquiry and investigation into the charges made in that resolution. We did not believe that it was a private controversy between the chairman of the Committee on Rules and the gentleman from Boston, nor that the interview had between the gentleman from Boston and the chairman of the Committee on Rules precluded the committee——

Mr. FITZGERALD. I do not think so. I do not think it precluded the committee from acting.

Mr. CAMPBELL. Every member of the minority of the Committee on Rules has been here ready for a public investigation on the charges made in that resolution.

Mr. FITZGERALD. I do not know what the gentleman means by "public investigation."

Mr. CAMPBELL. An investigation in which witnesses may be invited or subpœnaed, and to which the public should have access.

Mr. FITZGERALD. Does the gentleman from Kansas believe that the committee should make any preliminary inquiry?

Mr. CAMPBELL. He does; but that preliminary inquiry should be of a public character.

Mr. FITZGERALD. It should be made by the committee.

Mr. LENROOT. Was not the request really that the Committee on Rules consider the matter, and they have continued that request, leaving the matter of public hearings to be determined afterwards?

Mr. CAMPBELL. That is true.

Mr. FITZGERALD. Mr. Speaker, I can not speak for the Committee on Rules or what it has done.

Mr. CAMPBELL. House resolution 420, I will state for the further information of the gentleman from New York [Mr. FITZGERALD], was introduced by the gentleman from Indiana [Mr. WOOD] on December 22.

Mr. FITZGERALD. That is the day on which we adjourned for the Christmas holidays?

Mr. CAMPBELL. That is the day on which we adjourned.

Mr. HENRY. Mr. Speaker, will the gentleman from New York yield to me for a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY. Mr. Speaker, for the information of the gentleman from New York [Mr. FITZGERALD]—I could not catch quite

all of the colloquy—I want to say that it is true that the resolution has been pending before the Committee on Rules and that resolution has not been taken up; it has not been disposed of. It is still pending, and the chairman of the Committee on Rules has not refused to call the committee together. In his individual capacity he was making some preliminary investigation, and any member of that committee can make the same investigation that the chairman was endeavoring to make.

Mr. MADDEN. Mr. Speaker, will the gentleman yield to me?

Mr. HENRY. I am not through. Just one moment.

Mr. BUTLER. I want to ask the gentleman a question.

Mr. HENRY. There is no use in these gentlemen going off on a tangent about this matter. The gentleman from Kansas [Mr. CAMPBELL] can go and have the same conference that I had with the gentleman with whom I talked yesterday, Mr. Lawson, of Boston.

Mr. CAMPBELL. But the gentleman from Kansas does not seek the notoriety of an interview with the gentleman from Boston.

Mr. HENRY. Just a moment. The gentleman from Indiana [Mr. WOOD] came and talked with me about this matter in my individual capacity and in his, and I say to this House that up to date neither the gentleman from Indiana [Mr. WOOD] nor the gentleman from Boston, Mr. Lawson, has submitted anything that approaches information or a fact, not a name, not a date, or anything squinting at a case that they are trying to make out. I am still pursuing this investigation and trying to find out whether it is all claptrap or not.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Up to this time not a Member of this House on either side, if he knew the facts, would deign to trouble the members of the Committee on Rules to call them together for two minutes to consider the things that have been laid before the chairman of the Committee on Rules in his individual capacity.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman a question.

Mr. HENRY. I yield.

Mr. MANN. Mr. Speaker, if that is the case, if the information before the gentleman from Texas would dispose of all the matter, why not call the committee together and make it public, so that we will all be satisfied?

Mr. HENRY. I have not decided yet what I am going to do.

Mr. MANN. We are trying to get the gentleman to decide now.

Mr. HENRY. Mr. Speaker, there is nothing that approaches any kind of a fact; it is all bosh and claptrap up to date, and I call on the gentleman from Indiana [Mr. WOOD] to-day to give me one name, one date, one fact in regard to the things charged in his resolution.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. HENRY. And I challenge him here, and he can not give a single one.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. FITZGERALD. Mr. Speaker, in view of the statements made regarding the action of the gentleman from Texas [Mr. HENRY], who is the chairman of the Committee on Rules, I think the House feels that it is only just that he should make this statement.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. GARDNER. Mr. Speaker, there are several of us waiting for recognition. Is the gentleman from New York [Mr. FITZGERALD] trying to transfer his recognition?

The SPEAKER. The House will be in order. To whom does the gentleman from Texas [Mr. HENRY] yield?

Mr. HENRY. I do not yield for a moment. Mr. Speaker, as chairman of that committee I have not tried to suppress any investigation or any kind of a statement that any gentleman wants to come and lay before me as chairman. Mr. Lawson can go to every member of the Committee on Rules, and so can the gentleman from Indiana [Mr. WOOD], and state what they think are the facts in their cases, and if any member of the Committee on Rules——

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Just one moment—if any member of the Committee on Rules, on the Democratic or the Republican side, will come and give me the name and the facts, I will call the committee together; but up to date there has been an absolute, dismal failure, and there has been nothing presented to me that would warrant me in calling the members together.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Mr. Speaker, I yield to the gentleman from Kansas.

Mr. CAMPBELL. Does not the gentleman from Texas have information that the Bostonian, Mr. Lawson, who called on him yesterday, said on his arrival in Washington that he would not give the information that he possessed to any member of the Committee on Rules, even to its chairman?

Mr. HENRY. Just to the contrary. In a three-hour conference with him I said, "Give me the names, the dates, and the facts, and I will call the committee together, or give me your word that you will furnish them to the full committee, and I will call them together"; but he said, "I can not do it."

Mr. CAMPBELL. Will the gentleman yield further?

Mr. HENRY. Yes.

Mr. CAMPBELL. Does not the gentleman from Texas know that Mr. Lawson stated on his departure for home yesterday evening that he had given information to the chairman of the Committee on Rules upon which any man of intelligence would act?

Mr. BUTLER. Published in the Washington Post this morning.

Mr. HENRY. For three hours I asked him to give me the names and the dates, or to give them to some other member of the Committee on Rules, and he could not give a single name, and then I said, "If I call this committee together, will you then give the names and dates?" He said, "I can not; but I can tell, though, how they can find out." [Laughter.] Let him give some name. Here is how he said we could find it out. He said, "If you will allow me to represent the committee and pay its expenses and investigate the Stock Exchange of New York, and go into a general investigation of the stock exchange, you can find out these things by looking at their records."

Mr. MADDEN. That is what you want, is it not?

Mr. HENRY. Ah, Mr. Speaker, these gentlemen know that Mr. Lawson has not given a single fact and that he can not give a single fact. I told him to go to the members of the committee; to go and confer with them as long as he pleased. I said the same thing to the gentleman from Indiana [Mr. WOOD], and I say now, and I tell him, if he will send me the names and the facts, and if he can not bring them himself, to send them by any reputable Member of that side of the House—and they are all reputable—I will call the committee together to consider the matter.

Mr. MANN. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the Speaker prepared to rule or is he now hearing arguments on the question of order?

Mr. FITZGERALD. I do not think that is a parliamentary inquiry.

Mr. MANN. It is a parliamentary inquiry.

The SPEAKER. The Chair has been ready to rule for the last half hour. [Cries of "Rule!" "Rule!"]

Mr. MADDEN. I would like to ask the gentleman from Texas——

Mr. MANN. Mr. Speaker, I shall make a point of order against anything except discussing the point of order.

The SPEAKER. That is what the Chair wants to hear. The matter has drifted off from the point of order.

Mr. HARDY. Mr. Speaker, I make the point of order, and ask for a ruling.

Mr. FITZGERALD. Mr. Speaker, I was discussing the point of order when interrupted by these extraneous matters.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] was discussing the point of order. Now, if the gentleman from New York wants to say anything more about the point of order the Chair will hear it.

Mr. FITZGERALD. I did wish to say some things about the point of order, and of course I could not. I yielded in good faith to the gentleman from Texas [Mr. HENRY], because matters had been discussed concerning which I thought he was entitled to make a statement.

If permitted, I desire to make clear my views as to the position of the House. I was arguing, Mr. Speaker, that under the rules the proper method was that there should be a preliminary inquiry by the Committee on Rules. In view of what the gentleman from Texas [Mr. HENRY] has said—and I say it in perfect good faith and sincerity—I desire to say that I believe his attitude is erroneous. The Committee on Rules ought to meet, and they ought to consider the resolution. This man, or any other man, who has been professing to have information that would show a corrupt or improper condition in this House, or such action on the part of its Members as is reprehensible, ought pub-

licly to be compelled to give the information or to admit that he is a liar. [Applause.]

Mr. HAMILTON of Michigan. Now you are right.

Mr. GARDNER. The gentleman says the Committee on Rules ought to investigate. Has not the chairman told us already what his opinion is?

Mr. FITZGERALD. If the gentleman will permit me, I was stating what I believe should be done.

I am the chairman of a committee, but I am not the committee. [Applause.] I know that the chairman of a committee can not prevent, or will not desire to prevent, that being done which should be done. This preliminary inquiry should be made by the Committee on Rules so that it may report to the House whether the information obtained is sufficient to initiate the proceeding. I would make Mr. Lawson come before that committee and either demonstrate that he has information that justifies the statements he has been making in the public press, or I would characterize him as the most notorious liar the country has produced. [Applause.] That ought to be done.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY. I want to say that I fully agree with the gentleman. I said I had not made up my mind.

Mr. FITZGERALD. I think the gentleman from Texas has been unfortunate in his statement that he would not call the Committee on Rules together to investigate these things until this man privately gave him certain assurances. [Applause.] I would not wait for any private assurances.

Mr. HENRY. I did not say that.

Mr. FITZGERALD. His statements have been made with a skill and a care that would have characterized the work of an expert in the rules of the House.

Mr. HENRY. The gentleman did not understand me. He arrived at the wrong conclusion about that.

Mr. FITZGERALD. The gentleman from Texas [Mr. HENRY]—I may be mistaken—made the statement that if the gentleman from Boston, or any Member of the House, or any other person, would give him information showing the names, dates, or facts that would make a foundation for these statements, he would call his committee together. There is enough now to justify the Committee on Rules in acting. There is not enough to justify the House initiating an independent investigation, but it may be that even those, like myself, who wish the matter conducted in an orderly and proper manner may be forced to have the House take action if the Committee on Rules refuses to do it. [Applause.] I do not wish to precipitate that situation, but I believe it is the duty of this committee to bring this man before it and to ascertain for the House—that is what it exists for—to ascertain for the House whether he has foundation for what he states, or whether he is just trying to make capital out of us.

That is why I am not anxious to be rushed into this investigation. I have confidence in the chairman of the Committee on Rules and in the Committee on Rules itself. I believe if it were to meet and send for and obtain—and the House will give it all the power it needs—the men who are indulging in the statements which have been discussed, we would then quickly determine whether or not it is necessary to initiate a comprehensive and widespread investigation. Such an investigation will take time. It will take money. It will prove a matter of great inconvenience to many persons. We ought to have something in the way of a preliminary investigation in order to determine whether we wish to start that investigation. [Applause and cries of "Rule!" "Rule!"]

Mr. GARDNER rose.

The SPEAKER. Does the gentleman from Massachusetts desire to discuss the point of order?

Mr. GARDNER. He does.

The SPEAKER. Hereafter these extraneous matters will all be shut out.

Mr. GARDNER. The Speaker will rule as he sees fit about that. There has been a good deal of extraneous matter that has been tolerated by those of us who believe this should be investigated by a special committee rather than by the Committee on Rules.

Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] rests his case upon a certain ruling of Mr. Speaker Reed. In that ruling Mr. Speaker Reed said:

Here is a newspaper paragraph of the very vaguest character.

Is this charge of Lawson's of the very vaguest character? He says there has been a leak. It is not a matter of my saying there has been a leak. I know there has been a leak, and I state it without any hesitation. The whole stock market shows that there was a leak.

Mr. HENRY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. GARDNER. Whether that leak was in the House of Representatives or not I do not know; but I am coming to another ruling, and the gentleman from Texas [Mr. HENRY] can get in on that.

The SPEAKER. The Chair would like to ask the gentleman from Massachusetts a question: Is not this statement of Lawson's more vague than the one that Speaker Reed was commenting on?

Mr. GARDNER. By no means. This Lawson statement says definitely that there will not be on hand on a certain occasion a quorum of Members of this House—a very plain statement, and the implication is very much clearer than in the statement upon which Mr. Speaker Reed was ruling.

But, Mr. Speaker, I have another parliamentary decision which has not yet had any attention called to it. I am not going to speak of it for just a moment, but as I see that the Clerk at the Speaker's desk wants the reference I will says it is in Hinds', Volume III, No. 2538. I am coming to it later.

Mr. Speaker, that single decision (Hinds, Vol. III, No. 2711) cited by the gentleman from New York referred to an obscure publication in an obscure paper. It was not a charge resounding through the whole country; but the whole country wide is talking about this Lawson matter, and the degree of publicity must be taken into account. We must consider that the good name of this House is involved. Also it is to be remembered that the House was very nearly divided on the question of overruling Speaker Reed in the case cited by the gentleman from New York. The vote was 95 to 71. Subsequently that decision of Mr. Speaker Reed's was practically overruled by Mr. Speaker CANNON. On July 4, 1906, Mr. THETUS W. SIMS, of Tennessee, claimed the floor for a question of privilege. I will read you the syllabus:

2705. A newspaper article charging Members of the House generally with abuse of the franking privilege was held to involve a question of privilege.

Mr. SIMS proposed this resolution:

Resolved, That the Committee on the Post Office and Post Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress.

Remember, Mr. Speaker, that this was solely on a newspaper report that this whole question of the abuse of the franking privilege was based. The Speaker, Mr. JOSEPH G. CANNON, of Illinois, said:

The Chair hardly thinks that the article presents a question of *personal* privilege. * * * The Chair will state to the House that the resolution is privileged.

Now, Mr. Speaker, it is very obvious that this presents a parallel case, except, Mr. Speaker, that there is an implication in Lawson's various statements that the leak did not come from here, but may have come from somewhere else. I know there was a leak somewhere, Mr. Speaker, and if I were on that committee of investigation I would summon the President of the United States, and I would ask him who were present when he discussed that matter, and I would ask each one of them whom they had told about that coming action of that note. I would find out which stenographer took the dictation, which typewriters transcribed it, and I would find out, Mr. Speaker, where that leak came from.

Now, the reason I bring in the question of the Executive is this: The decision to which I invite the Speaker's attention is No. 2538:

The statement by a Member that a certain thing "is rumored" is sufficient basis for raising a question of privilege.

An alleged corrupt combination between Members of the House and the Executive was investigated as a question of privilege.

There is in this case no corrupt combination between the Members of the House and the Executive, but there is a discussion involving the subordinates of the Executive. Now, let us see what Mr. Speaker Schuyler Colfax said in holding that resolution in order. His decision is found on page 1044, Volume II, of Hinds', about the middle of the page. Speaker Colfax said:

The Chair rules that this is unquestionably a question of privilege. The resolution states that it is rumored that certain Members of this House have been guilty of corrupt bargaining, acting in violation of their oaths, and that they have changed their views for corrupt motives. Although the resolution states that "it is rumored," still when a Member rises in his seat and states that it is so rumored—

As I do now—

and introduces a resolution for an inquiry into the facts introduced, he of course makes himself the responsible author of the charge. The Chair, therefore, decides that it is a question of privilege.

And it must be a question of privilege, Mr. Speaker. We can not have so tied ourselves up with our pettifogging rules

that this House must strangle in its own parliamentary procedure. Neither ought we to evade adequate discussion upon a motion to refer. It is impossible to hold that this House has no way on earth as a matter of privilege to protect itself from such statements as that made by Lawson.

Mr. GARRETT. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. GARRETT. Do I understand the gentleman to state that it is rumored on the floor of the House that Members of the House are involved?

Mr. GARDNER. Certainly not. What I say is this: Not only is it rumored, but it is so, that there was a leak, and the stock market showed it. Whether it was on the floor of this House or in the Executive, or where it was, I do not know. That is not a question of belief; that is not a question of rumor. I say it is so.

Mr. GARRETT. And does the gentleman mean to say, without being able to state, or even to intimate, that it came from the House, that it therefore involves a question of privilege, if it came from some other department?

Mr. GARDNER. It has been intimated, and almost said in so many words in the public press throughout the land, so that every man, woman, and child is discussing the House of Representatives to-day. I arrived here this morning, and I say that the gentleman has no conception of the way the people are aroused on this question. For us to evade an investigation is the greatest mistake that the Democratic or the Republican side of this House have made in the whole course of my service here.

Mr. BENNET. I will state to the gentleman from Tennessee what the rumor is. The rumor is that Mr. Bernard Baruch, a member of the Council of National Defense, was the man who was responsible for this information getting to Wall Street, and that 30 minutes before the President's message was made public he sold on a rising market, in Steel, by the way, 15,000 shares of Steel common short. That is the rumor in New York City, if the gentleman wants names. [Applause.]

Mr. GARRETT. Mr. Speaker, that, of course, gives us information upon which we may be prepared to act; but that does not go to the question of the privileged character of this resolution.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. Before the gentleman from Wisconsin [Mr. STAFFORD] begins, the Chair will state to the gentleman from Massachusetts [Mr. GARDNER] that if he will bring in a resolution embodying the allegations, and do it upon his own responsibility, the Chair will hold his resolution privileged.

Mr. GARDNER. I will do it at once. [Applause.]

Mr. STAFFORD. Mr. Speaker, as it has been suggested by the Speaker that he would listen to the citation of the ruling of the present Speaker, I wish to call his attention to the latest ruling on this question, made by the present Speaker on July 2, 1913, on a resolution introduced by Representative SHERLEY in connection with the Mulhall charges. Curiously enough, that resolution was presented on Calendar Wednesday, and no point of order was raised that it was presented on Calendar Wednesday, but the only question raised was by the gentleman from Virginia, Judge Hay, that it was not privileged.

Now, what was that resolution? I hold that while specific names of Members were mentioned, it was virtually a charge casting reflections upon a great number of Members of the House. This resolution is of the same general character, because that resolution was bottomed upon an allegation made by a person who did not have anywhere near the standing of Thomas W. Lawson, but who was only a low lobbyist, Michael Martin Mulhall. Those charges were published in the New York World. The resolution was predicated upon that fact. It was as follows:

Whereas it appears that on the 29th day of June, 1913, there was published in the World, a newspaper of the city of New York, the following statement, viz:

"7. That among the men whom the lobbyists of this association"—

Meaning thereby the National Association of Manufacturers—

"had no difficulty in reaching and influencing for business, political, or sympathetic reasons during recent years were"—

Why, Mr. Speaker, the resolution here alleges the fact that there would not be a quorum of either House and that there would be a shifting of bank accounts should an investigation be had, and it goes on further to allege that the good old Capitol has been wallowing in Wall Street leak graft.

The Speaker must consider these charges together, in fairness to the dignity and honor of this House. No one can read these charges together without coming to the conclusion that Mr. Thomas W. Lawson intended to cast a reflection upon the entire membership of the House by charging that they got the leak and that they were wallowing in Wall Street leak graft. Why, that was not the charge of Michael Martin Mulhall. He only charged that they had no difficulty in reaching and influencing for business, political, or sympathetic reasons; but here is a particular charge that every one of us is implicated in wallowing in Wall Street graft. Now, what was the ruling of the Speaker? First, it was brought up by unanimous consent and was continued, as appears on page 2299 of the RECORD of July 2, 1913. While the unanimous-consent discussion was going on the Speaker said:

The Chair is inclined to think it is a question of the highest privilege.

But when pressed to a decision of the question, when objection was made by Mr. Hay, here is the ruling of the present Speaker, and it is the latest expression of the House on this point. It is true that the Chair can find precedents away back which did not give privilege to charges of this character, but if the Speaker will study the precedents he will find, as I recall them, that their drift has been to recognize such charges as presenting a question of privilege, and the Speaker ruled rightly in holding that that resolution, which cast reflection upon the membership of the House, was a question of privilege. Here is the Speaker's ruling, as found on page 2301 of the RECORD:

The Chair will state the whole matter. The gentleman from Kentucky [Mr. SHERLEY] withdraws his request for unanimous consent and presents his resolution as a privileged resolution. It undoubtedly is a privileged resolution. That is what the Chair noted in the beginning, without any investigation about it. But since that the Chair has investigated it, and the precedents make it a question of privilege. It would be an astonishing thing, indeed, if charges that involve practically the whole House, more or less, should not be privileged, and the Chair entertains the resolution as a privileged resolution.

Why argue? This resolution is on all fours with that resolution and casts a reflection upon the whole membership of the House. I contend that if the Speaker adheres to that position he must hold this resolution in order.

The SPEAKER. Of course, each one of these matters that arise from time to time must stand on its own bottom. There are never any two of them exactly alike. In the case just cited by the gentleman from Wisconsin [Mr. STAFFORD] quite a number of Members of the House were specifically named in the matter complained of. In the ruling by Speaker CANNON as to the charge about the misuse of the franking privilege, it was just about as vague and as much of a blanket charge as this is. The gentleman from Massachussetts [Mr. GARDNER] assumes the responsibility. Speaker Reed reasoned very clearly, but each one of these cases stands by itself.

In this particular case Mr. Lawson charges by plainest implication that at least a majority of both the House and the Senate have been engaged in illegal and disgraceful speculation growing out of information they had no business to get in the first place, and if they did get it they had no moral right to act on it. The Chair thinks that this charge by Mr. Lawson is in derogation of the dignity of the House [applause], and therefore rules that this resolution is privileged.

Mr. HENRY rose.

The SPEAKER. The gentleman from Texas——

Mr. MANN. I submit, Mr. Speaker, that the gentleman from Indiana is entitled to recognition.

The SPEAKER. The Chair desires to ask the gentleman from Texas what he rose for.

Mr. HENRY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HENRY. I ask for recognition for the purpose of making a preferential motion to refer the resolution.

Mr. MANN. But the gentleman from Indiana is entitled to recognition.

Mr. HENRY. Mr. Speaker——

Mr. MANN. The gentleman from Texas is not recognized.

Mr. HENRY. Not by the gentleman from Illinois.

Mr. MANN. He is not recognized by the Speaker. The gentleman from Indiana introducing the resolution is entitled to recognition by the Chair. Whether somebody else is entitled to recognition to take him off his feet for the purpose of making a motion is not the question now before the Speaker. The gentleman from Indiana may himself desire to make a preferential motion. The introducer of the resolution is like a man in charge of a bill in the House and is entitled to first recognition from the Speaker, whether anybody else is entitled to recognition later for a preferential motion or not.

The SPEAKER. If the gentleman from Indiana will state that he wants to make a motion equal in dignity to that mentioned by the gentleman from Texas or higher, the Chair will recognize him.

Mr. WOOD of Indiana. I do so state, Mr. Speaker. I move that this resolution be referred to the Committee on Rules, with instructions to report in 10 days.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The question was taken, and the motion was agreed to.

Mr. GARRETT. Mr. Speaker, I desire to prefer a requiest in connection with the motion that has just passed the House. I am a member of the Committee on Rules—that is, sometimes. [Laughter.] I have been through many of these matters of investigation and have had occasion to deal with them as a member of the Committee on Rules, and have had occasion to deal with them as a member of special committees both under Republican and under Democratic administrations, and I wish to prefer a request for unanimous consent that in the consideration of this resolution the Committee on Rules shall have the power to send for persons and papers and to administer oaths.

Mr. MANN. I would like to suggest to the gentleman from Tennessee that it would be necessary to confer that power by the House, and it ought to be by a written resolution so that there will be no question in reference to the matter if it should come to a dernier resort. I think there would be no objection to that, and also providing for the payment out of the contingent fund of the House. That was not in the resolution introduced because that would have deprived it of its privilege.

Mr. GARRETT. Very well, Mr. Speaker, at a later hour in the afternoon I shall have prepared a resolution which I will submit.

STANDARDS OF CLASSIFICATION FOR COTTON.

The SPEAKER. This is Calendar Wednesday and the Clerk will call the committees.

When the Committee on Agriculture was called,

Mr. LEVER. Mr. Speaker, by direction of the Committee on Agriculture I call up the bill (H. R. 15913) to provide uniform standards of classification for cotton.

The House automatically resolved itself into Committee of the Whole House on the state of the Union, with Mr. Cox in the chair.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. BENNET. I object.

The Clerk read the bill, as follows:

A bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton standards act."

SEC. 2. That the word "person" wherever used in this act shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the word "commerce" wherever used in this act shall be construed to mean commerce among the several States or in any Territory of the United States or in the District of Columbia, or between any such Territory and another Territory or a State, or between the District of Columbia and any State or Territory, or between any State, Territory, or the District of Columbia and any foreign country involving shipments or deliveries for shipment originating in the United States. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such association, partnership, or corporation, as well as that of the person.

SEC. 3. That the Secretary of Agriculture is authorized to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products.

SEC. 4. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stat. L., p. 251), and acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

SEC. 5. That whenever any standard for cotton shall have been established and promulgated under this act, no person thereafter shall ship or deliver for shipment in commerce, in contemplation or in pursuance of a sale, offer for sale, or consignment for sale, by grade or other class, any cotton to which such standard is applicable, unless the grade or other class by which it is sold, offered for sale, or consigned for sale be of one of the grades or other classes established therefor in the official cotton standards of the United States and such cotton conforms to the standard established for the specified grade or other class: *Provided*, That reasonable variations from the official standards may be permitted under such rules and regulations as the Secretary of Agriculture shall prescribe. No person shall, in any contract or agreement of sale or agreement to sell or consign, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, such shipment or delivery for shipment of any such cotton in commerce, describe or in any way refer to any of such cotton as being of any grade or other class other than one of those established therefor in the official cotton standards of the United States.

SEC. 6. That no person shall ship, or deliver for shipment, in commerce any cotton in contemplation or in pursuance of any sale, offer for sale, or consignment for sale, whether by grade or other class, or in any other manner, under any name, description, or designation which is false or misleading in any particular: *Provided*, That nothing contained herein shall prevent the shipment or delivery for shipment, otherwise lawful, of any cotton which is sold, offered for sale, or consigned for sale, on sample or type, without reference to grade or other class, under any name, description, or designation which is not false or misleading.

SEC. 7. That the Secretary of Agriculture is authorized to cause examinations to be made of any cotton shipped or delivered for shipment in commerce in contemplation or in pursuance of any transaction in which such cotton shall have been represented, described, or certified to be of any grade or other class of the official cotton standards of the United States, or of any other description, name, or designation. Whenever, after opportunity for hearing is given to the owner or shipper of the cotton involved, it is determined by the Secretary of Agriculture that any such cotton has been incorrectly represented, described, or certified to be of any grade or other class of the official cotton standards of the United States, within the limitations of the authorized variations therefrom or to be of any description, name, or designation which is false or misleading in any particular, he may publish his findings.

SEC. 8. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify cotton according to grade or otherwise and to certificate the grade or other class thereof, under such rules and regulations as the Secretary of Agriculture may prescribe. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee for a hearing, that such licensee has failed to classify cotton correctly, in accordance with the official cotton standards of the United States, or has violated any provision of this act, or of the rules and regulations made hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture. The Secretary of Agriculture is authorized to issue certificates, showing the true classification of the cotton involved in such appeals, signed by him, or in his name, by some officer or officers of the Department of Agriculture designated by him. For the purposes of sections 5 and 6 of this act, any cotton shall be deemed to conform to the grade or other class of the official cotton standards of the United States set forth in a certificate for such cotton, issued in compliance with this act and the rules and regulations prescribed hereunder, obtained and used in good faith, without fraud or collusion, and a statement that it is of such grade or other class shall not be deemed to be false or misleading.

SEC. 9. That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported, in commerce, any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination. The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purpose of this section, and his findings, upon any dispute referred to him under this section, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true classification of the cotton involved.

SEC. 10. That the Secretary of Agriculture may charge and cause to be collected such fees as he may deem proper for licenses and renewals thereof to classifiers of cotton, and shall fix, assess, and cause to be collected and paid, in such manner and in accordance with such rules and regulations as may be prescribed by him, reasonable amounts for all determinations made, appeals heard, and certificates issued, by him under this act. All money paid to the Secretary of Agriculture in accordance with the provisions of this act and the rules and regulations made hereunder shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 11. That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act.

SEC. 12. That any person who, without written authority from the Secretary of Agriculture, shall receive, use, or have in his possession, any of the practical forms furnished by the Secretary of Agriculture under this act which do not bear the certificate provided therefor by this act, or who alters, tampers with, or in any respect changes any of the said practical forms certified as provided for by this act, or who uses any of such practical forms after they shall have been condemned by the Secretary of Agriculture, or who shall, with intent to deceive or defraud, make, receive, use, or have in his possession any simulate or counterfeit practical form or forms of any standard of any cotton established under this act, or who fails to comply with or violates any of the rules and regulations made by the Secretary of Agriculture governing the use of said forms, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act.

SEC. 13. That every person who shall violate any provision of this act or of the rules and regulations made hereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined not exceeding $200 or imprisoned not more than three months, or both, and for each succeeding offense shall be fined

not exceeding $1,000 or imprisoned not more than six months, or both. After judgment by the court notice thereof shall be given by publication in such manner as the Secretary of Agriculture may prescribe.

SEC. 14. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

SEC. 15. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expense of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

SEC. 16. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 17. That this act shall be effective immediately, except sections 5, 6, 7, 9, and 13, which shall become and be effective on and after September 1, 1916.

Mr. LEVER. Mr. Chairman, this is a bill to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes.

I desire to call the attention of the committee to a few of the facts connected with this bill, and to discuss very briefly the many purposes of the proposition.

It will be remembered that under the provisions of the cotton-futures act the Department of Agriculture was authorized to establish standards of grades of cotton. Those standards have now been established, and they are now being used compulsorily under the terms of the cotton-futures act in the settlement of disputes arising under that act.

Mr. BENNET. Mr. Chairman, would it interrupt the gentleman if I were to ask him a question at this point?

Mr. LEVER. I will yield to the gentleman in a moment. Voluntarily a great many of the spot-cotton exchanges, exchanges which do not deal in future trading whatever, have adopted the Government standards of cotton grades. There are, however, some spot exchanges which as yet have not adopted the grades. The purpose of this legislation is to compel, as far as possible, within reasonable limitations, the transaction of the business of buying and selling cotton upon the standards already fixed or proposed to be fixed in this bill. I now yield to the gentleman from New York for a question.

Mr. BENNET. Mr. Chairman, the bill to which the gentleman referred a moment ago as the bill in relation to futures was an act which was at one time declared unconstitutional by Judge Hough, and which was subsequently passed in this House as a rider upon the Agricultural appropriation bill, as I recall it.

Mr. LEVER. That is true.

Mr. BENNET. And it is now the law of the land.

Mr. LEVER. Yes. I will say to the gentleman from New York that the bill at present under consideration does not in any respect remotely or directly relate to the trade in cotton futures, but affects only spot-cotton transactions entering into interstate and foreign commerce. This bill, Mr. Chairman, is a companion measure to what is known as the grain-standards act which was passed at the last session of Congress as a rider upon the appropriation bill, and which passed this House by an almost unanimous vote and is now the law. If anything, the provisions of this bill are somewhat less drastic in their regulatory features than are the provisions of the grain-standards act, but the main purpose sought to be accomplished in the grain-standards act for the grain trade of the country is sought to be accomplished in this measure for the cotton industry of the country.

The matter of the standardization of transactions in farm products is becoming more and more recognized by economic students as a matter of very great importance in bringing to agricultural products their true value. The evidence of that is the recent action of Congress in passing the standard-barrel act and in fixing a standard basket for grapes. The whole tendency of economic thought at this time is in the direction of the standardization of agricultural products and of transactions in those products with a view to bring to the parties interested in such products the largest possible light with the ultimate end of securing the very best results to all concerned. The fundamental purpose of this bill is in that direction. I would call the committee's attention also to this fact, which is very important in connection with the consideration of the bill. About 66 per cent of the cotton of the United States under normal conditions goes into export and is consumed by the manufacturing establishments of foreign countries. The standards upon which some of these foreign countries deal are supposed to be more or less disadvantageous to the producers of cotton, and there has been a feeling growing increasingly in this country that every opportunity should be made to get the world upon a universal standard basis for cotton. Many conferences engaged in by representatives of the cotton trade of this country, producers and manufacturers alike, and by manufacturers abroad have been held with the view of arriving at some universal standard upon which this great product can be handled. Section 11 of the cotton-futures act as reported to the House was intended to bring about such a universal standard. That section went out in conference with the Senate and is not a part of the law. We are attempting in this bill, as much as in anything else, to compel foreign establishments which buy our cotton to buy it upon a standard which we ourselves fix. I do not believe that there is a student of cotton, either producer or consumer, who will not admit that a universal standard for cotton would be beneficial to that great product, beneficial all along the line, from the standpoint of the producer as well as that of the consumer and the manufacturer of cotton. It has always seemed to me paradoxical, if not ludicrous, that this great Government of ours should permit the cotton grower of this country to be the victim of standards, upon which he sells his crop, fixed by foreigners who buy 66 per cent of the crop; and we are endeavoring in this bill to give to those interested in cotton in this country the right to say what the yardstick of measurement shall be for that which they sell in this country as well as in foreign countries.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. SLAYDEN. Mr. Chairman, I want to say, first, that I would be very glad indeed to have all of the countries of the world that manufacture, consume, or deal in cotton agree upon an arbitrary nomenclature of the corresponding qualities, but, of course, there are troubles that we would encounter when you undertake to do that. You can not class Egyptian cotton with ours, as the gentleman knows.

Mr. LEVER. Certainly; and in this bill we do not undertake to do so.

Mr. SLAYDEN. Is it not true that there has never been any practical difficulty in the cotton trade in arriving at a proper understanding of the classes of cotton when the Liverpool classification is known?

Mr. LEVER. I will say in answer to the gentleman from Texas that while the difference in the Liverpool standards as compared with those which we have already fixed in this country apparently are not very great, yet when this country endeavored to induce the Liverpool exchanges to adopt our standards of grades two years ago, for some reason or other unknown to me they absolutely refused to do it. I have, however, hoped that voluntarily universal standards would come in the course of time, and a new future exchange being organized at Rotterdam at this time, although not actively engaged in operations on account of the war conditions, if my recollection is correct, will adopt the Government standards of grades, and very nearly adopt the contract provided for in the futures act.

Mr. SLAYDEN. Does not my friend from South Carolina believe that that attitude of the Liverpool cotton trade, the English cotton trade, Manchester included, is largely due to that peculiar racial quality of the British which has caused them to refuse to make changes of any sort?

Mr. LEVER. I do.

Mr. SLAYDEN. They adhere to pounds, shillings, and pence, which we think absurdly illogical, and their weights are perhaps more illogical than ours, too.

Mr. LEVER. I think the gentleman has put his finger upon the difficulty. It is a commercial instinct, as it were, a commercial characteristic, if you want to call it that, that makes the Briton reluctant to give up that which he has done for generations.

Mr. SLAYDEN. That is right; and it is a good quality, too, in politics.

Mr. LEVER. But if we can accelerate our British cousins into adopting our standard of doing business, we will do it, and that is what we are undertaking to do as one of the objects of this bill.

Now, another purpose of this legislation——

Mr. BENNET. Before the gentleman takes up another point——

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from New York?

Mr. LEVER. For a question.

Mr. BENNET. What does section 4 of this bill do?

Mr. LEVER. I wonder if the gentleman would not prefer that I would discuss that under the five-minute rule? I was going to make a brief general statement now.

Mr. BENNET. I want to say to the gentleman in all frankness that I propose, if no member of the committee exercises his right of taking the hour, to ask for that right, and it might shorten the time if the gentleman would answer my question.

Mr. LEVER. I would ask the gentleman what section he refers to?

Mr. BENNET. Section 4.

Mr. LEVER. The gentleman desires to know what that proposes to do?

Mr. BENNET. What does it propose to do that the act which it refers to does not propose to do? I can not see that it confers any power on the Secretary of Agriculture that he has not already.

Mr. LEVER. The act in section 4, I think, is identical with the language of the cotton-futures act. But we could not tell what action the courts might take upon the cotton-futures act, and we desired to have permanent legislation that was certain in its constitutionality, giving the Secretary of Agriculture authority to fix these standard grades of cotton, and, therefore, we have repeated that in this bill.

Mr. BENNET. The gentleman did not comprehend my question.

Mr. LEVER. I beg the gentleman's pardon.

Mr. BENNET. The act as cited on page 3 of House bill 15913 is the appropriation bill for the fiscal year ended June 30, 1909, and that seems to give the Secretary of Agriculture in detail the power to establish nine grades of cotton, and so forth, and my question was, What does this act do that the act of the Thirty-fifth Statutes at Large, page 251, does not do?

Mr. LEVER. The gentleman will understand, of course, that that authority was given upon an appropriation bill in 1909. We afterwards, in the cotton-futures act, undertook to make permanent that legislation referred to in this section. Now, in order to be doubly sure we are including it in this bill in the identical language, I think, of the cotton-futures act, not the act which the gentleman has before him. Does that answer the gentleman's question?

Mr. BENNET. That answers it perfectly. The gentleman's idea is that possibly this appropriation bill is permanent law and possibly it is not?

Mr. LEVER. Possibly it is not.

Mr. BENNET. And therefore, for better security, he is giving substantially the same power to the Secretary of Agriculture which that act gave?

Mr. LEVER. And possibly the cotton-futures act is unconstitutional and possibly it is not. Certainly this bill is constitutional, and we are taking no chances on it.

Mr. SLAYDEN. May I ask the gentleman from South Carolina why this grant of power to the Secretary of Agriculture in section 3, to go into South Carolina and small communities and investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying, and so forth, and transportation and marketing?

Mr. LEVER. I will say to the gentleman from Texas that that language has been carried in the agricultural appropriation bill for many years, probably 10 or more, and this is transferring it here and giving the Secretary permanent authority to do it.

Mr. SLAYDEN. Of what value is it if it has been in the act for 10 years?

Mr. LEVER. We think the matter of ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products constitutes a matter which is worthy of the very careful consideration of the Department of Agriculture, worthy of investigation with a view to determine probably better methods of ginning, probably less wasteful methods of wrapping, less wasteful methods of sampling; and the gentleman knows there is a large waste in sampling and things of that kind.

Mr. SLAYDEN. Oh, yes; but the gentleman knows very well that the employees of the Government do not know as much as people engaged in the trade about those things. They are young men who have been hired to take these places with the Government because they have not been able to do better outside.

Mr. LEVER. I will say to the gentleman in that connection that is a statement often made upon the floor of the House and is more or less true. I recognize the truth of it, and yet we have had a very serious difficulty in the Bureau of Markets this year in the fact that great cotton firms have taken the young men we have just been training for two years—one, I recall, at a salary of $12,000—by one of the biggest cotton firms of the United States.

Mr. SLAYDEN. To do what?

Mr. LEVER. To help handle the big business of that cotton firm that is a century old.

Mr. SLAYDEN. Yes; but he must have handled the part of it that meant trade, not the classing of cotton.

Mr. LEVER. He got his training as a cotton dealer.

Mr. SLAYDEN. Many of the most successful cotton dealers in the world have obtained their training in the same way. At one time I had in my office when I was in the cotton business a negro who was the best cotton classer I ever saw. He could have gone on the Liverpool or New York Cotton Exchange. He could have classed thousands of bales of cotton better than the most highly trained man which they had. But that is not a high order of talent.

Mr. LEVER. I will say to the gentleman that, of course, the Department of Agriculture in its activities ramifies into almost every line of agriculture, of whatever character.

Mr. SLAYDEN. That is exactly what I was asking about.

Mr. LEVER. And we are doing no more in this bill for cotton than is now being done for grain and hemp and things of that kind.

Mr. SLAYDEN. It is just exactly what I was asking about, because I do not quite sympathize with the idea of an agent or an inspector of the Government coming around and poking his nose into everybody's business.

Mr. LEVER. It is for the purpose of developing economic truth and not for the purpose of interfering with the trade at all.

Mr. SLAYDEN. In the course of my business I have seen a good many of them, and I will say to the gentleman from South Carolina that I do not think any of them ever made any valuable suggestions.

Mr. CARAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Arkansas?

Mr. LEVER. Certainly.

Mr. CARAWAY. In section 3, to which the gentleman from Texas [Mr. SLAYDEN] has been calling attention, you authorize the Secretary of Agriculture "to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products."

Now, a section later on provides heavy penalties and fines against anyone who interferes with or obstructs any agent of the department in performing any of the duties that may be conferred in this act. Does the gentleman understand that if any agent of the department should go to a man, a ginner in my State, for instance, and want to see how he was ginning or wrapping his cotton, he would have the right to do it whether the ginner wanted him to enter the gin or not?

Mr. LEVER. I do not think an employee of the Department of Agriculture would have authority to interfere with any of the constitutional rights of a citizen of this country.

Mr. CARAWAY. Then, why undertake to confer upon him that right and prescribe a penalty for a citizen resisting that right when the gentleman knows that he has no right?

Mr. LEVER. We do not think we do.

Mr. CARAWAY. Does not the gentleman think that section 3 does that?

Mr. LEVER. I do not think that any Secretary would undertake to punish an individual because he did not let him or one of his agents go into his ginhouse and look into the way things were going. I think this is a matter that will be worked out between the employee of the department and the proprietor of the concern.

Mr. CARAWAY. Section 13 provides—

That every person who shall violate any provision of this act or of the rules and regulations made hereunder shall be deemed guilty of a misdemeanor—

And so on. Section 14 provides—

That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

Under the plain provisions of the bill is it not true that if a man who was operating a gin in Texas and some agent of the department came down there and wanted to stop him in the method of wrapping his cotton or ginning it, or any other act in connection with the operation of his gin, would he not be subject under the provisions of the bill to the penalties prescribed in section 14?

Mr. SLAYDEN. And would he not be taken to the United States court for punishment?

Mr. LEVER. I think it would depend upon the individual case. I do not think that any Secretary of Agriculture would be so foolish as to undertake any such proceeding.

Mr. CARAWAY. The citizens should not have to enjoy their liberty merely at the sufferance of the Secretary of Agriculture. Do you not think it unwise to write into a bill an authorization empowering the Secretary of Agriculture to interfere with a citizen in the exercise of his own plain, inherent, and constitutional rights?

Mr. LEVER. What we are trying to do here is to protect the employees of the Department of Agriculture who are doing the real work proposed in this bill, as will be found in sections 5 and 6 and probably in section 7 of the act.

Mr. SLAYDEN. If one is assaulted in the prosecution of his duty?

Mr. LEVER. If the gentleman thinks this is too broad an authority to be conferred, and has an amendment that he can work out, I will be glad to cooperate with him.

Mr. CARAWAY. It just strikes me that section 3 is no part of the bill. It has nothing to do with what the act itself intends to accomplish. But it is an unwarranted interference on the part of the Secretary of Agriculture with the private conduct of a business in a State, and therefore it seems to me that there are unlimited possibilities of disputes arising.

Mr. LEVER. I will say to the gentleman from Arkansas that section 3 is intended to furnish the Secretary of Agriculture with the authority to get the scientific fundamental principles by an investigation and study upon which we can fix the grades and classification and things of that kind, and also to give to the people the benefit of a thorough study, for instance, of warehousing.

Mr. COLLIER. Mr. Chairman, will the gentleman yield for a moment?

Mr. LEVER. I will be glad to.

Mr. COLLIER. This only gives the Secretary of Agriculture authority to investigate it. It does not give him authority to have any sort or kind or character of control over it?

Mr. LEVER. None whatever.

Mr. CARAWAY. Will the gentleman yield for a moment?

Mr. LEVER. Yes.

Mr. CARAWAY. Section 14 says that if any citizen shall resist any agent of the department in trying to perform any of the duties prescribed in this act he shall be deemed guilty of a misdemeanor. One of the duties is to go into the gin and see how you gin it.

Mr. LEVER. If the gentleman will permit, the gentleman's point is this, that the penal section of this bill might make it possible to prosecute a man who did not desire that an agent of the department on an errand of investigation for truth should come into his ginhouse. It might make it possible to prosecute that man and make him liable to the penal provisions of this act. It is not the intention of the committee that that should be done. If the gentleman will prepare an amendment to cure that danger I shall be very glad, so far as I am concerned, to consider it when we reach the consideration of the bill under the five-minute rule.

Mr. COLLIER. I think there should be some such amendment as that.

Mr. LEVER. Now, Mr. Chairman, just one other thought in connection with this bill, and then I shall have concluded my general statement:

One of the most important things in the handling of cotton is the matter of correctly grading it. I have always thought there were about three classes of cotton graders. One may be described as the grader who is thoroughly competent, who knows how to grade, and who does grade honestly. The second class, constituting I am happy to think a very, very small per cent, is the competent grader who for some reason or other does not honestly grade. The third class, and the one most affecting the farmer because they constitute a very large per cent, are those who do not themselves know what cotton grades are, or the differences in cotton grades, except as shown by price and color. Now, the farmer is the man who suffers first of all by the dishonest cotton grader. He is the man who suffers likewise from the incompetent cotton grader, and we are proposing in this bill, as nearly as we can under our peculiar form of government, to furnish to the cotton producer of this country a competent grader, an honest grader, and an impartial grader, so that the farmer may have the benefit of competency, honesty, and impartiality in parting with his product. We undertake to accomplish that through certain sections of this bill, notably sections 8 and 9.

We provide that the Secretary of Agriculture may issue licenses to graders to classify cotton, and that any individual who feels that his cotton has not been properly classified shall have the right on his own initiative to appeal from the decision of the licensed grader to a board who, I take it, under the practical working out of this bill, will be composed of experts, or more expert graders appointed by the Secretary of Agriculture, and the findings of that board of expert classifiers as to the true grade or class of that cotton would be prima facie evidence in the Federal courts of the true grade or class of that cotton. We are endeavoring, as nearly as we can, to furnish to the producer of cotton an umpire who will give him the benefit of knowing the value and the grade of that which he produces. Some few weeks ago I saw a statement issued by the Department of Agriculture to the effect that the farmers of this country, through a lack of knowledge of the grades of their cotton, were losing $7,500,000 a year. That is an exceedingly conservative estimate of their loss. My own judgment, based upon some knowledge of cotton, some knowledge of the men who produce cotton, and some knowledge of the methods by which cotton is sold—my own judgment is that the farmers of this country are suffering an annual loss through a failure to grade their cotton properly amounting to from $25,000,000 to $30,000,000, and that, in my opinion, is a conservative estimate of their loss. We are trying in this bill to standardize the method of handling this great product. We are endeavoring, if we can, to force the world, the users of cotton in both foreign and domestic markets, to handle that product upon a standard fixed for them by an impartial governmental tribunal. That is the purpose of this legislation.

I shall be glad, as the bill is read under the five-minute rule, to undertake to answer questions as to the details of the bill, and I reserve the balance of my time.

Mr. BENNET. Mr. Chairman——

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. BENNET. Yes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BENNET. Mr. Chairman, this, I think, is a well-meant attempt to establish American standards for one of our most important commodities. There is no cotton grown in the State which I represent in part. Sometimes we from New York State have been criticized because when matters affecting our State were before the House we were absent. I want to call attention to the contrast. This is a question which affects the cotton States, and I want to call the attention of the House to the full attendance on that side of the House while this matter affecting the cotton States is being discussed.

It seems to me that the gentleman from South Carolina is going to fail in his attempt to establish an American system of standards by this bill, and that is because of some of the provisions in the bill itself.

What is a standard? It is something that is definite and certain. Now, when I was down in Jacksonville some years ago they showed me standards of resin, not established by the Government, but established by trade and custom, and they told me that those standards were known all over the world, and that by the use of those little cubes a man in Paris, or in Petrograd, or anywhere else, could buy resin, and that he was entitled to have delivered to him resin of the standard determined by a particular cube, and that by the mere mention of a number as applied to resin every man who dealt in resin anywhere in the world would know what that resin was. That is what you have got to do in any world trade. If the gentleman from South Carolina [Mr. LEVER] and his committee are purposing to make a world standard in connection with cotton, they have utterly and signally failed. There are two provisions in this bill that destroy all possibility of erecting standards in competition with the British standards. And before I go into that question I want to say parenthetically that that is what has given Great Britain her preeminence in these matters, that when Great Britain establishes a standard it is established, and it is known and it is adhered to.

Mr. SLAYDEN. The trade establishes the standard, and the British Government adopts that standard which has been established by the trade.

Mr. BENNET. Exactly, and the British Government has the good common sense to establish as its standards the grades and standards which trade and custom have established. I do not deny that sometimes possibly they stick to them too long, and that sometimes they carry forms over that mean nothing any more. Take their great business of shipping in which they lead the world. Take the insurance contracts in connection with ships and cargoes. There are words and phrases in those contracts that have been obsolete for 300 years. I will admit that; but no necessary, essential thing in the British grades or stand-

ards has been changed. We propose to establish a world standard for our products, and I sympathize with that effort.

Mr. LEVER. I am interested in the gentleman's statement that we do not have the power to do it.

Mr. BENNET. I did not say that. I say we do have the power.

Mr. LEVER. It seems to me we have it in this bill, and that of necessity they have to use our standards or else they can not get our cotton goods.

Mr. BENNET. That is what I propose to show to the gentleman, that his bill defeats itself. Here the gentleman in two different paragraphs of his bill destroys the certainty that is necessary for the standard grades. The constituency which I represent in part has an interest in that. This bill, as the gentleman informs the House, deals only with spot cotton and not with futures. I have no doubt that the cotton exchange in my State deals in spot cotton. I do not know whether it has voluntarily come under the standards that the Department of Agriculture fixed or not.

Mr. LEVER. Oh, yes.

Mr. BENNET. Then it has a greater interest in this bill.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. DAVIS of Texas. Does not the gentleman know or understand that if the southern cotton raisers could have a real, legitimate, honest grade there would be very little conflict between the honest grade here and the standard British grade? That is what we want, to keep the standard grade and to keep the interlopers and trimmers between us and the mill from killing the cotton planter.

Mr. BENNET. That is my contention, to see that the grade is not an artificial thing, but one fixed by trade and custom. Now, I would like to ask the gentleman from Texas, because I presume he knows about cotton and I do not. In the act of 1909 this House authorized the Secretary of Agriculture to establish nine grades of cotton. I suppose those names of the grade mean something to the gentleman from Texas, although they mean very little to me. Has the Department of Agriculture since that time used its power to establish the grades known to the trade and established by the trade, or have they established arbitrary grades?

Mr. DAVIS of Texas. I will say that I think the purpose of this very measure is to cure that defect and put into action, beginning at the bottom, the honest grades and carry it clear through.

Mr. BENNET. Then that is a third defect in the bill, because nowhere in the bill, so far as I can read it, is any greater power conferred on the Secretary of Agriculture than was conferred by the act of 1909.

Mr. LEVER. The only power there conferred was the power to establish standard of grades, but the gentleman would not contend that there is no additional power conferred in this bill.

Mr. BENNET. Oh, no; I mean in respect to that; but the basic defect in this bill lies in the fact that with the commendable purpose in view, with which I sympathize, to establish in America for an American product an American standard, the gentleman's bill, it seems to me, defeats its own purpose.

Mr. LEVER. The gentleman's complaint is that in section 4, the first and second provisos, the Secretary is given authority to change these standards under certain conditions.

Mr. BENNET. That is my first point.

Mr. LEVER. I will say to the gentleman that if it will help him get right on this proposition that this language, as I said before, is identical with the language in the cotton-futures act. The cotton-futures act was framed after long and interesting hearings before the Committee on Agriculture, before which the gentleman's constituents came, and I do not think that any witness who came before that committee, either in favor of or against the bill, made any objection to the proviso to which the gentleman has called attention; but, on the contrary, my recollection is that it was pretty universally agreed that a standard ought not to be changed without a reasonable notice being given, but that no one was willing to arbitrarily fix a standard saying that the horse was 40 feet high and then stick to it when it afterwards developed that the standard had not been fixed in the most scientific manner.

I will say to the gentleman there is very small probability of this power being exercised, except as the experts of the Department of Agriculture increase in their knowledge of the factors that go to make up grade values. For instance, the general impression is that the word "grade" in cotton means a great deal more than it does. A grade in cotton means only leaf and trash. It is not controlled by color, even.

Mr. SLAYDEN. I beg the gentleman's pardon, but the gentleman is using language that may not be understood by the gentleman from New York.

Mr. LEVER. I will allow the gentleman to help enlighten the gentleman.

Mr. SLAYDEN. I will say to the gentleman from New York that there is a grade in cotton, and always has been, of middling, which is what the name itself suggests. If you buy a thousand bales for future delivery in the New York market, it is based on middling, and if any cotton of another grade is delivered, the man receiving it will pay an additional value for such grades as are above middling and be credited with such cotton as is below middling. Now, any man who has 60 days' experience in the cotton trade knows what middling is. I believe there are 40,000 men in Texas who can tell middling cotton, strict middling, low middling, and so forth. It is determined by the appearance of the cotton. Now, middling cotton may be worth 10 cents or 20 cents a pound, depending on the length and strength of the staple.

Mr. BENNET. I made a statement a short time ago about the grades of rosin, which I believe to be correct. Was it correct?

Mr. SLAYDEN. I do not know anything about rosin.

Mr. LEVER. I did not hear the gentleman's whole statement, as I was engaged at the moment.

Mr. BENNET. I made a statement awhile ago as to the way that standards in rosin are made. Was that substantially correct?

Mr. LEVER. Yes; the Department of Agriculture, under a provision in an appropriation bill, has standardized types of rosin and the trade has about universally accepted those standards.

Mr. SLAYDEN. It is not the Department of Agriculture, it is what the trade had already done in the way of grading, and properly accepted by the department.

Mr. LEVER. I am not sure about that. I know that they have come to some sort of an agreement which is satisfactory to the department. The same thing has taken place in reference to the grade of cotton. The Department of Agriculture did not go out and collect a lot of schoolboys and ask them to come in and standardize the grades of cotton. On the contrary, the Department of Agriculture with respect to the standards of cotton, as well as of grain, has gone to the trade, and in both products the widest latitude in the way of suggestion has been allowed and sought, and in many instances the better practices of the trade have been written into these standards.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SLAYDEN. Did not the Department of Agriculture accept the grades of the trade, practically?

Mr. LEVER. The trade was consulted.

Mr. SLAYDEN. I know intimately, and had known him for many years, a gentleman in the cotton trade, who was one of the people brought up here from Texas to fix these types.

Mr. BENNET. That is the word—"types."

Mr. SLAYDEN. I asked him what he was doing, and he said he was going to prepare some cotton types as a guide or standard for other types. I asked him how they differed from that of the trade, and he said in no respect, that each type represented the well known and thoroughly established classes, grades, or types—these words are virtually the same in speaking of cotton—of the trade.

Mr. LEVER. Mr. Chairman, as a matter of fact, these grades have been fixed by the best expert opinion in and out of the trade that can be had in the country and are satisfactory to the trade and are now almost in universal use in this country.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SHERWOOD. I see by the bill that certain fees are to be collected, which are to be certified into the Treasury, indicating that the bill will be self-sustaining. If that be true, why is it necessary that this appropriation of $50,000 shall be carried in the bill in order to carry the act into effect?

Mr. BENNET. On what page of the bill is that?

Mr. SHERWOOD. It is provided that fees shall be certified into the Treasury.

Mr. BENNET. I will ask the gentleman from South Carolina [Mr. LEVER] if he will answer that question? The gentleman from Ohio [Mr. SHERWOOD] says that the bill provides that fees shall be collected and that that seems to indicate that the law is to be self-sustaining. If that is so, what is the necessity for the appropriation carried in the bill?

Mr. LEVER. Mr. Chairman, we do not expect that the fees collected in this bill will be sufficient to administer the act. The fee will be really a nominal fee, rather than an actual fee.

Mr. SHERWOOD. There is no specification here as to what these fees shall be or what the salaries of the inspectors are to be. Should they not be fixed in the bill?

Mr. LEVER. We think not. I will say to the gentleman that we feel that the custom of the trade will fix the fee for grading, as, for instance, in the matter of the weighing of cotton in the South. The custom in any State will control as to the amount that will be charged for the weighing, 5 or 10 cents a bale, and the fees for grading will be fixed in the same way.

Mr. SHERWOOD. Will it be the purpose of the bill and the intention that the $50,000 appropriated shall be reimbursed to the Treasury afterwards in the collection of fees?

Mr. LEVER. No; the fees would go into the Treasury as miscellaneous receipts, and we would have to appropriate from year to year, as we always do, a sufficient amount to administer the act, but the fees themselves under the terms of the act would go into the Treasury as miscellaneous receipts.

Mr. BENNET. Mr. Chairman, I would like now to ask the gentleman from South Carolina [Mr. LEVER] a question. He has been very kind in his explanation. I thought I understood him to say during his remarks that for some reason the Liverpool exchanges had not accepted our grades and standards of cotton?

Mr. LEVER. If I did not say all of this, I will say it now. This country made a very strong effort immediately after the passage of the cotton-futures act to have all foreign exchanges adopt both the contracts fixed by the cotton-futures act and the standard of grades as fixed by the Department of Agriculture under the act to which the gentleman has been referring. We sent our special representative over there from the Department of Agriculture. It looked for many weeks as though we were going to succeed in inducing the Liverpool exchange to accept our contract and our standard of grades. All of a sudden, for some reason unknown to me, probably for the reason suggested by the gentleman from Texas [Mr. SLAYDEN], namely, the racial characteristics of the Briton, they did not accept either our standard of grades nor our contract. We then thought for a while that the Bremen exchange would undoubtedly accept both propositions and therefore open itself up to free trading between the membership of its exchange and the membership of ours. About that time the war broke out in Europe and a little later the act was declared unconstitutional, so that we have been in that condition since that time.

But in the meantime, within the past six months, a new exchange has been organized at Rotterdam, and I understand that that exchange intends, when it opens for business, to bring itself within the provisions of the cotton-futures act, which means that it would have to accept in a reasonable way the provisions of the cotton-futures act and our standard. This bill, however, is intended, as it concerns the adoption of the standard, to accelerate foreign nations in accepting our standards.

Mr. SLAYDEN. Without reference to future dealings?

Mr. LEVER. Without any reference to future dealings whatever.

Mr. SHERWOOD. I would like to ask a question. This inspection applies to cotton whether sold abroad or sold on the spot, does it not?

Mr. LEVER. This bill applies to cotton that is going into interstate or foreign commerce, but it does not apply to cotton coming into this country. It applies to cotton going out of the country.

Mr. SHERWOOD. But does not apply to cotton sold on the spot to a citizen of the State?

Mr. LEVER. Oh, no. It applies only to interstate transactions.

Mr. FESS. Will the gentleman allow me to ask a question?

Mr. BENNET. I yield to the gentleman.

Mr. FESS. Some of us were confused by the observation of the gentleman from Texas made to the gentleman from New York, where he referred to a middling, and stated as a grade it would be middling, and it might be worth 10 cents or 20 cents owing to the length of fiber. That is confusing to me. What is the grade?

Mr. SLAYDEN. The grade is based on the appearance of the cotton. The middling type will show a certain grade. You may have cotton which is grown down in the Mississippi Valley around Natchez, like the Peeler or the Allen cotton, or any other variety cultivated with the view of a longer fiber, that would have a staple 1⅛ inches long. It would look precisely like the upland cotton which has a short staple, but it would be worth more money.

Mr. FESS. Are they of the same class?

Mr. SLAYDEN. Of the same class.

Mr. FESS. Is it sold as the same grade?

Mr. SLAYDEN. Yes; but it is also sold with reference to the length of fiber. Appearance only fixes the grade.

Mr. FESS. That is rather confusing.

Mr. SLAYDEN. No; it is not. For example, when I was in the cotton trade I sold a good deal of cotton to my New England friends, and when I guaranteed the length of the cotton as 1⅛ inches, I got more for it than I could for ⅞-inch cotton. I got an advanced price for it, although of the same class or grade as that for which I received less.

Mr. FESS. And grade is simply appearance?

Mr. SLAYDEN. Practically it is appearance.

Mr. HEFLIN. If the gentleman will permit me, I will say that the cotton like the Egyptian cotton sold, if my recollection is right, last fall for 35 cents a pound, when the short-staple variety was selling for 13½ cents a pound.

Mr. FESS. You say the same grade of cotton, and that is what confuses me.

Mr. HEFLIN. I mean the cleanliness of the cotton.

Mr. LEVER. If the gentleman will permit me——

Mr. BENNET. I yield to the gentleman.

Mr. LEVER. I will say to the gentleman from Ohio that grade in cotton means the amount of trash, the amount of leaf, and to an extent the character of the color in the cotton, but the value of cotton is not only fixed by the amount of trash and leaf and the kind of color it has, but it is likewise fixed by the length of its staple, by the tensile strength of that staple, whether or not that cotton is what we call gin-cut; that is, by the gin running too fast it has cut the staple, and therefore lowered its value. It depends somewhat on the amount of sand in it. It depends to an extent on whether or not the cotton has been water packed; that is, whether or not in packing the cotton water has been added to give it weight; and various other things that up to this time have not been standardized by the department, and some of them, I am afraid, can not be standardized so that they can be visualized to the individual. What we have standardized so far, I will say to the gentleman, are color and trash. Does that make it plain?

Mr. FESS. I think it does. Where I am confused is, where a law is to protect the public it seems to me the value of it would be determined in the price of it, and the grade would certainly be high or minimum, and so on. But if it is simply a matter of appearance and not quality, I am not so much interested in the bill as I was.

Mr. LEVER. The gentleman will understand that authority is given here in section 4 to the Secretary to establish and promulgate standards of cotton by which its value and quality may be judged, including its grade, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form. We are giving the authority here. But up to this time we have not been able to set out in any practical form, so that the eye can see it, the length of staple in the bale of cotton, which is an important factor in fixing value, but we hope they will develop some instrument by which they can easily determine it in the hands of men in the market.

Mr. FESS. I thought that element was in the bill and was the main feature.

Mr. LEVER. That element is in the bill.

Mr. DAVIS of Texas. In order that our friends from other States that do not raise cotton may understand the merit or gravamen of this measure, we will say that middling cotton is the best for all our trade. If that middling cotton is cleaned and oiled and has not been exposed to water, and the oil is still there, and the fiber is smooth, it is good middling or strict middling. If it is full of trash or sand or has been defectively ginned, it is a grade lower, a low middling. That is the difference. Now, the whole object, in view of this measure, and I have tried to carefully consider it, is to begin down here and protect the real grading of the cotton from, as I said before, interlopers, whether intentionally or otherwise, who misgrade the cotton, because where it goes to the mills it has to be up to standard. Hence the farmer must sustain most of the loss, and it is for the purpose more of making an honest grade and carrying that through from beginning to end than it is otherwise.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. I yield to the gentleman from Illinois.

Mr. MADDEN. I just wanted to ask the gentleman from Texas a question.

Mr. BENNET. In my time?

Mr. MADDEN. Yes.

Mr. BENNET. Very well.

Mr. MADDEN. Will it ever be possible for the Department of Agriculture to ascertain just exactly what a grade of cotton is, inside the bale? That is the point.

Mr. DAVIS of Texas. There are augers by which you can go plumb into the bale after it is ginned, and most of the States have laws regulating the method by which it shall be ginned. At the close of the ginning season I may have 500 pounds of cotton and my neighbor may have 100 pounds, and another neighbor a certain amount, and it takes it all to make a bale. Cotton of that kind is called "club bales" in some States, and in some States it is known as "dog-tail bales." That cotton is classified on the basis of the lowest grade of cotton in the bale. The ginner has to get the consent of all these different people to put their remnants into one bale, because otherwise the cotton could not be baled.

Mr. FESS. Let me ask the gentleman one question.

Mr. DAVIS of Texas. Certainly.

Mr. FESS. Suppose a purchaser buys a thousand bales of middling cotton. What does he get?

Mr. DAVIS of Texas. If the cotton upon actual delivery and classification is middling, he gets middling cotton of the standard, regular commercial grade of the world. If it is below middling it has to be made good by a deficit. If it is above middling he has either won on it or he has to make good to the man he sold to.

Mr. FESS. Does he never know what he gets until it is delivered?

Mr. DAVIS of Texas. That is the idea of having a standard. We want everybody to be able to know what it is from the time it leaves the gin clear through. That is it exactly.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to me a minute?

Mr. BENNET. I yield first to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the Bureau of Markets, one of the new bureaus, the Division of Markets, I believe, to be called "Bureau of Markets" hereafter, has recently made a very interesting investigation in regard to the primary sale of cotton, and among other delightful literature which I read during the holidays was their report on that subject, which I commend to everybody in the House to read, and particularly to those gentlemen representing cotton States. They gathered together specimens of cotton by the thousands, with the actual price and date of sale in various States of the Union—Arkansas, Texas, and Alabama, and Mississippi, I think; I know in one or both of the Carolinas—taking a sample of the cotton, getting the price paid by the original purchaser from the original producer; and they discovered that in a very large proportion of the cases higher prices were paid for lower-valued cotton, even where it was subject to grade, according to the description which the gentleman gives. The purchaser of the cotton, the dealer—and I assume not with any intention of defrauding the seller at all—would pay to-day a high price for cotton from one seller and a lower price for cotton from another seller, when investigation showed that the low-priced seller had cotton worth a great deal more than the higher-priced seller.

I do not know, from statements made by the gentlemen who have spoken, whether the length of staple enters at all into the grades. I know myself enough about cotton from reading to know that a long staple makes a difference in the value, and that cotton with a staple three-quarters of an inch in length is not worth so much per pound as cotton with staple an inch in length or cotton with staple more than an inch in length. I do not know; I had supposed before that the long staple had something to do with the grade, but the gentlemen say not. It appeared, however, that in many cases cotton with a staple three-quarters of an inch in length was bought at a higher price in the same locality at the same time than cotton with staple of more than an inch in length, although the cotton with staple an inch in length was worth a number of dollars more per bale than cotton with a staple three-quarters of an inch in length. Will this bill correct that?

Mr. LEVER. We hope that this bill will correct that.

Mr. MANN. How?

Mr. LEVER. If the gentleman will permit——

Mr. MANN. Very briefly.

Mr. LEVER. I will yield more time to the gentleman if he needs it.

Mr. MANN. Very well.

Mr. LEVER. The gentleman is correct when he says that the length of the staple is not an element in what we now know as grade.

Mr. MANN. I did not say that. I said that you said that.

Mr. LEVER. Well, that is true.

Mr. MANN. It is hard for me to believe it, by the way.

Mr. LEVER. But we conferred authority in this bill upon the Secretary of Agriculture to continue investigations that he is now making with a view to developing some way by which we can standardize cotton as to the length of staple, moisture content, and other factors not now standardized that go to make value in cotton. What we are trying to do here is to provide authority for the Secretary of Agriculture to make those studies, and, when possible, to utilize the information so obtained in establishing standards that will express the true value of cotton.

Mr. MANN. I understood that; but I can not see anything in this bill that is likely to do that.

This is what I wanted to call attention to: It is stated that probably under the same conditions you would raise a greater number of pounds of cotton per acre with staple three-quarters of an inch in length than with staples an inch in length. That may seem anomalous, but I accept that statement. If a man raises cotton with a staple three-quarters of an inch in length, he is almost sure to get as high a price as the man who raises cotton with a staple an inch in length, and if the former in a large proportion of cases gets a higher price, there will be no object in the producer raising better cotton, although there is an object to the country in having the producer of cotton or anything else raise the best quality he can successfully produce.

Mr. LEVER. The gentleman is putting his finger upon the situation that this bill is intended to cure. Now, when cotton with the three-fourths inch staple sells on the market for a higher price than cotton with a staple of 1¼ inches, it is due to the fact that the man who determined that grading in order to determine its value either did not know what he was doing or else was dishonestly grading.

Mr. MANN. I did not say that graded cotton was sold that way at all. The cotton sold by the farmer to the dealer in the towns is not graded. After it is graded, of course, the longer staple cotton receives the higher price, if it is in good condition.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. MANN. Yes.

Mr. SLAYDEN. There are very few farmers who bring cotton to market who do not know the value of their cotton.

Mr. MANN. I did not dispute that. I said grading is when the cotton is passed upon by somebody who grades it. Now, in answer to the question of the gentleman from Texas, I suggest that he had better get this report from the Bureau of Markets and read it, because it is apparent that he is not posted as to what actually takes place in those primary markets down there. It develops right along that there is no proportion between the price paid for cotton to the farmer and the value of the cotton when it goes into manufacture. I do not see anything in this bill that corrects it, although there may be something.

Of course, it is a serious situation. It is a good deal easier to tell the grade of corn or wheat than it is the grade of cotton, I assume, though I do not know much about either one. I think we ought to legislate in some way, if possible, so that the dealer in the country, who in the main, I suspect, is desirous of paying a fair market price for the cotton that he buys, may be able to judge, and so that the farmer himself may be able to know enough about it to ascertain whether the dealer is on the square with him. It would not be fair for a grain merchant in the country to buy corn on the basis of rejected corn when he was really buying No. 2, and it is not fair to the cotton producer if the dealer buys cotton upon the basis of the very lowest grade, and it is not fair to the dealer if he buys cotton upon the basis of a higher grade when he is buying a cheaper cotton.

Mr. BENNET. Does the gentleman from Texas [Mr. SLAYDEN] desire five minutes?

Mr. SLAYDEN. Mr. Chairman, I thank the gentleman from New York for his courtesy, and I will say a few words.

Mr. BENNET. I will yield five minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I am going to tell some of these gentlemen about how the cotton business of the South is conducted in what is called the primary market. The farmer brings his cotton into the small market town. Usually there are a number of exporters represented there by agents. They are eager competitors with one another for the purchase of that cotton. Perhaps the evening before, having a view of the market, they have offered in Manchester or Havre or Bremen, or perhaps in Boston or Fall River, quite a lot of cotton; and as the market is firm, in the morning these people perhaps accept those offers. So the man in the small market town must fill his contract. These exporters' agents become eager competitors with one another for that cotton.

Now, the merchants in these small towns—the grocer, the dry-goods man, and others who have been carrying the farmers,

who have accounts with them, and who are looking to the collection of those accounts when that cotton is sold—also bid for that cotton, and so far as my observation and experience go they invariably bid against one another; also with the same keenness and the same sharp competition that characterizes the representatives of the exporters, the buyers, as they are sometimes called.

The farmer will take a sample out of his bale, or will have it taken out where his cotton is weighed, and Mr. Smith will bid, we will say, 15 cents, which I suppose at the present time is a fair basis for the price of cotton. The farmer takes his sample to Mr. Jones, who realizes perhaps that 15 cents is the value, but he is anxious to sell some goods or to collect a debt and he says, "I will give you 15⅛ cents a pound." So he goes about from one man to another and they bid on that cotton, and the fact that the farmer usually gets full value for his cotton is pretty well attested by the fact that you can not find 2 per cent of the operators in cotton who have accumulated money. The margin is extremely narrow. Now, I am not a dealer in cotton. I am a producer of cotton in a small way, but I know how it is sold and that it usually brings the full market value. The farmer knows from the appearance of his cotton what the grade of it is. He has also gone to some merchant or banker and has looked at a file of telegraphic commercial news dispatches that have come in that morning, giving the quotations, and he knows the precise value of his cotton, or pretty nearly so, and he knows the grade of it very well indeed, and he usually gets the value of it.

Now, my friend from Ohio [Mr. FESS] has been very greatly bothered by the question of grade. Call it the type, if you please. Change it from the word "grade." There are types A, B, C, D, E, F, and G. Now type E, for instance, would be middling cotton. The trade generally know that. Wherever they have these arbitrary signs, the trade generally knows what is meant. And middling cotton is middling cotton, as my friend from South Carolina [Mr. LEVER] has repeatedly said, on its appearance. It is middling because of its comparative freedom from broken leaves or trash of any kind that detracts from its appearance.

Mr. YOUNG of Texas. Stains?

Mr. SLAYDEN. No; stains class differently. You may have a middling stained, which is a different class of cotton, as my friend [Mr. LEVER] knows very well; but you may also have other sorts of middling cotton, which, as I have tried to explain, is determined by the appearance of the cotton, not its spinning quality. We have middling upland, and we have middling long staple, which refers to its appearance. We may have middling upland cotton with a staple three-quarters of an inch, and we may have middling cotton with a staple an inch and three-quarters, and I will say to my friend from Illinois [Mr. MANN] that the producer knows when he has produced that long-staple cotton, and he gets the value of it. They are endeavoring to improve the quality of their product by planting selected seed. They pay high prices for long-staple seed, and every year I see advertised in my home papers the Prolific, and this, that, or the other type of cottonseed.

Mr. FESS. Will my friend yield for one question?

Mr. SLAYDEN. Yes.

Mr. FESS. Why should I be interested in different grades, if they are not determined by the price that the cotton will command in the market?

Mr. SLAYDEN. Oh, well, let the gentleman get the word "grade" out of his mind. You may have two cottons of the same appearance. One is worth more money than the other, and the men in the trade know it; worth more because of better spinning quality, due to length and strength of staple.

Mr. FESS. Why should I be interested in the different types, if it is not because one will cost more than the other? Why should I vote for a bill that pretends to protect the producer or the purchaser, if it is not in the price paid for the thing that is bought?

Mr. SLAYDEN. I think I can leave to my persuasive friend from South Carolina [Mr. LEVER] to tell the gentleman why he should vote for this bill.

Mr. BENNET. Does the gentleman from South Carolina [Mr. LEVER] desire to use some of his own time before I resume and conclude?

Mr. LEVER. I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman, this measure is one of great importance to all men engaged in legitimate cotton business, and I trust that the gentleman from New York [Mr. BENNET] will not continue to oppose it. This bill provides for a fair and intelligent settlement of disputes that arise from day to day between the buyer and seller of cotton. It is somewhat on the order of the grain-standard bill that we passed through this House. We found it necessary to authorize the Secretary of Agriculture to determine the grade or to settle disputes growing out of disagreements concerning grades in cotton-future transactions. I had the honor of suggesting the provision in the cotton-futures act which provided for the settlement of disputes of this character. Under the old system, if one party to the future contract on the New York Cotton Exchange should say that the grade in question is strict good middling and the other should say, "No; it is good ordinary," and if they could not agree, a committee of the cotton exchange would determine the grade, and from that committee's decision there was no appeal. Just think of that gentlemen of the House.

Mr. MADDEN. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MADDEN. Would it not be finally settled by the inspector; whatever he says about it will settle it?

Mr. HEFLIN. He will have authority given to him by the Secretary of Agriculture, and he will be an expert grader and classifier.

Mr. MADDEN. You can appeal from his decision to the Secretary of Agriculture?

Mr. HEFLIN. Oh, yes; that could be done.

Mr. MADDEN. By the time you get that done the cotton will be made into cloth.

Mr. HEFLIN. No; it would not take long to get a decision as to the grade. The expert grader and classifier could pass on a large number of cases in a day. The gentleman must remember that the only thing that the Department of Agriculture will have to do is to declare the grade.

Mr. MADDEN. Is it proposed to put the inspectors under bond by this bill? In the grain inspection in our State every grain inspector has to give a hundred thousand dollar bond to guarantee that the grain inspected by him is what he fixes it. If when the grain arrives at its destination it turns out to be some other grade, a lower grade, the purchaser pays for the lower grade and the man who is on the bond of the inspector is responsible for the difference in the grades.

Mr. MEEKER. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MEEKER. In section 9 it reads as follows:

That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported in commerce any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination.

Does that mean that if A sells to B and then it is purchased by C and then sold to a broker, and finally either one of these men says it is not the grade that is called for, can that specific consignment of cotton be sent to the Secretary of Agriculture, and is the Secretary of Agriculture the court of last resort? Is that the purpose of the bill?

Mr. HEFLIN. Well, the purpose of the bill is to authorize the Department of Agriculture to determine the grade for buyer and seller whenever and wherever a disagreement is had between them as to the grade in question. If you buy a thousand bales of cotton from me and 500 are of the middling grade and 200 are of the strict middling grade and 200 of the grade known as ordinary, and the other 100 bales are good ordinary, we have four grades. I want you to pay me for the cotton according to the grades that I have mentioned. But you say I do not agree that these grades are what you think them to be. Then the department, if we desire it to act, will without knowing you or me decide just what the grades in dispute really are.

Surely gentlemen on that side of the House will not continue to oppose such a meritorious measure.

Mr. MEEKER. Then the gentleman means to say that the Department of Agriculture is the court of last resort as to the actual grades of cotton.

Mr. HEFLIN. Yes; in cases that are appealed to it, just as it determines now disputes regarding grades of cotton on future contracts. The difference is this bill has reference to sales of actual cotton—spot deals.

Mr. MEEKER. One question more. Could a dispute of that sort be settled between the farmer and the storekeeper if a dispute should arise between them as to the grade of cotton?

Mr. HEFLIN. Yes; any buyer or seller would have the right to have grades that could not be agreed upon determined by the Department of Agriculture. And the knowledge that the cotton producer can, if he is not satisfied with the grade fixed by the buyer, appeal to the Department of Agriculture, will have a very wholesome effect upon the expert classer and grader.

Now the seller who is without knowledge as to cotton grades is at the mercy of the expert classer and grader employed to

represent the buyer. [Applause.] Through this very system the cotton producers of the South have lost millions and millions of dollars.

The producer is entitled to know the truth as to the grade and character of cotton that he has for sale, and we should see to it that every safeguard necessary be thrown about the marketing of this important product, to the end that fair treatment and justice are accorded the cotton farmers of the United States. [Applause.]

Mr. BENNET. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I heard my genial friend from Texas [Mr. SLAYDEN] tell how sharp the competition was in the purchase of cotton in Texas, and I have no doubt that his statements are correct. The very fact that he makes them is sufficient evidence of that, of course. I have before me Bulletin No. 457 of the United States Department of Agriculture, recently issued by the Office of Markets, and I desire to quote from it with reference to the prices paid for cotton in Texas. I am not going to read it all, but I will take for example low middling December. The range in price is from 9.09 cents per pound for Texas to 12.10 cents per pound for South Carolina, a range of 301 points. Allowing for a variation of 50 points for freight, it is still found that Texas for that month is 250 points out of line, and $12.50 per bale lower than South Carolina. I suspect that the competition described by our genial friend from Texas is not so bitter as is the competition in the smaller State of South Carolina. At any rate, according to this report, and they have the figures to back it up, producers of cotton in Texas on the average are getting about $12.50 per bale less than they would get if they were producing in South Carolina, over and above the difference in freight transportation to the East. Here is a little item of interest in reference to Alabama, which does not reflect upon anybody, but which gives a reason why something ought to be done so that people may know the character of the cotton they are buying. For October in Alabama strict good ordinary cotton averaged 13.51 cents per pound. That is the lowest grade. Strict good middling averaged 13.47 cents per pound, less than the lower grade, and, says the bulletin, "the latter grade sold for 20 cents less per bale than the former," which means that the higher grade sold for 20 cents less than the low grade. On the basis of New Orleans differences it was actually worth $7.50 per bale more, so the bulletin informs us. Again, low middling averaged 13.34 cents and strict low middling, a higher grade, 13.19 cents, a lower price, and middling, 13.32 cents. Middling cotton sold on the average for less than low middling, though it is two grades higher. During the same month in South Carolina, so that we may pass these courtesies around, low middling averaged 13.25 cents and strict low middling, a higher grade, 13.18 cents, a lower price. Strict low middling was actually worth at least 25 points, or $1.25 per bale, lower than low middling. While it was worth more, it sold for less. Of course, in the end when this cotton gets to the manufacturer, and for that matter long before it gets to the manufacturer, the prices adjust themselves as between the different grades of cotton, but apparently, notwithstanding the sharp competition in Texas between the grocer and the candlestick maker and the market man and other experts in cotton, cotton there sells in many cases, the low grade, for no more and no less than the high grade, and all of it about $12.50 per bale less than it is really worth.

Mr. SHERWOOD. By what authority was this cotton inspected that the gentleman has told us about?

Mr. MANN. The Office of Markets under the authority of Congress, with an appropriation made by this House, undertook to ascertain the facts. They took samples of cotton where sales were made in the primary markets, obtained the prices, and gathered together the data. I do not remember how many thousand cases they had, but there were thousands of these samples taken, so that they say that their report probably represents the average for the different States.

Mr. SHERWOOD. That is, this cotton is already inspected under Government authority, as I understand the gentleman?

Mr. MANN. Oh, this cotton was not inspected at all. Samples were taken and the samples were sent here, not the original cotton. This has nothing to do with the sale of the original cotton. They inspected the samples when they were brought here, but the original cotton had not then been graded. It was because it was not graded that the differences in these prices existed, partly because it was not graded, and, possibly, partly because the grading does not affect the most important value feature of cotton, and that is the length of the staple. I yield back the remainder of my time.

Mr. LEVER. Mr. Chairman, the Committee on Agriculture for several years have suspected that the conditions outlined in this report from which the gentleman from Illinois [Mr. MANN] has read have existed. It was that suspicion which induced the Agricultural Committee to begin the study of some plan by which we could remedy the situation which the gentleman from Illinois [Mr. MANN] has so well described. Testimony came to the Committee on Agriculture that experts had found that in certain local cotton markets the higher grade of cotton, higher in point of value, higher in point of grade, was selling in that market on the same day for a price less than the lower grade. It was that very fact which attracted the attention of the Committee on Agriculture to the problem involved here of providing machinery, if possible, through which the farmer, the producer, might know the value of that which he is selling, and the purchaser likewise might know the value of it.

It is clearly apparent from the investigation of the Department of Agriculture, as disclosed here this morning by the gentleman from Illinois, that there is great necessity for the standardization of the methods of handling cotton in the United States. Whether this bill will bring that about is a question, of course, of judgment. We believe—those of us who have studied the proposition and who have agreed unanimously in reporting this bill—that it has in it at least the elements out of which we will start in the direction of the better standardization of the methods of handling cotton in this country. It is perfectly evident that when the cotton of the higher grade is selling on the market for less than cotton of the lower grade—and I am using the term "grade" here to describe value as well as actual grades—that there is something wrong; that either the grader, whose business it is through his expertness to determine what the grade of that cotton is, is incompetent to grade, or, if competent, he is dishonestly grading. You can not escape that conclusion.

Now, for myself I do not believe that a large per cent of the cotton graders of this country are dishonest. I do think, however, that a very large per cent of the men who sample the cotton of the farmer in the little primary markets of the South and report the grade and fix the standard upon which its value is determined are incompetent to do that business. We are proposing in this bill to prevent the shipment of cotton in interstate and foreign commerce unless that cotton is graded in accordance with the standards of grades fixed by the Federal Department of Agriculture. But we are doing more than that. We are proposing to give authority to the Secretary of Agriculture to license competent graders, who shall be in the closest contact with the primary markets upon which the farmer's cotton is sold, in order that as far as possible under existing conditions we will bring to the man who produces as well as the man who buys this great product the largest possible information with respect to the elements and factors that make the value of that product. Now, that is all there is in this proposal.

The other provisions of the bill are more or less words. That is what we are trying to do. We have had established standards here since 1909 for cotton. Those standards represent the best judgment of the cotton experts of this country as saying what they purport to say. The great future-cotton exchanges of this country, the clearing houses of the cotton business, have been compelled by law to use these standards. They voluntarily accepted them before they were made to do it by law. A majority of the spot-cotton exchanges of the country which do not deal in future transactions at all have been so well satisfied with the representative character of these standards fixed by the Department of Agriculture for cotton that they, too, have adopted them and accepted them as the basis of their transactions. What we are trying to do in this bill is to go further than that and to compel all the parties interested in cotton to accept these standards.

What we are trying to do again in this bill is to place between the producer of cotton and the consumer of cotton a disinterested tribunal of experts whose business it will be, as far as humanly possible, to fix upon the factors that make the value of cotton and make that information valuable to seller and buyer. We are trying to remedy the situation that is described in the bulletin which the gentleman from Illinois [Mr. MANN] has read. I do not know that we are succeeding. My personal opinion is that we will greatly benefit the situation if we do not entirely remedy it. We are following in this legislation a precedent established by this Congress in its last session when it passed the grain-standards act, through which we hope to accomplish, and we have every reason to believe that we will accomplish, for the grain trade what we are undertaking to accomplish for the cotton trade in this bill.

Mr. SHERWOOD. I see that in section 2 the word "commerce" shall be construed to mean commerce among the several States. That appears to limit the scope of the bill. Now, in section 3 the word "commerce" is not used, and the Secretary

of Agriculture is authorized to investigate, and so forth, all the cotton that is produced. Now, I would like to know if under the Federal Constitution he has the right to regulate the control of contracts for cotton that is sold on the spot.

Mr. MANN. That is just investigation.

Mr. SHERWOOD. Should not this section here say "cotton that is going through the channels of commerce"?

Mr. LEVER. I will say to the gentleman from Ohio that we are undertaking in section 3 to confer authority upon the Secretary of Agriculture which he now has, I may say, because we are appropriating money in each current appropriation bill for that very purpose; but we are seeking through section 3 to give the Secretary of Agriculture the authority to get the fundamental basic facts with reference to cotton in all of its phases, the fundamental facts upon which we can predicate other legislation in the future, and from which we can make economic studies in the future. It is merely an investigation and not a regulation of the situation.

I trust, gentlemen of the committee, that we have made the situation sufficiently plain to convince gentlemen of the wisdom of undertaking this kind of effort through the Federal Government. If the facts as set forth in this bulletin are true, and we have no reason to doubt them, we need legislation of this character. Probably we need to go further than we are going here, but at least this is a start in the right direction. And I take it that a further study of the economics of the cotton business will probably induce a later Congress to further legislate on this proposition.

Mr. FESS. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. FESS. In a general way, what portion of the cotton growers would know the grade of cotton when it is ready for sale?

Mr. LEVER. Of course, in answer to that question I would say that my opinion is not worth a great deal more than the gentleman's, but probably a little more, because I am from the cotton belt; but I would say not over 5 per cent—and I would like the southern Members here to hear this—that probably not over 5 per cent of the producers of cotton have any very great familiarity with what is known as the grades of cotton. Is that too large?

Mr. HASTINGS. I think that is a very conservative statement.

Mr. FESS. So that this bill is to protect the man who produces the cotton from selling the cotton at a lower figure than the grade would justify in the market?

Mr. LEVER. Exactly; and to that end to give him information as to the value of that which he produces.

Now, when I say that I doubt whether more than 5 per cent of the farmers of the South have any great familiarity with grades I trust my statement may not be regarded as a reflection upon the intelligence of the farmers of the South.

I feel that they are as intelligent as any other class of farmers in any other section of the country, but the matter of determining the value of cotton is a highly technical proposition and requires large expertness in working out the factors that affect that value.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Gladly.

Mr. MANN. It seems to me the gentleman went a little further in his statement than he intended to. Of course, every farmer in the South knows that if cotton is left out in the rain and gets discolored its grade is lowered; they all know that if it is dirty and has sand mixed with it and is not cleanly picked that affects the grade.

Mr. LEVER. Of course. If the gentleman will remember, I said the farmer had no large familiarity with the subject of grade. Of course, the cotton farmer does know that to leave his cotton out in the rain or weather, or to pick it when it is too wet, or dirty, with too much trash in it, or when a storm comes and fills it with trash, that affects its value. But, taking a season like this, when we have had no unusual weather conditions excepting the flood, which did not affect the grade of it, we have had an excellent season, and the grade of cotton is practically all the same. We have not had any great diversity of grades of cotton at all. The farmer suffers most in misgrading of cotton when you have bad seasons and a consequent variety of grades. He always suffers most when the value of his grade is lowered, and there it is that we ought to protect him most.

Mr. MANN. Without being a judge of cotton, I should suppose that the grading of cotton, like the grading of anything else, was a matter of high expert service.

Mr. LEVER. I said that a moment ago,

Mr. MANN. Of course, you can not expect the farmer to have that expert service outside the farming business.

Mr. LEVER. Of course.

Mr. FESS. My question was not intended to reflect upon the intelligence of anyone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET rose.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized.

Mr. BENNET. Mr. Chairman, as I think I have been very fair in yielding time to other gentlemen in the last hour, I will consider it a favor if I am allowed to proceed for eight minutes without interruption, in order to point out the defects that I started awhile ago to point out.

This is an attempt by statute—one of those always unsuccessful attempts—to substitute machinery for the competence, experience, and knowledge that come with trading in business. The gentleman from South Carolina [Mr. LEVER] said that the Liverpool exchanges had declined to accept our grading, and that he did not know why. I will tell him why. It is because anywhere, everywhere, and at any time people who have been educated in English-speaking countries are more willing to send their disputes to the ordinary courts of their countries, to which they are accustomed, than to any political division of the Government. I walked down the steps the other day, and out here I saw the statue of Thomas Jefferson, a great man, and I said to myself, "Old man, they have got you in the right place—outside of the House of Representatives, with your back to the Democratic side." [Laughter.] And that is where he has been put by the action of this House almost every day, because he was the man who said that "that country is the best governed which is the least governed."

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. BENNET. I declined to yield to the House, and I regret that I can not yield to the gentleman.

Mr. DAVIS of Texas. I just wanted to correct the gentleman's history.

Mr. BENNET. Even for that I can not yield. [Laughter.]

Now, the reason why they will not accept our grades abroad under this bill is found in two provisions. One is the provision that the gentleman from South Carolina alluded to on page 3, which gives the Secretary of Agriculture the right to change these grades, it is quite true on comparatively long notice, but nevertheless the power is there, and while we can regulate things in our own country, yet in Liverpool and Bremen and Rotterdam and Antwerp and ports in other foreign countries their cotton is not necessarily strictly spot; it is all more or less future; and they are not subject to the right of the Secretary of Agriculture to arbitrarily change the grades.

And here is the other trouble: On page 4, section 5, it is provided that "reasonable variation from the official standards may be permitted under such rules and regulations as the Secretary of Agriculture shall prescribe." The gentlemen may say there always must be small variations, and that is true, but the course of education of English-speaking peoples has been such that they know intuitively that the best way to cope with those small variations is by the give and take of the traders, and that the most harmful thing to free trade between peoples, between the buyer and the seller, is the interposition of an arbitrary exercise of an arm of the government. Therefore when people abroad are asked to abide by our standard, rather than their own, they refuse to do it, because under the British method of procedure, as the gentleman from Texas [Mr. SLAYDEN] pointed out, their grades are the grades that are established by usage and custom on the part of the people.

Now, we give our Secretary of Agriculture the right to establish arbitrary grades, nine of them, and to change them from time to time, and we provide that no cotton shall be sold except according to those grades, and that even where there are these differences that always come up, these hair-line deviations, even there the buyer and the seller are prohibited from agreeing on those matters, and that if they are to sell except in accordance with exact grade they must sell under such rules and regulations as the Secretary of Agriculture shall prescribe.

Mr. LEVER. If the gentleman will permit me——

Mr. BENNET. I can not refrain from recognizing the gentleman.

Mr. LEVER. The gentleman is mistaken about that. If the gentleman will look at another provision of the bill, he will find that the buyer and seller may sell on sample or type by mutual agreement.

Mr. BENNET. Well, I think that even that is controlled by this proviso that I have read.

Mr. Chairman, we have gone insane on this question of regulating everything by statute in this country [applause], and the marvel of it is that we have gone insane on the question at a time when that party is dominant which, through its historic past at least, has been supposed to be the custodian of the idea of the freest and widest democracy.

And now even the chief product of the section from which the majority of that party comes is to be interdicted in its free buying and selling, and the men of an English-speaking country, contrary to our past under which we have prospered and developed, contrary to all our customs and habits, which are sound customs and good habits, are, in connection with the traffic in this greatest money crop of our country to be taken away from the course of dealing to which they are accustomed, the ordinary give and take of the market, of the trade between the buyer and the seller, and even in cases of dispute are to be taken away from the courses and the courts with which they are familiar, and relegated to an arm of the Government which may and frequently does change every four years, and where politics, using that word for the moment in its most sinister sense, can and sometimes does creep in, and where it far more frequently creeps in than in the courts of any State in this land.

I am opposed to this bill not because it affects that particular part of the country from which I come, for it does not. There is a cotton exchange in the city of New York; but the gentleman from South Carolina [Mr. LEVER] said promptly, a long time since in the discussion, that seven years ago, when these grades were established, the cotton exchange in the city which I represent in part at once accepted those grades and has been using them ever since.

Neither does this affect the much-mooted question of the sale of cotton on what is known as futures. This bill, as I understand it, relates only to spot cotton, and therefore we can discuss it without any question of extrinsic matters, on the clean-cut question of principle, and that I have had pleasure in doing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMBAUGH. I ask unanimous consent that the gentleman's time be extended two minutes.

Mr. LEVER. That can not be done under the rule.

Mr. BRUMBAUGH. I want to correct the gentleman's quotation from Jefferson.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton standards act."

Mr. RAKER. Mr. Chairman, I move to strike out the last word. On July 5, 1916, I introduced a bill for the construction of a military highway——

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman is not discussing the bill under consideration, as required by the rule in the five-minute debate.

Mr. RAKER. I am not going to discuss it. I want to extend my remarks in the RECORD on the bill.

Mr. MANN. I object.

Mr. RAKER. I have five minutes on this motion to strike out.

Mr. MANN. I make the point of order that the gentleman is not discussing the bill. I have no opposition to the gentleman getting his chance, but I do not think he ought to take it now.

Mr. RAKER. This is on the motion to strike out the last word. It will only take me a moment.

Mr. MANN. The gentleman is one of 435 Members of the House. He is not entitled to any greater privileges than the rest. If he wants to delay the House, very well, but he can not do it unless he comes within the rule.

Mr. LEVER. I wish the gentleman from California would let us read the bill. He can get his unanimous consent in the House. I do not want to object myself——

Mr. RAKER. I am satisfied that nobody will object.

Mr. LEVER. But I will say to the gentleman from California that this is the first call that the Committee on Agriculture has had, and will be the last one, except next Wednesday.

Mr. RAKER. Under those circumstances I will not take up any time, but will submit my request later.

The Clerk read as follows:

SEC. 3. That the Secretary of Agriculture is authorized to investigate the ginning, wrapping, baling, sampling, weighing, handling, classifying according to grade and otherwise, compressing, tare, moisture content, certification, identification, warehousing, storage, transportation, marketing, and utilization of cotton and its products.

Mr. BRUMBAUGH. Mr. Chairman, I move to strike out the last word. I just want to take a moment's time to correct the gentleman from New York [Mr. BENNET] in his quotation from Jefferson. As I remember it, Jefferson said, writing to John W. Eppes:

I hold the world is governed too much. I hold that when we have established justice and so legislated as to prevent the strong from preying upon the weak, then the least governed country is the best governed country.

Mr. CARAWAY. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CARAWAY: Amend by striking out the period at the end of line 20 and inserting a colon and adding the following proviso: "*Provided,* That none of the provisions and penalties prescribed in sections 13 or 14 of this act shall be applicable to the provisions and acts called for in said section 3."

Mr. LEVER. If the gentleman from Arkansas is willing to make that amendment a part of section 13 or 14, I think I shall have no objection to it. It seems to me it comes out of order at this point in the bill, because the sections may be changed in the meantime.

Mr. CARAWAY. I have no objection. I ask leave to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States," and to adopt, change, or replace the standard for any grade of cotton established under the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909 (35 Stats. L., p. 251), and acts supplementary thereto: *Provided,* That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further,* That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. I do not know much about the cotton-farming industry, but do you have the same conditions that we do in the wheat belt, have cotton that would be called no grade, and which is still marketable?

Mr. LEVER. There is a class of cotton in the South called "dogtail" cotton. It is not standardized; it is a very low class of cotton, but yet it has some value, such as making padding for horse collars, and so forth; but it is not a cotton that would ever be standardized by any grade.

Mr. MEEKER. Then that would not be affected by this bill at all?

Mr. LEVER. No; because it never would be standardized.

Mr. MEEKER. I asked the question because I see that before a change of grade is made there must be a year's notice, and suppose something should occur to the cotton crop which would destroy a lot of it as far as grading cotton is concerned?

Mr. LEVER. In the first place, there never could occur such a catastrophe as would destroy the grade of all the cotton in a section.

Mr. MEEKER. I did not mean all of it.

Mr. LEVER. Or a large per cent, because the Department of Agriculture is authorized in this act and other acts not only to standardize such cotton as it has already standardized for 18 grades, but it is authorized to standardize the lowest grades of cotton, except such stuff as no Secretary would want to standardize.

The Clerk read as follows:

SEC. 6. That no person shall ship, or deliver for shipment, in commerce any cotton in contemplation or in pursuance of any sale, offer for sale, or consignment for sale, whether by grade or other class, or in any other manner, under any name, description, or designation which is false or misleading in any particular: *Provided,* That nothing contained herein shall prevent the shipment or delivery for shipment, otherwise lawful, of any cotton which is sold, offered for sale, or consigned

for sale, on sample or type, without reference to grade or other class, under any name, description, or designation which is not false or misleading.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 10, strike out the word "herein," and in lieu thereof insert the words "in this act."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

On page 5 strike out the period at the end of line 11 and in lieu thereof insert a comma.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 5, line 12, strike out the words "or type," and strike out, in line 13, the words "without reference to grade or other class," and in lieu thereof insert a comma after the word "sample," and the words "or one other than by a grade or other class within the scope of a standard which shall have become effective on type or."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify cotton according to grade or otherwise and to certificate the grade or other class thereof, under such rules and regulations as the Secretary of Agriculture may prescribe. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee for a hearing, that such licensee has failed to classify cotton correctly, in accordance with the official cotton standards of the United States, or has violated any provision of this act, or of the rules and regulations made hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture. The Secretary of Agriculture is authorized to issue certificates, showing the true classification of the cotton involved in such appeals, signed by him, or, in his name, by some officer or officers of the Department of Agriculture designated by him. For the purposes of sections 5 and 6 of this act, any cotton shall be deemed to conform to the grade or other class of the official cotton standards of the United States set forth in a certificate for such cotton, issued in compliance with this act and the rules and regulations prescribed hereunder, obtained and used in good faith, without fraud or collusion, and a statement that it is of such grade or other class shall not be deemed to be false or misleading.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 6, lines 14, 15, and 16, strike out the words "has failed to classify cotton correctly in accordance with the official cotton standards of the United States" and in lieu thereof insert "is incompetent and has knowingly or carelessly classified cotton improperly."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 6, line 22, after the word "of," insert the words "or persons interested in the transaction involving."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 8, after the word "shall," insert a comma and the words "in behalf of any person prosecuting for violation of either of said sections."

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Chairman, I want to ask the chairman of the committee a question with reference to certain language in the bill, beginning in line 22, page 6:

Whenever the owner or person in possession of any cotton which has been classified, and its classification certified, by a classifier licensed under this act, is dissatisfied with such classification, he may, within a reasonable time, to be fixed in the rules and regulations of the Secretary of Agriculture, appeal therefrom to the Secretary of Agriculture.

This is the question that I desire to propound: As the gentleman from South Carolina [Mr. LEVER] knows, a great many farmers in our section of the country raise cotton and are absolutely dependent on a quick sale of that cotton for money with which to pay their current expenses. Suppose an incompetent classifier were to put a classification on, say, 10 bales of cotton in the hands of a farmer, which he knew was not a true classification of the cotton. Rather than be delayed in getting his money, although he knows his classification is based upon error or upon an attempt to defraud, he would be most likely to accept the classification. Under the provisions of this bill, if he desired to make an appeal, how long would he have to wait before he could get a decision giving him a true classification of his cotton?

Mr. LEVER. Mr. Chairman, the question of the gentleman from Georgia is an important one, and my answer to it is this, that it is proposed with the appropriation provided in this bill to locate boards of expert classifiers at the principal cotton markets of the South. There would probably be one or two in the State of Georgia, and there would undoubtedly be one in the State of South Carolina, and probably several in the great State of Texas.

There will be enough of these boards located, with headquarters established, to expedite as much as possible the consideration of transactions such as the gentleman has described. Just how long in actual practice it would take would be a matter to be determined largely by the distance that the complaining cotton seller lived from the nearest headquarters. I should think it ought not to take over a day or so, but that is somewhat of a guess.

Mr. HOWARD. I take it that the practical execution of this law will be about in this way, that all cotton buyers will stand examination and classify under the provisions of this act to grade cotton.

Mr. LEVER. That is correct.

Mr. HOWARD. That will be the actual cotton buyer in the market buying the staple?

Mr. LEVER. Yes.

Mr. HOWARD. It occurs to me that that class of classifiers and buyers would find it to their interest to give the farmer, as they have been doing ever since we have been raising cotton, the lowest classification that he is willing to take. Under the provisions of this act, if he puts that classification on, he can resort to the same means that he resorts to now. If there is no competition in that particular market, the buyers there will put on a low classification. Let us suppose there is only one cotton buyer at a particular market, and he the only licensed classifier. The farmer is absolutely at the mercy of that particular classifier as to the price that he will obtain for his cotton.

Mr. LEVER. But the gentleman overlooks the fact that the classifier would hold his license only upon condition that he conducted his business efficiently and honestly.

Mr. HOWARD. I understand.

Mr. LEVER. And if he drops into the habit of deliberately misgrading, his license is liable to be taken from him by the Secretary of Agriculture; and in addition to that he is liable to the penalties of this bill. Of course there will be, I have no doubt, some dishonesty in this business, as there is in every business, but I think we have reduced that to the minimum.

Mr. HOWARD. I am heartily in favor of this bill, but the proposition that I am trying to bring to the attention of the distinguished chairman of this committee is this, that we ought to have some method of expediting the appeal from a classification and a near-by settlement. In other words, there ought to be some machinery set in motion in this bill, in my judgment local machinery, by which these classifications can be appealed from and the classifications settled finally as between the grower and the buyer.

Mr. LEVER. I fully agree with the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for one minute in order that I may answer the gentleman.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I agree with the gentleman's statement entirely, but the gentleman must recognize the difficulty of the Congress of the United States legislating upon purely local propositions. What we are doing in this bill is to expedite the appeal just as much as possible, and we are providing an appropriation and giving an authority to the Secretary to locate these central boards, not in particular terms, but in general terms, so that in order to expedite such transactions we will bring our appeal board just as close to the farmer as it is possible to get it.

Mr. HOWARD. This bill provides that the appeal shall be made from the classification directly to the Secretary of Agriculture.

Mr. LEVER. That is true, but the gentleman must understand that the Secretary will act through his force in the field.

Mr. HOWARD. If that was not true, if the decision was that the appeal should be made to the board of classifiers appointed by the Secretary of Agriculture to determine this particular thing, then it would expedite it, but if a man down in South Carolina or in Georgia, in order to appeal on a 10-bale classification, must apply direct to the Secretary of Agriculture and then let the Secretary put into operation the machinery necessary to properly classify his cotton and hear his appeal, it will take so much time that the man would rather accept the original classification.

Mr. LEVER. But that is not the modus operandi at all. It will be the other way.

The Clerk read as follows:

SEC. 9. That whenever a dispute arises as to the classification of any cotton which has been sold, offered for sale, consigned for sale, delivered for transportation, or transported, in commerce, any party interested in such transaction may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination. The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of this section, and his findings, upon any dispute referred to him under this section, made after the parties in interest have had an opportunity to be heard by him, or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true classification of the cotton involved.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking unanimous consent to extend my remarks in the RECORD on the subject of rivers and harbors.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the subject of rivers and harbors. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to extend my remarks in the RECORD on the subject of military highways.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of military highways. Is there objection?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

SEC. 12. That any person who, without written authority from the Secretary of Agriculture, shall receive, use, or have in his possession, any of the practical forms furnished by the Secretary of Agriculture under this act which do not bear the certificate provided therefor by this act, or who alters, tampers with, or in any respect changes any of the said practical forms certified as provided for by this act, or who uses any of such practical forms after they shall have been condemned by the Secretary of Agriculture, or who shall, with intent to deceive or defraud, make, receive, use, or have in his possession any simulate or counterfeit practical form or forms of any standard of any cotton established under this act, or who fails to comply with or violates any of the rules and regulations made by the Secretary of Agriculture governing the use of said forms, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act.

Mr. RAKER. Mr. Chairman, I move to strike out the section. Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MADDEN. I object.

Mr. RAKER. You will have to keep on objecting. I will tell you that right now. It is fun on your part now, possibly.

Mr. MADDEN. Mr. Chairman, my objection is based on this fact——

Mr. RAKER. I think I have the floor. I do not need any explanation. I would just as soon the gentleman did not explain. If he has any deep-seated reason for sitting in his seat and permitting every other gentleman to get unanimous consent——

Mr. MADDEN. I object to the gentleman's discussion of his motion. I raise the question of order.

Mr. RAKER. If he has any deep-seated reason——

Mr. MADDEN. I raise the question of order as to the gentleman's discussion of the motion. He is not discussing it.

Mr. RAKER. I am going to discuss the motion to strike out the section when I get to it.

Mr. MADDEN. All right.

Mr. MANN. If the gentleman is going to filibuster, we will commence on this side as well. We may just as well understand it. I make the point there is no quorum present.

Mr. RAKER. He will have to make it. I have five minutes.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. LEVER. Mr. Chairman, will the gentleman withhold it for a moment?

Mr. MANN. I will if you are going ahead with this bill, but not for extraneous matter.

Mr. RAKER. I will say to the gentleman from South Carolina [Mr. LEVER] that I do not propose to stand here and have my objections to a legitimate bill prevented and have other men get leave to print. It comes from the other side in the shape of objection. I am trying to be heard and I am going to be heard.

Mr. MANN. The gentleman is heard more than anbody, but nobody pays any attention to what he says. He is always talking.

Mr. RAKER. That is your view of it. Others differ. Now, the gentleman can make his remarks, but I am not going to submit to them, notwithstanding he has had lots of experience. And he can make any suggestion he wants. I did not refer to him at all.

Mr. MANN. I did to him.

Mr. LEVER. Do not tie up the bill.

Mr. MANN. If the gentleman is going to filibuster, I will filibuster.

Mr. RAKER. It is not any filibuster. It is an idea to get into the RECORD what I consider legitimate.

Mr. MANN. You get more in the RECORD than any other 10 gentlemen in the House.

Mr. RAKER. That is your opinion.

The CHAIRMAN. The point of order is made that no quorum is present. Debate is not in order. There is nothing in order until the Chair determines whether there is a quorum present. The Chair will proceed to count.

The Chair proceeded to count.

Mr. RAKER. Mr. Chairman, I want to withdraw my motion to strike out the section.

Mr. MANN. The gentleman can not withdraw it yet.

The CHAIRMAN. The gentleman can not do that, because there is a point of order of no quorum pending.

Mr. MANN. If we can proceed with this bill, I will withdraw the point of no quorum; but not to consider extraneous matters.

Mr. RAKER. We will proceed with the bill; and the gentleman is filibustering when he objects to my withdrawing the motion.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his motion to strike out the section. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from South Carolina a question. I have tried in the short time this bill has been under consideration to find a definition of the expression "practical forms," as it appears in line 1, page 9. Is it contained in the bill?

Mr. LEVER. There is no definition of the term "practical forms" in the bill.

But I may say to the gentleman that these words have a well-recognized meaning. If the gentleman will come to my office some time I will show him the forms representing the nine grades in a box, each grade set off by itself.

Mr. BENNET. The gentleman, I have no doubt, has a serious purpose in connection with this bill.

Mr. LEVER. Undoubtedly.

Mr. BENNET. And in this section the committee has inserted a description of a crime. In lines 14 and 15 is the language "shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 13 of this act." Now, the gentleman is a very excellent lawyer——

Mr. LEVER. The "gentleman" never served long enough to do anybody any harm as a lawyer.

Mr. BENNET. I think what service he has had has been a benefit. You would never convict anybody under this section of having in his possession any of the practical forms unless there is a well-defined description of what the practical forms are.

Mr. LEVER. But would not that be covered by section 11, which provides "That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this act"? And, in addition to that, would it not be a matter of evidence in the court as to whether or not the party had in his possession such practical forms as the Secretary of Agriculture had put into commerce?

Mr. BENNET. Well, there might be something in that, except that this crime only adheres to those practical forms that are furnished by the Secretary of Agriculture under this act.

Mr. LEVER. Yes. If the gentleman will permit me, we are repeating here in section 12 the language already in the cotton-futures act touching this same proposition. The gentleman

understands, of course, that it is absolutely necessary to protect the integrity of these standards and that we have got to throw around them all the safeguards of law in order to prevent tampering with them. They are very delicate, and the slightest handling of them will make them absolutely valueless as a measure of grade or value. It is absolutely necessary to protect the country against the deliberate tampering with these forms. That is what we are trying to do here.

Mr. BENNET. Yes; but the gentleman is not getting where he wants, because he is attempting to make it a crime for a man to have in his possession any of the practical forms furnished by the Secretary of Agriculture under this act, when nowhere in the act is it provided that the Secretary of Agriculture shall furnish any practical forms.

Mr. LEVER. Let me read a little further on. I read:

That any person who without written authority from the Secretary of Agriculture shall receive, use, or have in his possession any of the practical forms furnished by the Secretary of Agriculture in this act—

And so forth.

Now, then, anyone having in his possession these forms which do not bear the certificate of the Secretary, which is required by law to accompany these practical forms, will be violating the law and will undoubtedly be putting himself in danger. It is absolutely necessary that we find some way of protecting these standards, just exactly as we provide now in reference to food and drugs in this country. We are tagging it; that is all. The possession of one of these boxes containing the type that has not been tagged by the certificate of the Secretary of Agriculture will likely get its possessor into trouble.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. After the 4th of March I shall be a practicing attorney. Suppose somebody in my town has some of these forms in his possession without having a certificate. A prosecution is commenced against him, and the case comes to me as his attorney, and I go into the question of how he is going to defend himself. The first thing that I or any other lawyer will look up will be to find out in what part of this act is described what a practical form is, and it is not here; and what is required of the Secretary of Agriculture in regard to furnishing practical forms, and I do not find it here.

Mr. LEVER. It does provide that.

Mr. BENNET. Where?

Mr. LEVER. Section 4 of the act provides—

That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States."

Mr. BENNET. That relates to the standardization, and not to the papers.

Mr. LEVER. There is no description of what the practical form is.

Mr. BENNET. The gentleman should remember that this is a penal statute.

Mr. LEVER. Yes. But in line 18, page 3, of the act, it is provided that—

The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the seal of the Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Mr. BENNET. I think the gentleman is right. As I stated at the outset, I was not able to find it.

Mr. LEVER. I misunderstood the gentleman.

Mr. BENNET. I am free to say that in my judgment that cures the defect.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this act, or the rules and regulations made hereunder, shall, upon conviction thereof, be fined not more than $1,000, or be imprisoned not more than one year, or be punished by both such fine and imprisonment.

Mr. CARAWAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARAWAY: Amend by striking out the period at the end of line 10, page 10, and inserting a colon and the following proviso:

"*Provided*, That none of the provisions or penalties of sections 13 and 14 of this act shall be applicable to the provisions of section 3."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. RAKER. Mr. Chairman, I move to strike out all after the word "or" in line 9, and all of line 10, and insert the word "both" after the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 10, line 9, strike out all after the word "or" in line 9, and all of line 10, and insert the word "both."

Mr. RAKER. That is the same as the other section.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000, available until expended, for the expense of carrying into effect the provisions of this act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This appropriation of $50,000 is made available until expended. How long is it anticipated that that will carry on this work?

Mr. LEVER. Mr. Chairman, the department originally estimated for this work $100,000. The committee thought it ought to be able to begin its organization work with $50,000. I should say that the organization under this act certainly ought to be completed within one fiscal year. I did not get any information from the department about it, but that would be my own judgment.

Mr. MANN. The grain-grading act and this act are along the same lines.

Mr. LEVER. Yes.

Mr. MANN. What is the amount that is carried in the agricultural appropriation bill this year for the grain-grading act—$500,000?

Mr. LEVER. We are carrying an appropriation of $519,000 for the enforcement of that act, but $250,000 of that is an unexpended balance.

Mr. MANN. It does not make any difference whether it is an unexpended balance or not. It has to come out of the Treasury. Now, if it costs half a million dollars for the grain-grading act, how does the gentleman expect to get along with $50,000 for the cotton-grading act? My observation has been that the gentlemen from cotton States always get more money than the gentlemen from the grain States, and they make a point of it.

Mr. LEVER. I will say to the gentleman from Illinois that it ought not to be as expensive to enforce the provisions of this act as it is to enforce the provisions of the grain-grading act, to start with.

Mr. MANN. This $50,000 is too much for the balance of this fiscal year and it is not enough until the end of the next fiscal year.

Mr. LEVER. I think the gentleman is right, but of course in the Committee on Agriculture we were in no position to handle the situation. If it should be determined later, through estimates from the department, that it will need more money, I will bring it to the attention of the House if we can reach it before we finish the consideration of the agricultural appropriation bill. Otherwise it will have to be taken care of in the Senate, I suppose.

Mr. MANN. If this bill becomes a law at all at this session of Congress, very likely it will be signed at 11.55 on the 4th of March, or on the 3d of March, the 4th being Sunday, I believe.

Mr. LEVER. I hope we may escape that this time.

Mr. MANN. It will then be too late to make an appropriation; and if we are diligent at this session of Congress, I trust we will not have to be here again before next December, after the 4th of March. I do not believe that $50,000 will take care of this matter from March 4 until the 1st of next December, if we can get any notion at all from the expense of carrying out the grain-grading act.

Mr. ANDERSON. There is a difference between the situations as respects the grain-grading act and this act. The de-

partment has been working upon the grain-grading proposition for almost a year now—five or six months, anyway—and has completed its organization for the work under the act. In respect to this proposition, the $50,000 will only go to completing the organization.

Mr. LEVER. I should think this amount will in all reasonableness carry out the work of organization until another appropriation can be made.

Mr. MANN. You can not make it too small to suit me.

Mr. SUMNERS. Mr. Chairman, I move to strike out the last two words for the purpose of asking the chairman of the committee a question. The gentleman's attention has already been directed to the use of the word "practical" in this bill. Those of us who have had experience in prosecutions appreciate the necessity of framing a law in such a way that there will be just as few questions in it as possible. Under this bill you leave to the discretion of the Secretary of Agriculture the construction of the forms, anyhow. You do not undertake in this bill to indicate to the Secretary of Agriculture how the forms shall be constructed.

Mr. LEVER. That is true, but——

Mr. SUMNERS. Now, it may be that in a prosecution the presumption that the official has done his duty will stamp these forms in such a way that the question could not be raised in a trial as to whether or not a given form upon which a prosecution was based was in fact a practical form or not. But you put into this bill in every prosecution the question whether a given form upon which the prosecution is based is a practical form or not. Now, the point to which I wish to direct the attention of the gentleman is this, that you unnecessarily and without profit put into this bill a question which would confront a prosecutor in the event that a prosecution should be based upon an alleged violation; and if you will just eliminate the word "practical" wherever it appears in the bill, you will meet all the purposes of this legislation, it seems to me, and will eliminate the possibility of this question arising in the event of a prosecution for an alleged violation of the law.

Mr. LEVER. I think I can appreciate and sympathize with the gentleman's position. In the first clause the Secretary is authorized to establish and promulgate these standards in a practical form. In addition to that he is authorized and directed to prepare practical forms of the official standards which shall be established by him, and to furnish these from time to time to persons who are willing to pay for them. In addition to that, on page 3, line 24, he is authorized and directed—

To certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary; and he is authorized to make rules and regulations governing the use and condemnation of said practical forms.

Now, you have authorized him to prepare these practical forms, but the fact of these forms being the practical forms authorized by this act will be evidenced by the signature and certificate of the Secretary of Agriculture, and I think that would relieve the situation which the gentleman is disturbed about.

Mr. SUMNERS. I recognize that it is not clearly fatal to a prosecution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. I ask for one minute more, Mr. Chairman.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for one minute. Is there objection?

There was no objection.

Mr. SUMNERS. I recognize that it is not fatal in the event of a prosecution, but you must leave some discretion to the Secretary of Agriculture. Of course, the gentleman does not mean it, but it is a reflection to say to a man who must prepare a form that it must be a practical form.

Mr. LEVER. What we desire to bring out by the use of the word "practical" is that the type box shall be of such a character as to visualize the grades of cotton.

Mr. SUMNERS. You do not so describe it here.

Mr. LEVER. It is almost impossible to do it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BENNET. Mr. Chairman, I move to strike out the last three words in order to ask the gentleman from South Carolina a question. There is an unusual expression on line 5, page 4, and I want to see whether it is a typographical error. It is "and he is authorized to make rules and regulations governing the use and condemnation of said practical forms."

Mr. LEVER. Yes; the Secretary has the power to make rules governing the use of the practical forms and the regulations governing their condemnation. It may be that the Secretary might want to change the standards after 12 months' notice, and they would then go out of use, and he might want to condemn them, and he would want to be sure and take the same precaution in condemning them as you would other property.

Mr. BENNET. I do not want to criticize the gentleman's use of language, but if the gentleman means abrogation, I think that would be the better word. I do not think you condemn a thing unless there is something evil about it, but you can abrogate anything that is obsolete.

Mr. LEVER. I do not pretend to a nice discrimination in the use of words, but you do condemn property and rights of way.

Mr. BENNET. It is simply a question of taste. If the gentleman is satisfied with it, I am.

The Clerk read as follows:

SEC. 17. That this act shall be effective immediately, except sections 5, 6, 7, 9, and 13, which shall become and be effective on and after September 1, 1916.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 3, strike out the word "September" and in lieu thereof insert the word "August."

Mr. MANN. It is not a great while to get this thing in shape. When the gentleman reported the bill before, I take it that it was reported in May—I do not know when it was introduced—but he proposed to make it go into effect the 1st of September.

Mr. LEVER. We make it August because August is the beginning of the cotton year in the trade.

Mr. MANN. Was not it the beginning of the cotton year when the bill was reported before?

Mr. LEVER. No; it has been changed since. I was informed of that fact lately by an expert in the Department of Agriculture.

Mr. CANDLER of Mississippi. Some of the cotton begins to move in August.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 4, strike out the word "sixteen" and insert in lieu thereof the word "seventeen."

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15913) establishing uniform standards and classification of cotton, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BENNET. Mr. Speaker, I move to recommit the bill to the Committee on Agriculture with instructions to report the same back forthwith by striking out the proviso on page 4, section 5, and the latter two provisos in section 4, on page 3.

Mr. LEVER. I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BENNET moves to recommit the bill with instructions to report the same back forthwith by striking out the proviso on page 4, section 5, and the last two provisos in section 4, page 3.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The bill was passed.

On motion of Mr. LEVER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 306. Joint resolution authorizing the Secretary of the Interior to extend the time for payment of the deferred installments due on the purchase of tracts of the surface of the

segregated coal and asphalt lands of the Choctaw and Chickasaw Tribes in Oklahoma.

INVESTIGATION UNDER HOUSE RESOLUTION 429.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution that I send to the Clerk's desk.

The Clerk read as follows:

House resolution 430.

Resolved, That in the performance of the duties imposed upon it by reference to it of House resolution 429, the Committee on Rules shall have the power to send for persons and papers and to administer oaths, and to employ such stenographic and clerical assistance as may be necessary. The expenses incurred hereunder shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The resolution was agreed to.

On motion of Mr. GARRETT, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

STANDARDIZATION OF SERUMS.

Mr. RUBEY. Mr. Speaker, I desire to call up by direction of the Committee on Agriculture the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count.

Mr. MANN. I will say to the gentleman from Missouri that there is no advantage in starting this bill to-night, that he will not make any progress, but I will withdraw the point of order.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill H. R. 16788?

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I wish the gentleman to state what the subject of the remarks will be?

Mr. RAKER. They are upon House bill 16788, and relate entirely to that bill and its operation.

Mr. MADDEN. What is the bill?

Mr. RAKER. It is a bill for the construction of a military highway, and the remarks refer to that bill in all its various forms.

Mr. MADDEN. Mr. Speaker, I wish to say now while I have the floor, and I have the right to speak, that my reason for objecting to the request for unanimous consent by the gentleman from California [Mr. RAKER] on previous occasions was that he was trying to inject a foreign matter into the consideration of a bill that was pending before the House. Now that that is out of the way I shall not object.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. RAKER. Mr. Speaker, I would like to proceed for one minute——

Mr. MANN. Mr. Speaker, I shall object to that.

STANDARDIZATION OF SERUMS, ETC.

The SPEAKER. The gentleman from Missouri calls up the bill (H. R. 15914) to authorize the Secretary of Agriculture to license establishments for and to regulate the preparation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes, and under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from California [Mr. RAKER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15914, with Mr. RAKER in the chair.

The Clerk reported the bill by title.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUBEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15914 and had come to no resolution thereon.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, January 4, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the service of the fiscal year 1918 (H. Doc. No. 1869); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required by the War Department for necessary dredging incident to the construction of a dock at the ordnance depot, Panama Canal (H. Doc. No. 1870); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the fiscal year 1917 (H. Doc. No. 1871); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation for the fiscal year 1917 (H. Doc. No. 1872); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting an estimate of deficiency in the salaries of officers and employees of the National Park Service from March 1, 1917, to June 30, 1917 (H. Doc. No. 1873); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Smithsonian Institution submitting an estimate of appropriation for botanical exploration in Central and South America for the fiscal year ending June 30, 1918 (H. Doc. No. 1874); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, submitting estimates of appropriation for inclusion in deficiency bill or sundry civil appropriation bill Buena Vista (Va.) post office, Leominster (Mass.) post office, and Pittsfield (Mass.) post office (H. Doc. No. 1875); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce submitting estimates of deficiencies in appropriations for the Department of Commerce for the fiscal year ending June 30, 1917 (H. Doc. No. 1876); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year 1918 for United States disciplinary barracks, Fort Leavenworth, Kans. (H. Doc. No. 1877); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 19539) granting the consent of Congress to the Mahoning & Shenango Railway & Light Co. and its successors and assigns to construct, complete, maintain, and operate a combined dam and bridge across the Mahoning River in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKAID: A bill (H. R. 19540) authorizing the granting of patent to certain lands adjacent to the agricultural experiment station at Scottsbluff, Nebr., to the regents of the University of the State of Nebraska for dry land agricultural experimental purposes; to the Committee on the Public Lands.

By Mr. ROBERTS of Nevada: A bill (H. R. 19541) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; to the Committee on the Public Lands.

By Mr. COOPER of Wisconsin: A bill (H. R. 19542) authorizing and directing the Secretary of War, in his discretion, to deliver to the village of Sharon, Wis., two condemned bronze or brass cannon; to the Committee on Military Affairs.

By Mr. McARTHUR: A bill (H. R. 19543) to designate the dates upon which the Congress shall meet in regular session; to the Committee on the Judiciary.

By Mr. MONTAGUE: A bill (H. R. 19544) to increase the limit of cost of the purchase of the enlarged site of the Federal building at Richmond, Va.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 19545) to authorize an addition to the Whitman National Forest, in the State of Oregon; to the Committee on the Public Lands.

By Mr. STERLING: A bill (H. R. 19546) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: A bill (H. R. 19547) concerning the qualification of Federal officials within the Territory of Hawaii; to the Committee on the Territories.

By Mr. MOON: Resolution (H. Res. 428) authorizing the consideration of certain new legislation in H. R. 19410, a bill making appropriations for the support of the Post Office Department for the fiscal year 1918; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 19548) granting a pension to Mary E. O'Reilly; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 19549) granting a pension to Howard W. Bingham; to the Committee on Pensions.

By Mr. BEAKES: A bill (H. R. 19550) granting an increase of pension to Henrietta Nokes; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 19551) granting an increase of pension to Samuel H. Keech; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 19552) for the relief of the heirs of Burton Meador, deceased; to the Committee on War Claims.

Also, a bill (H. R. 19553) to authorize the Postmaster General to settle the accounts of Joseph Lowrey, deceased; to the Committee on Claims.

Also, a bill (H. R. 19554) to authorize the appointment of Samuel T. Polk to the grade of first lieutenant in the Army; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 19555) granting a pension to Mabel Nolan, daughter of John Nolan; to the Committee on Invalid Pensions.

By Mr. CHIPERFIELD: A bill (H. R. 19556) granting an increase of pension to William S. Strode; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19557) granting an increase of pension to Lewis C. Derry; to the Committee on Invalid Pensions.

By Mr. COSTELLO: A bill (H. R. 19558) for the relief of Amos Gaul; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 19559) granting a pension to William H. Troxell; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 19560) granting a pension to Edith L. Morgan; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 19561) granting an increase of pension to Philip Liebrick; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19562) granting an increase of pension to Elmes J. Gilman; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 19563) granting a pension to Charles A. Livingstone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19564) granting a pension to Esther A. Aiken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19565) granting a pension to Robert Earl Puett; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 19566) granting a pension to Ella C. Gay; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 19567) granting a pension to Peter J. Huber; to the Committee on Pensions.

Also, a bill (H. R. 19568) granting a pension to Sylvester Haus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19569) granting an increase of pension to Andrew Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19570) granting an increase of pension to Marion S. Day; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 19571) granting an increase of pension to Charles Henry; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 19572) granting an increase of pension to Adam Allwein; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 19573) granting an increase of pension to Osborn Allen; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 19574) to reimburse Hugh T. Caffey, postmaster at Leeds, Ala., for money and stamps stolen from said post office at Leeds, Ala., and repaid by him to the Post Office Department; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 19575) for the relief of Robert W. Vail; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 19576) granting a pension to William H. Ormsby; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 19577) granting an increase of pension to David H. Tullis; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 19578) granting an increase of pension to Alice A. Croll; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 19579) granting an increase of pension to Henrietta E. Wingard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19580) granting an increase of pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 19581) granting an increase of pension to Pascal Hunley; to the Committee on Invalid Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 19582) granting a pension to Cecilia Gordon; to the Committee on Pensions.

Also, a bill (H. R. 19583) granting a pension to Joseph D. Beaubien; to the Committee on Pensions.

Also, a bill (H. R. 19584) granting an increase of pension to William Schwicardi; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 19585) granting an increase of pension to Albert A. Root; to the Committee on Invalid Pensions.

By Mr. PATTEN: A bill (H. R. 19586) for the relief of Richard Henry Greene and Walter F. Jones; to the Committee on Military Affairs.

By Mr. PLATT: A bill (H. R. 19587) granting an increase of pension to George W. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19588) granting a pension to Curt Morgan; to the Committee on Pensions.

Also, a bill (H. R. 19589) granting a pension to Gilson D. Moore; to the Committee on Pensions.

Also, a bill (H. R. 19590) granting an increase of pension to Leander Young; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 19591) granting a pension to Anna C. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19592) granting a pension to Jane Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19593) granting an increase of pension to Henry A. Adcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19594) granting an increase of pension to James J. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19595) granting an increase of pension to Edward Hesson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19596) granting an increase of pension to Samuel R. Easter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19597) for the relief of Richard Hall; to the Committee on War Claims.

By Mr. REAVIS: A bill (H. R. 19598) granting an increase of pension to Robert McMillen; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 19599) granting a pension to Ella Mearns; to the Committee on Pensions.

Also, a bill (H. R. 19600) granting an increase of pension to Mary E. McManigal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19601) granting an increase of pension to Anna Mallory; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 19602) granting a pension to Alexina Nowlan; to the Committee on Pensions.

By Mr. RUCKER: A bill (H. R. 19603) granting an increase of pension to Charles Chaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19604) granting an increase of pension to Orville H. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19605) granting an increase of pension to John M. Stanley; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 19606) granting an increase of pension to Elizabeth Reid; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 19607) granting an increase of pension to Hiram M. Brown; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19608) granting a pension to James M. Neighbors; to the Committee on Pensions.

Also, a bill (H. R. 19609) granting a pension to William B. Tomlinson; to the Committee on Pensions.

Also, a bill (H. R. 19610) granting a pension to Hiram Dillon; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 19611) granting an increase of pension to Jerome W. Russell; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 19612) granting a pension to William A. Stuchell; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19613) granting an increase of pension to James S. Doolittle; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 19614) granting a pension to Nellie P. Keliher; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 19615) granting an increase of pension to Lorinda H. Courtright; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19616) granting an increase of pension to Franklin T. Lockhart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 19361, for relief of Samantha McCann; to the Committee on Invalid Pensions.

Also, petition of Dr. L. C. Laycock and 12 others, of Alexandria, Ohio, against any increase in postage rates; to the Committee on the Post Office and Post Roads.

By Mr. BACHARACH: Memorial of city commissioners of Hoboken, N. J., asking embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. BEAKES: Petition of employees of post office of Wyandotte, Mich., asking an increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of sundry citizens of New York against prohibition; to the Committee on the Judiciary.

Also, petition of William B. Heneberry, favoring House bill 15312 relative to pay of inspectors of customs at port of New York; to the Committee on Appropriations.

Also, petition of International Union, United Brewery Workmen, favoring the Nolan bill; to the Committee on Labor.

Also, memorial of National Association of Manufacturers of the United States, favoring additional provisions for foreign-trade facilities; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Canners' Association, favoring enlargement of the pure-food laws; to the Committee on Agriculture.

Also, petition of sundry citizens of New York City, against abolishment of pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry business firms of the United States, against any increase in postage; to the Committee on the Post Office and Post Roads.

Also, petition of J. H. Shipway & Bros., Niagara Electro Chemical Co., and John H. Behling, all of New York, favoring House joint resolution 236, relative to power at Niagara Falls; to the Committee on Education.

By Mr. CAREW: Memorial of Board of Aldermen of New York City, against auto trucks for mail delivery; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Charles Harris Whitaker, relative to appointment of an expert commission to frame a public-building policy for the United States; to the Committee on Public Buildings and Grounds.

Also, petition of City Club of New York, against abolishment of pneumatic mail-tube service in New York; to the Committee on the Post Office and Post Roads.

Also, petition of New York Canners' Association, relative to enlarging pure-food laws; to the Committee on Agriculture.

Also, petition of Bakery and Confectionery Workers' International Union of America, against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of Board of Commissioners of Hoboken, N. J., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the post office of Hoboken, N. J., for increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of American Association of State Highway Officials, relative to fund for completion of topographic map of the United States; to the Committee on Appropriations.

By Mr. FITZGERALD: Memorial of National Association of Box Manufacturers, favoring fund annually to the laboratory at Madison, Wis., to enable department to continue its work; to the Committee on Agriculture.

Also, memorial of Bronx Board of Trade, of New York, favoring pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lincoln Society, of Brooklyn, N. Y., favoring law for compulsory universal military training; to the Committee on Military Affairs.

Also, memorial of Board of Aldermen of the City of New York, favoring continuance of the pneumatic-tube service; to the Committee of the Post Office and Post Roads.

Also, memorial of Rome (Ga.) Chamber of Commerce, favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Rockford (Ill.) Typographical Union, No. 213, for increase of pay for printers in Postal Service; to the Committee on the Post Office and Post Roads.

Also, petition of New York State Federation of Labor, opposing an increase of postal rates for newspapers, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of Keystone Steel & Wire Co., of Peoria, Ill., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 19457, for the relief of T. M. Francis; to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany House bill 19459, to increase the pension of Robert N. Hawkins; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of employees of post offices in Davenport and Iowa City, Iowa, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition of 240 citizens of St. Louis, Mo., favoring national suffrage for women; to the Committee on the Judiciary.

By Mr. KING: Petition of George W. Oakley, of Canton, Ill., favoring bill granting to persons without means loans to stock homesteads, etc.; to the Committee on Banking and Currency.

By Mr. LAFEAN: Memorial of Brotherhood of Calvary Baptist Church, Washington, D. C., favoring prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. MEEKER: Memorial of Boot and Shoe Workers' Union of St. Louis, Mo., against prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, petition of Western Refrigerator and Manufacturing Co., Charles A. Sweet Provision Co., and Apple Hat Co., all of St. Louis, Mo., and Loose-Wiles Biscuit Co., of Kansas City, Mo., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of locals at St. Louis, Mo., of the International Union of the United Brewery Workmen and of the Union Label Trades Department of the American Federation of Labor, of Washington, D. C., protesting against prohibition for the District of Columbia, and also against national prohibition; to the Committee on the Judiciary.

Also, petition of Progressive Beneficiary Association, of St. Louis, Mo., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. NORTH: Petition of Local Union No. 140, United Mine Workers of America, Arcadia, Pa., representing 390 members; Local Union No. 1218, United Mine Workers of America, Florence, Pa., representing 147 members; Local Union No. 1569, United Mine Workers of America, Frostburg, Pa., representing 180 members; and Local Union No. 2739, United Mine Workers of America, Gipsy, Pa., representing 235 members; praying for the appointment of a commission to devise ways and means to restore the food prices back to something near normal; to the Committee on Rules.

By Mr. ROWE: Petition of Chamber of Commerce of State of New York, favoring an increase of salary for tariff commissioners of United States; to the Committee on Ways and Means.

Also, petition of John L. Nellis, Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Wallace & Co. and J. J. Snyder & Son, both of Brooklyn, N. Y., favoring increase in rate for periodicals; to the Committee on the Post Office and Post Roads.

Also, petition of M. H. Tracy & Co. and Joseph H. Nelson, both of New York City, protesting against discontinuance of pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Broadway Board of Trade, favoring passage of Griffin-Penrose bill for pensioning post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Papers to accompany House bill 19050 in pension case of William D. Hall alias William D. Hill; to the Committee on Invalid Pensions.

Also, petition of Frank McLaughlin, of Charlotte, Mich., favoring reasonable allowance for equipment maintenance for rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of E. V. Cole and three others, of Grand Ledge, Mich., against increase in postage; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 18438, in pension case of Charles W. Bennett; to the Committee on Invalid Pensions.

By Mr. SCULLY: Memorial of board of commissioners of Hoboken, N. J., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of directors of Troy (N. Y.) Chamber of Commerce, relative to widening the Narrows of Lake Champlain; to the Committee on Rivers and Harbors.

Also, memorial of employees of various terminal railway post offices, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, memorial of American Association of State Highway Officials, favoring appropriation for completion of topographic maps; to the Committee on Appropriations.

By Mr. TEMPLE: Petition of Robert M. Dean and Charles E. Berchtold, of New Brighton, Pa., in favor of increasing the salaries of rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Peter Bollenbacher, secretary of Trades-Union Liberty League of Pennsylvania, opposing the prohibition measures now pending in Congress, and Joseph Proebstle, international secretary of International Union of the United Brewery Workmen, Cincinnati, Ohio, opposing the prohibition measures now pending in Congress; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of Milton Woman's Club, of Milton, Mass., in favor of the erection of a new immigration station for the port of Boston; to the Committee on Public Buildings and Grounds.

Also, petition of West Roxbury Citizens' Association, West Roxbury, Mass., favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petitions of sundry citizens of Holyoke, Pittsfield, and Shelburne Falls, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Union Service of Churches, by George R. Locke, chairman, representing 100 people of Provincetown, Mass., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of E. S. Augstadt and 45 other postal employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. WOODYARD: Papers to accompany House bill 19616, for relief of Franklin T. Lockhart; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *January 4, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for those things that are fixed and changeless, and we thank Thee for the things that are ever changing and ever new. Out of the one we receive our inspiration and our hope; out of the other we build our character and shape our destiny. Grant us grace this day. Grant that in this sacred moment we may enter into the realm of closed questions with God and go out into the battle of life imbued with Thy spirit and guided with Thy truth. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MUNITIONS OF WAR (S. DOC. NO. 664).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of the proceedings of a board of officers convened by the Secretary of War to investigate and report upon the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, equipment, etc., which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

OFFICE OF THE CHIEF OF ENGINEERS (S. DOC. NO. 662).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriation for additional clerical force in the Office of the Chief of Engineers for the fiscal year 1918, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 15913) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River, with amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. BRADY. I present a resolution adopted by the State Board of Land Commissioners of the State of Idaho petitioning the Federal Government to grant to that State 1,000,000 acres of unappropriated lands to be sold as other State lands, the proceeds of which sale shall be devoted to the building and improving of wagon roads in the State of Idaho. I ask that the resolution be referred to the Senate Committee on Public Lands for consideration in connection with the bill introduced by me December 5, being Senate bill 7042, granting to the State of Idaho 2,000,000 acres of lands to aid in the construction and maintenance of public roads in the State of Idaho.

The PRESIDENT pro tempore. Without objection, the resolution will be received and referred to the Committee on Public Lands.

Mr. BRADY. I present a petition signed by a large number of citizens of St. Maries, Idaho, praying for an embargo on food and leather leaving this country. I move that the petition be received and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PHELAN. I present, in the form of a memorial, three telegrams from organized-labor associations of California with respect to oriental immigration and ask that they be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram.]

SAN FRANCISCO, CAL., *January 3, 1917.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

As you doubtless know, organized labor of California is as united as ever in the demand for really effective legislation which will bar all Asiatic laborers from our shores. We therefore strongly favor the House language of the immigration bill, which would prevent Hindus and persons ineligible to citizenship from entering the United States. We also urge you to stand firmly for your amendment, which would permit only citizens or those who have declared their intention to become citizens to send for their wives.

CALIFORNIA STATE FEDERATION OF LABOR,
DANIEL C. MURPHY, *President,*
PAUL SCHARRENBERG, *Secretary.*
STATE BUILDING TRADES COUNCIL,
P. H. MCCARTHY, *President,*
O. A. TVEITMOE, *Secretary.*

[Telegram.]

SAN FRANCISCO, CAL., *January 3, 1917.*

Hon. JAMES D. PHELAN,
Washington, D. C.:

San Francisco Labor Council, representing 50,000 workers, in thorough accord with your activity on immigration bill. Stand firm in your position favoring the language in House bill, which bars Hindus and persons ineligible to citizenship entering the United States. Keep up the good work.

SAN FRANCISCO LABOR COUNCIL,
JOHN A. O'CONNELL, *Secretary.*

[Telegram.]

SAN FRANCISCO, CAL., *January 8, 1917.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Associated Anti-Japanese Leagues of California most strongly urge retention of House language in immigration bill, which bars Hindus and persons ineligible to citizenship from entering the United States; also clause that only persons naturalized or who declare intention to become citizens can send for their wives.

WILLIAM T. BONSOR, *Secretary.*

Mr. PHELAN presented a memorial of the Credit Men's Association and the Wholesalers' Board of Trade of Los Angeles, Cal., remonstrating against the proposed repeal of the national bankruptcy law, which was referred to the Committee on Banking and Currency.

Mr. POINDEXTER presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the enactment of legislation to permit water-power producers in the Northwest to increase the use of the water supply as provided by the treaty with Canada, etc., which was referred to the Committee on Foreign Relations.

Mr. KERN presented memorials of the Glass Bottle Blowers' Association, of Terre Haute; the Brewery Workers' Union, of Richmond; the Typographical Union, of Evansville; the Hotel Employees' International Association, of Evansville; the Cigar Makers' Local Union, of Evansville; and the Central Labor Union of Evansville, all in the State of Indiana, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented a memorial of the Central Labor Union of La Fayette, Ind., remonstrating against the compulsory arbitration of industrial disputes, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Labor Union of La Fayette, Ind., praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

Mr. KENYON presented a petition of Local Union No. 242, United Mine Workers of America, of Avery, Iowa, and a petition of the Tri-City Federation of Labor, of Rock Island, Ill., praying for the placing of an embargo on food products, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Chamber of Commerce of Des Moines and of Woodbury County Chapter of the Sons of the American Revolution, in the State of Iowa, praying for the enactment of legislation to provide that surplus fees received from naturalization sources be used for the education of immigrants, which were referred to the Committee on Immigration.

He also presented a petition of the Trades and Labor Assembly of Des Moines, Iowa, praying for an increase in the salaries of Government employees, which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Club of Waterloo, Iowa, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Iowa, praying for national prohibition, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of South Fork Borough and vicinity, in the State of Pennsylvania, praying for the placing of an embargo on food products, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SIMMONS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 7380. A bill for the construction of Coast Guard cutters (Rept. No. 894); and

S. 7381. A bill to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard (Rept. No. 895).

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 4716) granting pensions to certain members of the former Life-Saving Service, reported it without amendment and submitted a report (No. 896) thereon.

Mr. KENYON, from the Committee on Education and Labor, to which was referred the bill (S. 5408) to establish in the Department of Labor a division to be known as a woman's division, reported it with amendments and submitted a report (No. 897) thereon.

CORRUPT PRACTICES.

Mr. REED. From the Committee on Privileges and Elections I report back favorably with amendments the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, and I submit a report (No. 898) thereon.

Mr. GALLINGER. Mr. President, I will inquire of the Senator from Missouri if this is a unanimous report of the committee?

Mr. REED. It is a unanimous report of the committee. One member, or perhaps two members of the committee, have reserved the right to offer amendments upon the floor. I had intended to ask that the bill as reported from the committee be printed in the RECORD, but I believe I will not do so.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 7644) to create a new division of the northern judicial district of Texas, and to provide for terms of court at Wichita Falls, Tex., and for a clerk for said court, and for other purposes; to the Committee on the Judiciary.

By Mr. KENYON:

A bill (S. 7645) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved September 8, 1916, and for other purposes; and

A bill (S. 7646) granting an increase of pension to Daniel W. Green (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7647) to authorize the Secretary of the Treasury to accept a title to a site for the post office at Donora, Pa., which excepts and reserves natural gas and oil underlying the land; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER (for Mr. GOFF):

A bill (S. 7648) granting an increase of pension to Emma L. Porter;

A bill (S. 7649) granting an increase of pension to Daniel Vanscoy;

A bill (S. 7650) granting an increase of pension to John P. Fetty;

A bill (S. 7651) granting an increase of pension to John E. Hott; and

A bill (S. 7652) granting an increase of pension to Adam Flesher (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK:

A bill (S. 7653) for the relief of James D. McNutt (with accompanying papers); to the Committee on Claims.

By Mr. BRYAN:

A bill (S. 7654) for the relief of Capt. C. T. Richardson, United States Army; and

A bill (S. 7655) for the relief of C. B. Oliphant; to the Committee on Claims.

A bill (S. 7656) granting an increase of pension to Mary Renfroe; to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 7657) granting a pension to Mary Jedowin (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES (for Mr. JOHNSON of Maine):

A bill (S. 7658) for the relief of Fred W. McConky, jr. (with accompanying papers); to the Committee on Claims.

A bill (S. 7659) for the relief of Malcolm Johnson; to the Committee on Military Affairs.

A bill (S. 7660) granting an increase of pension to Richard L. K. Grant (with accompanying papers);

A bill (S. 7661) granting an increase of pension to George H. Nutting (with accompanying papers);

A bill (S. 7662) granting an increase of pension to Albert S. Farnsworth (with accompanying papers);

A bill (S. 7663) granting an increase of pension to Charles A. Mudgett (with accompanying papers);

A bill (S. 7664) granting an increase of pension to Ralph O. Mason (with accompanying papers);

A bill (S. 7665) granting an increase of pension to Warren Seaward (with accompanying papers);

A bill (S. 7666) granting an increase of pension to Elias B. Moore (with accompanying papers);
A bill (S. 7667) granting an increase of pension to Sarah Jane Estes (with accompanying papers);
A bill (S. 7668) granting an increase of pension to Chester S. Pease (with accompanying papers);
A bill (S. 7669) granting an increase of pension to Alphonso Wingate (with accompanying papers);
A bill (S. 7670) granting an increase of pension to Lillian S. Hawkes (with accompanying papers);
A bill (S. 7671) granting an increase of pension to Joseph P. Dore (with accompanying papers);
A bill (S. 7672) granting an increase of pension to Lewis Graves (with accompanying papers);
A bill (S. 7673) granting an increase of pension to Isaac F. Kendall (with accompanying papers);
A bill (S. 7674) granting an increase of pension to Davis McDonald (with accompanying papers);
A bill (S. 7675) granting an increase of pension to George Lansil (with accompanying papers);
A bill (S. 7676) granting an increase of pension to William H. Lindsey (with accompanying papers);
A bill (S. 7677) granting an increase of pension to Joseph E. Dunn (with accompanying papers);
A bill (S. 7678) granting an increase of pension to Nathaniel Sholes (with accompanying papers);
A bill (S. 7679) granting an increase of pension to George H. Young (with accompanying papers);
A bill (S. 7680) granting an increase of pension to George B. Gilbert (with accompanying papers);
A bill (S. 7681) granting an increase of pension to Edmond Gould (with accompanying papers);
A bill (S. 7682) granting an increase of pension to Joseph McKenney (with accompanying papers);
A bill (S. 7683) granting an increase of pension to George W. Brawn (with accompanying papers);
A bill (S. 7684) granting an increase of pension to John W. Small (with accompanying papers); and
A bill (S. 7685) granting an increase of pension to Byron A. Hart (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:
A bill (S. 7686) granting an increase of pension to Adam S. Bridgefarmer (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:
A bill (S. 7687) granting an increase of pension to Barbara E. Wooddell (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:
A bill (S. 7688) granting an increase of pension to John Drown (with accompanying papers);
A bill (S. 7689) granting an increase of pension to Milton M. Adamson (with accompanying papers); and
A bill (S. 7690) granting an increase of pension to Aldrich S. Luther (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:
A bill (S. 7691) for the relief of Jane B. Andrews; to the Committee on Claims.
A bill (S. 7692) granting an increase of pension to Emily M. Furber; to the Committee on Pensions.

By Mr. PENROSE:
A bill (S. 7693) to reclassify the salaries of employees above the clerical grades in post offices of the first and second class; to the Committee on Post Offices and Post Roads.
A bill (S. 7694) granting a pension to Harry E. Thompson; to the Committee on Pensions.

By Mr. CHAMBERLAIN:
A bill (S. 7695) granting an increase of pension to Walter Emerson (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:
A bill (S. 7696) granting a pension to Mary B. Graham (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:
A joint resolution (S. J. Res. 189) authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the third national convention of the Young Men's Business Associations of America; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment authorizing the Commissioner of Indian Affairs to pay out of any money belonging to the Chippewas of Minnesota to Mary Lyons Pineau, the heirs of Julia B. Oakes, and to Jane B. Jones such amount or amounts as would have been paid to them had they not been stricken from the rolls, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment providing for an increase in the wages, salaries, or compensation of all persons employed in the Diplomatic and Consular Service of the country, intended to be proposed by him to the Diplomatic and Consular appropriation bill (H. R. 19300), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for an increase in the wages, salaries, or compensation of all persons employed in the Indian Service of the country, intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

FISH-CULTURAL STATIONS.

Mr. LIPPITT submitted an amendment intended to be proposed by him to the bill (H. R. 15617) to establish fish-hatching and fish-cultural stations in the States of Alabama, California, Louisiana, Florida, Georgia, South Carolina or North Carolina, Maryland or Virginia, Oregon or Washington, Texas, Oklahoma, Illinois, Washington, Arizona, New Mexico, Michigan, Idaho, Missouri, Pennsylvania, Delaware or New Jersey, and Minnesota, which was referred to the Committee on Fisheries and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. JONES. Mr. President, I desire to present a notice under the rule, and ask that it may be read and lie on the table.

The notice was read, as follows:

Senate resolution.

I hereby give notice that on Friday, January 5, or as soon thereafter as possible, I will move to amend Rule XII of the standing rules of the Senate by adding thereto an additional paragraph, to read as follows:

"No Senator shall be permitted to pair with another Senator, or be excused from voting because of the absence of any other Senator. Any Senator being absent when any vote is taken may have the RECORD show how he would vote if present, such announcement to be made upon the calling of the roll, or at any time thereafter."

The PRESIDENT pro tempore. The notice will lie over.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. SHAFROTH. Mr. President, the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, has been reported to the Senate and has been on the calendar for more than six months. It is a very important bill. I do not want to disturb conditions, but I wish to see if I can get unanimous consent that it be made the special order for, say, one week from to-day.

Mr. GALLINGER. I shall have to make the same objection I did on yesterday, that we can not give unanimous consent for the consideration of a bill which is not before the Senate for consideration.

Mr. SHAFROTH. Special orders are made, and it seems to me if they can be made surely it can be done by unanimous consent. Of course, if there is an objection, I recognize that no such order can be made; but I am not asking that a vote be taken upon that day, which would require, of course, that a quorum call be made. I am simply asking that one week from to-day the Porto Rican civil government bill be made the special order of the Senate.

Mr. TOWNSEND. In order to save time, I will state that I shall have to object to that. We have a regular order before the Senate, and I shall object until that has been disposed of.

Mr. SHAFROTH. Surely it will be disposed of by next Thursday, a week from to-day, will it not?

Mr. TOWNSEND. If the Senate will permit the regular order to be disposed of by that time I shall not object to the Senator's request, of course.

The PRESIDENT pro tempore. Objection is made.

EXECUTIVE SESSION PROCEEDINGS.

Mr. CUMMINS. Mr. President, I rise to suggest that the notice which I gave day before yesterday of a motion to amend the standing rules will be in order this morning, I suppose; but in view of what occurred yesterday, I ask that the resolution which I now offer be read and referred to the Committee on Rules.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 306) as follows:

Resolved, That the standing rules of the Senate be amended as follows:

"Amend Rule XXXV so that it will read as follows:

"'On a motion to close the doors of the Senate on the discussion on any legislative business, no Senator shall speak more than once nor

more than five minutes and a two-thirds vote shall be required for its adoption.'

"Amend paragraph 2 of Rule XXXVI so that it will read as follows, to wit:

"'Executive business, including nominations and treaties, shall be considered in open executive session: *Provided, however,* That after the Senate upon motion made and adopted passes into executive session it shall be in order to move that any particular item of such business shall be considered and acted upon in secret, and upon the motion no Senator shall speak more than once nor more than five minutes. If the motion is adopted by a two-thirds vote, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper ,and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy: *Provided further,* That treaties and confidential communications laid before the Senate by the President shall not be made public until the Senate enters upon their consideration and not then if it is ordered as hereinbefore provided that they shall be considered and acted upon in secret, and all remarks, votes, and proceedings in secret session shall be kept secret until the Senate by resolution takes off the injunction of secrecy.'

"Strike out paragraph 3 of Rule XXXVI.

"Change present paragraph 4, making it 3, and also amend it by striking out in the second line thereof the words 'or confidential.'

"Strike out paragraph 5.

"Amend Rule XXXVII as follows, to wit:

"By striking from the fourth and fifth lines the words 'to remove the injunction of secrecy, or to consider it in open executive session.'

"Also, by striking out the ninth line on page 34 and substituting therefor the words 'if it has been or is being considered in secret session.'

"Insert after the word 'indefinitely,' in line 20, page 34, the words 'and a motion to consider it in secret session.'

"Also, by striking out paragraph 3.

"Amend Rule XXXVIII by striking out paragraph 2 thereof.

"If these amendments are made, Rules XXXV, XXXVI, XXXVII, and XXXVIII will read as follows, to wit:

"'RULE XXXV.

"'On a motion to close the doors of the Senate on the discussion of any legislative business, no Senator shall speak more than once nor more than five minutes, and a two-thirds vote shall be required for its adoption.

"'RULE XXXVI.

"'EXECUTIVE SESSIONS.

"'1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

"'2. Executive business, including nominations and treaties, shall be considered in open executive session: *Provided, however,* That after the Senate, upon motion made and adopted, passes into executive session, it shall be in order to move that any particular item of such business shall be considered and acted upon in secret, and upon the motion no Senator shall speak more than once nor more than five minutes. If the motion is adopted by a two-thirds vote, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy: *Provided further,* That treaties and confidential communications laid before the Senate by the President shall not be made public until the Senate enters upon their consideration, and not then if it is ordered as hereinbefore provided that they shall be considered and acted upon in secret, and all remarks, votes, and proceedings in secret session shall be kept secret until the Senate by resolution takes off the injunction of secrecy.

"'3. Any Senator or officer of the Senate who shall disclose the secret business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

"'RULE XXXVII.

"'EXECUTIVE SESSION—PROCEEDINGS ON TREATIES.

"'1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time, and no motion in respect to it shall be in order, except to refer it to a committee, to print it in confidence for the use of the Senate.

"'When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, if it has been or is being considered in secret session.

"'The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determines otherwise; at which stage no amendment shall be received, unless by unanimous consent.

"'On the final question to advise and consent to the ratification in the form agreed to the concurrence of two-thirds of the Senators shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely and a motion to consider it in secret session, which shall be decided by a vote of two-thirds.

"'2. Treaties transmitted by the President to the Senate for ratification shall be resumed on the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

"'RULE XXXVIII.

"'EXECUTIVE SESSION—PROCEEDINGS ON NOMINATIONS.

"'1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

"'2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

"'3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

"'4. When the Senate shall adjourn or take a recess for more than 30 days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fail; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate as the case may be.

"'5. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than 30 days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.'"

Mr. NORRIS. I have just made inquiry and I understand that the resolution to which the Senator refers has not yet been printed. Will he include in his request the printing of the resolution?

Mr. CUMMINS. I asked that it be printed when I gave the notice.

The PRESIDENT pro tempore. The Chair is informed that the resolution has been printed. It will certainly be printed if referred to the committee.

Mr. CUMMINS. Let it be printed and referred to the Committee on Rules.

The PRESIDENT pro tempore. It will be so ordered.

Mr. NORRIS. I have made further inquiry and I have been informed that the resolution of the Senator from Iowa has not been printed. All I care for is to have it in print. It ought to be printed, and I understand it has not been printed.

Mr. CUMMINS. I asked that it be printed in the RECORD and printed in the usual form.

Mr. NORRIS. That has not been done.

Mr. CUMMINS. Leave was granted and I supposed it had been done.

Mr. CLARK. It is here on our desks.

Mr. SMOOT. It is printed. I will say to the Senator from Nebraska that it is printed and a copy is on my desk.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Rules.

STOCK-RAISING HOMESTEADS (S. DOC. NO. 663).

Mr. SMOOT. Mr. President, since the passage of the 640-acre grazing homestead law the Commissioner of the General Land Office has had prepared for the use of the Senate Committee on Public Lands certain general comments and explanations. There is such a demand upon all western Senators for these general comments that it has been deemed wise to have the statement printed as a public document. I ask that it be so printed.

The PRESIDENT pro tempore. Without objection, that action will be taken.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution No. 300, submitted by the Senator from North Carolina [Mr. OVERMAN], which comes over from a previous day.

Mr. OVERMAN. I ask that the resolution may go over without prejudice until to-morrow.

The PRESIDENT pro tempore. Without objection, that action will be taken.

HOUSE BILL REFERRED.

H. R. 15913. An act to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to pre-

vent deception therein; and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

PEACE OVERTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. HITCHCOCK] which was under consideration yesterday and postponed by unanimous consent until this morning.

The Senate resumed the consideration of the resolution (S. Res. 298) submitted by Mr. HITCHCOCK December 22, 1916, as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. LODGE. Mr. President, before continuing what I was saying yesterday when the hour of 2 o'clock arrived, I wish to make a correction in the translation which I gave of the statement of the German ambassador which appeared in the Staats Zeitung on Sunday, December 24. At the beginning of the second paragraph I translated the words, "Deutschland steht bereit ihm zu folgen." The word "ihm" can be rendered either him or it, and I have been told by the correspondent of the Staats Zeitung, who took the statement, that the word "ihm" was used there in the sense of referring to the light, which in the previous sentence it was said the words of President Wilson cast upon the darkness of Europe, and was in continuance of the pleasing parallel which was drawn between the President's note and the Star of Bethlehem. I do not think that it alters the essential meaning of the statement, but having been informed of this by the correspondent I wish to make it absolutely accurate. Certainly nothing would be further from my mind than to misrepresent even in the smallest way what was said.

Mr. President, when I yielded the floor yesterday at the hour of 2 o'clock I had been speaking of that clause in the President's note, which seems to me of very great importance, and which declares that the people of the United States "stand ready and even eager to cooperate in the accomplishment of these ends, when the war is over," and so forth, pledging us to a general cooperation with the powers of Europe and other powers in an arrangement for the maintenance of the peace of the world. I pointed out that this declaration might cover a great many questions. I read yesterday to the Senate an article from the Louisville Courier Journal, one of the great Democratic newspapers of the country, calling attention to this same point. I desire, without reading, to print an article in a similar sense from the New York Sun.

The PRESIDENT pro tempore. Without objection, that action will be taken.

The matter referred to is as follows:

PRESIDENT WILSON ATTEMPTS TO PLEDGE UNITED STATES TO REVERSAL OF TRADITIONAL FOREIGN POLICY.

NEW YORK, *December 26.*

The New York Sun, in a strong editorial, points out some of the serious implications of the recent "peace note" of President Wilson. The Sun says:

"Mr. Wilson may not be proposing peace; he may not be proposing mediation; he may not be interposing his hand or his head between the belligerents who are fighting this European war; he may not be suiting his acts to Germany's present desires—but the fact remains that he is not only proposing something which no President of the United States ever before proposed, but also pledging this Nation to something which no President of the United States has the right or the power to pledge.

"That something is the annihilation of the Monroe doctrine, which has governed the policy of the Republic for almost one century of the Republic's existence.

"Mr. Wilson speaks with feeling of the interests of the United States as a neutral power in relation to the war waged for European politics.

"There is no other interest of the United States of such transcendent importance as that which lies behind the traditional refusal of our Government to mix in the political affairs of the European nations and its traditional determination, so often and in so many forms declared, to permit no European interference with the destinies of the Republics of North, Central, and South America, no extension of European political influence in the Western Hemisphere.

"We are not discussing the merits of the Monroe doctrine or now examining its health to see if it is senile, moribund, fit for no further progress except a journey to the last resting place of obsolete and superseded national policies. We merely call attention to the outstanding fact that the proposal and pledge which occur in the course of President Wilson's eloquent expression of the natural hope of American civilization and humanity to see peace restored on a lasting basis would incidentally send the Monroe doctrine straight to the tomb. This is not to be dismissed as a matter of academic interest; its bearings on our international relations are those of a revolutionary change with practical consequences immeasurable. It means not only the utter abandonment of our attitude of aloofness from the complications of European politics, but also the absolute surrender of the position which we have maintained against all comers with regard to the American Republics south of our border. The participation of the United States in European guaranties inevitably means the entering of the European powers into the affairs of the Western Hemisphere wherein we have assumed and exercised an exclusive function. Specifically, it means European cooperation and tutelage in the affairs of Mexico, of Guatemala, of Honduras, of Nicaragua, of San Domingo, of Costa Rica, of Panama, of Colombia, of Venezuela, and so on, down to the jumping-off place of Pan American policy at Cape Horn. There is no avoiding the fact that the United States can not abolish one-half of the Monroe doctrine and preserve intact the other half.

"Here is President Wilson's proposal and his pledge:

"'In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interests, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.'

"In this passage, as the World justly remarks, 'the President pledges the cooperation of the United States in the enforcement of future guaranties of the peace of the world and the integrity of the small and weak nations of Europe. It can not be made too clear that whether this is or is not a desirable departure from past policy, it is a departure involving not only our participation in the control of the destinies of Belgium and Serbia and Roumania but also participation of Great Britain and Germany and Russia and France and Italy in the control of the destinies of Mexico, of the Central American States, of Venezuela; why not even of Cuba?

"For—the Monroe doctrine thus blithely swept away in the exuberance of emotional rhetoric is beyond the power of President Wilson to annul. The Government of the United States, by the joint action of Executive and legislature, has officially declared the Monroe doctrine to be its policy. Our participation in the peace conferences at The Hague, and our assent to the conventions there framed, were distinctly qualified and limited by this declaration:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions or internal administration of any foreign State, nor shall anything contained in the said convention be so construed as to require the relinquishment by the United States of America of its traditional attitude, toward purely American questions.'

"As the American historian of the first peace conference at The Hague, himself one of the American delegates, well said: 'Not even in the supposed interest of universal peace would the American people have sanctioned for one moment an abandonment or the slightest infraction of a policy which appeals to them as being founded not only upon legitimate national desires and requirements but upon the highest interests of peace and progress throughout the world.' And the general conventions both of the first conference at The Hague in 1900 and of the second in 1907 were ratified by the Senate of the United States with this broad and significant reservation specifically recorded as part of the contract.

"President Wilson can, if he sees fit, propose the relinquishment of the Monroe doctrine as the traditional policy of the United States by negotiating with European countries new treaties affecting the entry of this Government into political entanglements of European concern and conversely admitting European powers into political engagements of purely American concern. The Senate of the United States can, if it chooses, validate such proposed treaties by the constitutional process of ratification.

"But until that has been done the Monroe doctrine stands as our declared policy in international relations, and there is no more power in the White House to extinguish it, or to pledge the people and the Government of the United States to the guaranty of European boundaries, than there is in this newspaper or in the executive offices of the Pennsylvania Railroad."

Mr. LODGE. Mr. President, I present these articles simply as showing what outside judges who have given attention to this point regard as involved in this committal by this note of the administration, and of the United States by implication, to the doctrine of general cooperation with the powers of Europe. I do not wish to enter into further details, which might be extended indefinitely, because I think it must be apparent to every one that when we abandon our traditional policy of separation from the politics and affairs of Europe we take a very momentous step, and one which should not be taken without the most thorough knowledge of what is intended and of the distance to which we are to be invited to go. An approval of the note in this general form carries approval, of course, and without limitation, of the principle of general cooperation with European powers in the affairs not only of Europe but of America.

Mr. President, I desire next to call attention to the note of the German Government in reply to the President's note. I have no official copy of this note and am obliged, of course, to take that which was published in the newspapers. What I shall quote I cut from the New York Times, and I have no doubt that it is absolutely correct. The note says:

[From the New York Times, Dec. 27, 1916.]

BERLIN, *December 26.*

The answer of Germany, Austria-Hungary, Bulgaria, and Turkey to President Wilson's peace note says:

"The high-minded suggestion made by the President of the United States of America to create a basis for the establishment of a lasting peace has been received and considered by the Imperial Government in the friendly spirit which was expressed in the President's communication. The President points out that which he has at heart and leaves open the choice of road.

"To the Imperial Government an immediate exchange of views seems to be the most appropriate road in order to reach the desired result. It begs, therefore, in the sense of the declaration made on December 12, which offered a hand for peace negotiations, to propose an immediate meeting of delegates of the belligerent States at a neutral place.

"The Imperial Government is also of the opinion that the great work of preventing future wars can be begun only after the end of the present struggle of the nations. It will, when this moment shall have come, be ready with pleasure to collaborate entirely with the United States in this exalted task."

The answer of the central powers concludes with the usual diplomatic terms of politeness. The text of the answer was transmitted to-day to James W. Gerard, the American ambassador.

There is nothing said in this note which corresponds to the statement of the ambassador about the "Star of Bethlehem" and the light cast by the President's word; but if we remove the very appropriate diplomatic civilities we find that on the three essential points of the President's note—which were a request for the naming of the terms, the proposal of neutral cooperation, and also a declaration as to future cooperation in a league for the preservation of the world's peace—the German note is very explicit, almost blunt. It says nothing whatever about terms; it passes that by in complete silence. It then says, according to this dispatch, that the delegates of the belligerent States should meet in a neutral place. That excludes neutrals from the conference. My own belief is that the people who are fighting the war should make the peace, and that seems to be the German view.

The German note then further says that the question of cooperation and association for the preservation of peace in the future must be relegated to the future and can not be dealt with until after the conclusion of the peace which shall bring this war to an end. I think on that point the Imperial Government takes the sensible ground which might have been anticipated.

As to the terms, we are told in this morning's newspapers that it is believed that the terms of the central powers came through Ambassador Gerard from Berlin. They also quote a statement attributed to Count Andrassy, former prime minister of Hungary, in a New Year's speech. He is quoted as saying:

As the entente alleges that our peace proposal was only a maneuver and was not made with any earnest desire to bring about peace, I am able to declare that President Wilson now knows our peace conditions and the entente can learn them from that source.

ANOTHER VERSION OF SPEECH.

The version of the Budapest dispatch received by the Reuter Telegram Co. via Amsterdam quotes Count Andrassy as saying that the peace conditions of the central powers will be communicated to President Wilson, the quotation being as follows:

"If the entente reject our peace offer only because they maintain that our offer is not honestly meant, but is merely a maneuver, and that they can not enter into negotiations before knowing our conditions, they can learn these from President Wilson, to whom they will be communicated."

Mr. President, how much truth there may be in that report I do not know. Although nothing is said about terms in the German note, it is very possible that they may have been communicated through some other channel to the President. It is the President's undoubted right in pursuing a negotiation of this or any other kind, to receive communications of that character and to exercise an absolute discretion in keeping them entirely secret; the Senate is not a part of the negotiating power, and we have no right to inquire about or to thrust ourselves into negotiations; but, Mr. President, when we are called upon to indorse and to approve an entire note which covers this question, then when we are invited to take action we should have the information on which to act.

The Senate, in my judgment, has no right—and I have thought so for a long time—to try to force itself into the conduct of a diplomatic negotiation, and when it asks for diplomatic papers its request is always accompanied with the statement that the papers be sent "if not incompatible with the public interest"; in other words, it is recognized that the whole conduct of the negotiation is in the President's hands. Now, if the President has in his possession the terms proposed by the central powers, it is entirely within his discretion to deal with them; but, if we are summoned to indorse in the dark everything that he is doing, then before action we are entitled to know the grounds of the action; in other words, when our cooperation is invited we are entitled to have the same information as that which the President has.

I wish in this connection, having read the German note and pointed out that it stated no terms; that it excludes by its words the presence of neutrals from the conference which is to make the peace, and that it puts over all propositions for the formation of a league or association for the preservation of peace to a period after the war is concluded, and the peace which brings the war to an end is made——

Mr. LEWIS. Mr. President, will the able Senator allow me to suggest that his voice does not reach to this side of the Chamber and that it is almost impossible to hear anything but an occasional word of the Senator. If it does not oppress him to speak a little louder, I myself would greatly appreciate it, and I know others would be very much edified.

Mr. LODGE. Mr. President, I will endeavor to speak more plainly. I was proceeding to say, Mr. President, that having read the German note addressed to this country, I will ask to print, without reading, the German reply to the Swiss note, which covers substantially the same ground and which repeats the note addressed to the President of the United States, confining the peace conference to the belligerents, putting over all discussions of the peace of the world to a future time, and saying nothing about terms.

The PRESIDENT pro tempore. Without objection, the paper referred to will be printed in the RECORD.

The paper referred to is as follows:

GERMAN REPLY TO SWISS NOTE.

[Washington Post, Dec. 29, 1916.]

BERLIN, *December 27.*

The German reply to the Swiss note was handed to the Swiss minister to-day. It is on the same lines as the reply to President Wilson. The text of the answer of Germany to the Swiss note reads:

"The Imperial Government has taken note of the fact that the Swiss federal council, as the result of its having placed itself in communication with the President of the United States, is also ready to take action and side with the United States toward bringing about an understanding between the belligerent nations and toward the attainment of a lasting peace.

RENEWS COFERENCE OFFER.

"The spirit of true humanity whereby the steps of the Swiss federal council are inspired is fully appreciated and esteemed by the Imperial Government.

"The Imperial Government has informed the President of the United States that a direct exchange of views seems to it to be the most suitable means of obtaining the desired result.

"Led by the same considerations which caused Germany on December 12 to offer her hand for peace negotiations, the Government has proposed an immediate meeting of all the belligerents at a neutral place.

AGREES WITH MR. WILSON.

"In agreement with the President of the United States, the Government is of the opinion that the great work of preventing future wars can only be taken in hand after the present world war has terminated. So soon as that moment comes they will joyfully be ready to cooperate in this sublime task.

"If Switzerland, which, faithful to its noble traditions, in mitigating the sufferings caused by the present war has won unending gratitude, will also contribute to safeguarding the world's peace, the German Nation and Government will highly welcome such action."

Mr. LODGE. I ought also to call attention, I think, to the fact that some of the neutral powers addressed replies to us in regard to the President's note. I regret that we have not official copies of those notes and that I am compelled to use what I cut from the newspapers, but that is the only method which we have of getting them. There was a note from Greece, which was in sympathy with the note of the President, and which I ask to have printed in the RECORD, without reading, together with a message from the King of Sweden and a portion of the Swedish note. I believe there was a note of similar sympathy received from Norway, which I have not got.

The PRESIDENT pro tempore. Without objection, permission to print the matter referred to is granted.

The papers referred to are as follows:

GREEK NOTE.

ATHENS, *December 30.*

King Constantine summoned Garrett Droppers, the American minister, to the palace this morning and communicated to him the text of the Greek reply to President Wilson's peace note. In the reply the King asserts himself with the President in willingness to do all in his power to promote peace. The note recites the sufferings of Greece at the hands of the belligerents on both sides while the nation has been endeavoring to maintain neutrality. It adds that Greece has endured greater hardships from the war than any other neutral, and desires the consummation of peace.

The text of the King's message follows:

"I wish to express, Mr. President, feelings of sincere admiration and lively sympathy for the generous initiative you have just taken with the view to ascertaining whether the moment is not propitious for a negotiable end of the bloody struggle raging on earth.

SEES HUMANITARIAN EFFORT.

"Coming from the wise statesman who, in a period so critical for humanity, is placed at the head of the great American Republic, this humanitarian effort, dictated by a spirit of high political sagacity and looking to an honorable peace for all, can not but contribute greatly toward hastening reestablishment of normal life and assuring through a stable state of international relations the evolution of humanity toward that progress wherein the United States of America always so largely shares."

Then follows a recital of the trials Greece has suffered from the war, which, on account of the censorship, it is useless to attempt to cable. The King's message ends as follows:

GREECE LONGS FOR PEACE.

"Such are the conditions in which your proposals find my country. This short and necessarily incomplete recital is not made with the purpose of criticism of the cruel blows at her sovereignty and neutrality from which Greece has been forced to suffer the effects. I have merely wished to show you, Mr. President, how much the soul of Greece at this moment longs for peace and how much it appreciates your proposals, which constitute so important a step in the course of the bloody world tragedy of which we are witnesses.

"(Signed) CONSTANTINE."

The Greek Government also will make a formal reply, which will associate Greece with the proposals of President Wilson.

MESSAGE FROM THE KING OF SWEDEN AND PORTION OF SWEDISH NOTE (JAN. 1).

The only one with a reference to peace received last night was from the King of Sweden. It follows:

"I beg you to accept my best wishes for the new year. I am happy to join your noble peace action."

This message went further than that of the Swedish Government received last week. The note from the Government expressed "deepest sympathy" with all efforts to end the war, but refrained from offering cooperation.

If President Wilson has formed any opinion on the entente note, it has not been disclosed.

Mr. LODGE. Also there was a note from Spain, which did not agree with the views of the President's note and refused to take present action. I should like to have that printed, too, as showing part of the case.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The note referred to is as follows:

SPANISH NOTE (DEC. 31).

UNITED STATES ASKS NEUTRALS TO AID—SPAIN REFUSES TO ACT NOW.

MADRID, *December 30.*

The Spanish Government has sent a note in reply to President Wilson with reference to peace as follows:

"The Spanish Government has received from the ambassador of the United States the note sent by the President to the belligerent nations and another communication in which it is said that the moment is opportune for action by the Government of His Majesty in support of the attitude taken by the Government of the United States.

"The Spanish Government, in answer to the initiative of the President of the United States, knowing the various impressions produced, believes that the action in which Spain is invited to participate will be inefficacious, especially as the central empires have expressed their intention that the peace conditions shall be accorded exclusively among the belligerents.

"Nevertheless, the Spanish Government, having in consideration the noble desires of the American Government, which are worthy all peoples, is disposed to associate itself with every negotiation which has for its object the facilitating of the humanitarian work of ending the present war.

"Spain, however, will suspend all action until the time when her efforts and work in favor of peace can be more useful and efficacious than at the present time.

"Until then the Spanish Government believes that it would be opportune to declare with regard to an entente of the neutral powers for the defense of their interests; that it is disposed now, as it was at the beginning of the war, to commence negotiations which might lead to an accord capable of uniting the belligerent powers."

Mr. LODGE. Mr. President, I do not wish to have it supposed that my interpretation or analysis of the German note is confined to me or is an unreasonable interpretation to put upon it. I wish to read in this connection, as showing what others think of that note, an article from the New York World of December 27, 1916. Everybody knows that the President has no more faithful supporter than that great newspaper, and therefore it gives me a particular reason for desiring to read this article to the Senate. It is entitled "Germany evades the issue":

[From the New York World, Dec. 27, 1916.]

Germany's answer to President Wilson's note completely evades the issue.

The President requested from each of the belligerents a definite statement of the objects of the war and the terms upon which it would consider peace. Germany replies by proposing an immediate conference "of delegates of the belligerent States at a neutral place," knowing that this proposal had already been emphatically rejected by the entente Governments.

The President did not ask for a peace conference. He recognized the fact that a conference at this time was impossible, but expressed the hope that "an interchange of views would clear the way at least for conference." Germany refuses all interchange of views, and returns to the text of the note of December 12, which contained the proposal of the Teutonic powers "to enter forthwith into peace negotiations."

The British Government, through its prime minister, has already made its response to that suggestion. Mr. Lloyd George in his speech to the House of Commons declared emphatically that—

"To enter, on the invitation of Germany, proclaiming herself victorious, without any knowledge of the proposals she intends to make, into a conference, is putting our heads into a noose with the rope end in the hands of the Germans."

Yet in reply to the President's request for terms the German Government goes no further than to renew a proposal which it knows has been rejected. In renewing this proposal it formally excludes all neutral Governments from such a conference and inferentially asserts that they are not concerned with the kind of peace that the belligerents may choose to make.

President Wilson in his note of December 18 spoke as "the representative of a neutral Nation whose interests have been most seriously affected by the war and whose concern for its early conclusion arises out of a manifest necessity to determine how to safeguard those interests if the war is to continue." Germany's reply makes certain a continuance of the war. The United States most assuredly will not ask Great Britain and France to enter a peace conference beaten and blindfolded, to learn in the dark what terms of peace a Germany "conscious of victory" is prepared to impose. Nor can it ask friendly Governments to give serious consideration to a proposal which they have already formally rejected but which is renewed in the disguise of an answer to President Wilson's request for terms.

In the light of Germany's reply to the President, it is impossible to believe that there was either honesty or sincerity of purpose back of the original peace proposal. It is plain enough now that the President's action stripped off the German mask and that the whole proceeding was a game invented in Berlin for the propitiation of neutrals and for the further bedevilment of German public opinion.

Had Germany's peace overtures been made in good faith the Imperial Government would have met the President half way with a statement of terms that the allies could not have rejected out of hand, but to which they would have been compelled to give consideration. That would have opened the door to further negotiation and eventually to conference. Instead the German foreign office has abruptly closed the door and left no basis for further discussion.

So far as the United States is concerned, the hands of the clock have been turned back to December 18, and the Government at Washington is again confronted with "a manifest necessity to determine how to safeguard those interests if the war is to continue."

Mr. President, I think that article justifies me in saying that I have not construed or interpreted the German note uncharitably. To me it seems clear from the German note that no advance has been made on the points which the President brought forward. Yet we are asked, in the presence of that reply from Germany—and we do not know whether her terms may be in the hands of the President or not—to give a blanket indorsement, wholly blindly, to this entire negotiation. I am not contending in any way against the President's right to carry on the negotiations; I am not impugning his motives or his purposes; but I am resisting, and I mean to resist, the attempt to bring the Senate and the Congress of the United States into a blind approval of a negotiation of which we know nothing except what we see in the newspapers. If we are to indorse and approve any negotiation, then we are entitled to know all the facts in regard to it. We have not been given the facts, and yet we are asked to pass this general resolution in the presence of this reply from the one side of the belligerents which has answered. What the other side will say—the allies of the entente, as they are called—in reply to the President's note is not known. That reply has not yet arrived. I ventured to suggest the other day, when I asked to have this resolution go over, that it would perhaps be well to know what views the other belligerents took of the note, and what their position was going to be in regard to it; but it was thought best by the majority in control of the Senate that we should dispose of this matter at once.

As I have said, we have not received the reply of the allies to our note; but the reply of the allies to the German note is before the world. Although I assume that every Senator has read it, I should like to call their attention to the terms of that reply and ask them to consider whether, in view of what the allies said in answer to the German note, it is an apt and appropriate time for the Senate and the Congress of the United States to precipitate themselves into negotiations of which they know nothing.

The allies say:

The allied Governments of Belgium, France, Great Britain, Italy, Japan, Montenegro, Portugal, Roumania, Russia, and Serbia, united for the defense of the liberty of their peoples and faithful to engagements taken not to lay down their arms separately, have resolved to reply collectively to the pretended propositions of peace which were addressed to them on behalf of the enemy Governments through the intermediary of the United States, Spain, Switzerland, and Holland. Before making any reply the allied powers desire particularly to protest against the two essential assertions of the note of the enemy powers that pretend to throw upon the allies responsibility for the war and proclaim the victory of the central powers.

The allied Governments can not admit an affirmation doubly inexact and which suffices to render sterile all tentative negotiation. The allied nations have sustained for 30 months a war they did everything to avoid. They have shown by their acts their attachment to peace. That attachment is as strong to-day as it was in 1914. But it is not upon the word of Germany, after the violation of its engagements, that the peace broken by her may be based.

A mere suggestion, without a statement of terms, that negotiations should be opened, is not an offer of peace. The putting forward by the Imperial Government of a sham proposal lacking all substance and precision would appear to be less an offer of peace than a war maneuver. It is founded on calculated misinterpretation of the character of the struggle in the past, the present, and the future.

As for the past, the German note takes no account of the facts, dates, and figures which establish that the war was desired, provoked, and declared by Germany and Austria-Hungary.

At The Hague conference it was a German delegate who refused all proposals for disarmament. In July, 1914, it was Austria-Hungary who, after having addressed to Serbia an unprecedented ultimatum, declared war upon her in spite of the satisfaction which had at once been accorded.

The central empires then rejected all attempts made by the entente to bring about a pacific solution of a purely local conflict. Great Britain suggested a conference, France proposed an international commission, the Emperor of Russia asked the German Emperor to go to arbitration, and Russia and Austria-Hungary came to an understanding on the eve of the conflict. But to all these efforts Germany gave neither answer nor effect.

Belgium was invaded by an empire which had guaranteed her neutrality and which had the assurance to proclaim that treaties were "scraps of paper" and that "necessity knows no law."

At the present moment these sham offers on the part of Germany rest on the "war map" of Europe alone, which represents nothing more than a superficial and passing phase of the situation and not the real strength of the belligerents. A peace concluded upon these terms would be only to the advantage of the aggressors, who, after imagining that they would reach their goal in two months, discovered after two years that they could never attain it.

As for the future, the disasters caused by the German declaration of war and the innumerable outrages committed by Germany and her allies against both belligerents and neutrals, demand penalties, reparation, and guaranties. Germany avoids mention of any of these.

In reality, these overtures made by the central powers are nothing more than a calculated attempt to influence the future course of war and to end it by imposing a German peace. The object of these overtures is to create dissension in public opinion in the allied countries. But that public opinion has, in spite of all the sacrifices endured by the allies, already given its answer with admirable firmness and has denounced the empty pretense of the declaration of the enemy powers.

They have the further object of stiffening public opinion in Germany and in the countries allied to her, one and all severely tried by their losses, worn out by economic pressure, and crushed by the supreme effort which has been imposed upon their inhabitants.

They endeavor to deceive and intimidate public opinion in neutral countries, whose inhabitants have long since made up their minds where the initial responsibilities lie and are far too enlightened to favor the designs of Germany by abandoning the defense of human freedom.

Finally, these overtures attempt to justify in advance in the eyes of the world a new series of crimes—submarine warfare, deportations, forced labor, and forced enlistment of the inhabitants against their own countries and violations of neutrality.

Fully conscious of the gravity of this moment, but equally conscious of its requirements, the allied Governments, closely united to one another and in perfect sympathy with their peoples, refuse to consider a proposal which is empty and insincere.

Once again the allies declare that no peace is possible so long as they have not secured reparation for violated rights and liberties, the recognition of the principle of nationalities, and of the free existence of small States; so long as they have not brought about a settlement calculated to end once and for all forces which have constituted a perpetual menace to the nations and to afford the only effective guaranty for the future security of the world.

In conclusion, the allied powers think it necessary to put forward the following considerations, which show the special situation of Belgium after two and a half years of war.

Then comes the statement in regard to Belgium, which I will not read, but which I will ask to have printed with the rest of my remarks.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

In virtue of the international treaties signed by five great European powers, of whom Germany was one, Belgium enjoyed before the war a special status, rendering her territory inviolable and placing her under the guaranty of the powers, outside all European conflicts.

She was, however, in spite of these treaties, the first to suffer the aggression of Germany. For this reason the Belgian Government thinks it necessary to define the aims which Belgium has never ceased to pursue while fighting side by side with the entente powers for right and justice.

Belgium has always scrupulously fulfilled the duties which her neutrality imposed upon her. She has taken up arms to defend her independence and her neutrality violated by Germany, and to show that she remains faithful to her international obligations.

GERMANY PLEDGED REPARATION.

On the 4th of August, 1914, in the Reichstag, the German chancellor admitted that this aggression constituted an injustice contrary to the laws of nations and pledged himself in the name of Germany to repair it. During two and a half years this injustice has been cruelly aggravated by the proceedings of the occupying forces, which have exhausted the resources of the country, ruined its industries, devastated its towns and villages, and have been responsible for innumerable massacres, executions, and imprisonments.

At this very moment, while Germany is proclaiming peace and humanity to the world, she is deporting Belgian citizens by thousands and reducing them to slavery.

Belgium before the war asked for nothing but to live in harmony with her neighbors. Her King and her Government have but one aim—the reestablishment of peace and justice. But they only desire peace which would assure to their country legitimate reparation, guaranties, and safeguards for the future.

Mr. LODGE. Mr. President, I have read this note because it is the only thing we have had which shows the position of the allies. Certainly from that note it is plain that they do not accept the German peace proposition. To venture into negotiations which neither party has asked us to begin, and to force our good offices of which neither party has indicated an acceptance, upon the belligerents, seems to me, in the presence of statements like that which I have just read, unwise.

The President, better informed than the rest of us, may have good grounds for it. I am speaking only in regard to the action of the Senate and the Congress of the United States. There is nothing in the German note nor in the allies' reply to the German note, as it seems to me, to justify the Senate and the Congress in embarking on the perilous field of negotiations between European powers, and in regard to terms which concern those powers alone.

It is well to remember, Mr. President, that it is not a desirable thing needlessly to create unfriendliness or ill feeling in the minds of the powers involved in war on either side. The United States, if her true policy is followed, will seek to maintain good terms with all. We do not surely desire to find ourselves at the end of the war, when peace comes, without a friend in the world among the other nations, and with the fact glaring them in the eyes that we have made uncounted millions out of a war which has cost them millions of lives and destroyed untold millions of property, and that we are wholly unprepared and quite defenseless. I think we should move with extreme caution before we enter, as the legislative body of the United States, upon this perilous field.

We have not had the assent of the belligerents to what we are undertaking. We have demanded, without our mediation or good offices having been accepted, that the belligerents should state their terms, which concern them alone and not us; and we have undertaken to lay out a policy for the future, after peace is concluded, which the Central Powers at least have said must go over. This resolution involves us in all these difficult and dangerous questions; and, so far as we are concerned as a nation, we are asked to give our indorsement to a plan which involves the abandonment of the policy that the country has pursued ever since the formation of the Constitution, after a few hasty debates in the Senate—a policy in which not only the Monroe doctrine is involved but many other questions of great domestic importance.

My objection to this resolution, Mr. President, is that there is no occasion whatever for it. The President is intrusted with the care of our foreign relations. Negotiations are in his hands. He is conducting them. When he needs our cooperation and assistance, he should lay before us all the facts which have guided him. But until that time comes, the Congress of the United States ought not to project itself into the field of negotiations, and thrust itself forward into the dangerous field of European politics. When we come to the further question of cooperation with other nations to take this leap in the dark, after a brief debate during the morning hour, without having the facts, without knowing what we are asked to do, seems to me the height of unwisdom on the part of the Senate or of the House of Representatives.

Mr. LEWIS addressed the Senate. After having spoken for some time,

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate——

Mr. LEWIS. May I venture the suggestion, lest I should violate the rule, not intentionally, that in the morning hour to-morrow I be permitted to be recognized as having my right to the floor the same as the able Senator from Massachusetts was this morning?

The PRESIDENT pro tempore. The Chair will note the fact that the Senator will desire recognition.

Mr. HITCHCOCK. I desire to make a motion.

The PRESIDENT pro tempore. The unfinished business will be announced.

The SECRETARY. A bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of Senate resolution 298.

Mr. TOWNSEND. Mr. President, may I suggest to the Senator to do as he did yesterday, to ask that the resolution may go over until to-morrow morning, and then be taken up in the morning hour, without prejudice, the same as it was this morning?

Mr. NEWLANDS. Mr. President——

Mr. HITCHCOCK. I would be very glad to agree to that, but it has become evident that in order to pass the resolution at a time when it will be of any value at all it must come before the Senate as its business. If a unanimous consent agreement could be reached to vote upon it before 2 o'clock to-morrow I would not object, but that would require the calling of a quorum. I should like to have it considered for a short time at least as the business of the Senate this afternoon.

Mr. STONE. Would not the Senator consent, if we could have an agreement to vote on it at 5 o'clock to-morrow?

Mr. HITCHCOCK. That would also be acceptable. While I desire to hold my right in making the motion at this time for the purpose of bringing it before the Senate, I will accept the suggestion of the Senator from Missouri and make the request that the resolution be taken up during the morning hour to-morrow and continued before the Senate, and that it be finally voted on at not later than 5 o'clock.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The Chair understands that the Senator makes a request for unanimous consent.

Mr. HITCHCOCK. I do.

Mr. BRANDEGEE. In order to save the time which calling the roll would necessitate, I give notice that I will object.

Mr. HITCHCOCK. Then, I make my motion that the Senate now proceed to the consideration of Senate resolution 298, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Kenyon	Oliver
Bankhead	Curtis	Lane	Overman
Beckham	Dillingham	Lee, Md.	Page
Borah	Fletcher	Lewis	Penrose
Brady	Gallinger	Lippitt	Phelan
Brandegee	Gronna	Lodge	Pittman
Bryan	Hardwick	McCumber	Poindexter
Chamberlain	Hitchcock	McLean	Ransdell
Chilton	Hollis	Martine, N. J.	Robinson
Clapp	Hughes	Nelson	Saulsbury
Clark	Johnson, S. Dak.	Newlands	Shafroth
Culberson	Jones	Norris	Sheppard

Simmons	Smith, S. C.	Thompson	Walsh
Smith, Ariz.	Smoot	Tillman	Watson
Smith, Ga.	Stone	Townsend	Weeks
Smith, Md.	Thomas	Underwood	Works

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE] owing to illness and to state that the Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. A quorum is present.

Mr. STONE. The motion of the Senator from Nebraska is, I understand, that the Senate proceed to the consideration of the resolution which was being debated at the hour of 2 o'clock and before. A motion to proceed to the consideration of a measure is not debatable, I think.

The PRESIDENT pro tempore. It is debatable after 2 o'clock, the Chair may say.

Mr. STONE. It is debatable now?

The PRESIDENT pro tempore. Yes; after 2 o'clock.

Mr. STONE. I do not care to debate it, except to say that whatever Senators may think with respect to this resolution or as to the wisdom of its introduction and consideration, the fact is that the resolution is before the Senate. It has taken a course here in debate that has given to it a significance and importance which did not attach to it when it was introduced; but now it is discussed in all the newspapers of the country, and the fact that it is pending here is cabled to newspapers abroad everywhere. So it seems to me in the circumstances, because of the world-wide interest now in this resolution, it should be considered by the Senate and disposed of.

Mr. GALLINGER. Mr. President, on two occasions this resolution under our rules would have gone to the calendar, but the Senate, in its good nature and courtesy, permitted it to be passed over day by day, retaining its place. Under those circumstances it seems to me to be a matter of impropriety, to say the least, for the proponents of the resolution to now undertake to force it through the Senate to-day. There are Senators on this side of the Chamber who desire to discuss the resolution. I had thought myself that I might say a few words in reference to it, as I have felt a deep interest in the matter and still feel a deep interest in it; but there are other Senators who have views on this question and who feel that they are entitled to be heard.

For that reason, Mr. President, I trust that the effort to force the resolution to a vote to-day will be abandoned by its friends. I do not believe that it will succeed if it is attempted. As I have already suggested, those of us who are opposed to the resolution have shown a disposition not to enforce the rules against it, but to permit every possible courtesy and consideration to be accorded to it. We now feel that to attempt to force the resolution to a vote to-day would not be the kind of reciprocity that we are entitled to. I hope the motion will not prevail.

Mr. THOMAS. Mr. President, it was my intention during the pendency of this resolution to address the Senate for a short time upon it. Personally, I would be willing that the motion of the Senator from Nebraska should prevail were it not for the fact that the senior Senator from California [Mr. WORKS] some time ago, in accordance with the custom of the Senate, gave notice that at the conclusion of the morning business he would address the Senate on a very important topic. It is a courtesy which the Senate has always extended, so far as I know, to those of its Members who have given such a notice, and the honored custom would certainly require that due consideration should be given to the Senator from California now.

Hence, in order that the resolution may not lose its place, and in view of the further fact that the Senator from Georgia [Mr. HARDWICK] had also given notice of an intention to address the Senate at the same time and with his usual courtesy has given way to the Senator from California temporarily, I think it is no more than right that the resolution should go over to be considered to-morrow in the morning hour.

Mr. HITCHCOCK. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] is in error in stating that I have instituted a movement to force this resolution to a vote to-day. I only ask that the consideration of it may proceed to-day. I made an offer a few minutes ago to consent that it should go over until to-morrow if I could secure unanimous consent to vote upon it by 5 o'clock to-morrow afternoon, which is a clear indication that I have not any desire to force it to a vote to-day.

I was not aware that the Senator from California and the Senator from Georgia had given the notices referred to, but those addresses which they expect to make must necessarily be made during the pendency of some regular business.

Mr. HARDWICK. I wish to suggest to the Senator, if he will yield to me, while I think that is true with reference to both the notices, so far as the notice I gave is concerned I have about abandoned my intention to address the Senate except in connection with legislation which will be before the Senate soon on the subject matter.

If the Senator will pardon me, while I am on my feet I will say that I quite agree with the Senator from Colorado. Of course we ought to give the Senator from California who wants to speak to-day full opportunity to do so, but he can speak just as well while the pending proposition is the motion of the Senator from Nebraska as on anything else, and I think that should be done.

Mr. HITCHCOCK. I thank the Senator.

Mr. WORKS. Mr. President, I appreciate the courtesy of the Senator from Colorado [Mr. THOMAS] in calling attention to the fact that I had given notice that I would address the Senate to-day. I have no disposition to delay action on the resolution of the Senator from Nebraska. One branch of the subject that I am expecting to discuss is connected with the very resolution now before the Senate, and I think it is a very important branch of it, namely, the functions of the different departments of the Government. So I can just as well make my address, if that is satisfactory to the Senator from Nebraska, after his resolution is taken up as at any other time. I have no disposition to prevent that course being taken, though I am prepared to go on now and would be very glad if I could be allowed that courtesy at this time.

Mr. HITCHCOCK. I thank the Senator from California and the Senator from Georgia very much. I only desire to say in conclusion that the essence of time is important in this case. If this resolution is to be passed to be of any significance at all, it ought to be passed within a reasonable length of time. All I am asking is that it be placed before the Senate for consideration.

Mr. NEWLANDS. Mr. President, I desire to say that I feel it my duty to press before long for a continuance of the executive session, which is now engaged in the consideration of an important nomination. I do not wish at all to interfere with the Senator from California, who has given notice of his desire to address the Senate, but I shall deem it my duty to press an executive session as soon as possible.

Mr. NORRIS. Mr. President, as I understand the Senator from Nevada, he does not intend to make a motion to go into executive session if the motion of the Senator from Nebraska now pending prevails.

Mr. NEWLANDS. Not at present.

Mr. NORRIS. If, however, that motion is defeated and we take up the unfinished business, which has been pending before the Senate for some time, and has been really before the Senate for four years, I presume he will interpose his motion to go into executive session. That all reminds me that there seems to be a disposition to go into executive session and to take up other business whenever it can interfere with the consideration of the bill which the Senator from Michigan [Mr. TOWNSEND] has in charge that has been the unfinished business so long and that has already on one occasion passed the Senate.

Mr. NEWLANDS. I wish to say, Mr. President——

Mr. NORRIS. If the Senator will just wait a moment, I will be glad to yield to him when I have finished this sentence. It all indicates to me that whenever business can be taken up that will displace or postpone the consideration of the retirement bill it is done. The Senator from Nevada is willing to let the business that he deems so important and that has been crowded on the Senate displace the unfinished business; he is willing to let it go over if you can get something else up that will interfere with the pending bill. It has been before the Senate and before the country for years. The bill is not much longer than one's finger, and it ought to be disposed of. If it should be defeated, that would end it, but we ought to have a vote on it.

It does seem to me in voting on the motion to take up the resolution, we ought to take those facts into consideration. The relative importance of the resolution approving the President's action in sending notes may be of such a nature that it ought to be disposed of soon. I do not think there is any disposition to unreasonably postpone action on it, but I believe if we want to be fair we ought to dispose of the measure the Senator from Michigan has in charge and get rid of it one way or the other. I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to state to the Senator from Nebraska that I have no disposition whatever to interfere with or to obstruct the bill which is being urged by the Senator from Michigan. On the contrary, I strongly favor that bill myself and have regretted exceedingly that anything I

have done during the course of its proceeding has delayed it. I wish to say with reference to the executive session that we all know that the Interstate Commerce Commission is an overworked commission; that it has an enormous work on hand——

Mr. NORRIS. I did not yield to the Senator to make a speech. If he has a question to propound, I will be glad to answer it; otherwise I decline to yield.

The PRESIDENT pro tempore. The Senator from Nebraska declines to yield further.

Mr. NORRIS. Mr. President, I am not finding fault with anybody who opposes the bill of the Senator from Michigan. I concede that there are two sides to it. I am not complaining because some one objects to it and desires to vote against it. That is true of nearly all legislation. But it is a remarkable fact that a great many of those who have opposed it say, like the Senator from Nevada, that they are in favor of it, and yet they vote for motions to displace it and to put it off from time to time. The Senator from Nevada has been interposing a motion to go into executive session now for a great many days, both before and since the adjournment for the holiday recess. He may be in favor of the measure and will probably vote for it if it ever reaches a final stage, but like other Senators his vote delays a consideration of it and postpones it so that we may never reach a vote, or when we reach a vote it will be at a time of this session when it is well known by everybody that it can not be taken up and considered in the other House.

Mr. NEWLANDS. Mr. President, the Senator declined to permit me to continue with my explanation. I was about to state that the Interstate Commerce Commission is an overworked commission. There is a vast accumulation of work there which it is very difficult to dispose of. To-day it is without one of its commissioners. The term of office of Mr. Daniels expired some days ago. It is for that reason that I am urging action upon the confirmation of his appointment.

The Senator from California [Mr. WORKS] gave notice of his desire to speak to-day. That has been a long-standing notice, and I am sure I have no disposition to interfere with him; I would be glad to have him proceed; but, later on, at as early an hour as possible, I must insist upon a motion to go into executive session.

Mr. TOWNSEND. Mr. President, I can add little to what the Senator from Nebraska [Mr. NORRIS] has said in reference to this matter. I, too, have been impressed with the fact that Senators who have professed friendship for the Volunteer officers' bill have been those who have defeated its consideration up to date. On every occasion when I have had it before the Senate there has been some one with a proposition to present as being more urgent, and enough Senators have always been induced to vote for it to displace the Volunteer officers' bill. I do not wish to question their sincerity, but I am simply stating the fact as the RECORD will disclose.

This bill was made the unfinished business, and if it could have been held before the Senate as it could have been held if its friends had been willing, it would have been disposed of long before this.

Senators may say that there is great opposition to it. So is there opposition to every one of the propositions which have displaced it. If we could proceed with this bill as we could do if the alleged friends were willing to do so, we would have it out of the way; we could get a vote on it; and all I have asked is to let us see whether a majority of the Senate want the bill to pass or not.

Now, what do we have before us? When this bill was made the unfinished business the Senator from Nevada, who says he is a friend of the measure, presented his proposition to go into executive session to confirm a member of the Interstate Commerce Commission. It was known that there could be no vote upon confirmation for some time. It was known that we were considering this bill and were approaching what seemed to be a determination of it when it was displaced. Every time a motion was made to go into executive session there were enough friends of the Volunteer officers' bill who voted for the motion to carry it by a small majority.

Now comes the proposition to consider this resolution. I have been very willing to have the resolution considered during the morning hour. We have consented unanimously that it should be the continuing business during every morning. In the very nature of things a vote must be had under that process if it continues, perhaps as soon as it could be had, if we should take the course now proposed by the Senator from Nebraska [Mr. HITCHCOCK].

Now, of course, if the unfinished business is to be retained we must vote down the proposition to take up this resolution, and must vote down the proposition to go into executive session and consider this bill and keep it before the Senate until it is disposed of. I do not think that is an unfair proposition. The bill was brought up when these questions were not pending and very few Senators have thus far prevented its consideration. I do not say that they have done so improperly. I occupied some time myself in discussing the bill. I want other Senators to occupy time, but they are ready to go on; they are ready to discuss it, and we could get a vote upon it in a short time if the Senate would do us the courtesy, if the friends of the bill would do us the courtesy, of allowing us to hold it as the unfinished business.

What is going to happen if the motion of the Senator from Nebraska prevails? If the Senator's motion prevails and the resolution is carried over until adjournment to-day, which it will be, it becomes the unfinished business to-morrow and the Volunteer officers bill is displaced. The friends of the bill know some of the difficulties which I have met in getting recognition to call up the bill. I have failed time and time again. I have been twice on my feet and addressed the Chair—not the present occupant of the chair—when there was no other Senator on the floor, and yet I could not secure recognition. It is now before the Senate as the unfinished business, and I ask that it be held there at least until a reasonable opportunity be given to see whether we can get a vote upon it or not.

Mr. NEWLANDS. Let me ask the Senator from Michigan whether he has asked unanimous consent for a time to vote upon the bill?

Mr. TOWNSEND. I have repeatedly, and I should like to ask it again now. I should like to get consent to vote upon it some day next week.

Mr. NEWLANDS. Mr. President, it seems to me it ought to be granted.

Mr. TOWNSEND. Well, it does seem so to me. If the Senator believes that that can be done, I will ask unanimous consent——

Mr. NEWLANDS. I believe, with the Senator, that there are enough votes here to pass the bill, and it ought to be passed.

Mr. TOWNSEND. I think I know that very well. That is the remarkable thing, I will say to the Senator from Nevada, that for years we have had votes enough to pass this bill, but we could not bring it to a vote, not alone because it was talked to death—for it was not—but because even friends of the bill would vote to bring in some other measure and thereby take enough votes from the friends of the Volunteer officers bill to defeat its consideration to final completion.

Mr. BRANDEGEE (to Mr. TOWNSEND). Ask unanimous consent now.

Mr. TOWNSEND. Well, Mr. President, if it is in order, I will ask unanimous consent now——

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska [Mr. HITCHCOCK] to take up Senate resolution 298.

SEVERAL SENATORS. Vote!

Mr. LANE. Am I in order to make a few remarks on the resolution at this time?

The PRESIDENT pro tempore. The Senator from California [Mr. WORKS] has been recognized.

Mr. LANE. Well, could I get a moment's time from the Senator from California?

Mr. WORKS. Mr. President, it is perfectly evident to my mind that the time of the Senate this afternoon is going to be taken up with the debate which is now on. It is probably just as good a time now as any other for me to say what I desire to say under the notice that I have given to the Senate. The Senator from Illinois [Mr. LEWIS] has had the floor in the discussion of the resolution which has been pending, but, as I understand, he reserved the right to conclude what he had to say to-morrow morning. Therefore, as there is a debatable question now before the Senate, I shall proceed to discuss the question as I have desired.

Mr. LEWIS. Mr. President, let me make clear this: If the vote of the Senate shall be that the resolution shall remain the subject of the discussion, then I shall conclude what I have to say, I hope, in a few words; but if it shall not be and the resolution shall remain morning business, the Senator from California is correct, and I shall ask to be recognized only in the morning hour, as I would not assume, under the general order of business, to continue this discussion and to take advantage of other Senators.

Mr. WORKS. Mr. President, I have listened with a great deal of interest to the discussion upon the resolution of the Senator from Nebraska [Mr. HITCHCOCK], but with a profound sense of regret that the resolution should have been debated in the Senate of the United States at all. The offer of our good offices to the belligerent nations is purely an executive function

I have in this body criticized more than once the encroachment of the executive department upon the legislative functions of Congress, and I think it is just as much out of place for the Congress of the United States to attempt to interfere with or encroach upon the rights and obligations of the President of the United States in the performance of his duty. It is mainly for that reason, Mr. President, that I have felt that the Congress of the United States ought not to take any action at all upon the resolution. If the President is right in the step he has taken, he needs no indorsement by the Congress of the United States. If, on the other hand, he is wrong, then he should not receive such indorsement. I expect in what I am about to say to discuss the question at some little length of the duties and obligations of the different departments of the Government and the attempts by one to encroach upon the other.

Mr. WORKS thereupon addressed the Senate, pursuant to the notice heretofore given. After having spoken for some time, he said:

Mr. President, for physical reasons I shall not be able to conclude to-night what I was going to say. It is suggested by the Senator from Nebraska [Mr. HITCHCOCK] that a recess might be taken until to-morrow.

Mr. STONE. Mr. President, will the Senator kindly indicate about what time it will require for him to complete his remarks?

Mr. WORKS. I think it will be less than an hour. I have consumed more than half the time that I shall need.

Mr. STONE. If the Senator desires the matter to go over with that statement, I am sure I have no objection.

Mr. WORKS. I shall be very glad if that can be done.

RECESS.

Mr. HITCHCOCK. Mr. President, in view of the Senator's statement, I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. GALLINGER. What is the motion?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The motion is for a recess until 12 o'clock to-morrow.

Mr. GALLINGER. That is agreeable to me.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 5, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 4, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With true devotion in our hearts, Eternal God our Heavenly Father, we would prostrate ourselves before Thee and worship Thee in spirit and in truth; that we may be strengthened, exalted, purified, and thus fitted for the duties which wait upon us, and reap the fruits of righteousness as servants of the Living God, after the manner of the Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIVERSION OF WATER FROM NIAGARA RIVER.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. FLOOD. Mr. Speaker——

The SPEAKER. The Clerk will report the joint resolution. It is unfinished business.

The Clerk read as follows:

Joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

Mr. FLOOD. Mr. Speaker, the amendment to the bill has been adopted, and I ask for a vote on it.

Mr. MANN. Mr. Speaker, I would like to offer an amendment.

Mr. STAFFORD. I would like to have the privilege of offering an amendment also.

Mr. RAINEY. I would also like to offer an amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report. Does the gentleman from Virginia yield the floor, or just yield it for an amendment?

Mr. FLOOD. I just yield it for the purpose of the amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

In granting any permit under the provisions of this joint resolution the Secretary of War shall require any person or corporation to which such permit may be granted to enter into an agreement to pay to the United States compensation at the rate of $100 per annum for each foot of water so daily diverted under the permit granted during any time during which such diversion shall continue after the time herein named for the termination of such permit.

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, just a word in explanation of the amendment. The joint resolution provides that all permits shall terminate under the amendment of the House on the 4th of March, and under the original resolution, I believe, on the 1st of July. My amendment simply provides that these parties receiving the permits shall enter into an agreement to pay compensation after the date of the expiration of the permit if they continue to use the water.

Mr. SABATH. Will the gentleman yield?

Mr. FLOOD. Mr. Chairman, how much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. SABATH. Mr. Speaker, I desire to ask this question of my colleague. By the adoption of this amendment would that not extend the grant to these companies perpetually?

Mr. MANN. It would not. The resolution expressly provides that permits shall terminate at a fixed date. But supposing they continue to use the water, who is going to stop it? How is it going to be stopped? They have been using the water for years without permit.

Mr. SABATH. I wish to say——

Mr. MANN. Now, the amendment simply provides that they shall agree to pay for the use of the water after the permit is revoked, if it is continued in use.

Mr. FLOOD. Pay how much?

Mr. MANN. One hundred dollars for each cubic foot per annum.

Mr. FLOOD. I have no objection to that amendment. I think it is a very good one.

Mr. MANN. They do not get any further rights.

Mr. SABATH. They would not get any further rights under this? Do they claim any other rights under that?

Mr. MANN. They will claim rights undoubtedly, in any event.

Mr. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. To make some inquiries of my colleague.

The SPEAKER. Does the gentleman from Virginia yield?

Mr. FLOOD. How much time does the gentleman want? I have 12 minutes remaining.

Mr. RAINEY. I just want to ask a question.

Mr. FLOOD. I yield a minute to the gentleman from Illinois.

Mr. RAINEY. What compensation will the Government receive under this amendment?

Mr. MANN. I hope it will not receive any, but it provides for $100 per annum for each cubic foot of water after the expiration of the permits.

Mr. RAINEY. One hundred dollars for each cubic foot?

Mr. FLOOD. Which will be about $5 per horsepower if they generate as much power as they ought to generate.

Mr. RAINEY. Will that operate continually in force?

Mr. MANN. It would not. The resolution expressly provides the permits shall cease. It is in the nature of a penalty. That is the purpose of it.

Mr. HARRISON of Mississippi. Will the gentleman from Illinois [Mr. MANN] yield for a question?

Mr. FLOOD. I yield a minute to the gentleman from Mississippi.

The SPEAKER. The gentleman from Mississippi is recognized for one minute.

Mr. HARRISON of Mississippi. I am in sympathy, I will say, with the amendment. The idea really is to make the rate so high it will be prohibitive.

Mr. MANN. It is a penalty——

Mr. HARRISON of Mississippi. The gentleman does not desire by setting this price that that shall be a standard of compensation?

Mr. MANN. Not at all.

Mr. KEATING. On that point of the rate being prohibitive, as a matter of fact, I do not think it would be prohibitive.

Mr. MANN. I do not know that it is prohibitive, but it is in the nature of a penalty.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] has the floor.

Mr. MONDELL. Will the gentleman from Virginia yield for a question?

Mr. FLOOD. Mr. Speaker, I ask to have the amendment again reported.

The amendment was again reported.

Mr. MONDELL. Mr. Speaker, does the gentleman from Virginia yield?

Mr. FLOOD. Does the gentleman want to offer an amendment to the amendment?

Mr. MONDELL. I desire to present an amendment; yes.

Mr. FLOOD. Mr. Speaker, I yield to the gentleman for the purpose of offering an amendment.

The SPEAKER. Is it a separate amendment, or an amendment to this amendment?

Mr. MONDELL. It is an amendment to this amendment. I desire to suggest to the gentleman from Illinois [Mr. MANN] the propriety of putting in the word "cubic" before the word "foot" and the word "second" after the word "foot," so as to avoid any misunderstanding of the amendment.

Mr. MANN. Well, I think likely that ought to be done.

The SPEAKER. Without objection, those amendments will be made, inserting the word "cubic" and the word "second."

There was no objection.

Mr. MONDELL. If the gentleman from Virginia will yield a moment further, I wish to say the amendment provides that the compensation shall be at the rate of $100 per annum for each cubic foot per second diverted daily. The meaning of that language is not entirely clear to me. Possibly I ought to understand it. But is it the thought of the gentleman from Illinois that this shall be a daily charge for each cubic foot of water that is diverted?

Mr. MANN. At the rate of $100 per annum for each cubic foot of water diverted.

Mr. MONDELL. But the word "daily"——

The SPEAKER. Is the gentleman from Wyoming offering an amendment, or just talking about it?

Mr. MONDELL. The gentleman from Wyoming is desirous of having an understanding of what the amendment means.

Mr. MANN. The resolution provides for a daily diversion of the water. I used the language of the resolution.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman submit to a question?

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] has the floor.

Mr. TAYLOR of Colorado. Will the gentleman from Virginia permit me to ask the gentleman from Illinois a question?

Mr. FLOOD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes left.

Mr. FLOOD. Then I yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I would like to ask the gentleman from Illinois a question. Is his amendment sufficiently specific? In the event the cubic-foot rate was only operative a portion of the year, or a month in the year, would it still authorize the charge?

Mr. MANN. At the rate of $100 per annum.

Mr. TAYLOR of Colorado. Suppose you only ran it a week?

Mr. MANN. Then you would charge for that time at the rate of $100 per annum. It requires them under the agreement to pay it.

Mr. TAYLOR of Colorado. If they ran it only a week in the year, they ought not to be charged as much as if they ran it a year. Is it a pro rata charge, or have they to run it 365 days a year?

Mr. MANN. A pro rata charge if they run it a day.

Mr. TAYLOR of Colorado. If they would only run it a day it would be a nuisance. I do not think it is sufficiently clear.

Mr. RAINEY. Mr. Speaker, if the gentleman will permit, suppose a foot of water is used a great many times in going down that declivity, as it could be. But the plants are not so equipped, I understand, as to use it very many times. But a cubic foot of water might easily be used a dozen times in going down that declivity. No matter how many times it is used the companies would still pay the amount mentioned in the gentleman's amendment and no more?

Mr. MANN. That is all.

Mr. SMITH of New York. Mr. Speaker——

Mr. FLOOD. Mr. Speaker, I yield one minute to the gentleman from New York.

Mr. SMITH of New York. I desire to ask the gentleman from Illinois whether this penalty applies to the additional water or to all the water diverted?

Mr. MANN. It only applies to the water granted under permit in this resolution.

Mr. SMITH of New York. Is it a penalty?

Mr. MANN. Yes.

Mr. SMITH of New York. Then I have no objection to that.

Mr. MONDELL. Mr. Speaker, I would like to make this suggestion: If the intent of the amendment is to make a charge of a hundred dollars per cubic foot of water diverted per annum, then the charge is not great enough to make the use of the water prohibitive. As a matter of fact it is a very low charge.

Mr. FLOOD. I agree with the gentleman that it is a reasonable charge.

Mr. MONDELL. If, however, it is a daily charge of $100 per cubic foot per second, then, of course, it is entirely prohibitive.

Mr. FLOOD. It is not a daily charge; it is a per annum charge.

Mr. MONDELL. Then why is the word "daily" used?

Mr. MANN. The word "daily" is used because the provision of the resolution is, "That in no event shall the total quantity of water diverted from said river above the Falls for power purposes exceed in the aggregate a daily diversion at the rate of 20,000 cubic feet per second."

Mr. MONDELL. Well, I will say to my friend that the language used there is intended to prevent a diversion of more than 20,000 cubic feet per second at any time.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN]. The gentleman from Virginia [Mr. FLOOD] has the floor and the control of the time.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield to me a minute?

The SPEAKER. Does the gentleman from Virginia yield?

Mr. FLOOD. I will yield to the gentleman one minute.

The SPEAKER. The gentleman from Wisconsin is recognized for one minute.

Mr. COOPER of Wisconsin. Mr. Speaker, I think there ought to be added to this bill some such proviso as this: "*Provided*, That the rate charged by any permittee for the use of the power shall be just and reasonable."

Mr. FLOOD. Mr. Speaker, this resolution runs only to the 4th of March. There would not be opportunity for any of the officials to determine what would be a reasonable charge within that time. We will have a bill coming here in a few days to regulate that matter.

Mr. COOPER of Wisconsin. I simply want to put on record the statement as a matter of principle that the Federal Government has the right to put that condition in any grant it makes, and that it ought to be in this bill.

Mr. FITZGERALD. Mr. Speaker, the Public Service Commission in the State of New York regulates the charge that these people will have to pay.

Mr. COOPER of Wisconsin. I know; but the gentleman from New York claims that the Public Service Commission of New York State is the only authority that ought to be permitted to regulate rates.

Mr. FITZGERALD. Yes. And I think the State of New York ought to get this revenue.

Mr. COOPER of Wisconsin. I think the Federal Government ought to regulate all such rates.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. FLOOD. Mr. Speaker, the gentleman from Colorado [Mr. KEATING] offers a substitute. Then, I will call for a vote.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Substitute offered by Mr. KEATING:

"*Provided*, That permittees under this resolution shall pay into the Treasury of the United States $1 per horsepower year for all power developed by water diverted from the Niagara River: *Provided further*, That the permittees shall dispose of the power thus generated at reasonable rates and without discrimination to such individuals and corporations as may apply for the same: *Provided further*, That a board to be known as the Niagara water-power board, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of the Treasury, is hereby created and authorized to formulate and enforce such rules and regulations, not inconsistent with the provisions of this resolution, as may be necessary to carry into effect the foregoing provisions, and said board is further authorized, in case of controversy between any permittee under this resolution and any user or users of power generated by water diverted from Niagara River, to determine what would be a reasonable rate for the use of said power; and the finding of such board shall be binding on said permittee."

Mr. MANN. Mr. Speaker, I make the point of order that that is not a substitute for the amendment which I offered. It relates to an entirely different matter.

The SPEAKER. The point of order is sustained. The question is on the Mann amendment.

Mr. FITZGERALD. Mr. Speaker, I ask to have the amendment again reported, as some Members were not in at the time it was offered.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. FLOOD. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

Mr. KEATING. Mr. Speaker, I offer the following motion to recommit. I move to recommit the Senate joint resolution to the Committee on Foreign Affairs, with instructions to report the same back forthwith with the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That permittees under this resolution shall pay into the Treasury of the United States $1 per horsepower year for all power developed by water diverted from the Niagara River; permittees shall dispose of the power thus generated at reasonable rates and without discrimination to such individuals and corporations as may apply for the same: *Provided further*, That a board to be known as the Niagara water-power board, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of the Treasury, is hereby created and authorized to formulate and enforce such rules and regulations, not inconsistent with the provisions of this resolution, as may be necessary to carry into effect the foregoing provisions, and said board is further authorized, in case of controversy between any permittee under this resolution and any user or users of power generated by water diverted from Niagara River, to determine what would be a reasonable rate for the use of said power; and the finding of such board shall be binding on said permittee.

Mr. FLOOD. And on that motion to recommit, Mr. Speaker, I move the previous question.

Mr. HARRISON of Mississippi. Mr. Speaker, I make the point of order on the motion to recommit that it is not germane.

The SPEAKER. Why?

Mr. HARRISON of Mississippi. Because it deals with a different matter.

Mr. FITZGERALD. Because it provides that there shall be a charge for water diverted under other authority than that conferred by this bill.

Mr. KEATING. Not at all; there is no such provision.

Mr. FITZGERALD. The motion of the gentleman from Colorado provides that there shall be a charge of $1 per horsepower for all water diverted from the Niagara River. This bill is to confer upon persons now taking water from Niagara River, under permits of the War Department, authority to take additional water. The proposed motion not only seeks to impose a tax upon the additional water granted by the joint resolution, but to impose a tax for water being taken under authority previously granted. There can be no other construction given to the language, because it refers to "all water," and it is a matter of information to be gathered from the reading of the joint resolution itself that water is now being diverted by persons to whom the permits will be issued other than that authorized to be taken under the terms of the pending resolution.

It is not germane to impose a tax for taking water under some other act as an amendment to a bill authorizing a tax for the taking of water in addition to what is being taken.

Mr. KEATING. Mr. Speaker, there is no other act authorizing the diversion of water from Niagara River. There was such an act, but that act has expired. There is now no law permitting anyone to divert water from Niagara River. These permits, if issued by the Secretary of War, will authorize the diversion of 20,000 cubic feet of water. The Secretary of War should not recognize the right of power companies now operating at Niagara Falls to divert a single foot of water except under these permits.

If the legislation now pending before the House is designed to make legal an illegal diversion of water now taking place, the country should know that that is the object of the legislation. I feel that my motion is in order. The purpose of the motion, I will state frankly, is to enable the Government of the United States to collect what is a reasonable charge for the diversion of this water; further than that, to see that the rates charged by the power companies are reasonable, and that discrimination is not practiced by the power companies.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Colorado will not deny that there is other water being diverted than that proposed to be granted under this resolution. That water is being diverted by companies possessing certain riparian rights and under certain grants from the State of New York and under permits issued by the Federal Government, although the time has expired under which the permits from the Federal Government were granted. Under a decision of the United States Supreme Court, there is no power to prevent the continuance of the diversion except by Congress itself. There is water being diverted other than the water to be diverted under the provisions of this act, and this motion to recommit purports to impose a tax for the diversion of the water taken not under the authority contained in this joint resolution. That proposition is not germane to the resolution. All that could be done in this resolution would be to impose a tax for the taking of the water, in accordance with its provisions, and that has already been done in the amendment offered by the gentleman from Illinois [Mr. MANN], which has been adopted; and this amendment is not germane to the joint resolution.

Mr. BENNET. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. BENNET. On the point of order.

The SPEAKER. Which side is the gentleman on?

Mr. BENNET. On the same side as my colleague [Mr. FITZGERALD].

Supplementing what my colleague has said, the 15,600 cubic feet now being taken are being taken legally, because they are being taken by authority of a statute of the State of New York, and under the decisions of the Supreme Court of the United States, where Congress has the power—assuming that it has the power in this case—and does not exercise it, any State can exercise the same power until it is superseded by congressional action. That was held in the matter of naturalization, as to which Congress had the power to pass a uniform naturalization law, but refrained from exercising it until 1906. In the meantime——

Mr. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAINEY. To address an inquiry to the gentleman from New York.

Mr. BENNET. I yield to the gentleman from Illinois.

Mr. RAINEY. Is the gentleman familiar with the recent case involving the franchise granted by the State of New York to the Development Co., a subcompany of the Aluminum Co. of America, which attempted to develop power at the Long Sault Rapids in the St. Lawrence River, in which case, as I remember it, the Supreme Court of the United States held that the State of New York had no right to grant that authority?

Mr. BENNET. I do not think that was the holding. I know the gentleman referred to that when this matter was before the House on a previous occasion; but I am informed—although I am frank to say I have not looked up the decision—that the holding does not fully bear out the gentleman's contention. I know what the holding of the Supreme Court of the United States was in the naturalization case, where the arguments were on all fours with the question before the House. The holding in that case was that where the Constitution granted to Congress the power to pass exclusive legislation, until Congress did pass that exclusive legislation the State could pass legislation to take care of existing situations. That is what the State of New York has done in relation to this water power, and the 15,600 cubic feet that are now being taken are being taken by authority of law. Therefore the contention of my colleague [Mr. FITZGERALD] is correct, that the motion of the gentleman from Colorado [Mr. KEATING] covers water which is now being taken legally from Niagara.

Mr. STAFFORD. In that connection will the gentleman yield for a question?

Mr. BENNET. Yes.

Mr. STAFFORD. Under the Burton law, as I read it, the permittee was limited to 15,600 cubic feet per second.

Mr. BENNET. Yes.

Mr. STAFFORD. Under this resolution he is authorized to divert more than 15,600 cubic feet. He is authorized to divert more than 20,000 cubic feet per second, provided the aggregate for 24 hours does not exceed that amount. The Burton law limited the amount specifically not to exceed 15,600 cubic feet per second; but we all know that in the use of water power they can utilize more during the load period during the day than during the night, and this resolution would permit the Secretary of War to authorize them to use not to exceed 20,000 cubic feet per second, provided it did not amount to a daily aggregate in excess of that. During the daytime they could divert 80,000 feet, 100,000 feet, or perhaps 200,000 cubic feet per second, provided in the aggregate it did not exceed 20,000 feet for a day of 24 hours.

Mr. BENNET. That has nothing to do with the point of order.

The SPEAKER. The Chair desires to call the attention of gentlemen to the fact that he does not want any discussion of the merits of the motion, but what he wants is a discussion of the

point of order. Is this motion of the gentleman from Colorado in order or not? That is the question.

Mr. BENNET. The contention of my colleague [Mr. FITZGERALD] and myself, of course, is that the motion is not in order, because the 15,600 cubic feet per second now being taken is being taken by authority of law; and as I caught the reading of the motion of the gentleman from Colorado [Mr. KEATING] he attempts to impose a very large charge, not only on the 4,400 cubic feet per second but on the 15,600 cubic feet per second being taken under authority of an act of the Legislature of the State of New York. Therefore the motion is not germane.

Mr. COOPER of Wisconsin. Mr. Speaker, I think that the gentleman from New York [Mr. BENNET] and the other gentleman from New York [Mr. FITZGERALD] are mistaken in their view as to the law governing this matter. The Niagara River is not only a navigable stream but it is also a stream marking the boundary between the United States and a foreign nation. The United States and the other nation entered into a treaty by the terms of which Canada could divert 36,000 cubic feet and the United States of America 20,000 cubic feet of the water of this navigable boundary stream. Both of the gentleman from New York say that 15,600 feet of the water now being diverted on the American side of the river is diverted under authority of a statute of the State of New York. In this they are, in my judgment, entirely mistaken. The Congress of the United States some years ago passed what is called the Burton law, permitting the diversion on the American side of 15,600 cubic feet and no more. It was the United States Government which gave this permission by the Burton law enacted in accordance with the terms of the treaty. Now, the Constitution makes a treaty, and any law of Congress duly enacted to carry out its provisions, the supreme law of the land. Therefore it is not a statute of the State of New York which grants or refuses permission to these persons to divert this water.

The treaty and law make the Secretary of War of the United States the executive officer to enforce the provisions of the law in so far as these concern the division on this side of the boundary.

As I said, the Congress passed a law under which certain persons were granted permission for a definite term to use 15,600 feet. That term expired. An extension was granted, and that also expired some time ago. Last summer the permittees went to the Secretary of War and asked his permission to divert water up to the total of 20,000 cubic feet possible to be lawfully diverted under the provisions of the treaty, and he granted that permission. But recently the Secretary came before the Committee on Foreign Affairs, which reported the pending resolution, and admitted that after granting this permission he had investigated the law and ascertained that as the time limit fixed by Congress had expired he had no authority to grant the permit. As a matter of fact, all the water now being diverted is diverted wholly without authority of law.

If the diverting of 15,600 feet per second is under a law of the State of New York, why did not the permittees ask the Legislature of the State of New York to grant them permission to use the additional 4,400 feet, the balance of the 20,000 feet permissible to be diverted on the American side under the treaty? Why were they here asking the Secretary of War to grant it? He made a mistake. He is wholly without authority. He admitted it. But the passage of this resolution is necessary not only to enable him to grant them permission to divert the additional water which they asked for, but it is necessary also before he can lawfully permit them to divert any water at all. In other words, they are wholly without the right now to divert any of the 20,000 feet.

It seems to me that the point of order raised by the gentleman from New York against the motion to recommit is not well taken.

Mr. DAVIS of Texas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAVIS of Texas. To discuss this point of order.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. DAVIS of Texas. Mr. Speaker, I contend that if this Congress has any jurisdiction over that stream at all, the proposition of the gentleman from Colorado [Mr. KEATING] is entirely germane. I am not willing to submit to the doctrine that the State of New York can set a lot of corporations out on an international stream and forbid the United States Congress assuming jurisdiction over the water they are taking out of that stream. The contention of the gentleman from New York [Mr. BENNET] is shrewd and sharp when he says that whenever the United States fails to assume jurisdiction the State has a perfect right to exercise its own jurisdiction. Then if he and a lot of others can keep the United States from exercising its jurisdiction, that set of corporation cannibals will be left there to cravenly devour the substance of humanity for the next generation as they have in the past.

The SPEAKER. The Chair is ready to rule. The Chair is not going to undertake to determine this squabble between the United States Government and the State of New York as to who controls the waters of the Niagara River. The title of the resolution before the House shows whether this is germane or not. It is a joint resolution "authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River," and entirely through these proceedings it has been assumed that the 15,600 cubic feet now being diverted from the river are being diverted lawfully. This resolution has simply to do with the additional grant of water up to 20,000 cubic feet, and the point of order is sustained. The question is on the passage of the joint resolution.

The question was taken, and the Speaker announced that the joint resolution was agreed to.

Mr. KEATING. Mr. Speaker, I want to ask for the yeas and nays.

The SPEAKER. The gentleman from Colorado demands the yeas and nays. Those in favor of taking this vote by yeas and nays will rise and stand until counted. [After counting.] Twenty-eight gentlemen have risen; not a sufficient number.

Mr. KEATING. Mr. Speaker, I make the point of order of no quorum.

Mr. BUCHANAN of Illinois. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed will rise and stand until they are counted. The gentleman from Colorado temporarily withdraws the point of order. [After counting.] One hundred and thirty-two gentlemen in the negative. Twenty-eight is not a sufficient number.

Mr. KEATING. Mr. Speaker, I desire to make the point of order of no quorum.

The SPEAKER. The Chair will count.

Mr. MANN (during the count). Mr. Speaker, may I submit a parliamentary inquiry a little out of order?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MANN. Mr. Speaker, the House having taken a vote upon the passage of a resolution and then having taken a vote on whether they would order the yeas and nays, and having refused to order the yeas and nays, if no quorum is now announced, is the resolution passed, or would there be an automatic call of the House upon the passage of the resolution? I was under the impression that the matter was disposed of when the yeas and nays were refused and the resolution was passed. I am not sure about that.

Mr. KEATING. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KEATING. I merely want to make the statement to the Speaker that my object in making the point of no quorum was to get a record vote upon the resolution. I endeavored to get that record vote by calling for the yeas and nays, and failing in that I made the point of no quorum.

Mr. MANN. If the gentleman had made the point of no quorum first, he would have obtained his automatic call. Mr. Speaker, I think he slept upon his rights.

Mr. KEATING. Mr. Speaker, I submit that my actions followed naturally, whether in accordance with the precedents or not. I wanted a record vote. The thing for me to do was to demand the yeas and nays. The count of the Speaker having developed the fact that there was not a quorum in the House, I then had the right to make the point of no quorum. I am not familiar with the precedents, but I submit to the Speaker that as a matter of common sense I am now entitled to a record vote upon this question.

Mr. FITZGERALD. Mr. Speaker, the gentleman is in error. The Speaker announced the vote upon the passage of the resolution. The presumption is that a quorum is always present. That is the presumption under which the House transacts all of its business. If the gentleman did not believe that a quorum was present and desired to have a record vote, the raising of the question of the absence of a quorum would have automatically given him a roll call, because the House was dividing. He did not raise the question that a quorum was absent, and therefore the presumption that a quorum was present prevails. He demanded the yeas and nays. The yeas and nays were refused, and then he made the point of order that there was no quorum present; but that relates to the time of the business on his demand for the yeas and nays and does not relate back to the prior transaction when the vote was being taken upon the passage of the resolution. The presumption is that a quorum was present, and the question was not raised when the vote was announced.

Mr. COOPER of Wisconsin. Mr. Speaker, let me ask the gentleman from New York if there is any other presumption than this where the record shows less than a quorum. That is, the Speaker announces the ayes and noes, and in the aggregate there is less than a quorum, but nothing is said about it by anyone on the floor, the point of no quorum not being made; then the presumption would be that a quorum was present.

But if immediately upon the fact being announced that there were 50 ayes and 50 noes, say, and a man then raises the point that there was no quorum, then there is no presumption anywhere, and ought not to be, because immediately upon the fact being announced by the Speaker that there are only 50 ayes and 50 noes, 100 in the aggregate, being present, that was the first means the gentleman from Colorado had to know how many there were in the Chamber.

The SPEAKER. If the gentleman will allow the Chair on that particular point, the question of whether he would order the yeas and nays by asking the gentleman to stand up is not at all conclusive as to whether there is a quorum in the House or not. A great many of them sit in their seats and do not care a straw whether they have a roll call or not.

Mr. FITZGERALD. The gentleman overlooks the rule of the House by which the House automatically votes upon a question. If, when the House is dividing, the question of the absence of a quorum is raised and it is ascertained that a quorum is not present, the roll is automatically called, and the question is taken upon the pending question. The question was taken upon the passage of the bill. No question of the absence of a quorum was raised. The gentleman then demanded the yeas and nays. The House refused to order the yeas and nays. It requires one-fifth of those present to order the yeas and nays, and having refused to order them the vote upon the bill stands as announced by the Speaker. The gentleman now raises the question that there is not a quorum present. The only way a quorum can be brought to the House, if the Speaker finds upon count that there is not a quorum present, is by a call of the House. It requires a motion to call the House, because the House is not dividing upon any question when the point of no quorum is raised. That has been the uniform, unbroken practice of the House. It would be as appropriate for the Speaker to decide that because there is no quorum present now that there was no quorum present when the Journal was approved. The question of the presence of a quorum must be raised at the time the business is transacted, and having passed beyond the time when the vote is taken and the vote announced, we pass on to the question of whether the House will or will not order the yeas and nays upon the vote. The House having refused, if the gentleman desires to bring a quorum, if there be none present, it will require a motion for a call of the House to bring it. Under the rule providing for an automatic roll call we have passed beyond the stage where that can be had.

Mr. KEATING. Mr. Speaker, may I refresh the Speaker's memory concerning one point which may or may not have a bearing upon this question? The Speaker will recall that after I called for the yeas and nays and he had counted those who requested the yeas and nays, I made the point of no quorum before the other side was counted, and the Speaker said that the point of order "would be temporarily withdrawn."

The SPEAKER. The gentleman from Colorado states the sequence of facts as they are, and it seems to me he may have been misled as to the rights he had in the premises, and, under the circumstances of the case, the Chair thinks that it is his duty to count the House and announce the result. There are 206 Members present, not a quorum.

Mr. KEATING. I make the point of no quorum, Mr. Speaker.

The SPEAKER. Under the rule there is no quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. I would like to inquire whether there is an automatic call.

The SPEAKER. I think not, under the circumstances of this peculiar case. The trouble is that the gentleman from Colorado raised this point in due time, and at the suggestion of the Chair withheld it, and therefore the Chair thinks we ought to have an automatic call.

Mr. FITZGERALD. Mr. Speaker, if the gentleman from Colorado [Mr. KEATING] for any reason waived his rights, even at the suggestion of the Chair, the Chair can not waive my rights as a Member of the House, and can not make a ruling that the gentleman is entitled to something he surrendered at the suggestion from the Chair. I insist there is no automatic call of the House under the rule, and the only call can be a call on the motion for a call of the House.

The SPEAKER. It was the fault of the Chair.

Mr. FITZGERALD. The gentleman has acquiesced in it, and the Chair can not make a bad ruling to help him out of his hole.

The SPEAKER. There do not seem to be any precedents concerning it. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. [Applause.]

Mr. FITZGERALD. I move a call of the House.

The SPEAKER. By holding that the gentleman from Colorado is entitled to his automatic call, then the motion of the gentleman from New York in that particular case would be superfluous.

Mr. FITZGERALD. The Chair has not held it. If the Chair is going to rule that way, he has to rule for the record, not by inference.

The SPEAKER. The Chair has already ruled for the record that in this case the automatic call goes. [Applause.] The Clerk will call the roll. The question is on the passage of the resolution.

The question was taken; and there were—yeas 247, nays 82, answered "present" 0, not voting 104, as follows:

YEAS—247.

Abercrombie	Doremus	Kennedy, R. I.	Reilly
Adamson	Doughton	Kettner	Riordan
Alexander	Drukker	Key, Ohio	Roberts, Mass.
Almon	Dupré	Kiess, Pa.	Roberts, Nev.
Aswell	Edwards	Kincheloe	Rogers
Austin	Elston	King	Rouse
Bacharach	Emerson	Kinkaid	Rowe
Barkley	Fairchild	La Follette	Rubey
Barnhart	Farley	Langley	Russell, Mo.
Bell	Farr	Lazaro	Scott, Mich.
Benedict	Fess	Lee	Sears
Bennet	Fields	Lehlbach	Sells
Black	Fitzgerald	Lenroot	Shackleford
Booher	Flood	Lever	Siegel
Borland	Focht	Linthicum	Sims
Bowers	Freeman	Lloyd	Sinnott
Britten	Fuller	Longworth	Sisson
Browning	Gard	Loud	Slayden
Bruckner	Garland	McAndrews	Slemp
Buchanan, Tex.	Garner	McArthur	Smith, Idaho
Burgess	Garrett	McCulloch	Smith, Mich.
Burnett	Gillett	McFadden	Smith, N. Y.
Butler	Godwin, N. C.	McKenzie	Smith, Tex.
Byrnes, S. C.	Good	McKinley	Sparkman
Byrns, Tenn.	Gordon	McLaughlin	Stedman
Caldwell	Greene, Mass.	Madden	Steele, Iowa
Campbell	Greene, Vt.	Magee	Steele, Pa.
Candler, Miss.	Gregg	Mann	Stephens, Nebr.
Cannon	Griest	Mapes	Sterling
Cantrill	Griffin	Martin	Stiness
Capstick	Hadley	Matthews	Stout
Carlin	Hamill	Meeker	Sullaway
Carter, Mass.	Hamilton, Mich.	Miller, Del.	Sumners
Carter, Okla.	Hardy	Miller, Pa.	Swift
Chandler, N. Y.	Harrison, Miss.	Mondell	Switzer
Chiperfield	Harrison, Va.	Moon	Tague
Church	Hastings	Mooney	Talbott
Clark, Fla.	Hawley	Moore, Pa.	Taylor, Ark.
Cline	Hayden	Moores, Ind.	Temple
Coady	Hayes	Morgan, La.	Tillman
Coleman	Heflin	Morgan, Okla.	Tilson
Collier	Henry	Morin	Timberlake
Conry	Hernandez	Morrison	Towner
Cooper, Ohio	Hicks	Mudd	Treadway
Copley	Holland	Neely	Venable
Crago	Hollingsworth	Nichols, Mich.	Vinson
Crisp	Hood	Nolan	Walker
Curry	Hopwood	North	Walsh
Dallinger	Houston	Oakey	Ward
Danforth	Hughes	Olney	Wason
Darrow	Hull, Iowa	O'Shaunessy	Watkins
Davis, Minn.	Hull, Tenn.	Overmyer	Watson, Pa.
Davis, Tex.	Humphrey, Wash.	Padgett	Watson, Va.
Dempsey	Humphreys, Miss.	Page, N. C.	Webb
Denison	Husted	Paige, Mass.	Whaley
Dent	Hutchinson	Parker, N. J.	Wheeler
Dewalt	Igoe	Phelan	Williams, Ohio
Dickinson	Johnson, Ky.	Platt	Wilson, La.
Dies	Kahn	Powers	Winslow
Dill	Keister	Price	Woods, Iowa
Dooling	Kelley	Quin	Young, Tex.
Doolittle	Kennedy, Iowa	Rayburn	

NAYS—82.

Adair	Evans	Lesher	Shouse
Anderson	Foster	Littlepage	Stafford
Ashbrook	Frear	London	Steagall
Ayres	Gallagher	McClintic	Steenerson
Bailey	Gallivan	McKellar	Stephens, Tex.
Blackmon	Goodwin, Ark.	Mays	Stone
Buchanan, Ill.	Gray, Ala.	Moss	Sutherland
Burke	Gray, Ind.	Murray	Sweet
Caraway	Green, Iowa	Oliver	Taggart
Connelly	Hamlin	Park	Tavenner
Cooper, W. Va.	Haugen	Rainey	Taylor, Colo.
Cooper, Wis.	Helgesen	Raker	Thomas
Cox	Hilliard	Ramseyer	Thompson
Cramton	Howard	Randall	Van Dyke
Crosser	Huddleston	Rauch	Volstead
Decker	Jacoway	Reavis	Williams, W. E.
Dillon	James	Ricketts	Wingo
Dowell	Jones	Sabath	Woodyard
Eagle	Kearns	Shallenberger	Young, N. Dak.
Ellsworth	Keating	Sherley	
Esch	Kent	Sherwood	

NOT VOTING—104.

Aiken	Ferris	Kitchin	Porter
Allen	Finley	Konop	Pou
Anthony	Flynn	Kreider	Pratt
Barchfeld	Fordney	Lafean	Ragsdale
Beakes	Foss	Lewis	Rodenberg
Beales	Gandy	Lieb	Rowland
Britt	Gardner	Liebel	Rucker
Browne	Glass	Lindbergh	Russell, Ohio
Brumbaugh	Glynn	Lobeck	Sanford
Callaway	Gould	Loft	Saunders
Carew	Graham	McCracken	Schall
Cary	Gray, N. J.	McDermott	Scott, Pa.
Casey	Guernsey	McGillicuddy	Scully
Charles	Hamilton, N. Y.	McLemore	Sloan
Costello	Hart	Maher	Small
Cullop	Haskell	Miller, Minn.	Smith, Minn.
Dale, N. Y.	Heaton	Montague	Snell
Dale, Vt.	Helm	Mott	Snyder
Davenport	Helvering	Nelson	Stephens, Miss.
Dixon	Hensley	Nicholls, S. C.	Tinkham
Driscoll	Hill	Norton	Vare
Dunn	Hinds	Oglesby	Williams, T. S.
Dyer	Howell	Oldfield	Wilson, Fla.
Eagan	Hulbert	Parker, N. Y.	Wilson, Ill.
Edmonds	Johnson, S. Dak.	Patten	Wise
Estopinal	Johnson, Wash.	Peters	Wood, Ind.

So the joint resolution was passed.

The Clerk announced the following pairs:

On the vote:

Mr. GOULD (for) with Mr. SLOAN (against).

Until further notice:

Mr. SCULLY with Mr. HILL.

Mr. POU with Mr. THOMAS S. WILLIAMS.

Mr. HULBERT with Mr. HOWELL.

Mr. HELVERING with Mr. JOHNSON of South Dakota.

Mr. GANDY with Mr. SNYDER.

Mr. BEAKES with Mr. KREIDER.

Mr. DRISCOLL with Mr. BROWNE.

Mr. ALLEN with Mr. NELSON.

Mr. LEWIS with Mr. KINDS.

Mr. PATTEN with Mr. LAFEAN.

Mr. OLDFIELD with Mr. MCCRACKEN.

Mr. AIKEN with Mr. MILLER of Minnesota.

Mr. SMALL with Mr. MOTT.

Mr. RAGSDALE with Mr. TINKHAM.

Mr. BRUMBAUGH with Mr. NORTON.

Mr. CALLAWAY with Mr. PARKER of New York.

Mr. CAREW with Mr. PETERS.

Mr. CASEY with Mr. PORTER.

Mr. CULLOP with Mr. PRATT.

Mr. DALE of New York with Mr. RODENBERG.

Mr. DAVENPORT with Mr. ROWLAND.

Mr. DIXON with Mr. WILSON of Illinois.

Mr. EAGAN with Mr. SANFORD.

Mr. ESTOPINAL with Mr. SCHALL.

Mr. FERRIS with Mr. SCOTT of Pennsylvania.

Mr. FINLEY with Mr. SMITH of Minnesota.

Mr. WISE with Mr. SNELL.

Mr. FLYNN with Mr. EDMONDS.

Mr. GLASS with Mr. DUNN.

Mr. HART with Mr. FORDNEY.

Mr. HELM with Mr. GRAHAM.

Mr. HENSLEY with Mr. BARCHFELD.

Mr. KITCHIN with Mr. GUERNSEY.

Mr. KONOP with Mr. ANTHONY.

Mr. LIEB with Mr. GRAY of New Jersey.

Mr. LIEBEL with Mr. CHARLES.

Mr. LOFT with Mr. WOOD of Indiana.

Mr. MCDERMOTT with Mr. BRITT.

Mr. MCGILLICUDDY with Mr. CARY.

Mr. MCLEMORE with Mr. COSTELLO.

Mr. MAHER with Mr. DARROW.

Mr. MONTAGUE with Mr. DYER.

Mr. NICHOLLS of South Carolina with Mr. FOSS.

Mr. OGLESBY with Mr. GLYNN.

Mr. RUCKER with Mr. JOHNSON of Washington.

Mr. SAUNDERS with Mr. HAMILTON of New York.

Mr. STEPHENS of Mississippi with Mr. HASKELL.

Mr. WILSON of Florida with Mr. HEATON.

Mr. LOBECK with Mr. DALE of Vermont.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks on the resolution just passed. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Virginia makes the same request. Is there objection?

There was no objection.

Mr. CLINE. Mr. Speaker, I ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. And the gentleman from Indiana makes the same request. Is there objection?

There was no objection.

Mr. HUDDLESTON, Mr. SMITH of New York, and Mr. RAINEY submitted the same request.

The SPEAKER. Is there objection to these several requests?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I also ask unanimous consent to extend my remarks on the resolution just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

LEAVE OF ABSENCE.

Mr. MEEKER. Mr. Speaker, the gentleman from Minnesota [Mr. SCHALL] has requested me to ask in his behalf leave of absence for 10 days.

The SPEAKER. The gentleman from Minnesota [Mr. SCHALL], through the gentleman from Missouri [Mr. MEEKER], asks unanimous consent for leave of absence for 10 days. Is there objection?

There was no objection.

CONTINUING JOINT COMMITTEE TO CONSIDER RAILROAD LEGISLATION.

Mr. HENRY. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The gentleman from Texas offers a privileged resolution (H. Res. 414), which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Interstate and Foreign Commerce is discharged from further consideration of H. J. Res. 323, "To amend a joint resolution creating a joint subcommittee to investigate the conditions relating to interstate and foreign commerce, etc.," constituted and organized under S. J. Res. 60, public resolution 25, Sixty-fourth Congress, approved July 20, 1916, and immediately upon the adoption of this resolution the said joint resolution shall be in order for consideration and shall be considered in the House as in Committee of the Whole, and that the first reading of the joint resolution shall be dispensed with, and there shall be not exceeding one hour of general debate to be confined to the subject matter of the joint resolution, one half to be controlled by those favoring the resolution and the other half to be controlled by those opposing it. That at any time during said general debate amendments may be offered, and at the conclusion of said general debate the previous question shall be considered as ordered upon said joint resolution and all pending amendments.

Mr. MANN. Mr. Speaker, I make the point of order that the Committee on Rules has no jurisdiction to report this rule, it never having been referred to the committee by the House.

Mr. HENRY. Mr. Speaker, I will have to agree to the gentleman's suggestion. The original resolution was referred, and I was only copying the resolution as amended, reporting the substitute. If the gentleman insists——

Mr. MANN. I make the point of order.

Mr. HENRY. Mr. Speaker, I ask unanimous consent that the resolution which I send to the Clerk's desk be considered in lieu of the original resolution.

Mr. MANN. Well, I object. Let the Committee on Rules follow the rules of the House.

Mr. HENRY. This is just an oversight. The committee adjourned at 12 o'clock, and I did not have time to drop it into the basket.

Mr. MANN. Well, this is not the last day of the session.

The SPEAKER. The gentleman from Illinois objects.

Mr. HENRY. Mr. Speaker, I offer the resolution in this form——

Mr. MANN. When the gentleman does, I will make the point of order that the committee have not authorized him to do it.

Mr. HENRY. They have authorized me——

Mr. MANN. Then the gentleman ought to have followed the directions of the committee in the beginning.

Mr. HENRY. Mr. Speaker, the committee authorized me to report the resolution, No. 414, which was referred to the Committee on Rules, with an amendment striking out the words beginning in line 15—

The gentleman from Georgia [Mr. ADAMSON] and the other half to be controlled by the gentleman from Wisconsin [Mr. ESCH]—

And to insert as an amendment, after the word "by"—

Those favoring the resolution and the other half to be controlled by those opposing it.

So I offer the resolution with the amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 414 (H. Rept. 1250).

Resolved, That the Committee on Interstate and Foreign Commerce is discharged from further consideration of H. J. Res. 323, "To amend a joint resolution creating a joint subcommittee to investigate the conditions relating to interstate and foreign commerce, etc.," constituted and organized under S. J. Res. 60, public resolution 25, Sixty-fourth Congress, approved July 20, 1916, and immediately upon the adoption of this resolution the said joint resolution shall be in order for consideration and shall be considered in the House as in Committee of the Whole, and that the first reading of the joint resolution shall be dispensed with, and there shall be not exceeding two hours of general debate to be confined to the subject matter of the joint resolution, one half to be controlled by the gentleman from Georgia [Mr. ADAMSON] and the other half to be controlled by the gentleman from Wisconsin [Mr. ESCH]. That at any time during said general debate amendments may be offered, and at the conclusion of said general debate the previous question shall be considered as ordered upon said joint resolution and all pending amendments.

Mr. HENRY. Now, the amendments, Mr. Speaker, striking out certain language and inserting other language, beginning in line 15.

The Clerk read as follows:

Amend the resolution by striking out the words "the gentleman from Georgia [Mr. ADAMSON] and the other half to be controlled by the gentleman from Wisconsin [Mr. ESCH]," and inserting the words "those favoring the resolution and the other half to be controlled by those opposing it."

Mr. HENRY. Mr. Speaker, I offer that resolution which the committee authorized to be reported, and I want to say that I have been so crowded that I have not had a moment to get to the basket to drop the substitute into it. I had it rewritten for the convenience of the House, but the gentleman from Illinois is technically correct, and I now offer the resolution which the committee authorized.

Mr. MANN. The gentleman means that he reports the resolution. He does not offer it.

Mr. HENRY. I offer the resolution.

Mr. MANN. He has no authority to offer it. He has authority to report a resolution which has been referred to the committee.

Mr. HENRY. I offer the report of the committee, Mr. Speaker.

Mr. MANN. The gentleman from Texas is not the whole committee. That is what I am trying to emphasize.

Mr. HENRY. Now, Mr. Speaker, I ask unanimous consent that the words "two hours" be stricken out and that the words "one hour" be inserted, so that we may have one hour of discussion on the resolution instead of two hours.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to change the two hours to one hour. Is there objection?

Mr. MANN. Reserving the right to object, how much time is going to be consumed in the discussion of the rule?

Mr. HENRY. I have no desire to limit the discussion. How much does the gentleman think ought to be allowed?

Mr. MANN. I do not know, but I suppose there ought to be some time, either upon the rule or the resolution itself.

Mr. HENRY. The gentleman from Kansas asked for 20 minutes. He said he thought it would be sufficient for his side.

Mr. MANN. I do not know how much time is desired on the resolution. I should think that those opposed to the resolution probably would want more than half an hour.

Mr. HENRY. The gentleman from Kansas mentioned 20 minutes.

Mr. CAMPBELL. That was on the rule. I have had no request or intimation as to time on the resolution itself, and have asked for no time.

Mr. HENRY. I have no information on that. I do not know how much time those opposed to the resolution do wish.

Mr. RAYBURN. I should like 15 minutes.

The SPEAKER. Does the gentleman from Texas [Mr. RAYBURN] want 15 minutes on the rule or on the resolution?

Mr. RAYBURN. On the resolution.

The SPEAKER. Has the gentleman from Texas any suggestion?

Mr. RAYBURN. No; I have not.

Mr. HENRY. I suggest 30 minutes. Fifteen minutes on a side will be enough on the rule.

Mr. MANN. The gentleman is making his request about the resolution. I do not care how much time you have on the rule.

Mr. HENRY. My colleague is asking for time on the resolution.

Mr. RAYBURN. I want my time on the resolution, after the rule is adopted.

Mr. MANN. I think two hours' time is not too long, if gentlemen desire to use it on the resolution itself.

Mr. HENRY. The gentleman says it is not too long?

Mr. MANN. I think it is not too long.

Mr. HENRY. Mr. Speaker, I will withdraw the request as to the time on the resolution, and I suggest 15 minutes to a side on the rule.

Mr. CAMPBELL. Let it go at 20. We will not use it if we do not need it.

Mr. HENRY. This is a very plain democratic rule.

Mr. CAMPBELL. It is decidedly Democratic, but I did not know that it was so plain. [Laughter on the Republican side.]

Mr. HENRY. I did not suppose there would be any objection. I will agree to 20 minutes on a side for the rule, 20 minutes to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and the other 20 minutes by myself.

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on the rule be confined to 40 minutes, one half to be controlled by himself and the other half by the gentleman from Kansas. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, I think the House is apprised of the contents of this special rule. It provides for the consideration of the Newlands commission resolution, which is investigating the transportation facilities of the country. It allows two hours' general debate, one hour to be given to those who favor the resolution and one hour to those who oppose it. It throws the resolution open to amendment, and at the end of that time the resolution is to be voted upon.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HENRY. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman explain whether this has anything to do with the eight-hour question?

Mr. HENRY. It has not, as I understand it.

Mr. MOORE of Pennsylvania. There is another committee investigating that matter now, is there?

Mr. HENRY. I will yield to the gentleman from Georgia; I do not know about the other committee.

Mr. MOORE of Pennsylvania. This rule refers to a bill or resolution by numbers. What I want to know is what you are driving at?

Mr. ADAMSON. I will take great pleasure in answering the gentleman.

Mr. MOORE of Pennsylvania. What is proposed to be done?

Mr. ADAMSON. When the eight-hour law was passed it carried in it a provision for a commission to observe the effect of the eight-hour law on transportation. That is one proposition. This committee had already been raised for the general purpose of considering all questions connected with transportation in any form at home or abroad. This joint committee has been at work and done the best it could. Congress remained in session last fall longer than anybody expected, and we could not get to work until the 20th of November, giving us only a few days before Congress met. As the gentleman from Pennsylvania is aware, the five Members of the Senate and the five Members of the House of this committee are all under responsibility for legislation in their respective Houses. They could not serve in two places at once. They have not yet exhausted one-half of the work they were required to do. Seeing that they can not satisfactorily perform the duties of the investigation and at the same time go out and legislate, they decided to ask Congress for an extension of their authority.

Mr. MOORE of Pennsylvania. If the gentleman will permit, Senate joint resolution 60 is the resolution under which this committee is created?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Is that the Adamson-Newlands commission?

Mr. ADAMSON. It is the Newlands commission.

Mr. MOORE of Pennsylvania. I prefer to call it the Adamson-Newlands commission.

Mr. ADAMSON. The gentleman from Pennsylvania is very complimentary, but I yield to the great Senator from Nevada.

Mr. MOORE of Pennsylvania. Senate joint resolution 60 is the resolution that followed the Adamson eight-hour law?

Mr. ADAMSON. No; it preceded it several months. In our investigation, if anybody thinks it is material to our investigation to consider the eight-hour law, they can do so.

Mr. MOORE of Pennsylvania. The commission was created under Senate joint resolution 60?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. And this present resolution has for its purpose the continuation of the committee work?

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. The commission has not finished its work yet?

Mr. ADAMSON. No, sir.

Mr. HENRY. Mr. Speaker, I decline to yield further.

Mr. MOORE of Pennsylvania. I appeal to the gentleman from Texas to let me ask what House joint resolution 323 is?

Mr. HENRY. Well, I will yield for that; but the only thing that astonishes me is that the gentleman from Pennsylvania should be asking for information. Generally he has it.

Mr. MOORE of Pennsylvania. We sought information yesterday of the gentleman from Texas, and we were obliged to ask several questions. This resolution discharges the Committee on Foreign Commerce from further consideration of House joint resolution 323?

Mr. ADAMSON. That is the resolution offered by myself to extend the original resolution, Senate joint resolution 60.

Mr. MOORE of Pennsylvania. The real purpose is to continue the commission already created?

Mr. ADAMSON. Yes. We were required to report next Monday, but we could not do it, and if the time is not extended we will waste all of the labor we have already put in.

Mr. MOORE of Pennsylvania. The Adamson law provided for an investigation that was to be reported on about the 1st of January. Was this the commission that was to make that report?

Mr. ADAMSON. The gentleman is mistaken. It was not to report on the 1st of January; it was to begin on the 1st of January and observe the operation of the eight-hour law.

Mr. MOORE of Pennsylvania. The idea now is to allow this Newlands commission only to catch up with its work?

Mr. ADAMSON. It has no reference to the eight-hour question, but only to extend the time allowed for the Newlands committee, the joint investigation committee, to complete its work.

Mr. MOORE of Pennsylvania. I am much obliged to the gentleman.

Mr. HENRY. Is the gentleman from Pennsylvania satisfied?

Mr. MOORE of Pennsylvania. Not thoroughly.

Mr. HENRY. Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, it is a rare thing in Washington to see the expiration of a commission. Once created, they die hard. I had hoped, after reading the Democratic platform of 1912, that we would see the expiration of one commission after another, in keeping with that plank which pledged the party to the elimination of useless offices.

Mr. ADAMSON. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. ADAMSON. I wish to advise the gentleman that when I was instructed to offer this request for an extension the distinguished Republican members of the committee did not invoke the Democratic platform or any other, but unanimously voted that it was wise to ask for this extension.

Mr. CAMPBELL. Oh, I assume that the Republican minority was willing to let the Democrats take all of the rope that they wanted——

Mr. ADAMSON. The gentleman is badly mistaken. The Republican members are taking a great deal of rope.

Mr. CAMPBELL. With the hope that the Democrats will hang themselves as early as possible.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. No; I can not.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Georgia that the committee has not even reported the resolution. The gentleman from Georgia [Mr. ADAMSON] stated that the committee unanimously favored the resolution. They could not even get enough members of the committee to favor a report upon the resolution, and the gentleman has not been able yet to even report it into the House.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The gentleman from Kansas has the floor.

Mr. ADAMSON. Will he yield to me?

Mr. CAMPBELL. The gentleman will have an hour in a short time, in which he can make all of the explanations he wishes to make about this resolution.

Mr. ADAMSON. But just at this point I do not care to explain the resolution, but the tangle that the gentleman is getting into with the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Kansas has the floor.

Mr. CAMPBELL. Mr. Speaker, in addition to breathing additional life into a commission that is about to die, this resolution violates another pledge of the Democratic platform. It creates a job for a gentleman whose job will soon expire. This resolution, if agreed to at all, should provide that Members of Congress who are upon the pay rolls shall perform the duties of the commission, as was originally intended, and it ought not to create positions for gentlemen who retire from Congress, as the resolution does in its present form.

A great deal is said now about conserving the revenues of the Government. Certain metropolitan newspapers are frantic for fear the rest of the country may get some of the money in the Treasury—they want it all themselves. The amount in the Treasury is getting very low, and these little driblets ought to be guarded very carefully. The extension of this commission at a cost of $40,000 seems to me to be a useless expense. At the end of another year the country will know as much about the federalization of the railroads as it knows now. There are as many academic discussions of that subject in books and magazines and upon the lecture platform as there will be found in the report of the committee, which will never be read.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. It will simply delay for a year important action on railway legislation that should be taken now. We should get rid of 48 commissions as soon as possible and require one to do the work.

The SPEAKER. The gentleman has consumed five minutes. Does the gentleman from Texas desire to consume his time now? If not, the Chair will put the question.

Mr. HENRY. Mr. Speaker, I am ready for the question.

Mr. CAMPBELL. Oh, Mr. Speaker, I have 20 minutes.

The SPEAKER. If the gentleman does not want to use the time, the Chair will put the question.

Mr. HENRY. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. CANTRILL. Mr. Speaker, I would like to ask the gentleman from Kansas a question before he takes his seat.

Mr. CAMPBELL. I suggest that the gentleman do that in his own time.

The SPEAKER. The gentleman from Kansas declines to be interrogated.

Mr. HENRY. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, the gentleman from Kansas persists in calling this a commission. I do not think that is the proper designation of it. The resolution itself provides for the formation of a joint subcommittee, the Members of the Senate to be from a standing committee in the Senate and the Members of the House to be from a standing committee in the House. It is a joint subcommittee, as I understand it, and nothing but a subcommittee, to investigate every question covered by the resolution.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. If it is a subcommittee of the two committees in the next Congress, ought it not to be composed of members of those two committees?

Mr. SIMS. Mr. Speaker, to answer from the face of the resolution, I do not see how it could be formed in any other way. As far as the original resolution is concerned, that is existing law, but the pending resolution is an amendment to the extent of permitting a member on the committee who is now a member of the House committee to continue performing the duties pertaining to this subcommittee after his present term of office shall have expired.

Mr. MANN. He will be on the subcommittee of a committee when he can not be and will not be a member of it.

Mr. SIMS. I understand the gentleman from Illinois to be stating the facts correctly. He will not be a Member of the House and will not have a vote as a Member of the House, but for the purpose of investigating the subjects covered by the resolution, and having done part of the work, he might be better qualified than a Member of the House who is not familiar with the work; but I concede the force of the statement of the gentleman from Illinois. This resolution is subject to amendment, as I understand. Mr. Speaker, I think in the present conditions it is necessary and important to finish this investigation.

We all remember that the President's recommendation was for a commission of experts or a commission which presumes themselves to be experts. Now, I think it is high time for the House of Representatives and the Senate to do some of their own investigating and be responsible for the facts they develop and be responsible for the reports they make on the floor of their respective Houses. These commissions of experts know how to do one thing well, and that is how to bring out all of the information on one side and how to withhold all of it on the other side. It seems that experts nearly always testify

favorably to the side that summons them. That has been my experience in having experts before committees of which I have been a member several times. Experts seemingly with equal opportunity to have accurate knowledge of the facts come in and testify that the results of proposed legislation will be exactly opposite, in effect——

Mr. RAYBURN. The gentleman talks about this committee for the information of the House. What became of the hearings if any have been printed? Somebody told me there were 2,000 copies of the hearings printed each day. Is that true?

Mr. SIMS. I do not know.

Mr. RAYBURN. The Chairman says there are 1,000 printed. I have never found a Member of Congress yet who has received a copy through the mail or in any other way, but I understand that they are being used in plate matter all over the country, which is also using the utterances of Mr. Thom. It seems to me if this information is for Members of Congress the Members should get hold of it once in a while.

Mr. SIMS. I am surprised at what the gentleman from Texas has *said*. I *did* not know that Members of Congress are not receiving them. I know they ought to receive them. And if there are 1,000 copies, the Members of the House and the Members of the Senate should be first supplied before anybody else is supplied with them. That is my individual judgment. If the chairman of the committee has not sent the hearings to the Members, he should have done it. The gentleman from Illinois [Mr. MANN] says he sends them to everybody who wants them, and therefore if anybody in the House wants them and will notify the chairman of the committee they will no doubt get them.

Mr. Speaker, this investigation has gone on to a certain extent, and that is to the extent that those who own the railroads and favor the legislation which they advocate have placed their statements before the committee. Of course, they expect to back up these propositions by introducing experts in the future. This official information is now available, but the other side, or those who oppose it, have not had an opportunity to be heard. And as a member of the committee I want to hear both sides to every question and give those who oppose and those who propose a fair opportunity to set before the committee everything they wish to state. And if this investigation is stopped now the effect will be to have a partial investigation.

The SPEAKER pro tempore (Mr. BORLAND). The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I will state to the gentleman from Kansas [Mr. CAMPBELL] that there will be only one more speech on this side.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, so far as the rule itself is concerned, it is fair and I do not oppose it upon that ground. But I *am not in* favor of the resolution to which it relates, and if the House should be of that same opinion it will save two hours' time of the House if this rule be voted down and thus dispose of the question.

I am opposed to the resolution, Mr. Speaker, because for one reason the committee to whom it has been referred and before whom it is pending has never made a report to this House upon it. The rule proposes to discharge that committee from the consideration of this resolution, and we to-day have not the benefit of the views of the Committee on Interstate and Foreign Commerce at all upon this question. Furthermore, Mr. Speaker, I am opposed to the resolution itself, because I believe the time has come when in the creation of commissions or committees to investigate matters there should be some way of limiting those investigations to facts rather than to securing the opinions and conclusions of whoever may think he has some views upon any question before that commission or committee. And if this committee is created and is to be extended for one year, judging from what has already appeared before that committee, we can naturally expect 14 or 15 volumes of alleged testimony containing the views and opinions of all sorts of men in the United States, with practically no facts that will be of any benefit whatever to Members of Congress. I say that because, judging from what has already taken place before that committee, there is little if anything that has appeared in those hearings that was not already available to every Member of Congress if he chose to look for it. Practically all of the testimony before that committee has been opinions of men that had already appeared in books and magazines—their conclusions, but very few, if any, facts.

Now, Mr. Speaker, it is the province and business of the Committee on Interstate and Foreign Commerce in this House, by subcommittee or otherwise, to investigate these various questions, and if they want facts, and I assume they do, rather than opinions of men which they can get without such a commission as this, the place to go for it is a department of the Government, the Interstate Commerce Commission, which has abundant facts upon every phase of these questions, and if we desire recommendations to aid that committee in coming to conclusions, let us ask for the recommendation of a public, impartial, expert body of men, the Interstate Commerce Commission, upon these various questions.

Reference has also been made to the fact that one member of this committee retires on the 4th day of March, and yet this resolution proposes to continue him as a member of this committee when he will not be a Member of the Sixty-fifth Congress. Mr. Speaker, so far as expert knowledge is concerned, I will undertake to say that the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], the next member [Mr. SIMS], the ranking member [Mr. ESCH], upon this side, and the next member [Mr. HAMILTON], all of whom have been Members of Congress for a great many years, most of whom have been members of this Interstate and Foreign Commerce Committee for many years, are better qualified to-day to form a judgment as to what they think ought to be done with reference to these questions than any witnesses that will appear before that committee giving their opinions and conclusions of what ought to be done. And the result is going to be, if this resolution be adopted, that we will have 14 or 15 volumes of testimony, meaning an expenditure not of $40,000, as provided in this resolution, but $100,000 or more, for the printing of testimony that few Members of Congress probably will ever read.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, we have to take what comes. The action of the House yesterday forced the Committee on Rules to meet, and I am glad there is something that can call the Committee on Rules together, though it produces this unfortunate result. The Committee on Rules has reported a good many rules to the House with reference to various pieces of legislation, but heretofore even that distinguished committee, with our beloved friend its chairman, has not undertaken to ask the House to consider a matter where the committee itself, having the matter before it, refused to consider it. We get rule after rule brought into the House from the Committee on Rules because the chairman of some appropriation committee asks for a rule making in order something which is reported by the committee of which he is the chairman. But up to date it has not been the practice of the Committee on Rules to itself determine whether legislation ought to be passed or not. They wait until a committee has reported it. But in this case just what the pipe-line connection is I do not know. Nobody stands sponsor, no committee stands sponsor, for the resolution which is proposed to be considered. This resolution was introduced in the House in December. The distinguished chairman of the Committee on Interstate and Foreign Commerce asked unanimous consent in December to have it considered. Objection was made. The request was made again in this month. Objection was again made. The Committee on Interstate and Foreign Commerce has not been absent. Its members are here. But they have not met to report the resolution.

How does it happen, then, that the chairman or some Member of the House can introduce a resolution to have the Committee on Rules discharge a committee and bring before the House a matter which the committee will not consider? If the Committee on Interstate and Foreign Commerce favors the resolution, why have not they reported it? Why has the Committee on Rules undertaken to say, without a report of the proper legislative committee, what shall be considered by the House? That is assuming a power which the Committee on Rules has no right to arrogate to itself. A Member of the House introduces a proposition of legislation. It goes to the appropriate committee, and he ought not to expect to get consideration in the House through the Committee on Rules, and not through the committee to which the matter is referred. The Committee on Rules may be a useful adjunct, but here it tries to be the whole thing. [Laughter.]

Well, I am glad, at least, that it is the Committee on Rules that is trying to be the whole thing and not the chairman, as was apparently the case a few days ago. [Laughter.] That is one good result. I think we ought to vote down the rule. The primary purpose of the rule, the primary purpose of the resolution, is to take care of a "lame duck." [Laughter and applause.]

Mr. CAMPBELL. Mr. Speaker, does the gentleman from Texas wish to use some time now?

Mr. HENRY. No.

Mr. CAMPBELL. Then I yield five minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER pro tempore. The gentleman from New York [Mr. BENNET] is recognized for five minutes.

Mr. BENNET. Mr. Speaker, the distinguished leader on our side of the House said that this was the worst that had come out of the Committee on Rules, and the minority members of the Committee on Rules agree with him. But, more than that, we can not hold out the hope that this is the worst that will come out, because we anticipate that before the 1st of March there will be rules that will come out of our committee alongside of which this will seem conservative. So I can not even comfort the distinguished gentleman from Illinois with the illusions of hope. [Laughter.]

What does this rule do? In the first place, it performs a Cæsarean operation on the Committee on Interstate and Foreign Commerce [laughter] and takes from it a resolution through which it has a perfect right to show its parturitive ability by itself delivering. [Renewed laughter.]

In the second place, it kills a very excellent bill. I refer to H. R. 563, introduced by the gentleman from Texas [Mr. RAYBURN], reported from the Committee on Interstate and Foreign Commerce unanimously on March 14, 1916, entitled "A bill to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes," and if you will pass this rule and then the resolution, and thus continue this joint subcommittee—and in deference to the gentleman from Tennessee [Mr. SIMS] I call attention to the fact that it is not a subcommittee on joints [laughter]—if you continue this joint subcommittee, you will have postponed for years the exercise of the authority of Congress to prevent the issues of watered stock and bad securities in those States which now have no laws which forbid such issues.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. BENNET. For a question.

Mr. HARRISON of Mississippi. The gentleman stated that this is a remarkable rule. I judge that he made that statement because it proposes to discharge a committee from the consideration of a bill and bring it up in the House. Is that his reason?

Mr. BENNET. Yes.

Mr. HARRISON of Mississippi. Does the gentleman recall——

Mr. BENNET. I do.

Mr. HARRISON of Mississippi. The gentleman will let me ask the question, will he not?

Mr. BENNET. The Vreeland Act in the Sixtieth Congress.

Mr. HARRISON of Mississippi. Where the subcommittee stated what the bill should be, and what we should vote on, without the power of amendment?

Mr. BENNET. Yes; and I also recall what the people did to us in the fall after that. [Laughter.] And you are traveling the same road, with the same kind of rules.

Mr. HARRISON of Mississippi. We are allowing all manner of amendments here, with full discussion. There was not any request for longer discussion.

Mr. BENNET. I did not yield to the gentleman. The gentleman's statement is correct, although his conduct is not. [Laughter.]

Now, there is not one single argument that can be made in favor of either this rule or the resolution. Why, this committee has been in existence five and one-half months. I am reliably informed that they have examined one witness wholly and seven partially in five and one-half months, and that they asked one gentleman, one distinguished railroad gentleman, a question, and at the end of two weeks he was still answering that question. [Laughter.] Well, just think of the number of railroads there are, the number of witnesses they can call, the number of labor unions there are, the number of civic organizations there are, the number of boards of trade there are, and what will be stirred up to come before this committee! Oh, it is an awfully hard thing to stop a commission. I was on one myself once, and it took two acts of Congress to put us out. [Laughter.]

If you do this foolish thing to-day and take this bill away from a committee that will not report it, and do the other things that I have mentioned, you will regret it as long as you live. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HENRY. Mr. Speaker, I am somewhat surprised at the turn affairs have taken here to-day. For some reason gentlemen on that side seem inclined to criticize the Committee on Rules, and have made some allusions to our conduct. They have made some reference to the gentleman from Georgia [Mr. ADAMSON] for not calling his committee together to pass on this resolution. They should be more considerate. The gentleman from Georgia has been to Georgia attending to affairs more important. [Applause.]

Mr. Speaker, there is no reason for the criticisms that these gentlemen make. Here is a joint resolution providing for the continuation of an important work, and gentlemen speak of this rule as being extreme. There is nothing very unusual about it. This thing has been done before, and will be done again. The chairman of the Committee on Interstate and Foreign Commerce [Mr. ADAMSON] came before the Committee on Rules, and so did the gentleman from Tennessee [Mr. SIMS], one of the senior members of that committee, and asked that their committee be discharged from further consideration of this joint resolution, to which there did not seem to be any objection, except by one or two members.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HENRY. Yes; I yield.

Mr. MANN. With reference to the construction of the rule?

Mr. HENRY. Yes.

Mr. MANN. If any Member gets the floor under this rule, stating he is in favor of the resolution, he is entitled to an hour's time, is he not?

Mr. HENRY. I think so.

Mr. MANN. And any gentleman who gets the floor stating he is opposed to the resolution is entitled to an hour's time?

Mr. HENRY. Undoubtedly, I think.

Mr. MANN. When could anybody else offer an amendment to the resolution?

Mr. HENRY. I am willing to amend the rule so that you can offer amendments as freely as you please. I think under its terms they can be offered.

Mr. MANN. It says at any time during the general debate amendments may be offered. I take it a Member can not offer an amendment unless he gets recognized by the Chair.

Mr. HENRY. Now, Mr. Speaker, I do not want——

Mr. MANN. I am trying to get a construction of the rule.

Mr. HENRY. I think amendments can be offered. I do not want to quibble about it, and if that is not satisfactory to the gentleman I am willing to yield enough time to him to perfect it, so that gentlemen can have no misunderstanding about it; or, after I get through, I think he can get it by unanimous consent, if he wants it, because I do not wish to move the previous question——

Mr. MANN. I thought if we could have an understanding——

Mr. HENRY. Let us have an understanding, then.

Mr. ADAMSON. I will state what my purpose was. I do not know whether that can be considered or not.

Mr. HENRY. We will have an understanding. I decline to yield to the gentleman from Georgia for a moment. What understanding does the gentleman from Illinois wish about the offering of amendments?

Mr. MANN. I think anyone ought to have the privilege of offering amendments, and not have the right to do so dependent upon having the gentleman who has control of the time yield to him for that purpose.

Mr. ADAMSON. That is what I intended.

Mr. MANN. I think that ought to be the understanding.

The SPEAKER. The Chair would like to ask both gentlemen a question. This rule provides that the Adamson resolution shall be considered in the House as in Committee of the Whole. Now, that being the case, how does it come that any gentleman gets an hour?

Mr. ADAMSON. That refers to only the first hour.

Mr. MANN. It may be that they do not.

The SPEAKER. Without deciding the question positively, the Chair is rather inclined to think that any gentleman getting the floor will be entitled to five minutes.

Mr. MANN. If that is the understanding, it is satisfactory.

Mr. HENRY. I do not object to that.

Mr. MANN. Of course, there is no such thing as general debate in the House as in Committee of the Whole.

The SPEAKER. No.

Mr. MANN. That is the reason I was seeking to get a construction of the rule.

The SPEAKER. The Chair is suggesting that to the gentleman.

Mr. HENRY. I think the five-minute rule would apply. I do not think there would be any trouble about that.

Now, Mr. Speaker, I was going to say that this is not an extreme rule. The Committee on Rules tried to be as liberal as possible about it, because apparently there is not much controversy over this joint resolution, and it seemed that it was the general understanding in the Committee on Interstate and Foreign Commerce that it was necessary to continue the work

of this joint committee. Gentlemen speak about some present Member of Congress being continued on this committee after his term expires. Do you not recall the Aldrich Commission, which reported the Aldrich bill to Congress? If I remember correctly, there were several gentlemen whose terms had expired who continued to serve on that commission, and the bill was finally reported and the report of the commission was filed with Congress, although perhaps several years had expired. You passed the Vreeland-Aldrich emergency measure, and then that commission went ahead with its work and reported to Congress. You gentlemen did that. You did not seem to think there was anything wrong about it; and if to-day some Member who is familiar with this question is continued on this committee, where he can do a good service for Congress and for the country, I do not think that any gentleman should make objection; and in my opinion I do not know of anyone better qualified to serve on this committee than the gentleman whom some of you have in mind.

Now, Mr. Speaker, I hope that during the remainder of this session we will not hear any more criticism of the Committee on Rules, and especially of the chairman of the committee. We try to be liberal. I know that we are fair, and I am sure that we do no unusual or extreme thing. If you gentlemen will so regulate your conduct as not to make it necessary to bring in these rules we will have better rules for the House; but if you do not, what we have done up to date may not be all that will be accomplished by the Committee on Rules during the remainder of this session.

I have heard a great many discussions on the floor of the House, but this morning I have heard less said of real merit pertaining to the questions in controversy than ever I have heard before during my service. Every gentleman who spoke talked about everything except the question before us, and they all know it. They were only endeavoring to play politics. Now, if you are going to play politics, select something of importance upon which to go to the country, and do not pick up such questions as you brought before the House yesterday, without any facts, and this matter here to-day.

Mr. STAFFORD. The gentleman is dying hard.

Mr. MANN. "Still harping on my daughter!"

Mr. HENRY. Oh, Mr. Speaker, pick out something of real merit and we are ready to meet you. Speaking about dying hard, every one of you knows that the Republican Party has already died, and it deserved to die. Why, you are not united even now. I have seen some hint in the papers that the gentleman from Massachusetts [Mr. GARDNER] threw a brick at some one else instead of at the chairman of the Committee on Rules yesterday. He is interviewed once in a while and raises these partisan questions.

Now, Mr. Speaker, this resolution is fair and it ought to be adopted.

I move the previous question on the rule and the amendment.

The SPEAKER. The gentleman from Texas moves the previous question on the rule and the amendment to the final passage.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HENRY. Division, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands a division. Pending the division——

Mr. HENRY. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. The gentleman will not get an automatic call if he makes the point now.

The SPEAKER. The Chair is going to count. Then he can get it.

Mr. HENRY. Mr. Speaker, I withdraw the point of no quorum, because I think the Democrats ought to be here.

The House divided; and there were—ayes 42, noes 103.

Mr. HENRY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-nine Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will send for absentees, and the Clerk will call the roll. Those in favor of ordering the previous question will answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 168, nays 140, answered "present" 2, not voting 123, as follows:

YEAS—168.

Abercrombie	Ashbrook	Blackmon	Burgess
Adair	Aswell	Booher	Burke
Adamson	Ayres	Borland	Burnett
Alexander	Bailey	Bruckner	Byrnes, S. C.
Almon	Black	Buchanan, Tex.	Byrns, Tenn.
Candler, Miss.	Gard	Lesher	Rucker
Caraway	Garner	Lever	Russell, Mo.
Carlin	Garrett	Linthicum	Sears
Carter, Okla.	Godwin, N. C.	Littlepage	Shackleford
Church	Goodwin, Ark.	Lloyd	Shallenberger
Coady	Gordon	London	Sherley
Collier	Gray, Ala.	McAndrews	Sims
Connelly	Gray, Ind.	McClintic	Slayden
Conry	Gregg	McKellar	Smith, Tex.
Cooper, Ohio	Hamill	Martin	Steagall
Cox	Hamilton, Mich.	Mays	Stedman
Crisp	Hamlin	Miller, Pa.	Steele, Pa.
Crosser	Hardy	Moon	Stephens, Miss.
Davis, Tex.	Harrison, Miss.	Morgan, La.	Stephens, Nebr.
Decker	Harrison, Va.	Morrison	Stephens, Tex.
Dent	Hastings	Moss	Stout
Dewalt	Hayden	Murray	Sumners
Dickinson	Heflin	Neely	Taggart
Dies	Henry	Oliver	Tague
Dill	Hilliard	Olney	Talbott
Dooling	Holland	O'Shaunessy	Tavenner
Doolittle	Hood	Overmyer	Taylor, Ark.
Doremus	Houston	Padgett	Taylor, Colo.
Doughton	Howard	Page, N. C.	Thomas
Dupré	Huddleston	Park	Thompson
Eagle	Hughes	Phelan	Tillman
Esch	Hull, Tenn.	Price	Van Dyke
Estopinal	Humphreys, Miss.	Quin	Vinson
Evans	Igoe	Rainey	Walker
Farley	Jacoway	Raker	Watkins
Ferris	Johnson, Ky.	Randall	Watson, Va.
Fields	Jones	Rauch	Webb
Fitzgerald	Keating	Rayburn	Whaley
Flood	Kettner	Reilly	Williams, W. E.
Foster	Kincheloe	Riordan	Wilson, La.
Gallagher	Lazaro	Rouse	Wingo
Gallivan	Lee	Rubey	Young, Tex.

NAYS—140.

Anderson	Farr	Lehlbach	Rogers
Austin	Fess	Lenroot	Rowe
Bacharach	Focht	Longworth	Scott, Mich.
Benedict	Frear	Loud	Siegel
Bennet	Freeman	McArthur	Sinnott
Bowers	Fuller	McCulloch	Slemp
Britt	Garland	McFadden	Smith, Idaho
Britten	Gillett	McKenzie	Smith, N. Y.
Browne	Good	McLaughlin	Stafford
Browning	Green, Iowa	Madden	Steele, Iowa
Butler	Greene, Mass.	Magee	Steenerson
Campbell	Greene, Vt.	Mann	Sterling
Cannon	Griest	Mapes	Stiness
Capstick	Hadley	Matthews	Sulloway
Carter, Mass.	Haugen	Meeker	Sutherland
Chiperfield	Hawley	Miller, Del.	Sweet
Cline	Helgesen	Mondell	Swift
Coleman	Hernandez	Mooney	Switzer
Cooper, W. Va.	Hicks	Moore, Pa.	Temple
Cooper, Wis.	Hollingsworth	Moores, Ind.	Tilson
Cramton	Hopwood	Morgan, Okla.	Timberlake
Curry	Hull, Iowa	Morin	Towner
Dallinger	Humphrey, Wash.	Mudd	Treadway
Danforth	Hutchinson	Nichols, Mich.	Volstead
Darrow	James	Nolan	Walsh
Davis, Minn.	Kahn	North	Ward
Dempsey	Kearns	Oakey	Wason
Denison	Keister	Paige, Mass.	Watson, Pa.
Dillon	Kelley	Parker, N. J.	Wheeler
Dowell	Kennedy, Iowa	Platt	Williams, Ohio
Drukker	Kennedy, R. I.	Pratt	Wilson, Ill.
Ellsworth	Kiess, Pa.	Ramseyer	Winslow
Elston	King	Reavis	Woods, Iowa
Emerson	Kinkaid	Ricketts	Woodyard
Fairchild	La Follette	Roberts, Nev.	Young, N. Dak.

ANSWERED "PRESENT"—2.

Johnson, Wash. Smith, Mich.

NOT VOTING—123.

Aiken	Eagan	Key, Ohio	Powers
Allen	Edmonds	Kitchin	Ragsdale
Anthony	Edwards	Konop	Roberts, Mass.
Barchfeld	Finley	Kreider	Rodenberg
Barkley	Flynn	Lafean	Rowland
Barnhart	Fordney	Langley	Russell, Ohio
Beakes	Foss	Lewis	Sabath
Beales	Gandy	Lieb	Sanford
Bell	Gardner	Liebel	Saunders
Brumbaugh	Glass	Lindbergh	Schall
Buchanan, Ill.	Glynn	Lobeck	Scott, Pa.
Caldwell	Gould	Loft	Scully
Callaway	Graham	McCracken	Sells
Cantrill	Gray, N. J.	McDermott	Sherwood
Carew	Griffin	McGillicuddy	Shouse
Cary	Guernsey	McKinley	Sisson
Casey	Hamilton, N. Y.	McLemore	Sloan
Chandler, N. Y.	Hart	Maher	Small
Charles	Haskell	Miller, Minn.	Smith, Minn.
Clark, Fla.	Hayes	Montague	Snell
Copley	Heaton	Mott	Snyder
Costello	Helm	Nelson	Sparkman
Crago	Helvering	Nicholls, S. C.	Stone
Cullop	Hensley	Norton	Tinkham
Dale, N. Y.	Hill	Oglesby	Vare
Dale, Vt.	Hinds	Oldfield	Venable
Davenport	Howell	Parker, N. Y.	Williams, T. S.
Dixon	Hulbert	Patten	Wilson, Fla.
Driscoll	Husted	Peters	Wise
Dunn	Johnson, S. Dak.	Porter	Wood, Ind.
Dyer	Kent	Pou	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. AIKEN with Mr. HILL.
Mr. ALLEN with Mr. HINDS.
Mr. BARKLEY with Mr. HOWELL.
Mr. BEAKES with Mr. HUSTED.
Mr. BELL with Mr. JOHNSON of South Dakota.
Mr. BRUMBAUGH with Mr. KREIDER.
Mr. BUCHANAN of Illinois with Mr. LAFEAN.
Mr. CALDWELL with Mr. LANGLEY.
Mr. STONE with Mr. MCCRACKEN.
Mr. CANTRILL with Mr. MCKINLEY.
Mr. CAREW with Mr. MILLER of Minnesota.
Mr. CASEY with Mr. MOTT.
Mr. CLARK of Florida with Mr. NELSON.
Mr. WILSON of Florida with Mr. NORTON.
Mr. DALE of New York with Mr. PARKER of New York.
Mr. DAVENPORT with Mr. PORTER.
Mr. DIXON with Mr. POWERS.
Mr. DRISCOLL with Mr. ROBERTS of Massachusetts.
Mr. EAGAN with Mr. RODENBERG.
Mr. WISE with Mr. ROWLAND.
Mr. FINLEY with Mr. RUSSELL of Ohio.
Mr. FLYNN with Mr. SANFORD.
Mr. GANDY with Mr. SCHALL.
Mr. GLASS with Mr. ANTHONY.
Mr. GRIFFIN with Mr. BARCHFELD.
Mr. YOUNG of Texas with Mr. BEALES.
Mr. HELVERING with Mr. CARY.
Mr. HELM with Mr. CHANDLER of New York.
Mr. HENSLEY with Mr. CHARLES.
Mr. HULBERT with Mr. COPLEY.
Mr. KEY of Ohio with Mr. COSTELLO.
Mr. KITCHIN with Mr. CRAGO.
Mr. KONOP with Mr. DUNN.
Mr. LEWIS with Mr. DYER.
Mr. LIEB with Mr. EDMONDS.
Mr. LIEBEL with Mr. FORDNEY.
Mr. LOBECK with Mr. FOSS.
Mr. LOFT with Mr. GLYNN.
Mr. MCDERMOTT with Mr. GOULD.
Mr. MCLEMORE with Mr. GRAHAM.
Mr. MAHER with Mr. GRAY of New Jersey.
Mr. MONTAGUE with Mr. GUERNSEY.
Mr. NICHOLLS of South Carolina with Mr. HAMILTON of New York.
Mr. OGLESBY with Mr. HASKELL.
Mr. PATTEN with Mr. HAYES.
Mr. POU with Mr. HEATON.
Mr. RAGSDALE with Mr. SCOTT of Pennsylvania.
Mr. SABATH with Mr. SELLS.
Mr. SAUNDERS with Mr. SNELL.
Mr. SCULLY with Mr. SNYDER.
Mr. SHERWOOD with Mr. TINKHAM.
Mr. SHOUSE with Mr. VARE.
Mr. SISSON with Mr. THOMAS S. WILLIAMS.
Mr. SMALL with Mr. WOOD of Indiana.

On this vote:

Mr. BARNHART (for rule on Adamson resolution) with Mr. SMITH of Michigan (against).

Mr. OLDFIELD (for Adamson rule) with Mr. SLOAN (against).

Mr. SMITH of Michigan. Mr. Speaker, I voted "no," but I find that I am paired with the gentleman from Indiana [Mr. BARNHART]. I wish to withdraw that vote and answer "present."

The name of Mr. SMITH of Michigan was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to House resolution 414.

Mr. RAYBURN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 167, answered "present" 1, not voting 120, as follows:

YEAS—145.

Abercrombie	Browne	Carlin	Cox
Adair	Bruckner	Carter, Okla.	Crisp
Adamson	Burgess	Church	Crosser
Alexander	Burke	Cline	Davis, Tex.
Almon	Burnett	Coady	Decker
Ashbrook	Byrnes, S. C.	Collier	Dent
Aswell	Byrns, Tenn.	Connelly	Dewalt
Ayres	Candler, Miss.	Conry	Dickinson
Blackmon	Caraway	Cooper, Ohio	Dooling
Doolittle	Henry	Moon	Smith, N. Y.
Doremus	Holland	Morgan, La.	Smith, Tex.
Dupré	Hood	Morrison	Sparkman
Eagle	Houston	Moss	Steagall
Edwards	Howard	Murray	Stedman
Esch	Hughes	Neely	Steele, Pa.
Estopinal	Hull, Tenn.	Oliver	Stephens, Miss.
Evans	Humphreys, Miss.	O'Shaunessy	Stephens, Nebr.
Farley	Igoe	Padgett	Stephens, Tex.
Fields	Jacoway	Park	Sterling
Flood	Johnson, Ky.	Phelan	Stone
Foster	Jones	Price	Stout
Gallagher	Keating	Quin	Sutherland
Gard	Kent	Rainey	Taggart
Garrett	Kettner	Raker	Talbott
Glass	Lazaro	Rauch	Tavenner
Godwin, N. C.	Lesher	Reilly	Taylor, Ark.
Goodwin, Ark.	Lever	Riordan	Van Dyke
Gordon	Linthicum	Rouse	Vinson
Gray, Ala.	Littlepage	Rubey	Walker
Hamill	Lloyd	Rucker	Watkins
Hamilton, Mich.	London	Russell, Mo.	Webb
Hamlin	McAndrews	Sears	Whaley
Hardy	McClintic	Shackleford	Williams, W. E.
Harrison, Miss.	McKellar	Shallenberger	Wilson, La.
Harrison, Va.	Martin	Sherwood	
Hayden	Mays	Sims	
Heflin	Miller, Pa.	Sisson	

NAYS—167.

Anderson	Fess	Langley	Rogers
Austin	Fitzgerald	Lehlbach	Rowe
Bacharach	Focht	Lenroot	Scott, Mich.
Bailey	Frear	Longworth	Siegel
Barchfeld	Freeman	Loud	Sinnott
Benedict	Fuller	McArthur	Slayden
Bennet	Gallivan	McCulloch	Smith, Idaho
Black	Garland	McFadden	Stafford
Borland	Gillett	McKenzie	Steele, Iowa
Bowers	Good	McKinley	Steenerson
Britt	Gray, Ind.	McLaughlin	Stiness
Britten	Green, Iowa	Madden	Sulloway
Browning	Greene, Mass.	Magee	Summers
Buchanan, Ill.	Greene, Vt.	Mann	Sweet
Buchanan, Tex.	Gregg	Mapes	Swift
Butler	Griest	Matthews	Switzer
Campbell	Hadley	Meeker	Tague
Cannon	Hastings	Miller, Del.	Taylor, Colo.
Capstick	Haugen	Mondell	Temple
Carter, Mass.	Hawley	Mooney	Thomas
Chiperfield	Helgesen	Moore, Pa.	Thompson
Coleman	Hicks	Moores, Ind.	Tillman
Cooper, W. Va.	Hilliard	Morgan, Okla.	Tilson
Cooper, Wis.	Hollingsworth	Morin	Timberlake
Cramton	Hopwood	Mudd	Towner
Curry	Huddleston	Nichols, Mich.	Treadway
Dallinger	Hull, Iowa	Nolan	Volstead
Danforth	Humphrey, Wash.	North	Walsh
Davis, Minn.	Hutchinson	Oakey	Ward
Dempsey	James	Olney	Wason
Denison	Johnson, Wash.	Overmyer	Watson, Pa.
Dies	Kahn	Page, N. C.	Watson, Va.
Dill	Kearns	Paige, Mass.	Wheeler
Dillon	Keister	Parker, N. J.	Williams, Ohio
Doughton	Kelley	Powers	Wilson, Ill.
Dowell	Kennedy, Iowa	Pratt	Wingo
Drukker	Kennedy, R. I.	Ramseyer	Winslow
Ellsworth	Kiess, Pa.	Randall	Woods, Iowa
Elston	Kincheloe	Rayburn	Woodyard
Emerson	King	Reavis	Young, N. Dak.
Fairchild	Kinkaid	Ricketts	Young, Tex.
Farr	La Follette	Roberts, Nev.	

ANSWERED "PRESENT"—1.

Smith, Mich.

NOT VOTING—120.

Aiken	Dyer	Husted	Platt
Allen	Eagan	Johnson, S. Dak.	Porter
Anthony	Edmonds	Key, Ohio	Pou
Barkley	Ferris	Kitchin	Ragsdale
Barnhart	Finley	Konop	Roberts, Mass.
Beakes	Flynn	Kreider	Rodenberg
Beales	Fordney	Lafean	Rowland
Bell	Foss	Lee	Russell, Ohio
Booher	Gandy	Lewis	Sabath
Brumbaugh	Gardner	Lieb	Sanford
Caldwell	Garner	Liebel	Saunders
Callaway	Glynn	Lindbergh	Schall
Cantrill	Gould	Lobeck	Scott, Pa.
Carew	Graham	Loft	Scully
Cary	Gray, N. J.	McCracken	Sells
Casey	Griffin	McDermott	Sherley
Chandler, N. Y.	Guernsey	McGillicuddy	Shouse
Charles	Hamilton, N. Y.	McLemore	Slemp
Clark, Fla.	Hart	Maher	Sloan
Copley	Haskell	Miller, Minn.	Small
Costello	Hayes	Montague	Smith, Minn.
Crago	Heaton	Mott	Snell
Cullop	Helm	Nelson	Snyder
Dale, N. Y.	Helvering	Nicholls, S. C.	Tinkham
Dale, Vt.	Hensley	Norton	Vare
Darrow	Hernandez	Oglesby	Venable
Davenport	Hill	Oldfield	Williams, T. S.
Dixon	Hinds	Parker, N. Y.	Wilson, Fla.
Driscoll	Howell	Patten	Wise
Dunn	Hulbert	Peters	Wood, Ind.

So the resolution was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GRIFFIN with Mr. ANTHONY.

Mr. HART with Mr. BEALES.

Mr. HELM with Mr. CARY.
Mr. HELVERING with Mr. CHANDLER of New York
Mr. HENSLEY with Mr. CHARLES.
Mr. HULBERT with Mr. COPLEY.
Mr. KEY of Ohio with Mr. COSTELLO.
Mr. KITCHIN with Mr. CRAGO.
Mr. KONOP with Mr. DALE of Vermont.
Mr. LEE with Mr. DARROW.
Mr. WISE with Mr. DOWELL.
Mr. LIEB with Mr. DUNN.
Mr. LIEBEL with Mr. DYER.
Mr. LOBECK with Mr. EDMONDS.
Mr. LOFT with Mr. FORDNEY.
Mr. MCDERMOTT with Mr. FOSS.
Mr. MCGILLICUDDY with Mr. GRAHAM.
Mr. MCLEMORE with Mr. GRAY of New Jersey.
Mr. MAHER with Mr. GRIEST.
Mr. MONTAGUE with Mr. GUERNSEY.
Mr. NICHOLLS of South Carolina with Mr. HASKELL.
Mr. OGLESBY with Mr. HAYES.
Mr. PATTEN with Mr. HEATON.
Mr. AIKEN with Mr. HERNANDEZ.
Mr. ALLEN with Mr. HILL.
Mr. BARKLEY with Mr. HINDS.
Mr. BEAKES with Mr. HOWELL.
Mr. BELL with Mr. HUSTED.
Mr. BOOHER with Mr. JOHNSON of South Dakota.
Mr. CALLAWAY with Mr. LAFEAN.
Mr. LEWIS with Mr. KREIDER.
Mr. CANTRILL with Mr. MCCRACKEN.
Mr. CAREW with Mr. MILLER of Minnesota.
Mr. CASEY with Mr. MOTT.
Mr. CLARK of Florida with Mr. NELSON.
Mr. CULLOP with Mr. NORTON.
Mr. DALE of New York with Mr. PARKER of New York.
Mr. DIXON with Mr. PETERS.
Mr. DRISCOLL with Mr. PLATT.
Mr. EAGAN with Mr. PORTER.
Mr. FERRIS with Mr. ROBERTS of Massachusetts.
Mr. GARNER with Mr. RODENBERG.
Mr. FINLEY with Mr. SANFORD.
Mr. FLYNN with Mr. ROWLAND.
Mr. GANDY with Mr. RUSSELL of Ohio.
Mr. POU with Mr. SCHALL.
Mr. RAGSDALE with Mr. SELLS.
Mr. ROUSE with Mr. SLEMP.
Mr. SAUNDERS with Mr. SMITH of Minnesota.
Mr. SCULLY with Mr. SNELL.
Mr. SHERLEY with Mr. SNYDER.
Mr. SHOUSE with Mr. TINKHAM.
Mr. SMALL with Mr. GLYNN.
Mr. VENABLE with Mr. THOMAS S. WILLIAMS.
Mr. WILSON of Florida with Mr. WOOD of Indiana.
Mr. BRUMBAUGH with Mr. SCOTT of Pennsylvania.

On the vote:

Mr. BARNHART (for rule) with Mr. SMITH of Michigan (against).

Mr. OLDFIELD (for rule) with Mr. SLOAN (against).

Mr. SABATH (for rule) with Mr. GOULD (against).

Mr. CALDWELL (for rule) with Mr. HAMILTON of New York (against).

Mr. SMITH of Michigan. Mr. Speaker, I voted "no." I wish to withdraw my vote and answer "present," as I am paired with the gentleman from Indiana, Mr. BARNHART.

The name of Mr. SMITH of Michigan was called, and he answered "Present."

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of the Interior.

The message also announced that the President had, on December 27, 1916, approved and signed bills of the following titles:

S. 7095. An act extending the time for completion of the bridge across the Delaware River, authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912; and

S. 6116. An act providing for the taxation of the lands of the Winnebago Indians and the Omaha Indians in the State of Nebraska.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918. Pending that, I will ask the gentleman from Iowa how much time he desires in general debate, if any?

Mr. HAUGEN. I would like to have one hour upon this side.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that general debate be limited to two hours, one hour to be controlled by myself and one by the gentleman from Iowa [Mr. HAUGEN].

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, it is now nearly half after 3 o'clock. Suppose we should have an understanding that this time be used this afternoon and that we will not read the bill for amendment to-day, but will meet at 11 o'clock to-morrow morning?

Mr. LEVER. Mr. Speaker, I should be very glad, indeed, to enter into such an understanding, and will agree that we shall rise at the conclusion of general debate to-day, and I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina that general debate be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from Iowa [Mr. HAUGEN]?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from South Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Agricultural appropriation bill, with Mr. CONRY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19359, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, there is one patriotic body which is devoting itself to the perpetuation of the great landmarks of American history—the Daughters of the American Revolution. The scope of their work is not confined to the stirring scenes and incidents of the War for American Independence, but embraces the victories, both of war and peace, by which the infant Nation gathered the fruit of its successful revolution in the conquest of the continent.

Among these achievements of the past, which have resulted in extending American civilization and American ideals from Plymouth Rock to the Golden Gate, there has been no more potent force than those historic trails or primitive highways by which the American pioneer advanced to the conquest of the wilderness. [Applause.] The interest of the Daughters of the Revolution has centered in the preservation of these historic highways, linked not by accident but by the hand of fate into a continuous route of travel from the infant settlements on the Atlantic coast to the Mississippi and into the great West.

The first link in the chain of nation building roads is the famous old Boston Post Road. On the 22d day of January, in

the year 1673, the first mail upon the continent of America was dispatched from New York to Boston. The route lay by the way of New Haven, Hartford, Springfield, Brookfield, Worcester, and Cambridge. In just two weeks after the departure of this first postman from New York he rode through Roxbury into Boston, delivered his mail in safety, and received congratulations on the wonderful progress of the age. The messenger could only stay two days in Boston, as he must hurry back in order to complete the round trip in a month. New York had only recently passed from the control of the Dutch into that of the English, and the Boston post marked the first regular communication by land between the English colonies. From New York to Mount Vernon we pass over "Washington's road," the route by which the first President traveled from his home to his inauguration. Coming up from the south is the Braddock Road, which also takes us back to the "good old colony days." The Braddock Road really began at Portsmouth, Va., and extended to the headwaters of the first streams which found their way into the Ohio. It was the beginning of the English expansion westward, the first step of which was to dislodge the French from the Ohio Valley. In October, 1753, George Washington was commissioned by the governor of Virginia, in company with Gist, to make his way over the Allegheny Mountains into the valley of the Monongahela to warn the French commander not to trespass upon English soil. He made this trip through an unknown country overrun with hostile savages who had been inflamed against the English and into the very heart of a wild region dominated by the French forts. After performing his duty with his usual quiet courage he returned to Virginia and made his report. His report indicated that England would have to fight for the possession of the Ohio Valley. The next year, 1754, he led a company over the same route and fought the French at Great Meadows. By the following year, 1755, the British Government had been aroused to the gravity of the situation and dispatched Gen. Braddock to the Colonies. Washington accompanied Braddock on his ill-fated and mismanaged expedition and suffered in the general defeat.

After the Revolution had ended and the independence of the Colonies had been achieved the disintegrating force of local and sectional feeling almost wrecked the hopes of the patriots who had laid the foundation of the infant Republic. Washington and those who shared his breadth of view realized that only the powerful bond of commercial intercourse and mutual interest would hold the Union of States together. Hence the convention for the formation of the present Constitution of the United States resulted directly from a call for the convention to form closer commercial relations between the Colonies. The new States must be linked together by highways of commerce for prosperity in peace and protection in war. The dominant note of the constitutional convention was that interstate commerce and all of its means and agencies were matters of national concern, vital to the life and growth of the Republic.

The first movement toward the expansion of frontier life across the Alleghenies led to the opening up of the highway reaching from the Atlantic seaboard into the headwaters of the first streams emptying into the tributaries of the Ohio. The most natural route of travel was Washington's and Braddock's Road of colonial days, and hence it became established as the first outlet for the surplus energy of the young Nation.

Mr. SMITH of Michigan. I notice that on that map the State of Michigan is of the same color as Canada. Is not Michigan in the United States?

Mr. BORLAND. I think that was done in deference to the State of Michigan going dry. We have given them the white ribbon. [Laughter.]

Mr. HAMILTON of Michigan. The rest of the map is yellow.

Mr. BORLAND. That is a mark of distinction, I will say to my friend from Michigan. He certainly can not object to the pure white that we have given to his State.

Mr. SMITH of Michigan. So that it belongs to the United States.

Mr. BORLAND. When the Americans began to pour across the Alleghenies and plant their homes in the great wilderness of the Mississippi Valley, a grave peril arose that those distant settlements would lose touch, politically and commercially, with their brethren of the Atlantic seaboard. In fact, a great feeling of discontent and unrest arose among the southwestern settlers at what they regarded as the neglect and injustice of the General Government. They could not ship their products to the eastern seaboard, and yet they were expected to pay their taxes and export their goods by that route. They had no protection from the Indians, the Spaniards, or the British, and yet they were expected to remain loyal to the Federal Government and be the guardians of its frontier.

Their natural outlet of commerce led to the Spanish dominions by way of the Ohio and Mississippi, and the siren song of the Spaniard was always in their ears that the path of commercial prosperity for them was under the red and yellow banner of Castile. This danger and discontent led to the first great effort of national expansion when Jefferson acquired the Louisiana Purchase, and put both banks of the Mississippi River under the sovereignty of the United States. But the problems of development, and even those of safety, could not be solved without national highways.

Mr. FESS. Will the gentleman permit an interruption?

Mr. BORLAND. I shall be glad to.

Mr. FESS. We are all wonderfully impressed with the gentleman's eloquent presentation of this thoroughfare. The gentleman has referred to the early discontent. The portion of our country once called western North Carolina, that we now call Tennessee, was so dissatisfied that the people there organized a new State——

Mr. BORLAND. The State of Franklin.

Mr. FESS. And called it Franklin, elected John Sevier as governor, and their legislature made overtures to join Spain——

Mr. BORLAND. Yes; that is history.

Mr. FESS. In order to get an outlet, and it was through Washington's suggestion of this means of communication that that first great State was saved to the Union.

Mr. BORLAND. There is no question about that.

Jefferson was fortunate in having in his Cabinet the first good-roads enthusiast among American statesmen, Albert Gallatin.

Gallatin was a man of education and accomplishments, and the society of the gay capital of Richmond had great attractions for him. Nevertheless, in 1784, he crossed the Alleghenies to Monongahela County, Pa., to establish a home in the wilderness. It was supposed by his friends that he had buried himself and ruined a brilliant career, but out of that wilderness he created the mighty Commonwealth which, recognizing his genius as a constructive statesman, made him successively a member of the Pennsylvania Legislature, a leader in Congress, a Senator of the United States, a member of the Cabinet, and the greatest figure in American financial history. It was in the wilderness that he first met George Washington. Washington was seeking, with the aid of Indian guides, the most practicable route for a main highway across the mountains. After a day's exploring he had come to a hut in which Gallatin and other men were living, and was using Gallatin's rude bunk for a table while he made those elaborate notes of his doings which were so characteristic of Washington. Gallatin in the meantime was lying on the floor, having been evicted from his bunk. As Washington laboriously went over the reports of the different routes, Gallatin, then a young man of about 18, and with a mind that worked with the speed of lightning, jumped up and exclaimed, "That is the only route." He says that Washington slowly took off his horned spectacles and gave him a look of severe disapproval in utter silence. After Washington had gone over the reports for over another hour, he finally turned to Gallatin, took off his spectacles again, and said, "Young man, you are right."

Gallatin was the real father of the Cumberland Road, although in later years Henry Clay managed to identify himself very thoroughly with its construction. The Cumberland Road was begun in 1806 by an act of Congress signed by Thomas Jefferson.

Under the leadership of the great Pennsylvanian Jefferson recommended and Congress inaugurated the first great national highway.

It was designed to connect the territory northwest of the Ohio with the Atlantic seaboard. The first appropriation was from the 2 per cent fund, which was reserved from the sale of public lands in Ohio for the express purpose of constructing roads leading to and through the new State. Between 1806 and 1834 it was constructed under national authority and by successive appropriations of Congress. As finally located, it led from Cumberland on the Potomac River to the Ohio River at Wheeling, and thence to Columbus. It was also extended through the capital of Indiana to the first capital of Illinois—Vandalia. The design was to carry it to the capital of Missouri, at Jefferson City. The same reservation of 2 per cent of the proceeds of public lands by the Federal Government for the building of roads was made in the cases of Indiana, Illinois, and Missouri that had been made in Ohio. Thus those three States contributed to the road which was mainly constructed in Maryland, Pennsylvania, and Ohio. The $7,000,000 which was put into the old national road was, I am free to say, the best investment of national money ever made. It paid the finest income, commercially, politically, and socially. It was the great highway of commerce and travel between the States of the Atlantic seaboard and the growing communities in the Mississippi Valley.

It increased the taxing power of the country. It furnished the necessary link between the two parts of the Nation, which prevented sectional hostility and disintegration.

Henry Clay said after the national road was completed he could reach Washington seven days sooner than it took him before. How long it took him before I do not know. If gentlemen will go to that beautiful Hermitage, near Nashville, they can see the old coach in which Andrew Jackson used to ride, it is said, between his home and Washington. It is said that Jackson could make the round trip in 28 days between Nashville and Washington over the old national pike road, and Jackson was considered a strenuous driver.

At the Mississippi River the Cumberland Road would have met the celebrated Boone's Lick Road, the first highway to penetrate the wilderness west of the great stream. In 1797, while Louisiana was still Spanish territory, Daniel Boone, under a concession from the Spanish governor, settled a small colony of Americans about 40 miles west of the Mississippi River in what is now Warren County, Mo. This was the first invasion of American settlers into the great trans-Mississippi territory. In 1804, the same year that the American Government took possession of upper Louisiana, Daniel Boone's two sons established themselves at a salt lick more than 100 miles to the westward. They were engaged in the manufacture of salt, which was floated down the Missouri River in rawhide canoes. The richness of the territory in which they were located attracted a large number of enterprising pioneers, mainly Kentuckians. The country became known as Boone's Lick country. It was in the heart of the great Louisiana territory, and the birthplace of many of the famous pioneers and explorers of the West.

In 1815 a roadway was surveyed and built from St. Charles, Mo., to Old Franklin, in the Boone's Lick country. This road was known as the Boone's Lick Road, and was the highway over which the advancing army of pioneers entered the territory beyond the Mississippi. As Boone's Lick was the farthest outpost of American civilization, it was often referred to in derision by Henry Clay. He was very fond of calling Thomas H. Benton "the statesman from Boone's Lick," although Benton was a man of education and culture and really lived in St. Louis. It was from the vigorous and enterprising community of Boone's Lick that the start was made to open up the commerce of the great Southwest. Capt. William Becknell started from that point in 1821 on what is now believed to be the first successful trip on a trading expedition to Santa Fe, N. Mex. As long as Mexico was under the rule of old Spain the policy of the rulers jealously excluded American traders and, in fact, looked upon all Americans as intruders and spies. A few Americans who found their way into Spanish territory prior to 1821 suffered imprisonment, oppression, and robbery. In 1821, however, Mexico successfully established her independence from Spain. This made possible the beginning of commercial intercourse between the two countries. The policy of Mexico was the reverse of that of Spain. She welcomed and encouraged the American traders, and even furnished them, as did our Government, with military aid as a protection against the Indians. Soon the puffing little steamboats began to come up to the great bend of the Missouri and the headquarters of the Santa Fe trade was moved westward to Independence, Mo. From thence onward for more than a quarter of a century, until New Mexico became American territory, this great historic highway, known as the Santa Fe Trail, led from the last outlying trading point in the Missouri Valley to the first great center of Spanish civilization in the Southwest. In 1824 Senator Benton had passed an act of Congress by which a survey was made of the Santa Fe Trail from Fort Osage, in Jackson County, Mo., to Santa Fe, N. Mex. I can not pause to give even briefly the history of that wonderful highway and its tremendous influence upon the destiny of the American Nation. It was the safety valve of those turbulent forces which are as common to the youth of nations as they are to the youth of man. It is one of the great historic highways of the world marking the progress of civilization.

Down the old trail went the huge Dearborn wagons loaded with fabrics and household necessities, and back came the bars of Mexican silver and the Spanish jacks and Mexican mules which have made Missouri famous in war and peace. All of the romance of the West clusters around this old trail. The names which adorn its history are those of the heroes of our boyish dreams. Many a pioneer lad of Missouri invested his little all in a stock of merchandise and made a trip across the plains to Santa Fe to seek his fortune and to establish himself in life as the young merchants of old made their ventures by ship to the Orient. The story of Dick Whittington, so poor in purse but large in hope and ambition, with his venture of his sole possession on the ship bound for China, which proved so successful that it made him thrice mayor of London, was repeated in large or small degree in the life of many a western youth of ante bellum days. So familiar had the trail become to the men of the West that when war was declared between the United States and Mexico in 1846 two regiments of Missouri volunteers marched down the old trail without maintaining a base of supplies and almost without orders or instructions. They seized the whole of New Mexico, invaded Chihuahua, and marched on to the conquest of California. More has been said of the daring of this expedition than of its military wisdom, but those who criticized it from the standpoint of military tactics overlooked the fact that every private in these Missouri troops knew the Santa Fe Trail as he knew the path from his father's cabin to the nearest mill. The Nation owes the ease and success of this great conquest of the West to the influence of the Santa Fe Trail in enlarging the vision of the western pioneer. Gen. Kearney, who commanded the expedition to New Mexico, led a fragment of his forces over the old Spanish trail to San Diego and thence up to the capitol of California at Monterey, and this formed the last link in the great transcontinental highway which planted the Stars and Stripes by the blue waters of the Pacific. [Applause.]

Mr. HICKS. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from New York.

Mr. HICKS. What about the trail that runs from Dodge City to La Junta, and then, I presume, strikes out at Las Vegas?

Mr. BORLAND. The Santa Fe Trail originally ran by a place called Bents Fort, which was near the present La Junta; and when Senator Benton got the bill passed for the United States survey of the trail the survey was carried by Bents Fort. But to save time the traders cut across the desert south of the great bend of the Arkansas. It was a very dangerous place. They had to travel about 80 hours without water, and it was highly dangerous for a novice, but the experts were able to cross this way and to save about three and one-half days' time in getting into Santa Fe.

There is so much of interesting history about the trail that I would be very glad to give the gentleman a great deal more of it, but I am simply endeavoring at this time to arouse his interest in it.

A few years earlier than this the battle for Oregon had begun. Under our treaty of joint occupation with Great Britain, which had existed from 1819, the whole question finally resolved itself into which nation should have the most bona fide settlers on the ground when the last extension of the joint occupation terminated. It was a race for settlement. Great Britain had no highway across the frozen fields of Canada, and she must command the approach by sea. We had no highway across the Rocky Mountains from Missouri to Oregon, but once the American mind was inflamed with the need of saving the Oregon country we had the men who could make such a trail.

From Independence, Mo., the trappers and teamsters led the emigrants westward 40 miles and then struck boldly toward the Northwest across 2,000 miles of virgin wilderness. At the place where the Oregon Trail branched off from the Santa Fe Trail, a little west of the Missouri border, there appeared a single guidepost with the words "Road to Oregon" written thereon. It was in this offhand way that the immigrant was informed that 2,000 miles away, over the course of the Rockies, through the long deserts, and across the Sierras lay the wonderful empire of the lower Columbia.

In 1842 a thousand emigrants crossed from Independence to Oregon; in 1843, 2,000. In 1844 the Nation was aroused by the battle cry of "Fifty-four-forty or fight!" and before another year had rolled around Senator Benton had concluded his treaty with Great Britain, established the present line of Canada, and given us the three great States of Washington, Oregon, and Idaho. One length of the historical highway, therefore, represents the Oregon Trail and its connection from Portland to Puget Sound.

When we found the wealth that lay in California and the Argonauts or gold seekers started out on that trail from the Missouri River, dotting with their white bones their course across the desert, they went forward to Fort Hall and then down to San Francisco. Thus we had the gold-seekers' trail by which the fevered hosts invaded the State of California; and so, with the completion of the link up to Puget Sound, the Olympian Highway, we have the international highways which have marked the destiny of our country.

It is these international highways that the Daughters of the American Revolution have interested themselves in preserving. They are as sacred to us as battle fields. They record the steady triumph of peace. These trails were not built like the roads of ancient Rome or other empires, to bring in the revenue

of distant and unwilling provinces. They were built in order that the torch of American civilization might be carried into the wilderness. [Applause.]

Only in rare instances did they resound to the tread of martial hosts; but day after day, year after year, was heard the music of the creaking wagon and the lowing ox. All of the mighty host who crossed these highways were armed not alone with the rifle but with the ax and spade. They took with them not the ammunition wagon and artillery, but herds of live stock and bales of household goods, implements of husbandry, and the women and children—the evidences and guaranties of a future State, the earnest of permanent settlement and the basis of an American home. [Applause.]

The long line was dotted with the cabins of the pioneers—the outposts of civilization. And ever as the stars came out in the blue depths of heaven above they looked down into the green expanse of prairies beneath and caught the faint spark that reflected back somewhat of their own heaven-born light. Each tiny spark in the sea of green marked the lighting of another hearth fire in an American home—another altar erected to country and to God. [Applause.]

Mr. BROWNE. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Wisconsin.

Mr. BROWNE. The gentleman has made a very convincing argument from a sentimental standpoint, but I should like to ask him whether he thinks this road would accommodate as many people as other roads built with this national-aid money, and also how many States out of the 48 this Santa Fe trail would go through?

Mr. BORLAND. Now, I want to say to my friend from Wisconsin [Mr. BROWNE], if this were primarily a commercial proposition, his question would be more pertinent than it is. It would be a question of where the national highway should be built which would accommodate the largest number of people. I have hoped to approach it from a different standpoint, and to voice what I believe to be the sentiment of the organization behind this particular road. I want to say to the gentleman that there are no road engineers in the world like the Indian and the buffalo, and where the Indian and the buffalo have marked out the road is the cheapest, quickest, and best line of transportation. This road is the natural highway across the continent. It will be found by actual demonstration to contain fewer grades, shorter distances, and longer seasons for open travel than any other possible highway across the United States. I know what the gentleman has in mind. There are a large number of very influential and wealthy citizens along the Lincoln Highway. I am strongly for it. I wish we had a dozen or more great national highways. But if we had, in my judgment, that fact would in no way detract from the importance, the sacredness, and the beauty of these great highways which are really a part of the Nation's history.

I think that the travel by land, and especially in our own country, with all of its beauty, with all of its wealth, with all of its historic associations, is just in its infancy. I have little patience with those who go abroad to spend their time and money when they can see something always beautiful here. We are at the very threshold of becoming acquainted with our own country. I would not assume to tell to this body much of historical importance that is new, and yet I venture to say that much that I have said would be new to the average crowd in America. Yet it ought not to be. It ought to be understood by every schoolboy. It is only by giving the people an opportunity to see the great development of our land that that can be possible.

We have not begun to explore the historic and artistic possibilities of our own country, but we are on the very eve of the most tremendous international traffic and transcontinental travel that this Nation has ever seen. Motor travel is still in its infancy, but we already grasp something of its tendency. It means the linking together of town and country, of State and State, of coast and coast. It means the exploration of all the quaint corners and romantic spots of our land. It means that the wealth of beauty with which nature has endowed our great country shall be opened to the people; that the playgrounds of our national parks shall be brought to our doors; that we shall learn to know and love America first; and that our dower of health, wealth, and beauty shall enrich the life of our own people. Within the great confines of our country is to be found all of climate, natural grandeur, or scenic beauty to satisfy the most poetic and artistic taste. But better than all this is the fact that these old trails are milestones of heroism. Their history is so deeply embedded in our national life that we can take no view of our progress as a Nation which leaves them out of account. [Applause.]

Mr. EMERSON. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. EMERSON. Are the roads that the gentleman has traced on the map now in existence?

Mr. BORLAND. They are largely in existence, although not improved in a uniform way. How generally they are marked I can not say, with the very latest information. The National Road has been very generally marked and so has the Santa Fe Trail. As to the Oregon Trail I am not so sure, although our old friend, Ezra Meeker—probably a constituent of the gentleman from Wyoming, Mr. MONDELL—persists in driving his ox team over it once a year, and will, I suppose, until he drops in his tracks.

Mr. MEEKER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MEEKER. The gentleman from Missouri is mistaken. Mr. Meeker now travels in his automobile.

Mr. BORLAND. Oh, I realize that my friend from Missouri travels in an automobile, but I was referring to another Mr. Meeker. [Laughter.]

Mr. MEEKER. No; I am referring to Ezra Meeker; he has thrown away his oxen and now travels in an automobile.

Mr. MONDELL. Will the gentleman from Missouri yield?

Mr. BORLAND. With pleasure.

Mr. MONDELL. The man that my friend refers to, Ezra Meeker, is not my constituent; he lives in the State of Washington and is a constituent of the gentleman from Washington [Mr. JOHNSON]. Ezra Meeker traveled over the Oregon Trail among the very first travelers who passed over it; and in connection with what the gentleman from Missouri has just said in regard to the Oregon Trail I want to say that the Oregon Trail has been very well marked entirely across the State of Wyoming by an organization composed largely of the Daughters of the American Revolution. The trail is marked entirely across the State. I want to emphasize what the gentleman said a moment ago in regard to the wonderful accuracy with which these old trails were located over the lowest passes and through the most desirable section of the country.

Mr. BORLAND. The gentleman is familiar with the South Pass.

Mr. MONDELL. The Oregon Trail across Wyoming is the shortest distance across the State, entirely on a water grade, and across the Rockies at the lowest pass in the entire Rocky Mountain chain within 500 miles; and, curiously enough, it is the only natural pass across the Rocky Mountains through which a railroad has never been built.

I did not have the pleasure of listening to the whole of the gentleman's address, but has the gentleman made any suggestion, or does he purpose to make any suggestion, relative to the method of raising the funds for the construction of these trails?

Mr. BORLAND. Yes; I will say that I have had for several sessions a bill pending in the House, H. R. 4755, which authorizes the Federal Government, after the trail has been constructed through a certain State, to reimburse the State for one-half of the cost of building it and making it a military highway.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. KINCHELOE. I understood the gentleman to say that the Santa Fe trail west of Kansas City is well marked.

Mr. BORLAND. It was not orginally, but it is improved now, not with paving as the gentleman would understand modern improvements.

Mr. KINCHELOE. Does that extend clear across to California?

Mr. BORLAND. It extends clear west to California, dropping off here at Phoenix.

Mr. SHALLENBERGER. If the gentleman from Missouri will permit.

Mr. BORLAND. I yield.

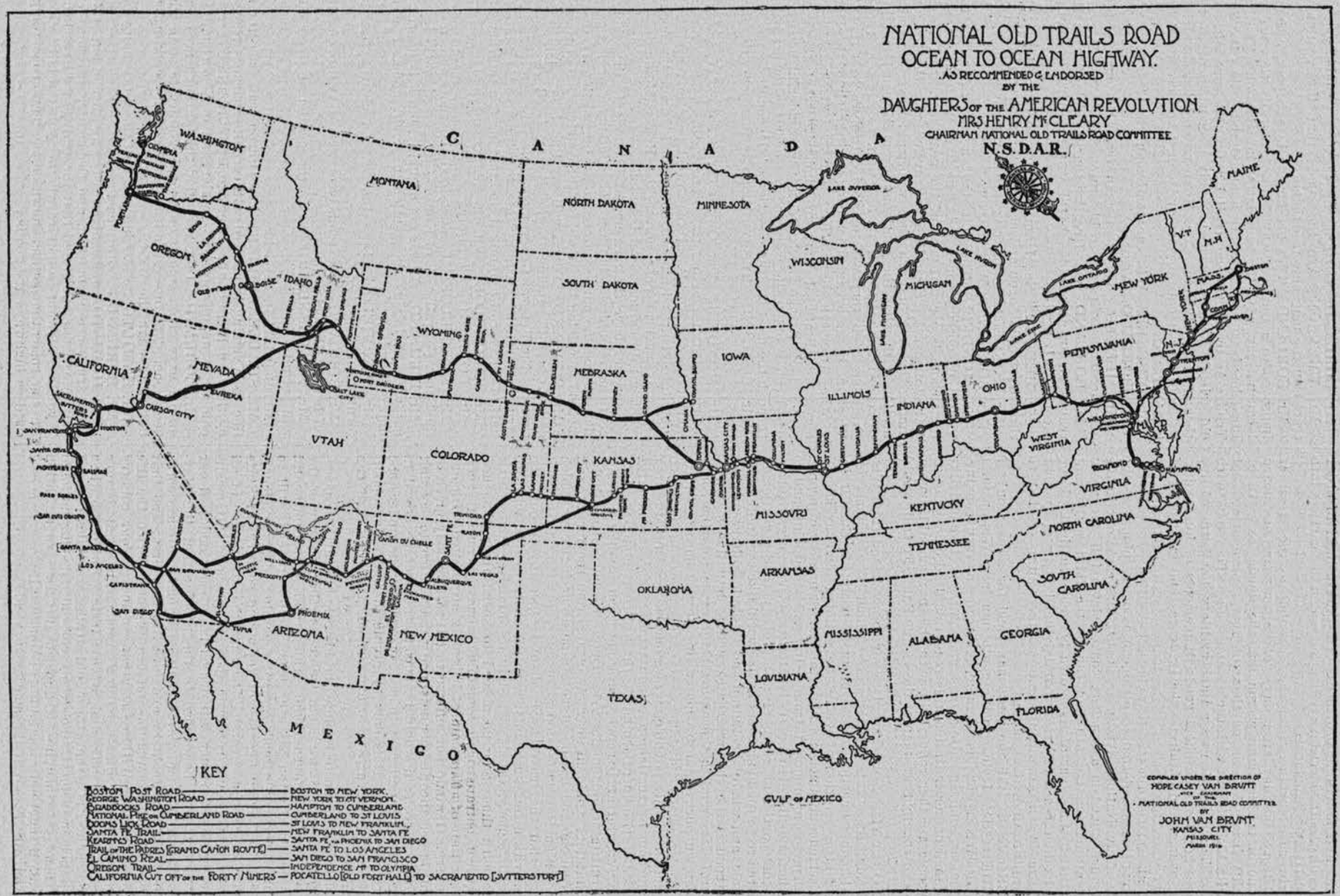
Mr. SHALLENBERGER. The Oregon trail from the Kansas line to Wyoming is marked with granite markers placed there by the Daughters of the American Revolution in Nebraska, and paid for by an appropriation by the State of Nebraska.

Mr. BORLAND. I am very glad that through my own ignorance I have given gentlemen an opportunity to state what has been done. The interest in it is widespread not only in Nebraska but all through the West.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. BORLAND. With pleasure.

Mr. HAMILTON of Michigan. The gentleman has stated that these trails are all marked, and the gentleman from Wyoming [Mr. MONDELL] has stated that the trail is well marked across Wyoming. I want to inquire whether substantially all of these lines or roads that he has shown on the map are now highways, used as highways and roads.


NATIONAL OLD TRAILS ROAD
OCEAN TO OCEAN HIGHWAY.
AS RECOMMENDED & ENDORSED
BY THE
DAUGHTERS OF THE AMERICAN REVOLUTION
MRS HENRY Mc CLEARY
CHAIRMAN NATIONAL OLD TRAILS ROAD COMMITTEE
N.S.D.A.R.
CANADA
WASHINGTON
OREGON
CALIFORNIA
NEVADA
IDAHO
MONTANA
WYOMING
UTAH
COLORADO
ARIZONA
NEW MEXICO
NORTH DAKOTA
SOUTH DAKOTA
NEBRASKA
KANSAS
OKLAHOMA
TEXAS
MINNESOTA
IOWA
MISSOURI
ARKANSAS
LOUISIANA
WISCONSIN
ILLINOIS
MICHIGAN
INDIANA
OHIO
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
FLORIDA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
WEST VIRGINIA
PENNSYLVANIA
NEW YORK
MAINE
VT
N.H
MEXICO
GULF OF MEXICO
KEY
Boston Post Road — Boston to New York.
George Washington Road — New York to Mt Vernon.
Braddocks Road — Hampton to Cumberland.
National Pike or Cumberland Road — Cumberland to St Louis.
Boons Lick Road — St Louis to New Franklin.
Santa Fe Trail — New Franklin to Santa Fe.
Kearneys Road — Santa Fe via Phoenix to San Diego.
Trail of the Padres [Grand Canon Route] — Santa Fe to Los Angeles.
El Camino Real — San Diego to San Francisco.
Oregon Trail — Independence Mo to Olympia.
California Cut off of the Forty Miners — Pocatello [Old Fort Hall] to Sacramento [Sutters Fort]
COMPILED UNDER THE DIRECTION OF
HOPE CASEY VAN BRUNT
VICE CHAIRMAN
OF THE
NATIONAL OLD TRAILS ROAD COMMITTEE
BY
JOHN VAN BRUNT
KANSAS CITY
MISSOURI
MARCH 1916

Mr. BORLAND. Yes; but, of course, of different widths and not always in the true location.

Mr. HAMILTON of Michigan. And some of them have not been improved?

Mr. BORLAND. Yes; but in some of them bridges and culverts are not in place, and much remains to be done.

Mr. KETTNER. Will the gentleman yield?

Mr. BORLAND. With pleasure.

Mr. KETTNER. Is he aware that the State of California is at the present time building a concrete road from San Diego to Yuma, over the old trails, which is more than 50 per cent completed?

Mr. BORLAND. I am glad to have that information.

These trails have not come about by accident. They are the true index of the Nation's progress—the life history of a people. That they are linked in a complete chain from ocean to ocean is not a matter of chance, but each link represents an epoch in the growth of this Republic. They are the autograph of a nation written across the face of a continent. [Applause.]

The Boston Post Road united the infant Colonies; Braddocks Road led to the valley of the Ohio; the Cumberland Road saved to us the Southwest; the Southwest gave to us Louisiana Province, and the restless frontiersmen of that new domain gave us Texas and carried our flag to New Mexico, California, and Oregon.

All the skill of modern science has never been able to devise or discover within the confines of the United States better natural routes of transportation than these primitive old trails. On them the infant feet of the Nation have trod in its ambitious enterprise to grasp the full fruits of its opportunities.

The Revolution, which made us a Nation, gave us also the opportunity for the conquest of a continent and set before us the manifest destiny which should extend the feeble and struggling fringe of settlements upon the bleak Atlantic coast across 3,000 miles of virgin territory to the wondrous South Sea and bring it all under one flag, with one civilization, one language, one literature, and one law. [Applause.]

It is to the credit of the Daughters of the American Revolution that, true to the great historic inspiration of their body, they are devoting themselves to the preservation and perpetuation of these historic trails and that they have a right to expect to enlist the enthusiastic support of the Nation in this great purpose. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from North Dakota [Mr. HELGESEN].

Mr. HELGESEN. Mr. Chairman, the high cost of living is a subject which, during the two years just past, has developed from a fruitful topic for the joke maker to one of the most serious questions that has ever confronted the people of this Nation. We can not readily name a single instance where the actual necessaries of life—food, fuel, clothing, light, and so forth—have not advanced in cost by leaps and bounds, until the average man feels that to live is beyond his means and to die is equally expensive.

Small wonder that under these conditions the thoughts of the people are concentrated on some possible effective remedy for the existing state of affairs, and it is equally easy to comprehend why in seeking for such an effective remedy many hysterical and ill-considered theories are advanced, the adoption of which would create an even more deplorable condition than now exists.

To this latter class belongs the proposed embargo on food supplies, advocated by a few worthy people, although chiefly by those who have not broadened their outlook sufficiently to consider or realize the disastrous consequences which would necessarily and quickly follow the adoption of such a measure.

Spasmodic and recurrent interest in the subject of embargoes on food products from one country to another, and even from one part of the same country to another part, has manifested itself from time to time since the first days of systematic agriculture and food production. The immediate effect of an embargo of any description is defined by Joseph Alden, in his Science of Government, in these words:

> An embargo forbids all ships and vessels from leaving any port in the country for any foreign port so long as the embargo continues.

About 120 years ago France and Great Britain, then at war with each other, made such unwarranted and unjust depredations on our vessels bound for foreign ports that in 1794 an embargo was established by our Government on exports to Great Britain and her colonies.

This embargo was intended as a retaliatory measure against the attacks of Great Britain on our neutral foreign commerce, but, like other embargoes which were made at various times in the two decades immediately following, this one proved ineffective and unsatisfactory, and served only to bring financial disaster on our domestic commerce. We have no reason to believe that an embargo on foodstuffs to-day would lead to any better results than were achieved by a like measure 120 years ago; indeed, owing to our greatly increased population, the probability is that the consequences of such action would be even more unfortunate than those of 1794.

The only power to levy an embargo on food products in times of peace rests with Congress. Such action may be taken by Congress at the solicitation of the people and approved by the President, or it may be taken at the request of the President and later approved by him. We know that a number of petitions have been received by the Members of this Congress requesting such an embargo, and we also know that many petitions and letters have been received protesting vehemently against such drastic and ill-favored legislation.

Consider for a moment who, if anyone, would be benefited by the proposed embargo and who would be injured thereby.

The only persons to profit, even temporarily, would be the speculators, and their profit would be short lived. At the same time, I think it is not too broad a statement to say that eventually all classes of people in this great Nation would suffer should this Congress allow itself to be overpersuaded or influenced to declare an embargo on foodstuffs; but the people who would receive the first, greatest, and longest enduring injury are the farmers of the country. Such action, therefore, in addition to its other objectionable features, may properly be termed class legislation aimed directly at the farmers of the United States and against their best interests. Anything which injures the farmers as a class injures the people at large, and whatever benefits the agricultural interests of the Nation reacts in favor of the whole country.

Many persons who do not favor an embargo on all foodstuffs welcome with joy the proposition to place an embargo on wheat, claiming that thereby the cost of bread to the consumer will be reduced. The chief argument of such theorists is that we have at present an unprecedented demand for wheat for export; that this export demand has caused the farmers to demand an exorbitant price for their wheat, hence, as the theorists claim, the resultant high price of a commodity which is literally the staff of life to thousands of people. They claim that if exports of wheat were stopped the farmers would be obliged to accept a lower price for their wheat and normal prices for bread would automatically follow. This argument sounds momentarily plausible, but it is not based on facts or truth.

It is true, however, that two years ago the American farmer received only 70 to 80 cents per bushel for his wheat. Equally true is it that on December 10, 1916, North Dakota wheat sold at $1.70 per bushel. But this price, while in round figures a dollar more than the farmer received two years ago, is not all clear profit to the farmer. We must not overlook the fact that in the two years just past other things than the price of food products have advanced. The farmer to-day is obliged to pay higher prices for his labor, lumber, twine, farm machinery, clothing, coal, lighting facilities; in fact, everything that the farmer uses, aside from what he can produce himself, has advanced in price.

The cost of production of a bushel of wheat having thus advanced rapidly, is it not just that the farmer should receive a higher price for his product? Why should the producer of the raw material, whose profit at best is merely nominal, be made the target for a species of class legislation which has not even the merit of serving to attain the object it seeks; that is, the reduction of the price of bread?

Mr. Chairman, the wheat grower is not the principal agent responsible for the high cost of bread to-day, nor is he the agent who makes the greatest profit on his product. One of the leading bakers in the District of Columbia made the statement to the Housekeepers' Alliance on December 9, 1916, that during the past two years the cost of operating a baking plant has increased 78 per cent. We all know to our sorrow that the price of bread has recently been increased 92 per cent, and yet this prominent baker mournfully declares that the "bakers are losing 14 per cent off their profits of two years ago." If, with an increase of 78 per cent in expenses and an advance of 92 per cent in the price received for their bread, the bakers are still losing 14 per cent off their profits of two years ago, it would be interesting to know what was considered a fair percentage of profit at that time. These are startling figures, and I expect to be met with the statement that I am mistaken; that the price of bread has only advanced from 5 to 6 cents per loaf. But it is a simple mathematical problem; that is, we now pay 6 cents for 10 ounces of bread, whereas we formerly paid 5 cents for 16 ounces of bread. The advance in price is, therefore, as I have just said, 92 per cent.

It has also been pointed out by one of the most prominent milling concerns in the United States that the housewife may

reduce the cost of bread to her family 50 per cent if she does her own baking. This is of great interest, for if, under the necessity of buying her flour at retail and paying a proportionately higher price for fuel wherewith to do the baking, as well as paying other prices incidental to the work which are as much higher than the baker's as retail prices are higher than wholesale prices, if, with all these additional expenses the housewife can still reduce the price of her family's bread 50 per cent by baking it herself, what must be the percentage of profit made by the baker from whom she buys her bread?

The flour should cost the baker or housewife but very little more than the farmer receives for his wheat, since the by-products of the wheat are generally understood to cover nearly, if not all, the entire cost of milling and transportation.

The Department of Agriculture is authority for the stated proportion between wheat flour and the amount of bread made therefrom. The department states:

The experiments of the Office of Home Economics have to do with household methods, and in bread-making tests we have as yet had opportunity only to consider the usual flours known as "bread flours," which are probably blends. We get about 1½ pounds of bread from a pound of flour by household methods. The Bureau of Chemistry states that commercial reports published by bakers estimate that with modern methods, which involve more or less fat and sugar, 325 pound loaves (before baking) can be obtained from a barrel of hard-wheat flour, and 300 pound loaves (before baking) from a barrel of soft-wheat flour. During baking each loaf loses about 1½ ounces in weight. These are average values for both sorts of flour, and flours vary somewhat in the amount of water which they will take up and retain.

The best grade of flour used by the baker to-day costs the baker in the District of Columbia not to exceed $8.50 per barrel of 196 pounds, which, according to various recent tests, will produce 470 loaves of bread of the size now sold as standard loaves. This allows for evaporation in baking. These loaves weigh 10 ounces each, and retail at 6 cents per loaf, thus making one barrel of flour cost the consumer $28.20.

At the extreme market price for the best wheat to-day the farmer receives $1.70 per bushel for his wheat. I may add that since these figures were obtained the price of wheat has dropped, and proportionally the price of flour, yet the price of bread is steadily maintained, and does not, as might be expected, follow the downward trend of wheat and flour. This makes the extreme price to the farmer for a quantity of wheat sufficient to make a barrel of flour, or 4½ bushels, only $7.65. The total spread, therefore, between the farmer and the ultimate consumer equals the difference between the $7.65 received by the farmer and the $28.20 which the consumer pays, a difference of $20.55 per barrel. This, it seems to me, is sufficient evidence to prove that the present high cost of bread is not due to our export trade, nor to any exorbitant price received by the farmer for his wheat, but to an artificial inflation of the spread between the farmer's receipts and the ultimate consumer's outlay. It is clear, therefore, that the responsibility for the high price of this particular commodity can not be charged to the wheat grower, but must be placed to the credit—or discredit—of the speculator and middleman. One of these middlemen, and the one who, in my opinion, seems to be the guilty culprit, is the public baker. For instance, as I have already stated, the baker in the District of Columbia pays not to exceed $8.50 per barrel for the best grade of flour which he uses. This is only 85 cents per barrel more than the farmer receives for a quantity of wheat sufficient to make that barrel of flour, therefore the spread between the time the wheat leaves the farmer and is delivered to the baker in the shape of flour is not abnormally great. Now, let us see how that same barrel of flour increases in price in the baker's hands. With due allowance for evaporation, that barrel of flour, which costs the baker, say, $8.50, is made into 470 loaves of bread weighing 10 ounces each, which are sold to the consumer at 6 cents per loaf, thus bringing the cost of the barrel of flour for which the baker paid only $8.50 up to $28.20 to the consumer.

The spread in price, therefore, on a barrel of flour from the time it comes into the baker's hands until it goes from him to the consumer amounts to the difference between $8.50 and $28.20, or $19.70, a gain of more than 230 per cent. Therefore it is not the farmer—whose price, though higher than usual, is not unreasonable—nor the grocer—whose profit is also small—but the bakers who are responsible for the high price of bread to-day. Abolish the speculative element in marketing food products and the exorbitant profits of the middleman—in this case the baker—and the prime cause of high prices is removed.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. RAINEY. Has the gentleman investigated the price of bread abroad?

Mr. HELGESEN. I come to that a little later. I have not investigated it as thoroughly as the gentleman indicated in his speech he had.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. COOPER of Wisconsin. The gentleman spoke about the exorbitant profits that the baker who pays $8.50 a barrel for flour and retails four hundred-odd loaves, which he makes out of that barrel of flour for $28?

Mr. HELGESEN. Yes.

Mr. COOPER of Wisconsin. What does it cost the baker to make those 400 loaves of bread? What is the net profit?

Mr. HELGESEN. I do not know what it costs; but I want to put the bakers upon the defensive and have them show to the people that it actually costs them $20 to bake a barrel of flour and distribute it. I do not believe that they can make any such showing. They have never attempted it in the past and I do not believe they can now.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. TILSON. Outside of the labor charge, which goes into the making of the bread, and the flour, what other elements enter into the cost of the bread?

Mr. HELGESEN. Yeast, salt, and occasionally a little shortening, but not a great deal.

Mr. TILSON. And the gentleman thinks that those elements do not cost a sufficient amount to add materially to the cost?

Mr. HELGESEN. Not materially.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. RAINEY. Has the gentleman investigated the efforts of the National Association of Bakers to increase the price of bread, the circulars they are sending out at the present time, and the assessments they are levying upon their members in various sections of the country, so as to pay expenses of a nation-wide publicity campaign to convince the American public that bread ought to be 6 cents a loaf?

Mr. HELGESEN. I have not investigated that particular thing, but I know there is such a propaganda before us.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Yes.

Mr. REILLY. Has the gentleman made any investigation as to whether or not the bakers in recent times have increased their charges out of proportion to what they used to do formerly?

Mr. HELGESEN. I have, yes; and I will come to that a little bit later.

Some time before the outbreak of the European war the statement was made by Mr. J. R. Cahill, official investigator for the Board of Trade of England, that he did not understand how his people in England could buy bread in London for one-third the price that Chicago consumers paid when the English bread was made from American wheat. Mr. Cahill added:

You pay 5 cents for 14 ounces of bread, while we get a loaf weighing 64 ounces for 10 cents, made out of your own wheat. Our 4-pound loaf never costs more than 12 cents, and usually only 10 cents.

Thus, according to this English investigator, we were paying twice as much for our bread in times of peace as the English people paid for theirs, while both were made from American wheat; and even now, when England is undergoing the stringency of so-called "war prices," the same proportion holds good, for while England has recently advanced the price of bread to 4½ cents per pound, thereby nearly causing a bread riot, we are obliged to pay 9⅜ cents per pound, or a little more than double the price of the same quantity in England.

This is unquestionably an injustice to the American consumer, but it also proves that the price that the farmer receives for his wheat has nothing to do with the high price of bread, since both English and American bread are made from American wheat, and English people are now in time of war eating bread at a lower price to the consumer than we were forced to pay at a time when peace prevailed throughout the civilized world.

Therefore I ask why select the farmer as the victim of an attempt to reduce the price of bread by placing an embargo on shipments of his products to markets which were open to our wheat surplus for years before the European war? Official figures show that during the first nine months of 1915, a war period, exports of farm products increased about 122 per cent over the preceding year and showed about the same percentage increase for the first nine months of 1916, while on the other hand exports of manufactured articles have increased about 260 per cent. Why should the farmer alone bear the burden of an embargo, when the exports of the products of our factories have increased twice as much as the exports of farm products,

and when those same manufactured products have also advanced in price to the American farmers and other consumers to an alarming extent?

Mr. Frank Andrews, a leading statistician in the United States Department of Agriculture, in commenting on the price of wheat at the present time, said that we may eliminate as factors the European war, the drought in Argentina, the decrease of acreage in the Australian States, the estimated reduction in the Canadian crop, and still find a sufficient reason for the unusual price of wheat in the fact that where we harvested 10 bushels in 1915 we harvested only 6 bushels in 1916.

The National Grange, than whom no more intelligent class of people exists in this broad land, at its meeting in this city in November, 1916, after careful consideration and wide discussion of the subject, declared that the higher prices of farm products are due principally to poor crops in certain sections, and to the greatly increased cost of those things which the farmer is obliged to buy. The organization officially protested against embargoes on food products and declared that if any embargoes are to be placed they should be on manufactured products, particularly on munitions of war.

A proposition to place an embargo on arms and munitions of war would immediately meet with a howl of protest from the largest manufacturing concerns in the United States to-day, as well as from the immense iron and steel interests which control the output of those industries. But it is manifestly no more unjust to place an embargo on the product of our great iron, steel, and munition factories than it is to restrict in a like manner the sale of the raw material produced by the man on whose shoulders, more than on any other, rests the welfare of the Nation—the farmer.

The proposed embargo is not acknowledged by its promoters to be in any sense a retaliatory measure, but the claim is made that it looks objectively to the conservation of food supplies in this country, with the erroneous idea that thereby with an increased home supply for home consumption prices would at once decline. Such a result, however, would be only temporary and would not strike at the root of the evil. To use a farmer's illustration, it is like trying to eradicate the plant pest known as the wild morning-glory by merely plucking its blossoms, while its roots are left to thrust their octopuslike and destructive branches underground in every direction. Furthermore, no legislative act could be more productive of foreign complications than such an embargo.

We proclaim ourselves a neutral Nation, and proudly declare that our neutrality must be preserved at whatever cost. Yet an embargo on food products to foreign countries at war with each other would be not only a grossly unneutral act but an inhumane one as well. In times past we have sent relief ships loaded with foodstuffs and clothing to suffering Belgium; we have opened our pocketbooks and our granaries to starving China and Russia in times of famine; we have done our share to alleviate the hunger and misery of plague-stricken India; how, then, can we consistently continue to send agents of death in the shape of arms and munitions of war to nations engaged in the most terrible struggle of the ages—whether or not we believe the cause of either belligerent to be a righteous one—and at the same time deny the women and children of those struggling nations the means to sustain life? Is this our boasted civilization? Is this greedy, self-centered policy the vaunted light with which our liberty illumines the world? All other considerations for the moment aside at a time when we alone of all the great nations of the world are at peace, we can not take such action as would be contrary to that great destiny of our country which our forefathers saw as in a vision and which we as a Nation have endeavored to realize.

If we are not influenced by humanitarian principles—which, however, I am loath to admit—we ought to consider questions of policy. Some of the advocates of an embargo claim that the embargo on food products should be imposed for purely domestic reasons. Mr. Chairman, I am of the opinion that "for purely domestic reasons," if for no other, we should refrain from placing such an embargo. If it is imposed, it will be considered as a distinctly unfriendly act by some of the warring factions of Europe, and will be an open invitation to reprisal of a drastic and expensive nature on the part of those factions. This statement is not made as an attempt to frighten the people of this Nation with an imaginary bogy, for we should find that such reprisal would materialize into practical and tangible methods with which we are not at present prepared to cope. Under such conditions not a vessel could leave our Atlantic ports if Great Britain desired to prevent it. Not a ship could sail along our coasts if the power that rules the seas decided otherwise. Are we ready to uphold our embargo by force? Are we not courting trouble at a time when we should be doing all in our power to maintain peace? No one can deplore the high cost of the necessities of life more than I, yet I am still of the opinion that it is better to pay our present exorbitant prices for bread and other commodities were it necessary to do so than to unnecessarily bring on ourselves the retaliative measures of a country or countries driven mad by hunger and desperation.

Furthermore, we do not live for the moment alone. We must consider the future. When the war is over—and it must end some time—prices will seek their normal level. If an embargo on wheat and other food products is imposed, we should then have on our hands not only the normal surplus with which we always have to reckon, but, in addition, an abnormal surplus caused by our voluntary closing of the markets of the world to our products at prevailing prices.

We may argue that an embargo would lead to a lessening of wheat production for a season, thus maintaining a normal supply. This, too, is a specious argument, for if the wheat-growing area of the country is greatly reduced, as it is sure to be in case of an embargo on wheat, we shall be brought face to face with the very condition which we claim to be striving to avoid, namely, a shortage of supply and consequent high prices. Why is it better to pay high prices because of an actual shortage than to pay high prices when the supply is abundant and we are receiving high prices as well as paying them?

An embargo on wheat means that we can not send our wheat out of the country. It also means that a proportionately smaller amount of money will come into this country and be placed in circulation, to the ultimate disadvantage of all the people of the Nation.

But at this time statistics show that no present or imminent shortage of wheat exists in the United States. There is an old saying that "Figures don't lie, but liars use figures"; nevertheless I wish to present a few figures for your consideration. At the beginning of the present crop year we are reported to have had 150,000,000 bushels of surplus wheat carried over from the crop of the preceding year. These figures may be too small, but they are unquestionably not overestimated. The Bureau of Statistics of our Department of Agriculture has estimated the wheat crop of the present year at 607,000,000 bushels, and we know from past records and experience that these figures also are conservative to a high degree. Assuming, however, that they are correct, we had a total available supply of 757,000,000 bushels of wheat of which to dispose. Our own requirements for seed and for home consumption are estimated by the Department of Agriculture to be not over 625,000,000 bushels. This left us a net surplus of 143,000,000 bushels of wheat to export, without inflicting hardship or shortage on the people of our own country. Some of this has, of course, been exported.

Mr. FARR. Will the gentleman state how much?

Mr. HELGESEN. I could not tell the gentleman exactly, because the figures seem to differ, but there is still a large surplus to export.

Mr. FARR. How much a week are we exporting now?

Mr. HELGESEN. I do not know.

Mr. FARR. I understand it is a million bushels a day.

Mr. HELGESEN. It would be manifestly unjust, unfair, and un-American to force our own producers to hold the balance of this surplus of 143,000,000 bushels of wheat in American storehouses, when they could receive a fair price for it in the markets of the world, merely for the purpose of attempting to force the price of bread lower than it is to-day.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HELGESEN. Certainly.

Mr. MANN. Sometime during December I was waited upon by a gentleman, whose name I do not recall, who said he represented the National Association of Bakers, if that is the name of the association. He said to me positively—he said that he knew, and, of course, I do not say that he did—that all of the wheat in the country would be exhausted by the end of February unless we forbade the exportation of wheat. Is that correct?

Mr. HELGESEN. Well, we know that, according to the Department of Agriculture and the Department of Commerce, it has not been exhausted. Whether it will be or not, of course, I could not say.

Mr. MANN. I thought I could, and I did say, but I wondered whether I was correct.

Mr. HELGESEN. But I made an investigation recently here in the city, and I find they are selling loaves of bread now at 5 cents that weigh 12 ounces, and they are selling loaves of bread at 6 cents that weigh 8 ounces and 10 ounces. I found one baker who said that when wheat was rapidly going up in price and flour following he secured and purchased 1,000 barrels of flour, at $11 a barrel. Wheat began to drop, and flour dropped in proportion until it is only about $8.50 a barrel at the present

time. He said, "I am making bread out of the $11-a-barrel flour, which is $2.50 more than I could buy it for now, and I am still selling 12 ounces of bread for 5 cents." How can he do that on $11 flour if the others can not make it out of $8.50 flour? It is not the price of flour. It is the arbitrary price put upon bread by the bakers, and that price is not uniform, because in this very city to-day they are selling different-sized loaves at different prices, and if they were all forced by the price of flour to raise the price of their bread, it would be pretty apt to be somewhat uniform.

If such a means would accomplish the desired result, the arguments in favor of an embargo measure might have some weight, but while large quantities of grain and other food products are held by speculators, an embargo on wheat or on any other article of food might cause a temporary slump in prices to the consumer, but it would work untold hardship to the farmer. The speculator, or, to speak more plainly and forcibly, the gambler in food products, and the middlemen, not the farmer, are responsible for the high cost of food. Since the first corner in wheat was established in Egypt nearly 4,000 years ago by one Joseph, who gathered corn as the sand of the sea and thriftily stored it away in Pharaoh's granaries, until all countries came into Egypt to buy corn, down to the present time when the great manipulators of Chicago and New York regulate the stock tickers to suit their own ends, the speculator has been the bane of normal prices and reasonable profits.

Again, as I said in the beginning of my remarks, it is not only the price of wheat and the price of bread that have advanced. Almost every article of consumption that we can name has shown an advance, in some instances even proportionately greater than the increase in the price of wheat.

I shall insert herewith a table showing the prices which the farmer received in 1913 on a few staple commodities and the prices which he receives on those same commodities to-day; also the prices which the consumer paid in 1913 and the prices which the consumer pays to-day on the same commodities:

Prices the farmer received and the consumer paid in 1913.

Commodity.	Price the farmer received.	Price the consumer paid.
	Per bushel.	*Per bushel.*
Potatoes	$0.25	$1.00
Onions (red)	.50	2.00
Turnips	.25	1.60
Beans	2.10	3.20

Prices the farmer received and the consumer paid in 1916.

Commodity.	Price the farmer received.	Price the consumer paid.
	Per bushel.	*Per bushel.*
Potatoes	$1.24	$1.60
Onions (red)	1.35	4.00
Turnips	.50	1.60
Beans	4.80	11.20

In 1914 cotton prices were so low that American planters appealed for aid to the Government, and received it. At the present time cotton is higher than ever before, and if it continues to soar we shall be obliged to wear silk, because cotton will be too much of a luxury for anyone but a plutocrat. No doubt speculative influences help to force cotton values far above the basis warranted by the law of supply and demand; yet, nothwithstanding the fact that the necessity of people for clothing is second only to the necessity for food, a large proportion of our present exports of cotton are eventually used for the manufacture of guncotton and similar war munitions instead of for clothing, while the wheat that we export is used to make bread for the people in those war-ridden countries, who can not live without food either in time of strife or peace.

Shoe manufacturers have recently made the tentative suggestion that an embargo be placed on leather in order to reduce the price of shoes, which in some instances are 50 per cent higher than two years ago. This would be just about as consistent an act as that of the Democrats when they placed hides on the free list in order to bring the price of shoes in reach of the poorest man.

Mr. RAINEY. Mr. Chairman——

The CHAIRMAN. Will the gentleman from North Dakota yield to the gentleman from Illinois?

Mr. HELGESEN. I will.

Mr. RAINEY. I would call his attention to the fact that the Democrats did not do that. It was done in the Payne-Aldrich bill.

Mr. HELGESEN. It was done in the Payne-Aldrich bill?

Mr. RAINEY. Yes; the Republicans did that.

Mr. HELGESEN. Then my friend Bryan is wrong, and that was one time when the Republicans yielded to the Democrats and to Democratic doctrines. The result was a failure.

An illustration of the remarkable inconsistency of the arguments used by our Democratic friends to sustain their position was shown in a speech recently made by William Jennings Bryan at Grand Forks, N. Dak. Mr. Bryan said that when it was proposed to place hides on the free list a protest was made against such action on the ground that it would render our domestic hides practically valueless in competition with foreign hides. Mr. Bryan added with great gusto and emphasis that instead of reducing the value of domestic hides the hide was worth more to-day than the whole steer was before the tariff was removed. He failed to state or recall, however, that the prime object in placing hides on the free list was to reduce the price of shoes to the poor man, who now has to pay nearly double what he formerly paid for a pair of shoes. The remedy applied at that time to reduce the price of shoes was a failure; but the placing of an embargo on wheat to reduce the price of bread would prove a greater failure.

Carpenters and builders have also suggested the feasibility of an embargo on lumber in order to lessen the cost of houses and other buildings. Under modern conditions a bed is considered a necessity, and some of the bedding manufacturers feel that they should be protected by an embargo on their raw materials. The farmer is of the opinion that if an embargo is due anywhere, it should not be on his products, but on farm implements and farm machinery, by the use of which he is enabled to raise his products, and on munitions of war. Such an embargo would give the farmer more and cheaper laborers and would tend to reduce the cost of his production; and if cheap wheat is wanted, that is one way to get it. In fact, every argument that can be brought forth in favor of an embargo on food applies with equal force to other articles of commerce, including arms and munitions of war. The only consistent position which we can adopt, therefore, on the favorable consideration of an embargo will lead us to say that no article of commerce shall leave the shores of America to go to any foreign country. An embargo on any one article or class of articles is gross discrimination against the producers of that article.

I may add that while the city dweller has to pay an increased price for most of the articles which he buys, the wages and salaries of the workers in the city have in most instances made a reasonable advance in the last decade, so that the city dweller does not feel the high cost of living as stringently as might be imagined. Not so with the farmer. Not only have his expenses of production increased, but the price to him of every article which he is obliged to purchase has likewise advanced. He is therefore the loser at both ends of the line. Furthermore, the price which the farmer now receives for his wheat is only temporary, while the increased wages of the city dwellers are to a large extent permanent, so that while the farmer who was able to harvest a crop this year may seem to reap an advantage, that advantage is only for this year, or possibly next year, or, at the most, until the war closes, when his commodities will drop back to their former level, while his city brother continues to receive his advanced wages. Therefore, instead of placing on the farmer the added burden of an embargo on his wheat, we should look for a means to alleviate the difficult situation which he, more than any other man in the country, is obliged to face.

Our present methods of distribution can not be laid at the farmer's door any more than can the necessity for storage facilities caused by the ever-increasing tendency of city people to buy in small quantities and live from hand to mouth, instead of pursuing the more liberal policy of purchasing in larger quantities which was possible a generation or more ago.

An embargo of any kind is a restriction of commerce, a restriction of commerce is a restriction of production, and a restriction of production means unemployment for many and low wages for those who are employed.

Economists and others who have studied the situation agree that our present export trade of some $5,000,000,000 a year, due to the European war, is the only source of even the artificial prosperity which we experience under the present administration. Reduce this export trade by an embargo, and we immediately curtail the purchasing ability of our people, retrenchment of expenses ensues, and consequent ruin to such commerce as we now possess.

Briefly to sum up the matter: The proposed embargo measures should be dropped. We can not reduce the high cost of living by one embargo or by many. If one embargo is levied, others must be, and such action could result only in disaster.

When the farmer receives only $1.70 per bushel for his wheat, and that in a year of small crops and high cost of production, when that moderate price which the farmer receives is increased more than 230 per cent before a loaf of bread reaches the ultimate consumer, it is, I repeat, manifestly unjust and unfair to cripple the energy and activity of the American farmer by ill-timed and short-sighted legislation. Give him a square deal and an equal chance with other producers of the Nation; eliminate the immense and unwarranted profits of the gamblers and middlemen who practice their nefarious manipulations between the farmer and the consumer, and the farmer will continue in the future, as he has done in the past, to produce sufficient food for our own Nation and do his glorious share toward feeding the people of the world. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I desire at this time to say a few words about the cotton situation in the United States. The cotton crop of 1916 will be 750,000 bales short of the 1915 crop. We have already exported 900,000 bales more than we exported up to this time a year ago. The cotton mills of the United States have consumed in the last 12 months 7,000,000 bales. This year our cotton mills will consume 7,000,000, and maybe 7,500,000, bales. It is safe to say that we will need 7,500,000 bales of this crop for spindles in the United States and 7,000,000 for the spinners abroad, making the demand about 14,500,000 or 15,000,000 bales. We have a crop of less than 11,500,000 bales to draw that supply from. You can readily see, Mr. Chairman, that cotton is going to be very scarce before the summer comes. Cotton will be selling for 20 cents a pound in the next few weeks; maybe 22 or 23 cents by the 4th of July.

As soon as the spinners of the United States realize that many farmers in the boll-weevil sections of the South are simply abandoning all efforts to produce cotton under boll-weevil conditions, they will wake up to the fact that this year they are going to be confronted with a cotton crop of less than 10,000,000 bales. Germany is buying cotton here now and storing it in the United States. It is believed by many that the war will come to an end in the summer of this year, and if it does gentlemen need not be surprised to see cotton selling for 30 cents a pound. [Applause.]

I remember reading about what happened regarding cotton when the War between the States was over. My father sold cotton for 50 cents a pound, and the highest price, I believe, paid for cotton following that war was $1.26 a pound. It is true that cotton and wool, silk and linen, all have brought high prices following the wars of the past. My reason for saying that cotton will go to more than 30 cents per pound when the war is ended is based upon this idea: Austria and Germany have their mills intact. They are not injured—just idle now—but ready to run when the war is over. As soon as the war is over Germany and Austria are coming into the market for a considerable part of our cotton crop. They consumed at the time the war commenced annually 3,000,000 bales of American cotton. Now, Mr. Chairman, if gentlemen will just add that demand to the present demand of 14,000,000 bales of cotton produced in the United States, they will have an interesting situation. [Applause.] In 1917, with a demand for 17,000,000 bales and a crop of less than 10,000,000 bales to meet it, you are bound to see cotton prices go higher. Cotton of the Egyptian variety grown in Arizona is now selling for 48 and 50 cents a pound, and, in view of the high price now paid for this character of long-staple cotton, 24 and 25 cents a pound is not too high for the average grade produced in the United States. [Applause.]

Finished wool is now selling at $1 a pound, and the wool supply is nearly exhausted. Do you wonder that cotton has sold for 21 cents, when long-staple cotton of the Egyptian variety is selling for 48 and 50 cents and wool at $1 a pound. [Applause.]

Mr. Chairman, in the boll-weevil sections of Alabama the cotton crop of 1916 was a failure. Counties that used to make 30,000 bales annually made less than 5,000 bales last year.

Mr. FESS. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. FESS. What success are they having in eradicating the boll weevil?

Mr. HEFLIN. So far nothing has been discovered that destroys the boll weevil, but the Department of Agriculture has found that by certain cultural methods you can produce some cotton under boll-weevil conditions. This is done by using an early variety of seed, planting early, and cultivating rapidly.

If we have wet weather in the cotton belt during the months of July and August, it is exceedingly difficult to produce any cotton in the boll-weevil section. A great many of our farmers are producing velvet beans, peanuts, hay, peas, alfalfa, and crops of that character. The coming of the boll weevil may, in the long run, be a blessing to the South. His coming has certainly caused our farmers to turn their attention to farming of another character. For the next year or two, at least, the cotton crop is going to be very short, and many farmers are going to be embarrassed before they get adjusted to the new conditions. The boll weevil is spreading rapidly and he will be in new territory this year, and the farmer who produced cotton last year may not be able to produce any this year, but there is one thing certain, if he will hold on to the cotton that he now has he will get a good price for it. [Applause.] Mr. Chairman, I regret to see the disposition on the part of certain eastern and New England interests to place an embargo on cotton. [Applause.] The cotton farmers of the United States suffered greatly on account of destructive prices in 1914 and these concerns offered no aid or sympathy then. The situation is changed now, and they want to pass a law to deprive the farmer of fair prices and place him at their mercy, and I am opposed to it. [Applause.]

If the spinners of the United States want cotton, let them go into the market and buy it, and let the farmer get the benefit of the profit that he is entitled to. [Applause.] If Congress would not pass an act in 1914 to protect cotton farmers from destructive prices caused by conditions created by war, under what principle of justice and fair play would Congress now pass an act to prevent the shipment of cotton to foreign countries and thus place the producers of the United States at the mercy of speculators and spinners? [Applause.]

Mr. TILSON. Will my friend yield?

Mr. HEFLIN. I will.

Mr. TILSON. For some years we have been appropriating money for the destruction of the boll weevil. Will the gentleman state very briefly just what progress is being made in the eradication of this pest, and what we could do about it if we were inclined, as I think Congress has shown it is right along, to help further toward the destruction of this fearful pest?

Mr. HEFLIN. I have already touched upon that. I prefer to use the time allotted to me in a further discussion of the cotton supply and demand. I want the people of the United States who need cotton to realize the necessity of going into the market now and buying their supply, for, in my judgment, they are not going to succeed in getting Congress to reduce the price. [Applause.]

Mr. DAVIS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. DAVIS of Texas. A word about the boll weevil. We have learned to shift our cotton to the other side of the field, and where he hibernates in the root bottoms we leave him to eat weeds instead of cotton. However, the farmer has learned this, That you can not freeze him out except when he is in the embryonic stage. When he is full grown and in shape he will go into hibernation. You can "cook him up" in the ice, and then thaw him out like a fish in the Klondike region. But he will wiggle next spring when the insects wake up. We are trying to trace him back and get his ancestry and find where he generates in his ancestry, as they do in the case of the grasshopper. They deal with the grasshopper by killing his grandfather before he comes. [Laughter.]

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. HEFLIN. Yes; for one question.

Mr. FESS. We are making pretty large appropriations for the eradication of the boll weevil. Are we justified in them?

Mr. HEFLIN. Oh, yes.

Mr. FESS. We are getting somewhere?

Mr. HEFLIN. Certainly, and we must keep up the fight until we do discover something that will destroy him.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield there?

Mr. HEFLIN. Yes.

Mr. SMITH of Michigan. I understood the gentleman to say that there will not be as much cotton raised this year as was raised in former years. To what does the gentleman attribute that? The increase of price would seem to warrant a larger crop.

Mr. HEFLIN. As I have said, the cotton crop this year will be small because of the presence of the boll weevil in the Carolinas, Georgia, and Alabama.

Mr. SMITH of Michigan. The decrease has been on account of the boll weevil?

Mr. HEFLIN. Yes; the tremendous decrease has been caused by the boll weevil.

Now, Mr. Chairman, I want to discuss another situation in the cotton belt. We have tried to regulate the cotton exchanges so that real cotton and not fictitious stuff would be the real power behind all transactions on the exchanges and the present law. The one that I helped to frame and pass is the best law ever written on the subject. [Applause.] It is not perfect, but it is a great improvement over the old law written by the agents of the exchange. [Applause.] But, Mr. Chairman, another evil in the cotton trade has come to my attention. This one is not carried on in the exchange but it is rather an exchange "aid society" operating in the spot markets of the South. Certain cotton spinners in the United States and representatives of foreign spinners, it is charged, have entered into an agreement to divide out the territory in the South into counties and districts, and that the agent or buyer of one concern will not bid for or buy any cotton in the territory of the other.

It is high time that the farmer, the merchant, and the banker should stand together in concerted action demanding a fair price for cotton. They should hold and refuse to sell until the price is satisfactory. [Applause.]

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. REILLY. Has the cotton farmer of the South been getting the whole benefit of the high price of cotton recently?

Mr. HEFLIN. He did not in 1915; but in 1916 a great many of the farmers sold their cotton for 18, 19, and some for 20 cents a pound. But it is true that the great bulk of the crop has passed out of the hands of the farmer.

Mr. REILLY. Another question.

Mr. HEFLIN. Yes.

Mr. REILLY. If the price of cotton will go to 25 cents a pound, as the gentleman suggests, will the farmer get the benefit of it?

Mr. HEFLIN. No. The bulk of the crop is out of the hands of the farmer. A great many merchants in the South have the cotton, and they will hold it, because they are able to do it.

In conclusion, Mr. Chairman, I want to say that Congress would be guilty of a crime against the cotton producers of the United States if it should place an embargo against cotton. [Applause,]

In 1914, when we were here pleading for relief of cotton farmers, when cotton values were destroyed by conditions created by a foreign war, certain eastern Congressmen sat here and looked wise and said it was a situation over which they had no control and that we would have to grin and endure it. Now we can say to these same gentlemen that this situation was created by the war and the boll weevil. It is, as you said in 1914, a situation over which Congress has no control and you will just have to grin and endure it. [Applause.]

The increasing demand for cotton and the small supply of cotton have caused good prices to obtain this season, and I appeal for fair play and competitive buying. This is all that we ask, and common justice demands that we have it. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. REILLY].

[Mr. REILLY addressed the committee. See Appendix.]

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, coming from the chief seaport of the United States, I assume that I may be pardoned for making a few observations on the Shipping Board appointed recently by the President under an act passed by us at the last session, and with particular reference to the personnel of the board.

William Denman, of San Francisco, appointed for six years, is, so far as I can discover, and it is the fact, an admiralty lawyer of ability, and that particular appointment is not subject to reasonable criticism.

James B. White, of Kansas City, Mo., is a lumber merchant of that large and growing and important city, and outside of the fact that a member of the Shipping Board, which, presumably, has to do with ships, ought possibly to have some knowledge of ships, I do not know that there is any criticism that can be passed on Mr. White. I understand that he is a man of standing, reputation, and ability.

The remaining three men are the ones that have to do with ships, and I want to call the attention of the House to what the President has done so far as the men that know anything about ships are concerned. The purpose of the United States Shipping Board is supposed to be to build up the United States shipping industry. Who is and always will be our greatest competitor? Why, Great Britain. What has been the experience of Bernard N. Baker and John A. Donald and Theodore Brent?

John A. Donald, born in Glasgow, removed to this country after he came to mature years, has been, and still is, president of a British steamship line, the Donald Line.

Bernard N. Baker was at the date of his retirement from activity in the steamship business president of the Atlantic Transport Co., another British line, and Theodore Brent is a former employee of Bernard N. Baker in the steamship business.

So we have appointed to a board which is to control $50,000,000 men whose affiliations are entirely British. I have good friends connected with the shipping industry. I have good friends connected with the French lines, I have good friends connected with the German lines, but I say very frankly that if the control of this shipping board had been turned over to the representatives of the French line, or the Fabre line, or to the Hamburg-American, or the North German Lloyd Co. I should have felt that the outrage to the country was of the same character, though possibly less in degree, because our competition is more greatly with Great Britain. Now, what is there in addition about John A. Donald? I was not here in the Sixty-third Congress, I think it was, when they passed the shipping bill, but I understand that bill provides a literacy test for seamen, and that the purpose was to take the Chinese and other foreigners who could not speak the English language off our ships. John A. Donald is the greatest representative of the opposite view who runs ships in and out of New York Harbor. On every one of his seven ships every possible place that can be filled by a Chinaman is filled by a Chinaman. Further than that, the British have a literacy test in their law somewhat along the same lines as ours, with this exception, that it shall not apply to subjects of Great Britain. Therefore every man on John A. Donald's seven ships, every Chinaman, has to certify that he is a native of the island of Hongkong. Mr. Chairman, it is a polite fiction, and John A. Donald is not only running British ships manned by Chinamen, but unquestionably British ships manned by Chinamen who are on the British ships in violation of British law.

That is not all of John A. Donald. This is not his first connection with the United States Government. When I was in Congress before, the attention of Representative J. Van Vechten Olcott and myself was called to a peculiar condition in the Navy Department. On the bottom of every big ship that sails the salt seas there is put what is known as antifouling composition paint. It is expensive, but a necessary paint.

There were two rules in the Navy Department that deserved more than passing attention we thought. One was that only two companies could be admitted into the competition for antifouling composition paint. One was the Holzapfel Co. and the other was the Rathjen, both of foreign origin, although, I think, having ancillary American incorporation. The other rule, without parallel in any department, was that once a bottom was painted with Holzapfel or Rathjen paint, thereafter, so long as that ship remained in the Navy list, it should be painted with Holzapfel or Rathjen paint. Mr. Olcott and I thought those two rules had a slimy suggestion of graft. We went to the then Secretary of the Navy and demanded that American companies should have the right to compete to put American paint on American ships in competition with these foreign companies. The Secretary of the Navy acceded to our reasonable request. They opened the competition to American companies. At the next competition five companies bid. An American company got the contract, and the price that they bid was about 50 per cent of what the Holzapfel and Rathjen people had been charging the Government—and incidentally those companies had been making the Government pay twice as much for antifouling paint on the bottom of their warships as they were selling the Government the same paint for to put on the bottom of the Panama Line where there was not that restriction. This outside company—I have forgotten the name—got the contract. What was the result? From that time to this the United States Navy Department has never advertised another competition for antifouling composition paint. The moment the monopoly of the Holzapfel and Rathjen Cos. was broken the Navy Department commenced to make its own paint, and they are making it yet, what they call standard composition antifouling paint, at the navy yard at Norfolk.

At about the same time my attention was called to some rather peculiar proceedings in connection with the ships of the Panama Line at Panama. On the recommendation of the Panama Commission the War Department had issued an advertisement for antifouling composition paint there, and they had asked for bids on four times as much paint as they could use in any one year.

I laid all the facts before Mr. Jacob M. Dickinson, then Secretary of War, who made an investigation and set the whole procedure aside, because he did not like the smell of it. Curi-

ously enough, thereafter the Panama Commission found out it could make composition paint for the bottoms of their ships, and they ceased advertising. I went down to the office of the commission while the thing was on, and the Army officer in charge said, "Mr. BENNET, you act as though you thought our purchasing department was crooked." I said, "That is what I do think," and, subsequently, Members of this House may recall that members of the purchasing department of the Panama Canal Commission were indicted for graft.

Now, who was the president of the Holzapfel Paint Co. at that time, and who is the president of the Holzapfel Paint Co. at this time? John A. Donald, the man to whom has been turned over the shipping interests of this country.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. FESS. I just wanted to ask a question whether it was the same man who has been put on this new board?

Mr. BENNET. That is the man, the president of a British steamship line, who employs Chinamen in violation of the British law, and who created such a situation six or seven years ago in relation to the American Navy that Republican Representatives protested to a Republican department and got his monopoly broken up; and, of course, there were all sorts of ugly stories about the way his company had retained its monopoly under both Republican and Democratic administrations, because he had had these two Navy orders under both administrations.

But I want to say to this House that the man who is the president of a corporation that has been engaged in a game like that ought not to be intrusted with the power of spending $50,000,000 of the Government's money in the purchase of ships. [Applause.] Why, New York City and the rest of the world is full of ships. There are ships and ships, and if this board is constituted as at present appointed, they will have all sorts of ships offered to them, from friends, from foes, and from neutrals, as one might say, old ships and new ships; and I want to put it plainly up to the Congress of the United States whether they want a man to pass on the expenditure of the money of the United States Government who has the record in connection with this Government that John A. Donald, president of the Holzapfel Paint Co., as I have shown, has.

Mr. GREENE of Massachusetts. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Massachusetts?

Mr. BENNET. I will.

Mr. GREENE of Massachusetts. I want to ask the gentleman if it is not within the power of the United States Senate to reject that nomination?

Mr. BENNET. It is, and they ought to reject it.

Mr. GREENE of Massachusetts. It is for them to take the responsibility if they do not.

Mr. BENNET. The gentleman is quite correct. Not only are the shipping interests of New York City opposed to Mr. Donald, who lives in New York City, but the masters, mates, and pilots of that city are, and I quote from an article in the New York Herald of January 1, an interview with Arthur N. McGrory, secretary of the Neptune Association, composed of masters and mates of ocean and coastwise steam vessels, which fought many years for the provisions of the seamen's act and the shipping act, as the article says. It says further:

In scanning the names nominated for confirmation by the Senate we are simply amazed. We had expected to find on the commission at least one representative of American shipping.

Not one out of the five men is representative of American shipping, and we have 8,000,000 tons of American shipping.

Instead, what do we find? An admiralty lawyer from San Francisco, Mr. Denman, a Democrat, is given the long term of six years; Mr. Baker, of Baltimore, a Democrat, an ex-president of the Atlantic Transport Line, a British steamship company operating under the British flag, is given the five-year term; Mr. Donald, of New York, a Democrat, now president of the Donald Line, another British steamship company operating under the British flag, is given the four-year term; Mr. White, of Kansas City, Mo., a lumber merchant, a Republican, is given the three-year term, and Mr. Brent, of New Orleans, a Republican and a railroad official, is given the two-year term.

The steamships of the Donald Line, with the exception of the British licensed officers, are manned exclusively by Chinese in the deck, engine, steward, and cook departments, even the petty officers being Chinamen. Are we justified in expecting that the only two members of this commission having any steamship experience, whose whole environment has been British, can fulfill the purposes of the act, and can organized labor, which has fought for 20 years to have enacted provisions of law to prevent the employment of Chinese aboard our ships, find any consolation from the appointment of a member of this commission who has been one of the most notorious offenders against their cherished ideals? If Mr. Donald is interested in the development of our merchant marine, why has he, as a patriotic American citizen, failed to avail himself of the act of August 18, 1914, which permitted him to transfer his foreign-built ships to the American flag? Possibly he is waiting until our laws can be further amended so that those foreign-built ships can be admitted to our coastwise trade.

The appointment of a Republican from Louisiana sounds like a joke. The shipping act provides for drastic regulation of steamship rates, and the selection of a railroad official for this purpose baffles my comprehension. I had always thought, and orthodox economists so teach, that water transportation is the chief regulator of rail rates where both are in competition. The reverse process is indicated in this selection. Is it any wonder that Mr. Vanderlip, the president of the National City Bank, the greatest financial institution in the New World, recently designated the United States as a Nation of economic illiterates?

The appointment of a lumberman would seem to indicate that Mr. Dollar, president of the Dollar Steamship Co., who is primarily a lumberman and only secondarily a steamship operator, and who has been the most bitter opponent of organized labor in steamship affairs, would at least be well pleased with this selection. However, as Mr. Dollar has transferred some, if not all, of his ships from the American flag to the British since the passage of the seamen's act, which interfered with his Chinese crews, he may not be interested in this.

[Applause on the Republican side.]

Mr. REILLY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

The CHAIRMAN. The gentleman is recognized for four minutes.

Mr. CANDLER of Mississippi. Well, Mr. Chairman, I would not undertake to occupy so much time as that at this late hour in the afternoon——

Mr. HAUGEN. How much time have I remaining, Mr. Chairman? I will be glad to yield my time to the gentleman.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. HAUGEN. I yield that to the gentleman.

Mr. CANDLER of Mississippi. That is very generous and kind, and I appreciate it very much and thank my friend from Iowa. I was just going to remark that I would not undertake at this late hour in the afternoon to occupy such an extensive length of time as is allotted to me as announced by the distinguished chairman if I had not received this enthusiastic reception immediately upon taking the floor. [Laughter.] And, further, I would not do so even then if I did not see the seats filled with Members of Congress and the galleries overflowing, all of whom would be disappointed if I did not speak [laughter], because the full attendance in the gallery and on the floor is because it was understood, I am sure, that at this moment I would take the floor and address the House and close the general debate on this important bill. [Applause.]

The bill under consideration in my judgment is one of the most important and one of the most beneficial to be presented to the House during this session of Congress. There is no industry in all the land that amounts to as much to the people at large and is more for their benefit, their welfare, and their prosperity than the agricultural business engaged in by the American people. [Applause.]

The truth of it is that this great and beautiful country of ours is in a general sense one great farm, for the reason that every other interest in the United States, of whatever character it may be, is absolutely dependent upon the prosperity of the farm and the production of the agricultural products of the land. Take that away and all the superstructure that stands above it and rests upon it will crumble to the ground, and there will be nothing in the world, from an industrial standpoint, left but desolation, want, misery, and woe. The railroads, factories, and every kind of business would be paralyzed and cease operation, but whenever prosperity permeates this country and reaches the farm and goes into the pockets of the farmers and the producers from the soil, then the prosperity that emanates from that source, like the sunshine of heaven, goes throughout the length and breadth of the land and makes the people happy, joyful, and buoyant. [Applause.]

This bill appropriates, Mr. Chairman, this time the sum of $25,694,685, which, together with the annual fixed appropriations, will amount in round numbers to about $36,000,000. When you take into consideration the great development in the country and the marvelous expansion in this land, and the prosperity such as has never been seen before, all adding to the wealth of the people of the United States, this is a comparatively small sum to appropriate to protect, carry on, and develop the great agricultural interests of America. [Applause.]

A comparatively few years ago, in 1887, I believe it was, the total wealth of the people of the United States of America was, in round numbers, $89,000,000,000, but this country has developed so rapidly that between that year and the present time the wealth of the people of the United States of America has increased to the enormous sum of $228,000,000,000, and, as I said a moment ago, all the prosperity and development that has gone

forward with such a marvelous and rapid stride rests entirely and absolutely upon the development of the agricultural interests of the land, brought about by the faithful and patriotic service rendered by the tillers of the soil. They are the "salt of the earth" and the foundation of all real and genuine prosperity. [Applause.]

Mr. LEVER. Will the gentleman yield?

Mr. CANDLER of Mississippi. I will, with pleasure.

Mr. LEVER. It may also be interesting to state that the year 1887 is coincident with the establishment of the Department of Agriculture.

Mr. CANDLER of Mississippi. That explains largely why this great increase in wealth of this country has taken place, because the work that is being done by this great department is benefiting all the people of the country more, in my judgment, than the work of any other department of this great Government. [Applause.] Let me call your attention to this clipping from the Commercial Appeal, a great newspaper published in Memphis, Tenn., showing our wonderful prosperity. Here it is:

1916 RECORD FOR BUSINESS—WAS GREATEST 12 MONTHS IN COUNTRY'S HISTORY—ALL LINES PARTICIPATE.

The following review of the financial year is furnished the Commercial Appeal through the courtesy of J. J. Thornton, local representative of Bradstreet's agency:

"Nineteen hundred and sixteen was a wonderful year, but that characterization does only partial justice to this latest and greatest 12 months in the country's history. It was said of 1915 that adjectives were lacking fitly to portray that year's progress. So it may be said of 1916, in turn, that comparatives fail to describe the repeated examples of high records set up in nearly all lines of trade and industry, only to be displaced in turn and relegated to the rear by new and hitherto unheard-of totals of industrial production and trade volume, of bank clearings and building expenditure, of transportation earnings on land and on water, of export and import trade in merchandise, in gold and in silver, of mineral output and ship construction, of prices of all commodities, and of high levels of wages paid in most industries and of dividends paid by enterprises of all kinds. It would be far easier, in fact, to single out the lines that did not break records than to attempt to enumerate the multitude of directions in which trade expanded, industry set up new milestones of progress, and finance sought wider fields of exploitation.

"In 1915 the bogy of troublesome liquidation of our own stocks and bonds held abroad was finally laid, and we began to offer a market here for foreign securities; but in 1916 we definitely secured title to our position as a creditor nation, loaned freely to the entire world, and, despite hitherto unequaled purchases by us of belligerent securities, became possessed of gold imports in a volume such as was never before seen. To the spur of foreign war demand, represented by unheard-of quantities of food, munitions, and general merchandise sold abroad, was added a new and record-breaking volume of imports, largely of raw materials to feed our industrial machinery, while at the same time purely domestic trade grew beyond the most sanguine dreams of our merchants and manufacturers."

Here is another clipping from the same paper:

WAS PROSPEROUS YEAR—FARMERS, MANUFACTURERS, MERCHANTS, AND RAILROADS MADE MONEY.

NEW YORK, *December 31.*

Happy New Year. The well-meant prosperity in all ways and things is of unusual significance as 1917 dawns to the business men of this United States. To the very great majority 1916 was prosperous beyond dreams of avarice, much of that prosperity resulting from the awful war, but it came to the lowest-waged laborer and thence upward through all classes of society to the greatest capitalists.

Too often prosperity is measured by stock-exchange experience, doubtless because these are better advertised than is the case with any other business. But that is not prosperity itself, only its reflection.

Farmers and their dependents, practically 40 per cent of the population, never had a better year in spite of short crops, due to tremendous prices received for what was grown. No crop was an exception.

Manufacturers never saw such a year, with most earning from 50 per cent to 150 per cent, and even greater on capital employed, so that their end of the year reports to mercantile agencies are truly astounding in revelation of real prosperity.

Merchants had similar experiences.

Railroads made more than $1,000,000,000 net, surpassing anything of record.

Financial institutions all made money.

Only the salaried man was on the outside, and to him in more cases than ever before came the welcome "bonus," so that he, too, had at least cause of thanksgiving.

All this is history, but leads up to prospects for the happy new year. Therefore, what are the chances that this opening wish will be granted to all the people?

Nothing worth while can be accomplished without money and credit. Up to two years ago this country had some money and could extend some credit. Beginning with 1917, it has more money, including gold, than any nation, and it has turned completely around from debtor to creditor in fabulous amounts. It has a real banking and currency system—thanks to the Federal reserve act—which assures to every manufacturer and merchant easy money, and to any amount for any legitimate enterprise. Moreover, for the first time there are to be foreign agents of these reserve banks to finance export trade, and hence to stimulate it. "Acceptances" negotiable in normal times at any financial center of the world have come into use for the American man, and some time this year he will appreciate what it means. Just now it is new to him. So much for general trade.

Big business provided for as above and heretofore even it had to take chances where it now enjoys certainty, how about the middle stratum—the farmer and his dependents? Provision has just been made for him in the farm-loan banks. Heretofore he has been at the mercy of his local bank and subject to the agony of the maturing mortgage which he can not pay. Hereafter he can get his money at a reasonable rate. Crops were bad in 1916. There have never been two years in succession of bad crops in this country. Possibilities are here for a happy new year to the farmers.

Taking it all in all, from the farmer to the capitalist, prospects never were better than on this January 1 for a truly happy new year.

[Applause.]

So, Mr. Chairman and gentlemen of the House, when you take into consideration the great wealth of our people, this enormous accumulation of wealth, and increase of wealth that has come to the American people, and then take into consideration the fact that the prosperity of all depends upon the productions of agriculture, the sum of $36,000,000 for the purpose of developing, for the purpose of fostering, for the purpose of encouraging all the business of the people of this country who make possible this enormous wealth of $228,000,000,000, is a very small sum indeed. [Applause.] We are the richest Nation in the world, and growing richer all the time.

As was stated by the gentleman from Wisconsin [Mr. REILLY] a moment ago, those who are on the farm are the ones who are helping the country more in a material way than any others. As he further said, it is necessary to encourage the development of the farm and secure that development in order to make it profitable, and in order to accomplish that result it is necessary to furnish the means that are being used by this department; and I agree with him that many more millions could be expended profitably through the Department of Agriculture if greater appropriations were made by Congress, which would greatly benefit every man, woman, and child in this great country. [Applause.]

The increases of the appropriations for the Department of Agriculture have not been in proportion to the development of the country. I have always been an economist. Gentlemen who have served with me upon the floor of this House during the years I have been here and who have doubtless noticed, I dare say, my votes, know that I have voted in the interest of economy and have voted only for those measures which were necessary for the welfare of the people in the different sections, and, for that matter, in all sections of our great country. I have never given my consent to or my vote for appropriations of any character or legislation of any kind unless I was convinced that the appropriations and legislation were for the good of the people, for the development of the country, and for the best interests of this Nation. [Applause.] But during the years I have served in this House I have advocated increased appropriations for the Department of Agriculture. [Applause.] I believe now if some of the other appropriations were reduced and the money applied to the work of this department the money would be better and more profitably spent. The Agricultural Committee, of which I am proud to be a member, gave this bill very careful study. The expenditures provided for it are conservative and necessary, and I trust that the bill will in its entirety receive the enthusiastic and generous support of the membership of this House. Vote for it, and when you do so be assured you are doing that which is best for your own constituents, my constituents, and all the people throughout this magnificent Republic. [Great applause.]

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19859) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will report.

The Clerk read as follows:

WILKES-BARRE, PA., *January 4, 1917.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.:

I request leave of absence for a few days, on account of important business.

JOHN J. CASEY.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Friday, January 5, 1917, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KETTNER: A bill (H. R. 19617) to incorporate the National Association of Life Underwriters; to the Committee on the Judiciary.

By Mr. Watkins: A bill (H. R. 19618) providing for the survey of Dorcheat River in Webster, Bienville, and Bossier Parishes, La.; to the Committee on Rivers and Harbors.

By Mr. HILLIARD: A bill (H. R. 19619) to amend the Federal farm-loan act by providing for the establishment of the thirteenth Federal farm-land bank district, to be composed of the States of Colorado, Wyoming, Utah, and New Mexico, and to establish a Federal land bank therein at Denver, Colo.; to the Committee on Banking and Currency.

By Mr. SMITH of Texas: A bill (H. R. 19620) to authorize the sale of the plant of the Garden City reclamation project, Kansas, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. LLOYD: A bill (H. R. 19621) to authorize the payment of the postage by the sender of mail matter on replied thereto at regular rates and 50 per cent in addition thereto; to the Committee on the Post Office and Post Roads.

By Mr. BORLAND: Resolution (H. Res. 431) providing for the consideration of House resolution 389; to the Committee on Rules.

By Mr. LEVER: Resolution (H. Res. 432) providing for the consideration of an amendment to H. R. 19359; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENEDICT: A bill (H. R. 19622) granting a pension to Maude Deignan; to the Committee on Pensions.

Also, a bill (H. R. 19623) granting a pension to Joseph C. Betancue; to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 19624) granting an increase of pension to Charles W. Everson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19625) granting an increase of pension to William J. Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19626) granting an increase of pension to August Krause; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19627) granting an increase of pension to Jacob F. Minch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19628) granting a pension to Lizzie J. Hoadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19629) granting an increase of pension to Anna Smith; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 19630) for the relief of Thomas Campbell; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 19631) for promotion of Edward Lloyd, major, United States Army (retired), to position and rank of lieutenant colonel, United States Army (retired); to the Committee on Military Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 19632) granting a pension to Lottie Kyle; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 19633) granting an increase of pension to Thomas E. Winfield; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 19634) granting a pension to Martin Tepper; to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 19635) granting an increase of pension to James Beyea; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 19636) granting a pension to Walter M. Bingham; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 19637) granting an increase of pension to Edward C. Roll; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19638) granting an increase of pension to Calvin M. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19639) granting an increase of pension to Jesse H. Woodcock; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 19640) granting an increase of pension to A. M. Stanger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19641) granting an increase of pension to Minnie O'Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19642) granting an increase of pension to Jacob Lyons; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 19643) granting an increase of pension to Charles Schiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19644) granting an increase of pension to John W. Reed; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19645) granting an increase of pension to Bridget J. McCarthy; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 19646) granting a pension to Christian Broemer; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19647) granting an increase of pension to Mary L. Papineau; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 19648) granting an increase of pension to Harvey Bartley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19649) for the relief of Julius Zanone; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 19650) granting an increase of pension to Cyrus S. White; to the Committee on Pensions.

Also, a bill (H. R. 19651) granting an increase of pension to Franklin J. Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19652) granting a pension to Thomas J. Scanlon; to the Committee on Pensions.

Also, a bill (H. R. 19653) granting a pension to Charles T. Abshire; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 19654) granting an increase of pension to Arthur Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19655) granting an increase of pension to P. R. Sines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19656) granting an increase of pension to Wesley A. Taylor; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 19657) granting an increase of pension to Jasper N. Cummings; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 19658) granting an increase of pension to Emma E. Stouder; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 19659) granting a pension to Maud Perkins; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 19660) granting an increase of pension to Ezra Aspey; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 19661) granting a pension to George W. Crowder; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 19662) granting an increase of pension to John W. Pence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19663) granting an increase of pension to John Wharton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19664) granting an increase of pension to Peter Heis; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 19665) for the relief of the widow of S. S. Allen, deceased; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 19666) granting an increase of pension to Hiram S. Scott; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 19667) granting a pension to Rosco Wilkins; to the Committee on Pensions.

Also, a bill (H. R. 19668) granting a pension to William Raymer; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 19669) granting an increase of pension to William W. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19670) granting an increase of pension to Isaac J. Ledbetter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19671) granting an increase of pension to Henry J. Loughmiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19672) granting an increase of pension to John Cavin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19673) granting a pension to James E. Braddock; to the Committee on Pensions.

Also, a bill (H. R. 19674) for the relief of Rudolph Seiler; to the Committee on Military Affairs.

Also, a bill (H. R. 19675) for the relief of Andrew J. McCutchen; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: A bill (H. R. 19676) granting a pension to Josephine G. Linn; to the Committee on Pensions.

Also, a bill (H. R. 19677) authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Medicine Bow National Forest upon the surrender of other lands of an equal acreage, also located in the Medicine Bow National Forest, Colo.; to the Committee on the Public Lands.

By Mr. TREADWAY: A bill (H. R. 19678) granting an increase of pension to John H. Wells; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 19679) granting a pension to Albert A. Marshall; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Bakery and Confectionery Workers' International Union of America, against prohibition in any form; to the Committee on the Judiciary.

Also (by request), memorial of General Henry W. Lawton Camp, No. 4, United Spanish War Veterans of the District of Columbia, favoring passage of bill preventing desecration of the American flag; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Ashland Lodge, No. 767, Loyal Order of Moose, of Ashland, Ohio, against increase in postal rates on newspaper publications; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of F. E. Hetrick, James Mangus, H. A. Cuppels, P. J. Brennan, O. M. Stineman, S. S. Penrod, Albert Frye, Joe Bahle, Charles N. Crouse, George F. Gorman, C. H. Penrod, Edwin Bopp, Louis Steanch, jr., Alexander Ferguson, E. R. Burkett, H. Y. Burkett, Samuel Cassel, Paul Johnson, Abe Mandelstein, Harry Seagel, E. J. Burtnett, H. W. Malle, S. H. Mandelstein, C. E. Paul, Howard C. Fry, J. B. Custer, Cyrus Fry, Charles Clark, Ira E. Coleman, Frank Chrissey, R. C. Burtnett, John W. Custer, William T. Hale, C. H. Bottischer, Edwin Walls, Clarence Fox, John D. Wicks, Daniel Ressler, J. P. McCalla, A. C. Lanobey, Peter Say, Redington Reighard, John C. Bauerle, M. Zeigler, D. E. Bayer, John Roberts, W. C. Crawford, Evan Jones, John Koontz, and Arthur Truscott, all of South Fork, Pa., for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE: Petition of Local Union No. 89, Branch 2, of the International Union of United Brewery Workmen, of Jefferson, Wis., protesting against the passage of bills for Nation-wide prohibition, etc.; to the Committee on the Judiciary.

Also, petition of 32 post-office clerks, carriers, and railway mail clerks of Sheboygan, Wis., asking for increase in salary; to the Committee on the Post Office and Post Roads.

Also, petition of Watertown-Portage (Wis.) branch of the tenth division of railway mail clerks, for an increase of $200 per annum for all railway mail clerks and substitutes; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Marks & Clerk, of New York City, against abolishing pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Union Label Trades Department, against increase of postage rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of sundry citizens of the State of New Jersey, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. ESCH: Petition of sundry citizens and church organizations of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

Also, papers in support of House bill 19455, granting a pension to Lilla J. Darling; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of 338 citizens of the State of Michigan, favoring embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: Petition of citizens of Huntingdon and Waynesboro, Pa., favoring prohibition bills; to the Committee on the Judiciary.

Also, evidence in support of House bill 12860, for the relief of John F. De Wire; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Local Union No. 2706, United Mine Workers of America, South Wilmington, Ill., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Union of United Brewery Workmen of America, Local Union No. 33, of Peru, Ill., opposing national prohibition; to the Committee on the Judiciary.

Also, petition of Rockford (Ill.) Typographical Union, No. 213, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of Massachusetts Council, Friends of Irish Freedom, Pittsfield, Mass., urging Congress to see that delegates to the proposed peace conference act as the champions of Irish freedom, etc.; to the Committee on Foreign Affairs.

By Mr. GARDNER: Petition of Roy E. Morse, of Amesbury, Mass., favoring increased compensation for rural free delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Indian Hill Council, No. 11, Junior Order United American Mechanics, West Newbury, Mass., protesting against the proposed increase in the postage rates on magazines and periodicals; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Memorial of Oscar A. Smith, of Lancaster, Pa., relative to Stevens-Ashurst price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 19023, for the relief of Luther Martin; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 19024, for the relief of M. F. Allyn; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petition of Capt. P. D. Kenyon and others, of Oklahoma City, favoring retired Volunteer officers' bill; to the Committee on Military Affairs.

By Mr. MORIN: Petition of the Butler Street Methodist Episcopal Church, of Pittsburgh, Pa., by Frederick Spielman, president, and William G. Thomas, secretary, with reference to an amendment to the Constitution preventing polygamy; to the Committee on the Judiciary.

Also, petition of the Allegheny County Branch of the German-American Alliance of Pennsylvania, August Buchholtz, secretary, with reference to an embargo on foodstuff; to the Committee on Interstate and Foreign Commerce.

By Mr. SLEMP: Petition of employees of post offices in Virginia, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of C. A. Hubbard, of Kalamazoo, Mich., against House bill 18986 and Senate bill 4429, mail-exclusion bills; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Petition of sundry citizens of Crookston, Minn., favoring legislation which restores to the public and conserves the water power, forest, and mineral resources of the United States; to the Committee on the Public Lands.

Also, petition of Obert Fossay, president, and M. G. Steen, secretary, Oak Mound Farmers' Club, Moorhead, Minn., protesting against proposed embargo on foodstuffs and farm products; to the Committee on Interstate and Foreign Commerce.

Also, petition of Commercial Club of Crookston, Minn., and Boxville Farmers' Club, of Warren, Minn., protesting against embargo on foodstuffs and farm products; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Papers to accompany House bill 19508, granting an increase of pension to John U. Whitford; to the Committee on Invalid Pensions.

By Mr. SWEET: Memorial of citizens of Waterloo, Iowa, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Council Bluffs (Iowa) Chamber of Commerce, favoring change of naturalization laws; to the Committee on Immigration and Naturalization.

Also, memorial of Waterloo (Iowa) Women's Club, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. VAN DYKE: Petition of the Golden Rule Department Store, of St. Paul, Minn., against passage of the Stephens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. WASON: Memorial of the Woman's Christian Temperance Union Institute, of Grafton County, N. H., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *January 5, 1917.*

(Legislative day of Thursday, January 4, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Page	Smith, S. C.
Beckham	Johnson, S. Dak.	Phelan	Smoot
Brandegee	Jones	Pittman	Sterling
Bryan	Kenyon	Poindexter	Swanson
Chamberlain	Kirby	Pomerene	Thomas
Chilton	Lane	Ransdell	Thompson
Clapp	Lewis	Robinson	Tillman
Clark	Lodge	Saulsbury	Townsend
Culberson	McCumber	Shafroth	Vardaman
Curtis	Martin, Va.	Sheppard	Walsh
Fletcher	Martine, N. J.	Sherman	Watson
Gronna	Nelson	Simmons	Works
Hardwick	Norris	Smith, Ga.	
Hitchcock	Oliver	Smith, Md.	
Hollis	Overman	Smith, Mich.	

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness.

Mr. JOHNSON of South Dakota. I desire to announce that the Senator from Wisconsin [Mr. HUSTING] is unavoidably absent.

Mr. HUGHES. I wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES] on account of illness.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained at his home through illness.

Mr. CLARK. I wish to announce the unavoidable absence of my colleague [Mr. WARREN]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present. The Senator from California [Mr. WORKS] is entitled to the floor.

Mr. CHAMBERLAIN. Will the Senator from California permit me to interrupt him to request the consideration of a resolution asking for information from one of the departments?

Mr. WORKS. I yield for that purpose.

GENERAL EDUCATION BOARD.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 307), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is hereby requested and directed to furnish to the Senate the following information: The relation, if any, of the organizations known as the General Education Board of the Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate enterprise to the work of the Bureau of Education; a statement showing the names and positions of all employees, if any, of the Bureau of Education whose salaries are paid in whole or in part from funds contributed by the Rockefeller Foundation, the Carnegie Foundation, or from any other private or corporate funds or from funds derived from any source other than the Government of the United States; the names and positions of all administrative or other officers, if any, of the Bureau of Education who are in any way connected with the work of the General Education Board of the Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate enterprise, and the salaries, if any, received by them from the said Rockefeller Foundation, the Carnegie Foundation, or any other private or corporate or other source than the Government of the United States.

SENATOR FROM WASHINGTON.

Mr. JONES. Mr. President, it is with pleasure that I present the credentials of my colleague [Mr. POINDEXTER], elected to the United States Senate. I ask that they be read.

The credentials were read and ordered to be filed, as follows:

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT, OLYMPIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, MILES POINDEXTER was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

In witness whereof I have hereunto set my hand and caused the seal of the State to be affixed at Olympia this 28th day of December, in the year of our Lord 1916.

[SEAL.] ERNEST LISTER, *Governor.*

By the governor:

I. M. HOWELL, *Secretary of State.*

PEACE OVERTURE.

Mr. JONES. Mr. President, with the leave of the Senator from California, I desire to present an amendment which I intend to propose to the resolution of the Senator from Nebraska [Mr. HITCHCOCK]. I ask that it may be read, printed, and lie on the table.

The PRESIDENT pro tempore. Without objection, the amendment will be read.

The SECRETARY. It is proposed to amend Senate resolution 298 as follows:

Strike out the words "action taken" and insert the word "request."
Strike out the word "sending," in line 2.
In line 4 strike out the words "suggesting and recommending."

So that if amended the resolution would read as follows:

Resolved, That the Senate approves and strongly indorses the request by the President in the diplomatic notes of December 18 to the nations now engaged in war that those nations state the terms upon which peace might be discussed.

Mr. NORRIS. Mr. President, I wish to present an amendment to Senate resolution 298.

The PRESIDENT pro tempore. Does the Senator from California yield?

Mr. WORKS. I yield for that purpose.

Mr. NORRIS. I ask that the Secretary read the amendment to the so-called Hitchcock resolution that I offer and also read the resolution as it would read if amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. In line 4 of the resolution strike out the words "suggesting and recommending" and insert in lieu thereof the words "in so far as said notes recommend," so that if amended the resolution would read as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war in so far as said notes recommend that those nations state the terms upon which peace might be discussed.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. WORKS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

DOWNWARD TENDENCIES OF GOVERNMENT AND CITIZENSHIP.

Mr. WORKS. Mr. President, I am soon to turn back to the people of California the trust they imposed upon me by electing me a Member of this body. I do so voluntarily, without regret, and with entire satisfaction. I came to the Senate too late in life to render any great or lasting service to my country if I were otherwise competent and able to do so, but not too late to learn by experience some valuable lessons and to acquire most important information respecting some of the weaknesses of our form of government and its administration and the dangers that are confronting the Nation now and which may, unless jealously guarded against, threaten, if not destroy, our republican institutions; lessons that should be taught to every American citizen, especially of the younger generation, and information that should not be withheld from them—information that may put them on their guard and serve to make them better, more loyal, more patriotic citizens.

I am a very sincere believer in the beneficence and practical value to the human race of our form of government. The men who founded the Government and framed the Constitution for the guidance and protection of its people builded wiser and better than they then knew. Human foresight could not have disclosed to them the future growth and greatness of the country, its future relations with other nations of the world, its vast trade and commerce at home and abroad, and the complications and vexing problems that must arise under these changed conditions. It is one of the wonders of their wisdom and forethought and their anxious desire to lay the foundations of the Government deep and sure that the form of government devised by them and the Constitution they established has served every purpose of the Government, with all its growth and expansion, with but slight changes, for more than a century. They laid the foundation of a Government of 13 States, with a population of less than 4,000,000 people. It has now become a Nation of 48 States, some of them greater and more powerful and with a population in each of them greater than the entire Nation at the time the Constitution was adopted, and the population of the entire Nation exceeds 100,000,000 people. The fact that we might become an imperial Government and acquire control of and govern foreign territory inhabited by peoples of another tongue than our own was not contemplated by the framers of the Constitution. And yet its provisions, its authority, its limitations have been sufficient to meet the necessities, the complications, and the increased obligations of the Nation as a great world power. Their work is one of the greatest wonders of the world.

Mr. President, I have no doubt of the efficiency of our form of government. Rightly administered and patriotically pre-

served and protected, the Government will endure for all time and stand as a safe and lasting protection of its people in their lives and their liberties. The dangers to the Republic and the liberties of its people do not arise from any weakness or defect in our form of government, but from a departure from its principles, the maladministration of its affairs, the failure to observe and enforce its free principles, and the disregard and violation of the provisions and particularly the limitations of the Constitution. That these things are being done repeatedly, day after day, no one who has served in this body as long as I have can entertain the slightest doubt. That they are perilous to our free institutions and may, and, if persisted in, will eventually compass their destruction, is certain. Thomas Jefferson, one of the greatest statesmen of his time, and a profound believer in the wisdom of our form of government, was apprehensive of the dangers that are now actually confronting us and of the effect of a disregard of the limitations of the Constitution. His greatest fear, often affirmed, was of the unwarranted usurpation by the courts of a power not given them. Subsequent events have amply proved that his fears were not without foundation. The Constitution relating to the powers of the National Government as they affect the sovereign rights of the States has been so expanded to meet apparent necessities as to make it in many respects a wholly different Constitution from that designed and formulated by its framers and as understood and construed by them. Some of the decisions of the court of last resort are practically amendments to the Constitution brought about without the assent of the people given in the manner provided in the Constitution itself. But this stretch of authority by the judicial department of the Government is insignificant when compared with the encroachments on the Constitution and usurpation of authority by the President of the United States, the head of the executive department.

It is my purpose to deal freely, frankly, and without reservation with present and past conditions and tendencies and their probable, if not certain, effects upon the future destinies of the country and its people. Before passing to the discussion of particular evil tendencies, let me say a word on the general subject of the decay and downfall of nations and the fears of some of our own countrymen for the future of this Republic.

It is sometimes maintained that nations, like men, grow from infancy to manhood or full growth and then decline in strength and life until final dissolution. Draper in his Intellectual Development of Europe takes the unqualified position that nations like individuals are born, grow, and crumble away by the process of their own growth. Be this as it may, there are evils that afflict the life of a nation just as men are afflicted with disease and these may sap the vitality and hasten the decay and final downfall and dissolution of the nation as the death of man is hastened by disease.

In the preface to An Inquiry into the Permanent Causes of the Decline and Fall of Powerful and Wealthy Nations, by William Playfair, published in 1805, the author quotes Edmund Burke as saying:

> In all speculations upon men and human affairs it is of no small moment to distinguish things of accident from permanent causes and from effects that can not be altered. I am not quite of the mind of those speculators who seem assured that necessarily and by the constitution of things all States have the same period of infancy, manhood, and decrepitude that are found in the individuals who compose them. The objects which are attempted to be forced into an analogy are not founded in the same classes of existence. Individuals are physical beings, subject to laws universal and invariable; but commonwealths are not physical, but moral essences. They are artificial combinations, and in their proximate efficient cause the arbitrary productions of the human mind. * * * I doubt whether the history of mankind is yet complete enough, if ever it can be so, to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a State. I am far from denying the operation of such causes, but they are infinitely uncertain and much more obscure and much more difficult to trace than the foreign causes that tend to depress and sometimes overwhelm society.

In commenting on this statement of Mr. Burke the author says:

> The writer, who has thus expressed his skepticism on this sort of inquiry, speaks at the same time of the importance of distinguishing between accidental and permanent causes. He doubts whether the history of mankind is complete enough, or if ever it can be so, to furnish grounds for a sure theory on the internal causes which necessarily affect the fortune of a State. Thus he not only admits the existence of permanent causes, but says clearly that it is from history they are discoverable, if ever their discovery can be accomplished. This is going as far as we could wish, and as for the sure theory we join issue with him in despairing of ever obtaining one that will deserve the name of sure.
>
> * * * * * * *
>
> When the Romans were in their vigor their city was besieged by the Gauls and saved by an animal of proverbial stupidity, but this could not have happened when Attila was under the walls and the energy of the citizens was gone. The taking or saving the city in the first instance would have been equally accidental and the consequences of short duration, but in the latter days the fall of Rome was owing to permanent causes and the effect has been without a remedy.
>
> It is, then, only concerning the permanent causes—that is to say, causes that are constantly acting and produce permanent effects—that we mean to inquire, and even with regard to those it is not expected to establish a theory that will be applicable with certainty to the preservation of a State, but merely to establish one, which may serve as a safe guide on a subject the importance of which is great beyond calculation.
>
> There remains but one other consideration in reply to this, and that is, whether States have necessarily by the constitution and nature of things the same periods of infancy, manhood, and decrepitude that are found in the individuals that compose them. Mr. Burke thinks they have not; and, indeed, if they had, the following inquiry would be of no sort of utility. It is of no importance to seek for means of preventing what must of necessity come to pass; but if the word necessity is changed for tendency or propensity, then it becomes an inquiry deserving attention, and as all States have risen, flourished, and fallen there can be no dispute with regard to their tendency to do so.

It must be observed also that the nature and kind of government should be taken into account in any effort to determine the effects upon its future life and efficiency of given evils that may have entered into its social and economic affairs or its administration. In theory at least our own Republic is governed by the people, through representatives chosen by them in the manner provided by law. It is not a pure democracy, but a representative democracy properly denominated a Republic. Such a government may be destroyed by taking away from the people its control and administration. It may by acts of usurpation on the part of its chosen representatives be converted into a despotism under a dictator, made so by his own assumption and exercise of unwarranted and unlawful power; and the union of the States may be destroyed by the usurpation of unconstitutional power on the part of the Federal Government, thus making it a centralized, despotic government ruled by one man, completely destroying popular and free government and converting it into something much worse than a lawfully constituted monarchy. And, sir, that is the greatest danger that is confronting this Nation now, as I shall show presently, and it is a growing menace to free popular government.

In the very interesting book to which I have just referred it is further said, in justification of the efforts of the author to trace the causes of the decay of nations:

> The history of 3,000 years, and of nations that have risen to wealth and power, in a great variety of situations, all terminating with a considerable degree of similarity, discovers the great outline of the causes that invigorate or degrade the human mind and thereby raise or ruin states and empires.

By almost common consent there are two recognized causes of national decay, namely, inordinate wealth and great power exceeding that of other nations. Gibbon in his Decline and Fall of the Roman Empire says:

> The decline of Rome was the natural and inevitable effect of immoderate greatness. Prosperity ripened the principle of decay, the causes of destruction multiplied with the extent of conquest, and as soon as time or accident had removed the artificial supports the stupendous fabric yielded to the pressure of its own weight.

Ferrero in his Greatness and Decline of Rome couples with this the loss of power on the part of the senate, the indifference of the aristocracy to the affairs of the empire and the interests of the people. Lecky in his History of European Morals attributes the decay of Rome to three great causes—the imperial system, the institution of slavery, and the gladiatorial shows—and says:

> The theory of the Roman Empire was that of a representative despotism. The various offices of the Republic were not annihilated, but they were gradually concentrated in a single man. The senate was still ostensibly the depository of supreme power, but it was made, in fact, the mere creature of the Emperor, whose power was virtually uncontrolled.

Mr. President, if we substitute the President of this Republic for the Roman Emperor and the Congress of the United States for the Roman Senate, we have here a *not* inaccurate description of the condition to which we are rapidly tending. Wealth results in enervating and corrupting idleness and luxury, and excessive power and greatness leads to encroachments upon other countries, conquest, and the acquisition of foreign territory. That our own Nation is now feeling the evil effects of its growing wealth and power, tending to its final destruction, no observing and thoughtful man will presume to deny. The great problem is whether the good sense and patriotism of the masses of the American people, especially of the so-called middle class, are going to be able to withstand this downward tendency of government and preserve the Nation in the form in which our ancestors handed it down to us. I have great faith in the patriotism and manhood of the American people. I believe if they are warned in time and made to comprehend the dangers threatening their Government, they will meet and overcome those dangers by their loyal support of the principles upon which the Government is founded. But, sir, they need to be warned. An earnest appeal to their loyalty and love of liberty

at such a time and in the face of impending danger to the most cherished principles of freedom and independence of the State and the individual can not be out of place in this Chamber.

Again, turning to the book from which I first quoted, we find this relating to the experience of the Roman Empire that is not without significance as applied to our own present condition:

After the great influx of wealth had corrupted Rome, its public expenses increased at an enormous rate, till at last that portion of the tribute exacted from the Provinces which it pleased the armies and the generals to remit to Rome became unequal to the expenditure. Taxation of every kind then became necessary in Italy itself, and the evils that attend the multiplication of imposts were greatly augmented by the ignorant manner in which they were laid on, by men who understood little but military affairs, added to the severe manner in which they were levied by a rude, imperious, and debauched soldiery.

The enormous expenses of our Government, constantly increasing, and the great increase in our Army and Navy, when we look back at the awful experience of other nations, should give us pause and lead us to look to our own tendencies downward.

The book from which I have been quoting was written more than a hundred years ago, but it contains much matter worthy of thought and consideration. If we come down to later times and consider the words of wisdom coming from our own countrymen and other statesmen and students of the history of nations, we have even greater reason to look into the conditions and tendencies of our own Republic and the manners of its people. These I shall consider more in detail when I come to deal with specific evils threatening to our own Nation.

The late Lord Roberts, the great English general, believed that one of the great causes of national degeneracy and decay is overcivilization and that the remedy for it is war.

I am not willing to accept the theory that war is a necessary or even an efficient means of regenerating a profligate or venal government. There must be a higher and more efficient means than this. Civic virtue, or true patriotism, can not come out of the horrors of wholesale murder. A corrupt nation that goes to war will inevitably sink again to this low standard when the war is over. The remedy lies in the better education of the people, an aroused patriotism, and, in a government of the people, a truer sense of the individual duty and responsibility of its citizens.

Having thus briefly and inadequately dealt with the general subject, and especially the dangers that confront every nation whatever its form of government, I pass to a more detailed consideration of some of the specific evils that are threatening the perpetuity of our own Republic.

EXECUTIVE USURPATION OF POWER.

As a fitting text for what I am about to say on the subject of executive usurpation of power, I take the following plank of the Democratic platform of 1912:

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of the Federal Government—the executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

Many of the planks of that platform have been ruthlessly violated in practice by this administration, which came into power under it, but none more openly and flagrantly than this one. We look in vain in the Democratic platform of 1916 for a renewal of this wholesome pledge.

As I have pointed out, the fear of judicial usurpation of power was uppermost in the mind of Mr. Jefferson, but he and others were able to see the danger now confronting us of the unwarranted and unconstitutional usurpation of power by the President, amounting, practically, to a dictatorship, and the complacent surrender of its powers and functions and abandonment of its duties and obligations by the Congress of the United States. The tendency toward centralized, unchecked, and unlimited power on the part of the President has existed for some years past and has grown rapidly worse and more offensive in the last four years. Never in the entire history of the country has the President so completely and defiantly usurped the law-making powers of the Government and dictated and forced the course of Congress, and never has the Congress been so submissive or subservient to a power outside itself. Never in all our history have we come so near to a despotic government by a dictator as during the last four years.

Members of Congress have, under the lash of Executive and party domination, surrendered their conscientious convictions and voted against their own sentiments of right and justice. We have on the statute books to-day not one but many enactments that are the laws of a dictator and not the free and voluntary acts of the Congress, and we have men holding offices of the highest trust whose confirmation was the result of this same dictatorial power and not the free and voluntary action of this body.

In a speech delivered by me March 6, 1914, in this Chamber, on "One year of Democratic rule," I had this to say on this subject:

Mr. President, I come now to comment on what I consider one of the most important of the questions that are confronting Congress to-day, if not the most important of them all, and that is the evident purpose of the Executive to dominate and control the legislative branch of the Government. I have had occasion to speak of it before and since this administration came into power. It was bad enough under previous administrations, but in this one it has increased a hundredfold over anything that has been known in the past. This dominating influence has become so insistent and continuous, and has been submitted to so slavishly by the majority of Congress, that the independence and usefulness of the legislative branch of the Government are both threatened. It has been so asserted and exercised and obediently submitted to that we have come perilously near to a dictatorship. The President has not contented himself by advising what measures should be considered by Congress and vetoing them if they do not meet his approval, as the Constitution authorizes him to do. He has demanded that certain legislation shall be enacted, has insisted upon Congress remaining in session until the laws he insists upon are enacted, and the secret caucus is made the instrument with which to enforce his will. As a consequence we have laws on the statute books that are in effect, and in reality, Executive orders and not legislative acts. They are legislation of and enacted by the executive department and not by Congress. It is a condition that should attract the serious attention of the whole country. We have three distinct departments of government. They were intended by the framers of the Constitution to be independent of each other. It has, up to a very late period, been regarded as absolutely necessary to the liberty of the people and the public welfare that this independence should be maintained.

I then quoted, and now repeat, the wise caution of George Washington in his Farewell Address, in which he said:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories and constituting each the guardian of the public weal against the invasions of the others has been evidenced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates; but let there be no change by usurpation, for though this in one instance may be the instrument of good it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

And in the case of Kilbourn *v.* Thompson (103 U. S., 190) the Supreme Court of the United States had this to say on this important subject:

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to Government, whether State or National, are divided into the three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the power confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.

The court, in its opinion, referred to some exceptions to the general rule including the influence of the President over legislation by veto and the power of the Senate to participate in appointments to office, but these do not affect the question I am now discussing.

Mr. Jefferson, who, as I have said, was fearful of the effect of the undue assumption of power on the part of the President and his control over other departments of Government, has this to say:

I said to the President [Washington] that if the equilibrium of the three great bodies, legislative, executive, and judiciary, could be preserved, if the legislature could be kept independent, I should never fear the result of such a government, but I could not but be uneasy when I saw that the executive had swallowed up the legislative branch.

* * * * * * *

What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian senate.

The President of the United States, by the Constitution, is possessed of greater power than most monarchs or kings. He is not only President of the Republic, but is Commander in Chief of both the Army and Navy, and is vested with full and unrestrained power in the administration of the Government's affairs and the execution and enforcement of its laws. It would seem that powers so vast as these would satisfy the ambition of any man.

Let me call attention to some of the flagrant unwarranted assumptions of power on the part of the President.

PANAMA CANAL TOLLS.

The Democratic platform under which the present administration came into power declared in respect of the Panama Canal:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

This platform declaration was supported by the President in his campaign for election. In conformity to it a law was passed exempting such ships from the payment of tolls. Soon after his election, in a message to Congress, he practically demanded that this free-toll clause in the law be repealed. He gave no specific reason for this change of sentiment on his own part or for his demand that the platform of his party should be violated by Democratic Members of Congress.

Leading Democratic Members of both House and Senate had not only voted for this exemption clause in the statute but had made speeches in its favor. On the demand of the President, and for no other apparent reason, the same Members made speeches in favor of repealing the statute that they had so earnestly advocated, and voted for its repeal. The President was not content with recommending the repeal in his message. This was entirely within his constitutional powers. He urged it upon individual members of Congress in such way as to amount practically to a threat. He descended to the level of a common lobbyist made infinitely worse by the fact that as such his great office gave him a power and influence far exceeding that of all other lobbyists. This change of front on the part of Congress was a most humiliating spectacle. The lack of moral courage displayed by the legislative branch of the Government was a grave menace to good government. The conduct of the President was that of a dictator and not the act of a President of the United States. It was the act of a public official who either did not understand or was willing to violate the constitutional limitations of power by which he should have been controlled.

TRUST AND OTHER LEGISLATION.

When the Democratic Party came into possession of the Government, apparently next to getting control of all the offices its one desire and ambition was to pass some popular legislation that would perpetuate it in power. The people had been made to believe that antitrust legislation was necessary for the protection of the public interest; that we must have better banking and currency laws; that some means must be devised to enable the farmers to obtain additional credit and more easily borrow money and run into debt; that organized labor needed better protection; that the merchant marine needed legislative aid; and that Federal child-labor laws must be enacted for the better protection of children who were compelled by circumstances to engage in manual labor. Other laws were conceived to be necessary for the common good. The idea that such laws would be beneficial and for the general good was proclaimed and made popular. When this was done it was only necessary, in order to gain public favor, to enact laws properly labeled as antitrust, banking and currency, rural-credit, or child-labor laws. Whether they were good or bad, whether they were actually needed or not, that was of but little consequence. Up to the present time none of them have proved to be of any practical value, and in all probability never will be, but the people generally could not know this. Indeed, no one can tell today whether these much-boasted laws have served, or ever will serve, the public interests. But that made but little difference. They did serve the interests of the Democratic Party. They were heralded broadcast as the greatest legislative achievements in the history of the Government. Whether this claim had any merit other than a means of deceiving the public and securing votes time alone will tell. I venture to predict that the pretense that these laws were in the public interest will prove in the end to be almost, if not wholly, unfounded.

But, sir, I am not so much concerned just now as to the merits of these several laws as I am in the means by which they were enacted. They may not of themselves do any great harm if they do no good, but if they found their way onto the statute books through the exercise of unwarranted and unconstitutional power on the part of the executive department of the Government, that is a matter of transcendent importance. That the enactment of most of them was procured by such means we all know. They were first recommended by the President. In making this recommendation, if made by a message or messages to Congress in the manner authorized by the Constitution, the Executive was strictly within his rights and no one could justly complain of his action. But he did not stop there. He and his Cabinet joined in an effort to enforce and compel action on bills introduced to carry out his recommendations. The President and heads of the departments joined in the effort to influence action by Congress favorable to the views of the President. Individual Senators were interviewed by these executive officers, who should have had nothing to do with legislation. Meetings and consultations were held at the White House and directions given to Members of Congress respecting the kind of laws to be enacted, both the President and members of his Cabinet becoming lobbyists in behalf of the bills the Chief Magistrate desired to have passed. In order to insure their passage they were denominated "administration measures," and Members of Congress were appealed to to support the administration. If this was not sufficient to coerce action by Congress, secret caucuses were held and unwilling Members were bound by caucus action to support them, and caucus action was procured by the cry that they were "administration measures" and the President wanted them. Nothing like it was ever known before. Let us hope it will never happen again. If this kind of Executive coercion is persisted in and submitted to by Congress, then our Government is no longer a government of the people. It is not a democracy. It is not a republic. It is a despotism worse than any known monarchy.

I can not express by any language that I can call to my use my abhorrence of this despotic and dictatorial course on the part of the executive department of the Government or express strongly enough my fear and apprehension of the consequences of such course of conduct to the future of our country.

THE SHIP-PURCHASE BILL.

The ship-purchase bill furnishes a striking example of Executive legislation. An attempt was made at the last Congress to literally force it through by presidential and department dictation and caucus coercion. To their everlasting credit be it said that seven Democratic Senators stood by their convictions and opposed the passage of the bill to the end, in spite of the enormous pressure brought to bear upon them and the bitter personal abuse heaped upon them by some of their more submissive and time-serving colleagues. The bill, having been defeated by the last Congress, was again introduced at the last session, modified to meet the views of these opposing Senators. It is not my purpose to discuss the merits of the bill, which has now been passed and become a law. I am dealing only with the means by which it was forced through Congress, which was nothing less than shameful.

THE TARIFF LAW.

We have on the statutes now a tariff law which, if the European war had not intervened, would have been disastrous to the country. It was passed against the convictions of a majority of the Members of Congress and by the same methods employed to secure the passage of the ship-purchase bill. The President insisted upon having sugar and wool placed on the free list against the wishes and convictions of the leaders of his party in Congress, men who had studied the tariff question and were entirely familiar with the subject, while the President knew nothing about it. Notwithstanding this, he set his will against Congress and forced the bill through. This was well understood by everybody here. It was openly stated on the floor of the Senate by Senators of his own party. The folly of his insistence upon these provisions in the tariff law soon became apparent. The free-sugar clause lost the Government something like $50,000,000. Without this source of revenue heavy direct taxes must be imposed to support the Government. So that clause of the law was repealed at the following session of Congress.

THE RESERVE-BANK ACT.

The reserve-bank act was another piece of legislation forced through an unwilling Congress by presidential dictation and caucus rule. Not only the President but members of his Cabinet, one in particular, brought to bear the whole power of the executive department of the Government to insure the passage of the bill. But for this unwarranted and unlawful interference the bill would never have been passed, the business of the country would never have been burdened with 12 reserve banks, when 1 bank would better have served the purpose sought to be accomplished—and no bank at all was necessary—nor would the people have been forced to pay the large and wholly unnecessary salaries of the Reserve Board and other expenses running up into the millions. The people have been made to believe that this banking and currency legislation was necessary; but everything that has been or ever will be accomplished by it could have been brought about by very simple provisions extending the powers of the Treasury Department, or, at most, the establishment of one central bank wholly under Government control and supervision. The scheme as now provided for has proved to be inefficient, unreasonably expensive, and unnecessary.

But this was an administration measure, and was forced through as such.

THE CHILD-LABOR BILL.

Bad as the others were, the Executive domination and control over the child-labor bill was probably the worst and least excusable of all. It was a popular measure. The election was coming on. Its passage by a Democratic Congress would make Democratic votes. The Democratic steering committee had missed this political opportunity. It had determined that this particular bill should go over to the next session. But the President saw the opportunity that must be taken advantage of to gain favor for his party. So, although he had previously declared such legislation to be unconstitutional, he came in person to the Capitol and interviewed individual Senators and insisted that this bill be made a part of the program for the balance of the session and be passed, and as usual he had his way. This was a plain case of private lobbying with individual Senators, which was unpardonable; but it was made much worse by the transparent political motive behind it and the inconsistent attitude of the President in insisting upon the passage of a bill that he himself had declared in unqualified terms to be in violation of the Constitution of the United States. The political character of the whole proceeding was clearly disclosed in the discussion of the bill. The attempt was made to excuse the President for this breach of official duty, to say nothing of the gross impropriety of it, by claiming that in what he did he was not acting as President of the United States but as the leader of his party. The following brief colloquy on the floor of the Senate between the able, fearless, and independent junior Senator from Georgia [Mr. HARDWICK] and myself discloses this fact:

Mr. WORKS. The Senator has referred to the very unfortunate fact that the President of the United States has come to be regarded also as the leader of the political party to which he belongs.

Mr. HARDWICK. I think it is an unfortunate fact.

Mr. WORKS. I want to ask the Senator whether he understood that these suggestions about bringing on certain legislation were made in the capacity of President of the United States or in the capacity of leader of the Democratic Party?

Mr. HARDWICK. I will answer the Senator very frankly. My understanding—I did not talk to the President about this last matter—but my understanding in a way is that the suggestion was made by the President as the party leader and advised in a party way.

Mr. WORKS. Would not the Senator regard it as an impropriety for the President to urge any action on the part of the Senate as President of the United States?

Mr. HARDWICK. Except in a message to Congress in the way pointed out by the Constitution.

Mr. WORKS. I agree with the Senator very heartily in that statement.

But, Mr. President, this only makes the matter worse. It puts the President in the humiliating attitude of lobbying as a private individual to secure the passage of important legislation affecting the public interests as the head of a political party for political reasons and political advantage, himself then being a candidate, hoping to be benefited by the legislation he was seeking if enacted. A little further along I shall give attention to the leader of a political party, at the same time the Chief Magistrate of the Nation, two entirely inconsistent positions.

WATER-POWER AND LEASING LEGISLATION.

Most strenuous and determined efforts were made by the administration, and especially by two of the executive departments, to secure legislation authorizing the leasing of public lands in general and particularly of power sites. The people have been made to believe that the Federal Government is the owner not only of lands on the streams within the States, but of the waters of the streams from and by which water power may be developed, and under that pretense or false assumption it was proposed to confer upon the Government the power to regulate and control the use of the waters of such streams and the power to be developed thereby. In fact, the Government has no ownership of the water in streams flowing within the States or right to regulate, control, or limit its use. But bills were formulated, not in Congress or by Members of it, but by representatives of the executive department, the effect of which would be not only to invade the rights of the States, but to change the whole policy of the Government in dealing with the public domain. The bills were made administration measures. They were pressed upon Congress as such. The Interior Department urged and labored for their enactment. Long and exhaustive hearings were had on them by committees of both Houses. At all of these hearings one or more representatives of the Interior Department were constantly present, attempting to carry out the policy of the President and shape and fashion the bills to suit his ideas. The President was advised with by Democratic members of the committees from time to time to ascertain what would be satisfactory to him. His aid was sought and given to secure the passage of such legislation as he desired. The bills as they were framed and insisted upon by the executive department were made a part of the administration program to which I shall refer a little later on. The bills recommended and pressed upon Congress in this unwarranted way were not satisfactory to a majority of the Committee on Public Lands of the Senate, and I am glad to say that some of the Democratic members of the committee, notwithstanding Executive influence and party pressure, stood out against the bills to the end, even after they had been radically changed in committee. This was one of the worst and most inexcusable cases of Executive interference with and attempt to control legislation by Congress that has come to my notice. The part taken by the several executive departments to influence and bring about or defeat legislation I shall consider separately further along.

EIGHT-HOUR LEGISLATION AND ARBITRATION.

The latest case of usurpation of power and unwarranted dictation by the President was brought about by the threatened strike of railroad employees for an eight-hour day and extra pay for additional hours of labor. The President, without the slightest constitutional or legal authority, undertook to force a settlement of the controversy on terms arbitrarily fixed by him and without investigation or knowledge of the facts or the effect of the concession attempted to be forced on the railroads by him. Having failed in his purpose, he brought to bear all the power and influence of his great office to coerce Congress to do by hasty and ill-advised legislation what he was unable to do through the powerful influence of his exalted official position as President of the United States. To make the matter worse, it was thoroughly understood that the result of the efforts to avoid a strike would have a powerful and widespread influence upon the coming election of President and the then occupant of the office, who was a candidate for reelection. So we had the Chief Magistrate of the Nation assuming, without any right or authority, to force action in his own interest as a candidate for office and the support of his views and his efforts by Democratic Members of Congress tempted by like considerations in the interest of their party and their own candidacy for reelection. How far, if at all, the President and members of his party were influenced by partisan and self-seeking motives in their efforts to avert the strike no one can tell. The temptation was great. The action taken might mean the success or defeat of their party at the coming election. But, sir, the Chief Magistrate of this great Nation and its lawmakers should so conduct themselves in office as to be above the taint of suspicion of their motives. The President was not called upon to act in a matter in which he was personally interested. He should not have done so any more than a judge should sit to try a case in which his own personal interests are involved. As for Congress, it probably had the right to deal with the question by way of legislation, but it is most unfortunate that in a matter of such grave consequence it should apparently have been driven to act without hearing or investigation and practically without knowledge. To deal with the subject in this way was made more unfortunate because of the fact that the vital question of arbitration of labor disputes was involved and the principle of arbitration for the time being repudiated by the lawmaking power of the Government. Taking it all in all, the action taken by both the President and by Congress was most deplorable. The whole situation was properly characterized in the following statement of the New York Times:

The blackmailing of the whole Nation under the threat of a strike and the extortion from a nation's legislature of a special act granting the demands of the brotherhoods without time to inquire into its justice or its practicability put upon the country an intolerable humiliation. It reduces 100,000,000 people to a condition of vassalage, no longer permitted to make laws that freely express their will, but held up, as the highwayman's victim is held up, and forced to instant compliance with the terms imposed upon them by the leaders of organizations comprising only 400,000 of their number. But there is no other instance where a Congress of the United States has been forced to make laws under threat of a small part of the people to do immeasurable and irreparable injury to the others. If such an outrage can be put upon us unresisted, we have lost our republican form of government.

And the Chicago Tribune very well says:

The spectacle of an organized minority, backed by the President of the United States, choking Congress into surrender is the most sinister and alarming since the rebellion of the South. It ought to stir the Nation, and we believe it will. If Congress is ready to throw up its prerogative, the American people are not ready to surrender their birthright, and legislation under duress of organized force is the worst of surrenders.

The small minority of labor which is thrusting this humiliation upon the weakness of politicians is doing the cause of labor an injury it will suffer from for many a day. No foreseeing friend of labor will approve it.

APPOINTMENT TO OFFICE.

The unwarranted and unconstitutional interference by the President with the prerogatives of Congress, and attempts to control and coerce action by it, has not been confined to legis-

lative action, but has extended to executive action of the Senate in the confirmation of nominations to office. When the President has made a nomination to office his whole duty has been performed and his power exhausted. Any attempt on his part to influence the Senate, or any Member of it, to act favorably upon the appointment is an offense against both the Constitution and the Senate. But this has been no restraint on the President. Two conspicuous instances of Executive usurpation in this respect may be given. One was the nomination of a member of the Reserve Board under the new banking and currency law, the other of a Justice of the Supreme Court of the United States. The first was rejected by the Senate after a bitter contest; the other was confirmed. This was done, I am convinced, over the conscientious convictions of a majority of both the Judiciary Committee and the Senate. The opposition on the Democratic side of the Chamber was overcome, in part, by the strenuous efforts and powerful influence of the executive department, including the President and members of his cabinet, and Senators who had theretofore stood courageously for their convictions succumbed to them in this instance, thereby making the confirmation possible. It was a shocking example of the unwarranted influence of one department of government over another. When men can be elevated to the exalted position of Justice of the Supreme Court of the United States by such methods and through such influences, we may well tremble for the future of our country.

I have only given these two cases as examples of the way things have been conducted of late. There are many others of less importance, but involving the same principle, that might be mentioned. The effort to support the President's nominations to office, when needed, by personal influence, has been habitual and often persistent and offensive.

ADMINISTRATIVE PROGRAM OF LEGISLATION.

Another of the disquieting innovations of the present administration has been the laying down for the Congress by the President of a program of legislation composed of bills selected by him, which are expected to take precedence over bills introduced and advocated by Members of Congress. This has been practiced and submitted to by Congress to an alarming degree. It is an unwarranted interference with and regulation of the business of Congress by the Executive. It enables him to procure the passage of bills of his dictation to the exclusion of other bills without regard to their comparative merits. It has brought about the passage of some bills and the defeat of others. It is a regulation of its business by the President that Congress should not allow. At the last session, to say nothing of other legislation, it defeated the immigration bill favored by an overwhelming majority of Congress and demanded by the people of the country, and secured the passage of the child-labor bill, affecting a very limited number of people and of much less public interest.

OUR RELATIONS WITH MEXICO.

Nothing could more clearly show the enormous powers of the President and his control over the destinies of the Government than has our, or his, dealings with the Republic of Mexico for the past few years. The President has, practically without limit, controlled our affairs and fixed our relations with that country. Twice in the last three years have we gone to war with Mexico by Executive action and without the sanction of Congress, which alone has power to declare war—once when we bombarded Vera Cruz without adequate cause or provocation and took possession of and held that city for months by military force, and again when later we invaded that country with a force of something like 15,000 men, held and occupied Mexican territory, and slaughtered Mexican citizens in actual warfare. In the first instance we professed to invade Mexico for the sole purpose of compelling a salute to our flag that it was claimed had been insulted, and in the other that our invasion of the territory of a country with which we were at peace was for punitive purposes only and intended to bring to justice Villa and other outlaws who had invaded our own territory and murdered some of our citizens. As to the first of these, it has been publicly proclaimed by a member of the President's Cabinet that the purpose alleged at the time was a mere pretense, and that the real object of the invasion was to oust the then President of Mexico from office and power, which was an act of war upon a feeble and distracted sister Republic. The other was no less a false pretense. No such Army as we sent into Mexico was necessary for the alleged purpose of our invasion of that country. There were other undisclosed reasons for that military invasion of a foreign country which, as in the case of the forcible taking of Vera Cruz, will in time be made known. It was probably done to prevent action by Congress providing for intervention in Mexico and the establishment for the unfortunate people of that country of a stable form of government, and at the same time for the protection of the lives and property of our own citizens resident there.

In addition to this course, presumably as Commander in Chief of the Army and Navy, the President, in his civil capacity, has fixed and determined our relations with Mexico solely on his own responsibility. He has not only failed to ask or accept advice from Congress in dealing with the important problems affecting our relations with that country, and the lives and fortunes of American citizens residing there, but has used every means to prevent Congress from acting at all. He declined to recognize Huerta as President, who was the only pretender to that position who was selected therefor in the manner provided by the constitution of the country, and by the military invasion of the country, and by other means, drove him from power and banished him from his native country. He attempted at the same time to dictate to Mexico, as he has done to his own country, and control the elections to be held there, and making Huerta ineligible to election by the people of Mexico. He gave aid and comfort to Villa and Carranza, who were in actual and active rebellion against the constituted authority of their country, and to carry out his personal views and objects placed an embargo on the shipment of arms from this country to Mexico when it suited his aims and then removed it for the same reason. Having dethroned and banished Huerta by using this Nation for that purpose, and aiding and abetting parties in rebellion, when Carranza and Villa fell out he used all the powers of this country, short of actual intervention, to aid Villa, as great a scoundrel, murderer, bandit, and cutthroat as ever disgraced any country. He would undoubtedly have recognized him as head of the Government of Mexico had not Villa failed to develop the strength expected of him. Then, as Carranza, who was little if any better than Villa, looked to be the most available and likely man to control conditions, he recognized the former, who was without the shadow of legal or even moral claim to head the government, and appointed an ambassador to Mexico to represent this country at the court of Carranza, a mere pretender without the semblance of a government, and the United States Senate was weak enough to confirm the appointment.

The President has not only taken to himself all power and authority to deal with Mexico, but has ignored the constituted diplomatic representatives of this Government to that country, and sent there, without authority of law, "personal representatives of the President," not representatives of their country, and answerable to no governmental authority whatever. And it was through the advice of such personal representatives and not the regularly appointed diplomatic officers, but against their judgment and advice, that the President acted in that country as already pointed out and which has placed us, as a Nation, in a most humiliating position in the estimation of thinking and patriotic people in our own country and in the eyes of the whole civilized world. Twice has the President, without action on the part of Congress or any other legal authority, appointed commissioners to act with commissioners appointed by Carranza, who does not in any sense represent the Republic of Mexico or possess any authority to bind that country, to negotiate and settle our relations with Mexico. Nor has the President of the United States any more authority than has Carranza to appoint such a commission or to bind this country by any such negotiations.

The course of the President in Mexico has been one of arrogant and arbitrary, if not unlawful, exercise of power. He has taken no advice from any lawfully constituted power of his country except of his own selection and appointment and who were willing to submit to his arbitrary dictation. If he has acted within his power as Chief Magistrate of the country and, as such, as Commander in Chief of the Army and Navy, it shows as clearly as experience could demonstrate the enormous, uncontrolled, and dangerous power of the President. If not within his constitutional powers, then it shows with startling clearness the dangers of the usurpation of power by the executive branch of the Government that should excite the lively apprehension of the American people.

Mr. President, I have given some conspicuous examples of the aggressions of the Executive and his encroachments upon the legislative department of the Government. They are only a few out of many. Indeed, it seems to have become understood not only by the President but by altogether too many of the people that the President is in every sense the head of the Government and that Congress and the courts are his subordinates and subject to his will and command. It is one of the worst features of the present unfortunate situation that this feeling should prevail throughout the country. Lamentable as

it is, however, it is an undoubted fact. Many people seem to feel the greatest satisfaction at the domination of the President over Congress and his efforts to drive it to do his bidding.

Having said this much about the dangers and evil effects of usurpation of power by the President of the United States, let me call the attention of the Senate and the country to some other of the evils that threaten the perpetuity of our free institutions.

DEPARTMENT OF BUREAUCRATIC INTERFERENCE WITH LEGISLATION.

The endeavor to usurp and control the legislative functions of Congress is not by any means confined to the head of the executive department. The extent to which legislation is formulated and pushed through Congress and proposed legislation defeated through the activity and influence of the different executive departments is a standing reproach upon Congress. It has become the unfortunate and inexcusable custom of committees of both Houses to refer bills indiscriminately to the departments, not for any facts and information that the committees may need but for the judgment of the department as to the merits of the bill and an opinion as to whether it should be enacted into law. In this way the executive branch of the Government is, without warrant of law, made a strong, often controlling, influence in legislation.

An unfortunate Member of Congress who has upon his own judgment and responsibility introduced what he believes to be a meritorious bill often sees it defeated for the sole reason that, not the head of the department necessarily, but some head of a bureau or other subordinate executive employee has declared against it, and the next day that same Member may be unwise enough to attempt to secure the passage of another bill by calling attention to the fact that it has the approval of the department. The Member who appeals to such outside influence to secure the passage of any bill is entitled to no sympathy if other of his bills are defeated through the same illegitimate influences. But, even this, humiliating as it is, is not the worst of this situation. Committees which should be responsible for all bills reported favorably or adversely, in this convenient way shove that responsibility off on an irresponsible executive employee and report them with little consideration of their own, upon the favorable or unfavorable edict of this irresponsible and illegitimate authority. Very naturally, therefore, the report of a committee of this body is not considered sufficient upon which to act. It is a common thing, when a bill comes on for hearing on a favorable report of a committee, to hear a Senator inquire whether it has been approved by the department or not. If the answer is in the affirmative that is usually taken as entirely satisfactory and such bills, with very few exceptions, pass without question on that mere assurance, As a natural consequence United States Senators appeal to department or bureau heads and use their influence with them to induce them to approve their bills. It is a beautiful spectacle, is it not? Can anyone wonder that under such circumstances the people of the country are losing confidence in and respect for their Congress? Do Senators think that the American people, or the Congress itself, realize to what extent we have already become a bureaucratic Government with the Congress the servant of the executive department and not of the people; or how rapidly we are tending toward an autocratic if not a despotic Government?

This executive-department influence and control over legislation is only one evidence of our tendency toward national weakness and degeneracy, but it is a very serious one that should command public attention and speedy correction. The Congress of the United States should do its own legislating, independently, and be alone responsible for it. To refer legislation directly or indirectly to any other officer or body except for information is to abandon its functions and prerogatives and neglect its duties.

THE SECRET CAUCUS.

One of the worst of these evils is the secret caucus, the object and effect of which is to bind the will and fetter the freedom of action of members of a legislative body against their own conscientious convictions, and not infrequently in opposition to the wish and desire of their constituents. It is of the most vital importance that every lawmaker should be absolutely free and independent in his course and in his action upon any and every measure that may come before Congress, and that he shall have the moral courage to stand firmly for his own convictions subject only to accountability to his constituents for whatever he may do. The secret caucus destroys this independence and freedom of action and compels a Member of Congress to do not what his own judgment and conviction commends to him but what a majority of his colleagues may dictate. The whole system by which Members of Congress are subjected to such dictation by their associates is vicious, un-American, and unpatriotic. It is amazing that in this enlightened age, and in a free Republic like ours, any political party should resort to such an instrument to secure legislation. Of course, such a system is intended to enact laws by a minority as resort to it is wholly unnecessary to secure favorable action on any measure when the majority of the legislative body is for it.

Mr. President, to my mind the most dangerous feature of the secret caucus is its powerful aid and assistance to the usurpation of power by the President. This has been conspicuously evident for the past four years. Whenever a bill was announced as an administration measure, or that the President particularly desired its passage, and a majority was believed to be opposed to it, a binding caucus was resorted to to bind all Democrats to its support, thus coercing enough Members of the majority conscientiously opposed to the measure to secure its passage. First came the powerful presidential influence, exercised in violation of the letter and spirit of the Constitution and the sacred principles of free popular government, and then the caucus that made his will supreme and binding on the consciences of the Members who were of his party. This unpatriotic means of coercing action by Congress can not be too strongly condemned. To hold such a caucus should be made a criminal offense and be severely punished, if the good sense and loyalty of Members of Congress are not sufficient to put an end voluntarily to a practice so clearly detrimental to the public interest.

INDIFFERENCE TO OFFICIAL DUTY AND OBLIGATIONS.

Mr. President, not the least of the dangerous tendencies of the times is the indifference to their duties and the obligations of their oaths of office on the part of the official representatives of the people. I need not go outside of this Chamber for striking illustrations of this tendency. This is sometimes denominated the greatest deliberative body in the world, and it should be so. It is one branch of the lawmaking power of a Nation of over a hundred millions of people. The destiny of this great Republic rests in its hands. No greater responsibility could be imposed upon any body of men. It calls for industry, integrity, and constant vigilance. And yet, sir, Members of this body absent themselves from their places here for days, weeks sometimes, and even for months without leave, and for no valid reason, and continue to draw the salary they do not earn, although there is a direct statutory provision that a Senator who absents himself without leave of the Senate shall forfeit his salary for the time of his absence. Again, the indifference of Senators to the proceedings of the Senate when not absent from the Capitol and nominally on duty is worthy of remark. Speeches are made here time after time on important, sometimes vital, questions to empty seats while Senators are enjoying themselves in the adjoining cloakrooms or otherwise engaged. I remember one occasion during the last session when I came into the Chamber and a Senator was delivering an address on an important measure. He had an audience in the Chamber of just five persons, the Vice President and four Senators, but no listeners. The Vice President was reading a newspaper with apparent interest and seemed to be totally oblivious to what was going on, and the four Senators present were engaged in private conversation and paying no attention whatever to what was being said by the Senator having the floor. This was not so extreme a case as might be supposed. It is not at all an unusual thing for a Senator to be addressing less than 10 Senators and receiving attention from none. What must the visitors in the galleries think of the great United States Senate that they have read about when they look down from the galleries upon such a scene? What would the American people think about it if they knew that the affairs of their country were being conducted or neglected in that way? What respect for and obedience to the laws have we a right to expect from a people whose laws are being made in that way by their representatives? We are all amenable to criticism on this ground. None of us have done our whole duty in this respect. No single Senator can point to his associates and say, "You did it, and I did not. You are responsible for this unfortunate condition and I am not." There are different degrees of neglect in this particular, but all are more or less guilty of the offense.

Mr. President, let me call attention to one other example or illustration of a want of attention of Senators to the proceedings of the Senate relating to questions upon which sooner or later they know they will be called upon to act. It is in the matter of hearings, investigations, and reports of committees. Many such hearings are held and reports made by committees of the Senate for the information and guidance of its Members. I

have every reason to believe that such reports are very rarely even read by most of the Members of this body, and the evidence taken at the hearings even more rarely. I have one striking case of this kind in mind. At the session before the last a joint special committee of the two Houses was appointed to investigate and report upon the fiscal relations of the Government and the District of Columbia, that had been matter of dispute ever since I have been in the Senate. The committee spent two months in the hearing and investigation of this important matter. Afterwards, at the last session, the same matter again came up for consideration, and in the course of the debate upon it, when there was a large number of Senators present, I requested all who had read the report and hearings to make it known, and there were just five Members of this body who had read the reports, of which there were two, or parts of them, and none had read the hearings, and maybe one or two had read parts of the evidence taken. And, worst of all, members of the regular committee of the Senate who were called upon to report upon the bill involving the question submitted to the special committee for hearing and report had not read the hearings or the reports nor given them any attention.

Mr. President, I have only given instances of this indifference to duty on the part of the Senate. It is a common occurrence. Hundreds of like cases could be cited. These are melancholy confessions for a Member of this body to make, but I am dealing frankly with the weaknesses in the administration of the affairs of the Government, and this is one of them of no small consequence with which I, as a Member of this body, am personally familiar, and which I could not, if I desired to do so, consistently or fairly overlook. I hope it may soon be remedied, for the credit of the United States Senate and its Members and in the interests of the country. What I have said about the Senate will be found to prevail in greater or less degree in all branches of the Government.

UNDESIRABLE IMMIGRATION.

Mr. President, another of the degenerating tendencies downward is the admission into this country of millions of ignorant, criminal, and otherwise undesirable subjects of foreign nations. In some sections of the country these foreigners, many of whom do not speak our language, have become a dangerous and dominating force. They are admitted to citizenship with an alarming indifference to consequences, and their votes are coveted by politicians and candidates for office. They know and care but little about the laws and institutions of the country. Under the guidance and influence of designing labor organization leaders they become the backbone of labor strikes and are the first to resort to force and violence to make strikes successful. Thus they become the instruments and the victims of dangerous labor agitators. They have already come in such numbers as to make them a potent force in politics and are courted accordingly. This has gone further than any other consideration to prevent the enactment of such immigration laws as will effectively exclude them from entry into this country. Lawmakers are afraid of the naturalized labor vote.

Mr. President, this foreign element that has come into the country in swarms has become a dangerous and degenerating force that has reduced the standard of citizenship and undermined that respect for law and order which is so necessary to the preservation of a republican form of government. Violence and lawlessness resorted to as a means of redress of wrongs, or alleged denial of rights, lead inevitably to more arbitrary laws and centralization of government in the interest of one class as against another. A resort to force by the lower and more ignorant of our citizenry is an incentive to the building up of an aristocracy, an arbitrary form of government, and ultimately a despotism. This is a feature of present-day conditions that calls for most careful and patriotic consideration and a speedy remedy. And I maintain that the only effective remedy is the entire exclusion of such immigrants, I might say all immigrants of the laboring class at least, until we have assimilated and elevated to respectable and law-abiding citizens the enormous number that has already been admitted. The duty is imperative and should not be neglected or delayed.

This tendency toward degeneracy is not alone the fault of the immigrants. Native-born Americans, instead of raising the foreign element to what should be the American standard of living, too often allow the whole community of which the immigrant has become a considerable part to sink to the level of the lower foreign standard. They do not assimilate but isolate the foreign element in most of the cities and towns, thus building up foreign cities within what should be wholly American cities governed by American standards of living. When we add to this the fact that the foreign sections are as a rule inadequately supplied with facilities for healthful and sanitary living, such as a sufficient water supply, facilities for collection of garbage, sanitary homes, and other things necessary for right standards of living, we can not ascribe all of the deplorable conditions that exist to the immigrant class. They are too often made the victims of the greed and avarice of the landowners and the indifference and false economy of municipal bodies, from which the whole community suffers. Instead of elevating the immigrant to the American standard of living, we accept his own and leave him to believe that it is our standard. Thus we make conditions worse, instead of better, for all parties concerned.

It is the American as well as the unfortunate immigrant who needs to be regenerated and his standard of living elevated. We are being assimilated, instead of assimilating our foreign residents.

ONE TERM FOR THE PRESIDENT—LEADER OF HIS PARTY.

Mr. President, one of the weaknesses of the Constitution itself is that it permits the President to be a candidate for reelection during his term of office. Coupled with the present-day doctrine that when elected he becomes the head and leader of his party, his candidacy for a second term becomes more than ever objectionable and offensive. Indeed, as I have already pointed out, the unwarranted lengths to which the present Executive has gone in dictating and controlling legislation has been excused on the ground that in doing so he was not acting as President, but as the leader of his party. The idea that the President of the United States, or for that matter any executive officer, shall or may become the leader of any political party is, to my mind, obnoxious to every sense of propriety or decency, to say nothing of his spending his time in the service of a political party that should be devoted to the service of the general public. A man elected to the office of President of the United States should be the servant of the whole people, and not of those of one political faith. He should not be a political partisan. During the last Congress I introduced a resolution amending the Constitution in such way as to limit the service of the President to one term of six years. The Democratic Party in its platform, under which the present occupant of the White House was elected, declared in favor of a single term. In support of my proposed amendment I addressed the Senate, and in pointing out what I conceived to be some of the evil effects of allowing the President to have a second term, I had this to say, amongst other things:

> The effort to elect a President to a second term is a prolific source of political corruption, neglect of official duty, and betrayal of trust on the part of public servants. It is degrading to the President himself, and brings his great office into disrespect, often contempt. The President has come to be regarded as the head of his party, not as a candidate only but as President, and not as the head of the Nation. It is a most pernicious doctrine. He has the power of appointment of thousands of Federal officers in every part of the country. Practically, in making these appointments he acts as the head of his party and not as President. If he is reelected, the appointees may reasonably expect to retain their offices. A large part of his time that should be devoted to the public service is given over to politics and the effort to secure his reelection. He is regarded by his appointees as their political chief, to whom they owe allegiance because he appointed them. They are tempted to serve him rather than the country. He expects every man he appoints to support his political aspirations. To fail is to be treacherous and ungrateful. They so regard it, and so does he. The White House is turned into the headquarters of a political party, where a press bureau is maintained in the interest of the political chief and leader of his party who is for the time being the President of the United States. The members of his Cabinet become his political advisers. In this they are not serving their country, but the seeker after a second term. The appointees in the immediate service of the President become his political aids and devote much of their time, paid for by the Government, to his service as political leader and candidate for reelection. It is a vicious system that can not be denounced too strongly or too often. The people of a free Republic should not submit to it for a day. Every lover of his country should speak out against it and support any measure intended and reasonably calculated to put an end to it. If a President were limited to one term, and rendered ineligible to a second election, there would be no incentive or temptation to appoint men to office with a view to their support of him as a candidate for a second term. He would need no political army. As a political leader he would be useless. He would have no motive or desire other than to do his duty as President and make for himself an honorable record as a public official.

This amendment to limit the President to one term was passed by the Senate by a vote of 47 to 23, a majority of more than two-thirds. Of the votes in favor of the amendment, 27 were Democratic votes and 19 Republican. There would have been a still larger vote for the amendment but for differences as to the form of the amendment involving the respective rights of the Federal Government and the States to regulate and control the elections. On the single question of confining the service of the President to a single term the Senate was then, and I believe is now, overwhelmingly in favor of such limitation.

I can add but little to what I said on the occasion to which I have referred. But, sir, subsequent events have confirmed my convictions on the subject and demonstrated the wisdom of making it impossible for any man to be a candidate a second time for this great office which has been degraded in the past

four years more than I can tell by the exhibition of partisan politics in the White House and the excesses to which the President has gone in the effort to serve his party and secure his own reelection. While repudiating his party platform declaring in favor of a single term, and defying the sentiment of his party as evidenced by the decisive vote of Democratic Senators in support of the proposed amendment, he has, by his own conduct, given the country a convincing object lesson of the evils of a second term that should insure the adoption of such an amendment in the near future. It is a remarkable fact that of the 23 votes cast against the amendment confining the President to one term only 2 were Democratic votes. So the present incumbent of the office became a candidate for a second term when the platform under which he was elected the first time declared against it and after the representatives of his party in the United States Senate had voted 27 to 2 in favor of a single term. Comment on such a situation would seem to be unnecessary. The Democratic plank of the platform of 1912 was as follows:

We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

It will be seen that the President's party not only declared in favor of a single term but pledged the candidate of the convention to that principle. To be a candidate for a second term under such circumstances was not only to violate the pledge of his party by which he should have held himself bound but was undoubtedly in opposition to the sentiment of a large majority of the people of the country. The President, as a candidate, made no objection to this pledge binding both him and his party to a single term, but accepted it and had the benefit of this platform declaration, knowing that it was popular and would make him votes. But almost immediately after his election and before he came into office he repudiated it, in express and unqualified terms, in a letter written by him to Hon. A. Mitchell Palmer, then a Member of the House of Representatives, in which he said:

A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from every point of view. I believe that we should fatally embarrass ourselves if we made the constitutional change proposed.

It is a significant fact worthy of notice that this commendable pledge in favor of a single presidential term was carefully omitted from the Democratic platform of 1916, which, it is generally understood, was written by the President himself, and that no further effort to adopt the proposed amendment was made.

Hon. Hannis Taylor, who has had large experienced in public life, who has represented his Government as ambassador to Spain, and is a lifelong Democrat, in a letter to the national business men's Republican committee of New York, of date September 5, 1916, justly characterized the course of the President when he says:

Did he strive to secure the adoption of the amendment, or did he deliberately and actively intrigue to defeat it? Let the answer to that question come from his able and experienced advocate and apologist, Mr. George Harvey, who in attempting to make a case for him in the North American Review for February, 1916, made instead admissions that render all future attempts to defend him hopeless. Mr. Harvey said: "But after the election of Mr. Wilson upon a platform pledging the candidate to 'the principle' avowed, the proposition was revived in the Senate, and on February 1, 1913, it was adopted by that body, 17 anti-Roosevelt Republicans voting affirmatively and only 1 Democrat—Mr. Shively, of Indiana—voting in the negative. The sentiment of the House was overwhelmingly in favor of the resolution, but the Democratic leaders, feeling that their newly elected President was entitled to consultation upon a matter of so much importance and having no late information respecting his attitude, deferred action until his views could be ascertained. * * * Meanwhile the President elect intervened in the letter to Mr. A. Mitchell Palmer, dated February 12, which was duly exhibited to Chairman Clayton and other prominent Representatives, who promptly bowed to the wish of their new leader and buried the resolution."

* * * * * * *

"For more than 30 years I have made a special study of our complex American Constitution; for the last 14 years I have lived at Washington, where I have watched its practical workings day by day, just as a machinist might watch the movements of a Corliss engine. In the light of that study and experience I do not hesitate to say that, in my humble judgment, the greatest defect in our National Constitution, that brings more evils to the people than all others combined, is represented by the lack of that amendment prohibiting a second term which Mr. Wilson's selfish ambition has for the moment defeated. His almost insane desire to succeed himself has deprived him of the power to be really useful at a critical moment in our history. His ceaseless pursuit of that will-o'-the-wisp, called a second terms, has led him into all kinds of bogs and morasses; it has entangled him in hopeless inconsistencies; it has put him on both sides of nearly every public question; it has forced him to do things no other public man would have dared to do. The typical illustration, of course, is his sudden and violent change of front as to the exemption of American vessels from tolls in a canal built by American brains and American money through American territory.

And to show that the President was fully committed to the one-term plank of his party Mr. Taylor makes the following quotations from Mr. Bryan, then the accredited representative of the President as a candidate:

At a great meeting held at Indianapolis on October 17, 1912, Mr. Bryan said:

"We present him [Mr. Wilson] not only qualified in every way but we present him pledged to a single term, that he may be your President and spend no time dividing patronage in order to secure delegates; that he need spend no time in planning for reelection; that he may give you all his thought and all his heart and all his energy. I believe that when a man is lifted by his countrymen to this pinnacle of power he ought to tear from his heart every thought of ambition and on his bended knees consecrate his term to his country's service. That is our ideal President, and we present to you a man who measures up to that ideal."

William Henry Harrison, President of the United States, saw the effects of this evil, and in his inaugural address, delivered as far back as 1841, condemned it in unmeasured terms.

PATRONAGE—POLITICAL SUBSERVIENCY IN LEGISLATION.

The effect of patronage or appointments to office by the President is touched upon by President Harrison in his inaugural address to which I have already referred. He says, in part:

To a casual observer our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head and with each other. But there is still an undercurrent at work by which, if not seasonably checked, the worst apprehensions of our anti-Federal patriots will be realized, and not only will the State authorities be overshadowed by the great increase of power in the executive department of the General Government but the character of that Government, if not its designation, be essentially and radically changed. This state of things has been in part effected by causes inherent in the Constitution and in part by the never-failing tendency of political power to increase itself. By making the President the sole distributor of all the patronage of the Government the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the State government. Of trifling importance at first, it had early in Mr. Jefferson's administration become so powerful as to create great alarm in the mind of that patriot from the potent influence it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount as it certainly is and more completely under the control of the Executive will than their construction of their powers allowed or the forbearing characters of all the early Presidents permitted them to make.

The undercurrent to which this distinguished citizen refers has not been checked. On the contrary, it has grown in volume and has become a most powerful means of extending and making effective the growing usurpation of power by the President. One can not but wonder what President Harrison could or would have done to remedy this great and growing evil influence and others mentioned and condemned in his inaugural address if he had been spared to serve out his term. Would he have made good his pledge not to be a candidate for a second term, or would he have succumbed to the temptation of further personal ambition and violated that pledge as the present occupant of the White House has violated both his own and his party's pledge? As his term of service was cut short by death within a few days after his inauguration, we can only speculate as to what would have been his future course.

Mr. President, my opposition to the present system of dispensing patronage is not founded alone upon the ground that it unduly increases the power of the President, which is reason enough to condemn it. Worse than this is its demoralizing effect upon the lawmaking branch of the Government. One of the, to me, unaccountable weaknesses of human nature is that the Members of Congress regard the privilege of recommending appointments to office from their States as of value to them personally and politically. It is this singular desire to control appointments to office that makes the appointing power of the President so powerful, so dangerous, and so degrading in its effects. We all know that this weapon, in the hands of the Executive, has been used in times past, sometimes mercilessly, to coerce Members of Congress to bow to his will; and, worse than all, we know that it has been used effectively for that purpose. It is a humiliating fact, but that it is a fact no well-informed man will dispute. It is not only the threat of the President to ignore Members of Congress in making appointments or refusal to accede to their claim of right under custom to name the appointees in their States that brings results. It is the knowledge that the President has the power to appoint against their wishes and recommendation that terrifies some timid Members of Congress into submission to Executive demands. The whole system as now practiced is corrupting and degrading to both the legislative and executive departments of the Government.

At the last Congress I introduced a bill providing for the appointment by the President, at the beginning of his term of office, of a commission to receive and consider all applications and recommendations for appointments to office and report to the President for appointment the best fitted of the applicants for each office and forbidding any Member of Congress or of the

President's Cabinet applying for or recommending the appointment of anyone.

The chief object of the bill was to remove from the Halls of Congress the temptations and evil effects of the patronage system. But, at the same time, it would have saved the President the enormous and thankless burden of considering thousands of applications for appointments and in great measure have removed from him both the temptation and the opportunity to use the powers of appointment for coercive or other ulterior purposes. One would have supposed that every Member of this body would have welcomed the opportunity of relieving himself from the burdens and evil effects of patronage, but the bill introduced by me was referred to the Committee on Privileges and Elections of the Senate and by that committee reported adversely without even giving me the opportunity of a hearing upon it. The system of patronage now prevailing, the creature of custom and not of law, is one of the most pernicious, degrading, corrupting, and dangerous evils of the many that are now eating at the vitals of our free institutions. It is one of the most potent causes of political and official subserviency to Executive power and coercion, and serves as much, perhaps, as any other cause to destroy the independence and usefulness of the legislative branch of the Government and to bring it into general disrepute and contempt. It is something with which no Member of Congress should be allowed to have anything to do. The power of appointment is vested by the Constitution in the President. He has no right to barter it away to Members of Congress. When he does it is too apt to be, and generally is, for a consideration. It is extended as a favor and for this favor the Member of Congress to whom it is extended is expected to support and carry out the wishes of the President.

My views on this subject will be found more fully stated in an extract from the speech delivered by me on "One year of Democratic rule," already quoted. I need not repeat. It is a subject about which I feel very strongly. I hope the time will soon come when this body will free itself forever from the unfortunate and corrupting influences of the present system of selecting men for office.

USE OF MONEY IN ELECTIONS.

The means by which men secure their election to office may generally be taken as a fair indication of what their standard of official life and duty will be if they succeed. One of the crying evils of present-day politics is the use of inordinately large sums of money in the elections of all officers from the President of the United States down. Money, rightly used, is a good thing if one or a few men do not have too much of it, but in politics and elections it is a corrupting and demoralizing influence. Much of the large sums of money expended in this way is not used directly for the corruption of voters, but a great deal of it is used in such way as to be deceptive, misleading, and a fraud on the voters. Perhaps the greater part of the money expended in political campaigns is for what is politely termed publicity.

Enormous sums are spent in this way by committees and individual candidates. Newspapers, some of them so-called leading newspapers of the country, are subsidized, purchased for money, to say things favorable to parties and candidates that they would not say of their own free will, and things which they themselves do not believe. Commendations of this kind, paid for by a candidate, go out to the public as the real sentiments of the newspaper, magazine, or other publication, thus deceiving the voters who may rely upon what their newspapers say. This is not only dishonest on the part of both the newspaper and the candidate, but is a fraud upon the voter. No candidate who has a due appreciation of the sacredness of the franchise in a government of the people or of the duties of a public official will ever resort to subsidized newspaper publicity to secure an election to any office, high or low. But the fraudulent and misleading character of this method of getting votes is not its only objectionable feature. It has, most unfortunately, become generally understood that a man can not be elected a member of this body without the expenditure of large sums of money. While this is not wholly true, and many Senators are elected with but little expense and that entirely legitimate, it is altogether too true that many others are elected by that very means and, generally speaking, they are men who should never be elected to any high office of trust and great responsibility. I was informed by one who knew, and upon whom I could rely, that one of the candidates for United States Senator in my State at the last election sought to secure the services of a publicity man, so called, of experience in that kind of work, to conduct that particular part of his campaign. He was told that to conduct such a campaign would cost not less than $25,000 and that the man who was asked to undertake it would not do so until that sum was placed in his hands. At the next previous election I witnessed the humiliating spectacle of candidates for the Senate being advertised, their virtues exploited in the newspapers for pay, and their pictures, large and loud, plastered on billboards, barns, and fences throughout the State with accompanying self-praise and commendation. One candidate went to the vulgar extreme of advertising himself by revolving electric signs blazoning his candidacy and his qualifications to his admiring political friends. I was informed by one of his political friends and his supporter that the campaign of this candidate cost him not less than $300,000.

Mr. President, no man who will or has resorted to such methods to secure his election is fit to be a Member of this body. He is no true American. He is lacking in the moral sense that high public position demands. He has no conception or appreciation of American citizenship or the duties and responsibilities of this great office. Of course, he could not spend this sum of money openly and in his own name. If he did, it would bring him within the terms of the corrupt-practices act. I have never seen the affidavit of expenditures made by the candidate to whom I have referred, but I have no doubt it showed an expenditure within the limitation fixed by law. Indeed, the corrupt-practices act seems to be more a premium for perjury than anything else.

Mr. President, these questionable and illegitimate, not to say unlawful, methods of securing elections to office are not confined to elections of United States Senators. They extend to all kinds of offices, even that of judges. That elections can be controlled and men elected to offices of trust and responsibility in this way is a distinct and dangerous menace to free government. It would be little worse to put up the offices for sale to the highest bidder without regard to his merits or his qualifications. In many instances the offices are now bought, practically and in effect.

Mr. President, this alarming and demoralizing evil is well known by all observing people and sincerely deplored by many. But so far public sentiment has not been strong enough to put an end to it. If all good people who believe in honesty and decency in politics would set their faces against such practices and had the patriotism and moral courage to vote against any and every man who resorted to such methods, it would help to remedy the evil, but it would not always be effective, because, in many instances, both opposing candidates will be equally guilty and choice must be made between two men, both of whom should be defeated. If, again, candidates for office only had the moral courage, good sense, and patriotism to stand out against the temptation to spend money in such way to secure their election and refuse to be bled by corrupt newspapers, the remedy would be effective. But it is at once said that if one does it the other must, and if one candidate is decent enough to stand on his own merits, without false and misleading publicity and other exploitation, he will be defeated and the indecent man with plenty of money will be elected by this vulgar and degrading brand of politics. And, sir, this is altogether too true in the main. The average voter does not appreciate the enormity of such campaigning. He rather likes it. If the candidate does not spend his money freely he is criticized and voted against for that very reason.

Then, sir, what is the remedy? How is this flagrant offense against the elective franchise to be prevented? In my opinion there is but one effective way, and that is to make it unlawful for a candidate to spend any money at all to secure his election, or anyone to pay it for him, except a fixed sum to be paid to the State or county, and for that payment the State or county should print and send out to each voter a statement of the qualifications and fitness of each candidate furnished by him within reasonable limits. This would put every candidate, rich or poor, on an equal footing and put an end to purchased newspaper and other illegitimate and misleading publicity. Of course the candidate should be allowed to pay his ordinary personal traveling expenses, if any, in making his campaign, and nothing more, to be itemized and reported under oath and subject to the pains and penalties of perjury. This may seem to be a drastic remedy, but this widespread evil is one that calls for drastic treatment; and it will not only serve to purify elections and protect the franchise but will be a protection and relief to candidates for office.

EXTRAVAGANCE IN APPROPRIATIONS—PORK-BARREL LEGISLATION.

Mr. President, another of the present-day growing evils tending toward national weakness, decay, and final dissolution is the enormous and extravagant expenditure of the people's money, much of it useless and much more of it unwarranted and illegitimate. The appropriations last year amounted to considerably more than a billion and a half dollars. A small portion of this amount, comparatively speaking, was appropriated for the increase of the Army and Navy, which, to my mind, was

an unnecessary expenditure, to say nothing worse of it; but leaving that out of the account the balance of the expenditure is an enormous sum to be paid for operating the Government. And when we take into account the sums of public money spent by the separate States for governmental purposes, the money it costs to operate and maintain the Government of the Union of States is nothing short of appalling.

But, Mr. President, if these expenditures on the part of the Government were necessary or even legitimate the people would have far less reason to complain of the heavy burden of taxes thus imposed upon them. Many of them are not. Millions of dollars are appropriated every year out of Government revenues that should be paid by the States. As I shall show more specifically further along, such appropriations are not only illegitimate but the making of them is gradually depriving the States of their independence and sovereignty and making them dependents upon the Federal Government, thus eliminating the division of sovereign power between the Government and the States. Besides, by this means, much of the work done is duplicated and paid for twice by the State and the Government.

In this connection it will not be out of place to say something about what has come to be called "pork-barrel legislation." It is not necessary to say much about it in this presence. The extent and the evils of it are too well known in this body to call for discussion, and one feels like holding his nose when he approaches the subject. It is a sordid, malodorous evil that has no excuse, much less justification. It is a rank injustice to the taxpayers of the country that has no excuse. It is found in its worst form in the river and harbor, Agricultural, and public buildings appropriation bills, but it abounds in other places and costs the people millions of dollars worse than uselessly expended.

Turning to what may properly be called legitimate but extravagant and unnecessary expenditures, the conditions are not much better. This tendency toward extravagant expenditures is not to be charged up against any one political party. It is a constantly growing evil and where it will end no one can tell. The Democratic Party very properly declared against it in its platform of 1912, in which it said:

> We demand a return to that simplicity and economy which befits a Democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Unfortunately this, like several other of its party pledges, was broken and the appropriations under this administration have gone far beyond that of any other since the formation of the Government.

Mr. President, I can not go into details in dealing with this question. It is unnecessary that I should, as the facts are well known to Members of this body, and I am taking up too much of the time of the Senate. But let me call attention to just one of the means of expending, yes, wasting, the public moneys. Take the example of creating commissions and investigating committees with large and increased salaries and heavy incidental expenses. Again I can not enter into details. Let me, however, quote briefly from a speech of Mr. GILLETT in the House, delivered near the close of the last session of Congress. He said in part:

> Applying their own standard and logic the session just closing far surpasses in extravagance any predecessor. The total appropriations of this one session amount to $1,626,439,209.63. In addition the Executive is authorized to incur obligations for $231,945,275.20, so that the whole amount of appropriations and obligations amounts to $1,858,384,484.83.
>
> The largest appropriations ever made in one session of a Republican Congress were $1,044,401,857.12 for the fiscal year 1910. This session exceeds that by $582,037,352.51.
>
> According to the rule applied to us for 14 years by the Democrats, they have been extravagant far beyond all precedent. If we are extravagant, they have been profligate.
>
> * * * * * * *
>
> Last year the Democratic Party was extravagant according to their own standard. Yet the increase of the appropriation of money this year over last year is $511,502,197.61. The increase in the appropriation in money and contracts authorized this year over last year is $706,047,472.81.
>
> * * * * * * *
>
> If there be eliminated from consideration in each year the sums devoted to national defense, it leaves for the ordinary civil functions of the Government $843,537,505.01 last year and $940,729,386.54 this year, an increase of $97,191,871.50, or 11½ per cent for a single year, and that at a time when we were compelled to make extraordinary expenditures for an emergency, and the most stringent economy was imperative for current expenses.
>
> * * * * * * *
>
> During the Sixty-third Congress, covering the first two years of President Wilson's administration, pledged by its platform to reduce offices, the salary roll of the Government was increased by 7,033 statutory places, with salaries aggregating annually $7,769,585.12. This is the net increase. The gross increase was more than twice as large. And, in addition, lump-sum appropriations, used solely for the payment of employees, were increased $9,756,142.60, the number of employees and the rates of compensation being discretionary with the heads of departments. This would make the total net increase in number of offices at least 15,000. That payment out of lump sums is a system of employment which Congress for years had been endeavoring to diminish, because it engendered extravagance and favoritism. During the same period the net number of salaries increased reached 367, involving an annual increase of pay of $65,416.33.
>
> * * * * * * *
>
> It is impossible to segregate yet the new places created in this session, but they will certainly far outnumber those created in the whole of the last Congress. From the best information I can get I estimate the whole number of new offices since the beginning of this administration at from 35,000 to 40,000.
>
> Among the new places created were 5, at $12,000 each; 6, at $10,000 each; 2, at $8,000 each; 1, at $7,500; 1, at $7,200; 7, at $6,000 each; 4, at $5,000 each; 3, at $4,500 each; and 4, at $4,000 each. At the present session by special enactment, 4 more, at $10,000 each; 6, at $7,500 each; 1, at $5,000; and 3, at $4,000 each, have been created, and the multitude of others created since last December, in annual appropriation acts, in lump sums, and otherwise, at salaries varying from the paltry sum of $5,000 down, it will take time and research, after the session has closed, to determine—their number will run into the thousands.
>
> One salary was increased from $5,000 to $12,000; 3, from $12,000 to $17,500 each; and 1, from $7,000 to $9,000.

In this speech, Mr. GILLETT goes into particulars. To quote them would take up too much time and space. It is a revelation that should open the eyes of the American people to the perils of this fast-growing and consuming evil.

GROWING POWER OF MONEY.

The large increase of the wealth of the country accumulated in the hands of a few inordinately rich men and powerful corporations is a standing menace to popular government that is growing in power and force. I am afraid the people of this country have but little conception of the extent to which this threatening and powerful influence has assumed control of elections and legislation. It is a subtle power working under cover, but everywhere present when its interests are likely to be affected, and operating secretly wherever possible, and through able and skillful agents who know what their principals want. The control that these powerful influences have exercised over elections and the affairs of government has resulted in class divisions and class legislation most detrimental to a free republic. As I am trying to point out the evils that are confronting the country I refer to this most powerful and potent one only in a general way that it may not be overlooked. While I am devoting but little time to it, I regard it as one of the most serious and dangerous forces of evil that is now threatening our republican form of government.

THE INCREASED POWER OF THE MILITARY.

I refer also to the increased and increasing power of the military as inimical to free government. It has proven, as history teaches us, to be one of the great causes of the decay and downfall of other nations once as powerful and seemingly as secure as our own. The war in Europe has excited the fears of the American people and aroused an unfortunate military spirit that is much to be deplored. This unhappy condition of the public mind, manufactured largely by interested parties, especially the great corporations dealing in arms and munitions of war, acting upon Congress and forcing it to action resulted in laws enacted at the last session greatly increasing both the Army and Navy. So persistently and shrewdly was the public mind played upon and the fears of the people engendered that many unthinking people came to look upon this increase of our military strength as a patriotic duty, and the proposed increase became popular in the minds of many good people who did not and do not believe in war or a large Military Establishment. This perversion of the public mind, this creation of a belief in a large standing army in the minds of our people is one of the worst and most dangerous features of the situation. Let us hope that the American people may soon be restored to their right mind on this subject and that we may never have a large and dominating military force in this country. I hope any apprehensions that I or any other citizen may have on the subject may prove to be unfounded. But no thinking man can conceal from himself the fact that we have taken a long and dangerous step toward militarism, one of the greatest enemies of free and popular government.

History proves that there is no more arrogant or dominating power than that of the military. It is the representative of force and not of law. When it comes into action the laws of civil and orderly government are suspended or destroyed and arbitrary power, armed force, takes its place. I know that it is claimed that this can not happen in this country. But human nature is much the same the world over and it has happened more than once in other countries. Indeed, it has happened, and that in the most aggravated and lawless forms, in some of the States in our own country. Martial law in times of peace is not unknown in the United States, and it is a power to be dreaded by any nation or any people.

THE JUDICIARY IN POLITICS.

Mr. President, I have had occasion heretofore to express my views on the subject of the election of judges to political offices. In a speech delivered by me in this body April 12, 1916, in speaking of the Supreme Court of the United States, I said, in part:

To my mind it is of the gravest importance that that great tribunal should be separated absolutely and forever from politics, candidacy for office, or any interest in elections beyond that of the disinterested and patriotic private citizen.

But my objections to judicial officers becoming candidates for any other office are not confined to that great court. They apply with equal force to all judges, State and National. In some of the States, be it said to their credit, a judge is forbidden by law to be a candidate for any other office during the term for which he was elected. Unfortunately, it is held that this inhibition does not apply where the judge is a candidate for a Federal office; for example, United States Senator. There may be cases of extreme exigency where the salutary rule that I am contending for might with justice and propriety be violated in the public interest, but such cases must be exceedingly rare. Members of the Supreme Court have spoken at different times, urging in no uncertain terms the impropriety of themselves being candidates for President of the United States. Thus Chief Justice Waite, when asked to be a candidate for President, had this to say:

Of course, I am always grateful to my friends for any effort in my behalf, and no one ever had those more faithful or indulgent. But do you think it quite right for one occupying the first judicial position in the land to permit the use of his name for a political position? The office came to me covered with honor, and when I accepted it my chief duty was not to make it a stepping-stone to something else but to preserve its purity, and, if possible, make my name as honorable as that of my predecessors. No man ought to accept this place unless he shall take a vow to leave it as honorable as he found it. There ought never to be any necessity for rebuilding from below. All additions should be above. In my judgment, the Constitution might wisely have prohibited the election of a Chief Justice to the Presidency. Entertaining such a view, could I properly or consistently permit my name to be used for the promotion of a political combination as now suggested? If I should do so, could I at all times and in all cases remain an unbiased judge in the estimation of the people?

Under like circumstances Mr. Justice Hughes expressed similar lofty sentiments, as follows:

The Supreme Court must not be dragged into politics. A judge of the Supreme Court should not be available, though he is nominally eligible, for elective offices. The moment he assumes the judicial office he ceases to be a partisan and knows, or should know, no partisan obligation. The moment he accepts a party nomination one or more things happen and happen explicitly.

First, a political party may undertake to capitalize the judicial decisions of its candidate than which nothing could be more deeply violative of the spirit of the judicial institution. His decisions would, moreover, become subject to the partisan and passionate review of partisan strife. Worst of all, it is not inconceivable that, if men are to step from the bench to elective office, decisions may ultimately be rendered with a view to the contingency of such public and necessarily partisan review.

Such a situation would be certain to lessen the independence of the judiciary, as it would inevitably impair the Nation's confidence in the unswerving integrity of the court. Of what real and permanent value were the decisions of a judge to-day who on the morrow may choose or be chosen to sue for the favor and suffrage of the electorate?

More important than the outcome of the present political contest, however large it looms at present, is the perpetuating of the organic institutions or sovereignty of the Republic. One such institution coordinate with the executive and legislative is the judicial. The people rightly believe in the integrity and the incorruptibility of the Supreme Bench. The justices of the Supreme Court of the United States are privileged by virtue of their office to render service of the highest order to the Nation.

The performance of that service and the maintenance of the dignity of that office depends in largest part upon the will of the members of that court to suffer no personal ambition for elective office, however great their gifts, and though their fitness be in every other respect beyond question, to influence their judgment or to affect the attitude of the Nation to the Supreme Court as a tribunal, which, without personal aims and above private ambition, seeks to interpret the law upon the basis of the Constitution of the United States. * * *

I hope that as a justice of the Supreme Court I am rendering public service and may continue to do so for some years; but the Supreme Court must not be dragged into politics, and no man is as essential to his country's well-being as is the unstained integrity of the courts.

And Mr. Justice Miller, another distinguished member of the court, refused, in 1876, to be a candidate for the Presidency for the same reasons.

Notwithstanding the strong sentiments of the judges themselves against their being candidates for political offices, it is not an uncommon thing to see judges running for other offices not only during the terms for which they were elected but during the term of their actual and active service on the bench and without even resigning their judicial positions.

Mr. President, to me this is an unpardonable offense. It should be expressly forbidden by law in the Government as it is in a number of the States, and this not alone because of the impropriety of dragging the courts into politics but for the better and stronger reason that it tends to break down the constitutional barriers between the different departments of government and thus destroy one of the greatest safeguards to the liberties of the people and the maintenance of our republican form of government.

CAMPAIGNING FOR THE PRESIDENCY.

Mr. President, it will be a sad day for the people of this Republic when they lose their respect for the office of President of the United States and cease to look upon it as sacredly and disinterestedly devoted to the preservation of the rights and liberties of the people, free from selfish ambitions and political or personal self-seeking. The dignity of this great office must be maintained and its independence preserved and defended against the degrading influences of party strife and the ambitions of the seeker after office and personal gain. As I have said, when a citizen is elected President he should cease to be a politician or partisan and become the servant of the whole people. I go further than that, Mr. President. I maintain that no man should seek this great office or as a candidate become the advocate of his own election or the success of his party. Time was when the impropriety, to say no worse of it, of a candidate for President taking the stump in the campaign for his election was fully recognized and observed. It was very generally looked upon as beneath the dignity of the office and unworthy of the candidate.

But, sir, this high ideal has become a thing of the past. By degrees the candidates for the Presidency have become more and more active in support of their own election, until at the last campaign we witnessed the unhappy and undignified spectacle of the several candidates for the Presidency, including the incumbant of the office seeking reelection, traveling the country over making political speeches, feasting at banquets, indulging in criminations and recriminations against each other, and practicing all the arts of the politician to secure the success of their respective parties and their own election. It was not an inspiring or elevating exhibition. I hope the American people will never be called upon to witness such another scene. It has been my conviction always that no candidate for President should engage in the campaign for his own election. It shows a lamentable lack of appreciation of the dignity and high character of the office and of the duties and obligations an election imposes upon the successful candidate.

It seems to me, Mr. President, that the whole tendency of the times is to cheapen, belittle, and degrade this exalted position. The President is expected to travel about the country making a public show of himself, deliver addresses on all sorts of subjects, and make a common lyceum bureau of his office instead of performing the legitimate duties of his office, and the extent to which occupants of the office have responded to this unseemly demand upon their time and attention has been rather shocking to me, and it is an evil that is growing in extent year after year. My conception of the exalted office of President of the United States is such that to use it for such commonplace purposes is offensive to my sense of the proprieties, to say nothing more of it, and is calculated to bring the office into disrespect and contempt.

CLASS LEGISLATION.

Mr. President, another of the dangerous tendencies of the times is the disposition of Congress to legislate in favor of certain classes of citizens to the exclusion of other classes. This is conspicuously true of the farmers and the labor organizations of the country. There is no reason whatever for singling out these interests and favoring them by any legislation enacted for their especial benefit. They do not need special legislation in their behalf, and if they did, to single them, or either of them, out for such special and class legislation is vicious and in violation of the principle that all men are equal under our laws and form of government. The farmers of the country, who should be and are the most independent and patriotic of our citizens, should rise up in indignant opposition to the use that is being made of their names and their interests in aid of extravagant and useless appropriations and unnecessaray legislation, ostensibly for their protection and benefit, but in fact to secure their political support and their votes. The same thing may be said of the laboring class. The whole thing is nauseating to one who believes in legislating uniformly for all classes, without distinction or favoritism. The object of such legislation is transparently evident when we read the platforms of the different parties, in which they boastingly refer to what they have done for the farming and laboring classes.

Mr. President, time and space will not allow me to go into the details of such legislation, but I may mention in a general way the exemption of farmers and labor organizations from injunctive remedies that may be resorted to as against all other citizens; appropriations for good roads in the States, avowedly

for the benefit of the farmers; rural-credit legislation, in the same interests; the eight-hour law passed at the last session under duress and without investigation; appropriations for fertilizer plants for the benefit of the farmers, and innumerable items of appropriations in the agricultural and other appropriation bills made for the especial benefit of farmers and other specific classes of people, many of them extravagant and unnecessary and only to secure the good will and political support of such classes.

Mr. President, there is no objection to legislation in favor of the farmers, the laboring men, or any other class of citizens if that legislation is at the same time for the benefit of the people generally. For example, if an eight-hour day is in the interest of the public and not alone of one class, to the detriment of the general public, there is no reason why it should not be enforced by law, if that is necessary. But this is not the theory upon which such laws are enacted. They are avowedly enacted for the benefit of a class without regard to their effect upon the people of the country as a whole, and the boast of the political parties is that they have been enacted for that purpose.

Any law that singles out any class of citizens and favors that class alone without regard to its effect upon the people generally is vicious, un-American, and inexcusable, and any law that exempts one class of citizens from the effects of a law and deprives other citizens of a civil remedy against that class that they may enforce against others destroys the uniformity of our laws, violates the principle of equality so necessary under our system of government, and can find no justification whatever. It is unjust legislation and dangerous in its effects. It is peculiarly dangerous because it incites in the minds of the favored class the belief and understanding that they are a favored class under the laws of the country and entitled to favors and protection not accorded to other people.

POLITICS IN LEGISLATION.

Mr. President, let me now call attention very briefly to the unmitigated evil of mixing legislation and partisan politics. In too many cases laws are not passed or defeated on their merits as legislation, but because of their political effect. Hardly a law of any importance is enacted by Congress without taking into account its probable effect upon one political party or another, and the CONGRESSIONAL RECORD is full of political and partisan speeches that should never be heard in legislative halls. They breed bad legislation, lower the dignity and usefulness of a lawmaking body, and excite the distrust and contempt of all right-thinking patriotic citizens. Political parties are proper and necessary under our system of government, but their influence should be confined to political purposes and objects, and should not be used to secure or defeat legislation of a nonpartisan character, and no legislation should ever be enacted in the interest of a political party or for partisan purposes.

Again referring to the inaugural address of President Harrison, we find him opposing in strong language the prevailing system of patronage. His were wise and patriotic sentiments, expressed by a patriotic citizen just elevated to the exalted position of Chief Magistrate of this great Republic. It was a solemn occasion. What was then said should challenge the attention of every lover of his country. The warning conveyed in this message has not been heeded. Conditions in this respect have grown worse instead of better since that time. This partisan spirit that now enters so largely into legislation by Congress is the outcome of the vicious and unpatriotic doctrine that the President of the United States is the leader of his party and to the victor belongs the spoils, enforced by our unpardonable system of patronage to which I have already referred.

RELIGION IN POLITICS.

Mr. President, absolute and complete separation of church and state is one of the fundamental principles of our Government. Freedom of religious beliefs and practices is protected by the Constitution. Congress is expressly forbidden to legislate "respecting an establishment of religion or prohibiting the free exercise thereof." It is just as necessary that Government and all civic affairs should be kept free from religious or church influence or control as that freedom of religious belief and exercise should be sacredly preserved and protected. It is one of the threatening evils of the times that this important fact is not recognized or the principle that church and state shall be kept separate observed. As a natural and inevitable consequence we are threatened with a religio-political war, the tendency of which is to disturb the harmony of our civic institutions and the disruption and final overthrow of our free institutions and the destruction of the salutary principle of religious freedom.

In times past and even down to the present time in greater or less degree, in other countries, the church has exercised itself not in its religion alone, which is protected by our Constitution, but in secular affairs as well. The power of religious organizations over civic and governmental affairs in some of those countries has been greatly curtailed in later times and their influence more nearly confined to their legitimate powers and functions as religious organizations. As a result it is seen, with no little apprehension, that this great power, either through organization or membership, is exerting every effort to extend its influence in this country in secular affairs, evidenced by the strenuous and to a great extent successful efforts to secure appointments to office and places of power and influence in secular and governmental affairs in the interest of religion. The American people should not look with tolerance upon this effort through religious and church influence to secure places that may in time give over to any religious body the control of civic affairs over which no church or religious body should as such have any influence or control.

Mr. President, what I have said is not inspired by any antagonism toward any particular church, its religion, or any of its members. My opposition to the influence of religion in politics is applicable to every church or religious body. No church, whatever its religious teachings, can be allowed control over civic or governmental affairs. No citizen, however worthy, should be elevated to any official position because of his religious beliefs or opinions or in the interest of his church or its religious beliefs or practices. Neither should he be debarred from holding office or participating in public affairs because of his religious beliefs. His rights, his duties, and his obligations, both as a citizen of this Republic and as one of its officers, should be wholly apart from and kept separate from his religious beliefs and his duties and obligations to his church, should there be any conflict between the two. His duty as a public official is to his country and not to his religion or his church.

The wisdom of this separation of church and state is fully attested by the history and experience of other countries. The most bloody and cruel wars of all history have been between religious bodies growing out of their control over the affairs of government. The intolerance and fanatical cruelty of religious bodies has been a disgrace to Christianity and to civilization. We want none of it in this country. Any attempt at church or religious influence or control over the political or governmental affairs must be condemned and crushed in the beginning if religious freedom and civic rights are to be protected and preserved. The unwise activities of church and religious influence in politics have aroused serious animosities and antagonism resulting in the organization of a secret society or association, the object of which is to antagonize and defeat any and every candidate for office supported by such influences. It is this political conflict between religious influence and a secret opposing organization that gives cause for great concern. Both religious and such secret organizations, so far as they deal in politics on any such grounds, are seriously in the wrong. It is just as reprehensible for any class of American citizens to combine or conspire together to defeat the political aspirations of a citizen because of his religion as it is for citizens of his religious faith to support him because of his religious beliefs, thus bringing religion into politics. It raises a false issue. It is un-American. It is in violation of the spirit of the Constitution. Any religious organization that presents any such issue invites a religious controversy in secular and civic affairs that may result in the most serious consequences. It has been made a direct issue in elections in some of the States already and has defeated some candidates for office. It has entered into this body and may, if the conflict continues, change its complexion. It is an evil that unless speedily exposed and patriotically suppressed will grow and spread. It should be the duty of every American citizen, whatever his religious beliefs, and every religious organization of whatever faith, to set face against every effort or tendency to bring religion into politics or make the religious faith of any citizen a test of his right or fitness for public office.

FAILURE TO PROTECT AMERICAN CITIZENS IN FOREIGN COUNTRIES.

One of the most solemn and imperative duties of any and every government is that of protecting the lives, the liberty, and the rights of property of its citizens abroad as well as at home. A failure to perform this sacred duty is the strongest kind of evidence of weakness. It creates a feeling of distrust and animosity on the part of the citizen whose rights go unprotected and a general want of respect for their country by all people. The duty of loyalty on the part of the citizen and the protection of his rights by the Government are mutual and dependent obligations, neither less strong than the other.

If a government neglects its duty in this respect, it must expect a lesser degree of respect and loyalty on the part of its

citizens, and this tends toward the weakness and decay of a government of and by the people. That this Government has failed in its duty to its own people in this respect for the last few years, under very trying circumstances and when many American citizens needed the support and protection of their Government the most, has been painfully evident and has been very generally condemned by our own people. Not only so, but it has put this Government in a most humiliating situation in the eyes of other countries. The neglect of our people in Mexico may be cited as the most striking failure of the Government to guard and protect the rights of its citizens. The treatment of our citizens in that country throughout the revolution, disorder, and anarchy in Mexico is one of the darkest pages of our history as a Nation. Instead of protecting their lives and their property where they were and had every right to be, all protection was withdrawn from them and they were compelled to abandon their all, in many cases the accumulation of years of labor, and flee for their lives or put themselves under the protection of some foreign country. No American citizen who knows what the obligations of his Government are under such circumstances and appreciates it can look back upon this page of the Nation's history without a sense of shame and humiliation. It is one of the convincing evidences of the weakness and decay of a nation.

In commenting on the failure of the Government to protect its citizens, Theodore Roosevelt, a distinguished American citizen and once President of the United States, quotes with approval this passage from John Fiske's Critical Period of American History:

> A government touches the lowest point of ignominy when it confesses its inability to protect the lives and the property of its citizens. A government which has come to this has failed in discharging the primary function of government and forthwith ceases to have any reason for existing.

Nearly 40 years ago Mr. Evarts, then Secretary of State, wrote to Mr. Foster, our minister to Mexico:

> The first duty of a government is to protect life and property. This is a paramount obligation. For this governments are instituted, and governments neglecting or failing to perform it become worse than useless. * * * Protection in fact to American lives and property is the sole point upon which the United States are tenacious.

And Senator Root, one of the leading statesmen of the present time, in ringing, patriotic words, thus announces the duty of the Government to protect its citizens everywhere and in solemn words declares the neglect of that duty to be the beginning of the death of the Nation:

> The imminent, deadly peril of the Americans in Mexico was not a mere question of property or of human life. It was a question of national duty and honor and right to existence, for a nation that is indifferent to the oppression and destruction of its citizens anywhere on earth has already begun to die.

CAPITAL AND LABOR—IDLE AND PROFLIGATE RICH.

Mr. President, the problems growing out of the conflicting interests and claims of capital and labor, employer and employee, are amongst the most difficult and, in some respects, the most dangerous that the Government will have to contend with in the years to come. They affect not only the commercial and business affairs of the country, but enter into the social and economic relations of millions of our people. Great wealth in the hands of a few of the capitalistic and employer class has made them proud, arrogant, and oppressive, while as a countercheck the laboring class has organized and often uses its organization with a force and brutality no less reprehensible and dangerous to the public welfare than the oppressive use of the money power. The conflict of these two forces, whose interests in great measure should be identical, has arrayed these two great industrial forces against each other, and both are active and constantly at work using all of the influences of their money and their organizations to secure favorable legislation from legislative bodies, both State and National. It is a melancholy fact that these influences have to a very great degree reached legislative bodies and brought about unfortunate and discriminatory laws that should never have been enacted. As I have already said, class legislation is the most dangerous and inexcusable of all laws. They are un-American and an offense against our free republican institutions. They take into account the interests of a class attempted to be favored and consider the public interests not at all. Some general, definite legislation should be enacted that would secure the settlement of all labor disputes by peaceful means through some disinterested civil tribunal, and any and all forms of force or coercion, direct or indirect, be forbidden under severe penalties. It seems to me that Congress has the undoubted power, in the interest of the public welfare, to compel the settlement of such disputes, so far as they affect Federal interests, by arbitration or resort to the courts, and to prevent the attempt to settle them by arbitrary or forceful action by any of the parties directly concerned, and the law-making power of this great and powerful Nation should have the moral courage to take such action as will bring this about, and that speedily.

But, Mr. President, as I conceive, there is a more serious and dangerous side to this problem than the disturbance of business by whatever means. This division of our people into classes, depending upon the amount of money they possess or the nature of their calling, whereby in the public estimation the man who lives by manual labor is placed in and regarded as belonging to an inferior class for that reason only, and another man less worthy and less respectable is placed in a superior class because he does not labor with his hands and is possessed of greater wealth or because one is the employer of the other, is bound sooner or later to result disastrously to a Government founded on the principle of absolute equality of opportunity and of rights under the law.

To me one of the most pathetic and at the same time the most deplorable features of this situation is that the laboring people willingly accept this classification of them as inferior and appeal for legislation in their behalf on this very ground. The whole thing is obnoxious to every principle of popular government, and this division of men and women into classes can find no reason or justification in principle or in law, human or divine.

Mr. President, there is another serious side to this situation that should not be overlooked in estimating its effects on the public interests and its tendency toward degeneracy and final dissolution of a democratic Government. The accumulation of inordinate wealth has given us another class of people that has no place in a Government like ours, namely, the idle and profligate rich. They are leeches on society, a useless incumbrance, and an evil example that leads to idleness, profligacy, and crime on the part of others as well as themselves. It would be a good thing and wholesome in its effects if every man living on his income and following no useful employment should be compelled by law to work at some useful occupation, if not for himself then for the State. To live in idleness is not only degenerating in its effects upon the man who does not work but it leads others to the same useless way of living that permeates and lowers the standard of the community as a whole.

While I am about it let me mention one other phase of this question. There is great discontent on the part of the laboring class growing out of the high living and show of wealth and display by their more fortunate countrymen in a worldly way. The thoughtless rich, whether idle or not, are constantly flaunting the evidences of their wealth in the faces of their less fortunate fellow citizens. I never see an American citizen in his automobile or carriage driven by another American citizen dressed in livery, a badge of servitude and inferiority, that I do not feel a sense of resentment at this aping of royalty and the degenerating flunkyism that it engenders. It is an inexcusable departure from the simplicity that should characterize the conduct of the people of a free Republic founded on the great preserving principle of equality. Men and women of great wealth are setting an example that if followed will inevitably lead to disaster. They are leading the way to the degeneracy of their own class and the degradation of what they are pleased to regard as their servants, if not their slaves, and as belonging to an inferior class only fit to serve them, that is growing worse and more threatening as time goes on. The rich are growing richer and the poor poorer as the country grows more rich and more powerful, and division of the people into classes becomes more marked and more hurtful to the public interests and the rich become more arrogant and offensive to those who are foolish enough to look up to them as superior beings only because of their offensive display of wealth.

SUPERTAX ON WEALTH.

Mr. President, it is a very nice thing for the man of moderate means to contemplate the spectacle of forcing the man of large means to pay most of the taxes by levying heavily on his income if it exceeds a certain sum, but it may not be out of place to call attention to the probable effect of this means of raising public revenue. I have already commented upon the fact that more and more big business, wealth, and the power of the great corporations are influencing and controlling legislation and the affairs of government in all its branches. I am very much afraid that this innovation of exacting heavy tribute from such interests will contribute to an increase of this baleful influence over politics and government. The men of large incomes, that are increasing in number, and the amounts of their annual incomes, if they are called upon to pay the larger share of the expenses of operating the Government, will have great reason to say, "If we support the Government we should be allowed to

control its management and say how our Government shall be run and our money expended." How far this kind of legislation is going to affect this result no one can tell, but I do not hesitate to say that in principle it is wrong and will tend to evil consequences. I look with disfavor and apprehension upon the accumulation of immense fortunes in the hands of a comparatively few, or, for that matter, any number of individual men or combinations of men in any form. I think it should be prevented in the public interest. I believe the fortune that any man may acquire in this country should be limited by law to a reasonable sum and in the forfeiting to the Government or the State of all he may accumulate over the limited amount in that way, to be used for charitable or other beneficent purposes, or, if in business, to be divided with his employees; but I do not like the idea of giving a man of large income a greater interest in the Government than have a hundred or more men having collectively an income equal to his. Besides, this means of raising revenue renders the contribution of the several States unequal. The States having a few citizens of large income may be compelled to contribute more to maintain the Government than another State having a greater population and property of greater value. I submit, sir, that any system of taxation that discriminates between the taxpayers of the country as to the proportion of taxes they shall pay is vicious and calculated to bring us serious trouble.

CENTRALIZATION OF GOVERNMENT—ABANDONMENT OF STATE RIGHTS.

Mr. President, I have given attention to some of the processes of government and habits of the people that, if persisted in, as I look upon them, lead to weakness, degeneracy, and final dissolution of our form of government. In the estimation of others some of them may seem trivial and unworthy of serious consideration. As to some of them, taken singly, this is undoubtedly so, but taking them together, as showing the tendencies of the times in which we live, they call for the thoughtful and candid attention and treatment of all lovers of liberty and free popular government.

I come now, sir, to the contemplation of another question which is of itself and standing alone of transcendent importance. I have more than once since I have been a Member of this body referred to the tendency of legislation toward the centralization of government to the exclusion of the States and local civil and municipal organizations. To me the more singular and at the same time the most hopeless phase of it is that it does not come so much from an attempt or desire on the part of the Federal Government to usurp the powers of the States, as a willingness, desire, and persistent attempt by their Representatives in Congress to surrender and abandon the rights and evade the duties and obligations of the States for mercenary reasons and a money consideration. This I have said here in general terms more than once. I desire now to amplify what I have already said, to go more specifically into the extent to which Congress has entered upon this process of centralization and to point out the dangers to a free Republic and the Federation of States that lurk behind this endeavor to get money out of the National Treasury by the surrender to the Government of the sovereign rights of the States. I do not intend to take up the time of the Senate in any extended discussion of the constitutional rights of the Federal Government and the several States, respectively. Every Senator, every intelligent and well-informed American citizen knows that the Government has only such powers as are expressly granted to it by the Constitution and such incidental powers as are necessary to carry out and make effective the powers thus delegated, and that all other powers are reserved to and remain in the States.

In the great debate in this body, early in the history of the country, between Senators Webster and Hayne, Mr. Webster put it this way:

> The people, then, sir, erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people.

And again:

> The General Government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. The National Government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves.

Mr. Hayne, then the avowed champion of State rights in the broadest sense and going far beyond Mr. Webster, had this to say on the subject:

> Who, then, Mr. President, are the true friends of the Union? Those who would confine the Federal Government strictly within the limits prescribed by the Constitution, who would preserve to the States and the people all powers not expressly delegated, who would make this a Federal and not a National Union, and who, administering the Government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation, who are constantly stealing power from the States and adding strength to the Federal Government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country.

In support of his position, Mr. Hayne thus quoted Mr. Jefferson in a letter to Mr. Giles, written about the same time. He says:

> I see as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the power to regulate commerce they assume indefinitely that also over agriculture and manufactures, etc. Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads and digging canals, etc.

Mr. Hayne went so far as to maintain that each State had the right to determine for itself what its sovereign rights were and to nullify and refuse to be bound by any law of Congress that it held to be in violation of its rights as a State. But this claim was forever put at rest by the Civil War as well as by decisions of the Supreme Court of the United States which, it is now settled, is the one and only tribunal having power and jurisdiction to settle finally controversies of this kind arising between a State and the National Government. There can be no doubt of the wisdom of vesting this jurisdiction in the Federal courts. But it is morally certain that this has tended to magnify and increase, by construction, the powers of the Government as against the States. It is a well-understood fact that, as a rule, all Federal officers magnify their own power and the power of the Government. Perhaps the courts are freer from this weakness than are the officers of other departments.

Thomas Jefferson, in his inaugural address of March 4, 1801, in stating "the essential principles of our Government," thus tersely and concisely stated what appeals to me as the correct rule on the subject:

> The support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies, and the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

My own position is that in order to preserve the equilibrium of the Union of States it is necessary that the powers of both the National Government and the States should be accurately ascertained and preserved, one as much as the other. There has been but little difficulty in arriving at the powers of the National Government as expressly granted to it by the Constitution. The trouble has been to determine with anything like accuracy the extent to which it may go to enforce and make effective the powers thus granted, or, in other words, what incidental powers not expressly granted it may exercise as a means of enforcing and making effective its unquestioned delegated powers. And, sir, this is the rock upon which this ship of state, composed of individual States, is most likely to founder. Again I refrain from going into any extensive discussion of this subject, upon which so much learning has been expended by statesmen, jurists, and historians. I am dealing with general principles of government and endeavoring to demonstrate to the Senate and the country that we are treading on dangerous ground and pursuing a course that may, and almost certainly will, eventually lead to disaster unless, as some think, a centralized government will best serve the interests of the people. I do not think so.

Mr. President, it is my purpose to call attention with some particularity to the course of legislation enacted and threatened that, in my judgment, leads directly and inevitably to the establishment of a centralized government here in the Capital of the Nation and the ultimate destruction of all sovereign power in the States, and that without the amendment of the Constitution in the manner provided for in its provisions. This of itself, of course, would be a usurpation of power and a denial to the people of the rights guaranteed to them by the fundamental law under which their Government was formed and now exists, with some of their constitutional rights already taken away from them or abandoned to the Federal Government by the acts of their own Representatives in Congress.

Let me refer to a few of the acts and proposed acts of legislation that are driving us headlong toward a centralized and highly paternal Government:

The so-called good-roads law, lately enacted; provisions for Federal vocational schools in the States; the extension of the Public Health Service in the States; the proposed water-power legislation; the establishment of nitrate plants to supply fer-

tilizers for the farmers; the child-labor law; the charitable appropriations to meet losses of citizens within the States by storms and other disasters; the extension of the powers and activities of the Agricultural Department to matters of State and local concern; rural-credit legislation; the hundreds of appropriations that are being made year after year in aid of the States and individuals within the States; the raising of numerous special commissions that are being added to every year; and the proposed railroad legislation leading to the fixing of rates and hours of labor for working people. These are only a few of the legislative acts that might be mentioned, but they will serve to direct the attention of the Senate to the dangerous tendencies of legislation of this character to which I am now addressing myself.

I want to call the attention of the Senate a little more particularly to my reasons for thinking that the kind of legislation illustrated by the few cases referred to are unconstitutional, objectionable, and dangerous.

The good-roads law is clearly objectionable on constitutional grounds. The Government is not authorized by the Constitution to build or improve the public highways within the States, particularly where they are wholly within a State. Nobody pretends to say it has. Expenditure of money for such a purpose could only be justified, or even excused, by showing that the highway to be constructed was necessary to be used to carry out some other delegated power and as incidental to it. This obvious limitation of power on the part of the Government was recognized in the bill by the pretense that the roads to be constructed and improved were post roads and were to be improved to facilitate the carrying of the United States mails. But everybody here knew that was not the purpose. This claim was a cheat which only made the offense of invading the rights of the States and misappropriating the people's money that much worse. The law was not only unconstitutional, it was fraudulent. Every argument made in support of it was founded upon the benefit improved highways would be to the people of the States, especially to the farmers. If the building or improvements by the National Government for such a purpose can be justified, then Congress may lawfully appropriate Government funds to make any public improvement within a State if it will benefit the people or any class of people. The validity of this law will probably never be tested. The people of the States are altogether too willing to accept gratuities of this kind from the Government. But if it ever is contested it can be sustained only for the reason that the courts will not inquire into the motives of Congress in enacting it, as the law on its face shows that the money is to be expended for the improvement of roads over which the mails are carried, and therefore incidental to the power and duty of the Federal Government to transport the mails. It would make no difference in that case that this was a false pretense and everybody but the court knows it to be so.

But, Mr. President, the fact that such a law is unconstitutional is not by any means the only just objection to it. It is an unwarranted encroachment upon the rights of the States. The States alone have jurisdiction over the highways within their borders. It is their right, uninfluenced by any other power or jurisdiction, to say when and where and how their roads shall be built or improved. To allow the Federal Government any control of these highways is an unlawful extension of the powers of the General Government, and to that extent a usurpation of power and an encroachment upon the sovereign rights of the States, besides being a very objectionable kind of paternalism that is against public policy. It is cultivating in the minds of the people of the States the false theory that the Government should supply their needs and relieve them of all responsibility and expense. It tends to the dependency of the people and consequent weakness of the States. To me such legislation has no redeeming quality but is fundamentally wrong in principle, vicious in character, and degenerating and dangerous in its effects.

The law for the establishment and maintenance of vocational schools within the States at Government expense is of the same character, and equally if not more objectionable than the good-roads law. It gives the Federal Government a control and influence over the education of the children of a State that it does not rightly possess, and is to be condemned as an unlawful and illegitimate exercise of authority and an infringement upon the rights and powers of the States.

The steady and persistent encroachments of the Public Health Service in its growing activities in the States is one of the worst phases of this tendency and disposition to concentrate all power in the National Government. To say nothing of the baleful effects of the horrifying health-destroying literature sent out into the States by the Health Service it is more and more taking over the duties that belong to and should be exercised by the State authorities alone. All of the States are well supplied, most of them oversupplied, with health organizations, many of them doing more harm than good. But Congress, influenced by the Federal health authorities, has not been content to leave these matters to the States, where they belong under the Constitution. State, county, and city boards of health exist, I believe, in every State in the Union. They are, as a rule, just as able and competent to deal with health problems as are the officers of the National Health Service. And yet the Government is spending millions of dollars every year in duplicating or performing the work that should be done wholly by the States and at their expense.

The only plausible excuse for this palpable misappropriation and waste of public funds is that the Government has more money and greater power than a State, and for that reason can perform the service better and more effectively. The evil effects of this position must be evident. It serves to take away all incentive and initiative on the part of the States and leads the people of the States to depend upon the National Government to do for them what they should do for themselves, and extends the Federal power into every State entirely beyond its legitimate scope. Let me instance a few of the latest advances of the Public Health Service into the domain of the States. The last thing asked for at the last session of Congress was an additional division in the service to be known as the division of rural sanitation. Of course, there can be no rural territory over which the National Government has jurisdiction except in the District of Columbia and the Territories. But the activities of the Health Service has been systematically and without authority extended to the sanitary work in several of the States, and the service is now asking for an additional division, which it is claimed will enable it to carry on the work already under way more efficiently. Evidence taken before the Senate Committee on Public Health disclosed the fact that this rural-sanitation work consisted in great part, at least, in the survey, so called, of counties in the States at an expense of $6,000 a county in different localities in a number of the States. The plan was to inspect the farms, the springs, wells, dwelling houses, and barns, and advise the farmers of the best way of conducting and carrying on their farms for the preservation of the health of themselves and their families. When asked why this, if necessary, should not be left to the State authorities, the only answer was that the States had not money enough to do the work, and as an excuse for Government interference it was claimed by the Health Service that bad sanitary conditions on the farms and in the rural districts might cause malaria, typhoid fever, and other similar diseases which, it was claimed, are transmissible diseases and might be carried from one State to another, thus making it an interstate affair and within the jurisdiction of the Federal authorities.

The whole thing is so absurd and untenable that it could hardly be supposed that it would find any supporters in Congress, but, strange as it may seem, it has found earnest supporters in this body. Such a broad construction of the powers of the National Government to deal with matters within the States would remove all barriers and destroy all limitations of the Federal authorities and make it unnecessary to maintain State or other boards of health by the States. This instance of Federal usurpation of State sovereignty through the Health Service is only one of many. The present tendency, as well as the endeavors of the health authorities, is to assume and exercise full and unlimited power over the health of the people of the States. And the States and their health authorities seem perfectly willing to have it so, for the reason already suggested, that it saves them money and responsibility and imposes the burden on the Federal Government.

But, Mr. President, the extreme limit of Federal usurpation, so far, was reached in the child-labor law forced through Congress at the last session largely, if not entirely, for political purposes. In substance the law makes it unlawful to ship any goods in interstate commerce that have been manufactured in an establishment in which a child or children under a certain age were employed whether they were engaged in the manufacture of the goods shipped or not. This law has been attempted to be justified by the decision of the Supreme Court of the United States upholding what has come to be known as the white-slave act. But, sir, I maintain that there is no analogy between the two acts, and that there is nothing in the white-slave decision to support the constitutionality of the child-labor law. The child-labor law attempts to make unlawful an act committed wholly within a State and entirely and exclusively under the jurisdiction of a State, and to prevent its commission by excluding from transportation into another State manufactured articles perfectly harmless to commerce and to

the State into which they are carried. The claim that such transportation is harmful or injurious is sheer pretense. The law is directed wholly against the employment of child labor within a State and nothing else, and as, admittedly, the Government can not define or punish such a crime within a State, it is attempted to punish it indirectly by making unlawful a perfectly lawful and inoffensive act, namely, the shipment of entirely innocent and harmless manufactured goods. There can be no possible analogy of such a law to the white-slave act. That act provides:

That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purposes of prostitution.

This is to prohibit, in terms, transportation in foreign or interstate commerce for an unlawful purpose. That is to say, the act of interstate transportation over which Congress has undoubted jurisdiction is itself for an unlawful purpose. This is not so of the child-labor law, nor is it claimed to be so. As I have said the act sought to be prevented has no connection with or effect upon the thing over which alone Congress has jurisdiction, namely, interstate commerce. The difference between the white-slave act and the child-labor law and the principle upon which the former was upheld will be made perfectly obvious by a few brief extracts from the opinion in Hoke *v.* United States (227 U. S., 308) involving the constitutionality of the white-slave law.

In defining the meaning and object of the law the court said:

What the act condemns is transportation obtained or aided or transportation induced in interstate commerce for the immoral purposes mentioned.

And again in commenting on the act to prevent the transportation of impure food and adulterated drugs in interstate commerce, the court said:

It may be that Congress could not prohibit the manufacture of the article in a State. It may be that Congress could not prohibit in all of its conditions its sale within a State. But Congress may prohibit its transportation between the States and by that means defeat the motive and evils of its manufacture.

The pure-food act is clearly distinguishable from the child-labor law. There the thing to be transported was injurious to health and therefore its transportation, which aided in its additional sale and wider distribution, was itself an offense within Federal jurisdiction.

Further, in defining the power of Congress the court had this to say:

The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation "among the several States"; that the power is complete in itself and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations.

It must be evident that the power of Congress is confined to the protection of the people of the States from the use of interstate transportation for evil or injurious purposes affecting the States. There is no such element in the child-labor law and no such principle to uphold it.

I voted for the child-labor law principally because I believed it would afford an opportunity for the Supreme Court to define the respective powers of the Federal and State authorities and to check the prevailing tendency to unduly enlarge and extend Federal authority over State affairs and the consequent breaking down of the constitutional barriers between Federal and State sovereignty.

The various laws to which I have adverted are founded on, or attempted to be justified under, the public welfare and commerce clauses of the Constitution and the incidental one of police regulation. In my opinion these provisions of the Constitution have already, in some instances, been too liberally construed in favor of Federal jurisdiction as against the States. But it is too obvious that Congress is ready and willing to go further in this direction than the courts have gone, and it is this principally that I am complaining of as unwarranted and dangerous.

If we can go as far as is proposed in the laws that I have already mentioned, then there is practically no limit to the right or the power of the Government to legislate for the benefit of the people of the States in cooperation with or to the exclusion of State authority. If the Government can go into a State to aid in educating its children or in protecting those who labor from too long hours of service, on the ground that to improve the condition of one child in a State is within the welfare clause of the Constitution, or that it may forbid the use of interstate-commerce facilities under the commerce clause to a manufacturer because of the means by which his goods are manufactured in a State, then there is no limit to the powers of the National Government, for under that construction the making of any public improvement anywhere in the country or the betterment of the condition of a single child in any State in the Union is in a sense a public benefit and for the welfare of the whole Nation, as an elevation of its citizenship and the enlightenment and advantage of some one citizen that helps to make up the masses in all the States that constitute also the citizenship of the Nation, as well as of the individual States, and would bring it within the welfare clause. That must be the final outcome, the logical result of such legislation as I have been considering, if upheld by the courts. That Congress has gone that far in enacting the child-labor law there is no denying. The Supreme Court of the United States may follow that far, but I trust not.

Mr. President, more and more we are concentrating the regulation of railroads and other corporations here in Washington. We are about entering upon the hazardous undertaking of fixing and regulating wages for employees of corporations doing an interstate business, as well as their hours of labor. This of necessity involves the changes of rates and charges to be made by such corporations to meet changes that may be made from time to time of hours of labor and the wages to be paid. Thus practically we centralize in the National Government the power not only to regulate rates and charges, but to say how many hours hundreds of thousands of laboring men and women all over the country shall work and the wages they shall receive. It will be an unhappy day for the laboring people when this condition is brought about. It will take from them the power to contract for their wages, as well as for the hours they may work, and subject them to the powerful, almost irresistible, power of the great corporations to control legislation. They will no longer be free and independent agents, with the right to deal, by contract or in any other independent way, with the vital things that affect the lives and fortunes of themselves and their families. In effect, they will be placed under the guardianship of the Government and made dependent on Congress for their daily bread. Such legislation will destroy the independence of the laboring class of American citizens and make them little better than slaves. Every laboring man and woman in the country should rise in revolt against this movement to humiliate and degrade them and their calling.

Mr. President, if we have reached a condition in this country where it has become necessary to thus reduce the laboring people to this helpless condition of dependence on the will of Congress and place them under the guardianship of the Government, we had better accept the inevitable and take over the ownership of all corporations doing an interstate business and have done with it at once. If we do, this will be followed by corporations doing intrastate business being taken over by the States as a necessary and inevitable consequence, and we will then have paternalized National and State Governments with all their devastating and demoralizing influences. That will sooner or later result in the swallowing up of the States by the Federal Government and the taking over of all this vast power by the centralized forces in the National Capital. I know Senators may say all this is mere speculation, and that the things I have mentioned may never happen. But, sir, I am talking now about tendencies of Government, and no candid man can look present conditions in the face and contemplate the legislation that is now proposed and say that we are not driving on to just such conditions in the future as I have suggested. Do we want even to start along the road that will, if pursued, inevitably lead to such results? I shall not be here to help to deal with this momentous question growing out of the unfortunate conflict between capital and labor, but there are Senators about me who will have to meet just this situation I am now laying before you. I pray God they may solve the problem in a way that will preserve the independence of the American people of all classes and redound to the future glory of this great Nation, the institutions of which are now on trial and being put to the test as they never were before.

Mr. President, I am not going to spend time in analyzing the other cases of legislation that I have mentioned above as leading inevitably to this result. I have said enough to inform the Senate what my views on the subject are, which must suffice for the present. I pass now to the consideration of the effects of such a course, and what I am greatly afraid will be the ultimate outcome of it all, and in doing so I shall take the liberty of quoting from others who have stated their views and expressed their fears and apprehensions growing out of the consummated and threatened usurpation of power by the Federal Government.

The protests I am now making against Executive usurpation and centralized government are not new. They have been discussed and their dangers pointed out by distinguished statesmen and jurists almost from the beginning of this Republic down to the present time, but neither Congress nor the Presidents of later times have given heed to the oft-repeated warn-

ings of men like these, many of them profound students of the history of nations and the science of government, and in spite of them conditions have grown worse in the last few years until to-day they are looked upon by many thinking people as alarming. I feel it a solemn duty at the close of my service here to call the attention of the Senate and the country to some of the sentiments expressed by men whose views should command universal attention, and to emphasize what they have so well said. I have referred to some of the sayings of Mr. Jefferson on the subject, but I desire to quote from him a little further. In a letter to C. Hammond he states with clearness and precision what he regards as the results of centralizing all power in Washington, as we are now so rapidly doing. He says, amongst other things:

When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the Government from which we separated. It will be, as in Europe, where every man must be either pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same workshop, made of the same materials and by the same hand. If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable, but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians.

And in his autobiography (Ford, ed.) we find this:

It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly and what it can so much better do than a distant authority.

So again his fears and apprehension are stated more fully in a letter to William B. Giles, in which he says:

I see with the deepest affliction the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the Federal court, the doctrines of the President (John Quincy Adams), and the misconstructions of the constitutional compact acted on by the legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic. Under the power to regulate commerce they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare," a right to do, not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare.

No one at this day will question the patriotism of Thomas Jefferson or his fidelity to the fundamental principles of the Government. And we are to-day to an alarming degree verifying the fears and apprehensions of this great patriot and statesman. He saw with his farseeing vision the dangers that were even then confronting the country in a very moderate degree as compared with the present time. Fortunately, he did not live to see his fears verified. Probably none of us will live to see the complete centralization of power in the National Government, ruled by a dictator, but that we are tending rapidly in that direction, that the dangers to the liberties of the people and their control over their Government are threatening and much more imminent than in the time of Thomas Jefferson, must be obvious to every thinking and observant American citizen.

Mr. President, what are the forces that are driving us toward this outcome? Mainly ambition and lust of power on the part of men elevated to the head of the executive department of the Government, the greed and cupidity of the people of the States who are willing to barter their sovereignty for money out of the National Treasury, and the lust for office and patronage through which the President wields such enormous power in controlling Members of Congress and others. These are the most powerful enemies of a government of the people.

Coming down to a later time, we have the solemn warning of William Henry Harrison, then President of the United States. His denunciation of these influences I have already quoted in discussing the usurpation of the Executive. His comment on the then powerful influence of patronage in the hands of the Chief Magistrate impels consideration of present conditions. The large additional number of Federal officers to be appointed by the President and the consequent increase of power in the hands of the Executive has been enormous, and that power is now being used to a degree never before known to bend public officials to the will of the President.

In view of the present state of politics, the claim of the President to be the head of his party, and the extent to which legislation is swayed by political and party considerations, I feel a desire to quote again the patriotic utterance of President Harrison on the subject, but shall desist.

Having quoted somewhat extensively from statesmen of earlier times, I now attract the attention of the Senate to some of the views of men of modern times, whose sentiments are worthy of the most careful consideration.

David J. Brewer, one of the greatest jurists of his time, in an address delivered by him before the Arkansas and Texas Bar Associations in 1906, discussed this question with great freedom and frankness, particularly as it related to the Supreme Court of the United States, of which he was then a distinguished and trusted member. He gave particular attention to the false sentiment we hear expressed so often at this time that the courts should so construe the Constitution as to meet altered conditions and changing public sentiment, enlarging and modifying its provisions as appeared to be necessary for this purpose. I quote in part what he said on that subject:

This enlargement of the powers of the National Government is not to be regarded as the mere result of judicial action. It is an expression of the thought and desire of many, a thought and desire which took partial shape in the three post bellum amendments, and which is very clearly shown, both in the newspaper press and in the character of legislation which is constantly pressed upon the attention of Congress. There is also an evident attempt through public opinion thus formed to induce the Supreme Court to further this national enlargement.

* * * * * * *

It is urged that this is one Nation that in order that it fulfill its functions as a world power it must have all the powers which other nations possess; that law is but the reflex of public opinion, and if public opinion requires an enlargement of or an addition to the powers of Congress above and beyond those named in the Constitution the court must sanction the legislation to accomplish that end. If this tendency increases and the court responds to that kind of suggestion, it will not be long before it will become impossible to say that this is a government of enumerated powers, but, on the other hand, it will be a government with all the powers vested in the legislative and executive authorities of any nation; and the tenth amendment, which reserves to the people what they have not in terms granted, will become a voiceless and unmeaning part of the Constitution.

He then proceeds to emphasize the fact that this is a Government of the people and that the people alone have power to amend, enlarge, or modify the Constitution, and deprecates the idea that the Supreme Court may exercise any such power. On that branch of the subject he said, in part:

I know that there are changed conditions and a different social and business life from that which obtained when the Constitution was framed. It may be that new laws are necessary, possibly amendments to the Constitution, but it must always be remembered that this is a government of and by the people; and if additions and changes are necessary, let them be made in the appointed way. Never let the courts attempt to change laws or Constitution to meet what they think present conditions require. When they do this they clearly usurp powers belonging to the legislature and the people.

I fully believe that this Nation, as a nation, has all the powers which any nation possesses, but I as fully believe that those powers are vested in the people and that only such as they have enumerated in the Constitution have they granted to the Government. If they deem that further powers should be vested in that Government, the Constitution provides its own way of amendment, and it will be a sad day when the court is found assenting to the proposition that it has the right to enlarge the terms of that instrument.

And in considering the tendency toward the enlargement of the powers of the National Government at the expense of the States, and the consequent centralization of government, he attracted attention to the dangers of such a course in these words:

Is there not danger in this tendency, and may we not wisely consider whether it ought not to be stayed? I know it is said that the National Government is more efficient than the States, can reach supposed ills in their entirety when the States can only reach them partially. But is efficiency the only test? If it is, then a centralized government with a dictator is the ideal government, for none has such efficiency and thoroughness as a government under the absolute control of a single individual. Is there not danger in this centralization of building up the party machine and the party boss and giving them a power such as has never been dreamed of in this country? How strenuously even now the party whip is swung over the heads of Congressmen and Senators.

Judge Brewer did not live to see party influence and political bossism exerted in the Congress of the United States for purely selfish and political purposes as it has been in the last few years. He saw its dangers and pointed them out with great clearness. But things have grown rapidly worse, even in the short time since his death, and the influence of politics in legislation combined with the power of the Executive who, at the same time, stands as the leader of his party, has become a real and imminent menace to good government and peril to individual liberty. He goes further, and points out the dangers of magnifying and glorifying the greatness and power of the National Government, which leads inevitably to the enlargement of that power by taking their sovereign powers from the States and adding them to those of the National Government, thus making it still greater and more powerful. And, in this connection, he presses upon his hearers the greater necessity of educating the individual citizen to know and feel that this is his Government, for which

he is in part personally responsible, thus building up an independent and responsible citizenship that can alone maintain a government of the people. I commend his words on this subject to every patriotic American citizen and particularly to their chosen representatives in this body. Of this he says:

The truth is we are charmed and entranced by the thought of the power of the Nation. We glory in all that it has accomplished and the position that it is occupying among the nations of the earth, and we think of it as the supreme object of care. To my mind far more important is the protection of the individual, the building up within him of a sense of his personal responsibility. Naturally he will become inattentive and careless when he feels that the responsibility for the affairs of his community is not vested in the inhabitants of that community, but is located in Washington. While I rejoice with all others in the magnificent position of this Nation in the sight of the world, I rejoice far more in seeing the individual citizens of the separate communities so interested in the public welfare that for their communities they are striving to maintain justice and righteousness. For the most glorious product of our civilization is not the entrancing beauty of the Capital, the magnificence, wealth, or extravagance of the Government, its ironclads, or its Navy, its wonderful system of railroads, its marvelous manufacturing, mining, and other industries, but rather the individual's possession of an independent, conscientious, public-spirited citizenship.

* * * * * * *

Never will we pass the danger line until those who dwell in all our communities realize that upon themselves rests the burden of our civilization. It is human nature to turn responsibilities off, if possible, and if you develop in the locality a general feeling that in a Government at Washington rests full responsibility, the individual will steadily lose the spirit of independent public-spirited citizenship. I am not pessimistic. I believe in the glorious future of this Republic, for though I clearly see the tendency to-day, I as firmly believe that there will yet be a glorious resurrection of that spirit of individuality, that sense of personal responsibility which can alone give to this Nation an enduring and brilliant future.

* * * * * * *

That which I wish to call attention to is that too much and too frequent interference by Government blunts the sense of individual responsibility, and the danger is that we drift to a condition where the individual abandons his own duty and simply appeals to Government. So that if a man buys a pair of shoes which pinch his feet he will rush to the legislature for some statute regulating shoemaking, and for fear the State legislature can not reach every shoemaker in the land, hasten to Washington to have Congress undertake the work of regulation under its power over interstate commerce. The police power, never yet defined, is constantly broadening in its exercise, until it threatens to become an omnivorous governmental mouth, swallowing individual rights and immunities. Those guarantees of personal rights, which to my mind are the most valuable portions of the Constitution, are, if not openly disregarded, at least slurred over.

The closing words of this admirable and patriotic address may well be kept in memory. As he well says, "The protection of the liberty of the individual is the great duty of the Republic." Never in all the history of the country has it been so important that this sentiment should be borne in upon the minds of the people than at the present moment. Let me quote his words:

Let it never be forgotten that the protection of the liberty of the individual is the great duty of the Republic. Liberty; it is one of the grandest words in the English tongue.

* * * * * * *

I believe in the liberty of the soul, subject to no restraint but the law of love, and in the liberty of the individual, limited only by the equal rights of his neighbor. Whatever may be the changes of the future, whatever the new conditions of social, business, or political life, the time will never come when anything will justify shackling the golden rule or striking down the Declaration of Independence.

Mr. President, the patriotic sentiment so eloquently expressed by this distinguished jurist should be made the watchword of liberty and free government in every household, at every fireside throughout this broad land. It should be a part of the education imparted to the youth of the Republic in our schools, public and private. It needs now, more than ever before, to be repeated and emphasized as one powerful means of checking the unpatriotic and dangerous tendencies that I have been discussing.

In an address before the New York Bar Association, Charles Evans Hughes, another distinguished jurist and statesman, expressed similar views. He emphasized, very properly, the necessity of preserving the powers and functions of both the Federal and State Governments. This I look upon as of supreme importance, as I have already indicated. It is just as important that the National Government should be protected in the powers delegated to it by the Constitution as that it should not be allowed to usurp or destroy the sovereign powers of the States. Both are essential to the preservation of such a dual government as ours.

I shall trespass further upon the time and patience of the Senate to quote from the pen of Elihu Root, lately an able and highly distinguished Member of this body and recognized as one of the greatest statesmen of this time. In an able and thoughtful article published in the North American Review of July and August, 1913, and during his service here, he had this to say on this important subject:

We should observe that the Civil War arose because the Constitution did not draw a clear line between the National and State powers regarding slavery. It is of very great importance that both of these authorities, State and National, shall be preserved together and that the limitations which keep each within its proper province shall be maintained. If the power of the States were to override the power of the Nation, we should ultimately cease to have a nation and become only a body of really separate, although confederated, State sovereignties continually forced apart by diverse interests and ultimately quarreling with one another and separating altogether. On the other hand, if the power of the Nation were to override that of the States and usurp their functions, we should have this vast country, with its great population, inhabiting widely separated regions, differing in climate, in production, in industrial and social interests and ideas, governed in all its local affairs by one all-powerful, central government at Washington, imposing upon the home life and behavior of each community the opinions and ideas of propriety of distant majorities. Not only would this be intolerable and alien to the idea of free self-government, but it would be beyond the power of a central government to do directly. Decentralization would be made necessary by the mass of Government business to be transacted, and so our separate localities would come to be governed by delegated authority—by proconsuls authorized from Washington to execute the will of the great majority of the whole people. No one can doubt that this also would lead by its different route to the separation of our Union. Preservation of our dual system of government, carefully restrained in each of its parts by the limitations of the Constitution, has made possible our growth in local self-government and national power in the past, and, so far as we can see, it is essential to the continuance of that government in the future.

All of these three classes of constitutional limitations are therefore necessary to the perpetuity of our Government. I do not wish to be understood as saying that every single limitation is essential. There are some limitations that might be changed and something different substituted; but the system of limitation must be continued if our governmental system is to continue—if we are not to lose the fundamental principles of government upon which our Union is maintained and upon which our race has won the liberty secured by law, for which it has stood foremost in the world.

It will be seen that Senator Root, like Mr. Justice Hughes, seeks to impress upon the public mind the necessity of preserving intact the powers of both the National and State Governments, a necessity that must be obvious to all thinking people, but one that in these times needs to be brought to public notice and strongly emphasized. He is equally emphatic in his contention that the limitations of the Constitution upon the powers of both governments must be maintained if the institutions of the Government are to be preserved.

Now, Mr. President, having called attention to the sentiments of some of our own countrymen as to our form of government and the means and necessity of preserving it, let me refer briefly to the opinion of a student of nations and himself a historian of distinction as well as a fair and dispassionate observer of our own country.

De Tocqueville, in his Democracy in America, thus comments on centralized as compared with local self-government:

But whenever a central administration affects to supersede the persons most interested I am inclined to suppose that it is either misled or desirous to mislead. However enlightened and however skillful a central power may be, it can not of itself embrace all the details of the existence of a great nation. Such vigilance exceeds the powers of man.

* * * * * * *

It profits me but little, after all, that a vigilant authority should protect the tranquillity of my pleasures and constantly avert all dangers from my path, without my care or my concern, if this same authority is the absolute mistress of my liberty and of my life, and if it so monopolizes all the energy of existence, that when it languishes everything languishes around it, that when it sleeps everything must sleep, that when it dies the State itself must perish.

NEW ALIGNMENT OF POLITICAL PARTIES NECESSARY.

Mr. President, if this Government is to survive and perform its great mission on earth as a free Republic—a Government of the people—the dangerous and degenerating tendencies I have in part recounted must be checked and public sentiment and governmental activities turned in the opposite direction. Personal liberty, the sovereignty of the States and of the Nation in their respective spheres, the independence of the several departments of the Government must be preserved, we must return to that simplicity and economy that characterized the early days of the Republic, and every American citizen, man or woman, rich or poor, black or white, employer or employee, must be protected in his or her life and property and his or her political, industrial, and social rights.

But, sir, it may well be asked how is this to be done? Who is to lead the people out of the unfortunate condition into which they have fallen? Are there enough unselfish and patriotic citizens, men and women, to inaugurate and follow up a movement that will redeem this country from the bondage of commercialism, money seeking, political and official corruption, greed, and vice that now threaten the integrity, the very existence of the Government? I believe there are if only they were once brought together in organized form either within one of the old parties or in a new one. This can not be done under either of the old parties as now constituted and controlled. They have been the instruments through which our worst misfortunes have come upon us. The evil tendencies I have been enumerating have grown up under their administration of the Government. There is practically no fundamental issue between them to-day. It has become, so far as they are concerned, mostly a question of spoils. The encroachments upon the liberties of the people commenced

under Republican rule. They have grown infinitely worse and more offensive under Democratic domination. The Progressive Party has proved a failure because it was founded on malice, hatred, and a spirit of revenge and the personality of one man. No such party could hope to survive. When adversity came, and in its hour of need, its leaders, including its candidates for President and Vice President, consulting their own personal ambitions, deserted the party they had helped to found, as might have been expected. Only a few of the members of the party had any fixed principles of reform. The great majority of them were not the supporters of principles, but of men, or one man. Those who are Progressives from conviction stood by their principles and convictions and are still clinging to their party. It is a hopeless struggle that will come to nothing. Those of their number who deserted the party when their support was most needed have found no abiding place in either of the old parties. They are ostracized and distrusted. The same is true of Progressives within the old party.

The Republican Party is at this time hopelessly disorganized because of the conflicting and irreconcilable difference of views of its members on fundamental and vital questions. I had hoped it would be otherwise. I have been a Republican all my life. The party has performed a great mission. I had hoped with fervent desire that the party might be reunited and again become the champion of liberty and the defender of the principles that I believe to be necessary to the preservation of the Government. But, sir, that hope has been rudely dissipated. I repeat, nothing can be hoped for from either of the old parties as at present controlled.

The Democratic Party is just as hopelessly divided in sentiment between reactionaries and progressives. It is held together by the cohesive power of patronage and pelf and the fear of the colored race in politics. Things can not go on as they are. There must be a new alignment of political parties in this country unless one or the other of the old parties gives evidence of a change for the better. Otherwise, if this Nation is to be relieved from its present unfortunate condition, a new party must be formed. It must be founded on the principles of individual liberty and social, political, and industrial equality. It must stand for the fundamental principles of the Constitution and the independence and sovereignty of the States in local, and the Federal Government in national, affairs and for economy and simplicity in government and in private life. It must, in short, be a party of right ideas and intentions and composed of men and women who will stand firmly and courageously for the enforcement of the principles of right and justice at home and abroad. I should be glad to support such a party, unless the party to which I have always given allegiance espouses and in good faith devotes itself to the effort to bring about these reforms. It could be made the instrument of the greatest good to the greatest number of the people, redound to the glory of the Republic, and insure its perpetuity and usefulness to all mankind. The Progressive Party is discredited and disorganized. If its members, who have stood courageously for their party and its principles, would inaugurate such a party as I have indicated which would conform to their declared principles and include others of greater importance, under a new and appropriate name, it would meet with the approval of a great proportion of the American people and grow in favor if it should faithfully maintain the principles it stands for. If I were called upon to give name to such a political organization, I would call it the Liberty Party.

CONCLUSION.

Mr. President, I have taken up the time of the Senate by somewhat extensive quotations from others partly because of the extreme importance of the subject as I see it, and in order that it may be realized that the ideas I have advanced are not mere pessimistic and unfounded fears of my own, advanced now for the first time, but that they have been in the minds of leading men of the country almost from the beginning of the Government. I have called attention to them now because, in my judgment, founded in part on my service here in the Senate, the fears of the men whose utterances I have quoted are nearer being realized than ever before, and because I feel and feel very strongly the duty of calling attention anew to the patriotic sentiments expressed by these great men, and the sounding of a new note of warning from my place in this body as I am about to retire from public life with all its cares and responsibilities and its many disappointments.

Mr. President, I shall love my country and glory in its institutions and its accomplishments no less as a private American citizen than I do now as the responsible representative in this body of the people of the great State of California, my adopted home, a people than whom there are none more enlightened, intelligent, or patriotic in any of the States now forming this great Republic. I have endeavored, in my few years of service here, to serve the best interests of my State and my country. No man, no organization, political or otherwise, no interests of any kind whatever, has been my master or allowed to dictate my course or influence my action as a public servant. I have served but one interest, and that the interest of the whole people. I came into the Senate wholly independent and free to follow my convictions. I go out of it and return to my people with the consolatory feeling that I have done my best to serve faithfully their best interests. Whatever others may say or think of my service in this body my conscience is satisfied, and that means more to me than the condemnation or approval of others who have not known my innermost thoughts or intentions as I have known them. I am far from being a pessimist. I believe sincerely in the institutions of my country. I have faith in the patriotism of my countrymen and their loyalty to those institutions. Uninfluenced by prejudice, self-interest, or passion they may be depended upon to protect their country in its integrity as handed down to us by the sturdy patriots, our forefathers. I have sounded this note of warning and recounted some of the evils that are threatening the Government we all love and revere to put them on guard that they may be the better able to stand against the forces of ambition, greed, and other evils that threaten us as a Nation. This I have done with charity for all and malice toward none.

CALLING OF THE ROLL.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Senator from Illinois.

Mr. LEWIS. I wish, first, to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Pomerene	Stone
Borah	Johnson, S. Dak.	Robinson	Swanson
Brady	Jones	Saulsbury	Thomas
Chamberlain	Kenyon	Shafroth	Thompson
Chilton	Lewis	Sheppard	Tillman
Clapp	Lippitt	Sherman	Townsend
Clark	McCumber	Shields	Underwood
Culberson	Martin, Va.	Smith, Ariz.	Vardaman
Curtis	Martine, N. J.	Smith, Ga.	Wadsworth
Dillingham	Norris	Smith, Md.	Watson
Fletcher	Oliver	Smith, S. C.	Weeks
Gallinger	Page	Smoot	Works
Hardwick	Poindexter	Sterling	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names. There is a quorum present.

Mr. LEWIS obtained the floor.

Mr. TOWNSEND. Mr. President——

Mr. LEWIS. I yield to the Senator from Michigan.

VOLUNTEER OFFICERS' RETIRED LIST (S. 392).

Mr. TOWNSEND. I have asked the Senator from Illinois to yield for the purpose of submitting a proposed unanimous-consent agreement, which I send to the desk.

The PRESIDING OFFICER. The Chair will state to the Senator that there is a motion pending now; and this motion is not in order until that one is disposed of.

Mr. TOWNSEND. I am not making a motion. I am simply asking for unanimous consent.

Mr. HITCHCOCK. What is the request, Mr. President?

Mr. TOWNSEND. To fix a date for voting on the Volunteer officers' retired-list bill (S. 392), which is the bill now before the Senate. The motion pending is one which would displace it. I am asking for a date upon which to vote.

Mr. SMITH of Georgia. Mr. President, I am sure the Senator from Florida [Mr. BRYAN] will object to that consent at this time, and for that reason we are wasting time to call the roll. We will call the roll, and he will come in and object. He stated to me yesterday that he would not consent to it; that he was going to object.

Mr. TOWNSEND. The Senator from Georgia does not object?

Mr. SMITH of Georgia. I am not objecting at present. I have not heard it read.

Mr. TOWNSEND. I ask to have it read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2 o'clock p. m., on Thursday, January 11, 1917, the Senate will proceed to the consideration of S. 392, a bill to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War Volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other pur-

poses, and at not later than 5 o'clock p. m. on said day will vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that on the said day of January 11, 1917, no Senator shall speak more than once or longer than 15 minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

Mr. SMITH of Georgia. Mr. President, I ask the Senator not to press that request at this time. If we can get through with this resolution indorsing the President, and have a couple of days' opportunity for debate clear, I will not object to a consent order to vote upon the Senator's bill. I say I will not object if we have two days of clear debate ahead of us.

Mr. TOWNSEND. I had understood the Senator to say that he would not object.

Mr. SMITH of Georgia. I say I will not object if we have a clear two days' debate ahead of us. At present I do not know when we are going to be allowed to vote upon this resolution with reference to the President's letter; and until we see what direction is given to that matter I would rather the Senator would not press his request for consent, but I think we can consent a little later.

Mr. TOWNSEND. I understand the Senator, then, to object now?

Mr. SMITH of Georgia. I do not want to object, but if the Senator presses his request now I will. I do state, however, that if we can have a clear field for two days of debate upon the Senator's bill I will not object to consent; and I will not take time in discussing it in such a way as to prevent a vote.

Mr. TOWNSEND. Of course the Senator understands that the order proposes five full days.

Mr. SMITH of Georgia. No.

Mr. TOWNSEND. Yes; it does.

Mr. SMITH of Georgia. We may not get any of them.

Mr. TOWNSEND. There are five legislative days between this and the day fixed for the vote in the proposed agreement.

The PRESIDING OFFICER. As the Chair understands, objection is made, then; is it?

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

PEACE OVERTURE.

Mr. LEWIS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Mr. Lewis's Reply To Mr. Lodge.

SUBJECT: RESOLUTION OF INDORSEMENT AND APPROVAL OF SENDING PEACE NOTE TO WARRING GOVERNMENTS (S. RES. 298).

Mr. LEWIS. Mr. President, I rise to reply to the address of the Senator from Massachusetts [Mr. LODGE]. I reply at once, upon the moment of his conclusion, that I may set the Senate right on what I feel to be the only question that is before it for its immediate consideration. It is no purpose of mine to impose upon this body, which has been more generous to me than my deserts ever called for. A physical weakness, due to late illness, may cause me to proceed at times not wholly audibly. I trust no Senator will have any hesitancy to let me know of such, in order that I may aid him in hearing what it is my purpose to say.

Mr. President, we have all listened to a very edifying discussion from a very eminent Member of this body, the Senator from Massachusetts. It has contributed information brought from his long service in this body, to which there were contributed the results of his acknowledged learning.

But, Mr. President, I am strongly impressed with the fact that many of the things discussed by the able Senator from Massachusetts are far afield from anything that needs to be considered by this body upon the mere resolution of the Senator from Nebraska. I am inclined to warn my colleagues, if I may be pardoned the audacity, against being taken away from the just consideration of the only thing that is properly before them by expressions of convictions that may relate to other matters of interest, perchance, but not now necessary for present consideration.

May I be bold enough to remind the eminent Senator from Massachusetts that a distinguished predecessor of his—to whom he is a worthy successor—Daniel Webster, on the floor of the Senate, replying to Hayne in the great discussion which preceded that deplorable holocaust of our Civil War, reminded the body that when a mariner had found himself far out upon his waters, he turned to his chart, to his compass, to get his bearings, and from those set again anew his sails. I trust the Senate may agree with me that it will be a rewarding diversion for us to turn to the chart and from it see from where we are sailing and to what port.

The resolution, Mr. President, presented by the Senator from Nebraska, which is the only thing now for the consideration of the aye or no of this body, reads with clearness and exactness:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. President, where is a sentence, aye, or a word, in this the only question before this body which calls for the approval of any of the propositions of the message of the President or invites this body into the consideration of their effect in the present status or in the future condition of the world? Where is there a word in this resolution from which the distinguished Senator could have asserted that there is before this body at this time a serious obligation imposed upon it by the resolution "to take all the risks of world complications" which he has so graphically pictured; where any phrase bringing us to the consequences which he fears or embarks us on all those unprecedented courses for which before in the history of our Government there is no parallel? The act of sending the note is what we approve—not the solutions suggested in the note.

Mr. NORRIS. Mr. President——

Mr. LEWIS. I will yield gladly to the junior Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator in view of what he has just said if it is his contention that the passage of this resolution does not approve by its terms the note except wherein it suggests or recommends that the belligerent nations state the terms upon which they will agree to peace?

Mr. LEWIS. I reply to the able Senator from Nebraska by saying that I read the resolution as one that only "approves and strongly indorses the action taken by the President in *sending the notes*," which notes are described as being those which suggested and recommended the nations to state the terms upon which peace might be discussed.

Mr. NORRIS. I do not think the Senator quite answers me. Perhaps he did not quite gather what I referred to, or perhaps I was not quite plain. I judge from what the Senator has said that the words in the resolution as follows, "suggesting and recommending that those nations state the terms upon which peace might be discussed," describe the only part of the note that we would approve by our action. I concede that we might put that construction on it, although as I have looked at it, it seemed to me the words were rather descriptive of the note itself than that we intended to go no further than approve that part of the note. I think the Senator will admit that there were other things in the note besides that. I wanted to know whether the Senator put that construction on it, and whether in his judgment if we pass the resolution unamended we would by our action only approve that part of the note which suggests and recommends that those nations state the terms upon which peace might be discussed.

Mr. LEWIS. Mr. President, I reply to the Senator from Nebraska that I am compelled to differ from both his premises, reading the note as I do, and yet I confess that he is correct in saying that the construction which he puts upon it is permissible from the viewpoint that one might take from first blush. I reply that this resolution neither assumes to approve the calling for terms of peace nor does it assume to ask this body to approve the other portions of the message as on the phase of a world peace alliance upon which the Senator from Massachusetts has adverted. My contention is that the resolution in its very plain words imposes upon this body the sole duty of approving or not approving, indorsing or not indorsing, the action taken by the President in sending the note, asking that peace shall be entered upon in some form of consideration.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield further to the junior Senator from Nebraska?

Mr. LEWIS. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator think, then, that the adoption of this resolution would mean the approval by the Senate of everything contained in the note?

Mr. LEWIS. In no wise whatever do I construe this to be a resolution asking the Senate at this time to approve the matters defined in the note. Knowing the ability of the distinguished Senator who presented this resolution, I can not but conceive that he recognizes that our time for approval of the contents of the note or of the terms of peace are after they have been carried into some effect and submitted to us for ratification, either upon our request or in the course of legislative procedure. I therefore reply to the Senator that to my construction this resolution does nothing more nor goes further than merely to approve the President of the United States in send-

ing a note which asks for such terms or to suggest such terms as might bring about peace. It does not assume to ask this body to enter into the terms of the note, to approve of the terms specifically or otherwise.

Mr. NORRIS. Then, as I understand it, the Senator's view is that the passage of this resolution by the Senate does not put the Senate on record as approving the contents of any note but simply approving the fact that a note has been sent.

Mr. LEWIS. The Senator has correctly stated my position.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. LEWIS. I yield.

Mr. BRANDEGEE. I was going to ask the Senator if he would approve the sending of the note utterly irrespective of what it contains?

Mr. LEWIS. For myself, I approve of all that it contained; I approve the action; but I am answering the distinguished Senator from Nebraska as to what this imposes on the Senate. It does not call for the Senate to do that which I have done, approve the action and approve the contents, and it only approves the sending of the note, which did call for the suggestion of some terms upon which peace might be reached.

Mr. BRANDEGEE. The Senator, then, wants the Senate just to approve the dropping of it in the post office, irrespective of what was in the note?

Mr. LEWIS. The Senator's assumption that this is a mere approval of dropping it in the post office assumes two facts—first, that it was dropped, and, second, that it was in the post office. I will not admit the premises. [Laughter.]

Mr. NORRIS. Mr. President——

Mr. LEWIS. I yield to the Senator from Nebraska upon a more serious suggestion.

Mr. NORRIS. The Senator puts the construction upon the resolution that it does not commit the Senate to any other thing stated in the note. Would he object, then, as an amendment to the resolution, to a proviso which in substance will provide that nothing in the resolution contained shall be construed as an approval by the Senate of the contents of the notes?

Mr. LEWIS. Permit me to say to the able Senator it is not my resolution. I do not feel that I should express any assent or dissent as to what amendments might be offered to it. When such is tendered and the Senator who is the author has expressed himself, I will then assume to express, if I feel I should, any view I have on the amendment. I trust the Senator will pardon me at this time, as I do not feel I have the liberty to accept for his colleague an amendment.

Mr. President, then I turn to the only question, as I see it, which is before the Senate, and that is this resolution calling merely for the approval of this body of the sending of a note asking the belligerent nations to suggest some terms upon which peace might be reached.

Mr. President, I want to address myself now to the observations of the Senator from Massachusetts upon a phase which I regard as serious and worthy both of his comment and of the conclusion which he draws. If this resolution, as the Senator deduced it, contains matters which involve us in the politics of Europe, I would agree with his dissent. If it involved us in a possible conflict with the European countries, I would agree with his protest and join him in opposition to this honorable body entertaining it.

The Senator says, drawing his deductions from what he assumes is involved, that it would plunge us into European politics, that "we would be found involved in complications in European affairs," and from that assumption he accurately concludes that it would lead us to serious conflict of a warlike nature.

Mr. President, I not only join the able Senator in the condemnation of any such course on the part of this Government, were it contemplated, but I must remind him that the party for which I speak, the men on this side of the Chamber who honor me in allowing me at this moment to be the spokesman of this side—these men and the party for which they spoke in the last controversy of politics before this Nation—were constantly presenting to this Nation the great evil there would arise if this our country under any pretense, inspired from any sources, involved itself in the conflict in Europe. We pointed out to the world the danger to America, we illustrated to our fellow citizens the great injury that would befall us; how war would ensue, death to millions of our children, and disasters to the Nation. And yet, sir, it must not be forgotten that it was such distinguished gentlemen as the eminent Senator from Massachusetts and his eminent friend and personal colleague, former President Roosevelt, who impeached the Democracy before the Nation and indicted to the condemnation of the country the President of the United States because neither would enter into the affairs of Europe and involve this country in the very destruction which the able Senator said would follow intruding ourselves into European affairs. Specifically were we indicted because we did not interfere to resent the invasion of Belgium. We were held up throughout the Nation by the distinguished Senator and his party colleagues as having shown cowardice on the one hand and lack of statesmanship on the other in not immediately going to war with countries in Europe to punish the nation which "violated"—"brutalized" Belgium.

Now, the able Senator freely confesses that the very entrance even by mere declaration on the part of the Senate—apart from action such as then was insisted was our duty—would involve us in consequences so serious in their nature that he forbids the body to enter upon so disastrous a course, even by adopting a formal declaration of a policy.

I concur, sir. I approve here the course that the President took previously, the attitude the Democracy took, the decision of the country upon it, and concur with the Senator from Massachusetts that did we embark now upon the course we refrained from, the consequences would be visited upon us as he depicts. Sir, I may be permitted to recall how we, the Democracy, had to stand as a phalanx and endure the assaults of those distinguished gentlemen represented by the Senator who held us up as unworthy of the indorsement of our countrymen or the respect of the world for not doing those very things which he now confesses would lead to our undoing.

Mr. President, I charge that the able Senator from Massachusetts, in his splendid discussion, confuses the thing that is not before the Senate with that which is. First, the Senator says that the resolution is in violation of precedent and, as he sees it, in opposition to the established custom touching the transmission of international notes. He would have us reject the resolution on the ground, among others, that it is an innovation; that it is in violation of all the established precedents which govern similar and previous courses in international affairs. Says the Senator, as a part of his impeachment, that it would have been our duty to "sound the belligerents before such a note should have been sent."

Mr. President, the Senator, though learned in international law, confuses the doctrine which applies to the suggestion of mediation with that which does apply to a mere tender of good offices.

The Senator from Idaho [Mr. BORAH] yesterday correctly defined the note when he said by its very terms it neither proposed mediation nor dictated peace.

This note on its very face merely tenders, Mr. President, the good offices. When, sir, good offices are tendered it is not customary—though permissible—to first sound out the parties. The contrary course is that in merely tendering the good offices it is done ex meru motu and oftentimes without knowledge of the action previously announced, lest opposing interests averse to peace would be busy to intercept the adoption of the tender.

I ask your attention to the observations of the writer on international law, Oppenheim, which are important in that he incorporates a composite definition from the many authorities he cites, saying:

> When parties are not inclined to settle their differences by negotiation, or when they have negotiated without effecting an understanding, a third State can procure a settlement through its good offices or its mediation, whether only one or both parties have asked for the help of the third State or the latter has spontaneously offered it. * * * It is during war in particular that good offices and mediation are of great value, neither of the belligerents as a rule being inclined to open peace negotiations on his own account. * * *
>
> Diplomatic practice frequently does not distinguish between good offices and mediation. But although good offices can easily develop into mediation, they must not be confounded with it. The difference between them is that, whereas good offices consist in various kinds of action tending to call negotiations between the conflicting States into existence, mediation consists in a direct conduct of negotiations between the differing parties on the basis of proposals made by the mediator.

Therefore the able Senator condemns this note by those precedents and doctrines which apply to tenders of mediation, which in themselves propose the terms upon which the others should agree to peace.

Mr. President, in order that the able Senator may realize this, I call his attention to a matter with which he can not be unfamiliar, historian that he is, with a view of establishing that the President of the United States has performed with exactness a duty strictly along the lines of the established precedents and not at all in violation of them. In 1812, when war was between the United States and England, Russia tendered her offices as mediator; and, notwithstanding the fact that Russia at that time was in an alliance with England, England through Lord Castlereagh declined her offices. Sir James Mackintosh, it will be recalled, announced that the rea-

son of the refusal was because Russia tendered herself as mediator, and not her good offices.

Thus it must be plain that the distinction is clear, which the Senator must have overlooked. The Senate will recall that in 1835 Great Britain presumed to mediate the dispute of the United States and France over the spoliation treaty. No notice was either given to France or the United States; yet, of this offer, Jackson, who was then the President, said in his message of February 22, 1836:

Of the elevated and disinterested part the Government of Great Britain has acted, and was prepared to act, I have already had occasion to express my very high sense.

In 1838 the United States instructed its minister at Paris to acquaint the French Government of the readiness of the President to afford assistance in his good offices to bring to an end the controversy between France and Mexico. This without any previous notice to either party or to their ambassadors. The President said that he "would feel no delicacy in tendering his good offices, and was only then deterred by the knowledge that the British Government had offered its mediation."

You will observe, therefore, Mr. President, whenever we tendered good offices we did it as the President of the United States did it in this case, without sounding, without information, to the parties previously.

But, Mr. President, we will have occasion to note with much more interest the precedents cited by the able Senator against us. Says the able Senator from Massachusetts, that there is the precedent of 1860 and 1861. The Senator refers to an effort made on the part of the Governments of Europe to intrude themselves into the Civil War between the States. He says that such suggestion of offices of peace was rejected on the part of the United States. Mr. President, upon casual reading it would appear to the ordinary person that the historical incident cited by the able Senator was a parallel, and would serve to impeach in its course the conduct of the President of the United States in this particular instance. But, sir, I must invite the Senator that here again he has confused a situation—a tender which in no wise is a precedent or affording in any wise a parallel to convict the President of the United States of having conducted the matter before the Senate in any irregular form whatever.

What, sir, were the circumstances of the rejection by us of England's advances? I beg to call to the able Senator's attention that, first, when the Civil War was on there had but six months of conflict expired when England had already given indications of her willingness to aid the South in secession. She had extended both her sympathies and her approval to the seceding States. She was therefore no longer neutral. Her attitude was known to all our Government.

Then the able Senator will remember that, through one of her officials, she was bold enough to suggest that the war between the States be settled upon a theory of what she contended was a previous expression of Mr. Lincoln—of allowing certain States to hold their slaves, and suggested through this official that that policy be presented to us, which would have recognized limited slavery in America. These things could not be without the knowledge of Mr. Seward; they could not be without the knowledge of President Lincoln.

Then, sir, what was her international attitude? It was not to tender their good offices. Surely the able Senator must recall it was that they offered to mediate; they tendered themselves—both France and England—to mediate, and themselves offered terms of peace between the States.

Sir, France previously to that had clearly indicated through one of her officials that in the discordant condition of our severed States it would be a timely occasion to recover much that was lost to France in the Louisiana Purchase; and one officer of England boldly proclaimed that in our dissensions Canada would be able to recover all of that country in the American Northwest called the Oregon country which had been lost to England in the diplomatic dealings between the United States and England. Sir, these may have been impetuous and unauthorized declarations, yet, sir, do you not recognize that with this knowledge, how impossible it was for the United States to accept these intercessories when they offered to mediate, presenting their terms of peace, when it had been charged that on the part of one the terms were secession and slavery and on the part of the other an opportunity to acquire what had been lost them through negotiation and diplomacy on the part of the United States? Then, sir, it was because of that that the United States declined any suggestion whatever of mediation.

Referring to a letter of Charles Francis Adams in his autobiography, let me read that which time did not give the Senator opportunity to read, that which specifically Mr. Adams calls attention to; the fact that in the communication from Mr. Seward the expression was "if these nations shall intimate to you, *interfering in our internal affairs.*" I appeal to the Senator that he has inadvertently misquoted the history of the time that he might thus give to the country color to the plea that a Democratic President was ignorant of history, of parliamentary procedure, and of international law on the one hand, or defiant of the proper course to be taken by America on the other.

Mr. President, there can be some excuse for a Senator, rising on the floor in the heat of debate or when summoned at the moment, either misinterpreting or misstating historical matter or that which is registered in the books, but there can be little excuse on the part of learned men who, with previous convictions on the one side of a controversy, proceed to justify them to themselves by condemning the officials of an opposing party as lacking knowledge of the preceding events that should have guided conduct, and offer to sustain their contentions by that which was clearly without application, or, in so far as it did apply, was a misconstruction in all its terms.

Mr. President, I am not interested much as to whether the President of the United States conformed to precedent or whether he did not. So far as I am concerned, sir, I charge that of all offenses which have been committed against liberty and justice in America there have been none greater than that idolizing of precedents which have no application to modern events and which slay the spirit of things by too much adherence to the letter. Yet, sir, if the President of the United States is to be adjudged before the country when indicted from such eminent sources on the ground that all of the precedents of the past in a matter similar to that which he has transacted have been violated, then I rejoin that there must be stated the truth to the historical fact in order that men may judge the President accordingly by it, truthfully and justly.

Then, Mr. President, the able Senator calls attention to the fact that when Germany and France were at war there was a suggestion made of peace through the United States in one form or another until it reached our minister asking that the United States should intercede; that this was by us repelled. I must say that there the able Senator again leaves the record in a condition most misleading if it is tendered as a precedent that shall serve to denounce our action now. I invite the Senator's attention to history, assured, as I am, that his knowledge will justify me. The war between France and Germany of 1870 and 1871 had proceeded at length. Then came the suggestion not that we tender our good offices as the President has done in this case, but that we join with European powers in offering mediation. It was this, which was so violative of all the policy of America joining with European powers in a matter that might lead to terms of peace which would pledge us to enforce them afterwards. This was the thing that was declined by our Government. President Grant in his message adverted to this and called attention specifically to the fact that he was compelled to decline, because it would have been in violation of the whole policy of this Government to have entered into negotiations in conjunction with foreign countries and make ourselves an ally with some of them and participators and mediators in partnership with kingdoms of Europe. Is there any parallel between that and the present case? I answer none. Then, sir, let it be remembered that Mr. Washburne, our minister then in France, in his declaration sent to this country, said that the whole subject matter was declined because it was a "contest over dynasties," and, as it was such a contest, our country could not enter with Europe to decide which dynasty of Europe should control. Is that any parallel to the present situation of our offer? I again answer no. I must insist that the very able Senator has confused these precedents if he can fancy in them in any wise whatever an application and parallel to the instance that is now before the Senate.

Mr. President, I call the attention of the able Senator to the letter of Secretary of State Fish to Bancroft, our minister succeeding Washburne, and invite his attention to the fact that in that very communication specific direction is given as to what especial course we should refuse. He says to the minister:

If the British Government shall in any way approach you, directly or indirectly, with propositions which assume or contemplate an appeal to the President on the subject of our *internal affairs*, whether it seems to imply a purpose to *dictate* or to *mediate* or to advise, or even to solicit or persuade, you will answer that you are forbidden to debate, to hear, or in any way receive, entertain, or transmit any communication of the kind. You will make the same answer whether the proposition comes from the British Government alone or from that Government in combination with any other—

There alluding, no doubt, to the attitude that had been taken by France.

If you are asked for an opinion of what reception the President would give to such a proposition if made here, you will reply that you

are not instructed, but that you have no reason for supposing it would be entertained.

Mr. President, I think we must see that in all the precedents cited by the very able Senator there is no parallel to either; there are no precedents in any; there is nothing to impeach the course taken by the President, which was merely tendering his good offices, and that by the United States alone.

Mr. President, I now call the attention of the Senate to a corroborative historical fact. It is that immediately after we had declined to enter into an arrangement with the nations of Europe as joint mediators we promptly, in one year thereafter, in 1872, expressing ourselves to the Governments of South America through Secretary Fish, the same Secretary, serving under Grant, previously declining to mediate in Europe—Secretary Fish in his note to Mr. Clapp, the special envoy of our Government to Bolivia at Buenos Aires, referring to the difficulties between Brazil and the Argentine Republic—which also involved Bolivia and Paraguay—said, voluntarily, sir, without consultation with either Government and without sounding either:

The Government of the United States feels a deep interest in the permanent peace and prosperity of the South American States, and will not refuse to exercise such influence as may be proper to secure an amicable settlement of the difficulty which has unfortunately arisen among some of those countries.

Mr. President, can there be a misunderstanding of the justification of the President sending this note—or, sir, of the situation in Europe which he seeks to end? Can anyone of all Christendom fail to see what this condition of martial array means to the world? Behold, my colleagues, those armies as they stand confronting each other, awaiting the order for extermination! Do you realize, gentlemen of the Senate, that there are more men prepared and ready for encounter to the death, summoned to the war fields of Europe, than were marshaled in the whole world of conflict from the downfall of Rome 400 years after Christ to the invasion of England by the Normans in the year 1000? Do you appreciate that there are more armies and men awaiting the order of decimation and destruction than were in all the combined armies of the earth as recorded in history from the time of Waterloo to Appomattox? Can you realize that the navies cradled in the seas from the Baltic to the Bosphorus, straining upon the leash of their anchors, fretting to consume each other, are more in their fighting force than the combined navies of all the earth in all the conflicts in all the time from the Spanish Armada in 1508 to Trafalgar in 1805, and more in power than all the combined fleets of the whole civilized earth in all the battles of naval conflict from Trafalgar to Manila Bay in 1898?

Surely, the scholar of the day, or the casual man of the times, would charge it as recreancy on the part of any man in power if he could have spoken to avoid the result of this annihilating collision had he failed to do so.

Then, sir, what are the good offices that the President of the United States, in such surroundings, submits? It is not, sir, that we submit terms of peace to the belligerents; not that we ask them to submit their terms to us; nor that we ask them to join at this particular time with nations other than themselves. We merely ask them that they shall among themselves, only to themselves, propose between themselves anything which to either would be satisfactory as the terms of peace. How else would terms ever be arrived at in any conflict? From the pettiest lawsuit which arises in the puny courts to the conflicts arising to the dignity of world affairs there must be the approach on the part of some contestant by the expression of that which would satisfy before the other would know whether it could be accepted or rejected.

Has any other course been attempted here? Might I not ask the able Senator, as I would anyone else, in what way would peace ever be had in all the period of time if it shall not begin in the only way in which peace ever begins, by an advance through some one in behalf of those engaged in the conflict? If the position of the able Senator be well taken, then, sir, I do affirm that there can never be an hour when any man in any place could appropriately approach the question of peace. There would be none to whom he could submit the desire. There would be none to speak for those who would have the desire. There would be no agency to initiate in the world. Parties would be left to the conflict to the interminable end, until death was the inheritance of all, and the spectacle of civilization in destruction to be all that was left of mankind.

But, Mr. President, I pause here to recall that the able Senator from Massachusetts found it agreeable, at this time and in this portion of his condemnatory remarks, to criticize President Wilson and Secretary Lansing for a matter which, if well taken, was so beside the great discussion which he had entered upon that I marvel that so great a mind could have descended to such an infinite particle. Says the Senator: "Here in his message the President says that neither of the belligerents had ever submitted their cause of war in detail to definitiveness." Correct the reading was; and then said the Senator, by way of parenthesis, as if he could not resist the opportunity of hissing that sarcasm which is so famed in this body and so effective at times—said he: "It is not customary to criticize the course of those with whom you expect to negotiate and of whom you are asking peace; but," says the Senator, "of course in the new dispensation such seems to be permissible."

Indeed, Mr. President, the words of the President of the United States which were the subject of this flash of cauterizing satire on the part of the distinguished Senator were these: "That there had not been stated concretely and definitely the exact terms for which each was contending," and then he added that in a general way they had been stated. Yet it was because of this that the Senator could not resist the opportunity afforded him to make his criticism personal upon the Secretary of State and the President as those not only wholly lacking in information as to the precedents of international law, but of good manners and good form.

Mr. President, I am not here to offer defense of the President of the United States in a matter touching his private conduct in dealing with his fellow man. I must assume that the history of his life, as recorded in all his acts, answers this, and that the altitude he occupies as an educated gentleman before the civilized world refutes any necessity of an advocate. Nor shall I enter upon any defense of the Secretary of State, Mr. Lansing, as to the manner of his compilation, his composition, or his method of presentation of a state paper. But this much I beg to call to the attention of the able Senator, that if criticisms are to be indulged as to the want of proper delicacy on the part of officials who are of the state diplomacy, then I am delighted, sir, certainly content, to make comparison between this paper and its method and that other form of diplomacy indulged under President Roosevelt, when with the form of a bludgeon a nation could be seized and ravished of one of her children, and the act justified upon the ground of power enough to enforce it, which deed of saw-and-ax diplomacy cost us millions on millions and now to cost more and more in our money and much in the friendship of all South America. Or, sir, of that Secretary of State, not long since in office—and an official colleague of the Senator—who, while treaties submitted by him to the Senate were pending before this body and while he was seeking the approval of the Senate of them, could find it agreeable to write letters impeaching the integrity of intention on the part of some Senators and impugning the veracity and intelligence of others. A late biography of a distinguished former Secretary of State is too fresh in the minds of eminent Republican Senators not to recall that when one enters upon the field of disquisition and criticism of niceties of conduct of a Democrat, merely because he is such, they might have reflected and seen themselves as others see them, and then observed in the words of Hamlet, "Look upon this picture, and now upon that."

Sir, I have nothing to reply to the able Senator's definition of our administration as "new dispensation." I do not know exactly to what he refers, unless he refers to the new public practices that are now in vogue in the Government—that is, by the order of the new administration. If this is what he means, then I admit, sir, there is a new dispensation, and if my humble approvals are heard in the chancellery of heaven I thank God that there is this new dispensation. I find a pleasure in dwelling, sir, for a moment upon the fact that our whole country has welcomed this new dispensation. This dispensation that has ushered in a new era when no longer a few chosen ones are allowed to distribute among themselves the privileges of the Government, when no longer diplomacy is conducted through such secret methods that the Government may be involved in consequences of danger and loss of honor without any knowledge on the part of its representatives of the acts or of the results until too late to avert either.

I welcome the fact that there is a new dispensation that speaks bluntly, forcibly, truthfully, and no longer indulges in the subterranean intrigue of falsehood and pretense to achieve that which only open justice in a democracy should ever accomplish. But I can not resist calling to the able Senator's attention the fact that this new dispensation, twice submitted to his country, returned in 1914 the largest Democratic majority to this Senate it has ever known since it was constituted, and, sirs, that with international affairs and the method of our dealing with them before all America; and, sir, in the second and last controversy over this new dispensation, in which the distin-

guished Senator daringly and brilliantly led the assault upon us, the Nation evidenced its approval by a plurality of more than 500,000 of citizenship, surely testifying that the new dispensation has received the approval of the country as a dispensation of justice to man, profit to the Nation, and glory to the Republic.

Mr. President, the able Senator, however, has now another objection which he urges to the imaginary resolution which his splendid faculties invent as being before the Senate. Says he: "This message has been construed in many quarters to be favorable to Germany."

Mr. President, it may be so. I can hardly imagine any document, in a crisis like this, that would not receive its construction from one side or another. There are always those interested from one viewpoint or the other. There can be no expression on the part of a judge in a trial of a cause but that one litigant can see an aspect against him or for him, and the friends of the litigant indulge that sympathy of construction. Surely, then, there can be no expression from the President of the United States upon a matter so grave as this but that those interested could readily draw from it a construction, and thus indulge the construction by making accusations. But if all of that be true, Mr. President, shall that defeat the purpose, merely because there might arise a construction on the part of those who find it gratifying to themselves to indulge it? Shall this prevent the undertaking? If that were so, there never would be a time, I must say to the able Senator, when anything whatever could be undertaken, anything whatever be begun, because everything would be susceptible of construction one way or the other.

Now, I say to the able Senator, let us reverse the situation and assume a paper probably issued by himself, meaning ever so well the neutrality which he professes here is the creed of his action; but were it issued by the able Senator, will he deny that there would be those who would promptly say, "On its very face it is intended to favor the allies"? Could anybody hear the distinguished Senator's observations, if they desired to be unfair to him or to misunderstand him, that could not impute to his message that form of construction? And yet, shall every effort he would undertake to bring about peace by making a suggestion be wholly withheld because of fear that the other extreme of construction might be applied?

Sir, I can not accept such as a reason why the message should have been withheld, why the expression should not have been given forth, and why the effort, sir, should not have been undertaken. Yet the Senator says that it is construed in behalf of Germany. I must say to the able Senator that I can see, in that observation of his, the real reasons for much of his opposition. There are those who have allowed their race prejudice so to overcome their sense of justice that they can see nothing in the effort to obtain peace but some result that may serve in some way to favor Germany. There are those who, feeling that peace might inure to the benefit of Germany, would rather defeat it than to have it. As we see from the distinguished friend of the Senator and eminent statesman, the ex-President of the United States, Mr. Roosevelt, in his declaration of this morning, he, too, finds the same construction, and for such reasons only, if we read aright, would defeat the peace of the world. They would rather have no peace than one that might inure to the benefit of one of the nations, Germany. Surely, sir, such is not the spirit in which we should approach the discussion upon this resolution, a declaration which only seeks to approve the efforts on the part of the President to bring the nations together that they may speak among themselves for peace to the world and justice to their people—"a consummation devoutly to be wished."

Mr. President, I want to thank the Senators for moving that I be allowed to break my reply address, as my physical health called for some rest. I appreciate the consideration voted me.

I turn my attention specifically to the remaining reasons urged by the Senator from Massachusetts [Mr. LODGE] why this body should not adopt the resolution tendered by the Senator from Nebraska [Mr. HITCHCOCK]. I refer now to those objections not met by me yesterday before recess.

First, I should like the attention of the junior Senator from Indiana [Mr. WATSON], if he should be in the Chamber. I understood the junior Senator from Indiana to ask the able Senator from Massachusetts during his address if there had been any resolution tendered on the floor of the Senate approving the action of President Roosevelt in the note sent to effect peace between Russia and Japan. If I did not misunderstand the Senator from Massachusetts, he said that there had been no such resolution, and that he had never heard of resolutions of that kind in a legislative body; and sincerely and with great force he presents his objection to this resolution on the ground that this resolution, among other things, offers an innovation in that it brings the legislative body in concurrence with Executive action in the tendering of good offices and mediation previous to the acceptance of such. It was this course which to the Senator's judgment was a violation of good legislation on the one hand and of just form and propriety between the Executive and Congress on the other.

I beg to say, Mr. President, that the able Senator either had forgotten the history of his country or for the moment was not advised. I ask the attention of the Senate while I call attention to the proceedings in the administration of President Johnson. I read from the diplomatic correspondence, which contains the matter sufficiently to avoid repetition by reading the legislative proceedings.

The letter from Mr. Seward, then Secretary of State, to our minister, Mr. Hale, representing us in South America, is as follows:

DEPARTMENT OF STATE,
Washington. December 20, 1866.

SIR: It is known to the belligerents that the war which has for some time been carried on between Spain and the allied Republics of Peru, Chile, Bolivia, and Ecuador is attended with deep concern to the people and Government of the United States. On more than one occasion the President has called the attention of the belligerents to this interesting fact and has rendered such good offices as seemed practicable with a view to bring about a pacification. These tenders have not hitherto been definitely accepted by the parties. The House of Representatives of the United States, concurring with the sentiments of the President, on the 17th of December, instant, adopted the following resolution:

"Whereas wars destructive of commerce and injurious and prejudicial to republican institutions have for some time been carried on between Spain and several of the South American States on the Pacific coast, and also between Paraguay and Brazil, Uruguay and the Argentine Republic on the Atlantic coast: Now, therefore,

"*Resolved*, That it be, and hereby is, recommended to the executive department of the Government that the friendly offices of this Government, if practicable, be offered for the promotion of peace and harmony in South America."

The President is thus called upon by the most numerous branch of the legislative department of the United States Government to renew the efforts which he has heretofore made. I have, therefore, the honor to submit, by means of this circular letter—

A copy of the resolution.

Mr. President, I beg to call attention to the fact that preceding the introduction of this resolution in the House of Representatives the President of the United States had tendered his offices to Spain and to South America. The offices had not been accepted; and while the matters were pending, and before there had come any conclusion, and when it appeared to have lapsed, the House of Representatives passed a resolution in two forms—one approving, tendered by Mr. Bingham, which was passed unanimously, and then the second resolution, requesting the President to resume the subject, and then tendering its approval of his efforts of mediation.

Therefore it can not do to have it go out to the country as a fixed fact that the procedure attempted here is without precedent, and that it is such an innovation that it is equivalent to intruding the legislative branch upon the executive work without any previous precedent or authority in the legislative records of our Nation, and that for such breach of established custom should be denounced.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. LEWIS. I yield to the Senator.

Mr. WATSON. The senior Senator from Massachusetts is not present; but I think the Senator from Illinois—quite unintentionally, of course—has quoted the senior Senator from Massachusetts entirely too broadly in the statement he has made. I am quite sure that if the Senator will read the report of his remarks as printed in the CONGRESSIONAL RECORD of the 3d of January he will find that the Senator from Massachusetts at no time and in no place made the assertion that there had been or was no precedent or that he had never heard of such a legislative proceeding as that now in contemplation.

If the Senator from Illinois will pardon me, in order that the RECORD may be correct, I will take the liberty of reading a few words that the Senator from Massachusetts did utter in that regard:

I do not remember that any resolution was passed by either House of Congress indorsing and approving the action of the President. The President was acting wholly within his right as Chief Executive, as the present Executive is acting, and it was not sought by him certainly to project the Congress of the United States into the negotiations, if

you choose to call them so, or with the good offices he had offered in hopes of bringing the belligerents together.

I feel that that statement should be made, because I know that the Senator from Illinois would not intentionally misquote the Senator from Massachusetts.

Mr. LEWIS. Mr. President, I accept the suggestion of the junior Senator from Indiana, but call his attention to the concluding portions of the very able Senator's address, where he inveighed against what he insisted was the great evil of attempting to intrude Congress in these matters, which, I am sure the Senator will recall, the able Senator from Massachusetts insisted had not a precedent or parallel, but was what he would have had us understand to be a violation of all the precedents of the past. But now I have brought to the attention of the Senate a condition very similar, and one which had received the sanction of the more numerous branch of the Legislature, as the Secretary under President Johnson says, so that we can readily understand, sir, that the action now before us is one highly sanctioned by most approved authority.

But, Mr. President, I have a more serious matter, apart from these precedents, as I have concluded with them. So far as the mere precedents are concerned, I would not have presented them at all, save that I could not accept the assertions of the able Senator from Massachusetts. I realized, or thought I did, that he was in error. But his very high position, because of his long service upon the Foreign Relations Committee, would incline the country to believe he must be wholly accurate by virtue of the opportunities he has had to become informed; and thus we on this side of the Chamber would have been held up as either being ignorant of the history of our country or, with knowledge of it, doing something in defiance of it.

Mr. President, I then have this to say, sir: There are the precedents; here are the distinctions; there are the established international laws—I may paraphrase the Roman:

> Upon these stones I build a new temple, and cry out to the gods: "Let that of Janus be now closed."

Mr. President, here is the resolution. It is here now for action. I have sought to set forth all that it brings to the attention of the Senate. You are to vote it up or vote it down.

I then submit to the Senate the condition whether you would or would not have had this resolution is not a matter that I wish to enter upon now. That is fruitless.

> It's an ill moment that dwells on things done,
> As though to be undone when undoing can not be done.

Whether you believe this resolution precipitates the Senate into a new form of investigation or not, that, too, as I see it, is beside the inquiry. The question is what are you going to do with it?

Mr. President, the very debate on this resolution, brought about in its necessity by the opposition to its passage, has done more injury to this cause of peace which the President of the United States has sought to give impulse and force to, than any other form of opposition which has arisen from any source in all the United States. The very testimony presented from this body that there were those gentlemen eminent in the councils of the Nation speaking for great constituencies who found reasons of any nature to justify them to oppose encouragement of the President of the United States to bring about peace is an indication to portions of the world that there are men in our Republic who would find any reason satisfactory to avoid the peace of the world. They will ask themselves what motive could there be behind such, and these, thousands of miles distant from this Chamber, will reply that either it was because the power of those who make riches on war was so potent, even in this Senate, that they could continue war that they might benefit in the continuance of riches as a result of war, or, Mr. President, they will conclude the other, that race prejudice has grown so strong in this land, built up of all the nationalities now at war, that these distinguished representatives in this great tribunal were not able to divorce themselves from these influences far enough to give an encouragement to the President of the United States to bring an end to this universal slaughter of mankind. Then shall it be said hereafter that Senators in this body opposed the President receiving from his coordinate branch a mere encouragement of his efforts, a mere approval of sending his note soliciting peace, and tendering his own good offices to effect it. Shall this be said—when our action might have helped to stop the murder of men, the profaning of women, the starving of children?

Mr. President, the opposition to this resolution will be construed in those spheres of kingdoms and monarchies as indicating on the part of this body an expression of such partiality to one belligerent against another that we were content to continue the war merely for the object that it might beat down to destruction one of the combatants, that the victor might exult in the vanquishing of its foe.

Mr. President, I therefore must say to the Senate, as I see it, that though this resolution may not meet the approval of the distinguished Senators from the mere point of some legislative propriety, though to them it may offend against the thing you call precedent; aye, admit that it may not be anything which you yourself would have introduced, for reasons of your own; yet I must urge, Senators, that we are not dealing with a matter local to the United States only. This is not a matter where there is an issue only between our political parties at home. This is not a subject where there is a mere division between our fellow citizens in America. This resolution tendered here presents to you the interrogatory, will you before the world disapprove the action of the President of the United States, your President, in his effort to secure peace among the warring nations of the earth? All pretense of reason, Senators, all devious distinctions presented by you as your excuse for opposition, will all be lost sight of by those in the opposite part of the world, indeed throughout the civilized world, who will merely behold the result of your action. This, and this alone, will be the test of what was meant by your conduct. It was to defeat your President.

Some of you may not agree with the President of the United States in many public attitudes. Many of you may oppose the position he takes on things called political; but where is that valor and patriotism in the heart of an American which is always distinguished in the United States by the quality and the capacity to lay aside partisanship in matters of the welfare of our country against foreign opposition—where is it, if it can not be invoked in such an hour as this, and what shall be the test of it if it shall not be that you can surrender little differences of form and these grievances conjured up by prejudices in order to achieve the great result that is sought, of putting power behind your own President in his desire to give impulse to the movement of peace; not, sirs, in behalf of party, not in behalf of politics, but in behalf of humanity? His action is the action of the country. His voice is the voice of America, and she speaks this day as the ambassador of God for peace—that divine attribute which can ever be justified by whatever means the intelligence of Christianity may accomplish it.

Then, say I, Senators, what will you do with this resolution? What will you do with all the objections, conceding them to be well taken? Will you adopt them for the gratification of your opinion, for the pride of your idea, and reject your own country's effort while you hold your President up to where he will be, in the eyes of the world, repudiated by his own countrymen? Will you scorn your own President before the earth? Is there so little pride left in the bosom of America? Is there so little sense of patriotism abounding in the souls of America's children that we could do such a wrong? Surely if any man anywhere asks you to do such, would not you respond in the reply of that sacred source—"Is thy servant a dog that he should do such thing?"

Yet, says the Senator from Massachusetts, we must defeat this resolution, as he concluded his forceful presentation in behalf of his objections, and what reason does the distinguished Senator finally urge as the uttermost and most commanding? The able Senator found it agreeable to his sense of propriety to read a mere newspaper report of a speech of Count Andrassy, of Hungary, in which speech the count is reported to have said that terms of peace acceptable to Germany were in the hands of the President, and then to set forth to some degree the presumption of what the contents were. Mr. President, of that matter I have no knowledge. I have been educated in a profession that forbids hearsay testimony to be tendered against any person at all. I am strongly wedded to the doctrine that hearsay testimony of hearsay testimony surely would hardly be presented for acceptance by one recognizing those rules.

But if all this the Senator assumes were true, what of it? Why is that matter presented by the distinguished Senator from Massachusetts? My answer is that it was presented as corroboration of the previous assertion which the Senator made that these proposals of peace are to favor Germany and were construed in certain quarters of the Republic as having that purpose. The Senator read those extracts from the speech supposed to have been delivered to fortify his accusation; but, sirs, why make the accusation at all? It was for the object of having the country at large understand that the peace proposal of the President was at the instance of Germany, and that, too, notwithstanding the President's assertion in his message that

such was in no wise true. It was to give the country the impression that this move of peace was a purely partial undertaking, wholly in the behalf of one of the belligerents, and that Germany. The object was clearly on the part of the distinguished Senator to prejudice the impartial consideration of the cause. The Senator has a right to have a feeling personal to himself upon this subject. I concede that he has the right to espouse his feeling and express it at certain places.

But, Mr. President, I can not accept the purpose of the Senator as being one justified in this forum under the circumstances in which it was evidenced to my mind. Clearly the object was to awaken in this country an effort of opposition by those who are opposed to Germany, by those who are friendly in any nature whatever to the allies, all under the charge that this proceeding was in behalf of Germany, and by such accusation invite all these, whoever they were, to bring their combined influence on their Representatives and Senators to defeat the approval of the action of the President. It could have had no other service.

Never did the distinguished Senator from Massachusetts do a more adroit and artful piece of work than in that particular portion of his presentation. But it could not have escaped the sight of those who were viewing it; it could not have failed of understanding by those who were observing it.

Mr. President, I am not for Germany. I am not for the allies. I am for America! I am for those things which execute the policies of my country. But, sir, I would not let prejudice, if I had any for or against any one of these belligerents, influence me to stand against the peace that might be brought forth by any source to continue life to humanity and save it from universal death.

Mr. President, if it be true, as is charged in certain quarters, that the object of any one of these belligerents is to establish a military despotism upon the present institutions of liberty, then I abhor it. I would despise and fight any people or government in any part of this world who would slay the institutions of civil liberty, that upon its wreck it might build the empire of militarism. But because there are those who make the accusation I can not condemn a whole nation of people.

Then, sir, says the Senator as to these proposals of the President, whatever they are, that if this resolution shall pass here it will approve the proposition for peace, and the Senator says this proposition of peace, if accepted and yielded to, would mean but a temporary peace. Mr. President, if I could concur with the able historian and distinguished Senator from Massachusetts I would say, in the language that assailed the ghost, "Avaunt! thy specter is frightening."

But I hold just to the opposite. Mr. President, speaking for myself, I can never subscribe to the doctrine that permanent peace can ever be had by beating down a people either with war or hunger until the very last of its children in subjugation must surrender to avoid destruction. That does not make peace. It was Tacitus who paraphrased the Egyptian when he said, "Ye make a desert and call it peace." I hold, sir, that it is only when a people are encouraged both in the overtures as well as the measures of peace—encouraged, Mr. President, to survive, to live and feel that the star of friendship is hovering just above them, that it may again light their paths to a future of joy and love, that peace can be assured as permanent. I can not believe that there can ever be a permanent peace to any country when it shall have been beaten down to such desolation and degradation that it must swear its children, as Hamilcar did Hannibal, that to those to be born there should be the oath to recover the lost pride and to avenge the suffered humiliation.

Sir, it is that that has brought the very present war of the world upon civilization in this hour. How well we know the Holy Scriptures have been fulfilled, that there is nothing new under the sun. In 1799, when Napoleon Bonaparte came to the very apex of his power, there had been, as we all recall, much war between the Government of France in different forms and that of England. There was then pending the proposition to bring in four more allies in behalf of France, three more in behalf of England. Note you, sir, that there was then addressed to England the following communication by Bonaparte:

> Called by the wishes of the French Nation to occupy the first magistracy of the Republic, I think it proper, on entering into office, to make a direct communication to your Majesty. The war which for eight years has ravaged the four quarters of the world, must it be eternal? Are there no means of coming to an understanding? How can the two most enlightened nations of Europe, powerful and strong beyond what their safety and independence require, sacrifice to ideas of vain greatness the benefits of commerce, internal prosperity, and the happiness of families? How is it that they do not feel that peace is of the first necessity as well as of the first glory? These sentiments can not be foreign to the heart of your Majesty, who reigns over a free nation, and with the sole view of rendering it happy. Your Majesty will only see in this overture my sincere desire to contribute efficaciously for the second time to a general pacification by a step speedy, entirely of confidence, and disengaged from those forms which, necessary perhaps to disguise the dependence of weak States, prove only in those which are strong the mutual desire of deceiving each other.

Napoleon and those in behalf of him went direct to the question without those forms which the able Senator from Massachusetts said were always necessary, which you will observe were not regarded so in 1799.

Now, sir, may I invite the attention of Senators around me, educated in history, not to forget that Charles James Fox, rising in Parliament and moving the acceptance of the overtures of Napoleon, said, if I recall his speech, that it was peace that was the natural state of mankind; that any peace that gives promise of renewing people again in friendship and making permanent the past peaceful relationship of men ought to be adopted. Sir, it was in opposition to this that William Pitt combated the overtures of peace and refused to sustain the resolution tendered in Parliament by Buchanan, appealing to His Majesty to take up negotiations to the overtures; and, sir, what was the ground of this opposition?—almost as if the distinguished Senator from Massachusetts had lately refreshed his learned mind and adopted Pitt's reasons for those of the Senator. It was that the making of peace or encouraging of it at that time would only lead to temporary peace; that the only peace which would be permanent would be after the nation which he charged guilty of perfidy, having for its object the destruction of civilization, had been beaten down to its knees. He was then speaking of France. Sir, he prevailed and Fox was defeated, and overtures of peace were rejected. As a result of this, sir, we have it that from 1799 to 1814 wars in 11 different forms were revived between France and four of her allies on one side and England and three of hers on the other. More than 3,000,000 human beings went to their graves, while gentle France was deluged in the blood of her own sons, and noble Britain sat in tears like Niobe, and wept as Rachel for her children, "who were not."

Mr. President, to this very hour we can connect the war now pending between France and Germany in which England and France participate, and note the same allies that participated from 1799 to 1814. All related, it appears, to that policy which the distinguished Senator from Massachusetts indorses, that there can be no peace justified nor even to be tendered until one of the nations has been beaten to such humiliation that it could not decline. I can not accept the standard of the able Senator. I must view history as must any other scholar and realize that those creeds and those doctrines were those which have precipitated wars endlessly to generations unborn.

Sir, the Senator, tendering to his part of the Chamber his reasons sufficient from his viewpoint, says that this note of the President and this resolution, if I use his words accurately, would place us in the position of entering upon matters of peace of which, says he, we have no interests at this time. To use the exact words of the Senator, "at this time of the war we have no interests in this peace." Sir, does my distinguished friend, the eminent scholar of government, really mean to tell his country we have no interest in peace terms at this time? Will the distinguished Senator turn to Massachusetts, long the mother of liberty and the mistress in the vanguard of justice and peace, and say to her, with all that she has contributed to the building up of this Republic, that we have no interest in the terms of peace of these warring nations of Europe?

Sir, why did we buy the Danish islands? It was because the scholars of government on both sides of the Chamber realized the necessity of hastening the bargain, even yielding objections which previously had been made of so potent a character that they had been effective—for be it well understood that if this war of the belligerents in Europe should come to a termination suddenly the peace terms would involve transfers of territory. Having not a friend among the belligerents, these transfers would partake of the character of the transfer of islands owned by the belligerents in such parts of the sea as were adjacent to our hemisphere and which in the hands of those whose theories of government were opposed to a republican form would be harmful to our interests and which we could not approve.

Shall the able Senator be indifferent to the fact that if these peace terms were now to be brought to negotiation, with the attitude of all nations an enemy to us, and there should be an attempt to transfer the Marshall or Caroline Islands to a nation inimical to the United States, and which by its course of conduct or its principle is opposed to the policies that we must keep in effect in South America, we could supinely submit to it? Would we not, then, be called upon to protest after the

event had been concluded? Then, would we not protest in the very face of all of those who were opposed to us?

Sir, it may be that some one nation now might be opposed to some of our policies and some one nation or two nations, sir, might oppose some objection of ours touching a transfer of any of those islands in our seas; but, sir, when the terms of peace had been consummated and the treaty had been effected, then every country once engaged in the war and now making peace would be behind the execution of the treaty to enforce it; and all of them combined would then be the united opponent of America.

Shall the able Senator say to this body that we have no interest in the terms of peace when one contemplates the aspect of the possibility of possessions passing into the hands of one victor or another that would jeopardize our rights in the Philippine Islands, threaten our security in Hawaii, and run us the risk of embarrassment in Alaska? Surely, if such were attempted we would have to raise our voice; and, further, if persisted in, our hand.

Then, sir, it can not be said that we have not an interest in these peace terms. Surely the Senator spoke beside his thought and could not have meant really and seriously to say to this Nation that at this time we, with all our interests, circumnavigating the globe and interlocked with all creation, have no interest in the final verdict of mankind and in the disposition of civilization in this war.

Sir, this is a great moral question. Our entrance into it is an entrance as an agency of morality, as the voice of Christianity. The President of the United States is to be admired by an unselfish thought and applauded by an impartial world for having taken this commendable step.

Sir, is it remembered how long this war has continued and that no voice has spoken? Will it be ignored how long the President of the United States has waited; how he has waited for any other head of any other Government on earth to have spoken first? Since, sir, there was this silence on the part of every monarch, every ruler, every president, should the President of your country, which you have dedicated to the brotherhood of man and the religion of Christ, be silent in the presence of the noblest sacrifice of the cross—the birthday of the Master, the Prince of Peace? The President sanctified this Christmas season by his holy call for "Peace on earth, good will to men."

But, says the able Senator, this message has one great objection why we can not give approval to the adoption of the resolution. Says the Senator, there are expressions from four officials in connection with this message which say there would be war between this country and some of those countries abroad. Mr. President, we have heard read by the Senator from Massachusetts what he said were the explanations of those expressions by the Secretary of State. The Senator from Massachusetts would have us understand that the expression on the part of our official that there could be war was offensive for that it was without foundation, and that if we pass this resolution we would indorse that charge. I say to the Senator I agree with him in the speech he made in Lynn, Mass., on the 16th day of March, to the Republican Club of Lynn, where he announced his candidacy for the Senate, which was ratified by the people of Massachusetts. After arraigning this administration for which I speak—arraigning the President, whose course I indorse, in the policy now before this body—he specifically charged us with not properly guarding the future that was surely on its way to war, and he said to his people—I read from a paper friendly to the Senator—

> The peace of this country would have been far better kept, we should be in far less danger of war to-day, or war when peace comes among the warring nations of Europe, if we had kept it—

Meaning peace—

> without humiliation, kept it in honor and without fear.

Then I appeal to the Senator from Massachusetts as the authority to justify the assertion of the Secretary of State. For myself, Mr. President, let me say, upon my authority in the place where I stand, assuming to bind no man, that I agree with the sentiment expressed from any quarter—the Senator from Massachusetts or the Secretary of State or from any other observing man—that this war can not continue without America being involved in the conflict.

Mr. President, we have seen three nations enter on each side of this conflict who were not in it at the time it began, but whose interests became so involved as the war was enlarged that they were caught up in its flames and are this day suspended in the fate of either consuming their opponents or being burned to ashes in the conflagration.

Do you feel, Mr. President, that here in this Nation the people of this country are in such temper that they will ever again allow any commander of ships, captains of armies, officers of diplomacy, cabinets of war lords, or censors, to visit upon this country an injury to its citizens or its property and escape upon the excuse of a misconception of orders, on the one hand, or an excess of zeal on the part of the officer on the other? Sir, let us be truthful. In the excess of our generosity to maintain the peace of this Republic we accepted those explanations from different countries of the world, but if those conditions shall again be repeated America will not again accept that form of apology. She will resent and, to the extent of her power, punish a repeated wrong to her people or an insult to her Nation. No amount of logic for pacification would avail when America is again aroused to an offense deliberately done her.

Then, sir, you must see that if there have been from high sources expressions of the fears of war it is well grounded in all experiences of the past and in these very illustrations of the war in Europe.

Sir, I say the continuance of this war in Europe will mean war with the United States. I have never a doubt that in the wise comprehension of the President of the United States, in the sagacious forethought of the officers of the administration they were impelled to bring peace to Europe, that we might maintain peace in America.

But, says the Senator from Massachusetts—and here I come to the conclusion of the last of the able Senator's strong objections, which I greatly respect, however much I may differ—that in this note there are other reasons which are sufficient to reject this resolution. The able Senator would have the United States of America understand that there was a proposition in this message that after the war America was to join with other nations of the world in some kind of league for the purpose of using force to enforce the claims or the rights of smaller nations, and he would have us believe that in this there is a threat in the message that would wholly destroy the Monroe doctrine. Mr. President, if I correctly gather his logic—though he did not express it—it is that by entering into any understanding with any other nation we would give them the right, under the courtesy and privilege of such understanding, to come into this hemisphere and exercise their authority in the affairs of America as we had assumed to do in the affairs of the small countries of Europe.

Mr. President, with very great respect to the intuition and sagacity of the able Senator, I defy his skill of analysis to lay his finger upon one single word, far less sentence, that justifies that conclusion. I must defy his capacity of definition to lay his finger upon one phrase that would justify that deduction. What are the words which the able Senator would have us understand justify him in this fear? These, Mr. President, are the words in the message, that we will do all that is in our power to command to aid in the protection of smaller nations in their rights. Senators, I ask, is there anything new in that assertion? What does the distinguished historian statesman—the President—mean? This eminent historian in the White House is not ignorant of his country. This man—Woodrow Wilson—began first as a student of history, then he became a teacher of history, and now he is a maker of history—will he be ignorant of the policies of his country, the unwritten constitution of America, the Monroe doctrine? No. The expression, Mr. President, was not only not new, but one we have often indulged and enforced to the full extent of our power. There was no intimation that we would command beyond our power; that we would assume to violate our power; that we would transcend it. I appeal to the Senator from Massachusetts to recall that when Greece was struggling for her rights against the tyranny of monarchs nearly a hundred years ago, and fighting against the persecution of power, Henry Clay, of Kentucky, tendered a resolution that these United States give every aid to the full extent of her power in the protection of the rights of Greece. Who supported this? Daniel Webster, from Massachusetts. Surely can it be that the incorporation of this very language has become an affront to the successor of Daniel Webster, who now occupies his seat?

Therefore, Mr. President, remembering my observation to the Senator from Nebraska [Mr. NORRIS], I beg to call to your attention the fact that the Monroe doctrine is not only guarded by the expression used and our Asiatic policy preserved, but every theory of a republican form of government essential to our preservation is as secure now, and will be in the future, as it has ever been in the past. Nothing in that message by word or line can give to the able Senator, or any other man of judgment, justification for the fears he has expressed, though it is commendable in every man, if he thinks he sees an indication of that kind, to denounce it, or, if in a proposition, to oppose it, and defeat it with every power at his command. But, sir, the Senator summons up these obstacles of invention and tenders

them here to defeat the approval of the act of the President, which this day I say would be as regrettable a deed as could ever curse the honor of the Senate.

Mr. President, I have done with the objections urged by the distinguished Senator. Here is the resolution, and there is the undertaking of my President, with whom I differ as to many things, to whom in genial conversation I have often expressed those differences; but he was chosen to decide these questions that are placed within the Executive disposal, and not I; and when we differ, if he still contends he is right in matters of presidential prerogative, his duty is to enforce his view, because he must bear the responsibility; and I stand to support him because the country chose him to enforce the duty and commands us, whenever we can with conscience, to execute the will of the ballot box and give to him strength and support in the execution of the policies with which they have intrusted him. It is for that reason that I would waive any formal or partisan objection I might have to the passage of a resolution like this, and give it the distinction of a unanimity of approval that all the world may see that when an American President, be his party politics whatever it may be, shall call for peace, all of his coordinate branches of Government, all of his country, in one grand unison shall echo back hosannas of peace. Never, sir, would I permit, far less present, that which is shown here; an aspect of obstruction, which will never escape the accusation that it is born of partisan opposition, with the object to defeat the little credit that might come to this man or his party for having brought about peace. Or, sir, that other and more dangerous aspect of having yielded to that racial prejudice that has poisoned our people against fairness and deprived a great nation of the spirit of justice.

Sirs, America does not command by force of arms the peace she yearns for. She does not summon to obedience through the trump of terror. She calls in the voice of kindness, and speaks with the tongue of friendship. America would melt every flash of the sword in the gleam of the cross and smother every roar of the cannon in the hosannas of happiness. By her example of prosperity and happiness, springing from the blessings of religion and the faith in the purposes of men, she beseeches the world to hearken to the President of this Republic, who speaks the voice of his country, calling to the warring nations of the earth, "Let us have peace."

Mr. President, England's great commoner, John Bright, speaking in Birmingham, England, in 1862, apostrophized this, our America. Said he:

> I have a bright vision before my gaze. * * * I see one vast confederation, stretching from the frozen North to the glowing South and from the wild billows of the Atlantic westward to the calmer waters of the Pacific main. I see one people, one law, one language, and one faith, and all over that wide continent the home of freedom and the refuge for the oppressed of every race and of every clime. From this bright spot shall be proclaimed the peace that shall soften the world and assure happiness through the union of love to all God's people.

Sir, we, too, have our vision, and in it dream our dream. We behold our America enthroned in her virtues, presiding as the mistress of the fates of the world. She sits in the court of nations as mediator of their differences and arbiter of their grievances; this our country vanquishing force by scorning its use. In her brow glows the star of justice that will illumine where war had blackened. About her heart is the shield of honor, in her hands neither spear of power nor the scepter of authority. She will but sway her wand of love, and beneath this will arise the genii of trust and faith to lead the nations of the world to peace, justice, and liberty—the mission of America to mankind. [Applause from the galleries suppressed by the Chair.]

Mr. BORAH obtained the floor.

Mr. HITCHCOCK. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. Yes.

Mr. HITCHCOCK. My motion that the resolution be laid before the Senate has not yet been put, and I ask the Senator if he will yield for that purpose?

Mr. BORAH. Mr. President, of course, I would prefer to speak directly to the question, but I can only speak for myself when I say that I am perfectly willing that the Senator shall have an opportunity to present the matter directly.

Mr. HITCHCOCK. I ask for a vote on the motion.

The PRESIDENT pro tempore. The question before the Senate is, Shall the resolution of the Senator from Nebraska be considered instead of the unfinished business?

Mr. TOWNSEND. Mr. President, upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "yea."

The PRESIDENT pro tempore (when the name of Mr. SAULSBURY was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Oklahoma [Mr. GORE] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan], and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand on all votes for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the junior Senator from Utah [Mr. SUTHERLAND] and will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted. I therefore withhold my vote.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The PRESIDENT pro tempore. He has not.

Mr. BECKHAM. I have a general pair with that Senator and withhold my vote.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the junior Senator from Wisconsin [Mr. HUSTING] and will vote. I vote "yea."

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. GRONNA. I have a pair with that Senator. As I can not obtain a transfer, I shall withhold my vote. If at liberty to vote, I should vote "nay."

Mr. CHILTON. I wish to announce that my colleague, the junior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. MARTINE of New Jersey. I have been requested to announce the unavoidable absence of the senior Senator from Oklahoma [Mr. GORE] on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 41, nays 27, as follows:

YEAS—41.

Ashurst	Kern	Pomerene	Smith, S. C.
Bankhead	Kirby	Ransdell	Stone
Bryan	Lane	Reed	Swanson
Chamberlain	Lee, Md.	Robinson	Thomas
Chilton	Lewis	Saulsbury	Tillman
Culberson	Martin, Va.	Shafroth	Underwood
Fletcher	Martine, N. J.	Sheppard	Vardaman
Hardwick	Newlands	Shields	Walsh
Hitchcock	Overman	Simmons	
Hollis	Phelan	Smith, Ariz.	
Johnson, S. Dak.	Pittman	Smith, Ga.	

NAYS—27.

Borah	Gallinger	Nelson	Sterling
Brady	Harding	Norris	Townsend
Brandegee	Jones	Oliver	Wadsworth
Clapp	Kenyon	Page	Watson
Clark	Lippitt	Poindexter	Weeks
Cummins	Lodge	Sherman	Works
Curtis	McCumber	Smoot	

NOT VOTING—28.

Beckham	Fernald	Johnson, Me.	Penrose
Broussard	Goff	La Follette	Smith, Md.
Catron	Gore	Lea, Tenn.	Smith, Mich.
Colt	Gronna	McLean	Sutherland
Dillingham	Hughes	Myers	Thompson
du Pont	Husting	O'Gorman	Warren
Fall	James	Owen	Williams

So the motion was agreed to; and the Senate resumed the consideration of the resolution (S. 298) submitted by Mr. HITCHCOCK December 22, 1916, as follows:

Resolved, That the Senate approves and strongly indorses the action taken by the President in sending the diplomatic notes of December 18 to the nations now engaged in war suggesting and recommending that those nations state the terms upon which peace might be discussed.

Mr. GALLINGER. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, some days ago I offered a proposed substitute for the resolution submitted by the Senator from Nebraska [Mr. HITCHCOCK]. I now desire to modify it to the extent that will be found in the draft which I send to the desk and ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the amended substitute.

The SECRETARY. In lieu of the substitute previously submitted the Senator from New Hampshire offers the following:

Resolved, That the Senate of the United States, in the interests of humanity and civilization, expresses the sincere hope that a just and permanent peace between the warring nations of Europe may be consummated at an early day, and approves all proper efforts to secure that end.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table.

Mr. BORAH. Mr. President, I address myself to this subject with admitted embarrassment. If it were a subject dealing exclusively with matters concerning our own Government and our own people, I should feel at ease in expressing any views which I might entertain with regard to it. I realize, however, that this subject affects other people more vitally than even our own; and I think I appreciate, in part at least, that it is almost impossible for us to view this matter from the angle of vision from which it is viewed by other Governments and by other nations. In expressing ourselves, some things which we might say, while entirely agreeable to our own views and the views perhaps of our own people, might be viewed from a different standpoint by those of other nations. I therefore desire to premise my remarks by saying that I express my views with entire tolerance toward those entertaining different views, whether entertained here at home or abroad. I wish in no way to impeach the understanding or the viewpoint of others, but alone to give expression to the reasons which shall control my action with reference to this matter.

The President of the United States had a perfect right to send a note looking toward peace and to initiate a movement which might result in peace. He not only had the right to do so, but if there was in his possession information which convinced him as the President that such a course was a wise one, and might and probably would result in something effectual, it was his duty to do so. Furthermore, so far as this debate is concerned, in any view that I may express I shall assume, and conclusively assume, that the President had sufficient information before him, as the one representative of our Government authorized to deal with this matter, to warrant him in the belief that the step which he took was justified, and that he had given to the matter that reflection and consideration which the gravity of the subject would command from anyone whose duty it was to act in regard to it.

But if the Senate of the United States acts in regard to this matter, it will intrude itself into an affair of the utmost delicacy and of the most tremendous consequences, without any information other than that which we gather from the newspapers and from the general sources of information. If we act in regard to it at all, we will act without relationship to that part of the Government upon which devolves action at this time, without information, and without, in my judgment, sufficient reflection—that is, that reflection which should have taken place before the debate began. In other words, Mr. President, we are in an entirely different situation than that of the President; and it is no part of my purpose in this debate to assume to criticize the action taken by the President in sending this note. I hold to some rules of freedom in criticizing the action of a President in domestic matters, but when I am at all permitted to do so I prefer to remain silent in foreign matters.

If the matter had remained where, in my judgment, it should have remained, I should have felt it my duty as a Member of this body to remain entirely silent with regard to the subject matter, notwithstanding that I might have differed with the President, both as to the timeliness of the note and as to its contents. Realizing, as I think I do—and I speak with entire sincerity with regard to that—that the movement was initiated with the hope that it would accomplish something, I should have felt it my duty to remain entirely silent as to the mode of procedure, either as to the expressions of the note or as to the time when it was submitted to the foreign nations. But it is here now, Mr. President, certainly by no choosing of mine, and I am called upon to cast a vote which, if in the affirmative, in my judgment, as the resolution stands, will obligate me to a course which does not at this time commend itself to my judgment, and particularly to statements in the note with which I am in utter disagreement.

I do not admit, Mr. President, since this resolution is here voluntarily, not at the suggestion of the President, but purely as the voluntary act of the Senate, that I am in any sense whatever assuming to criticize the President for the performance of his function and of his duty by disagreeing to the resolution and thereby disagreeing to the contents of the note. I am justified in that position, I think, by the fact that if this matter had been sent here at the suggestion of the President, or by reason of a message from the President, a different situation would present itself. But coming solely from the action of the Senate, without any suggestion upon the part of that particular official who, under our form of government, has to deal with this matter at this time, it seems that we may deal with it with entire freedom, and without being placed in the position of assuming to criticize those who have viewed it from a different standpoint and with different obligations.

I read this morning in the New York papers that the President's Secretary is authority for the direct statement that Mr. Wilson is entirely indifferent as to what the Senate or the House does about the peace note. I have every reason to believe, in view of the silence of the Chief Executive, that we are permitted to dispose of this matter according to our own judgments and our own consciences, without being placed in the position of criticizing the action of the President.

As I say, however, the note is here, and we have to deal with it and with all its contents under this particular form of resolution. It brings up for discussion and consideration some of the most important questions with which this body has had to deal since the beginning of the Government. I would like my colleagues to reflect upon this proposition that if this note contains the language which I believe it to contain, having the meaning which I understand it to have, initiating an entirely new policy on the part of this Government, when this body and the House pass upon it, then that department of the Government which fixes the policies of the country will have approved and initiated a new policy.

If the note contains what I believe it to contain—an expression of view with reference to our foreign policy in the future, an entire change of policy with reference to our foreign affairs—and this body and the other member of the legislative branch of the Government indorse it—it is a confirmation and an establishment, this side of an actual treaty, of the policy which is outlined in the note. There is no other step to be taken in regard to it except its actual carrying out by treaties made; and the Senate of the United States would not be entirely free to reject a treaty covering a policy which the Senate, after due deliberation and consideration, had affirmed.

Mr. President, just before the battle upon the plains of Marengo which seemed to place Napoleon well on the way of realizing his dreams of ambition, the Father of our Country was in retirement at Mount Vernon. A condition prevailed in Europe quite similar to the condition which prevails in Europe at this time. Napoleon, as I say, seemed in the way of realizing his ambition. Before his gigantic schemes thrones were toppling and dynasties disappearing; and it was understood that his plans encompassed the universal dictatorship of Europe, if not of the civilized world. Under those conditions Washington, in his retirement, wrote to a friend with reference to conditions in Europe and his views concerning them. His letter so fully expresses the view which I entertain with regard to the present situation, and so much more adequately than it would be possible for me to state it, that I am going, in the beginning of my remarks, to call attention to it. If history be correct, it was the last letter that the Father of our Country wrote upon any subject—certainly of public affairs:

The affairs of Europe have taken a most important and interesting turn. What will be the final results of the uninterrupted successes of the combined army it is not for a man at a distance of 3,000 miles from the great theater of action to predict; but he may wish and ardently wish, from principles of humanity and for the benevolent purpose of putting a stop to the further effusion of human blood, that the successful powers may know at what point to give cessation to the sword for the purpose of negotiation.

That expresses the great hope of all Americans that the great powers engaged in this conflict may realize or know the point at which the sword should give way to negotiations. In other words, while I presume we all have our views in regard to this conflict, and none of us stand entirely neutral in mind and in heart, whatever we may try to do officially, I assume that no American reflecting upon the affairs of Europe for the last hundred years wants to see any one of the belligerent powers dismembered and broken up. No one desires to see any one of the nations of Europe crushed. We hope that no attempt will be made to crush any one of those peoples. Our greatest hope is that these powers will appreciate the time when they should cease the conflict and enter upon negotiations; and, expressing my own view, at least, I trust that will be before an attempt is made upon the part of either side to absolutely crush and destroy any one of the nations engaged in this conflict.

There is one lesson of history which the people of Europe by this time ought fully to understand; that is, that whatever may be the power behind the movement or the influence which controls in the particular hour, it is practically impossible to destroy any nation where there has come to exist a real spirit of nationality. Over a century ago three of the great European powers dismembered and divided Poland. One of the rulers said, after the infamous deed was finished, that Poland had been disposed of by pen and ink; but Poland was not thus disposed of. She is now one of the vital, moving, controlling, dominating forces in this conflict, over a hundred years after. That crushed and dismembered nation has been the nerve of every revolution against absolutism in Europe from the time it was divided until this hour. The Polish patriots scattered over the face of Europe have either initiated or substantially supported the great revolutions against autocratic power from the time the autocrats of Europe divided it until now. I say, again, that the fondest hope of America is that these nations engaged in war, fighting, as they believe, for their security and their existence, may nevertheless realize the proper hour in which to lay aside the sword and take up negotiations.

Further says the Father of his Country:

> My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that, or the other nation.

I repeat, Mr. President, that undoubtedly every Member of this body, and I presume that practically all throughout the country have their views, their sentiments, their opinions, their partisanship, with regard to this conflict. But whatever may be our views with regard to the governing power or the ruling class in this or that country there goes out from the heart of America to all the people, to the masses engaged in the conflict, regardless of nationalities, one common sentiment, and that is one of profound sympathy for the masses of the people, regardless of the kind of government which presides over their destinies. I find a complete expression of my views in the language of the Father of his Country when he says:

> My own wish is to see everything settled upon the best and surest foundation for the peace and happiness of mankind, without regard to this, that. or the other nation.

Could there be anyone in all America so unconscionable as not to desire peace? If we should pass a resolution here merely in favor of peace it would but express the axiom of the American heart. But, on the other hand, can there be anyone so unreflective as not to want permanent peace; peace founded in justice and in righteousness, and therefore permanent peace?

Mr. President, I am going to put aside many of the minor matters which I deem to be involved in this debate, because, first, I know I shall not be able to cover them so well as they have already been covered by others speaking upon the subject; and, secondly, because I could waive in deference to the supposed cause of peace, since the resolution is here, every question involved in this note except one, and with reference to that I could not give my consent to vote for a resolution which even seems to indicate an approval of it. Since the resolution is here, though I believe it ought not to be here, I would put aside all objections save one, and that is vital and controlling, and not even in the cause of supposed peace will I seem to indorse it.

According to my limited vision of governmental affairs and the future happiness of this Nation, if I am not misled as to the contents of this note, there is a proposition involved in it of far more concern to the people of the United States than anything which we have had before us at this session or will have before us during many sessions to come. I desire to go to that, and when I shall have expressed myself fully in regard to it I will leave the subject matter so far as I am concerned, and not consume time with other matters, though they are not unimportant.

Let us not seek to minimize the importance of this matter nor undertake to delude ourselves with the thought that the issue is not here. If we are going to pass this resolution and do not want to pass upon this subject, then the language of the resolution should be changed. We shall not be able to satisfy ourselves or our people when they come to reflect upon this record that the issue concerning which I propose to speak is not an issue in this debate. The language of the note to which I have reference is as follows:

> In the measures to be taken to secure the future peace of the world the people and Government of the United States are as vitally and as directly interested as the Governments now at war. Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

In other words, we as a Nation are not only interested in the future welfare of the small nations of Europe, which, of course, we are, but we propose as a manifestation of our interest to make ready to achieve their protection and their integrity by every influence and every resource at our command. This means, if it means anything at all, that the Army and the Navy of the United States, the last and greatest resource for such things, will be at the command of any plan agreed upon between this Government and the nations of Europe for the protection of the small nations of that country. When the war is over, the note says, with every influence and resource at our command we will protect from violence or wrong all these small nations. Could a more stupendous proposition be presented to our people? Could a single proposition involving more completely the peace and contentment of this Republic for all time to come be submitted to this body for consideration?

Mr. President, it might be said in regard to this language that this is too free a construction of it, and that contention has been made by the brilliant Senator from Illinois [Mr. LEWIS]. But the same cautious and conservative gentleman whose name is attached to this note in an interview shortly thereafter—the next day, I think—gave expression to the interpretation which should be placed upon this part of the note, and discussed freely, apparently from the newspaper reports, what it meant. Amongst other things the paper says:

> Secretary Lansing apparently favors the idea of the United States joining with other European nations in a compact to preserve peace, because he regards some such measure essential in the light of present international conditions.
>
> The United States is no longer in a position to remain indifferent to wars in Europe. American interests are bound to be seriously and vitally affected, as indeed they have been in the present war, and American rights are, Mr. Lansing has pointed out, necessarily placed in jeopardy.
>
> The views of Mr. Lansing are along the line of the statements made by President Wilson last May in indorsing the League to Enforce Peace. Mr. Wilson at that time said the present war had demonstrated that in future wars of the present magnitude it would be extremely difficult, if not impossible, for the United States to remain neutral.

Let us go back a little further. There is an organization in this country called the League to Enforce Peace. Among its members are some of our most distinguished educators and publicists and statesmen. Its president is the ex-President of the United States, Mr. Taft. Among its members, as I recall, is Judge Parker, a Democrat of the strictest sect. A number of other admirable gentlemen are members of this league, which has a short but a momentous platform.

In discussing this matter, which I propose to do with some frankness, I may say in the beginning that I am not indulging in a partisan discussion, and, furthermore, I speak with great respect for the gentlemen who make up the membership of the league. With the president of the league a Republican, and with an agreement between the president of the league and the President of the United States upon this matter, I think we may assume that it is a nonpartisan question and discuss it from that standpoint.

I call attention to the platform of this league, for in the background of this discussion is this movement, the fountain source of this whole scheme:

> It is desirable for the United States to join a league of nations binding the signatories to the following:
>
> First. All justiciable questions arising between the signatory powers not settled by negotiation shall, subject to the limitation of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.
>
> Second. All other questions arising between the signatories and not settled by negotiation shall be submitted to a council of conciliation for hearing, consideration, and recommendation.
>
> Third. The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing.

This is a proposal, as you see, to form a league composed of the nations of the earth, if they all saw fit to join it—the nations of Europe and the nations of America and of the Orient—by which all matters of dispute, justiciable or otherwise, shall be submitted either to an international tribunal or a council of conciliation, and behind it all is the pledge, through treaties or otherwise, to use the economic and military forces of the nations to enforce a recognition or a compliance with the terms of the alliance. We would be one member of that league. We would have a single voice in the determination of the issues, as to the nature of them, and so forth, and the central idea of the entire movement is the use of force ultimately in the settlement of any disputes which might arise.

The President, speaking before this League to Enforce Peace, with its platform as its creed, used this language, after discussing the desire of the nations to get together:

So sincerely do we believe in these things that I am sure that I speak the mind and the wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects—

To wit, the objects outlined and described in the League to Enforce Peace—

and make them secure against violation.

* * * * * * *

Here is a clear and unmistakable declaration to the effect that the United States is willing to become a partner, a term of wide-reaching significance, in any association of nations, European and oriental, to insure or enforce peace, to use our economic and military forces to compel all nations members of the league to submit their affairs to these tribunals, and if any fail to do so to make war upon them. But that is not the worst of it. We agree in advance to authorize other nations to make war upon the United States if we refuse to submit some vital issue of ours to the decision of some European or Asiatic nations. This approaches, to my mind, moral treason.

A universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world and to prevent any war, begun either contrary to treaty covenants or without warning, and full submission of the causes to the opinion of the world—a virtual guaranty of territorial integrity and political independence.

"Territorial integrity" and "political independence"! Now, read this paragraph in connection with the paragraph in the note and in connection with Mr. Lansing's statement and the platform of the league, under whose auspices the President was speaking, and there is nothing left to doubt. I hope the nations will understand, if they shall expect us to enter into such a program, that there are some who will have to be consulted more fully before that step is taken, and that is the people upon whom will rest the burden and with whom will rest the sacrifices involved in carrying out this new and startling program.

Senators, let us proceed further; what is the meaning of that language. When we agree to enter into an alliance which proposes by means of the military and naval forces of the United States to protect the national integrity of every small nation of Europe we have gone to the storm center of European politics. We have abandoned the policy of nearly a century and a half and entered directly and at once upon that policy which was condemned by the Father of our Country in the very beginning of the Government.

I do not complain that the President entertains these views, and, as I said a few moments ago, had they been contained in a note which bound the President alone it would have been my duty to refrain even from a discussion of them at this critical juncture. But when the note is thrown into the Senate with what in my judgment is a complete reiteration in briefer style but just as comprehensive as his statement upon repeated occasions that he is in favor of this Nation entering into an alliance with the nations of the earth to use its military and naval forces to enforce peace I am placed in a position then that if as a Member of the body I should vote for the resolution I would undoubtedly indorse the policy, something no exigency could induce me to do. I want peace. I share that sentiment with all my countrymen. I would hesitate to stand against the Chief Executive in any move which he would make in regard to it. But rather than see my country enter upon that course which, in my humble judgment, is not to promote peace but to promote war, I would oppose it at whatever cost to the cause of peace in Europe. I will not seem to court peace and instead and in fact court war. I do not know, Mr. President, how universal the sentiment is. We are told it has become practically the sentiment of the American people. I propose for my part to reflect and to repent before we start upon such a course and not afterwards.

The Senator from Illinois [Mr. LEWIS] said there was nothing in this language which should lead us to the conclusion of the abandonment of the Monroe doctrine. If the language of the President in the note, taken in connection with his speech before the League to Enforce Peace, and in connection with the platform which he indorsed by his language, is to be accepted, let us see whether or not it would destroy or abrogate, as it were, the Monroe doctrine.

Suppose the United States and Argentina and Brazil and some of the nations of Europe enter into an alliance of this nature; suppose that Argentina and one of the Governments of Europe are unable to agree to some matter in dispute? Argentina, considering the matter vital, refuses to submit her dispute to an international tribunal or to a council of conciliation, under this doctrine of the League to Enforce Peace we would not only have agreed that the European nations could come here and engage in war with Argentina, but if we were called upon we would have to join our Army and Navy to enforce the matter against Argentina. We would join the European nation against our sister American Republic. It is an invitation for Europe to come to America to participate in our affairs and to be a part and parcel of American affairs as completely as European affairs. In fact, there would be no American affairs in the practical operation of the league, for Europe and the Orient would always control the court.

It means, therefore, Mr. President, not only the abandonment of the doctrine of no entangling alliances established by Washington, but it means the abandonment of the Monroe doctrine, announced by Monroe upon the mature advice of Jefferson.

Let us see; take some illustrations which may show the dangerous course upon which we are about to enter if we indorse such a policy. I am going to use the names of some of the nations, in order not to deal too abstractly, although in doing so, of course, I am not to be considered as using them because I either fear them or would offend them, but simply as an illustration.

We will assume now that the partnership of which the President spoke has been formed, that the cooperation has been completed, and the combine and alliance has been made, and in that combination and alliance are Japan and Russia and the United States. We will assume that after the combination is made Russia and Japan have a dispute as to their rights in Manchuria. Japan insists that it should be submitted to the arbitral tribunal. Russia insists that it involves her vital interests and refuses to submit it, and moves her troops immediately to the disputed territory. Under the league alliance which we have formed and the treaties which we have made we must join with Japan in punishing Russia for refusing to submit her proposition to the tribunal. Regardless of whether it was Russia or Japan, would we brave our way across the ocean to shed a nation's blood in a war in which we had only the most general concern?

Where do these gentlemen expect to get their soldiers or sailors for such expeditions?

I am afraid that these gentlemen who talk about a league to enforce peace have overlooked in their zeal the fact that this is still a government of the people, by the people, and for the people, and that they make war, make and unmake administrations, make and unmake Congresses, and they would have to be consulted. You might force through your combination—that could be done in the comfortable chambers of courts—but the men who made these treaties would not be the ones to die for them. The people would have to do the fighting, and fortunately they also do the voting.

Let us take another illustration. We will assume that Mexico has been restored to law and order and has an established government; that Mexico is a member of the alliance; that Japan is a member of the alliance; and that Mexico conceives the idea of leasing Magdalena Bay to Japan for 99 years, and we protest against it. We have already joined the alliance. They also are members of it. Mexico says, "Certainly I have a right to dispose of my territory," and Japan says, "I have a right to lease." We are all members of a common league bound together for a common purpose. Would the United States submit that question to a tribunal where it has but one vote or one voice and permit its entire future to be disposed of by a court where it has but a single representative and probably no friend, so far as that question would be concerned?

If these words which I have quoted, Mr. President, lead us in this direction we are approaching the most important subject with which we could deal with reference to foreign affairs. I have already called attention to the platform of the League to Enforce Peace. I want to call attention now to the language

of Sir Edward Grey a few days ago in regard to the same subject matter. He says:

Only bear this in mind—

Speaking to those who were in favor of a league to enforce peace—

if the nations in the world after the war are to do something more effective than they have been able to do before, to bind themselves together for the common object of peace, they must be prepared not to undertake more than they are prepared to uphold by force, and to see when the time of crisis comes that it is upheld by force. In other words, we say to neutrals who are occupying themselves with this question that we are in favor of it. But we shall have to ask when the time comes for them to make any demand on us for such a thing, "Will you play up when the time comes?" It is not merely a sign manual of sovereigns or presidents that is required to make a thing like that worth while; it must also have behind it parliaments and national sentiment.

In other words, Mr. President, this has already in the estimation of these gentlemen passed beyond the domain of mere theory or of didactic discussion, that it is now a practical question of how far the United States is willing to go; and as Sir Edward Grey says, we must understand that it means force in the enforcement of terms and conditions upon which the league exists. No mere words, no sentimentality about the millennium, but force is the dominant note and war will be the ultimate result. Is this what our President meant a few weeks ago when he said this is the last European war in which we will not take a part?

We are now proposing to pass legislation which will commit this body to the proposition that we are in favor of entering such an alliance, an alliance controlled and dominated by the element of force in matters of peace.

Mr. President, Prof. Lowell, in an article in the last North American Review, says:

Many Americans complain that the league would involve our country in entangling alliances with foreign nations contrary to our traditions. It would certainly involve obligations, and those of a very grave character—obligations that might possibly result in war—and so does the Monroe doctrine.

The learned professor is frank, but with all his learning, with his great knowledge of history, I would have expected him to say "probably" result in war instead of "possibly" result in war. Before Washington committed us to the doctrine of "nonentangling alliances" America took part in all European wars. Had not it been for Washington's policy, had he yielded in the fateful hour when urged to form a European alliance, we would have participated in every war which has torn and tormented Europe from that hour to this.

It is this feature of this resolution covering this particular language of the act which makes it impossible for me to support the resolution. Now, I should like to ask the Members who are supporting the resolution if they understand that the Senate of the United States is about to indorse the idea contained in this language? I should like to ask, I say, the Senators supporting this resolution if they understand that we are about to indorse a proposition contained in this language, to wit, that we are willing to enter into association or any form of cooperation for the purpose of protecting the small nations of Europe?

Mr. HITCHCOCK. I do not understand the Senator addresses his remark particularly to me, but I am frank to say that as far as I am personally concerned I aimed in the resolution to indorse nothing except the request made by the President on the warring nations to state the terms upon which peace might be considered.

Mr. BORAH. May I ask the Senator, since he is on the floor, if he understands this language to mean that the United States is willing to enter into an alliance to cooperate with the nations of Europe for the purpose of protecting the small nations of Europe?

Mr. HITCHCOCK. No; it does not.

Mr. HARDWICK. Will the Senator from Idaho yield just a moment?

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. HARDWICK. Has the language been modified on that point so as to exclude that?

Mr. HITCHCOCK. No; my resolution still stands as originally presented. There have been presented a number of proposed changes as amendments. I have not as yet accepted anything.

Mr. BORAH. Then, I ask the Senator what the construction is of the language of the note where it says:

Their interest—

Referring to the Government of the United States—

Their interest, moreover, in the means to be adopted to relieve the smaller and weaker peoples of the world of the peril of wrong and violence is as quick and ardent as that of any other people or Government. They stand ready, and even eager, to cooperate in the accomplishment of these ends, when the war is over, with every influence and resource at their command.

Now, one of the resources is to enter into treaties for that purpose and to use the Army and Navy to that end.

Mr. HITCHCOCK. I might not differ so much with the Senator from Idaho upon the construction which he places upon the note. The point I make is that the time when the Senate is to take a position upon any proposition of that sort will not arrive until it is proposed by the President or reaches the Senate in the form of a treaty.

Mr. BORAH. Mr. President, we may adopt a policy and carry it out afterwards by treaty, but so far as announcing the attitude of this Government toward the proposition, so far as announcing its policy, if that is the meaning of the President's note and the Congress adopts it, would it not be, so far as the adoption of the policy is concerned, conclusive upon that proposition?

Mr. HITCHCOCK. Mr. President, I trust the Senator will not insist that my resolution indorses the President's note. I have endeavored to make it plain, in what I have said, that I aim at least in the resolution to indorse nothing except the President's request to the warring nations to state the terms upon which peace might be considered, and in my opening remarks I distinctly disavowed any desire to commit the Senate to an indorsement of anything which might be controversial or argumentative.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I do.

Mr. LEWIS. Mr. President, assuming that the Senator from Idaho likewise addresses his query to me, in view of my observations on that subject, I desire to ask the Senator in turn, to form a reply to the query, Does he assume that the President of the United States by the use of the expression "using the resources at our command" means that he would do anything or attempt to do anything until commanded by the people, and does he assume that the people, through their representatives, would ever command anything in violation of the institutions of America?

Mr. BORAH. Well, it would not be in violation of the institutions of America if we should adopt the policy, though I think it would be an exceedingly unwise policy; but there is nothing in our institutions or Constitution or anything else which would prevent us from doing so if we desired to do it in a proper way.

Mr. LEWIS. Might I be pardoned if I asked the Senator if he would not regard the Monroe Doctrine and what it means as one of the fixed institutions of the political policy of America?

Mr. BORAH. Yes; but it is one that we could abandon if we desired to do so. We announced and we can renounce it. It rests alone with the United States.

Mr. LEWIS. We could likewise, may I suggest to the Senator, abandon the Constitution if we choose and violate it.

Mr. BORAH. Let me call the Senator's attention to the language of the President. It seems that the President has already consulted with the people in this matter and he feels that the people have authorized him to act in the matter; and that being true, there is nothing to hinder him from proceeding, according even to the terms of the Senator from Illinois. The President says:

So sincerely do we believe in these things that I am sure that I speak the mind and wish of the people of America—

When that was ascertained I have no means of knowing—

when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects—

What objects? The objects covered by the platform of the League to Enforce Peace, before which he was speaking—

and make them secure against violation.

He has already, in his judgment, had the views of the people, and feels that in entering into this partnership, this association of nations, for the purpose of enforcing peace, he is carrying out the will and purpose of the people of the United States. It may be true that that is the will and the purpose of the people of the United States; I do not know; but I know that it is not my will, and never could be. Again, the President says:

I am sure that the people of the United States would wish their Government to move along these lines:

That is to say, carrying out his statement—

A universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use

of all the nations of the world, and to prevent any war, begun either contrary to treaty covenants or without warning, and full submission of the causes to the opinion of the world—a virtual guaranty of territorial integrity and political independence.

In other words, we are ready to enter into a combination to guarantee the territorial integrity of Serbia, of Roumania, and of every other small nation of Europe that may be involved in a controversy in the future.

Now, my friends upon the other side, if you desire to meet the issue fairly and squarely, you will do so by eliminating in an unmistakable way from the resolution any possible approval of that proposition. Or if you are in favor of it, if it is the position of the majority party in the Senate, that they want to enter into this league, this partnership, then we are ready to meet that issue. I insist the question is plainly here, and I do not propose that it shall be put aside. I want you to take the responsibility or renounce it.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. In my opinion and my understanding of the English language, no change is necessary; but the Senator from Washington [Mr. JONES] has proposed an amendment to my resolution, and I should like to inquire whether that amendment would meet the views of the Senator from Idaho? The resolution, as the Senator from Washington proposes to amend it, would then read as follows:

Resolved, That the Senate approves and strongly indorses the request by the President in the diplomatic notes of December 18 to the nations now engaged in war that those nations state the terms upon which peace might be discussed.

That is exactly the proposition that I wanted to put before the Senate. I think the meaning of my resolution is not essentially changed by the amendment proposed by the Senator from Washington, and I should like to know from the Senator from Idaho whether the adoption of that amendment would obviate the objection which he finds to my resolution?

Mr. BORAH. I think the amendment proposed by the Senator from Washington is entirely a different proposition from the resolution of the Senator from Nebraska, and if the Senator from Nebraska is willing to adopt the resolution of the Senator from Washington I shall conclude my remarks at once.

Mr. HITCHCOCK. Well, Mr. President, if such action on my part would conclude this discussion, or even shorten the discussion, I should be glad to take it. I will say now that I will accept the amendment offered by the Senator from Washington, so far as I am concerned.

Mr. BORAH. Do I understand that the amendment of the Senator from Washington is accepted by the Senator from Nebraska?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. HITCHCOCK. I have the right to accept that amendment, I believe, under the parliamentary situation, and I accept it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield for a question.

Mr. NORRIS. I should like to say that, while I have an amendment which I have offered to the resolution, if my colleague will adopt the language as proposed by the Senator from Washington, I shall be glad to withdraw my suggested amendment and support the resolution in that form. It contains the same idea that I was trying to reach with my amendment, and, so far as I am concerned, in that form I am ready to vote for it.

Mr. HITCHCOCK. I accept the amendment, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment by the acceptance of the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. BORAH. Mr. President, I stated to the Senator from Nebraska that, so far as I was concerned, I should terminate my remarks upon the acceptance by him of the amendment proposed by the Senator from Washington. I want to add this, however, in a brief way: In voting for the substitute which has been accepted there is language in the President's note with which I do not agree; but it is such that I should not permit it to stand in the way of any supposed aid that the passage of the resolution in its present shape might be to the cause of peace. I would not permit it to stand in the way of my assisting that movement. I do not want to be understood, however, in casting my vote for the resolution as approving anything in the note except the request for terms.

Mr. POMERENE. Mr. President, I ask that the resolution as amended be read to the Senate.

The PRESIDING OFFICER. The Secretary will read the resolution as modified.

The SECRETARY. As modified the resolution reads:

Resolved, That the Senate approves and strongly indorses the request by the President in the diplomatic notes of December 18 to the nations now engaged in war that those nations state the terms upon which peace might be discussed.

The PRESIDING OFFICER. The pending question is on the amendment in the nature of a substitute offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Mr. President, I ask for a vote on the substitute which I offered a few moments ago.

The PRESIDING OFFICER. The substitute proposed by the Senator from New Hampshire will be stated.

The SECRETARY. The Senator from New Hampshire offers an amendment to the resolution in the nature of a substitute to read as follows:

That the Senate of the United States, in the interests of humanity and civilization, expresses the sincere hope that a just and permanent peace between the warring nations of Europe may be consummated at an early day, and approves all proper efforts to secure that end.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute offered by the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I shall not occupy any time in the discussion of the proposed substitute. It is in plain and unmistakable language and is understood by every Senator. I shall, however, ask for a yea-and-nay vote upon it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer to the junior Senator from Wisconsin [Mr. HUSTING], as on the former vote, I vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to the absence from the Chamber of the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, I am compelled to withhold my vote. If permitted to vote, I should vote "yea."

Mr. GALLINGER (when his name was called). As previously announced, I transfer my pair with the senior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. GRONNA (when his name was called). Owing to the absence of the senior Senator from Maine [Mr. JOHNSON], with whom I have a general pair, I shall withhold my vote. If permitted to vote, I should vote "yea."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. OVERMAN (when his name was called). Announcing my pair and its transfer as heretofore, I vote "nay."

Mr. TILLMAN (when his name was called). Repeating the same transfer of my pair as on the last roll call, I vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the junior Senator from Utah [Mr. SUTHERLAND] and vote "yea."

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. BECKHAM. I have a pair with the senior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. MARTINE of New Jersey. I am requested to state that the Senator from Oklahoma [Mr. GORE] is detained at his home on account of illness. I have no knowledge as to how he would vote if present.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Borah	Gallinger	Martine, N. J.	Sterling
Brady	Harding	Nelson	Townsend
Brandegee	Jones	Oliver	Wadsworth
Clapp	Kenyon	Page	Watson
Clark	Lippitt	Poindexter	Weeks
Cummins	Lodge	Sherman	Works
Curtis	McCumber	Smoot	

NAYS—36.

Bankhead	Johnson, S. Dak.	Pittman	Smith, Ariz.
Bryan	Kern	Pomerene	Smith, Ga.
Chamberlain	Kirby	Ransdell	Smith, S. C.
Chilton	Lane	Reed	Stone
Fletcher	Lewis	Robinson	Thomas
Hardwick	Martin, Va.	Shafroth	Tillman
Hitchcock	Newlands	Sheppard	Underwood
Hollis	Norris	Shields	Vardaman
Hughes	Overman	Simmons	Walsh

NOT VOTING—33.

Ashurst	Fernald	Lee, Md.	Smith, Mich.
Beckham	Goff	McLean	Sutherland
Broussard	Gore	Myers	Swanson
Catron	Gronna	O'Gorman	Thompson
Colt	Husting	Owen	Warren
Culberson	James	Penrose	Williams
Dillingham	Johnson, Me.	Phelan	
du Pont	La Follette	Saulsbury	
Fall	Lea, Tenn.	Smith, Md.	

So Mr. GALLINGER's amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The question recurs upon the resolution of the Senator from Nebraska [Mr. HITCHCOCK] as modified.

Mr. GALLINGER. I will ask that the resolution as it now stands be read at the desk.

The PRESIDING OFFICER. The Secretary will read the resolution as it now stands.

The Secretary read as follows:

Resolved, That the Senate approves and strongly indorses the request by the President in the diplomatic notes of December 18 to the nations now engaged in war that those nations state the terms upon which peace might be discussed.

Mr. GALLINGER. Mr. President, for myself, believing that the President has no constitutional or legal right to demand that the warring nations shall state the terms upon which they will agree to peace, I shall vote against the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

Mr. GALLINGER and Mr. POINDEXTER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). Making the same transfer of my pair as on the former vote, I vote "nay."

Mr. GRONNA (when his name was called). Having a general pair with the senior Senator from Maine [Mr. JOHNSON], who is absent, I withhold my vote.

Mr. KENYON (when Mr. LA FOLLETTE's name was called). I desire to make the announcement for the senior Senator from Wisconsin [Mr. LA FOLLETTE] that he is unavoidably absent. Were he present he would vote "yea."

Mr. McLEAN (when his name was called). I make the same announcement as on the previous vote, that I have a pair with the senior Senator from Montana [Mr. MYERS], and in his absence I withhold my vote.

Mr. OLIVER (when his name was called). I ask to be excused from voting upon this question, and at the conclusion of the vote I will state my reason, if required.

Mr. OVERMAN (when his name was called). Making the same announcement of my pair and its transfer as heretofore, I vote "yea."

Mr. REED (when his name was called). I make the same transfer of my pair as on the last vote and vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. WEEKS (when his name was called). Making the same announcement of my pair and its transfer as heretofore, I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I observe that the senior Senator from Maryland [Mr. SMITH] has not voted. Having a general pair with him, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. CURTIS. I am requested to announce that the senior Senator from Delaware [Mr. DU PONT] is unavoidably detained from the Senate. Were he present he would vote "nay." He is paired with the junior Senator from Kentucky [Mr. BECKHAM].

Mr. HUGHES. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES]. If present, he would vote "yea."

Mr. TILLMAN. Announcing the same transfer of my pair as on the last vote, I vote "yea."

Mr. CHILTON. I make the same announcement of my pair and its transfer as on the last ballot and vote "yea."

Mr. MARTINE of New Jersey. I rise again to announce the absence of the Senator from Oklahoma [Mr. GORE]. Since making the announcement of his absence on the last ballot, I have learned through his office that were he present he would vote "yea" on the Hitchcock resolution.

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. ROBINSON. I have been requested to announce that the Senator from Kansas [Mr. THOMPSON] is detained from the Senate on account of official business. If present, he would vote for the resolution of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. SHEPPARD. I desire to announce that the Senator from California [Mr. PHELAN] is detained on official business and that if present he would vote for the resolution of the Senator from Nebraska.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 48, nays 17, as follows:

YEAS—48.

Bankhead	Hughes	Norris	Smith, Ariz.
Borah	Johnson, S. Dak.	Overman	Smith, Ga.
Bryan	Jones	Pittman	Smith, S. C.
Chamberlain	Kenyon	Pomerene	Sterling
Chilton	Kern	Ransdell	Stone
Clapp	Kirby	Reed	Swanson
Cummins	Lane	Robinson	Thomas
Curtis	Lee, Md.	Saulsbury	Tillman
Fletcher	Lewis	Shafroth	Townsend
Hardwick	Lippitt	Sheppard	Underwood
Hitchcock	Martin, Va.	Shields	Vardaman
Hollis	Newlands	Simmons	Walsh

NAYS—17.

Brady	Lodge	Poindexter	Weeks
Brandegee	McCumber	Sherman	Works
Clark	Martine, N. J.	Smoot	
Gallinger	Nelson	Wadsworth	
Harding	Page	Watson	

NOT VOTING—31.

Ashurst	Fall	La Follette	Phelan
Beckham	Fernald	Lea, Tenn.	Smith, Md.
Broussard	Goff	McLean	Smith, Mich.
Catron	Gore	Myers	Sutherland
Colt	Gronna	O'Gorman	Thompson
Culberson	Husting	Oliver	Warren
Dillingham	James	Owen	Williams
du Pont	Johnson, Me.	Penrose	

So Mr. HITCHCOCK's resolution as modified was agreed to.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. I move that the Senate proceed to the consideration of Senate bill 392, the Volunteer officers' retired list bill.

EXECUTIVE SESSION.

Mr. HUGHES. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. On that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], who is absent. As I understand that he would vote as I shall vote, I feel at liberty to vote. I vote "nay."

Mr. LEWIS (when his name was called). On the main question I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Not knowing how he would vote on this preliminary one, I withhold my vote.

Mr. OVERMAN (when his name was called). Making the same announcement and transfer as heretofore, I vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as on the last ballot and vote "yea."

Mr. TILLMAN (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WEEKS (when his name was called). Making the same announcement that I have made on previous occasions, I vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH]. In his absence I transfer that pair to the junior Senator from Indiana [Mr. WATSON] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Bankhead	Johnson, S. Dak.	Ransdell	Smith, S. C.
Beckham	Kern	Robinson	Stone
Bryan	Kirby	Saulsbury	Swanson
Chamberlain	Lane	Shafroth	Thomas
Chilton	Martin, Va.	Sheppard	Tillman
Fletcher	Martine, N. J.	Shields	Underwood
Hardwick	Overman	Simmons	Vardaman
Hollis	Pittman	Smith, Ariz.	Walsh
Hughes	Pomerene	Smith, Ga.	

NAYS—28.

Borah	Dillingham	Lodge	Sherman
Brady	Gallinger	McCumber	Smoot
Brandegee	Gronna	Nelson	Sterling
Clapp	Harding	Norris	Townsend
Clark	Jones	Oliver	Wadsworth
Cummins	Kenyon	Page	Weeks
Curtis	Lippitt	Poindexter	Works

NOT VOTING—33.

Ashurst	Gore	McLean	Smith, Mich.
Broussard	Hitchcock	Myers	Sutherland
Catron	Husting	Newlands	Thompson
Colt	James	O'Gorman	Warren
Culberson	Johnson, Me.	Owen	Watson
du Pont	La Follette	Penrose	Williams
Fall	Lea, Tenn.	Phelan	
Fernald	Lee, Md.	Reed	
Goff	Lewis	Smith, Md.	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened.

PURCHASE OF FOOD SUPPLIES (S. DOC. NO. 665).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy transmitting, in response to a resolution of December 15, 1916, certain information relative to the purchase of supplies by naval officers and employees through Government agencies, which was referred to the Committee on Naval Affairs and ordered to be printed.

RAILWAY LAND GRANTS IN IOWA (S. DOC. NO. 666).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior transmitting, in response to a resolution of August 19, 1913, further information relative to railway land grants in the State of Iowa, which, with the accompanying papers, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to prohibit liquor advertisements from the mails, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

OIL AND GAS LANDS.

Mr. PHELAN. I have been directed by the Committee on Public Lands to report two amendments intended to be proposed to the bill (H. R. 406) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, which I ask may be printed.

The PRESIDENT pro tempore. The amendments will lie on the table and be printed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7697) for the relief of the heirs of James N. Ward, deceased; to the Committee on Claims.

By Mr. THOMPSON:

A bill (S. 7698) granting an increase of pension to Joseph T. Lewis (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 7699) granting a pension to Jennie E. Kidd; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7700) to place Julius Schmidt on the retired list with the rank of captain; to the Committee on Military Affairs.

A bill (S. 7701) for the relief of John P. Blackwell; to the Committee on Claims.

A bill (S. 7702) granting an increase of pension to Margaret S. Dustin;

A bill (S. 7703) granting an increase of pension to John Doughty;

A bill (S. 7704) granting an increase of pension to Jennie A. Cressman; and

A bill (S. 7705) granting a pension to Robert A. Imrie; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7706) granting an increase of pension to Frederick L. Ballou (with accompanying papers);

A bill (S. 7707) granting an increase of pension to William M. Taylor (with accompanying papers);

A bill (S. 7708) granting a pension to Alfred E. Scott (with accompanying papers); and

A bill (S. 7709) granting an increase of pension to Adam Eckert (with accompanying papers); to the Committee on Pensions.

INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. Mr. President, I introduce a joint resolution, which I send to the desk and ask that it be read.

The joint resolution (S. J. Res. 190) to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the joint subcommittee heretofore appointed under Senate joint resolution 60 (public resolution No. 25, 64th Cong.), approved July 20, 1916, entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," be, and the same hereby is, continued, and is authorized to sit either during the session of Congress or during the recess, and to make its report to Congress on or before the first Monday in December, 1917.

In the event that any House member of said subcommittee shall cease to be a Member of Congress by reason of not being reelected or if a vacancy should otherwise occur in the House membership of said subcommittee when Congress is not in session, the next ranking member of the committee from which the retiring member was selected shall fill the vacancy.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of the joint resolution. I am authorized by the Interstate Commerce Committee to report favorably upon it.

Mr. BORAH. Mr. President, I presume the joint resolution will not lead to any debate?

Mr. NEWLANDS. I think not. It provides for a mere extension of time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. NORRIS. Mr. President——

Mr. HITCHCOCK. What is the request, Mr. President?

The PRESIDENT pro tempore. The request of the Senator from Nevada is for unanimous consent for the present consideration of a joint resolution reported by him from the Committee on Interstate Commerce.

Mr. NORRIS. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made. The resolution will go to the calendar.

Mr. NEWLANDS. I will ask to have it lie on the table.

The PRESIDENT pro tempore. It is a report of a committee, which must go to the calendar, the Chair is informed.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state it.

Mr. JONES. I want to ask with reference to the matter submitted by the Senator from Nevada. I understood that he introduced a joint resolution. Was it a report from a committee?

The PRESIDENT pro tempore. It was a report from the Interstate Commerce Committee.

Mr. JONES. Or was it a joint resolution that had been referred to the committee?

The PRESIDENT pro tempore. The Chair can inform the Senator from Washington that a report of such a resolution was authorized by the Interstate Commerce Committee; and the Chair presumes this is the report from that committee, authorized this morning.

Mr. JONES. I understand that it was on a joint resolution that had never been introduced; and I make the point that a committee can not authorize a report on a joint resolution prior to its introduction.

The PRESIDENT pro tempore. The point, of course, is well taken if the facts are as stated by the Senator from Washington.

Mr. NEWLANDS. Then, Mr. President, I simply introduce the joint resolution. I will state that at a meeting of the committee I was authorized to report it favorably.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Interstate Commerce.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES submitted an amendment authorizing the ratification and confirmation as fee simple patents without restrictions against alienation as of their dates of issuance issued under the homestead act of May 20, 1862, in the name of Charles Cleveland and others for certain land in the State of Washington, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

PUBLIC BUILDINGS.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 17052) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, etc., which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TERM OF OFFICE OF PRESIDENT AND VICE PRESIDENT.

Mr. SHAFROTH. Mr. President, I desire to give notice that on Monday next after the routine morning business I will address the Senate on the joint resolution (S. J. Res. 177) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the Electoral College, establishing their term of office at six years from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin.

POWER AT NIAGARA FALLS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 186) authorizing the Secretary of War to issue temporary permits for additional diversions of water from the Niagara River.

Mr. WADSWORTH. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to, and the President pro tempore appointed Mr. SMITH of Arizona, Mr. SHIELDS, and Mr. BRANDEGEE conferees on the part of the Senate.

INTERSTATE AND FOREIGN COMMERCE.

Mr. NEWLANDS. I am directed by the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 190) to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NEWLANDS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m., Friday, January 5, 1917) the Senate adjourned until to-morrow, Saturday, January 6, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5 (legislative day of January 4), 1917.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

Dr. Riley McMillan Little, of Swarthmore, Pa., to be a member of the United States Employees' Compensation Commission for a term of six years.

Mrs. Frances C. Axtell, of Bellingham, Wash., to be a member of the United States Employees' Compensation Commission for a term of four years.

John J. Keegan, of Indianapolis, Ind., to be a member of the United States Employees' Compensation Commission for a term of two years.

APPOINTMENTS IN THE ARMY.

Col. Joseph E. Kuhn, Corps of Engineers, to be brigadier general from January 2, 1917, vice Brig. Gen. Robert K. Evans, retired from active service November 19, 1916.

Rev. Julius Joseph Babst, of Colorado, to be chaplain with the rank of first lieutenant from January 3, 1917, to fill an original vacancy.

APPOINTMENT BY TRANSFER IN THE ARMY.

First Lieut. Oliver A. Dickinson, Twenty-fifth Infantry, to be first lieutenant in the Field Artillery, with rank from June 5, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5 (legislative day of January 4), 1917.

REGISTER OF THE LAND OFFICE.

James Alexander Nutting to be register of the land office at Susanville, Cal.

JUDGE ADVOCATE GENERAL IN THE DEPARTMENT OF THE NAVY.

Lieut. Commander William C. Watts to be Judge Advocate General in the Department of the Navy, with the rank of captain.

WITHDRAWALS.

Executive nominations withdrawn January 5 (legislative day of January 4), 1917.

First Lieut. William H. Simpson, Sixth Infantry, for appointment by transfer to be first lieutenant of Cavalry.

First Lieut. Elon A. Abernethy, Twenty-seventh Infantry, for appointment by transfer to be first lieutenant of Cavalry.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 5, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Fill our hearts, O Lord, with the Holy Spirit of truth, that we may be guided in things temporal and in things spiritual to great thoughts and clean living, that unperturbed by the changes wrought by time we may pass serenely on, assured that all things work together for good to those who love the Lord. Therefore if any man be in Christ, he is a new creature; old things are passed away; behold all things are become new. And all things are of God who hath reconciled us to Himself by Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an interview published in the New York Times of Sunday, December 24, 1916, with a very distinguished engineer on the subject of making nitrogen from the air.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the Cleveland Chamber of Commerce which contains some very good suggestions on how to increase our foreign trade.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing some resolutions by the Cleveland Chamber of Commerce. Is there objection?

There was no objection.

THE AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19359, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CONRY in the chair.

The CHAIRMAN. General debate is closed, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

OFFICE OF THE SECRETARY.

Salaries, Office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $6,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $3,000; executive clerk, $2,250; executive clerk, $2,100; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $2,250; 1 appointment clerk, $2,000; 1 assistant in charge of information, $3,000; 1 officer in charge of supplies, $2,000; 1 assistant, $2,000; 1 inspector, $2,870; 1 inspector, $2,250; 1 law clerk, $3,370; 2 law clerks, at $3,000 each; 1 law clerk, $2,750; 4 law clerks, at $2,500 each; 8 law clerks, at $2,250 each; 1 law clerk, $2,200; 5 law clerks, at $2,000 each; 3 law clerks, at $1,800 each; 4 law clerks, at $1,600 each; 1 expert on exhibits, $3,000; 1 telegraph and telephone operator, $1,600; 1 assistant chief clerk and captain of the watch, $1,800; 4 clerks, class 4; 12 clerks, class 3; 20 clerks, class 2; 22 clerks, class 1; 1 auditor, $2,000; 1 accountant and bookkeeper, $2,000; 1 clerk, $1,440; 1 clerk, $1,020; 7 clerks, at $1,000 each; 12 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 15 messengers or laborers, at $840 each; 12 assistant messengers, laborers, or messenger boys, at $720 each; 1 messenger or laborer, $660; 1 mechanical superintendent, $2,500; 1 engineer, $1,400; 1 electrical engineer and draftsman, $1,200; one assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 8 firemen, at $720 each; 13 elevator conductors, at $720 each; 3 elevator conductors, at $600 each; 1 superintendent of shops, $1,400; 1 cabinet shop foreman, $1,200; 4 cabinetmakers or carpenters, at $1,200 each; 3 cabinetmakers or carpenters, at $1,100 each; 9 cabinetmakers or carpenters, at $1,020 each; 3 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,100; 1 electrical wireman, $1,000; 1 electrical wireman, $900; 3 electrician's helpers, at $720 each; 1 painter, $1,020; 1 painter, $1,000; 5 painters, at $900 each; 5 plumbers or steam fitters, at $1,020 each; 1 plumber's helper, $840; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 elevator machinist, $900; 1 tinner's helper, $720; 1 lieutenant of the watch, $1,000; 2 lieutenants of the watch, at $960 each; 50 watchmen, at $720 each; 4 mechanics, at $1,200 each; 1 skilled laborer, $1,000; 2 skilled laborers, at $960 each; 2 skilled laborers, at $840 each; 1 skilled laborer, $720; 1 janitor, $900; 22 assistant messengers, messenger boys, or laborers, at $600 each; 1 carriage driver, $600; 21 laborers or messenger boys, at $480 each; 1 messenger or messenger boy, $360; 1 charwoman, $540; 3 charwomen, at $480 each; 15 charwomen, at $240 each; for extra labor and emergency employments, $12,000; in all, $413,750.

Mr. STAFFORD. Mr. Chairman, I make a point of order on the paragraph. I notice that throughout the bill it has small increases of salaries of high-priced officials, amounting to $120, but not applying generally to all employees. It singles out one here and one there. Will the chairman of the committee advise the House what policy the committee adopted other than that incorporated in the bill providing for the horizontal rise of all those having salaries of $1,800 or under?

Mr. LEVER. I will say to the gentleman from Wisconsin that the committee adopted the policy of allowing $120 increase in salary of those whose salaries were recommended for an increase by the Secretary of Agriculture. We did not make any general increase at all, but took only those who had been recommended for increase—some $250, some $180, some probably $300. In all instances we adopted the policy of giving them $120 where they had been recommended for any increase, except the higher-priced officials, like the chiefs of bureaus.

Mr. STAFFORD. That is satisfying, as far as these increases are concerned. I am particularly interested in the increase of the salary of the solicitor from $5,000 to $6,000, and the private secretary to the Secretary of Agriculture from $2,500 to $3,000. In examining the legislative bill, we find that we pay no solicitor connected with any department—for instance, the Post Office Department, the Interior Department, or the Treasury Department—more than $5,000. Here the committee has attempted to establish a higher salary, which will be used as a precedent when the Appropriations Committee takes up for consideration the legislative, executive, and judicial appropriation bill, which carries appropriations for these solicitors. What justification can the gentleman advance, in view of the fact that the solicitors of important departments are only receiving $5,000?

Mr. LEVER. In answering the question of the gentleman from Wisconsin, I might say that the work of the Solicitor of the Department of Agriculture for the last four years has very greatly increased, on account of the new statutes that we have passed. He must pass upon the grain standards act, the cotton-futures act, the Weeks forestry law, and so forth. He passes upon some forty-odd statutes, in addition to his ordinary routine work. We have felt that the salary of $5,000 was too small for the caliber of man who ought to be Solicitor of the Department of Agriculture. His responsibilities are exceedingly large, and in addition to his purely legal work he must be a strong administrative officer, because he has in charge thirty-odd law clerks. We felt that the salary was too small, and on that theory we raised it to $6,000. The Secretary asked for an increase of $2,500, making the salary $7,500, but the committee thought that $6,000 was a reasonable salary.

I also want to call the gentleman's attention to the fact that while this statement is true, that the solicitors in other departments are not getting this salary, that most of them are getting $5,000, yet I find in the State Department the state counselor gets $7,500.

Mr. STAFFORD. The gentleman must recognize that the counselor is virtually the Acting Secretary, and is at present filled by a high type of man, Mr. Polk. It requires an entirely different man from what it does to fill the solicitor's office, which requires only an ordinary lawyer of some ability.

Mr. LONGWORTH. The Counselor of the State Department is the Acting Secretary of State during the absence of the Secretary.

Mr. LEVER. The Judge Advocate General of the War Department gets $6,000. The Solicitor General of the Department of Justice receives a salary of $10,000. The assistant attorney in the Antitrust Bureau gets $9,000. The assistant attorney of the Court of Claims Division gets $7,500. The assistant attorney of the office of the Assistant Attorney General gets $7,500. The assistant attorney of the Public Lands Division gets $7,500. We have felt that, with the probable exception of the Counselor of the State Department, the Solicitor of the Department of Agriculture was doing work of as high a character as these other gentlemen that I have named.

Mr. STAFFORD. Mr. Chairman, from my acquaintance with the work performed by the solicitors of other departments, who are receiving only $5,000, I can see no reason why we should make an exception so far as the Solicitor for the Department of Agriculture is concerned. Therefore I make the point of order as to that office.

Mr. COX. Are you going to make the point of order as to the rest of them?

Mr. STAFFORD. I reserve the point of order on the rest of the paragraph.

Mr. LEVER. I concede the point of order as to this one. Let us settle this one first.

Mr. MANN. You will have to dispose of all the points of order.

Mr. LEVER. All right.

Mr. STAFFORD. I wish next to inquire of the chairman of the committee as to the increase for the private secretary to the Secretary of Agriculture. The committee have increased his salary from $2,500 to $3,000. I do not find any other department where we are paying $3,000 to the private secretary of the head of a department, and I do not see any reason why we should single out this private secretary for preferential consideration.

Mr. LEVER. I happen to know the private secretary to the Secretary of Agriculture quite well personally, and have come into the most intimate contact with his work. He is a young man of very exceptional ability, as I think every member of the Committee on Agriculture will agree, and he does an enormous amount of work. I will say to the gentleman from Wisconsin that not infrequently the private secretary to the Secretary of Agriculture can be found in my office as late as 12 or 1 o'clock at night, and I have never called upon him for information or help that I have not always found him ready to respond, and fully capable of service and of help.

Mr. STAFFORD. I think if the gentleman was acquainted with the work of other departments, as he is so fully acquainted with the work of the Agricultural Department, he would find some other private secretaries working much beyond their office hours.

Mr. LEVER. I have no doubt of that at all. However, I call the attention of the gentleman to the fact that the private secretary to the Attorney General gets $3,000 a year, and the private secretary to the Secretary of the Treasury gets $3,000 a year.

Mr. STAFFORD. In the Treasury Department the title is assistant to the Secretary, and not private secretary.

Mr. MANN. If the private secretary to the Secretary of the Treasury gets $3,000, he gets about $1,500 more than he is worth.

Mr. LEVER. I do not know about that. I have stated the information which I have on the subject.

Mr. STAFFORD. Mr. Chairman, I make the point of order on these two items in the paragraph, the salary of the solicitor, $6,000, and the salary of the private secretary to the Secretary of Agriculture, $3,000.

Mr. COX. I reserved the point of order, and, to shut off debate, I make it.

Mr. STAFFORD. I withdraw the reservation as to the rest.

Mr. COX. I make the point of order on the item "one inspector at $2,870," in lines 13 and 14, and "one law clerk, $3,370," in lines 14 and 15. Both those items are increases of salary over last year.

Mr. LEVER. Mr. Chairman, I concede the point of order.

The CHAIRMAN. Will the gentleman mention the items again?

Mr. STAFFORD. The salary of the solicitor, in line 5, page 2, and the salary of the private secretary, in line 7, page 2.

Mr. LEVER. I concede the point of order and offer the following amendment.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEVER: Page 2, line 5, after the first semicolon, insert "solicitor, $5,000."

The amendment was agreed to.

Mr. LEVER. I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 6, after the semicolon, insert "private secretary to the Secretary of Agriculture, $2,500."

Mr. McLAUGHLIN. Mr. Chairman, I wish to offer an amendment to the amendment, striking out "$2,500" and making it "$2,750."

Mr. COX. I make a point of order on that.

Mr. McLAUGHLIN. Will the gentleman reserve it?

Mr. COX. I will reserve the point of order.

Mr. McLAUGHLIN. The chairman of the committee [Mr. LEVER] has spoken of the valuable service performed by this man, his ability and faithfulness, and I wish to indorse and approve of all he has said. The Committee on Agriculture come in contact with many men from the Department of Agriculture, who give evidence of ability and faithfulness of service; but, in my judgment, no one performs better work or is more deserving of an increase of salary than Mr. Harrison, the young man who fills this job. In my judgment, he is entitled to the amount recommended by the committee, $3,000, but the Committee of the Whole have decided not to allow that. I hope they will allow the small increase of $250 contained in my amendment to the amendment. We have been compelled to refuse many requests of officials of the department for increases. We have recommended increases only after careful examination and where we feel we have some knowledge of the work the officials and employees perform, and we heartily recommended $3,000 to Mr. Harrison. I believe that no one who knows the character and amount of the work he does as private secretary to the Secretary of Agriculture will object to this small increase we ask, and I trust that the gentleman from Indiana [Mr. Cox] will withdraw his point of order.

Mr. LEVER. Mr. Chairman, I would like in the gentleman's time to reenforce the statement of the gentleman from Michigan [Mr. McLAUGHLIN], and urge the gentleman from Indiana [Mr. Cox] to withdraw his point of order against the amendment offered by the gentleman from Michigan. I had intended to do that myself, but I feared the point of order would be made, and that it would delay the time of the committee. This is a very deserving case, and this committee has been exceedingly careful in its recommendations for increases. I think except for the 10 and 5 per cent provision the total increases in this bill of salaries amounts to only 37, out of a large number of employees, and out of a large number of recommendations for increases. This, to my mind, is one of the most deserving cases among all those recommended for increase by the Secretary of Agriculture. I trust the gentleman will not press his point of order.

Mr. COX. Mr. Chairman, I do not know the clerk; I have no acquaintance with him at all; but I concede everything that has been said here in his behalf this morning; that he is competent, able, efficient, and anything that they desire to urge in his behalf; but here we have a universal clamor going on in behalf of every clerk and every employee in the Government to increase salaries. As I said the other day, it may be that some of these underpaid employees are entitled to an increase of pay, and I am rather disposed to think they are, but is every man to be rewarded by an increase in salary simply and solely because he does his duty? Is that the only and sole ground upon which this increase in salary is urged this morning? Will it make him any more competent, any more efficient, any more effective, or any more active if this salary be increased? I think not, and I insist upon the point of order, and I intend to make the point of order on every increase of every salary here above $1,800.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 2, line 6, after the second semicolon, insert "private secretary to the Secretary of Agriculture, $2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 13, after the second semicolon, insert "one inspector, $2,750."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 14, after the second semicolon, insert "one law clerk, $3,250."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, my impression is, and I ask the gentleman to correct me if I am wrong, that the solicitor's department and his force in the Department of Agriculture is not under the supervision of the Attorney General.

Mr. LEVER. That is correct.

Mr. MANN. I think he is the only solicitor that is not under the Department of Justice.

Mr. LEVER. I am not sure about that.

Mr. MANN. My recollection is that all of the other solicitors in all the other departments are officials of the Department of Justice, and it seems to me that there is some distinction between this Solicitor of the Department of Agriculture, who has an independent law office, and his force, who must have the responsibility in that office of conducting the litigation in behalf of the Government. In recent years we have added to the work of the Solicitor of the Department of Agriculture through the pure-food law, the insecticide law, the meat-inspection law, the various forestry laws, and a number of other laws, adding very largely to the work. Of course, that is evident from the reading of this bill, from the number of law clerks employed. The solicitor now gets the salary of $5,000, and here is a proposition presented by the committee to make the salary of one law clerk $3,370.

Mr. STAFFORD. An increase of $120?

Mr. MANN. It seems to me really with some knowledge of the law business that it would be profitable to the Government if it had several $5,000 a year law clerks, and I am not sure but if it had several $10,000 a year law clerks. All of these other solicitors may have the benefit of the work of the Solicitor General or other higher paid officials in the Department of Justice. We have made in the Agricultural Department a law office larger I think probably than any law office in the country. I am not sure that it would be larger than the law office of

New York City, but I think it is larger than the law office of the city of Chicago and probably as large as the law office of any of the great corporations, unless it be the one located in the United States Steel Co. We employ only men at very low salaries who have to compete all of the time with attorneys who receive salaries ranging from $5,000 a year to $25,000 a year. I have no complaint to make of the work of this law office in the past. I think they have probably done excellent work. I do not pretend to be able to pass upon that, but I think it is quite certain that if we are going to have law clerks—we call them law clerks, though they are lawyers—to attend to the work of the Agricultural Department and of the Government in competition with the attorneys of the railroads of the country, in competition with the attorneys of the big producers of food products in the country, and expect them to succeed in taking care of the interests of the Government, we have got to be willing to pay some increases in salaries either to keep competent men who are in office or to get competent men to go into office, because when one of these men demonstrates his ability to protect the interests of the Government in one of these cases he can step out without much difficulty into a law office outside and receive a salary of from $5,000 to $10,000 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. DILL. Mr. Chairman, I desire to ask the chairman of the committee a question. I note in this paragraph there are 21 laborers or messenger boys, at $480 each, and I notice all through the bill that there are so many laborers or messenger boys or assistant messengers at very low salaries, and I wondered whether the chairman of the committee knows how many of these employees are laborers and how many messenger boys, and what they do and how long they work?

Mr. LEVER. Some of these employees are laborers, as described, and some of them are messenger boys, as described, and they work the usual Government day in Washington.

Mr. DILL. For these men, eight hours, is it not?

Mr. LEVER. Eight hours; yes.

Mr. DILL. I noted that the gentleman said in his remarks a few moments ago that there were increases provided for 37 employees in this bill.

Mr. LEVER. Of the higher grades.

Mr. DILL. Of the higher grades, oh. I wanted to ask the gentleman if he had made a computation of how many increases were made on the roll of laborers and messengers who receive less than $600 a year?

Mr. LEVER. If the gentleman will turn to the last item in the appropriation bill, he will find we have provided for an increase of all the low-grade salaries from $1,200 down, 10 per cent.

Mr. DILL. That increase applies to a man whom you raise in here just the same, does it not?

Mr. LEVER. Oh, no.

Mr. DILL. If you increase a man's salary $100 it does not apply to him?

Mr. LEVER. It applies only to those who receive a salary of $1,200 or less.

Mr. DILL. Suppose a man receiving $750 is changed to $840 in this bill.

Mr. LEVER. We did not raise anybody in this bill below the $1,800 salary except the 10 per cent and 5 per cent provision.

Mr. DILL. There are remaining a large number of these messengers or laborers, even with the 10 per cent increase, who receive considerably less than $600. Is not that true?

Mr. LEVER. That is more or less true. In some cases it would be less. In some cases, where the salaries are $600, it will be more.

Mr. DILL. Under $600?

Mr. LEVER. Quite a few.

Mr. DILL. I was reading in the hearings about men in the inspector service who receive $70 a month, and I concluded from the statements in the hearings by the members of the committee that they thought the wage was too low, as they speak of the increase in the lump-sum appropriation for that service, which, I take it, was for an increase in the salaries of those men in the inspection service.

Mr. LEVER. Let me assure the gentleman of the attitude of the Committee on Agriculture in reference to these increases. Some six years ago the committee on its own initiative, without any suggestion whatever from the Department of Agriculture, gave an automatic raise in the salaries of a large number of these lower salaried employees, salaries, I think, ranging up as high as $900, feeling that they were entitled to it.

Mr. DILL. How long ago was that?

Mr. LEVER. That was six years ago. The committee, of course, realizes that within that time the cost of living has very largely increased, but in our recommendation for the 10 per cent increase for salaries below the $1,200 grade we followed what we conceived to be the judgment of the House on that proposition as expressed in its action on the legislative appropriation bill.

Mr. DILL. Does the gentleman believe that a laborer working eight hours a day and receiving $40 a month, when the prices for foodstuffs and clothing and shelter are such as they are—does he think that a 10 per cent increase for that priced laborer is a proper increase at this time?

Mr. LEVER. I would say to the gentleman that my own view about that matter is this: I do not believe that the Congress can afford to take into consideration alone the proposition of the increase in the cost of living. The Congress must take into consideration the character of the work that is done by these various low-salaried employees and the proposition as to whether or not the Government is getting a quid pro quo for that service.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. DILL. Mr. Chairman, I ask unanimous consent for two minutes more in order that the gentleman may answer my question.

The CHAIRMAN. The gentleman from Washington asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. LEVER. In addition to that I would say that personally I feel a profound sympathy for those who are receiving these low salaries, but the duty of a Congressman must be beyond his sympathy. We have taken into consideration the fact that many, many million people in the United States, as competent, as patriotic as those who are receiving these salaries, are receiving even smaller salaries. The bulk of the farmers of this country, the majority of them, are making a wage that is not much higher, if any higher, than the wage of most of these various low-paid employees.

Mr. DILL. If the gentleman will permit, he does not contend that these men can live on the same amount of money that a man living out in the country on a farm can?

Mr. LEVER. Of course not. I do not contend that at all. My contention is that the net wage of the average farmer of this country is not much higher than the lowest salary in this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Office of Farm Management: One chief of office, $4,000; 1 assistant to the chief, $2,520; 1 executive assistant, $2,250; 1 clerk, class 4; 2 clerks, class 3; 3 clerks, class 2; 6 clerks, class 1; 2 clerks, at $1,100 each; 1 clerk, $1,080; 1 clerk or photographer, $1,020; 9 clerks, at $1,000 each; 12 clerks, at $900 each; 4 clerks or map tracers, at $840 each; 3 clerks or map tracers, at $720 each; 1 lantern-slide colorist, $720; 1 messenger or laborer, $720; 1 messenger, messenger boy, or laborer, $660; 3 messengers, messenger boys, or laborers, at $480 each; 1 laborer, $360; 4 charwomen, at $240 each; 1 library assistant, $1,440; 1 photographer, $1,400; 1 cartographer, $1,500; 1 draftsman, $1,440; 1 draftsman, $1,200; 2 draftsmen, at $900 each; in all, $68,430.

Mr. DILL. Mr. Chairman, I move to strike out the last word for the purpose of making some observations regarding some of these low wages. I note in this paragraph, line 19, one laborer at $360. I take it that he is one of the laborers that does not work eight hours a day. But there are a large number of the laborers in this department who are working eight hours a day at $40 a month, and they are provided for in this bill. I learned in the little investigation I have made that some of these men are so hard up for money to pay for the living for themselves and families that they have not been able to buy meat for three months because they had to provide food and shelter.

As I said before, in previous discussions of this subject, I think it is outrageous that a great Government like this should have employees working eight hours a day and pay them such miserably low wages. The chairman of this committee stated a moment ago that some six years ago there was a revision made of the wages of these employees, and for that reason, in the light of the increased cost of living, a 10 per cent increase had been made here. I would like to insert in the RECORD as a part of my remarks some items regarding the increase in the price of foodstuffs, prepared by the Bureau of Statistics, and I ask unanimous consent, Mr. Chairman, that I may do that.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to insert in the RECORD as a part of his remarks certain statistics indicated by him. Is there objection?

There was no objection.

Following are the statistics referred to:

CHANGE IN AVERAGE PRICES AND IN AMOUNT OF VARIOUS ARTICLES OF FOOD THAT COULD BE BOUGHT FOR $1, 1890 TO 1915.

To show the changes and results of changes in retail prices of food for a period of 26 years, from 1890 to 1915, inclusive, a table has been prepared from the figures appearing in preceding reports and bulletins on this subject, presenting the average price of each article and the average amount of each article that could be bought for $1 each year of the period, except for two articles—sirloin steak and rib roast—for which satisfactory data were available only for the years 1907 to 1915. A second table shows the average price of each article and the quantity that could be bought for $1 on December 15 of each year from 1912 to 1915, inclusive:

TABLE I.—*Average retail price of food and amount that could be bought for $1 each year, 1890 to 1915.*

SIRLOIN STEAK.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1907	$0.219	4.6	$0.166	6.0	$0.166	6.0	$0.171	5.8	$0.162	6.2	$0.181	5.5
1908	.222	4.5	.173	5.8	.173	5.8	.176	5.7	.165	6.1	.186	5.4
1909	.228	4.4	.183	5.5	.178	5.6	.195	5.1	.174	5.7	.194	5.2
1910	.231	4.3	.197	5.1	.191	5.2	.211	4.7	.183	5.5	.202	5.0
1911	.231	4.3	.193	5.2	.193	5.2	.211	4.7	.185	5.4	.204	4.9
1912	.266	3.8	.217	4.6	.217	4.6	.232	4.3	.208	4.8	.230	4.3
1913	.284	3.5	.231	4.3	.247	4.0	.256	3.9	.233	4.3	.253	4.0
1914	.287	3.5	.246	4.1	.257	3.9	.256	3.9	.233	4.3	.258	3.9
1915	.296	3.4	.241	4.1	.244	4.1	.235	4.3	.229	4.4	.255	3.9
October, 1916											.273	3.7
November, 1916											.268	3.7

ROUND STEAK.

1890	$0.153	6.5	$0.116	8.6	$0.107	9.3	$0.112	8.9	$0.119	8.4	$0.123	8.1
1891	.154	6.5	.117	8.5	.108	9.3	.113	8.8	.119	8.4	.124	8.1
1892	.154	6.5	.115	8.7	.108	9.3	.112	8.9	.118	8.5	.124	8.1
1893	.154	6.5	.115	8.7	.110	9.1	.115	8.7	.111	9.0	.124	8.1
1894	.152	6.6	.115	8.7	.108	9.3	.116	8.6	.106	9.4	.122	8.2
1895	.153	6.5	.117	8.5	.109	9.2	.115	8.7	.112	8.9	.123	8.1
1896	.153	6.5	.116	8.6	.109	9.2	.118	8.5	.114	8.8	.124	8.1
1897	.154	6.5	.116	8.6	.110	9.1	.118	8.5	.116	8.6	.125	8.0
1898	.157	6.4	.120	8.3	.112	8.9	.120	8.3	.119	8.4	.127	7.9
1899	.158	6.3	.125	8.0	.114	8.8	.124	8.1	.123	8.1	.129	7.8
1900	.162	6.2	.130	7.7	.117	8.5	.128	7.8	.124	8.1	.132	7.6
1901	.169	5.9	.134	7.5	.123	8.1	.130	7.7	.128	7.8	.138	7.2
1902	.182	5.5	.138	7.2	.130	7.7	.142	7.0	.134	7.5	.147	6.8
1903	.173	5.8	.134	7.5	.126	7.9	.130	7.7	.130	7.7	.140	7.1
1904	.174	5.7	.133	7.5	.126	7.9	.129	7.8	.131	7.6	.141	7.1
1905	.171	5.8	.134	7.5	.126	7.9	.131	7.6	.130	7.7	.140	7.1
1906	.176	5.7	.140	7.1	.132	7.6	.133	7.5	.131	7.6	.145	6.9
1907	.184	5.4	.144	6.9	.137	7.3	.135	7.4	.133	7.5	.150	6.7
1908	.187	5.3	.154	6.5	.156	6.4	.146	6.8	.139	7.2	.157	6.4
1909	.189	5.3	.161	6.2	.152	6.6	.156	6.4	.145	6.9	.162	6.2
1910	.195	5.1	.172	5.8	.165	6.1	.160	6.3	.157	6.4	.173	5.8
1911	.197	5.1	.172	5.8	.165	6.1	.162	6.2	.163	6.1	.173	5.8
1912	.221	4.5	.191	5.2	.189	5.3	.179	5.6	.192	5.2	.198	5.1
1913	.253	4.0	.208	4.8	.215	4.7	.200	5.0	.202	5.0	.221	4.5
1914	.272	3.7	.223	4.5	.225	4.4	.208	4.8	.206	4.9	.234	4.3
1915	.267	3.7	.215	4.7	.217	4.6	.208	4.8	.204	4.9	.228	4.4
October, 1916											.246	4.1
November, 1916											.239	4.2

RIB ROAST.

1907	$0.175	5.7	$0.165	6.1	$0.140	7.1	$0.133	7.5	$0.142	7.0	$0.150	6.7
1908	.177	5.6	.169	5.9	.146	6.8	.140	7.1	.144	6.9	.154	6.5
1909	.179	5.6	.175	5.7	.153	6.5	.154	6.5	.147	6.8	.160	6.3
1910	.179	5.6	.183	5.5	.159	6.3	.164	6.1	.159	6.3	.166	6.0
1911	.182	5.5	.181	5.5	.157	6.4	.164	6.1	.165	6.1	.168	6.4
1912	.205	4.9	.193	5.2	.175	5.7	.176	5.7	.178	5.6	.184	5.0
1913	.212	4.7	.203	4.9	.192	5.2	.187	5.3	.194	5.2	.198	5.1
1914	.218	4.6	.207	4.8	.196	5.1	.197	5.1	.196	5.1	.204	4.9
1915	.216	4.6	.197	5.1	.192	5.2	.195	5.1	.194	5.2	.200	5.0
October, 1916											.212	4.7
November, 1916											.210	4.8

PORK CHOPS.

1890	$0.107	9.3	$0.100	10.0	$0.094	10.6	$0.115	8.7	$0.118	8.5	$0.107	9.3
1891	.110	9.1	.104	9.6	.095	10.5	.115	8.7	.118	8.5	.109	9.2
1892	.111	9.0	.105	9.5	.098	10.2	.115	8.7	.119	8.4	.111	9.0
1893	.120	8.3	.112	8.9	.103	9.7	.122	8.2	.115	8.7	.118	8.5
1894	.114	8.8	.107	9.3	.098	10.2	.119	8.4	.115	8.7	.112	8.9
1895	.109	9.2	.109	9.2	.097	10.3	.117	8.5	.119	8.4	.110	9.1
1896	.106	9.4	.107	9.3	.096	10.4	.117	8.5	.117	8.5	.107	9.3
1897	.106	9.4	.104	9.6	.097	10.3	.117	8.5	.117	8.5	.108	9.3
1898	.107	9.3	.107	9.3	.099	10.1	.116	8.6	.113	8.8	.109	9.2
1899	.110	9.1	.110	9.1	.102	9.8	.121	8.3	.122	8.2	.112	8.9
1900	.118	8.5	.115	8.7	.107	9.3	.124	8.1	.127	7.9	.119	8.4
1901	.130	7.7	.126	7.9	.117	8.5	.135	7.4	.130	7.7	.130	7.7
1902	.141	7.1	.142	7.0	.127	7.9	.149	6.7	.138	7.2	.141	7.1
1903	.141	7.1	.139	7.2	.124	8.1	.145	6.9	.135	7.4	.140	7.1
1904	.138	7.2	.136	7.4	.120	8.3	.139	7.2	.136	7.4	.137	7.3
1905	.140	7.1	.138	7.2	.124	8.1	.139	7.2	.142	7.0	.139	7.2
1906	.151	6.6	.151	6.6	.136	7.4	.151	6.6	.152	6.6	.152	6.6
1907	.158	6.3	.157	6.4	.139	7.2	.153	6.5	.161	6.2	.157	6.4
1908	.160	6.3	.159	6.3	.144	6.9	.159	6.3	.165	6.1	.161	6.2
1909	.172	5.8	.178	5.6	.158	6.3	.174	5.7	.176	5.7	.175	5.7
1910	.187	5.3	.198	5.1	.176	5.7	.191	5.2	.202	5.0	.193	5.2
1911	.177	5.6	.180	5.6	.163	6.1	.187	5.3	.200	5.0	.179	5.6
1912	.195	5.1	.194	5.2	.178	5.6	.197	5.1	.206	4.9	.193	5.2
1913	.216	4.6	.213	4.7	.195	5.1	.210	4.8	.221	4.5	.211	4.7
1914	.226	4.4	.223	4.5	.204	4.9	.220	4.5	.232	4.3	.222	4.5
1915	.208	4.8	.204	4.9	.188	5.3	.210	4.8	.217	4.6	.203	4.9
October, 1916											.240	4.2
November, 1916											.228	4.4

TABLE I.—*Average retail price of food and amount that could be bought for $1 each year, 1890 to 1915*—Continued.

BACON: SMOKED.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1890	$0.122	8.2	$0.120	8.3	$0.120	8.3	$0.122	8.2	$0.137	7.3	$0.125	8.0
1891	.124	8.1	.120	8.3	.120	8.3	.122	8.2	.138	7.2	.126	7.9
1892	.127	7.9	.122	8.2	.123	8.1	.129	7.8	.139	7.2	.129	7.8
1893	.141	7.1	.126	7.9	.137	7.3	.144	6.9	.153	6.5	.142	7.0
1894	.134	7.5	.121	8.3	.129	7.8	.134	7.5	.145	6.9	.135	7.4
1895	.127	7.9	.122	8.2	.122	8.2	.127	7.9	.138	7.2	.130	7.7
1896	.125	8.0	.118	8.5	.122	8.2	.121	8.3	.129	7.8	.126	7.9
1897	.126	7.9	.121	8.3	.122	8.2	.124	8.1	.128	7.8	.127	7.9
1898	.128	7.8	.121	8.3	.128	7.8	.130	7.7	.132	7.6	.131	7.6
1899	.132	7.6	.130	7.7	.130	7.7	.130	7.7	.134	7.5	.134	7.5
1900	.141	7.1	.133	7.5	.140	7.1	.141	7.1	.143	7.0	.143	7.0
1901	.155	6.5	.145	6.9	.156	6.4	.157	6.4	.153	6.5	.158	6.3
1902	.173	5.8	.162	6.2	.173	5.8	.182	5.5	.175	5.7	.177	5.6
1903	.177	5.6	.164	6.1	.177	5.6	.196	5.1	.189	5.3	.182	5.5
1904	.172	5.8	.161	6.2	.176	5.7	.194	5.2	.189	5.3	.180	5.6
1905	.173	5.8	.161	6.2	.178	5.6	.194	5.2	.191	5.2	.181	5.5
1906	.188	5.3	.176	5.7	.195	5.1	.213	4.7	.198	5.1	.196	5.1
1907	.195	5.1	.185	5.4	.202	5.0	.227	4.4	.211	4.7	.205	4.9
1908	.195	5.1	.191	5.2	.210	4.8	.243	4.1	.226	4.4	.210	4.8
1909	.213	4.7	.201	5.0	.229	4.4	.259	3.9	.240	4.2	.227	4.4
1910	.238	4.2	.245	4.1	.256	3.9	.297	3.4	.275	3.6	.260	3.8
1911	.230	4.3	.224	4.5	.240	4.2	.300	3.3	.278	3.6	.251	4.0
1912	.225	4.4	.227	4.4	.240	4.2	.294	3.4	.272	3.7	.249	4.0
1913	.253	4.0	.258	3.9	.272	3.7	.319	3.1	.293	3.4	.273	3.7
1914	.261	3.8	.263	3.8	.274	3.6	.322	3.1	.296	3.4	.279	3.6
1915	.253	4.0	.258	3.9	.266	3.8	.319	3.1	.293	3.4	.273	3.7
October, 1916											.303	3.3
November, 1916											.303	3.3

HAM: SMOKED.

1890	$0.156	6.4	$0.149	6.7	$0.148	6.8	$0.142	7.0	$0.175	5.7	$0.152	6.6
1891	.155	6.5	.151	6.6	.149	6.7	.146	6.8	.177	5.6	.153	6.5
1892	.160	6.3	.153	6.5	.153	6.5	.151	6.6	.179	5.6	.157	6.4
1893	.174	5.7	.160	6.3	.166	6.0	.153	6.5	.192	5.2	.168	6.0
1894	.161	6.2	.153	6.5	.151	6.6	.151	6.6	.176	5.7	.157	6.4
1895	.155	6.5	.152	6.6	.148	6.8	.148	6.8	.165	6.1	.152	6.6
1896	.154	6.5	.151	6.6	.146	6.8	.143	7.0	.161	6.2	.150	6.7
1897	.155	6.5	.151	6.6	.146	6.8	.146	6.8	.162	6.2	.151	6.6
1898	.149	6.7	.150	6.7	.140	7.1	.148	6.8	.154	6.5	.146	6.8
1899	.157	6.4	.151	6.6	.148	6.8	.149	6.7	.163	6.1	.153	6.5
1900	.167	6.0	.156	6.4	.159	6.3	.160	6.3	.175	5.7	.162	6.2
1901	.175	5.7	.164	6.1	.167	6.0	.165	6.1	.177	5.6	.169	5.9
1902	.188	5.3	.174	5.7	.183	5.5	.182	5.5	.196	5.1	.184	5.4
1903	.192	5.2	.180	5.6	.182	5.5	.189	5.3	.198	5.1	.187	5.3
1904	.187	5.3	.174	5.7	.178	5.6	.188	5.3	.195	5.1	.182	5.5
1905	.186	5.4	.175	5.7	.179	5.6	.187	5.3	.196	5.1	.182	5.5
1906	.202	5.0	.188	5.3	.192	5.2	.201	5.0	.204	4.9	.196	5.1
1907	.205	4.9	.201	5.0	.192	5.2	.209	4.8	.217	4.6	.201	5.0
1908	.207	4.8	.201	5.0	.200	5.0	.214	4.7	.229	4.4	.207	4.8
1909	.215	4.7	.216	4.6	.212	4.7	.231	4.3	.237	4.2	.217	4.6
1910	.233	4.3	.248	4.0	.235	4.3	.264	3.8	.265	3.8	.243	4.1
1911	.230	4.3	.233	4.3	.228	4.4	.264	3.8	.265	3.8	.238	4.2
1912	.238	4.2	.231	4.3	.235	4.3	.264	3.8	.265	3.8	.240	4.2
1913	.266	3.8	.250	4.0	.261	3.8	.286	3.5	.289	3.5	.266	3.8
1914	.271	3.7	.256	3.9	.266	3.8	.291	3.4	.291	3.4	.271	3.7
1915	.256	3.9	.243	4.1	.256	3.9	.275	3.6	.282	3.5	.258	3.9
October, 1916											.302	3.3
November, 1916											.302	3.3

LARD: PURE.

1890	$0.096	10.4	$0.085	11.8	$0.092	10.9	$0.091	11.0	$0.110	9.1	$0.093	10 8
1891	.098	10.2	.086	11.6	.093	10.8	.093	10.8	.114	8.8	.094	10.6
1892	.103	9.7	.089	11.2	.095	10.5	.096	10.4	.119	8.4	.098	10.2
1893	.119	8.4	.103	9.7	.105	9.5	.109	9.2	.130	7.7	.112	8.9
1894	.106	9.4	.092	10.9	.098	10.2	.099	10.1	.121	8.3	.101	9.9
1895	.099	10.1	.084	11.9	.094	10.6	.087	11.5	.113	8.8	.095	10.5
1896	.090	11.1	.082	12.2	.088	11.4	.081	12.3	.101	9.9	.088	11.4
1897	.086	11.6	.079	12.7	.087	11.5	.079	12.7	.098	10.2	.085	11.8
1898	.091	11.0	.083	12.0	.090	11.1	.082	12.2	.103	9.7	.089	11.2
1899	.093	10.8	.086	11.6	.094	10.6	.087	11.5	.104	9.6	.092	10.9
1900	.101	9.9	.094	10.6	.099	10.1	.092	10.9	.110	9.1	.099	10.1
1901	.115	8.7	.107	9.3	.111	9.0	.107	9.3	.120	8.3	.112	8.9
1902	.132	7.6	.122	8.2	.125	8.0	.125	8.0	.134	7.5	.127	7.9
1903	.125	8.0	.117	8.5	.116	8.6	.111	9.0	.132	7.6	.120	8.3
1904	.116	8.6	.105	9.5	.106	9.4	.105	9.5	.129	7.8	.111	9.0
1905	.115	8.7	.104	9.6	.106	9.4	.105	9.5	.129	7.8	.110	9.1
1906	.126	7.9	.116	8.6	.118	8.5	.113	8.8	.137	7.3	.121	8.3
1907	.132	7.6	.125	8.0	.123	8.1	.119	8.4	.142	7.0	.127	7.9
1908	.132	7.6	.126	7.9	.125	8.0	.122	8.2	.143	7.0	.127	7.9
1909	.146	6.8	.145	6.9	.142	7.0	.138	7.2	.156	6.4	.142	7.0
1910	.171	5.8	.164	6.1	.168	6.0	.159	6.3	.176	5.7	.164	6.1
1911	.139	7.2	.135	7.4	.140	7.1	.137	7.3	.151	6.6	.141	7.1
1912	.145	6.9	.143	7.0	.149	6.7	.146	6.8	.161	6.2	.148	6.8
1913	.155	6.5	.151	6.6	.159	6.3	.154	6.5	.174	5.7	.158	6.3
1914	.153	6.5	.151	6.6	.155	6.5	.153	6.5	.170	5.9	.157	6.4
1915	.143	7.0	.145	6.9	.146	6.8	.147	6.8	.165	6.1	.148	6.8
October, 1916											.194	5.2
November, 1916											.213	4.7

TABLE I.—*Average retail price of food and amount that could be bought for $1 each year, 1890 to 1915*—Continued.

HENS.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1890	$0.154	6.5	$0.128	7.8	$0.112	8.9	$0.108	9.3	$0.194	5.2	$0.135	7.4
1891	.159	6.3	.130	7.7	.115	8.7	.109	9.2	.205	4.9	.139	7.2
1892	.159	6.3	.132	7.6	.114	8.8	.106	9.4	.195	5.1	.138	7.2
1893	.159	6.3	.132	7.6	.116	8.6	.109	9.2	.169	5.9	.139	7.2
1894	.149	6.7	.129	7.8	.110	9.1	.106	9.4	.163	6.1	.131	7.6
1895	.148	6.8	.131	7.6	.110	9.1	.107	9.3	.166	6.0	.131	7.6
1896	.146	6.8	.127	7.9	.110	9.1	.105	9.5	.158	6.3	.129	7.8
1897	.141	7.1	.128	7.8	.105	9.5	.103	9.7	.153	6.5	.125	8.0
1898	.144	6.9	.129	7.8	.109	9.2	.112	8.9	.155	6.5	.129	7.8
1899	.151	6.6	.137	7.3	.115	8.7	.118	8.5	.172	5.8	.136	7.4
1900	.148	6.8	.138	7.2	.115	8.7	.122	8.2	.173	5.8	.134	7.5
1901	.150	6.7	.143	7.0	.117	8.5	.131	7.6	.175	5.7	.137	7.3
1902	.169	5.9	.149	6.7	.127	7.9	.133	7.5	.185	5.4	.151	6.6
1903	.176	5.7	.155	6.5	.133	7.5	.151	6.6	.176	5.7	.158	6.3
1904	.180	5.6	.157	6.4	.136	7.4	.153	6.5	.177	5.6	.161	6.2
1905	.181	5.5	.158	6.3	.139	7.2	.161	6.2	.189	5.3	.165	6.1
1906	.189	5.3	.165	6.1	.148	6.8	.162	6.2	.197	5.1	.172	5.8
1907	.194	5.2	.171	5.8	.148	6.8	.168	6.0	.196	5.1	.175	5.7
1908	.199	5.0	.176	5.7	.150	6.7	.172	5.8	.198	5.1	.177	5.6
1909	.206	4.9	.188	5.3	.164	6.1	.186	5.4	.218	4.6	.189	5.3
1910	.210	4.8	.203	4.9	.175	5.7	.200	5.0	.236	4.2	.200	5.0
1911	.208	4.8	.194	5.2	.166	6.0	.196	5.1	.234	4.3	.194	5.2
1912	.217	4.6	.194	5.2	.179	5.6	.196	5.1	.229	4.4	.200	5.0
1913	.236	4.2	.205	4.9	.198	5.1	.206	4.9	.234	4.3	.214	4.7
1914	.241	4.1	.220	4.5	.202	5.0	.210	4.8	.236	4.2	.219	4.6
1915	.234	4.3	.209	4.8	.190	5.3	.196	5.1	.222	4.5	.208	4.8
October, 1916											.244	4.1
November, 1916											.241	4.1

EGGS.

	Per doz.	*Doz.*	*Per doz.*	*Doz.*	*Per doz.*	*Doz.*	*Per doz.*	*Doz.*	*Per doz.*	*Doz.*	*Per doz.*	*Doz.*
1890	$0.244	4.1	$0.170	5.9	$0.188	5.3	$0.161	6.2	$0.264	3.8	$0.208	4.8
1891	.259	3.9	.177	5.6	.202	5.0	.171	5.8	.270	3.7	.221	4.5
1892	.259	3.9	.177	5.6	.202	5.0	.167	6.0	.261	3.8	.221	4.5
1893	.263	3.8	.178	5.6	.205	4.9	.168	6.0	.258	3.9	.224	4.5
1894	.232	4.3	.164	6.1	.181	5.5	.157	6.4	.238	4.2	.199	5.0
1895	.241	4.1	.166	6.0	.187	5.3	.165	6.1	.236	4.2	.206	4.9
1896	.227	4.4	.158	6.3	.171	5.8	.154	6.5	.219	4.6	.192	5.2
1897	.224	4.5	.156	6.4	.167	6.0	.155	6.5	.225	4.4	.189	5.3
1898	.238	4.2	.159	6.3	.176	5.7	.162	6.2	.225	4.4	.199	5.0
1899	.249	4.0	.167	6.0	.186	5.4	.167	6.0	.236	4.2	.209	4.8
1900	.243	4.1	.169	5.9	.186	5.4	.165	6.1	.228	4.4	.207	4.8
1901	.257	3.9	.177	5.6	.197	5.1	.181	5.5	.239	4.2	.219	4.6
1902	.290	3.4	.202	5.0	.222	4.5	.200	5.0	.267	3.7	.247	4.0
1903	.307	3.3	.211	4.7	.230	4.3	.218	4.6	.289	3.5	.259	3.9
1904	.322	3.1	.225	4.4	.242	4.1	.215	4.7	.295	3.4	.271	3.7
1905	.322	3.1	.230	4.3	.241	4.1	.217	4.6	.300	3.3	.272	3.7
1906	.329	3.0	.238	4.2	.239	4.2	.228	4.4	.312	3.2	.278	3.6
1907	.337	3.0	.240	4.2	.242	4.1	.236	4.2	.333	3.0	.285	3.5
1908	.344	2.9	.237	4.2	.257	3.9	.254	3.9	.340	2.9	.291	3.4
1909	.368	2.7	.262	3.8	.275	3.6	.278	3.6	.362	2.8	.315	3.2
1910	.368	2.7	.321	3.1	.296	3.4	.281	3.6	.384	2.6	.332	3.0
1911	.368	2.7	.302	3.3	.266	3.8	.272	3.7	.376	2.7	.318	3.1
1912	.391	2.6	.333	3.0	.288	3.5	.290	3.4	.365	2.7	.335	3.0
1913	.391	2.6	.324	3.1	.288	3.5	.308	3.2	.376	2.7	.338	3.0
1914	.398	2.5	.333	3.0	.299	3.3	.311	3.2	.387	2.6	.348	2.9
1915	.387	2.6	.308	3.2	.296	3.4	.299	3.3	.362	2.8	.335	3.0
October, 1916											.449	2.2
November, 1916											.506	2.0

BUTTER.

	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1890	$0.268	3.7	$0.263	3.8	$0.228	4.4	$0.273	3.7	$0.293	3.4	$0.255	3.9
1891	.288	3.5	.270	3.7	.247	4.0	.280	3.6	.334	3.0	.274	3.6
1892	.290	3.4	.275	3.6	.249	4.0	.277	3.6	.318	3.1	.275	3.6
1893	.298	3.4	.283	3.5	.261	3.8	.277	3.6	.303	3.3	.283	3.5
1894	.272	3.7	.269	3.7	.241	4.1	.270	3.7	.290	3.4	.261	3.8
1895	.260	3.8	.262	3.8	.228	4.4	.265	3.8	.268	3.7	.249	4.0
1896	.248	4.0	.258	3.9	.215	4.7	.257	3.9	.260	3.8	.238	4.2
1897	.250	4.0	.256	3.9	.219	4.6	.253	4.0	.252	4.0	.239	4.2
1898	.254	3.9	.259	3.9	.224	4.5	.253	4.0	.269	3.7	.244	4.1
1899	.264	3.8	.261	3.8	.229	4.4	.256	3.9	.272	3.7	.251	4.0
1900	.274	3.6	.266	3.8	.243	4.1	.248	4.0	.272	3.7	.261	3.8
1901	.277	3.6	.272	3.7	.249	4.0	.270	3.7	.271	3.7	.265	3.8
1902	.302	3.3	.283	3.5	.264	3.8	.294	3.4	.297	3.4	.287	3.5
1903	.298	3.4	.283	3.5	.265	3.8	.292	3.4	.307	3.3	.285	3.5
1904	.292	3.4	.282	3.5	.262	3.8	.296	3.4	.294	3.4	.280	3.6
1905	.305	3.3	.290	3.4	.267	3.7	.304	3.3	.310	3.2	.290	3.4
1906	.319	3.1	.305	3.3	.282	3.5	.316	3.2	.325	3.1	.304	3.3
1907	.339	2.9	.331	3.0	.305	3.3	.340	2.9	.365	2.7	.328	3.0
1908	.336	3.0	.331	3.0	.308	3.2	.347	2.9	.365	2.7	.331	3.0
1909	.354	2.8	.350	2.9	.326	3.1	.391	2.6	.390	2.6	.349	2.9
1910	.373	2.7	.358	2.8	.343	2.9	.362	2.8	.408	2.5	.364	2.7
1911	.343	2.9	.339	2.9	.319	3.1	.347	2.9	.380	2.6	.339	2.9
1912	.391	2.6	.384	2.6	.353	2.8	.384	2.6	.401	2.5	.378	2.6
1913	.402	2.5	.395	2.5	.360	2.8	.391	2.6	.404	2.5	.385	2.6
1914	.380	2.6	.373	2.7	.346	2.9	.365	2.7	.365	2.7	.364	2.7
1915	.369	2.7	.376	2.7	.346	2.9	.362	2.8	.351	2.8	.360	2.8
October, 1916											.421	2.4
November, 1916											.439	2.3

TABLE I.—*Average retail price of food and amount that could be bought for $1 each year, 1890 to 1915*—Continued.

MILK: FRESH.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
	Per qt.	*Qts.*	*Per qt.*	*Qts.*	*Per qt.*	*Qts.*	*Per qt.*	*Qts.*	*Per qt.*	*Qts.*	*Per qt.*	*Qts.*
1890	$0.064	15.6	$0.078	12.8	$0.059	16.9	$0.072	13.9	$0.072	13.9	$0.068	14.7
1891	.064	15.6	.078	12.8	.059	16.9	.072	13.9	.072	13.9	.068	14.7
1892	.065	15.4	.078	12.8	.059	16.9	.071	14.1	.072	13.9	.068	14.7
1893	.064	15.6	.078	12.8	.059	16.9	.071	14.1	.072	13.9	.068	14.7
1894	.064	15.6	.078	12.8	.059	16.9	.071	14.1	.072	13.9	.068	14.7
1895	.064	15.6	.076	13.2	.059	16.9	.071	14.1	.072	13.9	.068	14.7
1896	.064	15.6	.075	13.3	.059	16.9	.073	13.7	.072	13.9	.068	14.7
1897	.064	15.6	.076	13.2	.059	16.9	.073	13.7	.070	14.3	.067	14.9
1898	.064	15.6	.076	13.2	.059	16.9	.073	13.7	.070	14.3	.067	14.9
1899	.064	15.6	.076	13.2	.058	17.2	.071	14.1	.070	14.3	.067	14.9
1900	.065	15.4	.076	13.2	.059	16.9	.071	14.1	.070	14.3	.068	14.7
1901	.065	15.4	.077	13.0	.059	16.9	.071	14.1	.070	14.3	.068	14.7
1902	.067	14.9	.079	12.7	.061	16.4	.074	13.5	.070	14.3	.070	14.3
1903	.068	14.7	.079	12.7	.063	15.9	.077	13.0	.074	13.5	.072	13.9
1904	.069	14.5	.079	12.7	.063	15.9	.078	12.8	.073	13.7	.072	13.9
1905	.069	14.5	.081	12.3	.063	15.9	.079	12.7	.073	13.7	.072	13.9
1906	.070	14.3	.082	12.2	.064	15.6	.080	12.5	.074	13.5	.074	13.5
1907	.074	13.5	.088	11.4	.069	14.5	.087	11.5	.082	12.2	.079	12.7
1908	.075	13.3	.093	10.8	.070	14.3	.094	10.6	.085	11.8	.081	12.3
1909	.076	13.2	.093	10.8	.072	13.9	.099	10.1	.086	11.6	.083	12.0
1910	.077	13.0	.095	10.5	.077	13.0	.101	9.9	.090	11.1	.086	11.6
1911	.079	12.7	.097	10.3	.077	13.0	.102	9.8	.090	11.1	.086	11.6
1912	.081	12.3	.099	10.1	.079	12.7	.102	9.8	.092	10.9	.088	11.4
1913	.084	11.9	.101	9.9	.082	12.2	.104	9.6	.093	10.8	.091	11.0
1914	.085	11.8	.101	9.9	.082	12.2	.105	9.5	.093	10.8	.091	11.0
1915	.085	11.8	.101	9.9	.080	12.5	.104	9.6	.091	11.0	.090	11.1
October, 1916											.095	10.5
November, 1916											.099	10.1

FLOUR: WHEAT.

	Per ½-bbl. bag.	*Bags.*	*Per ½-bbl. bag.*	*Bags.*	*Per ½-bbl. bag.*	*Bags.*	*Per ½-bbl. bag.*	*Bags.*	*Per ½-bbl. bag.*	*Bags.*	*Per ½-bbl. bag.*	*Bags.*
1890	$0.768	1.30	$0.695	1.44	$0.630	1.59	$0.817	1.22	$0.638	1.57	$0.711	1.41
1891	.784	1.28	.703	1.42	.651	1.54	.819	1.22	.680	1.47	.729	1.37
1892	.728	1.37	.667	1.50	.606	1.65	.754	1.33	.676	1.48	.681	1.47
1893	.671	1.49	.646	1.55	.547	1.83	.679	1.47	.569	1.76	.623	1.61
1894	.619	1.62	.609	1.64	.505	1.98	.617	1.62	.509	1.96	.575	1.74
1895	.618	1.62	.605	1.65	.518	1.93	.624	1.60	.496	2.02	.577	1.73
1896	.641	1.56	.634	1.58	.530	1.89	.681	1.47	.549	1.82	.601	1.66
1897	.718	1.39	.670	1.49	.607	1.65	.776	1.29	.646	1.55	.676	1.48
1898	.752	1.33	.701	1.43	.618	1.62	.748	1.34	.633	1.58	.696	1.44
1899	.660	1.52	.644	1.55	.541	1.85	.681	1.47	.534	1.87	.613	1.63
1900	.654	1.53	.641	1.56	.549	1.82	.676	1.48	.517	1.93	.611	1.64
1901	.651	1.54	.646	1.55	.555	1.80	.690	1.45	.515	1.94	.612	1.63
1902	.653	1.53	.641	1.56	.558	1.79	.688	1.45	.544	1.84	.615	1.63
1903	.699	1.43	.669	1.49	.589	1.70	.703	1.42	.620	1.61	.656	1.52
1904	.834	1.20	.778	1.29	.709	1.41	.842	1.19	.681	1.47	.777	1.29
1905	.843	1.19	.789	1.27	.696	1.44	.830	1.20	.693	1.44	.777	1.29
1906	.745	1.34	.713	1.40	.621	1.61	.770	1.30	.663	1.51	.701	1.43
1907	.817	1.22	.760	1.32	.683	1.46	.818	1.22	.728	1.37	.763	1.31
1908	.880	1.14	.812	1.23	.730	1.37	.860	1.16	.774	1.29	.813	1.23
1909	.922	1.08	.876	1.14	.806	1.24	.956	1.05	.838	1.19	.873	1.15
1910	.912	1.10	.865	1.16	.806	1.24	.956	1.05	.811	1.23	.863	1.16
1911	.870	1.15	.812	1.23	.759	1.32	.882	1.13	.728	1.37	.813	1.23
1912	.891	1.12	.876	1.14	.797	1.25	.871	1.15	.737	1.36	.843	1.19
1913	.817	1.22	.865	1.16	.749	1.34	.871	1.15	.728	1.37	.803	1.25
1914	.859	1.16	.886	1.13	.778	1.29	.882	1.13	.755	1.32	.833	1.20
1915	1.048	.95	1.055	.95	.948	1.05	1.062	.94	.921	1.09	1.003	1.00
October, 1916											1.234	.81
November, 1916											1.895	.72

CORN MEAL.

	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1890	$0.021	47.6	$0.015	66.7	$0.018	55.6	$0.018	55.6	$0.026	38.5	$0.019	52.6
1891	.023	43.5	.016	62.5	.020	50.0	.020	50.0	.028	35.7	.021	47.6
1892	.022	45.5	.016	62.5	.019	52.6	.018	55.6	.027	37.0	.020	50.0
1893	.022	45.5	.015	66.7	.019	52.6	.019	52.6	.025	40.0	.020	50.0
1894	.022	45.5	.015	66.7	.019	52.6	.018	55.6	.023	43.5	.019	52.6
1895	.022	45.5	.016	62.5	.019	52.6	.018	55.6	.022	45.5	.019	52.6
1896	.021	47.6	.015	66.7	.016	62.5	.016	62.5	.020	50.0	.018	55.6
1897	.021	47.6	.015	66.7	.016	62.5	.016	62.5	.019	52.6	.018	55.6
1898	.021	47.6	.015	66.7	.017	58.8	.017	58.8	.021	47.6	.018	55.6
1899	.021	47.6	.015	66.7	.017	58.8	.017	58.8	.021	47.6	.018	55.6
1900	.021	47.6	.015	66.7	.018	55.6	.017	58.8	.021	47.6	.019	52.6
1901	.022	45.5	.017	58.8	.020	50.0	.019	52.6	.022	45.5	.020	50.0
1902	.025	40.0	.018	55.6	.023	43.5	.021	47.6	.026	38.5	.023	43.5
1903	.026	38.5	.018	55.6	.023	43.5	.020	50.0	.026	38.5	.023	43.5
1904	.026	38.5	.018	55.6	.023	43.5	.021	47.6	.027	37.0	.023	43.5
1905	.026	38.5	.018	55.6	.024	41.7	.021	47.6	.027	37.0	.023	43.5
1906	.026	38.5	.018	55.6	.024	41.7	.021	47.6	.026	38.5	.023	43.5
1907	.028	35.7	.019	52.6	.025	40.0	.023	43.5	.028	35.7	.025	40.0
1908	.029	34.4	.022	45.5	.026	38.5	.025	40.0	.030	33.3	.027	37.0
1909	.029	34.4	.023	43.5	.026	38.5	.025	40.0	.031	32.3	.027	37.0
1910	.029	34.4	.023	43.5	.027	37.0	.025	40.0	.031	32.3	.028	35.7
1911	.029	34.4	.023	43.5	.027	37.0	.025	40.0	.030	33.3	.027	37.0
1912	.031	32.3	.025	40.0	.028	35.7	.029	34.5	.032	31.3	.026	38.5
1913	.031	32.3	.025	40.0	.028	35.7	.027	37.0	.032	31.3	.029	34.5
1914	.032	31.3	.027	37.0	.029	35.5	.029	34.5	.034	29.4	.030	33.3
1915	.034	29.4	.027	37.0	.030	33.3	.028	35.7	.035	28.6	.031	32.3
October, 1916											.034	29.4
November, 1916											.036	27.8

TABLE I.—*Average retail price of food and amount that could be bought for $1 each year, 1890 to 1915*—Continued.

POTATOES: IRISH.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
	Per pk.	*Pecks.*	*Per pk.*	*Pecks.*	*Per pk.*	*Pecks.*	*Per pk.*	*Pecks.*	*Per pk.*	*Pecks.*	*Per pk.*	*Pecks.*
1890	$0.227	4.4	$0.285	3.5	$0.237	4.2	$0.256	3.9	$0.281	3.6	$0.247	4.0
1891	.237	4.2	.306	3.3	.267	3.7	.285	3.5	.251	4.0	.264	3.8
1892	.201	5.0	.256	3.9	.208	4.8	.215	4.7	.217	4.6	.217	4.6
1893	.230	4.3	.304	3.3	.254	3.9	.267	3.7	.241	4.1	.254	3.9
1894	.209	4.8	.275	3.6	.237	4.2	.245	4.1	.203	4.9	.232	4.3
1895	.188	5.3	.257	3.9	.204	4.9	.223	4.5	.193	5.2	.208	4.8
1896	.165	6.1	.215	4.7	.152	6.6	.191	5.2	.195	5.1	.174	5.7
1897	.190	5.0	.255	3.9	.189	5.3	.234	4.3	.197	5.1	.211	4.7
1898	.222	4.5	.293	3.4	.226	4.4	.250	4.0	.210	4.8	.239	4.2
1899	.200	5.0	.270	3.7	.197	5.1	.236	4.2	.278	3.6	.218	4.6
1900	.195	5.1	.266	3.8	.195	5.1	.226	4.4	.226	4.4	.212	4.7
1901	.236	4.2	.311	3.2	.269	3.7	.279	3.6	.263	3.8	.264	3.8
1902	.238	4.2	.313	3.2	.270	3.7	.257	3.9	.272	3.7	.265	3.8
1903	.236	4.2	.298	3.4	.264	3.8	.267	3.7	.241	4.1	.260	3.8
1904	.251	4.0	.311	3.2	.269	3.7	.276	3.6	.285	3.5	.275	3.6
1905	.224	4.5	.283	3.5	.247	4.0	.265	3.8	.249	4.0	.249	4.0
1906	.232	4.3	.298	3.4	.254	3.9	.267	3.7	.270	3.7	.259	3.9
1907	.240	4.2	.308	3.2	.266	3.8	.290	3.4	.306	3.3	.273	3.7
1908	.265	3.8	.314	3.2	.294	3.4	.312	3.2	.271	3.7	.286	3.5
1909	.260	3.8	.314	3.2	.296	3.4	.301	3.3	.315	3.2	.289	3.5
1910	.225	4.4	.290	3.4	.258	3.9	.287	3.5	.284	3.5	.261	3.8
1911	.280	3.6	.386	2.6	.341	2.9	.370	2.7	.364	2.7	.337	3.0
1912	.325	3.1	.399	2.5	.343	2.9	.376	2.7	.293	3.4	.341	2.9
1913	.254	3.9	.314	3.2	.244	4.1	.298	3.4	.208	4.8	.259	3.9
1914	.269	3.7	.337	3.0	.264	3.8	.328	3.0	.240	4.2	.280	3.6
1915	.222	4.5	.259	3.9	.198	5.1	.278	3.6	.245	4.1	.229	4.4
October, 1916											.424	2.4
November, 1916											.511	2.0

SUGAR: GRANULATED.

	Per lb.	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1890	$0.067	14.9	$0.067	14.9	$0.067	14.9	$0.074	13.5	$0.080	12.5	$0.069	14.5
1891	.057	17.5	.059	16.9	.059	16.9	.065	15 4.	.071	14.1	.060	16.7
1892	.053	18.9	.057	17.5	.055	18.2	.061	16.4	.065	15.4	.056	17.9
1893	.057	17.5	.060	16.7	.058	17.2	.061	16.4	.067	14.9	.059	16.9
1894	.052	19.2	.056	17.9	.054	18.5	.059	16.9	.063	15.9	.055	18.2
1895	.051	19.6	.053	18.9	.053	18.9	.057	17.5	.059	16.9	.053	18.9
1896	.055	18.2	.054	18.5	.056	17.9	.059	16.9	.059	16.9	.056	17.9
1897	.054	18.5	.053	18.9	.055	18.2	.058	17.2	.060	16.7	.056	17.9
1898	.058	17.2	.057	17.5	.058	17.2	.059	16.9	.065	15.4	.059	16.9
1899	.057	17.5	.058	17.2	.059	16.9	.059	16.9	.062	16.1	.059	16.9
1900	.060	16.7	.061	16.4	.060	16.7	.060	16.7	.063	15.9	.061	16.4
1901	.059	16.9	.060	16.7	.059	16.9	.058	17.2	.063	15.9	.060	16.7
1902	.054	18.5	.056	17.9	.055	18.2	.056	17.9	.053	18.9	.056	17.9
1903	.055	18.2	.056	17.9	.055	18.2	.056	17.9	.059	16.9	.056	17.9
1904	.057	17.5	.057	17.5	.059	16.9	.061	16.4	.066	15.2	.059	16.9
1905	.060	16.7	.060	16.7	.059	16.9	.061	16.4	.065	15.4	.060	16.7
1906	.056	17.9	.056	17.9	.055	18.2	.058	17.2	.062	16.1	.057	17.5
1907	.057	17.5	.057	17.5	.056	17.9	.059	16.9	.063	15.9	.058	17.2
1908	.057	17.5	.058	17.2	.057	17.5	.060	16.7	.065	15.4	.059	16.9
1909	.057	17.5	.057	17.5	.057	17.5	.059	16.9	.064	15.6	.059	16.9
1910	.059	16.9	.058	17.2	.059	16.9	.060	16.7	.066	15.2	.060	16.7
1911	.064	15.6	.063	15.9	.064	15.6	.065	15.4	.066	15.2	.061	16.4
1912	.062	16.1	.063	15.9	.062	16.1	.063	15.9	.067	14.9	.063	15.9
1913	.054	18.5	.053	18.9	.055	18.2	.055	18.2	.059	16.9	.055	18.2
1914	.057	17.5	.058	17.2	.059	16.9	.059	16.9	.063	15.9	.059	16.9
1915	.064	15.6	.064	15.6	.066	15.2	.066	15.2	.070	14.3	.066	15.2
October, 1916											.082	12.2
November, 1916											.086	11.6

TABLE 2.—*Average retail price of food and amount that could be bought for $1 on Dec. 15, each year, 1912 to 1915.*

[Average price for 1915=100.]

SIRLOIN STEAK.

Date.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
Dec. 15—	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1912	$0.272	3.7	$0.210	4.8	$0.220	4.5	$0.228	4.4	$0.217	4.6	$0.232	4.3
1913	.272	3.7	.231	4.3	.247	4.0	.256	3.9	.233	4.3	.250	4.0
1914	.296	3.4	.241	4.1	.244	4.1	.230	4.3	.229	4.4	.255	3.9
1915	.293	3.4	.236	4.2	.237	4.2	.237	4.2	.222	4.5	.250	4.0

ROUND STEAK.

Dec. 15—												
1912	$0.229	4.4	$0.187	5.3	$0.189	5.3	$0.177	5.6	$0.192	5.2	$0.200	5.0
1913	.253	4.0	.208	4.8	.215	4.7	.204	4.9	.204	4.9	.225	4.4
1914	.267	3.7	.219	4.6	.217	4.6	.206	4.9	.204	4.9	.228	4.4
1915	.264	3.8	.206	4.9	.208	4.8	.206	4.9	.200	5.0	.223	4.5

RIB ROAST.

Dec. 15—												
1912	$0.203	4.9	$0.189	5.3	$0.175	5.7	$0.170	5.9	$0.182	5.5	$0.184	5.4
1913	.210	4.8	.203	4.9	.192	5.2	.193	5.2	.194	5.2	.198	5.1
1914	.216	4.6	.203	4.9	.192	5.2	.191	5.2	.196	5.1	.200	5.0
1915	.214	4.7	.195	5.1	.188	5.3	.195	5.1	.192	5.2	.198	5.1

TABLE 2.—*Average retail price of food and amount that could be bought for $1 on Dec. 15, each year, 1912 to 1915*—Continued.

PORK CHOPS.

Year.	North Atlantic division.		South Atlantic division.		North Central division.		South Central division.		Western division.		United States.	
	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.	Average retail price.	Amount bought for $1.
Dec. 15—	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*	*Per lb.*	*Lbs.*
1912	$0.179	5.6	$0.188	5.3	$0.159	6.3	$0.189	5.3	$0.206	4.9	$0.181	5.5
1913	.204	4.9	.208	4.8	.184	5.4	.212	4.7	.226	4.4	.203	4.9
1914	.197	5.1	.204	4.9	.171	5.8	.203	4.9	.221	4.5	.195	5.1
1915	.189	5.3	.188	5.3	.165	6.1	.193	5.2	.204	4.9	.185	5.4
BACON: SMOKED.												
Dec. 15—												
1912	$0.240	4.2	$0.245	4.1	$0.250	4.0	$0.310	3.2	$0.290	3.4	$0.262	3.8
1913	.250	4.0	.255	3.9	.269	3.7	.313	3.2	.290	3.4	.271	3.7
1914	.266	3.8	.265	3.8	.272	3.7	.322	3.1	.302	3.3	.281	3.6
1915	.253	4.0	.255	3.9	.269	3.7	.332	3.0	.293	3.4	.276	3.6
HAM: SMOKED.												
Dec. 15—												
1912	$0.243	4.1	$0.238	4.2	$0.243	4.1	$0.267	3.7	$0.274	3.6	$0.248	4.0
1913	.258	3.9	.245	4.1	.258	3.9	.286	3.5	.288	3.5	.263	3.8
1914	.266	3.8	.248	4.0	.261	3.8	.280	3.6	.291	3.4	.266	3.8
1915	.261	3.8	.250	4.0	.261	3.8	.283	3.5	.285	3.5	.266	3.8
LARD: PURE.												
Dec. 15—												
1912	$0.156	6.4	$0.149	6.7	$0.161	6.2	$0.153	6.5	$0.173	5.8	$0.158	6.3
1913	.155	6.5	.154	6.5	.158	6.3	.154	6.5	.174	5.7	.158	6.3
1914	.152	6.6	.152	6.6	.152	6.6	.150	6.7	.170	5.9	.154	6.5
1915	.142	7.0	.142	7.0	.143	7.0	.147	6.8	.158	6.3	.145	6.9

Highest and lowest average retail prices of certain specified articles of food, Washington, D. C., in 5-year intervals, from 1890 to 1915, and highest and lowest actual prices in October and November, 1916.

Year.	Round steak, per pound.	Pork chops, per pound.	Ham, smoked, whole, per pound.	Lard, pure, per pound.	Flour, wheat, per one-eighth barrel bag.	Potatoes, Irish, per peck.	Eggs, per dozen.	Butter, creamery, per pound.	Sugar, granulated, per pound.
1890	$0.124	$0.100	$0.134	$0.100	$0.843	$0.254	$0.220	$0.295	$0.055
	.133	.....	.138	.110	1.000	.296	.240	.338	.074
1895	.116	.125	.130	.100	.742	.238	.208	.313	.048
	.125	.....	.140	.120	.784	.283	.228	.317	.053
1900	.125	.125	.142	.099	.760	.258	.215	.288	.057
	.154	.....	.146	.105	.826	.279	.228	.321	.063
1905	.144	.141	.158	.120	.950	.250	.263	.323	.059
	.153	.146	.....	.126	.968	.281	.276	.333	.063
1910	.150	.182	.170	.150	.900	.217	.292	.313	.055
	.193	.228	.197	.187	1.000	.292	.328	.393	.059
1915	.223	.195	.183	.124	1.050	.189	.291	.374	.060
	.275	.221	.191	.138	1.144	.263	.364	.393	.063
October, 1916	.22	.24	.22	.18	1.30	.40	.42	.39	.075
	.30	.25	.23	.20	1.40	.45	.50	.45	.080
November, 1916	.20	.22	.20	.20	1.30	.45	.48	.42	.080
	.25	.25	.23	.....	1.50	.50	.50	.50	.086

Mr. DILL. These figures show that the prices of foodstuffs have increased anywhere from 40 per cent to 80 per cent, and sometimes 100 per cent. The prices of clothing have increased in a similar manner. To say that a 10 per cent increase meets the needs of these men who are receiving starvation wages is not merely disregarding the sympathy which Congressman may have, but disregarding their best judgment also.

I shall not, Mr. Chairman, attempt to amend the bill in different places where these low salaries for employees appear, because, judging from the attitude of the chairman, points of order will be made should amendments be offered in that direction, and I do not want to delay the consideration of the bill. But I want to refer to the fact that when the bill making appropriations for the legislative, executive, and judicial expenses of the Government was completed, 135 men were provided for who will be receiving less than $600 a year for the coming year, even with the 10 per cent increase added. In this bill I have not counted them up, but I know the number runs high, because a great many of these messengers do laborers' work, and I think there are possibly two or three hundred of them altogether. If we are going to increase wages, it seems to me the place to do it is at the bottom, and not at the top. If it is necessary to keep down salaries by reason of the condition of the Treasury, then the raises should be made in behalf of the men who are actually struggling to live on the salaries they receive in this country. I do not think, as I said before, that this Government should compel its employees to work at such low wages just because some outside employer may do it. The fact that they do this is no reason why the United States Government should do likewise.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

General expenses, Office of Farm Management: For the employment of persons in the city of Washington and elsewhere, furniture, supplies, traveling expenses, rent outside of the District of Columbia, and all other expenses necessary in carrying out the work herein authorized, as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $237,380.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word for the purpose of inquiring whether, in the matter of traveling expenses, provision is made for the transportation of the household goods of such agents of the Government as may move from place to place?

Mr. LEVER. I regret to say that I am not prepared at this moment to give the gentleman that information. My impression is that it does not provide for that. I have a recollection of getting some information on that when we considered the bill last year. I think my impression is correct in that respect.

Mr. MOORE of Pennsylvania. The item is a lump sum of $237,380, and it provides for the employment of persons in the city of Washington and elsewhere, furniture, supplies, traveling

expenses, rent, and other expenses necessary in carrying out the work. Can the gentleman say how many persons so employed are residents in the city of Washington?

Mr. LEVER. I have that information here. I will add the figures up if the gentleman desires.

Mr. MOORE of Pennsylvania. Can the gentleman state relatively?

Mr. LEVER. The larger percentage of these men are employed in Washington.

Mr. MOORE of Pennsylvania. And are they sent from place to place by the Secretary of Agriculture?

Mr. LEVER. They are.

Mr. MOORE of Pennsylvania. For the purpose of investigating and encouraging the adoption of methods of farm management and farm practice they are sent from place to place?

Mr. LEVER. Yes. The object of farm management, I will say to the gentleman from Pennsylvania, is an endeavor to make an economic study of farm conditions in this country in a broad, comprehensive way, with a view to developing economic facts touching agriculture in this country. It has its men stationed here and there and about in the country, some with permanent headquarters. It has many of its scientific men, its experts, its economists, located in the city of Washington, but the purpose of this is to get fundamental facts with respect to agriculture, facts which are necessary in developing the better practices and methods of agriculture in the country.

Mr. MOORE of Pennsylvania. May I ask the gentleman how these men are sent forth? By request of individual farmers, or upon order of the Secretary of Agriculture of his own volition?

Mr. LEVER. No. The Secretary of Agriculture sends these men into various localities which appear to him to be peculiarly interesting from the standpoint of investigation and into an area which is representative of a larger agricultural area surrounding it, with a view to studying the situation.

Mr. MOORE of Pennsylvania. Now, assuming that this appropriation is all right—this very large appropriation of $237,380, a lump sum, to be distributed at the discretion, apparently, of the Secretary of Agriculture, and to be paid to those whom he may designate—does the gentleman know of any like appropriation made in any appropriation bill for a similar purpose with respect to any of the other industries?

Mr. LEVER. I am not familiar with the other lines of activity of the Government, but I do know that we appropriate large lump sums in the various bureaus of the Department of Agriculture for doing the same character of work.

Mr. MOORE of Pennsylvania. I have no doubt the gentleman is familiar with the whole agricultural situation and has never hesitated to advance it so far as he could. I commend him for that. I am not finding any fault with the manner in which the Department of Agriculture is being taken care of. But for the general purpose of information, of having the House as well as the country informed on this question, when we find appropriations denied to other sections of the country or other interests, I wanted to know if anybody on the Committee on Agriculture knows of any appropriation made by Congress upon any bill to improve the individual interests of any man or woman engaged in any other industry but agriculture?

Mr. LEVER. I will say to the gentleman that within his time and mine, in the last few years, we have created a Department of Labor, and have also created a Department of Commerce; that we have had a Bureau of Manufactures in existence for many, many years, and I assume that their activities are directed to the promotion of those peculiar lines of work.

Mr. MOORE of Pennsylvania. That is a fair answer. But I direct the gentleman's attention to this, that this particular paragraph, calling for the expenditure of $237,300, is for the purpose of encouraging the adoption of improved methods of farm management and farm practice, which means an individual and direct advantage to the farmer. I am asking whether the Department of Labor or the Department of Commerce does encourage anybody in industry? Does it not rather, on the other hand, retard and investigate everybody engaged in industry, and make it difficult to proceed?

Mr. LEVER. I do not know about that. I know that we have a Bureau of Mines, whose activities are in the direction of encouraging better mining practices, better safety appliances, and things of that kind, which I think is on all fours with this work here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ANDERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. ANDERSON. I direct the gentleman's attention to the fact that the Federal Trade Commission has recently made an investigation involving the establishment of uniform systems of accounting throughout all industry.

Mr. MOORE of Pennsylvania. Has not that added to the expense of industry everywhere? Has it been in the interest of any particular industry?

Mr. ANDERSON. The assumption was that it was in the interest of a particular industry, and I think it was.

Mr. MOORE of Pennsylvania. That is an assumption from the gentleman's viewpoint. The fact is that the entire activities of the Federal Trade Commission have been an incubus upon industry, making additional trouble to industry and putting additional burdens upon industry, and they are a charge upon every individual engaged in industry. Now, if all industry is to pay $237,000 for one single item of employing people to help the farmer, why is not there some provision somewhere for at least $1,000 to aid somebody in industrial lines? Every bill passed by this Congress in recent years, certainly in the last three years, affecting industry at all, has been by way of investigation of industry, by way of additional charges to be piled up against industry, by way of retarding industry, by way of making industry more burdensome than it ever has been before. I wish the farmer well. I have said several times on this floor that the farmer is particularly favored in all legislation, and in a way I am glad he is.

The man who thinks I am not a friend of the farmer is very much mistaken. Born on a farm, interested in a farm, and hoping to die on a farm, no one can excel me in my admiration or loyalty to the farming industry. It is absolutely essential to our welfare; but I want the dear farmer, or his able and eloquent Representatives on this floor, who are here in such numbers, to know that he ought not to be continually reproaching the man in the city and taking away from him, by taxation and otherwise, every opportunity he has for profit, and transferring it bodily to the farmer by these appropriations for the employment of scientists and others to help the farmer. Let us make farming profitable. I agree to that. I have been contending that farming is more profitable than employment in the city, and I have been urging those who live and labor in the congested cities to go out on the farm. I would like to have the farmer realize a profit on the splendid effort he is making. I approve of that. I have in my hand this morning a copy of the Norfolk Press, published at Norfolk, Nebr., evidently a friend of the farmer. This paper contains an article which indicates that we do not have to make appropriations all the time for the aid of the farmer; that the farmer in some particular localities is well able to take care of himself; that his State aids him, provides for him surveys and information that he needs, and that he ought not to be constantly coming to Washington to stick his hand into the Federal Treasury for special legislation and special aid. This paper, the Norfolk Press, of Norfolk, Nebr., under date of Thursday, December 14, 1916, only a little while ago, has under large headlines an article which proves that the man upon the farm is making more money than the man in the city. If I can in these five minutes get an apportunity to tell the farmer how well he is doing in contrast with the man in the city, I am doing a good thing for the farmer; and if I can tell the man in the city what is the gospel truth, that he can make more money out on a farm than he can by sticking around the alleys and highways of the city, I may be doing him a distinct good. No gentleman will call me a specialist for making this statement, because it is national and broad in its scope. The general idea I am trying to convey is that we ought not to exalt one element of our population at the expense of another element.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. We ought not to specialize in the matter of legislation. This House ought not to encourage special legislation, but it has come to such a pass here that we specialize day in and day out, taking care of one set of Americans against another set of Americans. It is wrong, it is per-

nicious. Some day I hope we will be courageous enough to set our faces against it. The fact is that the farmer is a very much-favored citizen of the land just now. While I do not glory in any special favoritism to any one class of people, I still glory in the fact that the farmer is prosperous. I am glad he is, even though I have called attention to those special provisions we make for him.

Mr. QUIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I have only three minutes, but I yield to the gentleman. I can come in again.

Mr. QUIN. The gentleman says he is not in favor of special legislation. I would like to have the gentleman tell us what special legislation he thinks there is in this bill.

Mr. MOORE of Pennsylvania. You are making an appropriation of $237,000 here to employ experts, scientists, and others to go out and educate the farmer, who seems to be pretty well educated already, and you do not do that for any man in any industrial line of which you or I have knowledge. That is special legislation.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. MOORE of Pennsylvania. I will.

Mr. COOPER of Wisconsin. What does the gentleman think of the statement that the position of the farming industry differs from that of any other because it supplies the raw material for the food and clothing and the actual necessaries of life of the people of the country?

Mr. MOORE of Pennsylvania. What do I think of that statement?

Mr. COOPER of Wisconsin. And therefore it deserves and ought to receive a different treatment from an industry that is not of so vital a character to the very existence of the race.

Mr. MOORE of Pennsylvania. Does the gentleman from Wisconsin take the ground that because the farmer produces the raw material that he should be favored over the man who fabricates it?

Mr. COOPER of Wisconsin. I am not saying that.

Mr. MOORE of Pennsylvania. If that is the gentleman's position, an issue is drawn at once.

Mr. COOPER of Wisconsin. There is quite a difference between the farmer on the frontier tilling the soil, raising the raw material for food and clothing, and that of the ordinary pursuit. There may be others as important as that of the farmer, but there are a great many that can not be compared with it.

Mr. MOORE of Pennsylvania. Does the gentleman think that the man who raises the cotton in boll and puts it in the bale is any more entitled to special favors at the hands of Congress than the men and women who take the raw cotton and fabricate it and put it into garments for the users of the cotton?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes, the gentleman from Nebraska to have five minutes and the gentleman from Oklahoma five minutes.

Mr. MURRAY. I wanted 10 minutes and therefore I will not ask to be recognized.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. REAVIS. Mr. Chairman, I move to strike out the last two words. I have no desire to take issue with the distinguished gentleman from Pennsylvania [Mr. MOORE] any further than to say that if his profession of great friendship for the farmer is true, some one should pray that the farmer be saved from his friends. I have heard many times on the floor of this House and elsewhere of the wonderful prosperity of the farmer of the Middle West. There is no doubt that he is prosperous. He is unusually prosperous at this time because of the unusual conditions which obtain in the world. He is unusually prosperous because of the tremendous war demand for his products on the other side of the sea. He is unusually prosperous because this Nation is unusually prosperous, but with a prosperity that is founded on broken homes and broken hearts. He is unusually prosperous in a prosperity builded on the grief and anguish and woes of a world. I have heard boastings of this prosperity in this Chamber, notwithstanding not a dollar of it has come to our shores that is not washed white with human tears.

The farmer of the Middle West starts his work in the morning at about the time that the gentleman from Pennsylvania goes to bed. [Laughter.] He goes to bed at night at about the time the distinguished gentleman from Pennsylvania rises. His long hours of work is illustrated by a story I heard not long since of some lads from the University of Pennsylvania who went out West to assist in the harvest. The farmer with whom they accepted employment went to their room on the morning following their arrival and knocked to arouse them. One of the young gentlemen sleepily asked, "What do you want?" The farmer replied, "I want you to get up." "What for?" replied the lad. "Well, we must harvest the oats," returned the farmer. "What time is it?" "It is 3 o'clock." The young man sat hastily up and exclaimed, "Great God, are they wild; do we have to sneak up on them?" [Laughter.]

The eight-hour law does not apply to the farmer of the Middle West. In the busy summer season he works 18 hours a day, and he gets less for his labor per hour than any other skilled laborer in America. He is working not only to keep starvation from the people of the United States but from the world at large. He is in a business that intimately touches more of humanity than any other business in this world, and when we make appropriations for the purpose of increasing the knowledge and science of agriculture we are not doing it in the last analysis for the farmer's personal benefit, but for the benefit of the race that must be fed. I have heard the story about the great prosperity of the farmer, and yet there are fewer men on the farm every year than there were the year before. If they are so prosperous and their life is so easy, why is the present rural population becoming less year by year? It would be an excellent idea, as suggested by the gentleman from Pennsylvania, if some of the men who hang about the streets of Philadelphia would go to the farm and go to work, or go to some other employment and go to work; but they will have to leave their sleepy habits behind if they are to succeed in the West. It is useless for men in idleness to criticize and carp at the prosperity of the men who have earned their prosperity by hard labor and by the sweat of their brows. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the end of the paragraph. Mr. Chairman, it will be remembered by all who heard what I said a few moments ago, that I made no personal reference to any Member of the House. I did refer to Members collectively, and I am perfectly willing to say again that I believe that Members of this House collectively ought to consider whether we should continue to enact special legislation or revise our own ideas with respect to it, and comply a little more with the spirit of the Constitution of the United States.

My friend from Nebraska [Mr. REAVIS] has chosen to point me out as one not friendly to the farming interests of the country, and I feel it necessary to make a brief reply. I fear that what was to be suspected from the inquiries of the gentleman from Wisconsin may be true, that some of the spokesmen of the so-called "bleeding" farmers of the country are prone to weep unnecessary tears in their eloquence before the farmer, which they must continue to shed here when they come into the Halls of Congress as the farmers' special representatives, and that they must tell us what apparently they tell the farmer at home, that he is "downtrodden," that he is outraged by the urban population, and that he must have representatives who will point him out as an object of special interest, if not of special charity, to be taken care of out of the common Treasury of the people of the United States. God forbid that I should ever come here, presumably as a representative of all the people of the United States, and plead only for those who happen to be in my district. I will plead for them anywhere, of course, but not to set them up above the farmer, whose Americanism and citizenship is equal to theirs. Yet my friend from Nebraska [Mr. REAVIS] seems to assume in his statement that because I try to convince my fellow Members that we are specializing in favor of the farmer all the time, therefore I am not wholly cognizant of the farming situation. Why, I have just indicated that the papers of Nebraska, from whence the gentleman comes, and which evidently must be wet with the tears shed over the wretched condition of the farmers there, declare that the farmers of Nebraska are making more money now than are the people of Philadelphia or any other city, on the average. That statement I believe to be true; but I do not accept it as a reason why we should constantly specialize out of the Treasury of the United States for the benefit of the gentleman's constituents.

I have never inveighed against the farmer, and never shall. I may ridicule some of the pretenses which I do not believe are borne out by the facts, but that I believe to be as much a duty to the farmer as to the city man. I would make the same kind of statement I am making now, without fear that any American citizen would question my right to do so, for I have faith before the law and under the Constitution in the equality and justice of every man, whether upon the farm or in the city. It has been intimated by the gentleman from Wisconsin that the farmer is to be preferred because he produces the raw material. I have

asked him, and I ask anyone interested, whether the man who merely produces the raw material is to be preferred over him who with skilled energy and industry fabricates that raw material so that it may become an article of common use? Of what use to the farmer is his untold bushels of grain if there is no miller to grind it into flour to make it of value to the farmer himself?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Has my time again expired? I can not get started on this question at all. [Laughter.]

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. LINTHICUM: Page 5, line 6, after the word "management" insert "dairy inspection."

Mr. LEVER. Mr. Chairman, on that I reserve the point of order. As I understand it, the debate is closed on this paragraph and all amendments thereto?

The CHAIRMAN. The request of the gentleman from South Carolina to that effect was not submitted.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I have no idea that the sum of money mentioned in this paragraph will be sufficient for dairy inspection, though it would go a long way toward eradicating some of the evils of the milk situation in this country, and particularly in the butter situation. When we take into consideration the fact that there are to-day 2,000,000 tubercular cows in the country furnishing milk, which goes into the homes of all of the citizens of the land, we can see the seriousness of the situation, and while I do not desire to take too much time on the subject to-day, I do want to impress upon this House that it is my intention through the various organizations of this country interested in the welfare of the people to fight this dairy situation until Congress finally takes notice of how important it is to the life of the land.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MANN. If the gentleman's proposition is to go into the bill at all, should it not come in under the Bureau of Animal Industry?

Mr. LEVER. Undoubtedly, it ought to come in there. It is not germane to this section at all.

Mr. LINTHICUM. I shall offer an amendment to that section also, but I want to bring before this House to-day the situation in the country as to the dairy products, and how important it is to the children of the land. We do not know exactly what has caused infantile paralysis, but signs and scientists point strongly toward the milk situation, and they bring to our attention the fact that we are not giving the inspection which the dairy interests of the country ought to have; and when I say you have 2,000,000 tubercular cows sending forth their diseased milk into the homes of this land, certainly it is time Congress was doing something with my resolution 137 which is hung up in the committee, and which it seems impossible for me to have considered. I merely bring the matter before the House to-day so that it can give consideration to it, so that we can go into it more thoroughly in the future. [Applause.]

Mr. LEVER. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Debate has closed on this paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WEATHER BUREAU.

Salaries, Weather Bureau: One chief of bureau, $5,000; 1 assistant chief of bureau, $3,250; 1 chief clerk, $2,500; 1 chief of division of stations and accounts, $2,750; 1 chief of printing division, $2,500; 3 chiefs of division, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 23 clerks, class 2; 31 clerks, class 1; 22 clerks, at $1,000 each; 10 clerks, at $900 each; 1 foreman of printing, $1,600; 1 lithographer, $1,500; 3 lithographers, at $1,200 each; 1 pressman, $1,200; 1 printer or compositor, $1,440; 5 printers or compositors, at $1,350 each; 14 printers or compositors, at $1,300 each; 1 printer or compositor, $1,200; 6 printers or compositors, at $1,080 each; 5 printers or compositors, at $1,000 each; 4 folders and feeders, at $720 each; 1 chief instrument maker, $1,440; 3 instrument makers, at $1,300 each; 3 skilled mechanics, at $1,200 each; 5 skilled mechanics, at $1,000 each; 1 skilled mechanic, $840; 1 skilled mechanic, $720; 6 skilled artisans, at $840 each; 1 engineer, $1,300; 1 fireman and steamfitter, $840; 4 firemen, at $720 each; 1 captain of the watch, $1,000; 1 electrician, $1,200; 1 gardener, $1,000; 4 repairmen, at $840 each; 6 repairmen, at $720 each; 4 watchmen, at $720 each; 18 messengers, messenger boys, or laborers, at $720 each; 6 messengers, messenger boys, or laborers, at $660 each; 31 messengers, messenger boys, or laborers, at $600 each; 64 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 4 messengers, messenger boys, or laborers, at $360 each; 37 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $327,900.

Mr. TOWNER. Mr. Chairman, I would like to ask the chairman of the committee why it is necessary that we should have so many messengers in this particular department. I have never been able to understand why it was necessary to have 165 messengers and messenger boys in this department.

Mr. LEVER. Mr. Chairman, the gentleman understands that we have more than 200 weather bureau stations in this country, and these messengers are located in connection with these stations, very many of them. A very small number of the messengers referred to in the bill are located in the city of Washington. Most of them are located with the stations in the field.

Mr. TOWNER. It was my understanding that these messengers were located in Washington.

Mr. LEVER. Not at all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; 1 chief clerk, $2,620; 1 editor and compiler, $2,370; 1 executive assistant, $2,500; 2 executive clerks, at $2,000 each; 6 clerks, class 4; 1 clerk, $1,680; 14 clerks, class 3; 1 assistant in live stock investigations, $1,600; 2 clerks, at $1,500 each; 24 clerks, class 2; 2 clerks, at $1,380 each; 3 clerks, at $1,320 each; 1 clerk, $1,300; 1 clerk, $1,260; 51 clerks, class 1; 1 clerk, $1,100; 1 clerk, $1,080; 59 clerks, at $1,000 each; 2 clerks, at $960 each; 105 clerks, at $900 each; 1 architect, $2,000; 1 illustrator, $1,400; 1 laboratory aid, $1,200; 1 laboratory helper, $1,200; 2 laboratory helpers, at $1,020 each; 1 laboratory helper, $1,000; 1 laboratory helper, $960; 2 laboratory helpers, at $840 each; 1 laboratory helper, $720; 2 laboratory helpers, at $600 each; 1 laboratory helper, $480; 1 instrument maker, $1,200; 1 carpenter, $1,140; 2 carpenters, at $1,000 each; 2 messengers and custodians, at $1,200 each; 1 quarantine assistant, $900; 1 skilled laborer, $1,000; 9 skilled laborers, at $900 each; 1 painter, $900; 1 laborer, $900; 9 messengers, skilled laborers, or laborers, at $840 each; 3 laborers, at $780 each; 19 messengers, skilled laborers, or laborers, at $720 each; 4 laborers, at $660 each; 22 laborers, at $600 each; 26 laborers, at $540 each; 30 laborers, at $480 each; 2 laborers, at $300 each; 1 laborer, $240; 1 messenger boy, $660; 3 messenger boys, at $600 each; 9 messenger boys, at $480 each; 8 messenger boys, at $360 each; 1 watchman, $720; 1 charwoman, $600; 1 charwoman, $540; 13 charwomen, at $480 each; 5 charwomen, at $360 each; 2 charwomen, at $300 each; 7 charwomen, at $240 each; in all, $440,610.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FOSTER. I reserve a point of order.

Mr. HAMLIN. I desire to offer an amendment.

Mr. LEVER. I think, Mr. Chairman, we had better dispose of the point of order.

Mr. FOSTER. The matter I have in mind is the increase of salaries in this paragraph and the creation of new offices. I find that the chief clerk is increased to $2,620 from $2,500, the compiler is increased from $2,250 to $2,370, and one executive assistant, which seems to be a new office, as far as I know——

Mr. LEVER. That one executive assistant is transferred from the lump-sum roll.

Mr. FOSTER. Can the gentleman give some justification for the increase of these salaries, the chief clerk and the editor and compiler?

Mr. LEVER. As to the increase of the salary of the chief clerk, the department estimated an increase of $250. The committee adopted a policy of increasing men of this type in most cases $120 per annum, or $10 per month. The statement is made that this gentleman has been in the department for 17 years and has had no promotion since 1911, and at the same time appropriations for this bureau, of which he is a part, have practically doubled and the number of employees have increased by nearly 1,000, very greatly adding to the duties and responsibilities of the chief clerk, who, of course, is in charge of these employees.

Mr. FOSTER. Can the gentleman inform the committee what is the usual salary of the chief clerk in the departments or bureaus?

Mr. LEVER. They run at about $2,500.

Mr. STAFFORD. Mr. Chairman, I will have to challenge that statement. The salaries for chief clerks in the bureaus range from $2,000 to $2,250, and in some exceptional cases they are $2,500, but the average is below $2,250.

Mr. ANDERSON. I think the gentleman is mistaken about that.

Mr. LEVER. The gentleman is mistaken, so far as the Department of Agriculture is concerned.

Mr. FOSTER. I was speaking of the other departments or bureaus.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman in the gentleman's time.

Mr. MANN. The committee has recommended increases in the salaries of a number of the chief clerks?

Mr. LEVER. Yes.

Mr. MANN. I think most of them $10 a month.

Mr. LEVER. About $10 a month. In all cases $10 a month, except the private secretary.

Mr. MANN. I notice they did not recommend an increase in the chief clerk of the Weather Bureau.

Mr. LEVER. Was it recommended by the department?

Mr. MANN. I do not know. I can not see that that makes any difference.

Mr. LEVER. As I said in my statement a moment ago——

Mr. MANN. What is the difference in the responsibility of the chief clerk of the Weather Bureau and the chief clerks in a half dozen of these other bureaus where your committee recommend an increase?

Mr. LEVER. Let me refer the gentleman to what I said earlier in the day.

Mr. MANN. I heard what the gentleman said earlier in the day.

Mr. LEVER. There was no increase except where recommendation was made.

Mr. MANN. Is it a question of personal appeal?

Mr. LEVER. I do not know the man. I never saw him to my knowledge. The recommendation was made by the Secretary of Agriculture to increase this man's salary $250.

Mr. MANN. If the chief of the bureau wants to be economical and does not ask to have the employees of his bureau raised, then there is no raise contemplated? But if the chief of the bureau is not so economical and asks for increases, then the committee gives them without regard to what they do elsewhere?

Mr. LEVER. The committee feels when the Secretary of Agriculture has made recommendation as to the salary of his own force that the Secretary ought to know more about it than the committee does.

Mr. MANN. The Secretary is a conduit through which pass the recommendations of the chief of the bureau. Suppose the chief of the bureau wants to be economical and not ask for an increase, then the Secretary does not ask for the increase. If the chief of the bureau is not so economical and does ask for an increase, the Secretary asks for the increase. I have no criticism of the Secretary. It seems to me the committee ought to consider the whole subject. If it is going to increase the salary, it ought to carry the same increase along the line, or not at all.

Mr. LEVER. I will say to the gentleman from Illinois that, for instance, the work of the Bureau of Animal Industry is more responsible, in my judgment, than the work of the chief clerk in the Weather Bureau. The appropriation is very much larger. The number of employees is very much larger in the Bureau of Animal Industry, and I do not see that you could very well get at it except through the recommendations made by the head of the department.

Mr. STAFFORD. Will the gentleman permit right there? It may not be a fair question to ask the gentleman, but I would like to ask whether he thinks the work of the chief clerk of the Bureau of Animal Industry is any more responsible than the work of the chief clerk of The Adjutant General's office, who has many clerks under him and who receives only $2,250?

Mr. LEVER. Let me say to the gentleman that the Committee on Agriculture is furnishing the wherewithal to feed the Army. When we do that, I think we have discharged our duties. I do not know what the responsibilities of the chief clerk of The Adjutant General's office are, and I can not say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman's time be extended five minutes. I will ask the gentleman from South Carolina [Mr. LEVER] about a matter he knows about. He said the chief clerk of the Bureau of Animal Industry was chief of a division where the appropriation was much larger than the appropriation to the Weather Bureau, and hence the committee made a recommendation for the increase, but they made the same recommendation for an increase in the Bureau of Soils, where the appropriation is only one-third what it is in the Weather Bureau and only one-sixth what it is in the Bureau of Animal Industry.

Mr. LEVER. Mr. Chairman, the gentleman did not quite catch my statement a moment ago.

Mr. MANN. I got the gentleman's statement.

Mr. LEVER. I may be wrong, but I do not think I am. I did not say that the motive that controlled the committee was the consideration of the difference in the responsibilities of these places. What I did say in the very beginning was that it was the recommendation of the Secretary of Agriculture on this proposition which did control the committee.

Mr. MANN. That was discussed, but the gentleman gave as an excuse for the recommendation that the Bureau of Animal Industry is more important, as it is, so far as the amount of the appropriation is concerned, than the Weather Bureau. But you recommend the same increase for the Chief of the Bureau of Soils, which is an important bureau, but it has nothing at all like the amount of work to do that even the Weather Bureau has.

Now, I am not speaking in behalf of the Weather Bureau, but in behalf of a just proposition. It seems to me that it comes back to the proposition that if the chief of a division wants to prefer somebody in his division, then the committee recommends the increase without regard to the equities of the case.

Mr. LEVER. If the gentleman from Illinois will permit me just a moment, I have a suspicion that if this committee, on its own initiative, without any recommendation whatever from the head of the department, should come in here and deliberately make these increases of salary without any recommendation whatever from the head of any department, we would hear considerable complaint on both sides of this aisle.

Mr. MANN. Let us see. Did the department recommend the 5 and 10 per cent increase?

Mr. LEVER. It did not, but the committee followed the judgment of Congress already expressed, which I think ought to be a guide to the humble Committee on Agriculture.

Mr. MANN. Oh, no; not expressed, only implied.

Mr. LEVER. We did not act upon that proposition until the House of Representatives had expressed its judgment.

Mr. MANN. I am not criticizing the committee for doing it.

Mr. FOSTER. Mr. Chairman, I make a point of order on "one chief clerk, at $2,620, and one compiler, at $2,370."

Mr. LEVER. I concede the point of order, and I offer the following amendment.

The CHAIRMAN. The point of order is sustained. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEVER: On page 9, line 2, after the first semicolon, insert "one chief clerk, $2,500."

Mr. LEVER. Mr. Chairman, I wish the Clerk would report that again.

The CHAIRMAN. Without objection, the Clerk will report that again.

The Clerk read as follows:

Amendment by Mr. LEVER: On page 9, line 2, after the first semicolon, insert "one chief clerk, $2,500."

Mr. MANN. And "one editor and compiler, $2,250."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 9, in line 9, at the end of the line, by inserting "one editor and compiler, $2,250."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation of the point of order.

Mr. HAMLIN. Mr. Chairman, on line 12, page 9, after the figures "$1,680," I move to strike out "14" and insert "13."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. HAMLIN: On page 9, line 12, amend by striking out the figures "14" and inserting the figures "13."

Mr. HAMLIN. And after the semicolon, in line 13, add the words "one proof reader, $1,800."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that until I can find out what it is.

Mr. HAMLIN. After the semicolon following the figures "$1,600," in line 13, insert the words "one proof reader, $1,800."

The Clerk read as follows:

Amend, on page 9, line 13, after the figures "$1,600," by inserting the words "one proof reader, $1,800."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. LEVER. I had reserved it already.

Mr. STAFFORD. Not the latter part of the amendment.

Mr. HAMLIN. Mr. Chairman, my information in regard to this one clerk is that his work over there is that of a "proof

reader." That is exactly the work that he is doing now. In other divisions of the same department others are doing the same work and are designated as "proof readers," and are being paid $1,800 a year. This particular "proof reader" has added to his designation on the department rolls "and clerk," and is carried on the roll with the pay of a clerk, but for over nine years he has been doing the work of proof reader. That is altogether his work, and he feels, and I feel, that doing the same work that these other proof readers are doing he ought to draw the same pay. It ought to be equalized.

Mr. STAFFORD. What salary does he receive?

Mr. HAMLIN. One thousand six hundred dollars.

Mr. STAFFORD. Perhaps when his services as proof reader are not needed under this language he is utilized as a clerk. If it were not for that fact, no doubt the department would not make the recommendation that it has made.

Mr. HAMLIN. The department does not always discriminate and look out for these fellows. They get them pigeonholed, and they go on and do the work without proper recognition. I offer the amendment in the interest of equity as between the men over there who are doing the same work. If the others draw $1,800 for like service, then he should draw $1,800.

Mr. LEVER. Mr. Chairman, let me ask the gentleman from Missouri where on the statutory roll are the proof readers carried? I do not find them on the statutory roll.

Mr. HAMLIN. I do not know that I can give the gentleman that information. The present designation of this gentleman is "proof reader and clerk." I do not know whether he is on the statutory roll.

Mr. LEVER. In the Bureau of Animal Industry?

Mr. HAMLIN. Yes; in the Bureau of Animal Industry.

Mr. LEVER. Evidently he is carried on a lump-sum appropriation.

Mr. HAMLIN. No. He is carried as one of these $1,600 clerks.

Mr. MANN. Maybe he will get promotion under this bill. The bill authorizes him to get $1,800.

Mr. HAMLIN. Where?

Mr. MANN. It increases the number of clerks of class 4 from five to six. Those are $1,800 clerks. If they think he is the man who ought to get the increase, he will get it.

Mr. HAMLIN. He is in class 3.

Mr. MANN. And he is subject to promotion to class 4, and there is an increase in the number of clerks of class 4 from five to six.

Mr. HAMLIN. I do not imagine that would help him, because he is a proof reader, as a matter of fact.

Mr. MANN. He will get it if they think he is the one who ought to have it. If they think he is not, then some other fellow will get it.

Mr. HAMLIN. I am not certain. I admit I do not know about that. I simply felt that this man ought to be paid the same amount for the same work that others are being paid over there in the department who are doing identically the same work.

Mr. LEVER. I do not think this amendment is subject to a point of order, and therefore I withdraw my reservation——

Mr. MANN. Why is it not subject to a point of order?

Mr. STAFFORD. I continue my reservation of the point of order.

Mr. LEVER. I think we have a right to change the number of proof readers.

Mr. STAFFORD. There is no law for that position. There is no such office created by the statute.

Mr. LEVER. So far as I am concerned, I trust the amendment, if in order, will be voted down, for the reason that we have provided in this bill the 5 and 10 per cent increases which are provided in the legislative bill, and no recommendation of this increase for this particular man was made from the department. The committee has no information about it, except as the gentleman from Missouri [Mr. HAMLIN] has given it to us this morning, and I feel that it would be setting a rather bad precedent to adopt this amendment. I think we can dispose of it as quickly by voting upon it as we can in the other way.

Mr. MANN. The amendment is subject to a point of order.

Mr. STAFFORD. I make the point of order.

Mr. HAMLIN. I think it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see the committee have provided for a number of laborers, some new ones, at $300 each; some messenger boys, at $600 each; one messenger boy, at $660; and various other laborers, at $600 each, in this bureau. I never have been able to understand quite how they work this thing out in this bill. Generally you provide for laborers or messengers, but when you put in new provisions for laborers at $300 and messenger boys at $660, I can not quite understand the logic of that proposition.

Mr. LEVER. What line is the gentleman referring to?

Mr. MANN. Page 10, lines 8, 9, 10, and 11. You have got 22 laborers, at $600 each; 26 laborers—which is an increase in the number—at $540 each; 30 laborers, at $480 each; a new item of 2 laborers at $300 each; 1 laborer, at $240; 1 messenger boy, at $660—that is a new item; 3 messenger boys, at $600 each, and so forth. How do you draw the line, giving a laborer $300 and a messenger boy $660?

Mr. LEVER. Let me say to the gentleman that all of the additions to the number of these messenger boys or laborers are by way of transfers from the lump-sum fund of this bureau. They are really not new places, but they have not been carried on the statutory roll heretofore. They have been transferred at the same salaries they now receive and under the same designations.

Mr. MANN. I do not see that that gives any information yet. If the gentleman has not got it, I have no criticism. Of course, I know that is the difficulty about the lump-sum appropriation in the Department of Agriculture. If they want to take anybody into the service they take him in through the lump-sum appropriation. Then they ask Congress afterwards to put him on the statutory roll at the salary which they provide.

Mr. LEVER. If the gentleman is getting at the reason for the difference in salary, I will tell him very frankly that I do not have the information. We did not make any inquiry about it. It is printed in the bill as it came to us in the estimates.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for the eradication of southern cattle ticks, $631,560, of which sum $50,000 may be used for live stock and dairy demonstration work, in cooperation with the States Relations Service, in areas freed of ticks, and of this amount no part shall be used in the purchase of animals: *Provided, however,* That no part of this appropriation shall be used in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Here is a lump-sum item, as most of the items are in this section of the bill, for $631,560, for the eradication of southern cattle ticks. This is a very large appropriation for a specific purpose. It has been carried in the bill heretofore. I should like to ask the chairman of the committee in charge of the bill whether this appropriation is larger than it was last year?

Mr. LEVER. The appropriation is identical with that of last year.

Mr. MOORE of Pennsylvania. There is no change?

Mr. LEVER. There is no change in it.

Mr. MOORE of Pennsylvania. Can the gentleman state how many men are employed in the eradication of southern cattle ticks?

Mr. LEVER. I can not state the number offhand. Quite a number, of course.

Mr. MOORE of Pennsylvania. A total of $631,560 would enable the department to employ a very large number of men, I assume.

Mr. LEVER. Oh, yes.

Mr. ANDERSON. There are about 350.

Mr. MOORE of Pennsylvania. The gentleman from Minnesota states that there are about 350.

Mr. LEVER. That information is available to the committee, but of course I can not carry all the figures in my mind.

Mr. MOORE of Pennsylvania. I understand, but the public at large does not see the report of the committee, and I am asking this information for the purpose of getting it into the RECORD.

Mr. LEVER. I shall be glad to put the figures into the RECORD.

Mr MOORE of Pennsylvania. How many of these 350 men are special experts, and how many are laborers?

Mr. LEVER. I will put the figures into the RECORD.

Mr. MOORE of Pennsylvania. If the gentleman will state the percentage that will be satisfactory.

Mr. LEVER. The larger number of these men engaged in cattle-tick work must be men of some little scientific information.

Mr. MOORE of Pennsylvania. This question has been asked before, but I ask it again, for the purposes of the RECORD: How

are the salaries of the experts, scientists, and specialists employed in this work fixed? They are not fixed by law, as in other departments?

Mr. LEVER. Oh, no. These salaries are paid out of the lump-sum appropriation of $631,560, and are fixed by the Chief of the Bureau of Animal Industry with the Secretary of Agriculture. The salaries range from $1,000 to $5,000.

Mr. MOORE of Pennsylvania. May I ask how these appointments are made; through the civil service or through the chief of the bureau?

Mr. LEVER. My impression is that all these scientific men are appointed through the civil service.

Mr. MOORE of Pennsylvania. During the consideration of the bill last year the gentleman from South Carolina himself introduced an amendment, after some agitation of the subject, looking to the publication of the names or salaries of the various employees of the Department of Agriculture. Has such a list been prepared and presented to Congress?

Mr. ANDERSON. I think the gentleman from Pennsylvania is mistaken. There was an amendment which required the Secretary of Agriculture to include in his estimate a list of the employees of the department without naming them; that is, the various offices and the salaries attached to them.

Mr. MOORE of Pennsylvania. Has that been done?

Mr. ANDERSON. Yes; it is in the estimates.

Mr. MOORE of Pennsylvania. But the names of the various employees are not given?

Mr. ANDERSON. No.

Mr. MOORE of Pennsylvania. And the gentleman says the resolution did not provide for it?

Mr. ANDERSON. No; I think the gentleman from Pennsylvania proposed something of the kind.

Mr. MOORE of Pennsylvania. I did, and was defeated each time; but finally the gentleman from South Carolina, I think, did offer an amendment, and it was agreed to.

Mr. LEVER. I think the gentleman is mistaken in saying that I offered the amendment. I think the gentleman from Minnesota [Mr. ANDERSON] made it.

Mr. MOORE of Pennsylvania. But it came from the committee?

Mr. LEVER. It came from the committee.

Mr. MOORE of Pennsylvania. I understood that we would receive information as to the names and the salaries of the various special employees of the department.

Mr. LEVER. No.

Mr. ANDERSON. If the gentleman will look at the estimates, he will find under every lump sum a list of the various employees, with the salary paid for the employment, and the number of men in each particular class.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated-butter factories and markets, $378,930.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 15, after the comma following the word "States," insert the words "eradication of tuberculosis in cattle."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that, and I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, it is not my intention to again take very much time, although I shall ask to extend my remarks in the RECORD. I want to call the attention of the House to the fact that the report of the Bureau of Animal Industry for 1916 is just out. Therein is a statement that 10 per cent of the dairy cattle are affected with tuberculosis and 9 per cent of the hogs inspected during the past year were found to be so affected; that the cash loss caused thereby is $25,000,000 per annum. The bureau recommends pasteurization of skimmed milk, and so forth, as being effective.

The annual report of the Bureau of Animal Industry for 1916 shows that 252,686 cattle and hogs were condemned at the meat-inspection plants for all quarters, and that of this number 111,194 were condemned for tuberculosis. That is, 43.9 of the entire cattle and hogs that were condemned was by reason of tuberculosis.

Now, the question is, How long shall we continue without legislation to prevent this dreadful cause which results in the death of so many children of the country? I do not wish to make the statement that the milk production of this country has been responsible for infantile paralysis, but I do want to read what I have gathered from certain sources of authority.

In my extended remarks I propose to give exhibits of all the matters I have stated herein, and it will be a great pleasure to me to learn that the information given the Members of the House has caused them to look into the subject a little more deeply. It is well enough to talk about pasteurization, but why not go to the source of the evil to this great food supply of the human system without patching it up, without attempting to remove its injurious effect by pasteurization.

I want to refer to exhibit 14 in reference to the paralysis germ.

Mr. FOSTER. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. FOSTER. What evidence has the gentleman that the paralysis germs are in the milk?

Mr. LINTHICUM. That is just what I am coming to.

On September 12, 1916, there was printed in the New York Herald a letter from Nathan Straus to Surg. Gen. Rupert Blue, in which Mr. Straus called attention to the fact that not one of the 2,500 babies fed on Straus pasteurized milk had contracted infantile paralysis, although the 2,500 babies were in the worst-infected district in New York. Mr. Straus called attention to the situation which is too startling to be a coincidence. It is also well known that the milk most generally sold in New York City is dipped milk. That is not bottled but open to all sorts of infection.

Mr. Straus's letter stirred great interest and some opposition. On October 16, 1916, the Washington Post, of this city, published a half column under the head "Finds Paralysis Germ," in which the statement is flatly made that the germ of infantile paralysis is carried in milk or water.

I read from the clipping handed me from the Washington Post of that date:

FINDS PARALYSIS GERM—BALTIMORE SCIENTIST SAYS IT IS INTRODUCED IN RAW FOODS—NO CONTAGION BY CONTACT—DREADED POLIOMYELITIS, OR INFANTILE PARALYSIS, GIVEN TO BABIES IN MILK AND WATER, TO OTHERS IN UNCOOKED FRUITS AND VEGETABLES—RABBIT WAS INFECTED.

BALTIMORE, *October 15, 1916.*

A rabbit used in the pathological department of Johns Hopkins Hospital to determine the method of transmission of the infantile paralysis germ has developed the disease, it was announced to-night.

Dr. Montrose T. Burrows, of the hospital, who discovered that the germ is taken into the system by the mouth, in milk and water, said that the experiment with the rabbit means another important advance toward solving the whole problem of poliomyelitis.

One of the legs of the rabbit has become paralyzed.

TRY IT ON MONKEYS.

Transmission will be next attempted through two monkeys.

The mystery surrounding the cause of the spread of infantile paralysis has been solved, according to an official of Johns Hopkins Hospital.

Extensive research conducted by Dr. Burrows, pathologist of the hospital, has resulted in the discovery of the infantile paralysis germ, the existence of which was established nine years ago by Dr. Simon Flexner, of the Rockefeller Institute.

PRESENT IN RAW FOODS.

Present always in every case of the disease a germ has been found in the big intestine, showing that the disease is spread by some raw food. That that food is milk or water is established by the fact that babies whose only diet has been milk or water died of the disease. Dr. Burrows and his assistants, under the direction of Prof. William H. Welch, have been making autopsies upon every victim of the disease since July. They have conducted a careful microscopic search.

Of the diseased organs it has been found that the germs occur only in the colon. The investigations prove that 100 per cent are infected in this big intestine. Since it is only possible for the germ to enter the big intestine by way of the mouth, food and drink must be the carrier.

RAISE QUARANTINE.

The investigators are so certain that this is true and that there is no other way for the disease to be contracted that they suggest that the quarantine be raised against personal contact and that all raw foods, such as milk, water, fruits, etc., be sterilized, boiled, or cooked before being given to children or others.

The investigators find that house flies and other insects undoubtedly help to spread the germ from one food to another. This discovery is the first one that has been given out officially by Johns Hopkins Hospital before it has been published in a recognized medical journal.

The spread of the disease is so much like that of typhoid fever and its method of communication that the investigators are sure they have hit upon a way to make an antipoliomyelitis vaccine like the anti-typhoid vaccine that stamped out typhoid in the United States Army.

The two incidents taken together point to milk as being the source of infection, for where pasteurized milk was given the Straus-fed babies the water failed to infect a single child.

I do not wish to be always taking up the time of the House pointing to this evil, but I tell you it is just as essential to see that we have pure milk and dairy products as it is to see

that we have pure meats or any other food which forms an important part of the food products of our people.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. FOSTER. I want to ask the gentleman whether he believes that through milk is the only way in which the germ is carried?

Mr. LINTHICUM. Many scientists have practically decided that it is either carried by milk or by water, and the fact that most of this infantile paralysis was found to exist in children who consumed only milk and water made a very strong suspicion in that direction.

Mr. FOSTER. Would not pasteurization kill those germs?

Mr. LINTHICUM. Yes; it would, but my contention is this: Why let a diseased product continue to exist when you can eradicate it at its source. It is better to do that than to wait to patch it up and cure it by pasteurization.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. LEVER. Does the gentleman realize that we are now carrying in this bill an appropriation of $75,000 for the purpose of conducting a campaign for the eradication of tuberculosis in cattle and hogs?

Mr. LINTHICUM. I certainly recognize that fact, and I recognize the further fact that the gentleman who is carrying on that inspection said at the hearings upon resolution 137 that it would not have the effect desired, because it was merely inspection, and they have no way to punish until it is finally discovered in the product.

Mr. FARR. Has the gentleman a method by which he thinks he can eliminate the trouble?

Mr. LINTHICUM. I have not asked for any legislation upon the subject. I have merely asked that a resolution be passed and that a committee be appointed to investigate as to what legislation is necessary.

Mr. FARR. To eliminate tuberculosis in cattle?

Mr. LINTHICUM. Yes.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes, in addition to the time already allotted for debate upon this section.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, the gentleman has evidently given a good deal of attention to this matter and is an expert upon the subject.

Mr. LINTHICUM. I am not an expert.

Mr. HAUGEN. I desire to ask a question, whether the gentleman has any method or remedy to suggest for the eradication of tuberculosis? I think there is no question but that it should be eradicated.

Mr. LINTHICUM. I should adopt similar methods to that we have adopted in eradicating the foot-and-mouth disease, but it is not my desire to give any specific method myself, because I believe the Department of Agriculture knows more about the situation than I do. I should be willing to leave the legislation required and methods to them.

Mr. HAUGEN. We have eradicated the foot-and-mouth disease by the slaughter of the stock and paying for them. Does the gentleman suggest that that should be done in eradicating tuberculosis?

Mr. LINTHICUM. I make this statement, that the death of one child caused by tuberculosis is worth every dollar that Congress could appropriate to eradicate tuberculosis in cattle.

Mr. HAUGEN. That is not the question. Has the gentleman any remedy to suggest?

Mr. LINTHICUM. My remedy would be, if it is necessary, then, to destroy the cattle having tuberculosis and pay for them at such rate as determined, pasteurize all dairy products, compel tubercular test, have compulsory sanitation in handling, storing, and marketing in interstate business, and put the milk supply upon a sound basis.

Mr. HAUGEN. The gentleman appreciates that $278,000 would not accomplish the desired result?

Mr. LINTHICUM. I know that under this we could only touch the high spots.

Mr. HAUGEN. The gentleman is aware of the fact that we have, in all, about 21,000,000 dairy cows, valued at about $1,185,119,000. Ten per cent of that is $118,511,900, and 7 per cent of the 39,453,000 other cattle, valued at $1,321,135,000 would be $39,000,000, which would require an appropriation of $210,000,000. Is the gentleman willing to appropriate $210,000,000 for the eradication of tuberculosis?

Mr. LINTHICUM. Would the gentleman from Iowa put $210,000,000 against the death of 6,000 infants in this country caused by tuberculous cattle? Is that what the gentleman means to say?

Mr. HAUGEN. I am willing to cooperate with the gentleman in the eradication of tuberculosis in cattle, but first we should have or decide upon some different and effective plan.

Mr. LINTHICUM. I mean to say this, that if it is necessary to spend $210,000,000 to eradicate tuberculosis in cattle to save the lives and suffering of 6,000 infants in the country and the maiming of thousands of others, then we should spend $210,000,000.

Mr. HAUGEN. I will call the gentleman's attention to the fact that $210,000,000 is a mere start, and $210,000,000 will not eradicate tuberculosis. The value of all farm animals is estimated to be over $6,000,000,000, and 10 per cent of that amount is over $600,000,000, therefore I believe we better leave it to the department to work out some plan how to exterminate tuberculosis.

Mr. LINTHICUM. I do not think it would be necessary to destroy all of these cattle by any means.

Mr. HAUGEN. Not all of them.

Mr. LINTHICUM. But we should segregate them, and we should pasteurize and look after the milk, and we should put it into other lines of business rather than have it go into the mouths of the children. I think we could devise some system by which a separation of the diseased cattle could be brought about by which the worst of them could be destroyed.

Mr. HAUGEN. I agree with the gentleman, but is it not better to leave it to the experts of the department and have them devise some plan in eradicating it rather than to have a committee appointed?

Mr. LINTHICUM. You want to leave it to the experts of the department, and the department says that effective legislation has not been passed. The department asks for a remedy and Congress refuses to pass legislation necessary.

Mr. HAUGEN. But we have carried out the suggestion made by the department and have confidence in its ability to cope with the situation.

Mr. LINTHICUM. I read to you the report of the Chief of the Bureau of Animal Industry, page 6:

THE TUBERCULOSIS PROBLEM.

A practicable and effective method of eradicating tuberculosis of live stock is greatly to be desired. This is a problem to which the bureau has given much study. The protection of human health against tuberculosis from animal sources may be reasonably assured by the pasteurization of milk and the inspection of meats. But there remains the economic problem of eliminating the heavy and increasing losses due to the insidious spread of this disease among farm animals.

Cattle and hogs are the most susceptible species and the only ones that need to be considered. There is abundant evidence of the wide prevalence of tuberculosis among these animals. Statistics of tuberculin testing indicate that on an average over 10 per cent of the dairy cattle in the United States are affected with tuberculosis, and in the Federal meat inspection 2½ per cent of the beef cattle and 9 per cent of the hogs inspected during the past fiscal year were found to be so affected. The annual losses directly caused by this disease are estimated at $25,000,000. In the face of growing demands and higher prices for food products the Nation can not afford to ignore indefinitely such an enormous leakage in its meat and milk supplies.

The most practicable avenues of approach to the problem of tuberculosis eradication seems to be through the pure-bred herds of breeding cattle and the feeding of hogs. This means simply the application of the old principle of purifying the stream at its source. Many herds of fine pedigreed cattle have harbored tuberculosis, and many a stock raiser wishing to improve his stock has instead brought disaster to himself by the introduction of tuberculous pure-bred animals into his herd.

Hogs, because of the early age at which they are slaughtered, do not propagate the disease among their own kind to any appreciable extent, but acquire it from cattle either by drinking infected milk or by following cattle in the feed lot and feeding upon the undigested grain in the droppings. Raw skim milk returned from creameries to patrons and fed to pigs is a prolific source of the disease in swine. The milk from many herds is mixed at the creamery, and if even one lot has the germs of tuberculosis in it the entire quantity may become infected. The remedy for this is simple—merely to pasteurize all the skim milk before allowing it to leave the creamery. This should be required by law.

The elimination of tuberculosis from the pure-bred herds should be accomplished gradually by utilizing the tuberculin test in conjunction with other appropriate measures. In any event the cooperation of the Federal and State Governments and individual breeders will be necessary. One of the first steps should be to spread among the people concerned a knowledge of the facts as to the nature of tuberculosis, how it is spread, and how it may be prevented.

Mr. FARR. What is the department doing in a practical way to eradicate the disease other than by destroying the cattle?

Mr. LINTHICUM. They are not destroying the cattle. They are inspecting, and when they can find that product in some dairy or butter factory is diseased, then they condemn it. But there is no general inspection of milk products.

Mr. FARR. There is no effort being made to eradicate it in any other way?

Mr. LINTHICUM. They are endeavoring——

Mr. FARR. To seek the specific cause?

Mr. LINTHICUM. To clean up things generally under such legislation they have, but they need proper legislation to bring about desired results.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent, if the gentleman is willing, to have one minute, not to be taken out of the time.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to have one minute in addition to the time already allotted. Is there objection?

Mr. LEVER. I will not object to that request, but I will object to any further extension of the time.

Mr. FOSTER. Mr. Chairman, I am fully in sympathy with the gentleman from Maryland in seeking to stamp out tuberculosis among cattle, but I want to read for his information the hearings on page 98, in which Dr. Melvin says:

Our department undertook the eradication of tuberculosis in the District. Of course, there were a very small number of cattle in the District—about 1,000 head—probably less than that now; and we succeeded in doing that. In the neighboring herds of Maryland and Virginia, supplying milk to the District, we undertook to cooperate with the local health service, and we succeeded in reducing the disease in such herds from about 18 per cent down to, I think, about 2 per cent.

Now, I want to say this, that I do not know what the State of Maryland is doing, and I wanted to ask the gentleman. But I know in some States they are making very active efforts to stamp out tuberculosis; doing all they can. The transporting of milk or butter or other products of the dairy is in interstate commerce and can only be reached by the Federal Government in that way. And so this duty devolves largely upon laws that are enacted by the different States to stamp out the disease. I know some States have most excellent laws and are doing a great work along this line, but without the cooperation of the States the Federal Government can not do that.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Nebraska [Mr. SLOAN] is recognized.

[Mr. SLOAN addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. Does the gentleman from South Carolina insist on his point of order?

Mr. LEVER. I insist on the point of order.

The CHAIRMAN. Does the gentleman from Maryland [Mr. LINTHICUM] wish to be heard on the point of order?

Mr. LINTHICUM. I do not see, Mr. Chairman, why that is subject to a point of order.

Mr. LEVER. Mr. Chairman, I make the point of order on the ground that this amendment is not germane to this paragraph, the works of tuberculosis eradication being carried in a previous paragraph and already passed.

Mr. LINTHICUM. Mr. Chairman, this paragraph says:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industries in the various States, inspection of renovated butter factories and markets.

Now, certainly those are very broad terms, and the further addition of the "eradication of tuberculosis" ought not to be subject to a point of order. I do not see why the gentleman wants to make a point of order upon the flimsy ground that the subject is carried in the previous paragraph. Why should that be used as the reason?

Mr. LEVER. I put it on the "flimsy" ground that we do not want to clutter up the bill by repetitions that do not mean anything.

Mr. LINTHICUM. As to each paragraph where I might put the amendment the gentleman from South Carolina or some one else says it is not the right paragraph and that it ought not to be in that place.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. I yield to the gentleman; certainly.

Mr. MANN. Under the amendment suggested by the gentleman, providing for the eradication of tuberculosis, does that authorize the purchase or payment for cattle which are killed?

Mr. LINTHICUM. I do not know that it would authorize the payment for cattle which are killed, but it would certainly authorize the segregation of the cattle and separate them and eradicate them by a general system that could be adopted, which would not be very expensive to the Government.

Mr. MANN. Would it not authorize that term "eradication of tuberculosis"?

Mr. LINTHICUM. It may be the same with reference to cattle ticks and other things of that kind.

Mr. MANN. It does authorize the killing of cattle ticks, and it makes an appropriation for it.

Mr. LINTHICUM. I think it is germane to the subject

Mr. STAFFORD. The Chair will notice that the paragraph under consideration is limited exclusively to matters pertaining to the dairy industry. Under that present phraseology the Secretary of Agriculture would have no right to go out and investigate conditions, so far as cattle are concerned. It is the industry. It is limited to that. Even cooperative industry is limited to the dairy industry and markets. The idea is that the paragraph is limited to the industry itself and not to cattle generally.

Mr. LEVER. Investigations.

Mr. STAFFORD. Yes.

The CHAIRMAN (Mr. HARRISON of Mississippi). The Chair is of the opinion that under this paragraph the amendment is not germane. It is carried in a previous paragraph, contained on page 12, that treats of the subjects this amendment deals with. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $250,300: *Provided*, That of the sum thus appropriated $22,840 may be used for experiments in the breeding and maintenance of horses for military purposes: *Provided further*, That of the sum thus appropriated $45,380 may be used for experiments in poultry feeding and breeding, including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. If I have been correctly advised, this item includes an allotment of $25,000 for farm sheep demonstrations in cooperation with the States Relations Service and the agricultural colleges.

Mr. LEVER. There is a total increase, I will say to the gentleman, in this item of $53,800. Twenty-five thousand dollars of that will be devoted to the matter of sheep farm demonstration in connection with the States Relations Service.

Mr. MOORE of Pennsylvania. What assurance have we that that $25,000 will be expended for this purpose?

Mr. LEVER. We have the assurance of the Department of Agriculture itself, which asked for a $25,000 increase of this item for that purpose.

Mr. MOORE of Pennsylvania. Will the gentleman state why it is not specifically referred to in the bill?

Mr. LEVER. It is for the reason that the committee does not feel that it ought to segregate all these various small items, because it makes the bill too cumbersome and too hard to handle.

Mr. MOORE of Pennsylvania. Well, Mr. Chairman, I desire to make a few observations with respect to this paragraph. During the discussion last year, and I think previously, an effort was made to have consideration given to what we might call sheep culture in the United States, the development of the sheep industry, which has suffered sadly through the rapacity of the dogs of the country.

There is a demand for wool, a high price for wool, and the fabricators of wool in the various grades, to whom reference was made here this morning, are anxious for an opportunity to work upon this raw product of the farmer. So far as the wool as produced by the farmer is concerned, it would be simply wool and of advantage to him only in the form of sheep rugs or such crude articles as the handicraft of his own family might weave. If it goes into the mills and factories of the country where it would have to go through various processes, from the washing and scouring up to the weaving and dyeing of it, that would require new capital and labor.

This in a way answers such questions as were raised by the gentleman from Wisconsin and the first gentleman from Nebraska who spoke a while ago, rather exalting the farmer at the expense of the city man. I contend that the farmer would be left high and dry under his own vine and fig tree, in the wilderness in which he started, if it were not for the expenditure of effort on the part of others to make his products worth while. He would have his own products for himself, to be sure.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. LEVER. I wonder if the gentleman from Pennsylvania does not know that every true friend of agriculture recognizes the relationship that must exist between the man on the farm and the man in the city, and that we are the best friends in the world, as a matter of fact?

Mr. MOORE of Pennsylvania. I am very glad the gentleman makes that statement, and coming from the head of this powerful committee and from one of the most popular farmers' friends in the House, I am mighty glad to make acknowledgment of it. It tends to contradict the impression I have been trying to discredit here, that there was any difference whatever between the farmer on the one hand and the city man on the other. Their interests are identical, and one is dependent on the other, no matter how we may view their various economic situations.

The gentleman having made this interesting admission——

Mr. LEVER. It is not an admission. It is the statement of a recognized fact.

Mr. MOORE of Pennsylvania. The gentleman has a keen national apprehension of this matter, and while he will take care of the southern cattle tick and the interests of South Carolina also, at times I am glad to observe that he is broad enough to encompass the whole country in his purviews. That is what I like to see on the part of any real representative of the American people. [Laughter.] But what I am not able to understand is why we do not put in this Agricultural bill the same specific provisions with regard to appropriations and salaries that we require in every other appropriation bill. Here is a lump-sum appropriation of $250,300, which is to cover certain lines of work to be laid down by the Secretary of Agriculture. We have no check upon the wages to be paid nor the allotments to be made in this particular instance except as it appears in the committee report. While I am interested in this $25,000 sheep item for the benefit of the farmer and of the city man alike, neither having any preference over the other in this regard, I have no assurance that this $25,000 will be expended except as it appears in the report of the committee.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN (Mr. RUSSELL of Missouri). The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto close in 10 minutes.

Mr. LINTHICUM. I object.

Mr. LEVER. Then I move, Mr. Chairman, that all debate on this paragraph and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this paragraph and amendments thereto close in 10 minutes. The question is on agreeing to that motion.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have no desire to discuss this further. I withdraw my request for further time on this paragraph.

The CHAIRMAN. Will the gentleman from South Carolina now withdraw his motion?

Mr. LEVER. I withdraw my motion, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $134,600: *Provided*, That of said sum $50,000 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

Mr. LINTHICUM Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LINTHICUM: Page 14, line 8, after the word "animals," insert the words "eradication of tuberculosis in cattle."

Mr. LEVER. I make a point of order against that amendment, that it is not germane to this paragraph.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. LINTHICUM. Mr. Chairman, this is the paragraph which deals with investigation of diseases of animals—

For all necessary expenses for scientific investigations in diseases of animals.

This is certainly one of the diseases of animals. I do not see why it is not germane.

Mr. STAFFORD. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. STAFFORD. Does not the gentleman recognize the difference between investigation of a disease and eradication of a disease?

Mr. LINTHICUM. What is the gentleman's difference? I am after results.

Mr. STAFFORD. I hope the gentleman can conceive the difference.

Mr. FARR. I suggest to the gentleman that he change the phraseology of his amendment.

Mr. LINTHICUM. I ask unanimous consent to change the amendment so as to read "investigation of tuberculosis in cattle."

Mr. KELLEY. This paragraph says:

Investigations in diseases of animals.

Why specialize? Is not the general language enough?

Mr. LINTHICUM. Because I want in particular to get an investigation of this subject.

Mr. QUIN. The paragraph itself says:

For investigations of tuberculin.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Maryland as modified.

The Clerk read as follows:

Page 14, line 18, after the word "animals," insert the words "investigation of tuberculosis in cattle."

Mr. LEVER. I ask unanimous consent that debate on that paragraph and all amendments thereto close in five minutes.

Mr. LINTHICUM. I have no desire to debate the amendment.

Mr. LEVER. I ask for a vote on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For investigating the disease of hog cholera, and for its control or eradication by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers, associations, State or county authorities, $413,100: *Provided*, That of said sum $172,240 shall be available for expenditures in carrying out the provisions of the act approved March 4, 1913, regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals: *And provided further*, That of said sum $32,060 shall be available for researches concerning the cause, modes of spread, and methods of treatment and prevention of this disease.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The hog-cholera item this year is $413,100, a very large sum of money to be appropriated for a specific purpose. I suppose if that amount of money were to be applied in the public-building bill to the erection of 15 or 20 permanent structures, to stand throughout the balance of our years, there would be some criticism of it in the House. It is possible that the chairman of the committee may be willing to explain the need for this $413,100 for this specific purpose for the coming year.

Mr. LEVER. Mr. Chairman, this item has been increased for the next fiscal year $60,000, but as a matter of fact the additional amount that will be available for the next fiscal year as over the present fiscal year will be only $15,000, inasmuch as there has been an unexpended balance out of another appropriation with which they have been working during this present fiscal year.

Now, Mr. Chairman, as to the reason why this large sum should be appropriated for the purpose of controlling hog cholera in this country, that question ought to answer itself. It is estimated by experts who ought to know that the annual losses from hog cholera in this country amount to anywhere from $40,000,000 to $60,000,000. That is a burden upon the constituents of the gentleman in Philadelphia. It is estimated that there is an annual loss in cattle on account of the cattle tick or Texas fever of something like $40,000,000 or $50,000,000, which, of course, is a burden upon the constituents of the gentleman who eat the beef. It is estimated that there is an annual loss of $25,000,000 in this country on account of tuberculosis in cattle and hogs, which, of course, adds to the price of beef and pork, which the constituents of the gentleman have to buy. So I repeat, after all, there is no quarrel between the constituents of the gentleman in Philadelphia and the constituents of myself in South Carolina, because his interest is my interest and his folks can not eat unless my folks produce.

Mr. MOORE of Pennsylvania. That is entirely correct. The gentleman is as intelligent and as fair in this statement as he was in his former statement, and I make public acknowledgment of that fact. Now, may I ask the gentleman a serious question?

Mr. LEVER. I have been making a serious statement.

Mr. MOORE of Pennsylvania. If we make this appropriation of $413,100, which comes out of the Public Treasury to which we all contribute, can we get pure "pork" in the great cities?

Mr. LEVER. The matter of pure pork in the great cities is carried in the item for meat inspection, and not here. What we are doing here is to get more pork, not pure pork. We take care of the pure pork elsewhere.

Mr. MOORE of Pennsylvania. I hope the gentleman will be quite as serious, and will refrain from seeing the jocular side of this question when the public-building bill comes up. But, again,

I want to know whether the disease of hog cholera has been brought within narrower limits by reason of the appropriations made last year?

Mr. LEVER. The reports of those in charge of this work are very favorable to an encouraging reduction in hog cholera in this country. It is a very serious problem, as the gentleman quite well understands.

Mr. MOORE of Pennsylvania. I know it is.

Mr. LEVER. And it is going to be very hard, indeed, to control, if we ever control it.

Mr. MOORE of Pennsylvania. Is there a necessity, in the opinion of the committee, for maintaining the large establishment that we now have to maintain for this purpose?

Mr. LEVER. The committee emphatically think that a disease which is costing the people of this country, farmer and consumer, $60,000,000 a year is a problem big enough for serious consideration.

Mr. MOORE of Pennsylvania. I am not objecting to the item. I am asking for information.

Mr. LEVER. I assume that the gentleman is not objecting to it.

Mr. MOORE of Pennsylvania. But I suggest to the House, as something to be remembered when other bills come up, that Members are inclined to be reasonable about all these agricultural bills, and that there is a great deal of criticism against certain other appropriation bills.

Mr. SLOAN. Will the gentleman yield, so that I may ask him a question?

Mr. LEVER. Yes.

Mr. SLOAN. Is it not a fact that there has been a very large reduction in the amount of hog cholera in this country, running to about 30 per cent, and has not the largest decrease in hog cholera been in and about the centers of Government activity in the campaign against hog cholera?

Mr. LEVER. That is my information; and in this connection I want to pay my tribute to the industry of the gentleman from Nebraska [Mr. SLOAN] in helping to initiate this legislation.

Mr. GOOD. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. GOOD. To what extent are the several States contributing to the eradication of these diseases?

Mr. LEVER. Several States are contributing an equal amount of money.

Mr. GOOD. Where the Government spends $1,000 in a State to eradicate one of these diseases the State contributes another $1,000?

Mr. LEVER. Not necessarily. Perhaps I misled the gentleman in what I said. Under the agricultural extension act a number of counties have what is known as a county agent.

Under that act the State is required to put up part of the salaries and the Government the other half, the States in many instances paying much more than the Government. In hog-cholera work the hog-cholera eradicator is paid by the department and he works in close cooperation with the county agent, so that the States indirectly are contributing something to this work.

[The time of Mr. LEVER having expired he was by unanimous consent given two minutes more.]

Mr. GOOD. In many cases the Government pays out considerable sums of money for the eradication of, say, hog cholera?

Mr. LEVER. Yes.

Mr. GOOD. Is there any cooperation so far as the State is concerned where the State contributes any large sum?

Mr. LEVER. I am not sure whether they make any direct contribution or not. I may have that information, but I can not put my hand on it. I was in Kansas last fall and happened to come in contact with one of these hog-cholera eradicators who had been in a county two years, and he showed me a map of the county when he was first called with dots here and there where they had the hog-cholera infection. It was literally black with spots. Then he showed it to me as it was about 18 months afterwards, and I think there were only two infections in that great county. I was very much encouraged with the progress of that work as I saw it in Kansas in the field.

Mr. GOOD. Was the gentleman in Kansas at the request of the department?

Mr. LEVER. No; I was there in the interest of the people of the United States; I was there to convert a lot of Republicans. [Laughter.]

The Clerk read as follows:

For all necessary expenses for the investigation, treatment, and eradication of dourine, $99,000, of which amount $50,000 shall be immediately available.

Mr. FOSTER and Mr. STAFFORD reserved points of order.

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman from South Carolina what is the necessity of making $50,000 immediately available?

Mr. LEVER. The reason for making $50,000 immediately available was because of the urgent request of the gentlemen who are in charge of the eradication of dourine. They desire this money when the spring round-up begins, when the horses from the round-up begin to scatter throughout the country. They find after some years of study that if they have the money in the springtime, they can use it to much better advantage and they urge that this amount be immediately available because they find that it can be more efficiently spent at this time.

Mr. STAFFORD. Under the present appropriation act there is $75,000 available for the prosecution of this work. An additional $50,000 would make it $125,000. Deducting that from the $99,000 it would only leave $49,000 for the next fiscal year. So you will appropriate $125,000 for the present fiscal year and only $49,000 for the ensuing fiscal year.

Mr. LEVER. The gentleman is correct about that, but the committee acted upon the request of the department and gives an appropriation of $99,000, making $50,000 immediately available upon the theory that they could do a larger amount of work than if they used the whole $99,000 the next fiscal year.

Mr. STAFFORD. Is it the expectation that the experts will be able to stamp out the disease so that they will only need $49,000 for the ensuing year?

Mr. LEVER. The statement as to the ultimate eradication of the disease is not entirely encouraging to me. The disease has spread into half a dozen Western States. The gentleman can recognize the tremendous difficulty in stamping out a disease of that kind in range horses. They make the statement in the hearings that with such appropriation as they request from time to time in line of this appropriation that they can probably stamp it out in the course of two years.

Mr. STAFFORD. Does not the gentleman think that $25,000 would be sufficient to be made available for the present fiscal year?

Mr. LEVER. I am frank to say to the gentleman that in a matter of this kind, where the disease is so highly infectious and where the losses can be so tremendously great, that I would not want to put my lay judgment against the judgment of the experts.

Mr. STAFFORD. The gentleman can appreciate that with $50,000 available immediately there will not be ample funds for the next fiscal year.

Mr. LEVER. We think the $50,000 can be better used now than in the next fiscal year.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. FOSTER. I withdraw the reservation of the point of order.

The Clerk read as follows:

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, drug and related plants, $82,800, of which sum $5,000 shall be immediately available.

Mr. McLAUGHLIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 19, line 19, strike out $82,800 and insert $87,800.

Mr. McLAUGHLIN. Mr. Chairman, this amendment calls for an increase of $5,000 in the appropriation, to be used by the Bureau of Plant Industry for studying diseases of beans and finding and applying a remedy. The bean diseases have increased in number as the ravages have increased rapidly in this country, the department making the startling statement that the losses run from 10 to 20 per cent of the crop. That statement appears in the Book of Estimates and was made by one of the officials who appeared before the committee. He now makes the startling statement, as the result of later investigation, that in many cases the loss runs as high as 50 per cent of the entire crop.

I learned, by talking with an official of the department, that it is the intention to employ one man to conduct investigations in the States of New York and Michigan, where a large part of the beans of the country are produced; that is, one man to do or try to do the work necessary in both of those States. That is, all the money that is now provided, which will be carried by the appropriation as it appears in the bill, will permit the employment of only one man to cover both States. I asked this official what would be done if this appropriation were increased $5,000, and he said it would permit the employment of this man to oversee the work in two States and would permit the employment of two more men, one in each of these States, and I submit that it must seem clear to this committee that the employment of

one man in each State will not be an extravagant use of money. The amendment which I request ought to be made so as to provide for that employment.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. McLAUGHLIN. Certainly.

Mr. MANN. Does this relate especially to the culture, and so forth, of what they call the navy bean?

Mr. McLAUGHLIN. To the different kinds of beans, the navy bean and the Lima bean and other varieties. They are all subject to one or another of the several diseases. There are more than one, and they have been very bad during recent years, and it is some time since the department has made any considerable investigation. As appears by the statement made by the Bureau of Plant Industry, when the estimates were submitted, it was stated that the losses have been running from 10 to 20 per cent of the entire production, whereas later investigation, as appear by the letter dated January 2 received by me from the department, indicates that the losses this year in some cases reach as high as 50 per cent of the crop.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. LEVER. Does the department, in the letter to which the gentleman has just referred, recommend this $5,000 additional?

Mr. McLAUGHLIN. It makes no recommendation, but it clearly indicates the need of the increased money. As I say, the chief told me that the amount in the bill will allow for only one man to be employed for the two States, New York and Michigan.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN. And the chief of the bureau says it would be desirable to employ a man in each of the States, and to have the one man he proposes to employ oversee the entire work. The additional $5,000 I ask will provide for the employment of additional men, one in each State, one in Michigan and one in New York.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. TILSON. Has there not already been a considerable increase in the appropriation over what has been heretofore carried? As I have it, there has been an increase of some $23,000 in this particular appropriation.

Mr. McLAUGHLIN. Yes; there is a total increase in this item of $24,000, and the estimates indicate how that increase is to be used. Only $5,000 is to be expended in this bean-disease matter, and that $5,000 will employ only one man for the two States, not a large enough increase.

Figures gathered by the Department of Agriculture are interesting and instructive in this connection. In 1915 the acreage of beans in this country was 928,000, the total production was 10,321,000 bushels, an average of 11.1 bushels per acre. In 1916 the acreage was larger, 945,000, but the yield, 8,846,000, was smaller than in 1915, the average yield in 1916 being only 9.4 bushels per acre. The total value of 1916 crop was $44,763,000, while in 1915 the total value was only $26,771,000, the reason for the greater value in 1916 being that the average price per bushel in that year was $5.06, while in 1915 it was only $2.59. In 1916 the acreage was 17,000 larger than in 1915, but owing to the increase of bean diseases in 1916 the production was 1,475,000 less than in 1915, and the average per acre was 1.7 bushels less in 1916 than in 1915.

It is clearly shown that bean diseases are increasing and spreading. The department has given little attention to them. It is incumbent upon the Congress to direct that the work of investigating and finding remedies for the trouble be begun without further delay and carried on vigorously. The additional money to be provided by my amendment will be needed for the work. I trust that the amendment will be adopted.

Mr. LEVER. Mr. Chairman, I dislike very much to oppose an amendment offered by a member of the committee, but I would call the attention of the committee to the fact that we have increased the appropriation in this item $25,000, with a view that $5,000 of that sum is to be used in investigating the various bean diseases and to promote the propagation and distribution of disease-free seed. Last year we appropriated $5,000 for this work, and now we are appropriating in this bill $5,000 additional. The gentleman's amendment proposes to increase it further by $5,000, and as I get his explanation, it is with a view of providing one man to supervise the investigational work of some two or three other men. My own view of such situations is that he can very well afford not to make large increases in the investigational work of the department, giving them increases, however, when we think they need to have additional men, but the investigational work of the department is always slow and must take time. If this were a case of going out and demonstrating something that had been found to be a remedy, I would make no objection to it at all.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MANN. Considering the very great importance of the bean industry in reference to the cost of living, considering the fact that we of the North are very fond of beans to eat, and that we have increased the appropriation for the citrus canker, which just precedes this, by several hundred thousand dollars, does not the gentleman think that we can well afford to take care of the beans to the extent of $5,000 additional?

Mr. LEVER. Mr. Chairman, the gentleman understands that we have already in this item given the department's estimates on the proposition of beans, and the gentleman knows, of course, that as chairman of the committee I am compelled to find a line of consistency somewhere.

Mr. MANN. Oh, that is true; yes. The State of Michigan, I believe, though I am not sure, is the principal producer of beans. They grow well in the sandy soil of that State. There is nothing more important than to have a large supply of beans when it comes to keeping down the high cost of living. The diseases have struck those beans over there, and the whole business is in a precarious situation, according to my information. People will not raise beans in competition with other things unless they are sure of a reasonable profit.

Mr. LEVER. Mr. Chairman, I recognize the seriousness of the situation, and I therefore was willing to give the increase estimated for by the department. I do not care to discuss the matter at length. I am willing to leave it to the House to do as it pleases with the matter. I do not believe if it increases it that I shall shed any tears, and I do not believe the gentleman from Michigan will shed any tears if the House does not agree to his amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $49,060.

Mr. CANDLER of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to some facts in reference to cotton which I desire to have printed in the RECORD.

These "Facts about cotton" were prepared by 100 of the leading cotton factors, banks, merchants, and business men of the South and published in the Commercial Appeal in Memphis, Tenn., on January 2, 1917. The figures upon which these facts are based were those obtainable up to December 15, 1916. The publisher of the Commercial Appeal states in an editorial note that he guarantees that the parties who prepared and published "Facts about cotton" are legitimate, high-grade business concerns and that he personally investigated before allowing the publication to appear in that paper. These facts, as stated in the article, I ask to have printed as a part of my remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Following is the article referred to:

FACTS ABOUT COTTON.

The last three weeks has seen a serious decline in the price of cotton and the consequent loss of millions of dollars to the South. As there is considerable misunderstanding and as the situation is apt to be still confusing, the following facts are placed before you for careful consideration:

CROP SHORTAGE.

It is generally admitted that the crop this year (1916) is very short. The Government estimate on December 8 was 11,511,000 bales. The last two years, considering acreage, have practically been crop failures. It does not seem that next season can show much relief, as fertilizer is still inferior in quality and high in price and the boll weevil will probably operate more extensively than ever.

In the past six years we have produced two 14,000,000-bale crops, one 15,000,000-bale crop, and one in excess of 16,000,000 bales. But to-day we have not enough cotton in sight to supply the present indicated demand. The season started with an American visible supply of 2,235,000 bales. The indicated crop, linters included, is 12,500,000, a total of 14,735,000 bales. Last year's consumption was 14,800,000, and as it is, of course, impossible to reduce the actual cotton not used up to less than a million bales or even a million and a half bales, a vast shortage is apparent.

The average consumption of the past six years has been 14,042,000. The American mills are running ahead of last year. More spindles are in operation to-day and exports are in excess of last season by 729,713 bales (up to Dec. 15).

CONSUMPTION.

In 1914 and 1915 the world consumed 24,581,000 bales of cotton, of which the United States produced 16,071,000 bales. The consumption in 1915 and 1916 was 21,011,000 bales. The consumption this year will, of course, be problematical, but on the whole the United States can add to the supply only to the extent of its probable current yield of 12,500,000 bales (which includes linters).

Cotton in quantity is produced in British India, Egypt, Russia, Turkey, Persia, colonial Africa, and Mexico, all of which countries are now at war.

Collectively the above countries produced in 1914 and 1915, 7,000,000 bales of cotton, and because of conditions no such like yield can be expected to-day. It has been said that the consumption of cotton generally will fall off because we can not ship to the central powers. This is true, and yet there is another important fact to be considered—the markets supplied by the central powers must be supplied from somewhere else. South America, colonial Africa, and other countries buying formerly from the central powers must now buy from England, America, and Japan, and trade reports of to-day show that they are doing this. There is a large firm of Japanese buyers in Austin, Tex., and not long since they stated that fully a million bales would be shipped to Japan this year (1916). There has been an increase of 500,000 spindles in Japan since last year—total there now of 3,500,000 spindles.

Again, the net consumption of the central powers admits of easy exaggeration, as they possess only one-tenth of the world's spindles, and their elimination has simply transferred the burden of manufacture of the finished product to our country in the main, and to others, as Japan, in a lesser degree. It is further estimated that 1,000,000 bales will be used for war purposes, such as the manufacture of munitions and high explosives. This would offset in a large way the forced stoppage of demand from the central powers.

EARLY MOVEMENT OF 1916 CROP.

The movement of the 1916 crop has been rapid. More than 95 per cent of it has been ginned; 8,100,772 bales up to December 15 has been brought into sight, an increase over the same period of last year of 1,415,609 bales. The exports to the same date were 2,795,026 bales, an increase of 729,091 bales. The takings by northern spindles were 1,407,261 bales, an increase of 150,442 bales; by southern spinners 2,008,295 bales, an increase of 421,486 bales. Over one-half the 1916 crop (on Government estimate) has reached its ultimate destination.

UNUSUAL DEMAND.

This fall and winter has been one of extraordinary prosperity for the United States and its 100,000,000 people. Never before has the country been so prosperous. It has been a remarkably fine trading season. Few dry-goods stores have large stocks after the great business they have done in the last few weeks. They will soon have to replenish. When prices are high merchants do not overload; they couldn't overload for the chief reason that deliveries could not be made by oversold jobbers and mills. Dry-goods stores have been buying from hand to mouth, either because deliveries could not be made or hoping that goods would be cheaper, but such has not been the case, and the demand for cotton goods next spring is bound to be enormous.

CONTRIBUTING REASONS.

One reason why cotton has been high, of course, has been natural increase of values of all commodities. It is not necessary to go into the causes of this increase, such as a surplus gold supply, huge paper war credits, etc. The fast shrinking purchasing power of the dollar is due to some extent to these causes, consequently all things are high. Some commodities have risen 300 per cent in value, but on a long list of commodities an appreciation of about 50 per cent above normal exists. Now the price for the past six years has averaged over 12 cents per pound, so that this average increase alone as applied to cotton would seem to warrant at this time not less than 18 cents per pound, basis middling.

FUTURE.

The world is at present consuming more than the world at present is able to produce. There is more demand for iron and steel than all the iron and steel plants in existence can turn out. There is more demand for foodstuffs than the farmers of this and other countries are able at present to supply. There is more demand for cotton than the South this year grew. Between 30,000,000 and 40,000,000 men in Europe have been taken away from production and made consumers of foodstuffs and clothing. Conditions under which they live and waste connected with feeding and clothing an army probably doubles the ordinary peace requirements for the same men. It might be said that there has been a sudden added demand for food and clothing for 30,000,000 to 40,000,000 people. This means that aside from the cheapness of the dollar and the shortness of certain grain crops and the scarcity of other materials foodstuffs and clothing materials generally would be higher in price. Should peace come, other commodities might fall in price. But it would seem that cotton is not so apt to, for the reason that should peace be declared all the spindles of the world would become active, of which there are 148,500,000. The markets would be freer and even with a bumper crop cotton would still be in great demand. With the declaration of peace it is estimated that Germany and Austria alone would require 3,000,000 bales of cotton. This being so, cotton should sell at much higher prices.

YOU CAN BORROW MONEY ON YOUR COTTON.

It is easy for you to arrange to hold your cotton if you do not wish to sell at present prices. Your local bank will loan up to 90 per cent of the market value. There should be no difficulty about this, for money is easy, and it is an easy matter for the local bank to get the notes rediscounted by the Federal reserve bank. All those who want to hold their cotton should have no difficulty in arranging to do so.

Mr. FESS. Mr. Chairman, I move to strike out the last word, to get some information from the chairman of the committee. I notice in the citrus canker paragraph that there is cooperation by the States to a very large amount, and I rose to ask how general that plan of investigation is, where the General Government should be met by the cooperation of the State in the same line of investigation?

Mr. LEVER. I will say to the gentleman from Ohio that since the passage of the agricultural extension bill some three years ago, at least with the Department of Agriculture, there is an increasing desire to have State cooperation on these other propositions, especially these propositions which require the employment of a large field force—the character of work that might be described as demonstration, as contradistinguished from investigation—and the Committee on Agriculture is in line with the thought of the Agricultural Department in requiring some degree of cooperation on the part of the States in lines of work of that character.

Mr. FESS. May I ask whether there are many lines in addition to the citrus-canker feature?

Mr. LEVER. Well, the foot-and-mouth disease is based on the same line of thought. The demonstration work in the North and in the South requires the same cooperative work. The gentleman will recall that the Federal road act is predicated upon the same idea.

Mr. FESS. Hog cholera?

Mr. LEVER. Hog cholera to a degree, and cattle tick to a degree. The States are providing more money for the eradication of cattle tick than the Federal Government itself.

Mr. FESS. The boll weevil?

Mr. LEVER. If the gentleman refers to the demonstration work done to meet the ravages of the boll weevil, yes. The States affected actually contribute more money to the work than is appropriated by the Federal Government.

Mr. FESS. I understand that the committee favors that sort of work—the cooperative method?

Mr. LEVER. I think I can speak for the entire committee on that. I am certain the chairman of the committee does favor doing it as far as possible. Of course, each line of work must necessarily depend upon itself as to whether or not it may be carried on best by cooperative arrangement.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. With pleasure.

Mr. MOORE of Pennsylvania. I ask the gentleman to look at line 18, page 19, for the investigation of diseases of cotton, potatoes, and so forth, for the purpose of ascertaining if he knows what progress is being made with respect to the wart or scab on the potato in Maine.

Mr. LEVER. We had no testimony before the committee this year on that proposition, but the testimony before the committee last year was that the scab difficulty in Maine had been cleaned up. The quarantine has been lifted.

Mr. MOORE of Pennsylvania. Is it true that the embargo against the Canadian potato has been lifted?

Mr. LEVER. I so understand.

Mr. MOORE of Pennsylvania. Will that mean that there will be a decrease in the appropriation for that purpose?

Mr. LEVER. Practically none of this money will be used for that. We carried that in a separate item.

Mr. MOORE of Pennsylvania. Several years ago?

Mr. LEVER. We carried a separate item two years ago of something like $50,000, as I recollect it, for the scab work in Maine. Last year we dropped that item because the work had been completed.

Mr. MOORE of Pennsylvania. Is the department satisfied, so far as the gentleman knows, that the danger of invasion from the Canadian scab is removed?

Mr. LEVER. I would judge so from the fact that they have raised the quarantine.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For soil-bacteriology and plant-nutrition investigations, including the testing of samples, procured in the open market, of cultures for inoculating legumes, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale, $39,300.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. As to the samples of culture with which they inoculate the legumes, have they become a successful commercial product?

Mr. LEVER. Oh, yes; so far as I have information. I know there are a number of large firms engaged in the manufacturing of cultures for the leguminous plants.

Mr. REAVIS. That is largely for alfalfa, is it?

Mr. LEVER. It is for alfalfa, beans, peas, clover, and other leguminous plants.

Mr. REAVIS. I was asking whether or not bacteria had to be furnished for clover?

Mr. LEVER. If it is not already in the soil.

Mr. REAVIS. I knew it did for alfalfa, but I presumed if the soil was not acid clover would grow on any soil.

Mr. LEVER. You take the soil in my own State, for instance, and if you sow clover on that soil it will come up, a beautiful stand, and apparently grow up very nicely, but in the course of a few weeks it will die down as if a fire had gone over it if you do not inoculate the soil with this bacteria.

Mr. REAVIS. Well, I had always understood that the destruction of the clover plant, after securing a stand of that kind, was chargeable largely to the lack of limestone in the soil, or the lack of some other mineral element that destroyed the acidity of the soil.

Mr. LEVER. Well, any farmer sowing clover would always sprinkle his land strongly with lime, but that will not give you these little bugs that are necessary for the growth of the clover.

Mr. CANDLER of Mississippi. Clover will not grow successfully in my section of the country without the bacteria, and hence they are furnished in small quantities to the people in order that they may secure the benefits of their use.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, $160,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph: *Provided further*, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the northern Great Plains area, except for experimental or demonstration purposes in the States of North and South Dakota west of the one hundredth meridian, and in Montana and Wyoming east of the 5,000-foot contour line.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. This item appropriates $160,000 for the investigation and improvement of methods of crop production under semihumid, semiarid, and dry-land conditions. I would like to ask the chairman of the committee in what particular States these conditions prevail?

Mr. LEVER. They prevail in all States which have the conditions described in the language of this item.

Mr. MOORE of Pennsylvania. No part of this appropriation would be expended in the State of Delaware, for instance?

Mr. LEVER. No; because that State could not be described either as semihumid, semiarid, or a dry-land State.

Mr. MOORE of Pennsylvania. Do the States that would benefit from this appropriation participate at all in the expense of this improvement or reclamation work? I assume that some of this money would be expended in the State of Arizona or the State of Nevada?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. Do either of those States contribute to this sort of reclamation work?

Mr. LEVER. I can not tell the gentleman offhand whether they do through a direct appropriation or not, but I am inclined to think they do not. But I can say this to the gentleman: That the experiment stations and the agricultural colleges of these various States do take a very lively cooperative interest in this line of work.

Mr. MOORE of Pennsylvania. They do, with the Government money?

Mr. LEVER. Yes. There is the closest cooperation.

Mr. MOORE of Pennsylvania. I call the attention of the committee to the fact that the chairman of the Committee on Public Lands the other day—the gentleman from Oklahoma [Mr. FERRIS]—said that he would not support any proposition for the intercoastal canals, and his statement resulted in some comment by the gentleman from Pennsylvania on that subject. I observe that gentlemen, like the chairman of the Committee on Public Lands, do not fail to be provided for in some way or other for their particular State projects in some bill, though they strenuously avoid the river and harbor bill. They are able to get in somewhere and to obtain some help from the Government if it does not appear to be what some of the great editors now regard as "pork."

I wish the chairman of the Committee on Public Buildings and Grounds were here for a minute or two—he was here earlier in the morning—in order that he might comment upon appropriations of this kind, because in a little while the bill that he will bring in, providing an appropriation of $5,000, more or less, for the erection of a post office somewhere, will be severely criticized. Views of some of the great editors of the country, whose individual opinions have the weight of gospel, will be echoed and reechoed upon this floor doubtless by some of our great national economists. The expenditures contemplated will be denounced as "pork," whatever that is. Now, I sound this note in advance because we passed a little "pork" item of over $400,000 a short while ago about which little or nothing was said. The chairman of the committee assured us that it was intended to guarantee "pure pork."

Mr. LEVER. I did not guarantee pure pork; but I said the item was intended to promote the purity of pork. That was in another item.

Mr. MOORE of Pennsylvania. The gentleman did seem to think it was the wrong kind of pork, because it was tacked onto an agricultural appropriation bill. According to public opinion, criticism of such items applies only to river and harbor bills or to items in a public-building bill.

Now, the gentleman from Oklahoma [Mr. FERRIS] is an eloquent Member of the House and has very strong opinions on the question of arid lands and the giving away of vast acreages to the people of the West. He said, however, that he would not vote for an appropriation to construct a canal that tended to improve communication, bring the States together, develop industry, and promote trade; but he is not here objecting to the appropriation of $160,000 that people may go out and look over a lot of semihumid, semiarid, and dry land. Oh, yes; I see the gentleman is here. I beg his pardon. He is here and listening to what I say. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $75,380.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word. I wish to occupy just two minutes. Is the gentleman from Pennsylvania through?

Mr. MOORE of Pennsylvania. I was through; but now I may not be. [Laughter.] I may want a minute in reply.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph be concluded in three minutes.

Mr. ANDERSON. Oh, Mr. Chairman, we have been making agreements like that all the morning, and gentlemen have repeatedly asked to have the time extended. I shall have to object.

Mr. LEVER. Then I withdraw my request, Mr. Chairman.

Mr. FERRIS. I will not take advantage of the opportunity to speak.

Mr. MOORE of Pennsylvania. Then I withdraw my request also.

The CHAIRMAN. The request of the gentleman from South Carolina is withdrawn.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. Mr. Chairman, I want to ask a question relative to the beet-seed item that we have just passed over. I want some information. Does the gentleman in charge of the bill think we shall ever be able to produce in this country the beet seed necessary to plant the American crop?

Mr. LEVER. The statements made this year or last year before the committee—I am not sure which—led the committee to think and believe that there was no reason why we should not be able to produce an ample supply of beet seed in this country.

Mr. FESS. About what proportion do we now produce?

Mr. LEVER. A very small proportion. We have suffered a great deal recently because of that fact.

Mr. FESS. But the opinion of the chairman is that we will eventually reach the stage where we will produce the seed we need?

Mr. LEVER. I see no reason why, with proper encouragement, we shall not produce all the seed we need.

Mr. FESS. I recall the statement of a former Secretary of Agriculture to the effect that there were about 278,000,000 acres of ground adapted to growing beets in this country, and naturally the beet-seed item would be an important one if such a supply could be secured.

Mr. LEVER. We provided an appropriation in the bill last year for that. It is in the current law.

Mr. MURRAY. I want to suggest that the chairman of the committee was not quite certain about the number of seeds, but that the gentleman from Mississippi [Mr. CANDLER] is an authority on free seeds. [Laughter.]

Mr. LEVER. I will say further to the gentleman from Ohio that Dr. Taylor in his statement before the committee said:

Anticipating somewhat the availability of that, we diverted those of our men who were in a position to be helpful to the commercial growers, so that the commercial growers of sugar-beet seed have been assisted in selecting and siloing the sugar-beet root and in harvesting the seed, with the result that the largest crop of sugar-beet seed ever produced in the United States, about 4,000 acres, has been grown this year.

So I think it is rather an encouraging report.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, $93,040.

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the paragraph, and I do it in order to get a proposition before the committee which I think ought to be brought to its attention.

The testimony before the committee, and the notes submitted with the estimates, indicate that $12,500 of this sum is to be spent in the construction of buildings and the improvement of land which has recently been donated to the Government. I have always understood that before any department of the Government could accept a donation of land it must have legislative authority from Congress. I do not know of any legislative authority authorizing the acceptance of these two grants, one of them at Miami, Fla., and the other one at Bellingham, Wash. Especially in view of the fact that the testimony shows that these two donations are made upon condition that the Government will continue to use them, and that the land will revert back unless used as prescribed in the deeds, I do not think it good public policy to spend money in the erection of buildings upon the land or its improvement. I do not think there is anything which authorizes the appropriation, and unless something can be shown I shall make the point of order.

Mr. LEVER. I do not concede the point of order, Mr. Chairman. I should like to know what the gentleman's point is.

Mr. ANDERSON. I am not sure that I can get at the proposition with a point of order.

Mr. LEVER. If the gentleman wishes, he may offer an amendment cutting out the $12,000.

Mr. ANDERSON. I shall do that, unless it can go out on a point of order.

Mr. LEVER. I am satisfied it is not subject to a point of order. The gentleman had better make it the other way, to save time.

Mr. ANDERSON. Then I move to amend by striking out "$93,040" and inserting "$80,540."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. LEVER. Mr. Chairman, there is an increase in this item of $10,000 for the establishment of a plant-introduction field station at Bellingham, Wash. It seems that the department has a field station at Bellingham, Wash., and there is proposed to be donated to the Government a 60-acre tract of land adjacent to the present propagating garden. This 60-acre tract of land, according to the testimony before the committee, is valued at $25,000 or $30,000. Private parties have offered to deed that property to the Government and it is estimated that $10,000 will be necessary to cover the equipment and extension of the field work at that station over these 60 acres of land that are ready to be given to the Government for these purposes.

The bulb industry of this country is a much larger proposition than most of us would suspect. If my recollection is correct, I think the importation of bulbs to this country amounted at one time to something like $1,000,000 per year, and the committee felt that, having the offer of property worth $60,000 to be used in the propagation of bulbs it could very well afford to expend $10,000 to avail itself of that offer, which would put us in a position to do very valuable work. It is true that it will not add to the meat supply of the country, or the wheat supply, or other food supply, but it will add to the joy of those who love the beautiful in nature.

Mr. SLOAN. What, if any, conditions are submitted with the proposition to convey?

Mr. LEVER. No conditions whatever, except, as I recall it, that the land shall be used for the purposes set forth in the deed.

Mr. SLOAN. If not used for that purpose will the land revert to the donors?

Mr. LEVER. Oh, I understand so. The committee felt that this was a good undertaking. I will say further that the department recommended, a little further on, an appropriation of $35,000 for the purchase of not to exceed 150 acres of land at Chico, Cal. The committee disallowed that proposition, because we did not feel that we ought to go into it at this time; but where we had a station already established and could get $60,000 worth of property at an expenditure of $10,000 for maintenance, we thought it was a fairly good business proposition.

Mr. HADLEY. Mr. Chairman, supplementing the statement of the chairman of the committee, I would like to make this further observation in connection with the statement which the chairman made with reference to the existing bulb farm or garden at Bellingham, Wash.: The fact is that that garden has been maintained on a tract of 10 acres of leased ground for a number of years, I think eight or nine years, and the lease expires, as I understand it, some time in the current year and can not be renewed. There is a current appropriation from year to year, I think, of $7,500 for the propagation of bulbs on that tract. With the expiration of the pending lease it becomes necessary for the Government to make further arrangements for the maintenance of that industry, for the propagation of bulbs in that locality. The site tendered by private parties is stated to be worth some $25,000 or $30,000, I believe, and is a few miles away from the present garden. It is proposed to transfer the work to this new station and to expend the money upon a 60-acre tract instead of a 10-acre tract, to maintain the present bulb-culture work, and also to extend the station to meet the demands of the department in the propagation of, or experimentation with, other foreign plants. According to the statement made, they feel that a wider range of experimentation, with diversified plants from the Orient and elsewhere, is necessary, and that this locality has been demonstrated to be exceptionally fitted for that purpose. Therefore, with the tender of 60 acres to the Government and with the pending failure of the leasehold interest of the Government some time during the current year, it becomes a matter of practical moment to the Government itself to accept the tender of the deed and to have the appropriation made as proposed.

I wanted to make this additional statement in connection with the statement of the chairman.

Mr. HAUGEN. Has the gentleman any estimates of the value of this land?

Mr. HADLEY. The testimony before the committee was that it was worth from $25,000 to $30,000.

Mr. HAUGEN. Has the gentleman any personal knowledge of its value?

Mr. HADLEY. I would not undertake to testify to the actual value without a personal examination of the land. I know of it in a general way. It is within a mile or two of the limits of a city with 30,000 population or more, and is adjoining improved highways on either side. It is a tract of very valuable land. It is worth several hundred dollars an acre without question.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is a peculiar situation and illustrates the wisdom of a careful reading of bills. Here is a proposition to cover up the purchase of land by the department——

Mr. MANN. Oh, not at all.

Mr. MOORE of Pennsylvania. I hear the gentleman from Illinois say "not at all," but I challenge the gentleman or the chairman of the committee to show wherein from line 5 to line 18, page 24, providing an appropriation of $93,000 there is any authorization whatever concerning any real estate in Bellingham, or any other place except in Arlington, Va. It is only another evidence of the wickedness of lump-sum appropriations to be used in the discretion of the department. Ninety-three thousand dollars for experiments with reference to the introduction and cultivation in this country of bulbs. Not a word about Bellingham, not a word about the purchase of real estate, not a suggestion in the item that real estate is to be used at all for the propagation for these plants and bulbs. The gentleman from Washington states that the idea is that we are to bring in the plants and bulbs from the Orient. I do not know whether the gentleman from Washington knows it, or whether the chairman of the committee knows it, but the State Department at the present time is powerless in regard to certain importations of bulbs and things of that kind from Europe. It may be that we are going to build up the oriental trade by permitting the Secretary of Agriculture to inject an item here providing in a lump-sum appropriation the right to acquire real estate with attendant expenses. It may be that the purpose to build up the trade on the west coast is commendable, but it is interesting to note that the trade from Europe is actually

held up because this Nation is powerless to obtain certain imports because of the domination of the high seas by one of the great powers of the world.

I am not going into that further than to say that men engaged in the bulb business along the Atlantic seaboard are anxious to obtain imports from foreign countries, but can not readily secure them. I am not raising that question now except to say that to our shame possibly, we are at least temporarily under the domination of a foreign power in this matter. It is a wicked provision that appropriates $93,000 to investigate plants and the propagation of bulbs if it includes or covers the purchase of real estate.

Mr. SLOAN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SLOAN. It would not be such a wicked proposition to bring the bulbs up through the intercoastal canal, would it?

Mr. MOORE of Pennsylvania. The gentleman's suggestion is about as wicked as this proposition.

Mr. MANN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] is always interesting and entertaining, but sometimes mistaken. This provision does not provide, authorize, or contemplate the purchase of real estate. The gentleman probably got his information incorrectly from some one without reading the item. It is not intended to purchase real estate. My friend from Pennsylvania says there is nothing in the item to indicate that real estate is to be used in any way.

Mr. MOORE of Pennsylvania. I said there was nothing about real estate in the item except at Arlington, Va.

Mr. MANN. The gentleman was raised on a farm, and yet does not know that when it comes to propagating bulbs it is necessary to use real estate. I suppose the gentleman from Pennsylvania thinks that they are propagated on a carpet. Somebody by me suggests that probably the gentleman thinks they are brought up on a bottle. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. In view of the gentleman's experience on his own farm, I assume he knows the carpet or milk-bottle price. [Laughter.]

Mr. MANN. I have raised bulbs on real estate, and have had no difficulty in buying imported bulbs this last fall, which the gentleman says can not be imported. There is no difficulty in getting these bulbs. The fact is that we import immense quantities of bulbs every year from Holland. Holland centuries ago developed the art of propagating tulip bulbs, and a great many other kinds of bulbs. We spend large sums of money every year, sending our money over to buy these bulbs which are propagated in other countries, particularly in Holland. The Department of Agriculture some time ago reasoned that they probably would be able to propagate these bulbs on the Pacific coast, figuring out the climate and the soil, and we have made the effort, and so far it has looked to be very successful. If the Department of Agriculture is permitted to continue this investigation, it is my own opinion that in a short time, instead of buying bulbs from Europe, we will be raising them on our own labor and our own capital on the Pacific coast. I do not know anything that would be better for the same amount of money expended than to demonstrate that this can be done. This is not exactly along the line of protection which the gentleman from Pennsylvania and I both favor, but somewhat along the line, because it proposes to use the money of the Government in showing the people of this country how they can do the things, how they can produce the things which we now buy abroad.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of cacti and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, $139,180: *Provided*, That of this amount not to exceed $60,000 may be used for the purchase and distribution of such new and rare seeds.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Why is it necessary to couple with an appropriation for the purchase, propagation, testing, and distribution of new and rare seeds one to conduct investigations to determine the most effective methods of eradicating weeds?

Mr. LEVER. Mr. Chairman, the language to which the gentleman refers was, I think, inserted in the bill on the floor of the House in the last session of Congress. The gentleman from North Dakota [Mr. HELGESEN] has that information.

Mr. HELGESEN. Mr. Chairman, there was $5,000 inserted by the House at the last session to investigate the best method of eradicating weeds. That was misunderstood in the Senate, and went out of the bill. The department said that they considered it of enough importance so that they would undertake the work without additional appropriation, and they tried to take it out of this, and they conducted an investigation last year and they are going to continue it this year.

Mr. LA FOLLETTE. Mr. Chairman, I do not think that an item for the investigation of the best and most effective method of eradicating weeds should be coupled with an appropriation of this character and in an item of this kind. It does not look consistent. Here you have an appropriation of $139,180, of which not more than $60,000 may be used for the purchase and distribution of such new and rare seeds. We know nothing about how much of the remainder can be used for the investigation of and the eradication of weeds, or how much of it can be used for the investigation and improvement of grasses, and so forth.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LA FOLLETTE. Yes.

Mr. MANN. My understanding that the eradication of weeds contemplated here was in connection with alfalfa and other forage crops?

Mr. HAUGEN. No.

Mr. MANN. I supposed it was. Everyone know that weeds get into fields of alfalfa.

Mr. LA FOLLETTE. Weeds get into anything; but I do not see the consistency of coupling up such an item with an item for the purchase, propagation, and so forth, of new and rare seeds.

Mr. ANDERSON. This proposition, I think, had reference particularly to the eradication of the sow thistle.

Mr. MANN. It would not be profitable to plow up a field of alfalfa to get out a few weeds. Weeds in a field of perennials are very different from weeds in a field of annuals.

Mr. LA FOLLETTE. Mr. Chairman, I agree with the gentleman that it would not be altogether profitable to plow up a field of alfalfa to get out the weeds; but that does not make me see the propriety of putting an item of this character, without any limitation as to amount that can be expended for the purpose, in with an item for the purchase and propagation and distribution of rare plants, seeds, and so forth. I think it should be carried in some other item.

Mr. LEVER. Mr. Chairman, I do not think I disagree with anything that the gentleman has said. This item is at the wrong place in the bill; but it is here, and it got into the bill in the way suggested by the gentleman from North Dakota [Mr. HELGESEN], and the committee in framing a bill to pass at the short session of Congress went upon the theory that the fewer changes made in the bill the easier the bill would go through the House, and therefore we have left it here. I think there is a great deal of force in the gentleman's suggestion.

Mr. LA FOLLETTE. I suggest that the best way to correct a thing of that kind is for the House to make the correction in the committee and put it in at a proper place. This does not show how much can be used for that purpose and how much can be used for the very different purpose.

Mr. LEVER. I can give the gentleman assurance that not over $10,000 will be used for this purpose.

Mr. LA FOLLETTE. Of course, the item itself does not show.

Mr. LEVER. That is very true; but that is true of all of these lump-sum appropriations.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $243,720. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed

franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however,* That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also,* That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also,* That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided, also,* That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

Mr. DOOLITTLE. Mr. Chairman, in order to test the sense of the committee, I move to strike out the paragraph. I want to call attention to the fact that this item carries $243,720 for the purpose of purchasing and distributing radish and lettuce seeds and other garden seeds and some flower seeds and a few shrubs throughout the country, which are not desired by the people of the country, and, so far as I am concerned, they have become an embarrassing situation. Of course, I send them out because they are put to my credit at the Department of Agriculture, but I think there is no better place for us to start to retrench and save a little money than by cutting out this item of $243,000.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. MEEKER. Has the gentleman some seeds that he does not need?

Mr. DOOLITTLE. No.

Mr. MEEKER. If he has, he might send them to me.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. JAMES. The amount is really $250,000, is it not, because on page 13 of the report it is stated that there is an apparent decrease in this item of $8,000, whereas, as a matter of fact, there is no decrease because it is put on another item?

Mr. DOOLITTLE. It is the same.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. BLACK. In certain portions of Texas the Department of Agriculture conducts experiment farms for the improvement of cotton seed, and at the end of the season they buy a certain number of these cotton seed and furnish them for free distribution through the South. Does this item cover seeds of that kind?

Mr. DOOLITTLE. No; this is another item and includes only garden seed and flower seed and some shrubs.

Mr. BLACK. I am not a member of the committee and was not sure whether the distribution of that kind was covered by this item or not.

Mr. PLATT. Is it not a fact that a number of farmers' organizations passed resolutions against this seed distribution, including the National Grange?

Mr. DOOLITTLE. They have.

The CHAIRMAN (Mr. PAGE of North Carolina). The ques- is on the motion of the gentleman from Kansas to strike out the paragraph.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DOOLITTLE. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 44.

Mr. DOOLITTLE and Mr. RUBEY demanded tellers.

Tellers were ordered, and Mr. CANDLER of Mississippi and Mr. DOOLITTLE took their places as tellers.

The committee again divided; and the tellers reported—ayes 44, noes 73.

So the amendment was rejected.

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 chief of office of accounts and fiscal agent, $2,620; 1 inspector of records, $2,400; 7 district fiscal agents, at $2,120 each; 1 forest supervisor, $2,800; 1 forest supervisor, $2,700; 8 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 48 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 5 forest supervisors, at $1,600 each; 1 deputy forest supervisor, $1,800; 4 deputy forest supervisors, at $1,700 each; 28 deputy forest supervisors, at $1,600 each; 31 deputy forest supervisors, at $1,500 each; 18 deputy forest supervisors, at $1,400 each; 10 forest rangers, at $1,500 each; 22 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 287 forest rangers, at $1,200 each; 650 forest rangers, at $1,100 each; 80 forest guards, at $1,100 each, for periods not exceeding six months in the aggregate; 1 clerk, $2,100; 4 clerks, at $2,000 each; 19 clerks, at $1,800 each; 21 clerks, at $1,600 each; 9 clerks, at $1,500 each; 22 clerks, at $1,400 each; 9 clerks, at $1,300 each; 136 clerks, at $1,200 each; 95 clerks, at $1,100 each; 53 clerks, at $1,020 each; 30 clerks, at $960 each; 117 clerks, at $900 each; 2 clerks, at $840 each; 1 clerk or proof reader, $1,400; 1 clerk or translator, $1,400; 1 compiler, $1,800; 1 draftsman, $2,000; 1 draftsman or surveyor, $1,800; 3 draftsmen, at $1,600 each; 1 clerk or compositor, $1,600; 2 draftsmen or surveyors, at $1,600 each; 13 draftsmen or surveyors, at $1,500 each; 2 draftsmen or surveyors, at $1,400 each; 2 draftsmen, at $1,500 each; 9 draftsmen, at $1,400 each; 4 draftsmen, at $1,300 each; 13 draftsmen, at $1,200 each; 2 draftsmen, at $1,100 each; 3 draftsmen, at $1,020 each; 1 draftsman, $1,000; 1 draftsman, $960; 12 draftsmen or map colorists, at $900 each; 1 draftsman or artist, $1,200; 1 draftsman or negative cutter, $1,200; 1 artist, $1,600; 1 artist, $1,000; 1 photographer, $1,600; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $1,100; 1 lithographer, $1,200; 1 lithographer's helper, $780; 1 blue-printer, $720; 1 machinist, $1,260; 2 carpenters, at $1,200 each; 3 carpenters, at $1,000 each; 1 carpenter, $960; 1 electrician, $1,020; 1 laboratory aid and engineer, $1,000; 9 laboratory aids and engineers, at $900 each; 2 laboratory aids and engineers, at $800 each; 1 laboratory helper, $720; 1 laboratory helper, $600; 1 packer, $1,000; 1 packer, $780; 4 watchmen, at $840 each; 1 messenger or laborer, $960; 3 messengers or laborers, at $900 each; 4 messengers or laborers, at $840 each; 3 messengers or laborers, at $780 each; 4 messengers or laborers, at $720 each; 6 messengers or laborers, at $660 each; 5 messengers, messenger boys, or laborers, at $600 each; 2 messengers, messenger boys, or laborers, at $540 each; 3 messengers or messenger boys, at $480 each; 3 messengers or messenger boys, at $420 each; 11 messengers or messenger boys, at $360 each; 1 charwoman, $540; 1 charwoman, $480; 1 charwoman, $300; 11 charwomen, at $240 each; in all, $2,447,920.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I assume that the duties of the chief of office of accounts and fiscal agent are virtually those of the chief clerk. I therefore make the point of order, Mr. Chairman, against the salary carried for that office in lines 3 and 4, page 28.

Mr. LEVER. I concede the point of order and offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] offers an amendment, which the Clerk will report.

Mr. STAFFORD. Will the gentleman withhold that? Before withdrawing the reservation of the point of order I would like to inquire what is the need of increasing the salaries of these district fiscal agents?

Mr. LEVER. Mr. Chairman, the statement of the department as to that is that these agents are in charge of the disbursing and receiving of moneys and of accounting work in district headquarters and have large financial responsibility. The present salaries are below those paid by other departments for similar service. These men are under $50,000 bonds and have large responsibilities, according to the statement of Mr. Graves, who has charge of this service.

Mr. STAFFORD. What salary was recommended by the head of the department?

Mr. LEVER. Two hundred and fifty dollars increase.

Mr. STAFFORD. Mr. Chairman, I only press the point of order as to the chief of office of accounts and fiscal agent, and I withdraw the reservation as to the last item.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting in lines 3 and 4 "one chief officer of accounts and fiscal agent, $2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Apache National Forest, Ariz., $8,079.

Mr. HAYDEN. Mr. Chairman, I move to strike out the last word, in order to bring to the attention of the chairman of the Committee on Agriculture a serious protest which I have received from the stockmen in my State relative to the proposed increase in grazing fees on the national forests. As I understand the situation, the cost of administering the grazing on the national forests is now more than repaid by the grazing fees received, but it is proposed by the Secretary of Agriculture to increase the rates, in order to place the grazing within the national forests on a commercial basis. At the time the national forests were created it was never contemplated that the grazing fee should be based upon what the traffic would bear, and, as a matter of fact, if cattle and sheep were not grazed within the forests and the grass was allowed to grow, there would be greater injury to the timber by fire than exists. Therefore, the grazing of live stock tends to preserve the timber. But the Forest Service has of late changed its policy and now proposes to place the grazing on the national forests on a commercial basis; in other words, to get all out of it that it is possible to obtain. Now, when the live-stock interests in my country, on

the national forests of Arizona, are paying enough to cover the cost of administration and more, the stockmen feel that they should not be further taxed to make up a deficit that occurs elsewhere in the administration of the Forest Service. I would like to inquire of the chairman of the committee whether the Committee on Agriculture has recommended this increase or is in any way responsible for it?

Mr. LEVER. The Committee on Agriculture does not have power by straight legislation to regulate these fees. That power has been delegated to the Forest Service. It was brought to the attention of the committee by the gentleman in charge of the forest work in this country that it was contemplated in the future to raise the grazing fees in the Forest Service probably 100 per cent, covering a period of about three years. The impression made upon my mind by those gentlemen who presented the case for the department was that this proposed increase in the grazing fees upon the national forests was entirely satisfactory to the bulk of the cattle and sheep men of the West.

Mr. HAYDEN. I can state to the gentleman that such is not the case so far as the cattle growers and woolgrowers of Arizona are concerned.

Mr. LEVER. If the gentleman will permit. And I understood that they would be gratified, as a matter of fact, if the department adopted the policy of increasing more largely the grazing capacity on ranges by proper fencing and digging of water holes, and the like of that—matters that go in the cattle business. Now, the committee has acted upon that theory, and in another section of the bill has made provision for increasing the usefulness for grazing of the national forests by allowing an increase in that item of $50,000. It was brought to the attention of the committee, as I said a moment ago, that the cattlemen and sheepmen, if those conditions were met, would be entirely satisfied with the raise proposed by the Department of Agriculture. The present grazing fees are almost nominal, as the gentleman quite well understands.

The present charge ranges from 48 cents to $1 a year upon cattle, with a charge of 25 per cent of that rate for sheep, and more than that rate for horses. Now, to the minds of the committee those are quite reasonable fees. In fact, to the minds of the committee they are almost a nominal fee, and the committee, I think, feels that if a reasonable increase of the grazing fees can be had without any undue hardship upon anybody, at the same time carrying with it the idea of increasing the grazing capacity of the ranges, it would not be a bad thing to do.

Mr. HAYDEN. But what I wanted to ask——

Mr. LEVER. And if the gentleman will permit me further, we have testimony to the effect that the cattlemen and the sheepmen would agree to that proposition. Let me read a letter addressed to the Secretary of Agriculture recently. I read:

The honorable the SECRETARY OF AGRICULTURE,
Washington, D. C.:

The members of the Blue Mountain Cattle & Horse Raisers' Association, Umatilla County, Oreg., offer no objection to the proposed increase in grazing fees, provided, first, that after this proposed increase is made the stockmen be assured that no further increase will be made; and, second, that an adequate percentage of the increased fee be appropriated each year for range improvements, etc.

As I said at the beginning of my statement, the impression made by the officers of the Forest Service upon the committee was that if the department adopted the policy of improving the range conditions, the cattlemen and the sheepmen would have no particular objection to a reasonable increase in the grazing fee.

The CHAIRMAN (Mr. CONRY). The time of the gentleman from Arizona has expired.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAYDEN. What I wanted to ascertain was whether or not the Committee on Agriculture of the House and the members of the committee were responsible for this raise?

Mr. LEVER. Oh, no. The raise has not gone into effect as yet, as a matter of fact.

Mr. HAYDEN. In proposing such a raise in grazing fees?

Mr. LEVER. Oh, no.

Mr. HAYDEN. I ask that question because of the statement given out by the Forester that, stung by the criticisms in Congress to the effect that the Forest Service is not securing from the national forests all the revenue that should be produced, he has recommended this increase in the grazing rates.

Mr. LEVER. I want to be entirely fair with the Forest Service. There has been undoubtedly in the past very severe criticism of the Forest Service because the receipts from that service have not been greater. Individual Members of the House have come to me, even this morning, complaining that the forests ought to be self-sustaining, and that the fees and the rents and the like of that are too small. Members have complained to me as to these grazing fees—complained to me personally, and probably the statement of the Forest Service, as given to us by the gentleman from Arizona, is based upon the truth. I am satisfied that members of the committee, probably in the cross-examination of the witnesses before it, have indicated more or less they think these fees were too small. We have not suggested to them the raising of the fees outright at all, but——

Mr. HAYDEN. The objection made by the stock raisers in Arizona is that the fees now collected more than pay the cost of administering the grazing in the forests of my State, and by doubling that fee the Forest Service is going to collect much more money and make a great profit off the grazing in that State—money which will be used to cover up the deficit occasioned by the necessity of conserving timber or other resources in other States and in other places in which they have no interest.

Mr. LEVER. There may be something in the gentleman's complaint, and I am satisfied that the department would be willing to make allowance for things of that kind.

Mr. HAYDEN. I realize that this proposed increase in grazing fees is to be made by a regulation issued by the Secretary of Agriculture, and that it is not a matter contained in this bill. I also know that it would be both vain and useless for me to offer an amendment prohibiting the Secretary from making the proposed advance, because such an amendment would be subject to the point of order that it was an attempt to legislate on an appropriation bill, which is prohibited under the rules of the House.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Arizona yield to the gentleman from Washington?

Mr. HAYDEN. With pleasure.

Mr. JOHNSON of Washington. Do I understand the gentleman to say that the fees for grazing have been raised?

Mr. HAYDEN. No; but it is proposed to raise them by increasing the rate in three annual increments, so that at the end of three years the rate will have been doubled.

Mr. JOHNSON of Washington. So far as the Forest Service being stung by the criticisms that have been made of its administration, is it not a fact that the Forest Service, in order to devote the money which Congress is appropriating for roads in the forests, in order to make a showing in behalf of the grazing reserves, had to arbitrarily double the figures of the amount received from grazing?

Mr. HAYDEN. Evidently they are trying to get the money from somewhere, and the grazing fees seemed to be an easy place to get it.

Mr. JOHNSON of Washington. And naturally they are called upon to produce the sums necessary to cover the deficit arising on account of the expenditures they are making for roads.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, under the permission just granted me I desire to have printed in the RECORD the following letter from one who is fully conversant with the methods of the Forest Service, and which clearly sets forth the position of the stockmen of Arizona:

Mr. WILLIAM BABBITT,
President Coconino Cattle Growers' Association,
Flagstaff, Ariz.

MY DEAR MR. BABBITT: You have no doubt recently received correspondence relative to the proposed increase in the grazing fees on national forests until in 1919 the fees will be double the present rate.

This I believe to be of vital importance and a question upon which some immediate action should be taken.

From a letter recently signed by the Secretary of Agriculture relative to this proposed increase is the following:

"One of the leading criticisms of the management of the national forests is that they are not self-supporting and are a burden upon the National Treasury."

Our national-forests areas were originally withdrawn and are still maintained to conserve the great natural resources of the West. This has placed in Government control beyond individual exploitation, except under Government regulation, unknown millions of dollars in

natural wealth which is and will continue to be increasingly of vast importance to the Nation.

In California there are forests withdrawn for no other purpose than the protection of watersheds on which the grazing of live stock is such a negligible factor that it could not be considered.

In Florida areas have been withdrawn under Forest Service management to protect the turpentine industry.

In Oklahoma is a forest withdrawn for the purpose of perpetuating the buffalo, and in the Northwest are forests withdrawn to conserve the timber, and on which practically no stock graze.

In spite of the fact that the national forests were withdrawn and are now maintained to conserve the great natural wealth of the West, which grows more valuable at a tremendous rate as time goes on, and which is a national investment of incalculable value to the whole people.

In spite of the fact that the moneys derived from grazing on the forest more than offsets the cost of its administration.

In spite of the fact that there are turpentine forests in Florida, buffalo forests in Oklahoma, hardwood forests in the Appalachians, and softwood forests in Washington in which the stockman has no interest except such as any other citizen would have, yet they are asking the grazing permittees to make up the fiscal deficiencies on these forests from Palm Beach to Seattle and from the Appalachians to the Pacific coast, and that this is the purpose of this proposed increase is most conclusively borne out by the following quotation from District Forester Reddington's letter in support of this advance in fees:

"The great criticism of national forest administration is that they are not self-supporting. This change will make them so."

If the great timber forests of the Northwest, the watershed withdrawals on which the grazing of live stock is prohibited, that the water may not be polluted nor the valleys flooded, and all the others that are not self-supporting, are worth conserving and maintaining, then this great Government of the United States should bear the expense of the maintenance of such units as are of no direct benefit to specific communities, and the cost of administering those units withdrawn for the benefit of separate communities should be borne by those directly benefited and not attempt to wring from the meat producers of the West this deficit under the guise that grazing privileges on national forests are worth double what they now are compared with the price paid on Indian reservations and private lands, thus placing the arbitrary value on the privileges with no more argument or study in support of it than has so far come to light.

Relative to the "bonus" paid on stock using the forests, this same statement can be made to apply to the public domain, the Indian reservations, and wherever stock are grazed, and when the time comes that a bonus can not be paid for located stock over and above their market value on board the cars a period is reached in the use of that range which shows most surely that other conditions are unfavorable in the extent that it would not pay to locate there, because everyone knows that it costs money to locate stock on an unfenced range and can not be done without loss.

I have read with interest the article by T. S. Woolsey, jr., in the June, 1916, issue of the Forest Quarterly, "National forest revenue and organization." He makes the statement that grazing fees on national forests should be two or four times as much as at present, and to prove this he cites the following, which I quote:

"For example, on the Apache Indian Reservation, the 1916 year-long rates for cattle were $2.50 and 50 cents for sheep. These rates were the result of competitive bid. Forest Service timber sale rates are in theory at least also fixed by competitive bid. On the Sitgreaves, which joins the Apache Indian Reservation, the year-long rate for cattle is 48 cents and for sheep 12 cents."

Such an unqualified statement, I believe, to be misleading to the public and should not go unchallenged.

Just what is the comparison between grazing on a national forest and an Indian reservation?

Sheep and cattle are not allotted to the same range on an Indian reservation, nor do they allow on the same area more than one permittee, which is of great advantage in the economic use of the area.

On a national forest they do.

On an Indian reservation a permittee may buy the stock and grazing privilege of the whole reservation if he so desires.

On a national forest he can not.

On an Indian reservation you may construct as many small inclosures as you desire without extra charge for the forest material necessary for its construction or the area involved.

On a national forest you can not.

On an Indian reservation the permittee is reimbursed for permanent improvements made on his allotment by the deduction of that amount from his grazing tax. On a national forest he is not.

On an Indian reservation the lease and privilege is for a term of five years, and no advance can be made during that time, which is of immense value to the lessee. On a national forest only an annual lease can be obtained, and a raise in fees possible each year.

Do permittees on an Indian reservation own patented land and water "commensurate" to their stock? On a national forest they are compelled to own land and sufficient water which, on the Coconino Forest mentioned in Mr. Woolsey's article, is more than enough to destroy the use of this forest for grazing purposes should the stockmen close their own water, at least until such time as more could be developed, which would be years, and then only in uncertain quantities. The stockmen have made the full utilization of the Coconino Forest possible at their own expense; and on the Canyon division of the Tusayan Forest, which joins the Coconino on the west, there is not a drop of water except that developed by the stockmen. This also applies to the northern portion of the Coconino of approximately one-half million acres. Furthermore, as you know, a drift fence was completed last summer at a cost to the cowmen alone of $10,000. Not only that, but the contract with the Government was so drawn that the cowmen must keep this fence in good repair for 10 years, at the end of which time it becomes the property of the United States. This fence was constructed to prevent the overstocking of national forests range and is in the interior of the forest and entirely on forest land. Mr. Woolsey also fails to mention the fact that the Coconino National Forest pays a net return over and above the cost of its administration of from $65,000 to $100,000 annually.

The live stock on the Indian reservation may change hands as often as desired without reductions, thus permitting the stockman to take every advantage of the live-stock market.

A grazing permit on a national forest must be held at least three years before it is transferable, and is then subject to a cut of 20 per cent.

And so on and on one restriction follows another until in actual fact and in actual operation there is no comparison between grazing privileges on a national forest and on an Indian reservation from a commercial standpoint, and the very best proof of this is that grazers on both the Sitgreaves and Coconino National Forest are making every effort to dispose of their holdings on these forests and go to the Indian reservation instead, but are hampered by the drastic regulations governing the transfer of their holdings on the forests.

The forest service has to this time expended hundreds of thousands of dollars to perfect and maintain a system for preventing and fighting forest fires; yet this would not be a "drop in the bucket" to what would have to be expended were it not for the live stock that keep the excess under cover and grass down to a point where the spread of fire is minimized. These areas would not be forests, but fire traps instead, which means a direct saving to the Government of vast sums of money in actual cash, besides an incalculable amount of valuable timber. I understand that the service is seriously considering the placing of live stock on parts of some forests where they do not now graze as the cheapest and most effective way of combating that greatest of all menaces to a forest—fire.

The Forest Service has spent thousands of dollars in an exhaustive study of the timber business, which goes into great detail as to the cost of logging, the cost of transportation, the cost of milling, the depreciation on the plant and rolling stock, capital invested and interest on same, and then sells the timber so that the manufacturer can have a fair profit, which to my mind is sensible and fair.

Has the stockman ever had such a study made of his business?

No. Yet the department has more than doubled the present rate on live stock and has set the last date of hearing for February 1, 1917.

The semiarid States of the West must always be the great breeding ground of the United States. National forests in these States will therefore always be a very important factor in the production of live stock and its products. The forests now embrace the high timberland principally adapted for summer use as a grazing ground, and they do not control winter forage land in a sufficient quantity to support the summer areas, and they are fully utilized now only because the woolgrowers find winter pasture far removed from the summer areas.

With the 640-acre homestead bill, with the constantly increasing difficulty experienced in trailing to their winter range, the time can not be far distant when there will be grazed on the forests only that amount of stock that can winter on the lands immediately adjacent to it, therefore I am of the opinion that the department should be urged to protect their summer areas by including enough winter range to support them.

When this is done and the Government obtains control of the land and water now owned by the stockmen, then, and not until then, in my opinion, can the grazing resources of the national forests be successfully commercialized in a manner that will rebound to the public good.

The Forest Service has promulgated and have now in force a regulated system of grazing on their forests of which they may justly be proud, covering an almost unbelievable range of conditions as wide as this great country itself. This has been possible through the very closest cooperation of the stockmen and the service, a condition enjoyed in no other branch of the Government service, irrespective of its age or worth. Shall this most beneficial condition be destroyed by placing this proposed arbitrary advance upon the grazing resources of our national forests without that measure of consideration and study as is employed in other forest commodities?

The cooperation and support extended the service in the past shows most conclusively that the stockmen not only do not fear but favor the regulation of their business based upon fairness and "the greatest good to the greatest number"; but they do fear regulation such as this proposed one, based, it pleases me to believe, on prejudice and misinformation in asking the stockmen to pay the interest on a Government investment of increasing value to the whole people.

Very truly, yours,

E. H. CRABB.

FLAGSTAFF, ARIZ., *December 4, 1916.*

Mr. FERRIS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman a question.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. FERRIS. Mr. Chairman, I am not interested in the price that the cattlemen pay, but I am interested in the method of distributing the permits among the cattle growers using the grazing lands. For example, we have a small national forest in my State, and years ago large herds, owned by a few men, were permitted to go in there. Since then the country has settled up, and the small homesteader would like to put in a few cattle; but still these large herds are shipped out in the spring and back in the fall, and pay no taxes, and the regulations are either wrong or are not adhered to. I know that they have regulations which provide for class 1 and class 2 and class 3 permittees, but someway, as a practical working of the proposition, they do not adhere to those regulations. I wanted to know if the chairman of the committee had heard any complaints from other sources?

Mr. COX. What is class 1?

Mr. FERRIS. Class 1 is a homesteader or a cattle owner who lives in close proximity to the forest, a near-by neighbor of the forest, so to speak.

Mr. COX. It does not take into consideration the number of cattle?

Mr. FERRIS. No. In my section the forest is small and the grazing area is limited, and it is worth a great deal to a cattleman to get his cattle into a reserve for a small permit tax for the season. The charge for a steer for the season, I think, is 50 cents, and he grows $10 worth of beef for the 50 cents.

Mr. JOHNSON of Washington. The inference is that the grazing of large herds of cattle makes it almost impossible for a man with a small herd to graze his cattle.

Mr. FERRIS. That is exactly the trouble. The point is, there are numerous complaints made to me every summer when I go home from people who say they can not get a square deal, who can not get their stock into the forest. I took the matter up with the Forest Service here, and they said they would make an order reducing the number, and they did make an order reducing it, but the reduction was only 10 per cent.

Now, the homesteaders would all starve to death or be driven from the country before they would ever get rid of a man with a herd of 10,000 or 15,000 cattle under a 10 per cent annual reduction. That is too slow a process, and there ought to be an equitable rule provided, either here or in the department, as to permitting cattle in these reservations when applications are made greater than the capacity of the forest range. Of course, where there is no demand on the forest, that would not be necessary. I have not framed an amendment and I presume I can work it out with the department. It has not been going just right on the grazing. I feel sure everything else is all right.

Mr. LEVER. The gentleman from Oklahoma has asked me if any complaints have come to the committee as to that situation. I will say very frankly that no complaints have come.

We have received no complaints whatever. In the second place, I will say to the gentleman from Oklahoma, and I think every member of the Committee on Agriculture will agree with me, that year after year the committee have been given the impression by the officials of the Forest Service that their regulations and their sympathies were entirely with the small grazer.

Mr. FERRIS. I do not want to say enough to amount to an attack on them in their handling of it; I merely want justice done, as I am sure all concerned do.

Mr. LEVER. I appreciate that.

Mr. FERRIS. But this is what happens: It is a great deal easier for the superintendent of a forest to deal with one man owning 15,000 cattle than it is to deal with 15 men owning 1,000 cattle each. There is not so much trouble about dipping the cattle to get rid of the ticks, and there is not so much trouble about branding them, and rounding them up, and collecting the fee for the permits. They can collect from one man a great deal more easily than they can from several men, and the tendency is for the superintendent of the forest, and the rangers, and everybody else to sweep aside the little one-horse homesteader—with my apologies to my friend from Pennsylvania [Mr. MOORE] about the homesteader—and to let the big fellow go on. I think the chairman of the Committee on Agriculture would do a good service for the homesteaders if he would look into that. If I can find the time, I want to give it some attention myself. I am a friend to the Forest Service, and I do not want them to make errors in handling the grazing.

Mr. LEVER. I am very glad to have the gentleman from Oklahoma call this matter to the attention of the committee.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

There are three matters in regard to the use of the forest reserves. Two of them are important and ought to be rectified and corrected. The first is that we permit no man who is not a citizen of the United States, or who has not declared his intention to become such, to obtain our public lands; therefore no man ought to be allowed to obtain a permit, directly or indirectly, for the use of the forest reserves unless he is a citizen of the United States or has declared his intention to become such. In my part of the country complaint has been made that men who are not citizens of the United States have been running large bands of sheep onto the reserves, driving away the home people. Second, boys who have grown up in the country, whose fathers have given them a little land, and who are starting out with a bunch of 25 or 50 cattle, can not get permits to run their cattle on the range where their fathers grazed the same cattle and in the community where the boys have grown up. Having been raised there and having helped to build up the country, they ought not to be excluded from the territory that they have made possible for settlement.

Now, third, as to this increase in the range fee, the people in my part of the country are up in arms against it. They think it is an injustice heaped upon them without any occasion. Several of these forest reserves are paying more now than their entire upkeep. Last night I got some letters and telegrams in regard to this matter. We have one reserve which pays more than $2,000 over and above the cost of upkeep. Yet the range fee is now to be doubled to men who, with their fathers before them, have lived there for 40 years and have helped to build up and maintain that country. They are to be taxed out of existence by this increased range fee when the amount collected is already more than enough to pay the entire expense of maintenance and upkeep, to say nothing of the receipts that will come from the sale of timber, and so forth. That these men should now be subjected to twice the previous charge does not seem right, and I want to appeal to the chairman of this committee that something be done so that this fee may not be raised.

It has been said—I am not going to be sponsor for the truth or falsity of it—that in a few sections of the country where the large cattlemen are desirous of driving out the small homesteaders, these large cattlemen have appealed to the department, asking that the fee be increased for the use of the range, so that the small man, with the expense of his farm and of the handling of these cattle, and the expense of raising his family and maintaining schools and other improvements, may be taxed so that he will not put any more of his cattle on the range, but will sell them out to the large stock owner. If that is true, it is unfortunate. It is true though that these people in my country are paying enough now to more than maintain the forest reserves, and the department ought not to be permitted to do it. I was figuring on offering an amendment, which, of course, would be subject to a point of order, prohibiting the department from increasing beyond a certain limit the forest-permit fees for those desiring to use the range.

Mr. LEVER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. LEVER. Can the gentleman from California tell the committee how the grazing fee charged by private parties compares with that charged by the Government?

Mr. RAKER. Without having the figures before me I am not prepared to give them, but I think a double fee would be more than is charged by the local people in my country.

Mr. LEVER. In other words, the gentleman's statement would be that the private individual is getting twice as much as the Government is getting.

Mr. RAKER. Not for the same kind of land. The gentleman must remember that the ranges are not fenced, and there are places where cattle have to go from 5 to 10 miles for water, and much of the territory is open, rough, juniper, and lava-bed country, where they travel a long distance for water.

Mr. LEVER. Does the gentleman know how much an acre the individual gets for grazing land?

Mr. RAKER. No; because it would differ as to locality.

Mr. LEVER. I have the figures here.

In California the Southern Pacific Railroad Co. obtained 5 cents per acre for land leased for sheep grazing, while similar and adjoining national-forest lands yield 1⅛ cents per acre. Is that about right?

Mr. STAFFORD. No wonder there are protests.

Mr. RAKER. That does not cover the question. The law has been such that the Southern Pacific Co. could control the land because they own it. Under the law if my animals trailed onto the land they took them up and I was subject to trespass. But under the law enacted by the last legislature when the holdings are not closed they are open to the commons and they do not find themselves in a position to rent the land as they did before. And still that does not answer the question. The reservations were not created for the purpose of making money for the Government; they were not created for the purpose of fleecing farmers out of what little profit they might make. They were made for the purpose of protecting the forests, for the purpose of conserving the Government's property. If you are going into a money-making business and charging all that the traffic will bear, if you are going to charge an amount equal to that of privately owned lands that are fenced, then you simply say you are going into competition with privately owned lands, and are going to charge the same price as those who own privately owned lands, and that that is the purpose of the reserves. If that is so, the real purposes of the reserves have been forgotten, and now it is a question primarily of how much money can be taken to assist the Government. I trust, Mr. Chairman, that the committee may relieve the situation.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last word. Complaint as to charges made by the Forestry Service for grazing is not new. We have heard it every time an appropriation bill from the Committee on Agriculture has been considered in the House. And it is not strange that complaints were made when it was proposed to charge for grazing on the public lands, because previous to the organization of this service no charge whatever had been made. People had been accustomed to use the ranges without paying anything for them. They resented the action of the service and Congress in imposing any charge whatever.

I have some figures here in the report by the Forester as to the relative charges made by private interests and the Forestry Service, which in this connection may be interesting. It says that the present users of the national-forest ranges are paying

much less than the prevailing local rates on private, State, and Indian lands. In Montana, lands of the Northern Pacific Railroad leased for sheep grazing bring the equivalent of 25 cents per head as against a charge of 5 cents on adjoining national-forest lands. On the Crow Indian Reservation, in the same State, competitive bids realized 81 cents for sheep, while cattle grazers bid $3; on adjoining national forests the sheep rate is 13½ cents and the cattle rate 54 cents. On the White Mountain and San Carlos Indian Reservations, in Arizona, cattle pay $2.40, horses $3, and sheep 50 cents; on adjoining national-forest lands, quite as good, cattle pay 48 cents, horses 60 cents, and sheep 12 cents. In California the Southern Pacific Railroad Co. obtains 5 cents per acre for land leased for sheep grazing, while similar and adjoining national-forest land yields 1⅛ cents per acre.

Mr. RAKER. Does the gentleman know where that land is?

Mr. McLAUGHLIN. I take it that the Forester is making a truthful statement.

Mr. RAKER. I am not questioning that, but the gentleman must remember that California is 800 miles long.

Mr. LEVER. But these comparisons are on adjoining land.

Mr. McLAUGHLIN. Yes; it compares adjoining lands. The Forester says "on adjoining national forest lands quite as good," and as to the lands in California he says "on similar and adjoining national forest lands." The charge on the Government land is about one-quarter of that charged by the Southern Pacific Railroad Co. Now, the Forestry Service is not treating the settlers out there or anyone else harshly.

Mr. RAKER. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. RAKER. Does the gentleman think it is right and fair for the Government to charge more—considerably more—than all the expense of maintaining one of these forest reserves and then doubling the fee to the users?

Mr. McLAUGHLIN. I think, as a business proposition, the Government ought to charge for the use of the forests what they are worth, proper consideration being given to small holders and actual settlers who are struggling to make homes in or adjacent to the forests.

Mr. RAKER. And abandon the protection theory of the forests and go into the commercial business of leasing range lands?

Mr. McLAUGHLIN. We have not abandoned that idea. We have been protecting and developing forests, encouraging settlement, and regulating it from the beginning, and what has been done by the Forestry Service is helpful to the actual settler. Timber to a large amount is given to the settlers; they get all the timber they want for their own use without any charge whatever. Many of them get grazing without charge.

Mr. RAKER. Does the gentleman realize that there are many men who used to cut wood for their hotels, for their dwellings, but now people who go up there can not get old dead trees to burn in their stoves?

Mr. McLAUGHLIN. I realize that years ago there was no protection for the forests and no regard on the part of anyone, settler or cattleman, for the rights of the Government in the land it owned. There was waste and deliberate and wholesale appropriation to private use of the country's resources, and without regard for the public interest. It is refreshing to know that public property and the interests of the public are now conserved and protected.

Mr. RAKER. That was before the settlement of California.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. The Forester, in his last annual report, announced a change of policy relative to grazing fees. They propose an annual increase for three years in grazing fees, which will aggregate at the end of that period on the average a doubling of the present fee. I assume that will not be the result in all cases, because I take it for granted that in some cases the present fees will be increased more than in others. The authority to charge these grazing fees does not rest on any legislation carried in this bill. Neither would any amendment that might be offered to this bill affecting the fees be likely to be favorably considered. As a matter of fact, any such amendment that might be offered would be subject to the point of order, so that it would be entirely useless for any of the western Members who feel aggrieved by reason of this proposed increase to offer an amendment to this bill or a proposition upon this bill to prevent it. Several gentlemen have expressed their views as to the propriety of these increases. Of course, those of us who represent western constituencies where there are large forestry areas are all anxious to have our people secure the benefits of these reserve areas with as little burden as possible, but we realize that we can scarcely expect that they shall have these benefits continuously while the Government is expending large sums of money on the reserves without some fair and reasonable payments.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment. The question is—and this discussion is rather academic because we can not remedy this situation now—is the proposed increase fair and reasonable? I now yield to the gentleman from Arizona.

Mr. HAYDEN. Mr. Chairman, the people in Arizona are of opinion that it is unfair and unreasonable because they are now collecting from those forests more than enough to pay for the administration of the grazing, and it was always their understanding that that was the limit of charge to be placed upon them. It is of no interest to your constituents or to mine whether lands are conserved in some other State for the benefit of the whole people of the United States. If these forests in other parts of the country are to be preserved for the benefit of all of the country, all of the country should pay for preserving them, and the burden should not be placed on the gentleman's constituents and mine.

Mr. MONDELL. The gentleman realizes he does not need to make that argument to me, for I agree with him. That is an argument which may properly be made to the House.

Mr. RAKER. Does not the gentleman think that we have reached a proper state of collection when they have collected enough from the permits to pay for the running expenses in handling a particular reserve?

Mr. MONDELL. By and large and in the main that would seem to be a proper adjustment; but I want to address myself to the situation now before us. The question is, Will these increases be fair and reasonable? My own opinion is that if the Forestry Service doubles its grazing fees, the total will be a sum which will be burdensome and unfair and inequitable. On the other hand, I imagine there are some forests where the grazing fees might properly be slightly increased without burden——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I have no doubt but that the Forestry Service wanted to be entirely fair in its comparisons as between the present fees on the reserves and the fees or charges made by private parties or on Indian Lands, but I think the department is not accurate in all of its comparisons. I am very well acquainted with some of the territory referred to in the comparisons. I know, for instance, that there is no land on a national forest anywhere in the vicinity of the Crow Reservation that is anything like as valuable for grazing purposes, acre for acre, as the Crow Indian lands along the Big and Little Horn Rivers. Those lands have a very considerable rainfall for that country and do produce a very considerable amount of very excellent grasses, while the grasses on the Big Horn Forest Reserve adjacent are of a different character, not so valuable for grazing purposes, and generally the amount of forage per acre is much less. Furthermore, you can not compare, ordinarily, on an acre-for-acre basis the value of forest reserves with those of privately owned lands or Indian lands or any other lands adjacent to the forest reserves for various reasons.

First, the grazer on the national forest has laid upon him certain duties and obligations. He pledges himself to aid and assist the Government whenever necessary in preventing and putting out fires, and sometimes those grazing live stock on the reserves perform services in this regard of very great value and at times at much greater cost to them than their grazing fees for a number of years. That obligation is not only somewhat of a burden, or likely to be, but it is of very great value and advantage to the Government, because it assures the Government of a certain number of people who are in the vicinity and whose duty it is to immediately assist in putting out a fire when one starts. Furthermore, privately owned lands, such as are leased, Indian lands, such as are ordinarily leased, are in the main very much more accessible than the mountain forest lands. In many cases those utilizing the national forests must drive their stock a very considerable distance, in some cases as far as 50 to 150 miles, in order to reach the grazing grounds, and the cost of taking the stock back and forth is considerable, and the cost of looking after stock in a mountainous region, an unbroken and inaccessible country, is very much more than it is in the lowlands, where the privately owned property lies. So that you can not well compare the two propositions. However, I think this is true, that we can scarcely hope that the grazing fees shall permanently in all cases remain as low as they have

been. I am of the opinion, however, that the increase suggested by the department will not be justified in the majority of cases at least.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have three minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I am of the opinion that the service contemplates an increase that is not justified. I am very confident that it is not justified on reserves in my State, where the grazing areas are a very considerable distance from the summer pastures, where the cost of driving the cattle and sheep is very considerable, and where the character of the grazing territory is not very satisfactory. I am in hopes before these increases are carried out as now suggested the Forestry Service will reconsider the matter and will where they insist on increases make them less than they now propose.

The Forest Service can, it is true, make this grazing privilege in many instances much more valuable than it is, and if the service in increasing in any given case will endeavor to make the privilege more valuable, it is possible the parties using the reserves may in the long run find themselves as well situated and as well satisfied as they now are. But this is not a very good time to increase the cost of meat, when it is higher than it ever has been in our history. This is hardly the proper time to make it more expensive than it has been in the past to produce beef and mutton, and therefore it is scarcely the proper or opportune time for placing any additional burdens upon those using the forest reserves for meat-producing purposes. As we can not prevent some increase by any action that we may take, we can only hope that the Forest Service in making such increases as it shall insist upon will give careful consideration to the existing conditions and make the increases, if any, much less than they now contemplate.

Mr. KENT. Mr. Chairman, I move to strike out the last two words. I realize there is nothing to be amended, nothing in particular to be done, but I am infernally sick of this tommyrot about grazing fees and grazing privileges. I have been in Congress for nearly six years advocating a sane and sensible theory of governmental leasing of the ranges, to the end of giving the small stockman an opportunity, the man without large capital, the only possible opportunity to conduct a grazing business. To-day the only place that a small man can make a living in the live-stock business is in conjunction with the forest reserves. The forest grazing fees up to date have been extremely low. I know that of my own knowledge, because I am paying them, and I am paying them cheerfully and am glad to pay them. The forest reserves can stand larger grazing fees. I doubt very much whether they ought to be generally doubled; but they can stand raising in many cases. This afternoon we are hearing foolish talk from men who have done everything in their power to destroy the live-stock business, men who have continually talked as if every inch of the West ought to be covered by agricultural settlers, in a portion of the country that will not support agriculture. I am dead sick of all this bunk and misrepresentation. The thing we ought to do, and I am sorry I am going out of Congress before we can get it done, is to realize that the Federal Government should recognize the live-stock industry as one worthy of support; recognize that the live-stock man, who is making the only use that can be made of certain arid sections of this country, is the one man that we ought to encourage and help. We should stop this attempt to break down range control, and cease attempts to cut it up by blackmailing homestead people destined to failure by misplaced effort. We ought to recognize the small stockman as the best friend of the arid region until such time as higher uses may be proven out. Under no plan but a leasing system can justice be done to the present and the future.

Now, I have been paying these grazing fees in the forest reserves. I am the first range owner in the State of Nevada to sustain a policy of forest reserves that contain no trees. It has been a good thing for Nevada that there should have been forest areas set apart, not for the preservation of the timber but for the proper preservation of the grass and other forage. In the business in which I am engaged we have benefited largely by such a policy, and it has been the same way all through the country. I believe that these fees can be raised in some localities without hardship or injustice. The grazing fees are now cheap. The relative charge of grazing with the present price of live stock is but a small percentage of cost; nothing as compared with the benefit derived from the protected certainty of securing forage. And if, as has been claimed, these fees are so low that they create a vested right that can be bartered and sold, then the blame is partly on the Agricultural Department that such rights are not subdivided and relet, and it is also up to the Agricultural Department to make the rates so reasonable and fair that they will no longer be a matter of barter and sale.

An immense area of our western country is only fit for grazing. The attempt should be made to give the small man a chance. He can not secure land enough to conduct his business except by leasing the public domain. He can afford to pay fairly for that privilege. The men declaiming against fair and adequate payment in the forest reserves are the same men who have treated the stockman as an outlaw.

Mr. MANN. Mr. Chairman, I take it that those who obtain permits for grazing on forest reserves have sheep and cattle and are in competition with those who graze sheep and cattle on other land whether it be their own or leased land. I never have been able to see any reason why the Government of the United States should grant some special privilege to some special persons who were fortunate enough to obtain grazing permits in certain forest reserves. Everybody who raises sheep and cattle can not obtain these permits if they are lower and would be charged upon other land. And if it is to be a matter of favoritism purely for the benefit of those who obtain the grazing permits, then it is not fair to the other people who endeavor to produce cattle and sheep, and it is not fair to the general public. We ought to charge reasonable fees for grazing. They ought not to be essentially lower than would be paid by other persons for grazing upon other lands. Probably they can not be much higher, because you can not force people to take grazing permits and graze sheep and cattle. Unless there is a profit in the business or unless people think there is a profit in the business they will not take the permit.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Inyo National Forest, Cal. and Nev., $3,076.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. Mr. Chairman, in regard to this grazing fee, I have a letter in my hand of date December 29, 1916, from Alturas, Modoc County, Cal., signed by W. J. Dorris, who was born and reared in that county, a live, up-to-date, forward-looking gentleman, whose word is his oath, and who is one of our live citizens and a cattleman who has had broad and extensive experience in that matter. I want to read a few extracts from that letter to this committee. I read:

Not a very great while ago I received a copy of a letter sent out by the Secretary of Agriculture, notifying the purchasers of grazing upon the national forests that it is the intention to double the grazing fees.

Ex-President Roosevelt, recognizing the menace to the material progress of our country by the trend of the country population to the cities, appointed a commission to inquire into the causes of this exodus.

If the President of the United States wishes to keep the country population at home, developing the agricultural resources of the country, for goodness sake let him make it possible for the country individual to surround himself with those conditions which will make country life as pleasant and profitable as city life for the same amount of energy and intelligence employed. Then, and not until then, will the country boy be satisfied to remain at home on the paternal farm and work like the very dickens to make the soil yield forth its concealed treasure.

Trade is based upon production, and no country can advance faster than the resources placed within its reach by its producers. The ox can not draw the plow without his fodder, nor the bull's tail outrun his head.

It makes me "hot under the collar" to see the National Government resorting to this means of raising the tax on the stockman of Modoc County, just as if he is not already bearing his share of the expense of maintaining the Government. What, with the duty on farm equipment and the reduction of the duty on his farm and meat products, besides his State and county taxes, his present grazing fees, and whatnot, is he yet to have his taxes raised, in this indirect way, under the guise of an additional grazing fee, so that a well-paid official class having more luxury in one day than our Fitzpatricks, our Archers, and our Paynes enjoy in an entire month, may be built up and maintained upon the "sweat of his brow"? And just at a time when Modoc County, having recovered from the long depression and hard times in the live-stock industry, before the era of living prices came, is beginning to develop the internal resources of the county, a pall is to be placed upon the agricultural growth of the West, under an approaching cloud of overproduction of meats, which the observing see no way to get from under until the storm wears itself out, the breakers subside, and the survivors are able to reach port, battered hull listing in the tides, and tattered sails flapping in the breeze.

It seems to be the idea of the Secretary of Agriculture to commercialize the national forests and run them upon a basis of profit in competition with private enterprise, while Congress gives away the remaining lands in the public domain eventually to be controlled by monopolies.

I have voted for a lot of Democrats in the last few years, but if God will forgive me—

[Laughter and applause.]

I'll not do it again except in the case of one through friendship too strong to be broken by political ideas.

The trend of the Government is toward the reducing of the profits of agriculture and stock raising, and the building up of a well-paid office class of superior fiber, and the reducing of the farming and stock-raising classes to an inferior class upon the par of the peasantry of Europe.

The income of the Modoc National Forest to-day is more than sufficient to meet all legitimate expenses of its administration. For the year 1916 the receipts of this forest from all sources was $22,498.31 and the disbursements for the maintenance thereof were $19,612.72, leaving a net balance of profit for the year of $2,885.59.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I want two minutes more to finish this.

Mr. STAFFORD. I object.

Mr. RAKER. Let me go on and make my request for unanimous consent to insert it in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes. Is there objection?

Mr. STAFFORD. I object.

Mr. RAKER. Then I move to strike out the last two words of this paragraph.

Mr. STAFFORD. Mr. Chairman, I make the point or order that the gentleman can not do that.

Mr. RAKER. I hope the gentleman will not stop me from that.

Mr. STAFFORD. That is not the way to do it.

Mr. RAKER. There is a way to do it, and I will make another motion.

The CHAIRMAN. The committee will be in order.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California moves to strike out the last two words.

Mr. RAKER. I read further:

And the profit derived from grazing proportionately was considerably greater by reason of the proportionately smaller expense of managing the grazing upon the forest.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. RAKER. Is not this under the Forest Service, as to the expense of maintenance of a forest? The question involved is as to whether or not it is exorbitant or not. Surely it is. I read:

This is not an answer to the Secretary's letter, which I shall answer when impulse has time to yield to reason. To-day I feel just like calling names. I shall send you a copy and ask you to present it for us * * *. We have just received a splendid little book on the Diseases of Horses from you, which was prepared by this same Department of Agriculture that I have been writing about above. I thank you for it.

The letter is signed "W. J. Dorris."

My purpose in reading this letter to the committee is to impress the idea that those upon the ground best know the situation. This letter voices the sentiment of 99 per cent of the people in northern and northeastern and eastern California. Give these men a chance to swim. Do not load them down beyond their capacity and power to keep their heads above water. I am not here stating how much taxes I have assisted in paying upon the national forests, nor am I here stating that the first forest reserve that was created in the northern part of California was created at a meeting which I called, where the farmers came in and decided to establish that forest and assist in that way in building up the country. And while we are building up the country, it is not the purpose to tax those who live there out of existence and compel them to leave the country and deprive them of the necessary profits that ought to come to the country and bring in others in their place. There is no question but that it is a wrong policy on the part of the Government, and I believe eventually they will not be permitted to charge such a rate.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. HAUGEN. In view of the promise that was made that the Forest Service shall be self-supporting, and in view of the shortage that has existed, should not the Forest Service or the Government be permitted to make its promise good?

Mr. RAKER. In answer to the gentleman's question, that would be all right; but you ought not to go into the districts that are now paying more than what is necessary to make a forest in order to gather large revenues to scatter them in other parts of the United States. It is not fair nor right. It is not the way we do business in other parts of the country. You go to northern California and other forests and want to tax them to the very verge of bankruptcy in order that some other State might make a better showing, and charge a larger proportion of the amount in the grazing fee.

Mr. MANN. Why does the gentleman say "tax them"?

Mr. RAKER. It is the same thing as a tax.

Mr. MANN. Is it their property?

Mr. RAKER. Oh, it amounts to a tax. This idea of having the public domain in a State whereby the public may use it and the State or Government pays no taxes on it, is not fair. We build our roads, we build our trails, we protect the farmers, we protect the Government's property, and in turn the citizens that live in that community and pay these taxes and upbuild the country and maintain an efficient corps of officers should not be taxed out of existence in order that the Government might prosper and spend its money in some other place.

Mr. MANN. These people who have grazing permits do not build the roads. They only pay their share of the tax, and we pay a larger proportion of the taxes than they do into their county.

Mr. RAKER. Not in our county, because we are raising a large amount of money for the purpose of paying the taxes and building roads.

Mr. MANN. You are not paying it.

Mr. RAKER. Most of those public-domain roads have been built, and roads are being built to-day and being maintained by the county and the State.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield to the gentleman.

Mr. LEVER. I was just about to suggest that the gentleman's complaint in this matter seems to be about like this: The farmer has 100 acres of land, 50 of which will not produce enough to pay for the work put upon the crop. Another 50 acres will produce a good deal more. The gentleman complains that the farmer is a business man enough to make that 50 acres of land do business. Is not that the complaint?

Mr. RAKER. No.

Mr. LEVER. What is it?

Mr. RAKER. The complaint is that you are trying to tax our people on the Government land that they help to maintain and pay taxes to build roads, and so forth. They maintain their officers for the purpose of policing it, and now, because it is within a forest reserve, you want to double the tax and overburden them. I am inserting a letter from another gentleman, who lives in Alturas and who knows the facts, and it best demonstrates that these people are much perturbed over this contemplated increase on grazing fees—namely, a doubling of them. This should not be done; it is very unjust. Mr. Lynip's letter is as follows:

THE FIRST NATIONAL BANK,
Alturas, Cal., December 21, 1916.

HON. JOHN E. RAKER, M. C.,
Washington, D. C.

DEAR JUDGE: We have been informed that there is an intention on the part of the Government to raise the range fees for live stock on the national forests, and that the national forest in Modoc is now self-supporting, and that with a raise in the fees a great hardship would result to the stock interests of this section, as compared with other sections adjacent to national forests, on account of our remoteness from market.

I am therefore writing you for information, per request of some of the members of the executive committee of the stock association, to ascertain what is the proper procedure to prevent a raise in the grazing-fee charges.

I am, thanking you for the anticipated courtesy of an early reply,

Yours, very truly,

B. F. LYNIP, *Cashier.*

The Clerk read as follows:

Nebraska National Forest, Nebr., $1,165; and to extend the work to the Niobrara division thereof, $5,000: *Provided*, That from the nurseries on said forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904: *Provided further*, That the Secretary of Agriculture is authorized to use so much of any of the funds herein appropriated for the Nebraska National Forest as may be necessary to acquire by purchase or condemnation lands in Nebraska which he may deem necessary and suitable for nursery sites to be used for the purpose of growing trees for planting on the Nebraska National Forest, and for other purposes, authorized by law. So much, not exceeding $1,200, of any funds hereafter appropriated for the Nebraska National Forest for any fiscal year to and including the fiscal year ending June 30, 1920, as may be necessary, shall be available for the purchase of land now under lease and used as a nursery site for the Niobrara division of the Nebraska National Forest, $6,165.

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. LEVER. I take it that the gentleman is reserving his point of order as to the new language in the paragraph.

Mr. ANDERSON. Yes; the only part that I have any objection to is that in line 11—

And for other purposes authorized by law.

If that language can go out, I have no further objection to the paragraph, and I will withdraw the point of order.

Mr. STAFFORD. I reserve the point of order pending the statement of what is to be done on the paragraph.

Mr. LEVER. The new language is clearly subject to the point of order. If the gentleman is going to make it, I do not think we need to take any time in discussing it. The gentleman from Nebraska [Mr. KINKAID] may be able to persuade his colleague to withdraw the point of order.

Mr. KINKAID. Mr. Chairman, I will say to the chairman of the committee that I do not know what that language is for, and I was going to rise to ask the honorable chairman what is the purpose of the language.

Mr. LEVER. If the gentleman will permit me, I will say that the department in its estimate says this:

The new language in this item will permit the department to acquire two small tracts of private land which are necessary in carrying on the nursery work authorized therein. The first tract contains about 18.25 acres. Through an error in the public-land surveys this tract was inadvertently included in the principal nursery which supplied the Nebraska National Forest when that nursery was established. The second tract, containing approximately 80 acres, constitutes the Niobrara nursery site, which for several years has been in use under a lease with an option for purchase. The addition of these tracts is essential to the successful development of reforestation in Nebraska, and suitable national forest land is not available for the purpose.

It was brought to the attention of the committee that the lease of this 80 acres of land was entered into some two years ago. It was a 10-year lease. They are now paying $100 per year as rent, and with $1,200 they can buy this land and own it themselves, and the committee thought that was a good investment.

Mr. KINKAID. Mr. Chairman, I fully indorse the explanation made by the chairman of the Agricultural Committee; but I want to ask the chairman the purpose of this language:

Other purposes provided by law.

I understand the purpose of the appropriation is for the purchase of these small tracts of land. That has been regarded as necessary and expedient for several years, and I think it would be a very good investment.

Mr. LEVER. I confess I do not know why that language is in there. I know of no other purpose.

Mr. KINKAID. I know of no reason why it should be there.

Mr. LEVER. I am willing that it should be stricken out.

Mr. KINKAID. I do not know of any reason why it should be there, yet there may be some good reason.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. LEVER. If the gentleman withdraws his point of order, I will ask to let the language go out.

Mr. COX. I want to reserve the point of order.

The CHAIRMAN. The gentleman from Indiana reserves a point of order.

Mr. COX. Is not the entire proviso new language?

Mr. LEVER. Yes; from line 5 to line 17 is new language.

Mr. COX. How much ground does the Government own there now—how many acres?

Mr. LEVER. I do not know just how many acres.

Mr. COX. Approximately?

Mr. LEVER. I should think probably 75 or 100 acres. I am not sure.

Mr. COX. The proposition is to buy 90 or 100 acres more?

Mr. LEVER. Yes; 98 acres.

Mr. COX. Is there any evidence before the committee showing how much the land would cost or what it is valued at?

Mr. LEVER. The proviso appropriates $1,200 for the entire 98 acres.

Mr. COX. I must confess that I have never read the hearings on this subject. What are they doing there, anyhow?

Mr. LEVER. By authority of law they are growing nursery stock for reforestation purposes and distributing the young trees to the people of Nebraska in that semiarid region.

Mr. COX. None of this nursery stock is being distributed outside of the State of Nebraska.

Mr. LEVER. I so understand.

Mr. FOSTER. I should like to inquire if this is a part of the old Niobrara Military Reservation?

Mr. KINKAID. Oh, no. It is called the Niobrara division of the Nebraska National Forest because it is on the Niobrara River.

Mr. FOSTER. I wondered how close it was to the old reservation, or whether it was a part of it.

Mr. KINKAID. No; it is no part of it. It is more than 50 miles distant.

Mr. FOSTER. And never was a part of it?

Mr. KINKAID. Never was a part of it.

Mr. COX. I withdraw the point of order, Mr. Chairman.

Mr. LEVER. Has the Clerk reported the amendment which I offered?

The CHAIRMAN. It has not been reported.

Mr. LEVER. In line 11, page 36, after the word "Forest," I move to strike out the words "and for other purposes authorized by law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 36, line 11, strike out the words "and for other purposes authorized by law."

The amendment was agreed to.

The Clerk read as follows:

Oregon National Forest, Oreg., $16,009.

Mr. ANDERSON. I move to strike out the last word. My notes indicate that the estimate for the Oregon National Forest was $6,009. The bill seems to carry $16,009, and I was wondering whether that $16,009 was an error, or whether the committee took some action with respect to that proposition of which I was not advised.

Mr. LEVER. No; that is undoubtedly a typographical error.

Mr. ANDERSON. It ought to be corrected.

Mr. LEVER. I ask unanimous consent that that part of the item be passed over temporarily until I can look into it. It escaped my attention.

The CHAIRMAN. Without objection, the item will be passed over.

There was no objection.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee what the basis is for these different sums for the several national forests. How are they made up? I notice that they change from year to year; some increased considerably and some decreased.

Mr. LEVER. The changes are made on the basis of the estimates of the department as to the uses of the forests during the coming fiscal year, the amount of timber cut, the amount of grazing, and the amount of necessary work to be done on these forests in order to conserve them and to utilize them to the best advantage.

Mr. TILSON. I notice that in most cases it is an odd sum. For instance, here is one case where $10,537 is appropriated. The next year perhaps it is reduced by two or three thousand dollars, and yet it is still odd money, as if they knew to a dollar just how much it was going to cost to administer that particular forest for a year from July 1 next. I wondered how exact they were in their estimates.

Mr. LEVER. They could not possibly know to a dollar. They have 10 per cent leeway, which gives them a certain latitude, but these estimates are made according to their best judgment.

Mr. TILSON. Then the odd money as a rule is just a bluff to give the impression that they have been very careful in their administration and in their estimates?

Mr. LEVER. It figures out according to their estimates.

The Clerk read as follows:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act: *Provided*, That hereafter all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said act, or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests, $66,100.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I assume that the method now pursued as to these funds received for permits for hunting, fishing, or camping revert to the Treasury. It is the opinion of many who have served here for some length of time that it is far better in the bookkeeping to have them go back to the miscellaneous fund of the Treasury, and I make the point of order on the proviso.

Mr. LEVER. I concede the point of order. The gentleman makes the point of order against the language and not as to the amount?

Mr. STAFFORD. I do not include the amount.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $155,600.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. What is the purpose of the department in this new phraseology carried in the bill, "for commercial demonstrations of improved methods or processes in cooperation with individuals and companies"?

Mr. LEVER. I would say to the gentleman from Wisconsin that the department in its laboratory at Madison, Wis., has discovered some improved processes in making paper from the waste of lumber operations from southern pine and other species, and they have utilized the bark waste and discovered some process of kiln-drying western larch and other species. It is the purpose of this language with an appropriation of $25,000 to demonstrate in the field or on a commercial scale in cooperation with individuals the methods that have been worked out in the laboratory at Madison, Wis.

Mr. STAFFORD. It is extending in practical work the experimental work of the laboratory?

Mr. LEVER. It is taking out into the field and putting into useful service the technical information that that great laboratory has gained in experimental work for many years.

Mr. STAFFORD. I withdraw the point of order.

Mr. FOSTER. I renew the point of order. I notice that last year there was in the bill, in line 23, after the word "tests," the words "within the United States." That language is omitted here.

Mr. MANN. Where else do they propose to conduct experiments except in the United States?

Mr. LEVER. Probably that language, in view of the action of the committee, ought to go back into the bill. The department estimated a considerable amount of money—I think $10,000—permitting them to examine into the forestry products in Latin America and some other countries. The committee took the position that we ought not to do that and disallowed the amount.

Mr. MANN. Then we ought to restore that language.

Mr. LEVER. I am inclined to think the gentleman is right. If the point of order is withdrawn, I will insert the language.

Mr. FOSTER. I withdraw the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "tests," line 23, page 41, the words "within the United States."

The amendment was agreed to.

The Clerk read as follows:

For other miscellaneous forest investigations, and for collating, digesting, recording, illustrating, and distributing the results of the experiments and investigations herein provided for, $33,140.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to return to page 36 of the bill, line 24, the Oregon National Park. I move to strike out the figures "16,009" and insert the figures 6,009." I am satisfied that was a typographical error.

The amendment was agreed to.

The Clerk read as follows:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $450,000: *Provided*, That not to exceed $50,000 may be expended for the construction and maintenance of boundary and range division fences, counting corrals, stock driveways and bridges, and the development of stock watering places on the national forests: *And provided further*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation: *And provided also*, That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public;

In all, for general expenses, $3,263,275.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I remember when this item went into the bill in reference to newspaper and magazine writers and publishers. We make discrimination here against the Agricultural Department in favor of the Interior Department, which maintains a regular magazine, which it publishes all of the time. If we should apply this to the Interior Department it would stop that work, and if it is a good thing in the Interior Department why is it not a good thing in the Agricultural Department?

Mr. FOSTER. Does this prohibit them from publishing in connection with their work such publications as are issued from the Department of Agriculture?

Mr. MANN. Not at all; but the Interior Department issues a magazine. It is a regular magazine, just like any other magazine.

Mr. FOSTER. Does this prohibit the Agricultural Department from doing the same thing?

Mr. MANN. Of course it does.

Mr. FOSTER. I mean within the department?

Mr. MANN. I think so.

Mr. HAUGEN. The Department of Agriculture publishes a magazine.

Mr. MANN. What kind of a magazine?

Mr. LEVER. The department issues what it calls its Weekly News Letter.

Mr. MANN. That is another proposition entirely. The Interior Department publishes a regular magazine, not just like the Century Magazine, but like many other magazines that are published, and it gives it away to people in the irrigation branch—I suppose those taking up land under the irrigation schemes.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. The Department of Agriculture publishes a Weekly News Letter of the same character.

Mr. MANN. It is a very different thing.

Mr. STAFFORD. Why should not we apply this limitation to the Department of the Interior?

Mr. MANN. I do not know but that the magazine issued by the Department of the Interior is a very good thing. I do not say that it is not.

Mr. FOSTER. Does not the gentleman believe that within reasonable bounds a magazine that might be issued by the Agricultural Department, more extensive than that issued in the weekly crop report, might be of great advantage?

Mr. MANN. I think very likely; but no part of the Forest Service appropriation can be used now for the payment of any of these publications, either in the Department of Agriculture or any place else. The Department of Agriculture issues a Weekly News Letter, but if they use any of the Forest Service money in connection with it they are violating the law—if they publish any information that comes from the Forest Service or that is prepared by any official of the Forest Service.

Mr. FOSTER. I am inclined to think it would be a good thing to let them publish one.

Mr. MANN. I remember when the item went in. I think the House was in hysterics at the time.

Mr. FOSTER. I think so, too.

The Clerk read as follows:

Hereafter the Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the act of March 1, 1911 (36 Stats., p. 961), known as the Weeks law, upon such terms and for specified periods, or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this act shall be disposed of as is provided by existing law for the disposition of receipts from national forests.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. My particular objection is to the use of the word "Hereafter," making permanent law of it.

Mr. LEVER. Mr. Chairman, if the gentleman will withdraw his point of order, I shall ask to strike out the word "Hereafter." This bill passed the House and the Senate. It was put on the bill in the Senate, and it passed both bodies. Both bodies having acted upon it, the committee assumed that it was the wish of Congress that it should become a law, and we undertook to make it a law by the use of this language.

Mr. STAFFORD. Mr. Chairman, on the strength of the statement of the gentleman that he will strike out the word "Hereafter," I withdraw the point of order.

Mr. LEVER. Mr. Chairman, I move to amend by striking out the word "Hereafter" at the beginning of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 12, strike out the word "Hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,500; 1 executive clerk, $2,120; 2 executive clerks, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 1 clerk, $1,440; 14 clerks, class 2; 1 clerk, $1,300; 42 clerks, class 1; 1 clerk, $1,100; 13 clerks, at $1,020 each; 13 clerks, at $1,000 each; 1 clerk, $960; 34 clerks, at $900 each; 1 clerk, $840; 1 clerk, $720; 2 food and drug inspectors, at $2,500 each; 2 food and drug inspectors, at $2,250 each; 1 food and drug inspector, $2,120; 11 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 13 food and drug inspectors, at $1,400 each; 1 assistant, $1,600; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 3 laboratory helpers, at $900 each; six laboratory helpers, at $840 each; 2 laboratory helpers, at $780 each; 23 laboratory helpers, messenger boys, or laborers, at $720 each; 2 laboratory helpers, messenger boys, or laborers, at $660 each; 34 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 toolmaker, $1,200; two samplers, at $1,200 each; 1 janitor, $1,020; 1 mechanic, $1,400; 1 mechanic, $1,200; 1 mechanic, $1,020; 1 mechanic,

$960; 1 mechanic, $900; 2 student assistants, at $300 each; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 3 messenger boys or laborers, at $540 each; 12 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 2 messenger boys or laborers, at $360 each; 9 charwomen, at $240 each; in all, $363,110.

Mr. COX. Mr. Chairman, I make the point of order against the figures "$2,120" at the top of page 45, line 1.

Mr. LEVER. I concede the point of order, and offer the following amendment in lieu of that, which I send to the desk.

The Clerk read as follows:

Page 45, line 1, after the word "clerk," insert the figures "$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopœia and development of methods of analysis, $623,521.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to make an inquiry in reference to the paragraph on page 48, lines 5 to 9:

For the study and improvement of methods of utilizing by-products of citrus fruits; and the investigation and development of methods for determining maturity in fruits and vegetables, in cooperation with the Bureau of Plant Industry and the Bureau of Markets, $13,000.

I am unable to see the correlation between investigating the by-products of citrus fruits and studying the maturity of vegetables.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. HAWLEY. In the administration of the law against the misbranding of products it was determined that oranges that had passed through a certain process to give them a yellow appearance were misbranded, and the orange and other fruit growers, in order to avoid a violation of the law intentionally and yet to present their products in good form, have asked the department to determine what is a mature period in the fruit, so that they can sell it as mature fruit without being under penalty for violating that provision of the law.

Mr. MANN. Well, that is all right; but I was trying to find out this, namely: Here is a division of the Department of Agriculture which has grown up under an appropriation of $8,000 to determine methods of utilizing the by-products of citrus fruits. That has no connection whatever, naturally, with determining whether the coloring of citrus fruits is proper or improper, and certainly nothing to do with determining the maturity of vegetables. Why do they pay the same men at work attempting to do these things that are as widely separated as the poles?

Mr. HAWLEY. Probably the same men will not be engaged in the different kinds of work. That arises apparently from the inclusion in one paragraph of two lines of work.

Mr. MANN. Certainly, with one appropriation.

Mr. HAWLEY. But the allowance will be allotted to the two projects and two sets of men will be appointed.

Mr. MANN. I do not know whether it will be allotted to the two projects or not. The gentleman can only know from the estimates.

Mr. HAWLEY. We can know from the project book.

Mr. MANN. You can know from the project book. It may or may not be carried out. What is the purpose of putting these together when there is no relationship between them?

Mr. LEVER. If the gentleman from Illinois will permit——

Mr. MANN. I should say that the maturity of fruits and vegetables would have little to do with the by-products of citrus fruits.

Mr. LEVER. In the citrus industry the department found that there was considerable of a problem as to maturity of fruits. It is possible the men who investigated citrus fruits made that same discovery. It may be that these same men, engaged in the line of work on citrus fruits, would be more competent to consider the maturity of vegetables.

Mr. MANN. They put one man at the head. There is no relationship between them. It looks to me, to speak candidly, like seeking to enlarge the jurisdiction of its work, seeking to grasp some work that does not belong to it, and therefore they have run it under an item to which nobody is opposed for the study of by-products of citrus fruits, and, having the head of the camel in the tent, I think he will carry away the tent.

Mr. LEVER. The gentleman from Illinois has followed this bill so closely and so long that he knows that there are many items grouped together in it that have no relation at all. This bill has grown up—something like Topsy.

Mr. MANN. There is no other place in this bill where you seek to mix water and oil like you do here.

Mr. LONGWORTH. I should like to ask the gentleman the meaning of the paragraph on lines 15 and 16, with regard to table sirup?

Mr. LEVER. Two years ago, I believe it was, we authorized an appropriation in the Bureau of Plant Industry to carry on some investigations in the State of Georgia in the matter of manufacturing sirup from cane, and for a study of the sirup after it was manufactured. No study has been made in cooperation with the Bureau of Chemistry. One part of the work is now to be conducted by the Bureau of Plant Industry, but the purely chemical and manufacturing features of the work will be carried on by the Bureau of Chemistry, and the amount charged to the Bureau of Chemistry as we have set it out here.

Mr. LONGWORTH. Then this is not a question of the so-called fake sirup? It is a question of a development of the legitimate production of sirup?

Mr. LEVER. Yes, sir.

Mr. TILSON. I notice there was an item for the purchase and equipment of a traveling laboratory. Was such a laboratory constructed?

Mr. LEVER. Yes, sir.

Mr. TILSON. And if so, is it appropriated for in this bill this year?

Mr. LEVER. No, sir; it is not. They completed the laboratory.

Mr. TILSON. That is one item that has been extended and has not produced a continuing expense?

Mr. COX. There are two—namely, logged-off land and wild ducks.

Mr. CANNON. I would like to inquire of the gentleman from South Carolina what a traveling laboratory is for? How is it used?

Mr. LEVER. This laboratory was requested by the Department of Agriculture in administering some of the work it was doing on the road. Just the details of that, I will say frankly to the gentleman, have passed out of my mind. I can refresh my memory on it, however.

Mr. CANNON. I can see how it could be very useful in a dry State. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,120; 1 executive assistant, $2,000; 4 clerks, class 4; 2 clerks, class 3; 5 clerks, class 2; 1 clerk, $1,260; 8 clerks, class 1; 5 clerks, at $1,000 each; 5 clerks, at $900 each; 1 soil cartographer, $1,800; 1 chief draftsman, $1,600; 1 soil bibliographer or draftsman, $1,400; 1 photographer, $1,200; 5 draftsmen, at $1,200 each; 1 clerk-draftsman, $1,200; 2 draftsmen, at $1,000 each; 1 laboratory helper, $1,000; 3 laboratory helpers, at $840 each; 1 machinist, $1,380; 1 instrument maker, $1,200; 1 machinist's helper, $900; 1 messenger, $840; 3 messengers, messenger boys, or laborers, at $480 each; 2 laborers, at $600 each; 1 laborer, $300; 1 charwoman or laborer, $480; in all, $72,340.

Mr. COX. Mr. Chairman, I make the point of order against the increase of $2,120 at the end of line 19, page 49.

Mr. LEVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 49, line 19, after the word "clerk," insert the figures "$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That so much of the appropriation of $175,000 made by the Agricultural appropriation act for the fiscal year 1917 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the establishment and equipment of such plant or plants as may be necessary therefor, as remains unexpended, is hereby reappropriated and made available until expended for the purposes named.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph beginning on line 21, page 51, relating to potash. I would like to inquire of the gentleman from South Carolina something of just what has been done out in California with reference to the building of this plant and what remains unexpended, and how it is to be used in the next year?

Mr. LEVER. I will say to the gentleman from Illinois that practically none of this amount of $175,000 has been expended. The Secretary of Agriculture sent one of his experts to the Pacific coast some time just before we had hearings on this item, and this young man reported back to him that he did not believe that he could induce the private individuals who were going into the manufacture of potash for ammunition purposes out there to become very much interested in it, and brought back to the Secretary a rather discouraging report. The expert, however, was not discouraged. The Secretary himself was not entirely discouraged. In a later interview with another party, who has a concern in operation out there, the expert of the department convinced this gentleman that, by the installing of proper machinery and by the reduction of waste, and by the utilization of the by-products of potash, such as iodine and other things, a profit could be made from the manufacture of potash out of the giant kelp under normal conditions, conditions such as existed before the outbreak of the European war.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. I read this report. I am not sure that my recollection is fresh. My recollection is that there are several plants out there now making potash from kelp at a large profit, owing to the unusual price of potash during the continuance of the European war. But they were afraid that they would not continue to make the potash after the war was over for fear that they could not make it at a profit.

Mr. LEVER. The gentleman's recollection, as usual, is correct. They are manufacturing potash out there now with almost no regard for the cost of manufacture, because of the enormous profit in it caused by these war prices. But what we are driving at here, and what we are investigating, is whether or not there is a possibility of manufacturing potash out of kelp to be used as fertilizer in competition with German potash.

The Secretary of Agriculture did not feel that with the information which he had at the time of making these estimates, or even at the time of the hearings on this bill, he was justified in spending very much of this money in the way of erecting a plant. He desires further time to look into the situation, and, therefore, he asks for the reappropriation of the funds provided for in the bill last year.

Mr. MANN. These people who are making potash there now, several of them, are making a profit without probably a too fine regard for the cost of production; but they are just as anxious to make more profit as anybody else. Is not the gentleman from South Carolina inclined to believe that with their experience, when the price of potash goes down, and maybe before, they will know as much about it as somebody who has never manufactured it can tell them, and that they will endeavor to save by means of the utilization of the by-products, which now they do not save?

Mr. LEVER. That is probably true; and yet I do not think it would justify us in disallowing a continuance of this appropriation, because the Secretary has certainly acted in the utmost good faith with Congress on the proposition; else it might have been wasted. Instead of doing that, he has spent practically none of it, except incidentally for traveling expenses.

Mr. MANN. He has not spent any of it, because it was not necessary. Owing to the high price of potash, they have established these plants there and are manufacturing potash out of kelp, and they have made a profit on it. They have got the plants. It was not necessary for the Government to establish a plant to ascertain if potash could be made out of kelp, because these people are doing it. Now, if they do not succeed when the war is over and the price of potash goes down, will it not be time enough then to embark on these experiments, and in the meantime save money by discontinuing the building of plants in competition with them?

Mr. LEVER. The potash situation in this country is so acute, and has been since the outbreak of the war in Europe, that it presses very strongly on us—on the minds of those who know this situation—the absolute necessity of this Government going to extremes in order to make itself self-sustaining in the manufacture of potash.

Mr. MANN. The effect of this will not be felt until the war is over, and the price of potash is reduced. Of course, when the price of potash is reduced we will have an ample supply.

Mr. LEVER. We ought to take advantage of the situation now, when we are cut off from potash abroad and people are suffering from the lack of it. We ought to take advantage of the situation now to engage every energy in an effort to relieve that situation. I do not believe that a great country like this, so dependent in many sections upon potash for the growing of crops, ought to be dependent on a foreign nation for such a fertilizer.

Mr. MANN. The gentleman will do me the credit of admitting that I was the first one to make the proposition that the Government ought to find potash and I have been in favor of it all through.

Mr. LEVER. That is true.

Mr. MANN. What occurs to me is that with plants actually in operation they will learn more about it than the Government officials, and it is not necessary when you have plants in actual operation for the Government to construct another plant in order to find out something about it.

Mr. LEVER. The Secretary of Agriculture has taken almost the gentleman's own position in this matter. He was authorized to construct a plant at a cost of $175,000. He has been making an effort during the six months that have passed since this appropriation was available to form a cooperative arrangement with the plants out there to do this work. The fact has been that those gentlemen, with their enormous profits, are doing business in such an extravagant way that the facts and figures which would be developed through any cooperative arrangement that might be made with them would not really be the true facts. In other words, these folks are drunk with their own wealth, as it were, and are spending money like hot cakes, counting very little the cost of production. That is the situation as it comes to the committee.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes; I yield.

Mr. LONGWORTH. I agree entirely with the gentleman that almost any amount of money that this Government could expend for this purpose, for the purpose of developing a self-sustaining potash industry in this country, would be money well spent.

Mr. LEVER. The gentleman has been very active in that direction.

Mr. LONGWORTH. I very much hope that all points of order will be withdrawn in this case, because I believe what the gentleman says is true, and with the present price of potash, which I believe is about 10 times the normal, the present plants are working at a very extravagant rate, in a way not utilizing the by-products as an intelligent effort on the part of the Government might show they could be used. And, furthermore, I understand that in Japan there are at least 50 plants in operation, and that they are producing potash at a cost which would give a profit, even under the old price of potash, by the proper utilization of their by-products. That was my information last year on the Pacific coast.

Mr. FOSTER. I think the gentleman is correct about that; but there are many other matters to take into consideration when we are increasing the supply of potash by other methods.

Mr. LONGWORTH. No; I was referring to the production of potash entirely from kelp, and that is the object of this plant.

Mr. FOSTER. They get it from the kelp in Japan.

Mr. LONGWORTH. But I understand that the supply of kelp on the Pacific coast runs from San Diego up to Alaska. I have seen it at San Diego, and there is relatively a smaller supply on the Japanese coast, and those two coasts are the only ones in the world where there is any of this giant kelp from which potash is produced. The supply lying there at our doors is more than enough to supply all the potash that is used in the United States, if a merchantable way of producing it can be found. The purpose of this is to ascertain such methods, as I understand.

Mr. LEVER. That is very true, and I can say to the gentleman from Illinois that I believe he can, with the utmost confidence, trust the Secretary of Agriculture not to misuse this fund.

Mr. FOSTER. The purpose for which I reserved the point of order was to find out what had been done in reference to this matter in the last year.

Mr. LEVER. Very little has been done, except that the Secretary has been looking into the situation carefully.

Mr. FOSTER. On the statement of the gentleman I am going to withdraw the point of order.

Mr. STAFFORD. I make the point of order. I fully agree with the position of the gentleman from Illinois [Mr. MANN] that this is no time to make experiments. Therefore I make the point of order on the paragraph.

Mr. RANDALL. Will the gentleman withhold the point of order for a moment?

Mr. STAFFORD. I will withhold it to allow the gentleman from California to make a statement.

Mr. RANDALL. It so happens that the potash industry is centered in the city of Long Beach, Cal., and is absolutely in an experimental stage. There are a number of factories in Long Beach which are simply experimenting, and not making enormous profits, as the chairman of the committee has stated.

That is my understanding. These factories are not making any considerable profit, and are simply in the experimental stage. There may be a few of them that are making a little bit of money, but it is not understood that that applies to them generally.

Mr. MANN. Does the gentleman say they are not making a profit?

Mr. RANDALL. They may be making a little profit on a small scale. They are in the experimental stage.

Mr. MANN. The inspector who was sent out there said they were making very large profits.

Mr. RANDALL. Relatively they may be, but the business is being carried on there on a very small scale.

Mr. STAFFORD. How much capital is invested? How many plants are engaged in the manufacture?

Mr. RANDALL. I can not state that.

Mr. STAFFORD. Generally speaking, the gentleman says they are in the experimental stage. Does it require a large investment of capital to conduct these operations on an experimental scale?

Mr. RANDALL. I think not.

Mr. STAFFORD. Does not the gentleman think that if private capital is experimenting in the development of the potash industry, it will be just as alert in trying to find out economic methods of manufacture as a Government expert who has no practical knowledge?

Mr. RANDALL. Oh, no; the Government is much better equipped for the work of experimentation.

[Mr. KINKAID addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, we have been here since 11 o'clock hard at work. It is now nearly half-past 5. We have made rapid progress on the bill, and I suggest that the gentleman from South Carolina move that the committee rise. There is another inducement for me to make the suggestion to the gentleman, because in 1875, on the 5th day of January, was born one of the ablest, strongest, and best-beloved Members in this House, and this is the anniversary of his birth. I refer to the gentleman from South Carolina, Mr. LEVER, and I think he is entitled to quit. [Applause.]

Mr. LEVER. I am much obliged to the gentleman from Illinois, although I would like to have the point of order disposed of. But I will move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19359, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. LITTLEPAGE, by unanimous consent, was given leave of absence for two days, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. STAFFORD. Reserving the right to object, I understand that to-morrow is Saturday, and if we meet at 11 a. m. we will adjourn early, in accordance with that southern custom of not working on Saturday afternoon.

Mr. LEVER. I think we can finish the bill to-morrow, and I am willing to adjourn as soon as the bill is finished.

ADJOURNMENT.

And then, on motion of Mr. LEVER (at 5 o'clock and 28 minutes p. m.), the House adjourned until to-morrow, Saturday, January 6, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Playa del Rey Inlet and Basin, Venice, Cal. (H. Doc. No. 1880); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Machias River, Me. (H. Doc. No. 1881); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting copy of the proceedings of a board of officers convened in accordance with the authority of the national-defense act, approved June 3, 1916, to investigate and report upon the feasibility, desirability, and practicability of the Government manufacturing arms, munitions, and equipment and certain other allied questions (S. Doc. No. 664); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Licking River, Ky., for a distance of about 10 miles from its mouth (H. Doc. No. 1882); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting tentative draft of an additional proviso to supplement the item, "Arming, equipping, and training the National Guard," page 347, Book of Estimates, 1918 (H. Doc. No. 1883); to the Committee on Military Affairs and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Jacob Sheek *v.* The United States (H. Doc. No. 1884); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and a resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (H. J. Res. 323) to amend a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, reported the same with amendment, accompanied by a report (No. 1251), which said bill and joint resolution were referred to the Committee of the Whole House on the state of the Union.

Mr. STEELE of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1252), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 19423) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation, reported the same without amendment, accompanied by a report (No. 1253), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 19680) designating October 27 of each year as National Fraternal Day, to be devoted to conserving the home, fraternalism, and happiness; to the Committee on the Judiciary.

By Mr. McANDREWS: A bill (H. R. 19681) authorizing and directing the Secretary of War to make certain provisions for the care of Federal and Confederate veteran soldiers who served in the War between the States, 1861 to 1865, to enable them to unite in participation of a national memorial reunion and peace jubilee to be held in the national domain within the Vicksburg National Military Park, October 16, 17, 18, and 19, 1917; to the Committee on Appropriations.

By Mr. CARAWAY: A bill (H. R. 19682) to authorize a survey of the Black River, Ark. and Mo.; to the Committee on Rivers and Harbors.

By Mr. RUSSELL of Missouri: A bill (H. R. 19683) to authorize a survey of the Black River, Ark. and Mo.; to the Committee on Rivers and Harbors.

By Mr. HASTINGS: A bill (H. R. 19684) to amend section 9 of an act entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," approved May 27, 1908, conferring jurisdiction upon district courts to partition lands belonging to full-blood heirs of allottees of the Five Civilized Tribes; to the Committee on Indian Affairs.

By Mr. KEARNS: A bill (H. R. 19685) authorizing the Secretary of War to deliver to the village of Decatur, Brown County, Ohio, one condemned bronze or brass cannon, with the carriage, and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 19686) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 19687) to declare certain alien children naturalized citizens of the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 19688) to prohibit shipment in interstate commerce of intoxicating beverages except to public vendors; to the Committee on the Judiciary.

By Mr. CRISP: A bill (H. R. 19689) to repeal the tax on oleomargarine; to the Committee on Agriculture.

By Mr. MORRISON: Joint resolution (H. J. Res. 330) authorizing the Secretary of War to grant permission to erect monuments in national cemeteries in certain cases; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19690) granting a pension to Margaret A. Weed; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 19691) granting an increase of pension to Joseph R. Moore; to the Committee on Invalid Pensions.

By Mr. ASWELL: A bill (H. R. 19692) granting an increase of pension to George Butterbaugh; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 19693) granting an increase of pension to John L. B. Breighner; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19694) granting an increase of pension to Peter F. Baker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 19695) granting an increase of pension to Eli Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19696) granting an increase of pension to Walter F. Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19697) granting an increase of pension to James Rolls; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 19698) granting an increase of pension to Jacob Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19699) granting an increase of pension to Joseph McArmstrong; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 19700) granting an increase of pension to William Gundy; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 19701) for the relief of Samuel R. Douglas; to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 19702) granting an increase of pension to Valentine Fish; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 19703) granting an increase of pension to Joseph H. Steel; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 19704) granting a pension to Harrison M. Pendleton; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 19705) granting an increase of pension to William H. Beardsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19706) granting a pension to Edmund S. Auld, alias Storey E. Auld; to the Committee on Pensions.

Also, a bill (H. R. 19707) granting a pension to Aurelia E. Wilkins; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 19708) granting an increase of pension to Thomas Cullum; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 19709) granting a pension to Lottie E. Beisser; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 19710) granting an increase of pension to George Reiley; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 19711) granting an increase of pension to Thompson N. Lupton; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 19712) granting an increase of pension to Levi Lindenmuth; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 19713) granting an increase of pension to Johanna Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19714) granting an increase of pension to Bridget M. Fauls; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 19715) to remove the charge of desertion from the record of Wilks Whitfield; to the Committee on Military Affairs.

By Mr. PAIGE of Massachusetts: A bill (H. R. 19716) granting a pension to Carrie B. Wilson; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 19717) granting an increase of pension to William White; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19718) granting an increase of pension to John A. Lovens; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 19719) granting an increase of pension to Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19720) granting a pension to Mary L. Steere; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19721) granting an increase of pension to Almeron Cross; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 19722) granting an increase of pension to Sylvania Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19723) granting an increase of pension to John S. Harrelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19724) granting an increase of pension to Francis M. Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19725) granting back pension to Aurelia Colwell; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 19726) for the relief of the heirs of Ewing M. Skaggs; to the Committee on War Claims.

By Mr. WHALEY: A bill (H. R. 19727) waiving the age limit for admission to the United States Marine Corps in the case of Frank K. Lesesne; to the Committee on Naval Affairs.

By Mr. CRISP: Resolution (H. Res. 433) to pay one month's salary to Lamar Tribble, late clerk to Hon. S. J. TRIBBLE, deceased; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the National Association of Life Underwriters, favoring bill for incorporation of the National Association of Underwriters; to the Committee on Interstate and Foreign Commerce.

Also, letter from the Secretary of War, transmitting report of the commanding officer of Watertown Arsenal of tests of iron and steel and other materials for industrial purposes; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of Richard Roberts, George E. Wilson, H. H. McElronn, David Duncan, William Golland, Harry Sheeder, Joseph Strouse, Henry Allsapp, Henry F. Fry, A. G. Clemens, John L. Finan, Guy P. Masters, George Mapstone, Leslie Jones, William Roberts, Edward Roberts, Charles B. St. Clair, John Whitehouse, Henry Lester, William E. Sanders, Robert Smith, Charles Smith, Robert Giles, William Clifford, G. H. Rice, S. W. Cohen, John Wonders, Stephen Owens, Lawrence McCarthy, Philip George, jr., Joseph McQuillen, Thomas R. Lewis, William J. Allen, W. G. Bassett, John Dincho, Thomas Hall, William Fisher, Charles L. Berkey, H. L. Bauers, Thomas K. Wicks, John Truman, Russel Eplett, Benjamin S. Jones, Walter Dimond, Dorsey Hutzel, Thomas Peden, and Fred Waltz, all of South Fork, Pa., and B. L. McCahan and Abe Wise, of Ehrenfeld, Pa., for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALES: Papers in support of House bill 19693, for relief of John L. B. Breighner; to the Committee on Invalid Pensions.

Also, petition of Pen Mar County Agricultural Fair Association, of Fawn Grove, Pa., protesting against an embargo on agricultural products; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of American Bar Association, favoring passage of Senate bill 4551, relative to power vested in Supreme Court; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York against zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of Bakery and Confectionery Workers' International Union of America against national prohibition; to the Committee on the Judiciary.

Also, petition of Edwin P. Gleaso & Son, of New York, favoring universal military training; to the Committee on Military Affairs.

Also, petitions of Charles Yontiff against universal military training; to the Committee on Military Affairs.

Also, memorial of Capitol District of New York State against construction of bridge pier in channel of Hudson River below Castleton; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of New York City against discontinuance of pneumatic tube-mail service; to the Committee on the Post Office and Post Roads.

By Mr. BURKE: Petition of Edward Friedrich and 60 other citizens of Lomira, Dodge County, Wis., protesting against the passage of the following bills: House bill 18986, to exclude liquor advertisements from the mails; Senate bill 4429, to exclude liquor advertisements from the mails; Senate bill 1082, providing for prohibition for the District of Columbia; House joint resolution 84, providing for nation-wide prohibition; and House bill 17850, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Edward G. Asmus, of Milwaukee, Wis., favoring increased salaries for Government employees; to the Committee on Appropriations.

Also, memorials of International Union of the United Brewery Workmen, of Milwaukee, Wis., and Cincinnati, Ohio, and Central Federated Union of New York, opposing enactment of any prohibition laws; to the Committee on the Judiciary.

Also, memorial of storekeepers and gaugers, civil-service employees in the Internal-Revenue Service, of the first district of Wisconsin, favoring increase in Government salaries; to the Committee on Appropriations.

By Mr. CHARLES: Petition of Chalmers Knitting Co., of Amsterdam, N. Y., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Carl & Co., Schenectady, N. Y., against Stephens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Union 85, Brotherhood of Electrical Workers, Schenectady, N. Y., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of the Bankers' Publishing Co., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of American Federation of Teachers, asking increase in salaries of public-school employees in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Hogan & Son, of New York City, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DAVIS of Texas: Petition of Fred W. Davis, commissioner of agriculture, Houston, Tex., in re legislation affecting citrus-canker eradication; to the Committee on Agriculture.

Also, petition of Solon Goode, of Dallas, Tex., opposing increase in second-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of W. A. Green, of Dallas, Tex., opposing Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Marshall Smith, of Brownwood, Tex., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. DOOLING: Memorial of Board of Aldermen of New York City, favoring pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Petition of sundry citizens of Des Moines, Iowa, relative to attitude United States should assume in European war; to the Committee on Foreign Affairs.

By Mr. DUNN: Petition of letter carriers and post-office clerks at Rochester, N. Y., asking for an increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of International Union of the United Brewery Workmen of America, favoring Nolan minimum-wage bill; to the Committee on Labor.

Also, petition of sundry citizens of the State of New Jersey favoring suffrage for women; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorial of New York Canners' Association favoring an appropriation for the Bureau of Standards; to the Committee on Agriculture.

Also, petition of 625 residents of the State of Michigan favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petitions of Frances Kilduff, of La Salle, and D. C. Murray & Co., of Streator, in the State of Illinois, against the Stephens price-maintenance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Union of United Brewery Workmen, for increase of pay for Federal employees; to the Committee on Appropriations.

By Mr. GALLIVAN: Petition of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 402, East Boston, Mass., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Boston branch of the first division, Railway Mail Association, for increase in pay of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petition of 101 voters of Douglas County and 22 of Polk County, Oreg., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEARNS: Memorial of Peerless Lodge, No. 762, Loyal Order of Moose, opposing increase in second-class rates; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: Petition of American Federation of Teachers, Charles B. Stillman, president, of Chicago, Ill., with reference to increased salaries for teachers of the District of Columbia; to the Committee on the District of Columbia.

By Mr. NOLAN: Memorial of Board of Trade of San Francisco, Cal., opposing repeal of national bankruptcy act; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of Sailors' Union of the Pacific, favoring the building of a marine hospital at San Francisco; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Marine Firemen, Tenders, Oilers, and Water Tenders' Union of the Pacific, favoring the building of a marine hospital at San Francisco; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROWE: Memorial of Chamber of Commerce of the State of New York, relative to appointment of a tariff commission; to the Committee on Ways and Means.

Also, memorial of the Tenth Assembly District Republican Club, for establishment of another building way in Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, memorial of Board of Aldermen of New York City, The Bronx Board of Trade, Perry Burrkhardt Corporation, and others, of New York City, against discontinuance of the pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Don L. Marshall and 5 citizens, of Grand Lodge, Mich., favoring House bill 17806; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 18437, for pension of Ruth M. Hoag; to the Committee on Invalid Pensions.

Also, memorial of the Sprague Publishing Co., Detroit, Mich., against zone rate in postal appropriation bill; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Memorial of citizens of Utica, N. Y., and vicinity, favoring bill for a national park on the Oriskany (N. Y.) battle ground; to the Committee on Military Affairs.

Also, petition of H. G. Munger, of Herkimer, N. Y., against the Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of railway postal clerks of thirty-third New York district, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Typographical Union No. 245, of Woonsocket, R. I., against the proposed zone system for second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of Brown & Hamilton Co., New Castle, Pa., protesting against the Stephens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DYKE: Memorial of Woman's Auxiliary, St. Paul Branch, Railway Mail Association, for increase in pay of all railway postal clerks; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *January 6, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the ever present duties of life we feel that we must always call upon the divine guidance and blessing, for human strength and wisdom have never been sufficient for human life. We have our life not only set in this world's circumstance but also projected into the eternal and changeless. The influence of our lives must go out and touch the life of those about us, not only for time but for eternity. So we pray that Thou wilt give us wisdom for the duties of this day, that Thou wilt give us grace and piety for walk with God in all the duties of life, that we may stand at last approved in Thy presence. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Phelan	Sterling
Bankhead	Hughes	Pittman	Stone
Beckham	Johnson, S. Dak.	Poindexter	Thomas
Brady	Jones	Ransdell	Thompson
Brandegee	Kenyon	Reed	Tillman
Bryan	Kirby	Robinson	Townsend
Clapp	Lane	Saulsbury	Vardaman
Clark	McCumber	Shafroth	Wadsworth
Culberson	McLean	Sheppard	Walsh
Curtis	Martine, N. J.	Sherman	Watson
Dillingham	Nelson	Shields	Works
Fletcher	Norris	Simmons	
Gallinger	Overman	Smith, Ga.	
Harding	Page	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. HUGHES. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is unavoidably detained from the Senate on account of illness. I will let this announcement stand for the day. The senior Senator from Kentucky has a general pair with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. LANE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is necessarily absent.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The Secretary will read the Journal of the proceedings of the previous day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 4, 1917, when, on request of Mr. OVERMAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FLOOD CONTROL.

Mr. VARDAMAN. Mr. President, on December 22 I reported from the Committee on Commerce for the senior Senator from Louisiana [Mr. RANSDELL] the bill (H. R. 14777) to provide for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes. The report of the committee was signed by the Senator from Louisiana [Mr. RANSDELL] and by order of the committee the report was to be made by me for him, as he was then confined at his hotel on account of indisposition. The RECORD shows that I made the report for the Senator from Louisiana, but I see that my name appears in the caption and upon the calendar. I ask permission that it be changed so that the RECORD may show that the Senator from Louisiana [Mr. RANSDELL] made the report, and that he is in fact in charge of what is known as the flood-control bill. I make this correction because I feel that the Senator is entitled to it, and it was an oversight on the part of the clerks.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Mississippi will be granted.

SENATOR FROM WYOMING.

The PRESIDENT pro tempore. The Chair lays before the Senate the credentials of JOHN B. KENDRICK, chosen by the qualified electors of the State of Wyoming a Senator to represent that State, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT, CHEYENNE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, JOHN B. KENDRICK was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness: His excellency our governor, JOHN B. KENDRICK, and our seal hereto affixed at Cheyenne this 23d day of December, in the year of our Lord 1916.

[SEAL.] JOHN B. KENDRICK, *Governor.*

By the governor:

FRANK L. HOUX, *Secretary of State.*
By F. H. WESTCOTT, *Deputy.*

SENATOR FROM TEXAS.

Mr. SHEPPARD. Mr. President, I have the honor to present the credentials of my colleague the senior Senator from Texas [Mr. CULBERSON] for the succeeding term in the Senate. I ask that the credentials be read and properly filed.

The credentials were read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION.

THE STATE OF TEXAS.

This is to certify that at a general election held in the State of Texas on the first Tuesday after the first Monday in November, A. D. 1916, being the 7th day of said month, CHARLES A. CULBERSON having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as United States Senator for the State of Texas.

In testimony whereof I have hereunto subscribed my name and caused the seal of State to be affixed at the city of Austin, on this 18th day of December, A. D. 1916.

[SEAL.] JAMES E. FERGUSON, *Governor.*

By the governor:

JOHN G. MCKAY, *Secretary of State.*

SENATOR FROM MICHIGAN.

Mr. GALLINGER. Mr. President, on Monday, December 18, the Senator from Michigan [Mr. SMITH] presented the credentials of CHARLES E. TOWNSEND for the term beginning March 4, 1917, which were read and ordered to be placed on file.

The form of these credentials seems, upon examination, to be imperfect, and on January 2 credentials in the usual form suggested by the resolution of the Senate of August 24, 1914, were handed down by the President pro tempore, which I ask may be placed on the files and recorded by the Secretary under the rule in lieu of those first presented.

I will say that the first credentials were not signed by the governor, and to that extent were imperfect. The second set which came in are in due form.

The PRESIDENT pro tempore. The second set were filed by order of the Senate, and they will be printed in the RECORD.

The credentials are as follows:

STATE OF MICHIGAN, EXECUTIVE OFFICE, LANSING.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, CHARLES E. TOWNSEND was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency, our governor, Woodbridge N. Ferris, and our seal hereto affixed at Lansing this 22d day of December, in the year of our Lord 1916.

[SEAL.] WOODBRIDGE N. FERRIS, *Governor.*

By the governor:

COLEMAN C. VAUGHAN,
Secretary of State.
By GEORGE L. LUSK,
Deputy Secretary of State.

SENATOR FROM NEVADA.

Mr. NEWLANDS. I present the credentials of my colleague, Hon. KEY PITTMAN, which I ask may be read and placed on the files of the Senate.

The credentials were read and ordered to be filed, as follows:

STATE OF NEVADA, EXECUTIVE DEPARTMENT.

Whereas at the general election held in the State of Nevada on the 7th day of November, 1916, KEY PITTMAN was duly elected to the office of United States Senator for the term of six years from and after March 4, 1917, and until his successor is elected and qualified. Now, therefore, Emmet D. Boyle, governor of the State of Nevada, by the authority in me vested by the constitution and laws thereof do hereby commission him, the said KEY PITTMAN, of the State of Nevada, and authorize him to discharge the duties of said office according to law and to hold and enjoy the same, together with all the powers, privileges, and emoluments thereunto appertaining for the term as aforesaid.

In testimony whereof I have hereunto set my hand and caused the great seal of State to be affixed at Carson City this 28th day of December, in the year of our Lord 1916.

[SEAL.] EMMET D. BOYLE,
Governor of the State of Nevada.

By the governor:

GEORGE BRODIGAN,
Secretary of State.
By J. W. LEGATE,
Deputy.

BUREAU OF ANIMAL INDUSTRY (H. DOC. NO. 1887).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the names of all persons employed in the Bureau of Animal Industry during the fiscal year ended June 30, 1916, except those whose salaries were paid exclusively from the meat-inspection appropriation, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the memorial of William H. Cox in behalf of the Pokogan Tribe of Pottowatomie Indians, remonstrating against the conversion of lake lands in the northern part of Indiana into a national park, which was referred to the Committee on Indian Affairs.

He also presented a petition of General Henry W. Lawton Camp, No. 4, United Spanish War Veterans, of the District of Columbia, and a petition of the Council of the Order of Washington, D. C., praying for the enactment of legislation to protect the flag of the United States, which were referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying that the surplus money received from naturalization sources may be used for the education of immigrants, which were referred to the Committee on Immigration.

Mr. SHEPPARD presented petitions of the Young People's Christian Endeavor Society of the Randle Highlands Baptist Church; of the Woman's Foreign Missionary Societies and the Woman's Home Missionary Societies of the Methodist Episcopal Churches of the District of Columbia; of the Vaughan Bible Class of the Calvary Baptist Church; of the Third Quarterly Conference of the Asbury Methodist Episcopal Church (colored); and of the congregation of the Douglass Memorial Episcopal Church, all in the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a telegram in the nature of a memorial from the Pacific Press Publishing Association, of Mountain View, Cal., remonstrating against proposed changes in zone postal rates, which was referred to the Committee on Post Offices and Post Roads.

Mr. HARDING presented a petition of sundry citizens of Dayton, Ohio, praying for the establishment of a national leprosarium, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which were ordered to lie on the table.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. POINDEXTER. I present a memorial of the president of the Porto Rico Federation of Labor, making certain representations on the pending Porto Rican government bill. I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *December 4, 1916.*

STATEMENT BY SANTIAGO IGLESIAS, PRESIDENT OF PORTO RICO FEDERATION OF LABOR, ON PORTO RICO BILL.

* * * * * * *

[This statement in full was handed to President Wilson by President Gompers, of the American Federation of Labor, at the White House, Dec. 4, 1916.]

I now want to make particular reference to the constant failure of Congress during the last few years to enact a law as to the status of the people of Porto Rico. There is now pending before the Senate a bill which, if it becomes law, certainly will define forever the status of the people of Porto Rico. The bill contains several clauses of a reactionary character, against which the Free Federation of Workingmen of Porto Rico emphatically protest.

Before entering into the presentation of the features of the bill to which the labor people as well as the people in general of Porto Rico protest, let me quote the Hon. JOHN F. SHAFROTH, chairman of the committee of the Senate on the Pacific Islands and Porto Rico, in an address to the Senate:

"Mr. President, in the formation of our Republic we put forth to the world new principles of government which seemed so plain to us that we declared them to be self-evident truths. We declared that all men are created equal, not in intellect, not in height, not in strength, not in color, and not in many other respects, but equal in rights. We declared that man is entitled, as an unalienable right, to life, liberty, and the pursuit of happiness. We said in that declaration that so sacred are these rights against tyranny that they not only shall not be invaded by others but they can not be bartered away even by ourselves."

The working people of Porto Rico wonder why Senator SHAFROTH has not followed the splendid policy he outlined in the framing of the Porto Rican bill.

Section 26 of the Jones bill, with amendments by the Senate committee, of which Senator SHAFROTH is chairman, says:

"No person shall be a member of the Senate of Porto Rico who does not own taxable property in Porto Rico to the value of not less than $1,000."

Section 27 of the same bill says:

"No person shall be a member of the house of representatives who does not own and pay taxes upon property of the assessed value of not less than $500."

The only argument which Gov. Yager advanced in advocating the property and the literacy qualifications is that he has proof that the corporations practically control the votes of large groups of working people.

The labor movement of Porto Rico, as expressed through the Free Federation of Workingmen, affiliated with the American Federation of Labor, has been and is now the most potential and influential factor in the island to Americanize the people of Porto Rico to the American standard of political action and freedom, and it has succeeded in a great measure in freeing them from the influence of the employers politically as well as economically. It is a dangerous proposition at this time to impose a property qualification on members to be elected for the Senate as well as for the House of Representatives of Porto Rico. To give to only those with property qualification the right to control the affairs of the people of the island will have a tendency to strengthen and encourage the agitation and propaganda of those who are already preaching anti-American sentiments and striving for the independence of the island.

Section 35 of the same bill states:

"That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is able to read and write or he is a bona fide taxpayer."

This has been amended by adding these words:

"That all legally qualified electors of Porto Rico at the last election shall be entitled to register and vote at elections for 10 years from and after the passage of this act."

If Congress enacts the bill containing the clause quoted, it will disfranchise three out of every four voters of Porto Rico—the provision will practically disfranchise 175,000 workingmen out of a total of 205,000 voters of the whole island. The adoption of that clause would be a great political mistake and a national wrong imposed upon the people of the island.

The people of Porto Rico exercised the franchise for the last 16 years, and even under the Spanish monarchy. Such rights were accorded to our people by the Cortes of Spain and our local legislature, and now the Congress of the United States is being advised to take away those rights that our people enjoy and possess. It is indeed a very serious question; that the same bill which purports to grant American citizenship to the people of Porto Rico shall take away the civil rights that our people enjoy and possess, so it will clearly appear to the minds of the people that in being honorably granted citizenship of the United States they are going to lose their civil rights, and a property qualification is to be required for those who make the laws and rule the working people, who constitute ninety-odd per cent of the people of the island.

On the other hand, no means are provided to enable some 300,000 children to attend schools, which amounts to 60 per cent of the total electoral population, who, because of the inability to obtain an education, will be deprived of the right of franchise. Moreover, under the proposed law only such citizens as pay a tax will be privileged to be representatives in the legislature of the island. Workingmen, however bright and intelligent they may be, if they pay no taxes will be disqualified and robbed of the right to be representatives.

Recently Gov. Yager, of Porto Rico, was quoted by the press as saying that it is absolutely necessary that the Jones bill be passed in Congress before the holiday recess, in order to check forever the anti-American and independence agitation in the island.

Recently, in a conversation with Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs in the War Department, I tried to convey to him the influences, ideas, and political conditions that now exist in Porto Rico, and he made the following remark, referring specially to that section of the bill relative to the civil rights of Porto Rico: "Those clauses are not essential to the principles of the bill and could very well be eliminated." While the Jones bill grants to the people of Porto Rico American citizenship, that same bill forces upon our people theories of government which have long ago been repudiated by the progressive force of American democracy as well as the progressive force of Porto Rico.

If the condition of the people of Porto Rico is ever to be raised to a standard at all compatible with that prevailing in the United States, the civil and political rights that we now enjoy and possess must be guaranteed and extended in the new organic law now pending before the Senate.

The Free Federation of Workingmen of Porto Rico maintains fully the same declarations and petitions duly made to the President of the United States in Congress year after year.

The people of the island want to solve a great economic problem by the right guaranteed by the new constitution to use the Government, whose upholders they are, to obtain loans at a low rate of interest, the Government in making such loans do away with the dreadful usury prevailing through the country. In so doing the Government would also hamper and lessen the social and industrial oppression of the masses and help thereby in diffusing the wealth.

The banking system and the credit have both been left in the hands of private manipulation. Both speculation and monopoly, as well as the control of the local government, has fallen into the hands of the most powerful corporations.

The private monopoly of vital interests of the community of the island is detrimental to the well-being of the people, and such monopoly and control of the wealth produced by the people are creating among the popular minds a moral state of indignation against the hateful industrial oppression which has been the cause of so much wretchedness, privation, and hunger among the working masses.

We hope the United States Congress will enact a constitution furthering the common good of all the people of Porto Rico and in the general interest of the island relieving the masses of the social and industrial oppression they suffer—oppression which is casting discredit upon the American flag. Congress should suppress the monopoly effected by the corporations; the exportation of wealth produced by Porto Rican workers should be regulated so as to retain the

great part for the benefit of the inhabitants of the island. Now, more than 60 per cent is exported, a circumstance which turns the island into a trading post operated by underfed and barefoot laborers, and in this way the constitution would benefit the whole people and not a specially privileged class or party. Such a measure would promote the diffusion of wealth and comfort, intelligence, virtue, and equal opportunity, which are the chief aims and aspirations of the wise, democratic American institutions.

EXTRACT FROM H. R. 9533—AMENDMENTS.

Page 23, section 26, lines 10 to 13, strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than $1,000 assessed in his name and upon which he pays taxes."

Page 24, section 27, lines 7 to 10, strike out the words "and who does not own in his individual right taxable and pays taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than $500."

That section 35 be amended so as to read as follows:

"SEC. 35. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

"(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

"(b) Those who are able to read and write either Spanish or English.

"(c) Those who are bona fide taxpayers in their own name in an amount of not less than $3 per annum."

GOVERNMENT EXHIBIT IN THE DISTRICT OF COLUMBIA.

Mr. MARTINE of New Jersey, from the Committee on Industrial Expositions, to which was referred the joint resolution (S. J. Res. 182) inviting the people of the United States to visit the District of Columbia during the week of February 26 to March 4, 1917, to view the Capitol and inspect an exhibition of the various activities of the Government service, reported it without amendment.

MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404); to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. BECKHAM:

A bill (S. 7711) granting an increase of pension to Cyrus B. Parrigan; and

A bill (S. 7712) granting a pension to Mary E. Whitaker (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation; to the Committee on Military Affairs.

A bill (S. 7714) for the relief of Katie Norvall; to the Committee on Claims.

By Mr. HOLLIS:

A bill (S. 7715) granting an increase of pension to Vilas E. Bryant (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 7716) granting a pension to Emma A. Hoskins; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7717) granting an increase of pension to Barnard J. Irwin; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7718) granting an increase of pension to Carlton J. Beaman (with accompanying papers); to the Committee on Pensions.

By Mr. HARDWICK:

A bill (S. 7719) to prohibit commerce in intoxicating liquors between the States in certain cases; to the Committee on the Judiciary.

By Mr. TILLMAN:

A bill (S. 7720) to amend section 1570 of the Revised Statutes of the United States, relative to additional compensation to seamen, landsmen, and marines;

A bill (S. 7721) to reestablish the United States Naval Reserve created by the act of March 3, 1915;

A bill (S. 7722) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916;

A bill (S. 7723) to amend section 1496 of the Revised Statutes of the United States, relative to the examination of officers of the Navy for promotion; and

A bill (S. 7724) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; to the Committee on Naval Affairs.

By Mr. WEEKS:

A bill (S. 7725) granting an increase of pension to Martha R. Griswold (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7726) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment proposing to appropriate $3,000 for repairing and completing the wasteways of the canal system on the lands owned by the white men on the Fort Hall Indian Reservation, Idaho, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 to equip and maintain a United States sheep experiment station in Fremont County, Idaho, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the secretary to the Board of Commissioners of the District of Columbia from $2,400 to $3,000, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to appropriate $36,000 for the purchase of lot 61 in square 555, in the District of Columbia, for a playground site, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $10,000 for the purchase and installation of 100 bulletin boards constructed in accordance with United States letters patent No. 1206148, to be placed in such post offices as the Civil Service Commission may deem most advisable, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

MIDWINTER CARNIVAL—ST. PAUL, MINN.

Mr. CLAPP. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 191) authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city, was read the first time by its title and the second time at length, as follows:

Whereas the city of St. Paul, Minn., is making extensive preparations for the second annual midwinter carnival to be held in said city from January 27 to February 3, 1917; and

Whereas the projected celebration by said city, in connection with said carnival, will include pageants, national athletic games, tournaments, parades, and many other midwinter demonstrations, that will attract visitors from all parts of the United States; and

Whereas the citizens' committee having the celebration in charge have widely advertised the approaching event, with the result that a great increase of incoming and outgoing mail matter is now being handled by the St. Paul, Minn., post office: Therefore be it

Resolved, etc., That the Postmaster General of the United States be, and he hereby is, authorized to prepare and deliver to the postmaster at St. Paul, Minn., a special canceling device to be used in the cancellation of mail matter in the post office of that city from and after the passage of this joint resolution up to and including February 15, 1917, said die to be of such design as may be agreed upon by the Postmaster General and the citizens' committee of St. Paul, Minn.

Mr. CLAPP. I ask unanimous consent for the present consideration of the joint resolution. A similar joint resolution has been introduced in the House of Representatives, and it is necessary to have legislation passed at an early day in order to secure the canceling die to be used in connection with the winter sports carnival, which is to be held at St. Paul, Minn., January 27 to February 3 of this year.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING ON INDIAN RESERVATIONS.

Mr. ASHURST. Mr. President, some days ago I rose and attempted to secure recognition for the purpose of asking unanimous consent for the consideration and passage of the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations. I do not wish in the morning hour to bring up any bill which will lead to long discussion, but I desire to say that this bill, which has, of course, passed the other House, has been reported favorably from the Committee on Indian Affairs of the Senate. It proposes to extend the right to Indians and other persons to locate, prospect, and to mine for metalliferous minerals on Indian reservations in accordance with regulations issued by the Interior Department. I now ask unanimous consent that the Senate advert to this bill, because I think it can be passed in a few moments. I should like to have the bill read.

Mr. SMOOT. I shall object to that until the morning business is concluded.

The PRESIDENT pro tempore. Are there further bills or joint resolutions? [A pause.] Concurrent and other resolutions are now in order.

PROPOSED AMENDMENT TO THE RULES.

Mr. JONES. Mr. President, I desire to ask a question in the nature of a parliamentary inquiry. During the legislative day of yesterday I gave notice of an amendment which I intend to propose to the standing rules of the Senate. As I understand, I can call that up during the morning hour any day that I desire to do so. I want to ask the Chair if that is correct?

The PRESIDENT pro tempore. That matter went over under the rule, and would naturally come under the next order of business, the Chair would think, as being a resolution coming over from a previous day.

Mr. JONES. It is not a resolution, I will say to the Chair, but simply the notice required by the rules that on a subsequent day I should offer an amendment to the rules. As I understand, pursuant to that notice, I can offer such amendment any day that I see fit when I can obtain recognition.

The PRESIDENT pro tempore. On that statement of the Senator, the Chair understands that is the correct construction.

Mr. JONES. I will say that I do not intend to present the matter to-day, but shall do so possibly some time early next week.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

The PRESIDENT pro tempore. Are there concurrent or other resolutions. If there be none, the Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from North Carolina [Mr. OVERMAN], which will be read.

The Secretary read the resolution (S. Res. 300), as follows:

Whereas the Republic of Cuba moved in the Supreme Court of the United States to be permitted to institute an action of debt against the State of North Carolina upon certain bonds purporting to be issued by the said State of North Carolina in the years 1868 and 1869, which said bonds are particularly described in the declaration of the Republic of Cuba filed with its motion: Now, therefore, be it

Resolved, That the Secretary of State of the United States is directed to use his offices with the Republic of Cuba to ascertain when and under what circumstances the Republic of Cuba acquired these bonds; and from whom it acquired them; and for what purpose it holds them; and what price, if any, it paid for said bonds; and if the Republic of Cuba has moved to institute suit against the State of North Carolina in behalf of itself or in behalf of others who may own said bonds; and to communicate said information to the Senate of the United States.

Mr. OVERMAN. Mr. President, that resolution, which comes over from a previous day, and which was introduced by me, asks for certain information in regard to a suit brought against the State of North Carolina by the Republic of Cuba. I am going to move to indefinitely postpone the resolution, because the resolution and the debate that occurred upon it on this floor have had the effect that I intended, for I now have all the information which I desired furnished me by the Republic of Cuba.

Furthermore, I am glad to state to the Senate that Cuba, our sister Republic, has very graciously and most cordially revoked this decree and has ordered that the suit against the State of North Carolina for $2,000,000 be withdrawn.

Mr. President, our sister Republic is very indignant that she should have been imposed upon by these creditors. It has been a "frame-up." I want to commend his excellency, the Cuban minister, for the very gracious and friendly spirit in which he has handled the matter. A few hours after he read the debate in the RECORD—and it seems that all of the ministers and ambassadors from foreign countries read the RECORD every morning—he transmitted to his country the substance of the debate and the resolution. In consequence of his having done so, Cuba has taken this action.

I now desire to put into the RECORD a communication I have in regard to the matter, including a copy of the decree made by Cuba, and also stating the facts and circumstances upon which these bonds were received.

It seems, Mr. President, that there is in this country a committee that holds the repudiated bonds on which they have made these "frame-ups," or tried to make "frame-ups," in order to get some State or foreign country to pull these chestnuts out of the fire, either by misrepresentation or withholding the facts in regard to these bonds. They have succeeded in one State, but many of the States have spurned them since they have become acquainted with the facts. Of course, the Republic of Cuba knew nothing of the character of these bonds. They were donated to a charitable institution, which accepted them, thinking the bonds were good. As a consequence a decree was entered ordering the attorney general of Cuba—I do not know his name; I can not call his name—together with a man by the name of Burnstine, who represented these bondholders, to bring suit against North Carolina in the Supreme Court of the United States. That suit was set for a hearing upon the question of jurisdiction on Monday next. So, our sister Republic, since informed of the character of these bonds, has acted very quickly to settle this matter and wishes to express her indignation at the way in which she has been treated.

Now, Mr. President, I ask that the letter which I hold in my hand containing the facts be printed in the RECORD, without reading. They are very interesting, and I hope Senators will read them; but I am not going to delay the Senate by asking to have them read from the desk. I also ask that there be printed in the RECORD an extract from an opinion of Chief Justice White in the celebrated case of South Dakota against North Carolina, giving merely one extract from his opinion.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

WASHINGTON, D. C., *January 6, 1917.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the petition filed in the Supreme Court of the United States, on behalf of the Republic of Cuba, to bring suit against the State of North Carolina on certain unpaid bonds of that State, I can now, from information received from authoritative sources, communicate the following facts:

Some time last summer an attorney, a resident of New York, proffered, on behalf of the "Bondholders defaulted committee," to the Cuban Beneficencia, an endowed charity corporation controlled by a board under the general supervision of the Government, 795 North Carolina bonds of several railroad construction issues. This donation seems to have been accepted without any thorough understanding on the part of the donee corporation or the officials representing it of the nature of the bonds, of the conditions under which they were issued, or of the facts connected with the State's disavowal thereof.

Through some means—the details of which we have not been able to exactly ascertain—a decree was entered on July 24, 1916, but not published until November 16, 1916, and signed by the President of Cuba, authorizing the institution of a suit in the Supreme Court of the United States through two attorneys named in the decree, and providing that the Department of Justice could make an agreement regarding their compensation.

I am authoritatively informed that the State Department of Cuba knew nothing of this matter until after entry of the decree and the filing of the petition in the Supreme Court of the United States, and that the President of Cuba had not been personally informed of the nature of the decree until after that event. A copy of the decree authorizing the suit is hereto annexed and, as you will observe, it provides for the appointment of attorneys, one of whom is an American citizen and one a Cuban, and gives the Department of Justice power to fix their compensation.

During the past two weeks there has been considerable correspondence by cable between the Cuban authorities in Havana and the legation at Washington in regard to the matter; and now that the matter has been fully explained to the home authorities in Cuba, the Minister of Cuba to the United States, who has taken a deep and friendly interest in the matter toward the United States, is now authorized to make public the fact that the President of the Republic of Cuba, on January 4, 1917, dictated a decree, the most important part of which,

and which relates to the petition filed in the Supreme Court, is as follows:

"Whereas the necessary claim for the payment of said bonds and coupons has been presented to the Supreme Court of the United States;

"Whereas by the terms in which the question is presented the Government does not hold convenient to its interests and ends to continue the suit begun against the State of North Carolina for the payment of said bonds and coupons:

"At the proposal of the secretary of justice, I resolve to revoke and leave without force the decree No. 1438, of July 24, 1916, and therefore, without effect the appointment therein made, as attorneys of Messrs. Marcus H. Burnstine and Guillermo Portela y Moller, to whom this shall be made known, to the proper objects and consequences."

The minister of Cuba to the United States has also been authorized to state that the claim on these bonds was made only by the department of public health and charities of Cuba, although, according to law, the President of the Republic and the secretary of justice were called upon to give the powers of attorney for the presentation of the claim.

I understand that this information is about to be officially transmitted by the Cuban minister to the Secretary of State, and through the latter to the Department of Justice, so that the position of Cuba in this matter can be properly presented to the Supreme Court of the United States.

As you will remember, the Supreme Court of the United States, on receiving the petition of Mr. Burnstine on behalf of the Republic of Cuba, ordered a copy of the papers sent to the Attorney General of the United States, and I believe that the Solicitor General intends to present in proper legal form to the Supreme Court on Monday, January 8, when the rule on the petition for leave to file is returnable, the facts which I now communicate to you, and which will demonstrate to the court that by reason of the revocation of the decree on which the suit is based no further action can be taken in the matter.

With highest expressions of esteem, believe me, my dear Senator OVERMAN, to be

Yours, very sincerely,

CHAS. HENRY BUTLER,
Of Counsel for the State of North Carolina.

—

DECREE NO. 1438.

[Translated from the Gaceta Oficial of Nov. 16, 1916.]

Whereas it appears from an inquiry instituted in the department of health and charities at the behest of Sr. Guillermo Portela that the Bondholders' Defaulted Committee have donated to the Beneficencia de Cuba 795 bonds and coupons pertaining to the following issues of the State of North Carolina, United States: Western North Carolina Railroad Co., issue of April 1, 1869; Wilmington, Charlotte & Rutherford Railroad Co., issue of April 1, 1879; Williamston & Tarbor Railroad Co., issue of October 1, 1868; Western Railroad Co., issue of April 1, 1869; and Western North Carolina Railroad Co., issue of October 1, 1868;

Whereas to recover the amount represented by said bonds and their coupons it might be necessary to bring in the courts of the United States and before other competent authorities judicial suits or claims of other kind;

Whereas according to article 7 of the Instruccion de Beneficencia (charity regulations) of April 27, 1875, in connection with article 324 of the Law of the Executive Power, it is incumbent upon the Government of the Republic to represent and protect all charitable institutions of a general character;

Whereas, according to article 103 of the Laws of the Executive Power, it is the duty of the secretary of justice to take appropriate steps to cause the proper application of property of all kinds devoted to public charity establishments or foundations, when so requested by the cabinet officer having jurisdiction in such matters, while in the present case the secretary of health and charities has requested this decree of the secretary of justice;

Whereas the secretary of justice may, under the provisions of article 110 of the Law of the Executive Power, utilize in the service of the Republic the lawyers whom he shall deem necessary and appropriate, stipulating with them the compensation which they shall receive:

I hereby resolve—

First. That the sum to which the bonds and their coupons of the aforesaid issues amount be collected, bringing therefor all judicial and extrajudicial claims which may be necessary until that purpose is accomplished.

Second. That the secretary of justice designate Messrs. Marcus H. Burnstine and Guillermo Portela y Moller, lawyers, to exercise in the courts of the United States, including the Supreme Court of the United States, on behalf of the Government of Cuba in its exercise of the protectorate of public charities, all actions which might appertain to the Government of Cuba in order to obtain the payment of the amount represented by said bonds and their coupons, with authority likewise to conduct with competent administrative authorities any and all negotiations which might be helpful, appropriate, or necessary for the collection of said amount, and with authority in any case to compromise the claims of the Republic, first consulting the secretary of health and charities.

Third. The secretary of justice and the secretary of health are hereby charged with the fulfillment of this decree.

Given in "Duranona," Mariano, the 24th day of July, 1916.

M. G. MENOCAL, *President.*
C. DE LA GUARDIA,
Secretary of Justice.

—

[Extract from dissenting opinion of Justice, now Chief Justice, White in South Dakota against North Carolina (192 U. S., 286, pp. 349–350).]

Third. Finally, putting out of view the various considerations which I have previously stated, in my opinion this record discloses a condition of things which ought to prevent a court of equity from exerting its powers to enforce for the benefit of the State of South Dakota the claim which it asserts against the State of North Carolina. From the facts which I have at the outset recited it is undeniable that at the time the gift was made to the State of South Dakota of the bonds in question they were past due, and payment thereof had been more than 20 years prior to the gift refused by the State of North Carolina. The letter evidencing the gift demonstrates that the purpose of the gift to the State of South Dakota was to enable that State to assert a cause of action against the State of North Carolina which did not exist in favor of the transferrer. It also appears by the act of the Legislature of South Dakota, under which this suit was brought, that the State of South Dakota deemed that it might acquire a mere right to litigate, since the act itself in advance provided that the attorney general of the State should prosecute actions in the name of the State to recover on bonds or choses in action which might be transferred to the State, and that it contemplated litigation without cost to itself, since the act empowered the attorney general to employ counsel to prosecute suits, the compensation to be paid out of the proceeds which might be realized. This condition of things, in my opinion, although it may not be champertous in the strict sense of that word, is in its nature equivalent to a champertous engagement, whose enforcement is contrary to public policy, and one which a court therefore ought not to lend its aid to carry into effect. It has been sometimes said that the doctrine of maintenance and champerty has no application to the sovereign. But this can alone be justified by taking into view the high attributes which pertain to sovereignty. Now, if the State of South Dakota may avail of the delegation of judicial power over controversies between States—a power conferred in view of the sovereign dignity of all the States—for the purpose of destroying the sovereignty of another State by subjecting such State to judicial coercion concerning a claim of a private individual, then it seems to me the State of South Dakota should be treated as any other private individual seeking to enforce a private claim, and should have applied to it by a court of equity the principles of morality and justice which control such courts in refusing aid to persons who acquire merely litigious and speculative claims.

Mr. OVERMAN. I do not refer to these expressions of the learned Chief Justice as in any way reflecting on the action of Cuba. She has fully demonstrated her good faith by promptly repudiating the agreement on ascertaining its nature. I do refer to them as fittingly characterizing the action of those Americans who, although familiar with this opinion of the Chief Justice, were still willing to act in defiance of it and to the detriment of one of the States of this Union.

It seems to me, Mr. President, that it ought to be known—and it was known in 1871—by this country that the white men of the South were disfranchised and that the colored men were enfranchised; that carpetbaggers and other scoundrels went down there, took charge of the legislature, and issued these bonds for the purpose of building railroads. There never was a shovelful of dirt thrown in their construction, though they hawked $13,000,000 of North Carolina bonds on the market at 5 and 10 cents on the dollar. Those bonds are now owned by these creditors.

I want to say to the Members of the Senate that the Senate of the United States, even in those times of bitterness, sent a committee down to North Carolina composed of some of the greatest men in this body to investigate the question of the issue of these bonds. I wish this extract printed for the same reason I introduced the resolution, because I want not only the States to know but I want the world to know what was done there, and because, Mr. President, these men have gone to Cuba and tendered these bonds to that Republic to carry out their nefarious purposes, in order that other countries may be informed and warned against them.

Suppose they should go to Mexico and donate or sell $43,000,000 worth of bonds which they hold against North Carolina, $100,000,000 worth of bonds, probably, against Georgia and against other Southern States of a similar character, Mexico could bring them as an offset against the claims we may have for depredations committed by that country. Then the matter would go to The Hague, and, as I stated the other day, it might involve a great international question which might result in war.

I want the Senate to listen to the reading of the minority report of a United States Senate committee made in 1871 about these North Carolina bonds. I ask the Secretary to read what I have marked, which is only a short extract, and then I ask that the whole record which I present be printed in the RECORD. I will say that this is taken from a Senate document, and I want Senators to hear what in 1871 a minority report of a committee of the United States Senate stated in regard to this matter.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the document referred to, as follows:

These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868, under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the head of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete, Gen. Canby gave orders to exclude a certain number of the conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen. The legislature, moved by a ring of unprincipled adventurers, went to work

to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law; the bonds were sold, and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one million of the entire sum was ever applied to the construction of railroads. The value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State.

Mr. GALLINGER. Mr. President, may I ask my good friend from North Carolina what the report is from which the Secretary is reading?

Mr. OVERMAN. It is a report made to the Senate in 1871, and is taken from a public document.

Mr. GALLINGER. A report made by a committee of the Senate?

Mr. OVERMAN. By a minority committee of the Senate, and at a time when the heat and passion growing out of the Civil War were strong. The facts are stated in that document, and I wanted the country to know what even a minority committee of the United States Senate has said about this matter at that time.

Mr. GALLINGER. I did not understand what the report was.

The Secretary resumed the reading, as follows:

"The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property and controlled by designing men in search of pillage, made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered, and by the same means."

Again, at page 28 this report said:

"The statements are confirmed by every witness examined on this point; not a single witness contradicts it in any particular. Gov. Holden in his last message to the legislature, page 4, says the debt of the State is $30,000,000, and adds that the people will not and can not pay it. This, then, is the admitted, undeniable condition of the State. It is utterly, hopelessly bankrupt! Ruined, plundered, made bankrupt by the governor and legislature forced upon the State by an act of Congress! Will the people of the North permit this whole community to be thus pillaged and plundered by a government created by their representatives in Congress and sustained in power by their Army—the Army of the United States? What would the people of any Northern State do under like circumstances? What would any brave people do who were thus despoiled; despoiled of their political rights by strangers and the most degraded class of their own citizens, and then plundered of their individual property and made bankrupt as a community?"

Mr. OVERMAN. Mr. President, I want to add to that document the names of the Senators who made the report. The Senator from New Hampshire [Mr. GALLINGER] has asked me who they were. This report is signed by Senators Bayard, of Delaware, and Blair, of Missouri.

Mr. TILLMAN. I suggest to the Senator from North Carolina that he print the original document.

Mr. OVERMAN. That, with all the evidence taken, would be too long, and it is not necessary to print it all. These are the findings, and I think that is all that is necessary.

The PRESIDENT pro tempore. Without objection, the request will be granted.

The document referred to by Mr. OVERMAN in full is as follows:

IN THE SUPREME COURT OF THE UNITED STATES,
January 8, 1917.

REPUBLIC OF CUBA, PLAINTIFF, VERSUS THE STATE OF NORTH CAROLINA, DEFENDANT—MOTION FOR LEAVE TO INSTITUTE SUIT.

BRIEF FOR THE STATE OF NORTH CAROLINA, OPPOSING THE MOTION.

The State of North Carolina, one of the sovereign States of the United States, respectfully but earnestly protests to this honorable court that the Republic of Cuba, a foreign State, ought not to be allowed to sue the State of North Carolina in this court upon the causes of action set forth in her declaration, for the following reasons, to wit:

1. The State of North Carolina has not consented and does not consent that she be sued by the Republic of Cuba, and without her consent she can not be sued.

2. The constitution of North Carolina, by section 6, Article I, and section 9, Article IV, denies and forbids the consent of the State to be given to be sued particularly upon the causes of action stated in the declaration of the Republic of Cuba.

3. The Constitution of the United States, by section 10, third clause of Article I, forbids the State of North Carolina, without the consent of Congress, to enter into any compact or agreement with the Republic of Cuba, and no compact, agreement, or contract has been entered into by the State of North Carolina with the Republic of Cuba.

4. The declaration of the Republic of Cuba does not state a controversy between her and the State of North Carolina justifiable under the Constitution of the United States and cognizable under the jurisdiction of this court.

5. This attempt of the Republic of Cuba to sue upon the causes of action stated in her declaration is an attempt to evade the prohibitions of the eleventh amendment to the Constitution of the United States.

6. The declaration proposed to be filed by the Republic of Cuba shows upon its face that its causes of action, to wit, the bonds of the State of North Carolina, are stale claims against said State of North Carolina which this court will not, under established principles of equity jurisprudence, permit to be made the subject of suit.

7. This court will not entertain the suit of the Republic of Cuba upon the causes of action stated in her declaration, because this court would be without power to enforce its judgment against the State of North Carolina.

THE CAUSES OF ACTION STATED IN THE DECLARATION OF THE REPUBLIC OF CUBA FILED WITH HER MOTION TO INSTITUTE SUIT AGAINST THE STATE OF NORTH CAROLINA.

In the year 1868, while the State of North Carolina was being reconstructed under the act of Congress and under the control of the Federal Army, the constitution of 1868 was ratified on April 21, 22, and 23, and at the same time a legislature was elected, which convened in special session on July 1, 1868, and in regular session on November 16, 1868. Hamilton, in his book on Reconstruction in North Carolina, page 430, thus writes of this period and this legislature:

"When the legislature met in special session in July, 1868, the work begun by the convention was continued, for there was small thought of constitutional restrictions, and by this time a well-organized lobby was crying loudly for the prosperity which could only come through the building of railroads and the issue of State bonds for the purpose. At the head of the lobby was Gen. M. S. Littlefield, with an able body of allies, chief of whom was John T. Deweese and George W. Swepson, the latter being the paymaster of the 'ring.' Beginning at this session he allowed members of the legislature to cash their per diem at the Raleigh National Bank, of which he was a director, without charging them any discount. The 'third house' aided greatly in the work of the lobby, and Littlefield's readiness to make loans to needy statesmen, with no expectation of their being repaid, made him the idol of the carpetbaggers and corrupt scalawags, while his radicalism commended him to Republicans who were not tainted with dishonesty. His charm of manner and bonhomie made his company acceptable to many conservatives who at first did not question his motives or character. In the legislature Byron Laflin was the chief member of the ring, and as chairman of the committee on internal improvements was able to render great service to the cause. The 'ring' not only put through its own schemes, but in a short time undertook to market bond legislation at the rate of 10 per cent of the bonds received. Only through its aid could such legislation be secured, and it was thus able to make its own terms."

The bonds of the State authorized for railroad construction at these two sessions of the legislature aggregated $27,850,000; the amount actually issued was $17,640,000. It happened that the constitutionality of some of these acts was litigated in the courts, and the supreme court of the State declared them void, and thereby prevented the issue of about $10,000,000 of State bonds. (Galloway *v.* Jenkins (1869, January term), 63 N. C., 147; Railroad *v.* Holden (1869), 63 N. C., 410.)

Although the constitution of the State adopted in 1868 contained in section 1, Article V, a limitation upon the rate of taxation, to wit, that it should not exceed 66⅔ cents on the $100 valuation, as declared by the supreme court in Railroad *v.* Holden (63 N. C., 427, January term, 1869), this limitation was disregarded and ignored in this reckless railroad legislation, and the special taxes authorized in the several acts of these sessions of the legislature amounted to $0.6683 on the $100 valuation of property alone in excess of the constitutional limit. (See Hamilton on Reconstruction in North Carolina, p. 449.) The levy for general purposes by this same legislature was 35 cents on the $100, thus making the total levy $1.0183. (Ch. 108, Laws 1868–69.) The limit having been reached, none of the constitutional tax rate was left for the ordinary purposes of government. This legislature also disregarded and ignored another section of the constitution of 1868—section 4, Article V, which declared:

"Until the bonds of the State shall be at par the general assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the general assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon."

In Galloway *v.* Railroad (63 N. C., 147) and Railroad *v.* Holden (63 N. C., 410), both decided at January term, 1869, the Supreme Court of North Carolina held that a subscription for stock in a corporation and issuing bonds to pay for such stock is a gift of the credit of the State within the meaning of this section of the constitution, and prohibited thereby, unless approved by a vote of the people of the State. Under the decision of the court in these cases, and some acts of the legislature at its session in 1869–70, several millions of bonds were not issued, and $4,345,000 that had been issued were returned to the State treasurer. The legislature of the State on January 20, 1870, passed a joint resolution (see Public Laws of North Carolina, 1869–70, pp. 226 and 227), as follows:

RESOLUTION IN RELATION TO SPECIAL-TAX BONDS.

"*Resolved by the senate and house of representatives*, That the treasurer be instructed not to pay any more interest on the special-tax bonds until authorized and directed so to do by this general assembly."

Further, the Legislature of North Carolina, at its session in 1869–70, passed an act (see Public Laws of North Carolina, 1869–70, ch. 71, which was ratified Mar. 8, 1870) repealing all acts passed at the session of that legislature held in 1868–69 making appropriation to railroad companies and requiring the return to the State treasurer of all bonds then in the hands of the president or other officials of the corporation. The newspapers of the State of that day boldly charged that the bonds were fraudulently and corruptly issued and were invalid, and the New York Stock Board excluded the new State bonds from the exchange. Millions of these bonds had been offered in New York for sale. In addition, on January 19, 1871, the Senate of the United States passed a resolution for the appointment of a select committee to investigate alleged outrages in the Southern States, and this committee, on March 10, 1871, reported to the Senate the evidence taken by it and its conclusions, and the same is Public Document Report No. 1, Forty-second Congress, first session, "Outrages in the Southern States, March, 1871." A minority report was filed by Senators Bayard and Blair, who, after giving the history of the times during which these bonds were issued, the circumstances and methods resorted to to procure their issue, said, at pages 19 and 20 of their report:

"These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868 under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the lead of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete Gen. Canby gave orders to exclude a certain number of the conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen. The legislature, moved by a 'ring' of unprincipled adventurers, went to work to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law; the bonds were sold and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one *million* of the entire sum was ever applied to the construction of railroads. The value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State. The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property and controlled by designing men in search of pillage, made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered, and by the same means."

Again, at page 28, this report said:

"These statements are confirmed by every witness examined on this point; not a single witness contradicts it in any particular. Gov. Holden, in his last message to the legislature, page 4, says the debt of the State is $30,000,000, and adds that the people will not and can not pay it. This, then, is the admitted, undeniable condition of the State. It is utterly, hopelessly bankrupt! Ruined, plundered, made bankrupt by the governor and legislature forced upon the State by an act of Congress! Will the people of the North permit this whole community to be thus pillaged and plundered by a government created by their Representatives in Congress and sustained in power by their Army—the Army of the United States? What would the people of any northern State do under like circumstances? What would any brave people do who were thus despoiled; despoiled of their political rights by strangers and the most degraded class of their own citizens, and then plundered of their individual property and made bankrupt as a community?"

The bonds described in the declaration of the Republic of Cuba belong to the class of bonds authorized and issued in the manner and under the circumstances so vividly portrayed in the above report made to the Senate of the United States and published as a public document more than 45 years ago, within less than two years after the bonds were issued, at a time when the bonds had ceased to have any market value, long before the maturity of the bonds, and many years before the Republic of Cuba achieved its independence from Spain and became an independent State. So aroused did the people of the State become at the pillage and plunder of their State, so convinced were they that these bonds were "conceived in fraud and born in iniquity," and were not and ought not to be paid by the State along with her valid obligations, that they, in the year 1880, amended section 6, Article I, of the constitution of the State to read as follows:

SECTION 6, ARTICLE I.

"The State shall never assume or pay or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the general assembly assume or pay or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred or issued by authority of the convention of the year 1868, nor any debt or bond incurred or issued by the legislature of the year 1868, either at its special session or at its regular sessions of the years 1868 and 1869, and 1869 and 1870, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose."

Thus was notice given to the world by public acts and public documents of the fraudulent methods resorted to to procure the issue of these bonds; of the plunder and pillage of the State; of the ruin brought to its credit; of the State's attitude of determined resistance to the payment of these bonds or any of them. This notice thus publicly given was published long before the Republic of Cuba was created and long before it could have acquired these bonds. The inference is irresistible that the Republic of Cuba did not buy these bonds in the open market for the reason that they were valueless; it must have acquired these bonds from persons forbidden by the eleventh amendment to the Constitution to sue the State of North Carolina, and now, in her own name, as a foreign State, the Republic of Cuba moves to institute an action of debt in this court—an action without precedent in the judicial history of the country. If the right exists under the Federal Constitution, it has not been called into exercise since the adoption of the Constitution, now more than a century and a quarter ago. We earnestly insist that no such right is vested in the Republic of Cuba.

ARGUMENT.

I.

The State of North Carolina has not consented and does not consent that she be sued by the Republic of Cuba, and without such the State can not be sued.

The Republic of Cuba was not, nor was any foreign power, a party to the compact of the States in the Constitution of the United States. That great instrument was the compact solely and exclusively between the States of the United States and their people. No foreign power assumed any of the burdens or obligations imposed by that great compact of the sovereign States; it imposed no duties upon any foreign power; it conferred no rights upon any foreign nation. No foreign power is bound in any wise by the compact of the Constitution; it was not created nor constructed nor adopted for the benefit of any foreign power, but solely "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for a common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The several States to compose the United States under the Constitution alone ratified and accepted it.

In United States *v.* Diekelman (92 U. S., 520, 524), the court said:

"One nation treats with the citizens of another only through their government. A sovereign can not be sued in his own courts without his consent. His own dignity, as well as the dignity of the nation he represents, prevents his appearance to answer a suit against him in the courts of another sovereignty, except in performance of his obligations, by treaty or otherwise, voluntarily assumed. Hence a citizen of one nation wronged by the conduct of another nation must seek redress through his own government. His sovereign must assume the responsibility of presenting his claim, or it need not be considered. If this responsibility is assumed the claim may be prosecuted as one nation proceeds against another, not by suit in the courts, as of right, but by diplomacy, or, if need be, by war. It rests with the sovereign against whom the demand is made to determine for himself what he will do in respect to it. He may pay, or reject it; he may submit to arbitration, open his own courts to suit, or consent to be tried in the courts of another nation. All depends upon himself." (Briscoe *v.* Bank of Kentucky, 11 Pet., 257, 321; Cohens *v.* Virginia, 6 Wheat., 264, 380; Hamilton, Federalist, No. 80.)

In Third Elliott's Debates, page 533, Mr. Madison said:

"I do not conceive that any controversy can ever be decided in these courts between an American State and a foreign State, without the consent of the parties. If they consent provision is here made. The disputes ought to be tried by the National tribunal. This is consonant to the law of nations."

In Third Elliott's Debates, pages 555, 556, Mr. Marshall said:

"I hope that no gentleman will think that a State will be called at the bar of the Federal Court. Is there no such cast at present? Are there not many cases in which the Legislature of Virginia is a party, and yet the State is not sued? It is not rational to suppose that the sovereign power should be dragged before a court."

At page 557 Mr. Marshall said:

"If a foreign State brought a suit against the Commonwealth of Virginia, would she not be barred from the claim if the Federal judiciary thought it unjust? The previous consent of the parties is necessary; and as the Federal judiciary will decide each party will acquiesce. It will be the means of preventing disputes with foreign nations."

There seems no doubt that suits against States for the collection of debts were unheard of at the time of the adoption of the Constitution, and it would seem that the power to bring such actions would have been denied as promptly as the right of a citizen to sue the State was denied by the adoption of the eleventh amendment.

In the Federalist, No. 81, page 446, Mr. Hamilton said:

"It has been suggested that an assignment of the public securities of one State to the citizens of another would enable them to prosecute that State in the Federal courts for the amount of those securities. A suggestion which the following considerations prove to be without foundation: It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense, and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article on taxation, and need not be repeated here. A recurrence to the principles there established will satisfy us that there is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding in the conscience of the sovereign, and have no pretensions to a compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts, by mere implication and in destruction of a preexisting right of State government, a power which would involve such a consequence would be altogether forced and unwarrantable."

In Beers *v.* State of Arkansas (20 How., 527), Mr. Chief Justice Taney, speaking for this court, said:

"It is an established principle of jurisprudence in all civilized nations that the sovereign can not be sued in its own courts, or in any other, without its consent and permission; but it may, if it thinks proper, waive this privilege, and permit himself to be made defendant in a suit by individuals or by another State. And as this permission is altogether voluntary on the part of the sovereignty, it follows that it may prescribe the terms and conditions on which it consents to be sued and the manner in which the suit shall be conducted, and may withdraw its consent whenever it may suppose that justice to the public requires it." (Clark *v.* Barnard, 108 U. S., 436.)

Likewise, this court held in Bank of Washington *v.* Arkansas (20 How., 530, 532), Mr. Chief Justice Taney again speaking for the court:

"Those who deal in the bonds and obligations of a sovereign State are aware that they must rely altogether on the sense of justice and good faith of the State, and that the judiciary of the State can not interfere to enforce these contracts without the consent of the State; and the courts of the United States are expressly prohibited from exercising such jurisdiction."

Mr. Webster, in his opinion given to Baring Bros. & Co. October 16, 1839, volume 6, pages 537, 539, said:

"The security for the State loans is the plighted faith of the State as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the United States under the authority of Congress; that is to say, the good faith of the Government making the loan and its ability to fulfill its engagements."

In Crouch *v.* Credit Fancier (8 Court of Q. B., 374, 384, 1872-73), Mr. Justice Blackburn said:

"Foreign and colonial governments frequently create a public debt, the title to portions of which is made to depend on the possession of bonds expressed to be payable to the bearer or holders. There can hardly be said properly to be any right of action on such instruments at all, though the holder has a claim on the Government."

Hamilton, in his report in 1795 (Annals of Cong., 1793-95, 3d Cong., p. 1635), said:

"Public debt can scarcely in legal phrase be defined either as property in possession or in action. It is evidently not the first until it is reduced to possession by payment. To be the second would suppose a legal power to compel payment by suit. Does such a power exist? The true definition is such a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise will be definitely fulfilled."

In Hans *v.* Louisiana (134 U. S., 1), Mr. Justice Bradley, speaking for the court, said:

"The suability of a State without its consent was a thing unknown to the law. This has been so often laid down and acknowledged by courts and jurists that it is hardly necessary to be formally asserted. It was fully shown by an exhaustive examination of the old law by Mr. Justice Iredell in his opinion in Chisholm *v.* Georgia; and it has been conceded in every case since where the question has in any way been presented, even in the cases which have gone furthest in sustaining suits against the officers or agents of States. (Osborn *v.* Bank of United States, 9 Wheat., 738; Davis *v.* Gray, 16 Wall., 203; Board of Liquidation *v.* McComb, 92 U. S., 53; United States *v.* Lee, 106 U. S., 196; Virginia Coupon cases, 114 U. S., 269.) In all these cases the effort was to show, and the court held, that the suits were not against the State or the United States, but against individuals, conceding that if they had been against either the State or the United States they could not be maintained."

In this opinion the court further said:

"To avoid misapprehension it may be proper to add that, although the obligations of a State rest for their performance upon its honor and good faith, and can not be made the subjects of judicial cognizance unless the State consents to be sued or comes itself into court, yet where property or rights are enjoyed under a grant or contract made by a State they can not wantonly be invaded. Whilst the State can not be compelled by suit to perform its contracts, any attempt on its part to violate property or rights acquired under its contracts may be judicially resisted; and any law impairing the obligation of contracts under which such property or rights are held is void and powerless to affect their enjoyment."

We deem it not required in opposing this motion to discuss the question whether the Constitution is a compact between sovereign States or a compact by the sovereign people of sovereign States in the plenitude of their power, to form a more perfect union, and to establish the supreme law for their control and observance, for it is undeniable that no foreign power was a party to the compact, nor the citizen or subject of any foreign nation. We can not conceive that a foreign power can, as a matter of right, maintain any privilege or right under that compact. (Chisholm *v.* Georgia, 2 Dall., 419 (opinion of Chief Justice Jay, 471); Rhode Island *v.* Mass., 12 Pet., 657 (opinion of Justice Baldwin, p. 720); Worcester *v.* Georgia, 6 Pet., 515 (opinion of Justice McLean, p. 569); Martin *v.* Hunter, 1 Wheat., 304 (opinion of Justice Story, 524, 525); 1 Story's Com. on the Constitution, ch. 3.)

We deduce from these authorities:

(1) That the State possesses the sovereign attribute of exemption from suit for debt except when her consent is given.

(2) That the ordinary obligations or promises to pay issued by a State were not justiciable in the contemplation of the framers of the Constitution.

(3) That no foreign power was a party to the compact of the Constitution, and that the Constitution confers no rights upon a foreign State enforceable against a State by judicial decree.

(4) That the State of North Carolina has not consented to be sued by the Republic of Cuba upon the causes of action set forth in her declaration.

II.

The constitution of North Carolina, by section 6, article 1, and section 9, article 4, denies and forbids the consent of the State to be given to be sued, particularly upon the cause of action stated in the declaration of the Republic of Cuba.

Section 9, article 4, of the constitution of North Carolina, adopted in April, 1868, is as follows:

"The supreme court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the general assembly for its action."

This section of the constitution became a part of every contract between the State and those who dealt with it.

With full knowledge and information of the methods used in procuring the issue of the bonds of the class specified in the declaration of the Republic of Cuba, and fully determined not to pay them, the people of North Carolina adopted section 6, article 1, of their constitution, which has been quoted in full above in this brief. The State of North Carolina has in the most emphatic way denied its consent for any suit or action to be brought against it on the bonds specified in the declaration of the Republic of Cuba. The people of the State have expressly and in terms forbidden the legislature to pay, assume to pay, or levy any tax to pay any of these bonds, except the measure to pay be duly approved by a majority of their qualified votes at an election held for that purpose.

III.

The Constitution of the United States, by section 10, clause 3, Article I, forbids the State of North Carolina, without the consent of Congress, to enter into any compact or agreement with the Republic of Cuba; and no compact, agreement, or contract has been entered into by the State of North Carolina with the Republic of Cuba.

This clause of the Constitution reads:

"No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State, or with a foreign power."

In Green *v.* Biddle (1823, 8 Wheat., 1), this court said:

"Let it be observed, in the first place, that the Constitution makes no provision respecting the mode or form in which the consent of Congress is to be signified, very properly leaving that matter to the wisdom of that body, to be decided upon according to the ordinary rules of law and of right reason. The only question in cases which involve that point is, has Congress, by some positive act in relation to such agreement, signified the consent of that body to its validity?"

In that case the court held that the act of the State of Virginia agreeing to the erection of Kentucky into a State and prescribing the terms and conditions, and the acceptance by the people of Kentucky, and their approval in their constitution of these terms and conditions, created a compact between those States valid and binding upon the consent of Congress.

In Poole *v.* Fleeger (11 Pet., 185), this court again held that the agreement between two States—Tennessee and Kentucky—as to State boundary was a compact that required the consent of the Congress for its validity. In neither of these cases did the court define the meaning of the words "compact" and "agreement," as used in this clause, but in Holmes *v.* Jennison (14 Pet., 540), Mr. Chief Justice Taney, in his opinion, concurred in by Messrs. Justices Story, McLean, and Wayne, said:

"But the question does not rest upon the prohibition to enter into a treaty. In the very next clause of the Constitution the States are forbidden to enter into any 'agreement' or 'compact' with a foreign nation, and as these words could not have been idly or superfluously used by the framers of the Constitution, they can not be construed to mean the same thing with the word treaty. They evidently mean something more and were designed to make the prohibition more comprehensive. A few extracts from an eminent writer on the laws of nations, showing the manner in which these different words have been used and the different meanings sometimes attached to them, will, perhaps, contribute to explain the reason for using them all in the Constitution, and will prove that the most comprehensive terms were employed in prohibiting to the States all intercourse with foreign nations (quoting from Vattel). After reading these extracts we can be at no loss to comprehend the intention of the framers of the Constitution in using all these words—'treaty,' 'compact,' 'agreement.' The word 'agreement' does not necessarily import any direct and express stipulation, nor is it necessary that it should be in writing. If there is a verbal understanding to which both parties have assented and upon which both are acting it is an 'agreement,' and the use of all these terms—'treaty,' 'agreement,' and 'compact'—show that it was the intention of the framers of the Constitution to use the broadest and most comprehensive terms, and that they anxiously desired to cut off all connection or communication between a State and a foreign power; and we shall fail to execute that evident intention unless we give to the word 'agreement' its most extended signification and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

This case presented to the court the question whether Holmes, an escaped murderer from the Province of Quebec, in lower Canada, could be lawfully arrested under a warrant of the governor of Vermont and delivered by its officer under the command of the warrant to an agent of the Canadian authorities. The Chief Justice gave his reasons for his interpretation of these words in the following language:

"The framers of the Constitution manifestly believed that any intercourse between a State and a foreign nation was dangerous to the Union; that it would open a door of which foreign powers would avail themselves to obtain influence in separate States. Provisions were therefore introduced to cut off all negotiations and intercourse between the State authorities and foreign nations. If they could make no agreement, either in writing or by parol, formal or informal, there would be no occasion for negotiations or intercourse between the State authorities and a foreign Government. Hence prohibitions were introduced which were supposed to be sufficient to cut off all communications between them."

If the treasuries of foreign powers may be looked to by the States as a market for their bonds, with the power lodged in this court to enforce payment, is not the danger by such intercourse and such agreements obvious "to obtain influence" in separate States? And may not foreign powers, with insidious designs upon the United States, discover in such an opportunity "to obtain influence" in some State? The dangers which the great framers of the Constitution apprehended, and which they anxiously endeavored to avoid might, by a different construction of this clause, become active, and present an opportunity of harm to our common country. If a foreign nation can recover a judgment against a State in an ordinary action of debt ("an anomalous and unheard-of proceeding"), and enforce the collection of the debt by the process of this court, why may it not result in the acquisition of territory in the State, and at some convenient place?

One great fear of the framers of the Constitution, as expressed by its early expounders—Hamilton, Madison, Jay, and others—was that the conduct of the States toward foreign powers and their subjects might involve the Nation in war. To guard against such a calamity, it was clearly the purpose of the Constitution to cut off all communication or intercourse between the States as States and foreign powers. (Madison, 3 Elliott's Debates, 533; Hamilton, Federalist, No. 80.)

In opposition to this construction of this clause and this interpretation of these words, this court said in Virginia *v.* Tennessee (148 U. S., 503):

"Is the agreement made without the consent of Congress between Virginia and Tennessee to appoint commissioners to run and mark the boundary line between them within the prohibition of this clause? The terms, 'agreement' or 'compact,' taken by themselves, are sufficiently comprehensive to embrace all forms of stipulation, written or verbal, and relating to all kinds of subjects: to those to which the United States can have no possible objection or have any interest in interfering with, as well as to those which may tend to increase and build up the political influence of the contracting States, so as to encroach upon or impair the supremacy of the United States or interfere with their rightful management of particular subjects placed under their entire control. * * * If, then, the terms 'compact' or 'agreement' in the Constitution do not apply to every possible compact or agreement between one State and another, for the validity of which the consent of Congress must be obtained, to what compact or agreements does the Constitution apply? We can only reply by looking at the object of the constitutional provision and construing the terms 'agreement' and 'compact' in reference to it.

"It is a familiar rule in the construction of terms to apply to them the meaning naturally attaching to them from their context. Noscitur a sociis is a rule of construction applicable to all written instruments where any particular word is obscure or of doubtful meaning. Taken by itself, its obscurity or doubt may be removed by reference to associated words, and the meaning of a term may be enlarged or restrained

by reference to the object of the whole clause in which it is used. Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States. Story, in his Commentaries (sec. 1403), referring to a previous part of the same section of the Constitution in which the clause in question appears, observes that its language 'may be more plausibly interpreted from the terms used—"treaty," "alliance," or "confederation"—and upon the ground that the sense of each is best known by its association (noscitur a sociis) to apply to treaties of a political character, such as treaties of alliance for purposes of peace and war, and treaties of confederation, in which the parties are leagued for mutual government, political cooperation, and the exercise of political sovereignty, or conferring internal political jurisdiction or external political dependence or general commercial privileges,' and that 'the latter clause, "compacts and agreements," might then very properly apply to such as regarded what might be deemed mere private rights of sovereignty, such as questions of boundary, interest in land situate in the territory of each other, and other internal regulations for the mutual comfort and convenience of States bordering on each other,' and he adds: 'In such cases the consent of Congress may be properly required in order to check any infringement of the rights of the National Government, and at the same time a total prohibition to enter into any compact or agreement might be attended with permanent inconvenience or public mischief.' Compacts or agreements—and we do not perceive any difference in the meaning, except that the word 'compact' is generally used with reference to more formal and serious engagements than is usually implied in the term 'agreement'—cover all stipulations affecting the conduct or claims of the parties."

This language was quoted with approval in Wharton *v.* Wise (153 U. S., 155); Stearns *v.* Minnesota (179 U. S., 223).

In the case of Virginia *v.* Tennessee, supra, nor in the later opinion cited above, is the case of Holmes *v.* Jennison, supra, cited. These decisions restrict the meaning of the word "agreement" as used in the Constitution by the doctrine of construction known as the "noscitur a sociis," while in Holmes *v.* Jennison, delivered in 1840, in the opinion of Mr. Chief Justice Taney, the most comprehensive meaning should be given. Mr. Justice Story concurred in this opinion, and it was delivered after he had written (1833) his Commentaries on the Constitution.

In Virginia *v.* West Virginia (206 U. S., 290, and 220 U. S., 1) we understand this court to have held (1) that the agreement made by West Virginia (formed out of the State of Virginia) to assume and pay its just proportion of the public debt of Virginia existing at the time of the creation of West Virginia as a State, and made in accordance with the terms of Virginia's consent to the creation of West Virginia, embodied in her constitution and approved by the Congress of the United States, was a compact or agreement enforceable by suit in the Supreme Court; and (2) that the consent of West Virginia to be sued in this court by Virginia was given when the former was admitted as a State, and created a justiciable cause of action. In 220 U. S., at page 36, this court thus referred to the controversy:

"As this is no ordinary commercial suit, but, as we have said, a quasi-international difference referred to this court in reliance upon the honor and constitutional obligations of the States concerned, rather than upon ordinary remedies, we think it best at this step to go no further, but to await the effect of a conference between the parties, which, whatever the outcome, must take place."

In the proposed action by the Republic of Cuba, as is stated in her declaration, we have nothing but an "ordinary commercial suit," based upon no compact or agreement between her and North Carolina assented to by the Congress of the United States, but an action which the public documents and records hereinabove referred to show is an attempt by the Republic of Cuba to enforce the collection of bonds of the State of North Carolina discredited in the markets of the world by the corrupt and fraudulent methods used in procuring their issue, and expressly repudiated by the State of North Carolina many years before the Republic of Cuba became an independent foreign power.

But it is contended in the brief filed for the Republic of Cuba in this motion that this court, in its decision in the case of South Dakota *v.* North Carolina (192 U. S., 286) held that a bond issued by a State and held by another State presented a controversy within the meaning of section 2, Article III, of the Constitution, and justiciable in an action in this court, and thereby disassociated this section of the Constitution from clause 3, section 10, Article I, of the Constitution. The view we now present was not considered in that case. The bonds, if ever legal, set forth in the declaration of the Republic of Cuba were issued by the State of North Carolina as a sovereign State; it was an act done under her great seal of State in her sovereign capacity; it was directed by her legislature; her sovereign power to levy and collect taxes was invoked in the acts authorizing these bonds to be issued; and the holder of these bonds holds them under an agreement with a sovereign State, invoking an act of sovereignty on her part. The Republic of Cuba, as a sovereign foreign power and in her capacity as a sovereign, invokes the jurisdiction of this court to aid her to enforce an agreement made with her by the State of North Carolina, acting as a sovereign and in a matter within her sovereign capacity, in which the property of the State of North Carolina is sought to be sequestered and taken for the benefit of the Republic of Cuba (a foreign power) or her sovereign power to levy taxes for the benefit of the Republic of Cuba enforced by this court, and the property of the sovereign people of North Carolina taken for a foreign power, and this without the consent, express or implied, of Congress. No such power has been invoked since the Constitution was adopted in 1789. We earnestly insist that this is an "anomalous and unheard of suit," using the words of this court in Hans *v.* Louisiana, supra, "which it was not the purpose of the framers of the Constitution to be raised up by the adoption of that great instrument."

We respectfully submit that the judicial power should extend only to such controversies between a State and a foreign power as grow out of compacts and agreements entered into between such State and such foreign power, with the assent of Congress. We can not conceive that Congress would consent that a State enter into a compact or agreement that would intrench upon the political power of the Federal Government, or that would impair the political relations of the State to the United States. If the words "compact" or "agreement" are restricted to such agreements as intrench upon the political rights or influence of the United States in their relation to the States, then we are at a loss to conceive the occasion when the Congress of the United States would ever give its consent, nor should it. Such an act would defeat one of the great purposes of the Constitution—to form a more perfect Union. And in the words of Chief Justice Taney, "We shall fail to execute that evident intent unless we give to the word 'agreement' its most extended signification, and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

IV.

The declaration of the Republic of Cuba does not state a controversy between her and the State of North Carolina justiciable under the Constitution of the United States and cognizable under the jurisdiction of this court.

What has been already said in this brief presents in part the views of the State of North Carolina on this objection to the allowance of the motion for leave to sue. The declaration is nothing more than an ordinary action of debt. Its purpose is to secure an ordinary judgment in debt; it seeks to enforce no lien; it seeks to enforce no compact or agreement entered into with the assent of Congress; it seeks a judgment which can be enforced only by a compulsive force applied to the legislative department of the State to levy a tax to pay the judgment.

This court has never in its history assumed jurisdiction of such an action. One of the reasons assigned why an action can not be maintained against a State to compel the payment of its debts, whoever may be the plaintiff, is that it might necessitate an interference with if not the complete control and direction of, the legislative function of assessing, levying, collecting, and distributing taxes, which this court up to the present has regarded beyond its competency. In this case there is no means of rendering the judgment effective unless this court is prepared, through its receiver, to take charge of and administer the affairs of a delinquent State.

In Cherokee Nation *v.* State of Georgia (5 Pet., 1), Mr. Chief Justice Marshall said:

"The mere question of right might, perhaps, be decided by this court in a proper case with proper parties. But the court is asked to do more than decide on the title. The bill requires us to control the Legislature of Georgia and to restrain the exertion of its physical force. The propriety of such an interposition by the court may well be questioned. It seems too much of the exercise of political power to be within the proper province of the judicial department."

Prof. Dicey, in his work on the Conflict of Laws, page 38, says:

"General principle No. 3: The sovereign of a country, acting through the courts thereof, has jurisdiction over (i. e., has a right to adjudicate upon) any matter with regard to which he can give an effective judgment, and has no jurisdiction over (i. e., has no right to adjudicate upon) any matter with regard to which he can not give an effective judgment."

In Gordon *v.* United States (117 U. S., 697), Mr. Chief Justice Taney said:

"The award of execution is a part and an essential part of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion which would remain a dead letter, and without any operation upon the rights of the parties, unless Congress should at some future time sanction it and pass a law authorizing the court to carry its opinion into effect. Indeed, no principle of constitutional law has been more firmly established or constantly adhered to than the one above stated; that is, that this court has no jurisdiction in any case where it can not render judgment in the legal sense of the term, and when it depends upon the legislature to carry its opinion into effect or not, at the pleasure of Congress." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447, 483; Porto Rico *v.* Rosaly, 227 U. S., 270; Pam-To-Tee *v.* United States, 187 U. S., 371; see also Judge Miller's Work on the Constitution, p. 314; Mr. Justice Iredell's opinion in Chisholm *v.* Georgia, 2 Dall., at pp. 445. 446.)

In United States *v.* Guthrie (17 How., 284, 303), Mr. Goodrich was appointed chief justice of the Territory of Minnesota, and before the expiration of his term he was removed and Mr. Fuller was appointed in his stead and received the salary. Mr. Goodrich being refused, upon demand, the balance of his salary, brought mandamus against the Secretary of the Treasury to compel its payment. Upon writ of error this court said:

"The only legitimate inquiry for our determination upon the case before us is this, Whether, under the organization of the Federal Government or by any known principle of law there can be asserted a power in the Circuit Court of the United States for the District of Columbia, or in this court, to command the withdrawal of a sum or sums of money from the Treasury of the United States, to be applied in satisfaction of disputed or contravened claims against the United States? This is the question, the very question presented for our determination; and its simple statement would seem to carry with it the most startling considerations; nay, its unavoidable negation, unless this should be prevented by some positive and controlling command; for it would occur, a priori, to every mind that a treasury not fenced around or shielded by fixed and established modes and rules of administration, but which could be subjected to any number or description of demands, asserted and sustained through the undefined and undefinable discretion of the courts, would constitute a feeble and inadequate provision for the great and inevitable necessities of the Nation. The Government, under such a régime; or, rather, under such an absence of all rule, would, if practicable at all, be administered not by the great departments ordained by the Constitution and laws, and guided by the modes therein prescribed, but by the uncertain and perhaps contradictory action of the courts in the enforcement of their views of private interests."

These observations apply with equal force to the treasuries of the States, which are sovereign within the province of their reserved powers, including the management of their fiscal affairs. To the fact that the legislative department (the department which controls the purse and appropriates money) is, and has been for centuries, separate and independent, and not subject to compulsive means, can be ascribed many of the most cherished rights of the English-speaking people. This department of government is, under the constitution of North Carolina, singularly free and independent of the executive and judicial, in that the executive is denied the veto power.

The constitution of North Carolina, Article XIV, section 3, provides:

"No money shall be drawn from the treasury but in consequence of appropriations made by law."

Again, we submit, this section of the constitution became a part of the contract between the State and those who dealt with it.

The Supreme Court of North Carolina held in Garner *v.* Worth, 122 North Carolina, 250:

"The courts can not direct the State treasury to pay a claim against the State, however just and unquestioned, when there is no legislative

appropriation to pay the same; and when there is such an appropriation the coercive power is applied not to compel the payment of the State liability but to compel a public servant to discharge his duty by obedience to a legislative enactment." (See also Railroad v. Jenkins, Treasurer, 68 N. C., 499; Shaffer v. Jenkins, Treasurer, 72 N. C., 275.)

In many of the cases in this court in which attempts have been made to collect debts from States it has been clearly intimated that, over and above the objection that States are exempt from suit by the eleventh amendment, courts had no process by which they could collect debts from States.

In Marye v. Parsons, 114 United States, 325, 328, Mr. Justice Matthews, speaking for the court, said:

"So far as the contract with the complainant was, that the State should pay to him his coupons at maturity, there is no doubt a breach, but he asks no relief as to that, for there is no remedy by suit to compel the State to pay its debt."

In re Ayers (123 U. S., 443, 491), Mr. Justice Matthews again said:

"The remedy sought, in order to be complete, would require the court to assume all the executive authority of the State, so far as it related to the enforcement of this law, and to supervise the conduct of all persons charged with any official duty in respect to the levy, collection, and disbursement of the tax in question until the bonds, principal and interest, were paid in full; and that, too, in a proceeding in which the State as a State was not and could not be made a party. It needs no argument to show that the political power can not be thus divested of its jurisdiction and the judiciary set in its place."

In Rees v. City of Watertown (19 Wall., 107, 116, 117), the court said:

"We are of opinion that this court has not the power to direct a tax to be levied for the payment of these judgments. The power to impose burdens and raise money is the highest attribute of sovereignty, and is exercised, first, to raise money for public purposes only; and, second, by the power of legislative authority only. It is a power that has not been extended to the judiciary; especially is it beyond the power of the Federal judiciary to assume the place of a State in the exercise of this authority, at once so delicate and so important."

It is suggested that it is the duty of the Court to assume jurisdiction, hear the case, and adjudge the indebtedness, even if it can not enforce its judgment, but must leave it optional to the State of North Carolina whether she will satisfy the judgment. This suggestion does not, we respectfully submit, accord with the authorities we have cited, nor with the course pursued by this court in Kentucky v. Dennison (24 How., 66)—to decline jurisdiction unless it has the power to execute its judgment.

"But no court sits to determine questions of law in this." (Marye v. Parsons, 114 U. S., 330; Ex rel Broderich v. Morton, 156 N. Y., 136.)

But it is insisted that in the case of South Dakota v. North Carolina (192 U. S., 286) this court held that an action by one State against another State on its bonds was an action to enforce a property right; was a "controversy" within the meaning of the Constitution of the United States, and within the jurisdiction of this court. In that case, Mr. Justice Brewer, speaking for the majority of the court, said:

"Without noticing in detail the other cases referred to by Mr. Justice Shiras in Missouri v. Illinois (180 U. S., 208) it is enough to say that the clear import of the decisions of this court from the beginning to the present time is in favor of its jurisdiction over an action brought by one State against another to enforce a property right. Chisholm against Georgia was an action of assumpsit; United States against North Carolina was an action of debt; United States against Michigan a suit for an accounting; and that which was sought in each was a money judgment against the defendant State."

To this conclusion Mr. Justice White dissented, and his dissent was concurred in by Mr. Chief Justice Fuller and Mr. Justice Day and Mr. Justice McKenna. But in that case no judgment was given against the defendant State, but the court directed the sale of certain shares of stock in a railroad company pledged to secure the bonds sued upon and reserved the question as to whether a judgment for the deficiency could be entered; and upon this question the court said:

"There is in this case a mortgage of property, and the sale of that property under a foreclosure may satisfy the plaintiff's claim. If that should be the result there would be no necessity for a personal judgment against the State. Equity is satisfied by a decree for a foreclosure and sale of the mortgaged property, leaving the question of a judgment over for any deficiency to be determined when, if ever, it arises. And surely if, as we have often held, this court has jurisdiction of an action by one State against another to recover a tract of land, there would seem to be no doubt of the jurisdiction of one to enforce the delivery of personal property."

The court then directed a decree to be entered for the sale of the pledged stock to be applied to the debt as ascertained.

In speaking of the authority of the decision of the court in Chisholm v. Georgia, this court had said in Hans v. Louisiana (134 U. S., 1), Mr. Justice Bradley delivering the opinion:

"Adhering to the mere letter, it might be so; and so, in fact, the Supreme Court held in Chisholm v. Georgia; but looking at the subject as Hamilton did, and as Mr. Justice Iredell did, in the light of history and experience and the established order of things, the views of the latter were clearly right, as the people of the United States in their sovereign capacity subsequently decided."

In United States v. North Carolina the State consented to be sued in an action of debt, and submitted the matter in controversy to the decision of this court, though by the strict letter of the Constitution controversies between the United States and the States were not within the jurisdiction of this court.

In United States v. Michigan the controversy arose out of an agreement or compact made by the United States through Congress with the State of Michigan, though for a pecuniary demand.

In controversies between States, justiciable in their nature, the consent of the States to be sued by a State is given by and at the time of its admission into the Union. (Virginia v. West Virginia, 201 U. S., 290; Cohens v. Virginia, 6 Wheat., 264.)

The States when and by their admission to the Union become parties to the compact, each has the reciprocal right of suit in a controversy of a justiciable nature But all controversies between States are not justiciable, and though they come within the letter of the Constitution as decided by the court in New Hampshire v. Louisiana (108 U. S., 76), Wisconsin v. Pelican Insurance Co. (127 U. S., 265), Kentucky v. Dennison (24 How., 66), Hans v. Louisiana (134 U. S., 1).

But the Constitution, as before stated, is not a compact entered into between the States and foreign powers, and the right to sue is not reciprocal; and we submit that consent to be sued must be given, and the controversies which are of a justiciable nature between a State and a foreign power are those only that arise out of compacts or agreements entered into with the consent of Congress; and further, that this court has no power to enforce its judgment, and for this reason without jurisdiction.

V.

The attempt of the Republic of Cuba to sue upon the causes of action stated in her declaration is an attempt to evade the prohibitions of the eleventh amendment to the Constitution of the United States.

The bonds described in the declaration were issued as of October 1, 1868, many years before the Republic of Cuba became a foreign power. They were dishonored and repudiated as having been corruptly and fraudulently issued, likewise many years before Cuba was born as a Republic. Since 1871 they have had no market value, and their history and record have been since then found in a public document of the Congress of the United States. The inference is plain and irresistible that the Republic of Cuba has recently acquired these bonds from some person or persons denied by the eleventh amendment the right to sue the State of North Carolina. If not, why this long delay in invoking a right to sue which she insists is so clearly hers as a foreign nation? These bonds matured as to their principal in 1898, and some of the coupons were due in 1869. If these bonds and coupons were acquired by the Republic of Cuba before maturity—a view ordinarily regarded as more favorable to her claim—then the long delay inferable from this fact should now bar her from asserting so stale a claim under the well-recognized principle of equity jurisprudence, "Vigilantibus et non dormientibus equitas subvenit." No stronger or clearer evidence of the recognition of the immunity of the States from suits as a right of their sovereignty could have been given than the promptness with which the eleventh amendment was adopted after the decision of the court in Chisholm v. Georgia. If the State can be sued by a foreign power in an ordinary action of debt, and a judgment rendered against her by this court, we earnestly submit the following language of the court in Hans v. Louisiana is strikingly apposite:

"If this is the necessary consequence of the language of the Constitution and the law, the result is no less startling and unexpected than was the original decision of this court that, under the language of the Constitution and of the judiciary act of 1789, a State was liable to be sued by a citizen of another State or of a foreign country."

Every attempt to evade the eleventh amendment has been steadily repelled by this court, as appears from these and many other cases: Cunningham v. Macon & B. R. Co. (109 U. S., 446); Louisiana v. Jumel (107 U. S., 711); Hagood v. Southern (117 U. S., 52); Ex Parte Ayers (123 U. S., 443); North Carolina v. Temple (134 U. S., 22); New Hampshire v. Louisiana (108 U. S., 76); Murray v. Wilson Distilling Co. (213 U. S., 151).

VI.

The declaration proposed to be filed by the Republic of Cuba shows upon its face that its causes of action, to wit, the bonds of the State of North Carolina, are stale claims against said State of North Carolina which this court will not, under established principles of equity jurisprudence, permit to be made the subject of suit.

The contention of the Republic of Cuba is that "States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals" (Murray v. Charleston, 96 U. S., 432, 445). Then, in acquiring such securities the Republic of Cuba has come down to the level of ordinary individuals, and the same principles of law that govern ordinary individuals should apply to her. As said by the court in French Republic v. Saratoga Vichy Co. (191 U. S., 427, 438):

"In such cases, either where the Government is suing for the use and benefit of an individual, or for the prosecution of a private and proprietary instead of a public or governmental right, it is clear that it is not entitled to the exemption of nullum tempus, and that the ordinary rule of laches applies in full force. United States v. Beebe (127 U. S., 338); New Hampshire v. Louisiana (108 N. C., 76); Maryland v. Baldwin (112 U. S., 490); United States v. Des Moines, etc., Co. (142 U. S., 510, 538); Custner v. United States (149 U. S., 662); United States v. American Bell Telephone Co. (167 U. S., 224, 264); Miller v. The State (38 Ala., 600); Moody v. Fleming (4 Ga., 115)."

The doctrine of laches depends upon the conduct of the plaintiff or the party against whom it is pleaded. The conduct of the defendant, as appears from the public laws and documents, of which the court takes judicial notice (Fourth National Bank v. Francklyn, 120 U. S., at p. 751; Mills v. Green, 159 U. S., at p. 657), has been one of notice to the world that she did not recognize the validity of these bonds and would not pay them. This has been done in the most solemn way, both by legislative acts beginning as early as 1870 and by amendment to her constitution in 1880. Of these public acts the Republic of Cuba is charged with notice. As hereinbefore stated, the principal of these bonds became due October 1, 1898, 18 years ago; the coupons matured each six months from October 1, 1868, and many of them are more than 40 years past due. What has prevented the Republic of Cuba since 1900 from appealing to the jurisdiction of this court to protect her property right in these bonds? Why so long delay?

"If it (the Government) comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws which govern individuals there." (Cooke v. U. S., 389, 398.)

The famous dictum of Lord Camden in Smith v. Clay (3 Brown Ch., 639, note, Amb., 645), that "nothing can call forth this court into activity but conscience, good faith, and reasonable diligence," has met with very general approval in many cases. No excuse is suggested in the declaration for the laches. The recognized doctrine of courts of equity to withhold relief from those who have delayed the assertion of their claims for an unreasonable length of time may be applied in the discretion of the court, even though the laches be not pleaded, or the bill demurred to. (Sullivan v. Portland, etc., R. Co., 94 U. S., 806, 811; Richards v. Mackall, 124 U. S., 183, 187, 188.)

The generally recognized and accepted doctrine that the State is a sovereign, that it possesses the immunity from suit except with its consent, possessed by all sovereigns, and the declaration in its constitution, hereinbefore quoted, that its supreme court may hear claims and make its recommendations to the legislature, but can enter no judgment—these facts constitute a statute of limitations as strong and as sweeping as can be enacted. We further submit that, considering the views expressed by Madison, Hamilton, Marshall, Webster, and also found in many opinions of this court, that those who deal in the obligations of the State must rely upon the good faith only of the State; it was the duty of the Republic of Cuba, as holder of the bonds of North Carolina, to move promptly by action in this court to enforce its alleged rights. The delay was not superinduced by any act of the State of

North Carolina. If the Republic of Cuba relies upon the decision of this court in the South Dakota case as establishing her right to sue, and as making clear such right, then, as that decision was filed February 1, 1904, the Republic of Cuba offers no explanation of its delay for more than 12 years to act. Every bond described in the declaration and every coupon attached had then been past due and dishonored for more than five years. It is therefore insisted that the Republic of Cuba ought not to be permitted to institute an action against the State of North Carolina for the causes set forth in her declaration.

VII.

The court will not entertain the suit of the Republic of Cuba upon the causes of action stated in her declaration because this court would be without power to enforce its judgment against the State of North Carolina.

The authorities supporting, as we think, this position have already been cited, and our argument therefrom has been made in other parts of this brief, and we will not repeat them here.

The State of North Carolina, pursuant to the notice of the motion of the Republic of Cuba for leave to sue her, given to the governor of the State of North Carolina, most respectfully but most earnestly insists that the motion should be denied by this court.

T. W. BICKETT,
Attorney General of the State of North Carolina.
JAS. S. MANNING,
CAMERON MORRISON,
WILLIAM W. KITCHIN,
Of Counsel.

Mr. OVERMAN. I now ask that the resolution submitted by me be indefinitely postponed, as it has accomplished the object intended.

Mr. SMITH of Georgia. Mr. President, before this resolution is finally disposed of, I desire to say just a word with reference to it. Constitutional construction grows up in a measure out of impressions as to what the Constitution means. I am unwilling to dispose of this resolution without expressing my dissent from any suggestion that under the Constitution any foreign Government can sue a State in the Supreme Court of the United States without the consent of the State or that the Supreme Court should entertain jurisdiction without the consent of the State. Upon that subject I read from Willoughby on the Constitution, page 1060:

Whether or not, if a suit were brought by a foreign State, it would be entertained by the Supreme Court is very doubtful. A foreign State could not, of course, be compelled to appear as a party defendant in such a suit, and reason would, therefore, seem to suggest that it should not be permitted to appear as a party plaintiff unless, of course, the defendant State should give its consent. Madison took this view: "I do not conceive," he said, "that any controversy can ever be decided in these courts between an American State and a foreign State without the consent of the parties. If they consent, provision is here made." Story, in his Commentaries, takes the same view. On the other hand, we have in the opinion of the Supreme Court rendered in the case of Hans *v.* Louisiana a dictum approving the dissenting opinion of Justice Iredell in Chisholm *v.* Georgia, according to which it was declared not to have been the intention of the framers of the Constitution to create any new remedies unknown to the law. From this it would follow that the Supreme Court could not take jurisdiction of a case between a foreign State and a State of the Union, even with the consent of both parties.

Thus it will be seen that Madison, Story, and Willoughby each declared that the consent of the State is required before the Supreme Court may entertain a suit by a foreign nation against a State.

I do not desire, Mr. President, to enter into any discussion of the principle here announced. I was only unwilling that we should pass from this question in silence as to the right of a foreign Government to bring a suit in the Supreme Court of the United States upon a claim, when the foreign Government really owned the claim against a State, without the consent of a State.

I desire, Mr. President, to join with the Senator from North Carolina [Mr. OVERMAN] in expressing my appreciation of the course just pursued by the Cuban Government.

My own State issued certain bonds that have been repudiated somewhat in the same situation as those repudiated by the State of North Carolina. They were issued in those unfortunate times just following the Civil War, when we had a nominal government, but not a real government. They were duplicate bonds, the first issue furnished to parties who were to buy them; not having been properly prepared and the second having been issued to take up the first, the parties retaining both. The State was able to follow the holders who were served with notice of the fact that both issues were not to be used, and the State only received money for one issue.

Mr. SHAFROTH. Mr. President——

Mr. OVERMAN. Mr. President, I have asked that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. The Chair understands that the matter before the Senate at the present time is the motion of the Senator from North Carolina that the resolution introduced by him be indefinitely postponed.

Mr. SHAFROTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado rise to the question raised by the Senator from North Carolina?

Mr. SHAFROTH. I understand the resolution of the Senator from North Carolina has been withdrawn.

Mr. BRANDEGEE. No.

Mr. OVERMAN. I have asked that it be indefinitely postponed.

The PRESIDENT pro tempore. The matter before the Senate is the motion of the Senator from North Carolina to indefinitely postpone the resolution submitted by him.

Mr. SHAFROTH. Until that is disposed of, I do not care to take the floor.

Mr. BRANDEGEE. Mr. President, I have no objection to the course suggested by the Senator from North Carolina, but I merely want to say, in connection with what the Senator from Georgia [Mr. SMITH] has said, that, while I think, of course, it well enough to have put into the RECORD what he has said and the authority from which he quoted, I do not suppose it would make any difference what the Senate might think about the constitutional question raised by him. If it is true that no foreign Government can sue a State of this country without the consent of the State, of course the Supreme Court would take jurisdiction of that, and their opinion would settle it. I do not think it would be material what the opinion of the Senate was on the question, but, nevertheless, I think, as I have said, that it is well he put into the RECORD the matter that he did.

Mr. SMITH of Georgia. Mr. President, of course, I agree with the Senator from Connecticut that the Senate is not now called upon to construe the Constitution on this subject. I premised my remarks with the statement that I did not wish to see this question pass from the Senate as if we were of the opinion that the jurisdiction did exist; and while we would not as a body construe it, I desired, so far as I was concerned, to place in the RECORD authorities of value against the right of action except where the State consented.

Mr. BRANDEGEE. I understand, and I think the Senator did a very proper thing when he did it.

The PRESIDENT pro tempore. The morning business is closed.

WATER-POWER DEVELOPMENT.

Mr. WALSH. I move that the Senate proceed to the consideration of House bill 408, standing third on the calendar. It is the bill to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Newlands	Stone
Bankhead	Hollis	Norris	Thomas
Beckham	Hughes	Page	Thompson
Brady	Jones	Phelan	Tillman
Bryan	Kenyon	Pittman	Townsend
Chilton	Kern	Poindexter	Vardaman
Culberson	Kirby	Ransdell	Wadsworth
Cummins	Lane	Saulsbury	Walsh
Curtis	Lee, Md.	Shafroth	Watson
Dillingham	Lewis	Sheppard	Weeks
Fletcher	Lippitt	Shields	Works
Gallinger	McCumber	Smith, Ariz.	
Harding	Martine, N. J.	Smoot	
Hardwick	Nelson	Sterling	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Montana [Mr. WALSH] that the Senate proceed to the consideration of House bill 408, the third bill on the calendar.

Mr. LANE. Mr. President, I should like to ask whether this is a motion to proceed to the consideration of the water-power bill?

The PRESIDENT pro tempore. That is the object of the motion.

Mr. LANE. I want to say to the author of the motion that the Senator from Michigan [Mr. TOWNSEND] has been trying here for months and weeks to have a hearing on his bill, and I feel that he is entitled to it. It is simply a matter of clear justice. For that reason I shall have to vote against the motion.

Mr. WALSH. The Senator from Montana stands in exactly the same situation.

Mr. TOWNSEND. Mr. President, it is perhaps well for the Senate to understand——

Mr. BRYAN. Mr. President, a point of order.

Mr. WALSH. A parliamentary inquiry, Mr. President. Is this motion debatable?

The PRESIDENT pro tempore. Not at this time.

Mr. TOWNSEND. Do I understand that the motion is not debatable after the morning hour?

The PRESIDENT pro tempore. A motion to proceed to the consideration of a bill is not debatable during the first two hours of the session, until 2 o'clock.

Mr. TOWNSEND. Then, Mr. President, I move that the Senate adjourn; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I withhold my vote, in the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. CHILTON (when Mr. GOFF's name was called). My colleague [Mr. GOFF] is absent on account of illness.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and vote "nay." I wish to state that I had this transfer on a former vote and neglected to announce it, and I make this announcement for the day.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The PRESIDENT pro tempore. He has not.

Mr. STONE. I have a general pair with that Senator. I have not been able to transfer it. I therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES] which I transfer to the junior Senator from Utah [Mr. SUTHERLAND] and vote "yea."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CHILTON (after having voted in the negative). I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the junior Senator from Wisconsin [Mr. HUSTING] and will allow my vote to stand.

Mr. STONE. I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. HARDING (after having voted in the affirmative). I wish to ask if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The PRESIDENT pro tempore. He has not.

Mr. HARDING. Then, because of my general pair with that Senator, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 17, nays 40, as follows:

YEAS—17.

Brady	Kirby	Poindexter	Watson
Brandegee	Lippitt	Sherman	Weeks
Curtis	McCumber	Sterling	
Gallinger	Nelson	Townsend	
Kenyon	Norris	Wadsworth	

NAYS—40.

Ashurst	Bryan	Fletcher	Hughes
Bankhead	Chilton	Hardwick	Johnson, S. Dak.
Beckham	Culberson	Hitchcock	Jones
Borah	Cummins	Hollis	Lee, Md.
Lewis	Phelan	Sheppard	Stone
Martin, Va.	Pittman	Shields	Swanson
Martine, N. J.	Pomerene	Simmons	Thomas
Newlands	Ransdell	Smith, Ariz.	Thompson
Overman	Robinson	Smith, S. C.	Vardaman
Page	Shafroth	Smoot	Walsh

NOT VOTING—39.

Broussard	Goff	Lea, Tenn.	Smith, Ga.
Catron	Gore	Lodge	Smith, Md.
Chamberlain	Gronna	McLean	Smith, Mich.
Clapp	Harding	Myers	Sutherland
Clark	Husting	O'Gorman	Tillman
Colt	James	Oliver	Underwood
Dillingham	Johnson, Me.	Owen	Warren
du Pont	Kern	Penrose	Williams
Fall	La Follette	Reed	Works
Fernald	Lane	Saulsbury	

So the Senate refused to adjourn.

Mr. BANKHEAD. Mr. President, I desire to inquire what is the motion now before the Senate?

The PRESIDENT pro tempore. The motion before the Senate is that of the Senator from Montana [Mr. WALSH] to proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. BANKHEAD. I desire to give notice that if the motion of the Senator from Montana is voted down, I shall ask the Senate to proceed to the consideration of the bill (S. 4429) to amend the postal laws. I will state briefly that it is a bill to prevent the use of the mails for whisky advertising in States where advertisements of that character are prohibited.

Mr. JONES. Mr. President, in view of the anxiety displayed in the last few days to vote on a pending Executive nomination, I move that the Senate proceed to the consideration of executive business; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, pending the motion to proceed to the consideration of executive business, I ask leave to say that if the motion is agreed to, immediately after the Senate goes into executive session an effort will be made to have a day fixed when a vote upon the pending business before the Senate in executive session may be had. I make this statement in order that Senators may stay here.

Mr. GALLINGER. Debate is not in order.

Mr. TOWNSEND. I rise to a point of order. I understand that the motion is not debatable.

Mr. STONE. It is not.

Mr. TOWNSEND. I object to discussion on the floor.

Mr. STONE. It is through.

The PRESIDENT pro tempore. The point of order is well taken. The Secretary will call the roll on the motion of the Senator from Washington [Mr. JONES] to proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I made on the former vote as to my pair and its transfer, I vote "nay."

Mr. DILLINGHAM (when his name was called). I withhold my vote, because I observe that the senior Senator from Maryland [Mr. SMITH] is not in his seat, and I have a pair with that Senator.

Mr. GALLINGER (when his name was called). Announcing the transfer of my pair as on the former vote, I vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement as before, I vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Being paired as heretofore stated, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the last vote, I vote "yea."

The roll call was concluded.

Mr. BECKHAM. Announcing the same transfer as before, I vote "nay."

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN]. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

The result was announced—yeas 22, nays 41, as follows:

YEAS—22.

Clark	Kenyon	Poindexter	Townsend
Cummins	Lippitt	Sherman	Watson
Curtis	Lodge	Smith, Ariz.	Weeks
Gallinger	McCumber	Smoot	Works
Harding	Nelson	Sterling	
Jones	Page	Thomas	

NAYS—41.

Ashurst	Hollis	Phelan	Stone
Bankhead	Johnson, S. Dak.	Pittman	Swanson
Beckham	Kern	Pomerene	Thompson
Borah	Kirby	Ransdell	Tillman
Brady	Lane	Robinson	Underwood
Brandegee	Lee, Md.	Shafroth	Vardaman
Bryan	Martin, Va.	Sheppard	Wadsworth
Chilton	Martine, N. J.	Shields	Walsh
Clapp	Newlands	Simmons	
Culberson	Norris	Smith, Ga.	
Fletcher	Overman	Smith, S. C.	

NOT VOTING—33.

Broussard	Gore	Lea, Tenn.	Saulsbury
Catron	Gronna	Lewis	Smith, Md.
Chamberlain	Hardwick	McLean	Smith, Mich.
Colt	Hitchcock	Myers	Sutherland
Dillingham	Hughes	O'Gorman	Warren
du Pont	Husting	Oliver	Williams
Fall	James	Owen	
Fernald	Johnson, Me.	Penrose	
Goff	La Follette	Reed	

So the motion was not agreed to.

The PRESIDENT pro tempore. The question before the Senate is the motion of the Senator from Montana [Mr. WALSH]——

Mr. TOWNSEND. I move that the Senate do now adjourn, and on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Announcing the same transfer of my pair as before, I vote "nay."

Mr. CHILTON (when his name was called). Making the same announcement as on the former roll call, I vote "nay."

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the senior Senator from Maryland [Mr. SMITH], I withhold my vote.

Mr. GALLINGER (when his name was called). Making the same transfer of my pair, I vote "yea."

Mr. CHILTON (when Mr. GOFF's name was called). I wish to state that my colleague, Mr. GOFF, is absent on account of illness. He is paired with the Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for the day.

Mr. OVERMAN (when his name was called). Making the same transfer that I made before, I vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Announcing the same pair as before, I transfer that pair to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the last vote, I vote "yea."

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I desire to ask if the junior Senator from Georgia [Mr. HARDWICK] is recorded as having voted?

The PRESIDENT pro tempore. He has not voted.

Mr. CURTIS. I have a general pair with that Senator and withdraw my vote.

Mr. SMITH of Georgia. Has the senior Senator from Massachusetts [Mr. LODGE] voted?

The PRESIDENT pro tempore. The senior Senator from Massachusetts has not voted.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The result was announced—yeas 17, nays 42, as follows:

YEAS—17.

Brandegee	Jones	Norris	Watson
Clapp	Kenyon	Poindexter	Weeks
Clark	Lippitt	Sherman	
Gallinger	McCumber	Sterling	
Harding	Nelson	Townsend	

NAYS—42.

Ashurst	Kern	Pomerene	Smoot
Bankhead	Lane	Ransdell	Stone
Beckham	Lee, Md.	Robinson	Swanson
Bryan	Lewis	Saulsbury	Thomas
Chilton	McLean	Shafroth	Thompson
Culberson	Martin, Va.	Sheppard	Underwood
Cummins	Newlands	Shields	Vardaman
Fletcher	Overman	Simmons	Wadsworth
Hollis	Page	Smith, Ariz.	Walsh
Hughes	Phelan	Smith, Ga.	
Johnson, S. Dak.	Pittman	Smith, S. C.	

NOT VOTING—37.

Borah	Curtis	Gore	Johnson, Me.
Brady	Dillingham	Gronna	Kirby
Broussard	du Pont	Hardwick	La Follette
Catron	Fall	Hitchcock	Lea, Tenn.
Chamberlain	Fernald	Husting	Lodge
Colt	Goff	James	Martine, N. J.
Myers	Penrose	Sutherland	Works
O'Gorman	Reed	Tillman	
Oliver	Smith, Md.	Warren	
Owen	Smith, Mich.	Williams	

So the Senate refused to adjourn.

EXECUTIVE SESSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as to my pair and its transfer as on former votes and vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer of my pair as on former votes, I vote "nay."

Mr. OVERMAN (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same transfer of my pair as stated on the last roll call, I vote "yea."

Mr. WEEKS (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to say that I am paired with the Senator from Wisconsin [Mr. LA FOLLETTE] on the main question. I do not know how he would vote on this motion if he were present, and therefore I withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from California [Mr. WORKS] and will let my vote stand. While on my feet I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. BECKHAM. Announcing the same transfer of my pair as on the last vote, I vote "yea."

Mr. TILLMAN. Making the same transfer of my pair as heretofore, I vote "yea."

The result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Bankhead	Kern	Ransdell	Swanson
Beckham	Lee, Md.	Robinson	Thomas
Bryan	McLean	Saulsbury	Thompson
Chilton	Martin, Va.	Shafroth	Tillman
Clark	Newlands	Sheppard	Underwood
Cummins	Overman	Shields	Vardaman
Fletcher	Page	Simmons	Walsh
Hollis	Phelan	Smith, Ariz.	Weeks
Johnson, S. Dak.	Pittman	Smith, Ga.	
Jones	Poindexter	Smith, S. C.	
Kenyon	Pomerene	Stone	

NAYS—17.

Ashurst	Harding	Norris	Wadsworth
Brandegee	Lane	Sherman	Watson
Clapp	Lippitt	Smoot	
Curtis	McCumber	Sterling	
Gallinger	Nelson	Townsend	

NOT VOTING—38.

Borah	Fernald	Kirby	Penrose
Brady	Goff	La Follette	Reed
Broussard	Gore	Lea, Tenn.	Smith, Md.
Catron	Gronna	Lewis	Smith, Mich.
Chamberlain	Hardwick	Lodge	Sutherland
Colt	Hitchcock	Martine, N. J.	Warren
Culberson	Hughes	Myers	Williams
Dillingham	Husting	O'Gorman	Works
du Pont	James	Oliver	
Fall	Johnson, Me.	Owen	

So the motion of Mr. NEWLANDS was agreed to; and the Senate proceeded to the consideration of executive business.

After 3 hours and 45 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 8, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 6, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal Spirit, whose love divine permeates all space and reflects itself in a thousand angles from the works of Thy hands and in the hearts of Thy children, and is the inspiration of all that makes life dear, cements the ties of friendship, makes home the dearest spot on earth, comforts the sorrowing, soothes the dying, renders hope immortal, promises eternal peace, increase, we beseech Thee, its power, widen its influence, until it becomes the crowning glory of humanity and brings heaven in all its fulness to the earth; and glory and honor and praise be Thine forever, in the name of Him who poured His love out on the Hill of Calvary that we might know Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Arizona, Mr. SHIELDS, and Mr. BRANDEGEE as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 190) to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter from the Secretary of Agriculture relating to the pecan industry in the United States.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19359, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The Clerk reported the bill by title.

Mr. HUTCHINSON rose.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. As I remember it, when the committee rose yesterday a point of order was pending, made by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, the point of order was not made, but was reserved, so as to permit the gentleman from New Jersey [Mr. HUTCHINSON] to discuss further the potash amendment to-day.

The CHAIRMAN. The gentleman from New Jersey is recognized for that purpose.

Mr. LEVER. Mr. Chairman, I wonder if the gentleman from New Jersey would permit me to make a statement respecting this potash situation, somewhat in the nature of a correction of what I said yesterday?

Mr. HUTCHINSON. Certainly.

Mr. LEVER. Mr. Chairman, on yesterday, in detailing the progress in reference to the establishment of the potash plant along the Pacific coast, I fear that in one statement I inadvertently misled the committee. I said in that statement that little had been done in the way of actual work looking to the erection of a plant. I made that statement in view of certain testimony before the committee as to which I had not refreshed my memory since the testimony had been taken. At the moment I had in my pocket a letter which was sent to me by the Secretary of Agriculture, which I received while I was on the floor, and which I had not had the opportunity to even glance at.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. STAFFORD. The gentleman from Illinois [Mr. CANNON] is quite concerned about this item, but is unavoidably absent at the present time. If the gentleman is going to modify his statement of last night, I think it would be advisable to defer consideration of the item until the gentleman from Illinois returns.

Mr. LEVER. That is entirely satisfactory to me, and if the gentleman from New Jersey is willing, I shall ask unanimous consent to pass this item over temporarily.

Mr. HUTCHINSON. That is satisfactory to me.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, to pass over this item temporarily.

The CHAIRMAN. Without objection, the request will be granted and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, $5,000; 1 chief clerk and executive assistant, $2,250; 1 administrative assistant, $2,250; 1 financial clerk, $1,800; 3 clerks, class 4; 4 clerks, class 3; 10 clerks, class 2; 9 clerks, class 1; 10 clerks, at $1,000 each; 4 clerks, at $900 each; 5 clerks, at $840 each; 2 entomological draftsmen, at $1,400 each; 1 entomological draftsman, $1,080; 4 foremen, at $1,080 each; 1 entomological preparator, $1,000; 4 entomological preparators, at $840 each; 8 entomological preparators, at $720 each; 7 entomological preparators, at $600 each; 2 messengers or laborers, at $900 each; 2 messengers or laborers, at $840 each; 3 messengers or laborers, at $720 each; 1 messenger boy, $480; 5 messenger boys, at $360 each; 1 mechanic, $1,080; 1 mechanic, $900; 1 mechanic, $840; 1 laborer, $600; 1 laborer, $540, 1 laborer, $480; 1 laborer, $420; 2 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $102,680.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the item providing for an increase in the salary of the chief of the bureau from $4,500 to $5,000 a year.

Mr. LEVER. Does the gentleman make the point of order?

Mr. STAFFORD. I do not know whether the gentleman can make any explanation which will persuade me to withdraw the point of order. I suppose it is the desire to lift up the chief of this bureau, so far as salary is concerned, and the one following it, to equal that of the chiefs of the other bureaus in the departments?

Mr. LEVER. That is one reason. Another reason is that the gentleman who is at the head of the Entomological Bureau of the department has been in the department for 38 years and is regarded by the country as probably the greatest entomologist in the world. There has been no increase in his salary since 1911. His name is Dr. L. O. Howard, and I presume the gentleman knows him personally.

Mr. STAFFORD. I have not the pleasure of his acquaintance.

Mr. LEVER. He is a man of very great scientific ability and knowledge, and is looked upon in the country as one of the greatest men in his line of work in the world. The committee has felt for several years that his ability, capacity, and long service entitle him to this increase in salary.

Mr. ADAIR. How much increase is made in the bill over what he has been getting?

Mr. LEVER. Five hundred dollars. It puts him on an equality with most of the chiefs of the other bureaus, but it does not pay him any more than others.

Mr. STAFFORD. What salary would a scientist occupying a post in a professorial capacity at one of our universities receive for this character of work?

Mr. LEVER. I would say that a professor in charge of as large work as this in any great university or agricultural college—for instance, the director of an agricultural experiment station, or a man of that type—with as large responsibility in the way of administrative duties, coupled also with his scientific attainments, would command a salary of anywhere from $5,000 to $7,500 a year.

Mr. STAFFORD. Is the gentleman merely speaking haphazardly or based on actual information as to salaries paid to teachers in our universities, who occupy scientific positions?

Mr. LEVER. Let me illustrate. For instance, Dr. Galloway, formerly Assistant Secretary of Agriculture, was made dean of the agricultural college at Cornell University, at a salary of $7,500 a year. I am satisfied that his duties there were no more responsible than the duties of the gentleman who is at the head of this bureau. I recall another instance, that of Dr. Wood, who was at one time connected with the Bureau of Plant Industry, and who became dean of one of the western agricultural colleges at a salary of some $6,000 or $7,000. We pay in South Carolina the director of our experiment station, I think, $4,000. Of course his duties are not nearly so large as the

duties of this gentleman, and the salaries in the South in our colleges are relatively very much smaller than they are in the West, and North, and East. My statement is not a guess at all, but is a statement based upon general information of the subject, without having the specific information at hand. The gentleman from Ohio [Mr. FESS] would be a better judge of that than I am.

Mr. FESS. If the gentleman would permit, I wanted to say that the salaries of university professors, college professors, are gradually increasing. Some 10 years ago $5,000 would have been regarded a salary for the head of a department. The salaries are increasing in all the big universities now. I want to ask whether the Government has not suffered various losses by having their expert men picked up out of the Government departments and taken to the various universities of the country?

Mr. LEVER. I can say emphatically that the Department of Agriculture suffers each year in the fact that the limitation upon the amount that may be paid to scientific men is fixed at $4,500 by the law, and we are losing good men almost every day, who are going either into the universities as teachers or heads of departments or into private business.

Mr. STAFFORD. How old is Dr. Howard?

Mr. LEVER. I take it that he must be a man 65 years old.

Mr. STAFFORD. Mr. Chairman, I make the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment: On page 52, line 8, in the place of the language stricken out on the point of order, insert "$4,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 8, in place of the point stricken out, insert "$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I see that the gentleman from Illinois [Mr. CANNON] has come into the Hall, and I therefore ask unanimous consent to return to the potash item, on page 51, at the bottom of the page.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to the potash item, at the bottom of page 51. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, in the statement which I made yesterday I probably gave the committee a somewhat erroneous impression of the situation with reference to the progress of the department in erecting a plant for the manufacture of potash as authorized by the current appropriation act. In my statement I used the following language, which does not quite represent the true situation:

The Secretary of Agriculture did not feel that with the information that he had at the time of making these estimates, or even at the time of the hearings on this bill, he was justified in spending very much of this money in the way of erecting a plant. He desires further time to look into the situation, and, therefore, he asks for the reappropriation of the funds provided for in the bill last year.

That statement is partly the facts represented before the committee, but it is not entirely the facts as stated before the committee, and I felt that in justice to myself I ought to say so. The truth about the matter is that in a letter addressed to the chairman of the committee, on page 320 of the hearings, the Secretary of Agriculture says this. I will read the letter for the benefit of the committee. It is addressed to me, and is as follows:

DECEMBER 7, 1916.

Hon. A. F. LEVER,
Chairman Committee on Agriculture, House of Representatives.

DEAR MR. LEVER: No estimate has been submitted for the operation of the experimental plant for the extraction of potash from kelp, which was authorized by the Agricultural appropriation act for the fiscal year 1917. Arrangements have been made for a certain degree of cooperation with one of the companies now operating on the coast, with the result that the expenses for operating the Government plant will be somewhat less than originally estimated. It will, for instance, be unnecessary for us to build or purchase a harvester at present, though ultimately this may become necessary if we decide to increase the output of the plant. A site has been secured which already contains a wharf. Some repairs will be necessary upon this, but it will not be necessary for us to build a wharf. Also we propose to start operations with 200 tons of wet kelp per day, ultimately going to 400 tons if it is apparent that more efficient operation can be carried on with the latter amount. Taking these things into consideration, together with the fact that until the plant is in actual operation it is extremely difficult to estimate the sum of money necessary for its operation, it seems wiser to defer a request for a further appropriation for operation until some time during the fiscal year 1918, when it is hoped that if it is necessary to secure additional funds to keep the plant in operation a definite statement of costs of operation can be presented. It is desirable, however, that such portion of the appropriation for the current fiscal year as remains unexpended on June 30, 1917, shall be reappropriated and made available until expended. To accomplish this it is requested that the following language be inserted in the bill:

"That so much of the appropriation of $175,000 made by the Agricultural appropriation act for the fiscal year 1917 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the establishment and equipment of such plant or plants as may be necessary therefor, as remains unexpended is hereby reappropriated and made available until expended for the purposes named."

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Now, the statement I made yesterday afternoon did not vary a great deal from that, and yet I fear it varied enough to mislead the committee, and in fairness to the committee I desired to read that statement. Now, in addition to that, if the gentleman will permit, on yesterday the Secretary of Agriculture sent me a letter inclosing a copy of a letter which he had addressed to Representative HUTCHINSON in reference to the potash situation and the progress of work under this item. While I was making my statement, this letter was in my pocket.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. This letter was in my pocket, but I had no opportunity to know what it was, and therefore I am going to read this statement into the RECORD:

DEPARTMENT OF AGRICULTURE,
Washington, January 5, 1917.

Hon. A. F. LEVER,
Chairman Committee on Agriculture,
House of Representatives.

Dear Mr. LEVER: I am sending you herewith a copy of a letter which the Secretary has written to Representative HUTCHINSON regarding the appropriation of $175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale. You will note that one of the items is $12,000 for a harvester. When the bill was under consideration by the committee the department hoped to make arrangements for the purchase of wet kelp, which would make it unnecessary to purchase a harvester. Developments during the last few days indicate that satisfactory arrangements can not be made to secure the wet kelp needed in the operation of the plant. In the circumstances, arrangements have been made to secure a harvester.

Very truly, yours,

F. R. HARRISON, *Private Secretary.*

You will recall in the letter just read from the hearings a statement was made that a harvester would not be necessary.

Now, the letter to Representative HUTCHINSON, which he was about to read himself, and who has shown a great activity in this matter, reads as follows:

JANUARY 5, 1917.

Hon. E. C. HUTCHINSON,
House of Representatives.

DEAR MR. HUTCHINSON: I have your letter of January 4, 1917, requesting information as to the amount expended of the appropriation of $175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale.

Up to December 31, 1916, the amount actually expended for salaries and travel under this item amounted to approximately $1,250. This figure can not be stated with absolute accuracy because certain travel expenditures have not as yet been audited. The figure given, however, is within a few dollars of the actual amount.

In addition, obligations have been incurred as follows: $12,000 for a harvester, $9,990 for three rotary driers, and $750 for repairs to the dock, making a total of obligations to date of $22,740.

Advertisements for bids on considerable additional machinery are at present outstanding, but since the dates for the opening of these bids have not as yet arrived, no statement of amounts in connection with these items can be made at present.

The work on this project is progressing as rapidly as possible. The plant is to be located at Summerland, Santa Barbara County, Cal., where a site has been secured, including a dock and railroad facilities. Plans for the building have been outlined, and, as indicated above, much of the machinery has either been secured or bids on it have been advertised for. We hope to start actual construction at Summerland by February 1, and unless unforeseen delays occur in the delivery of the machinery, expect to be operating within two months of that date.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

I understand, in private conversation with the young man in charge of the work, that the site was secured without cost to the Government. The letter is signed by Secretary Houston.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. Yes; but I wonder if the gentleman will let me complete my remarks.

Mr. STAFFORD. It is in connection with that inquiry.

Mr. LEVER. Very well. Go ahead.

Mr. STAFFORD. Has the committee made any investigation as to whether the plans for the operation of a Government plant are along the lines of those carried on by private establishments? Is it merely going to be a supplemental plant to those already in existence, or is it along new lines?

Mr. LEVER. My understanding is that this plant will be erected in order to find out if it is possible to manufacture, on a commercial scale, potash in competition with German salts under normal conditions, and the plant, of course, is going to be relatively a rather small plant, as compared with some of the plants in operation out there at this time. I was about to continue my statement to show what plants are operating there at this time.

Mr. STAFFORD. Has the gentleman also information as to the plants operating elsewhere throughout the country?

Mr. LEVER. Not throughout the country, but of the plants manufacturing this kelp.

Mr. STAFFORD. Has the gentleman information as to the number of plants that have been started throughout the country in the development of this industry?

Mr. LEVER. I will say to the gentleman that, so far as I know, there are no other plants operating in this country except those in connection with the manufacture of cement, the potash being a by-product in the manufacture of cement. No plants have been erected that I have knowledge of for the manufacture of potash alone.

Mr. STAFFORD. I can call the gentleman's attention here to one in my own city that has been established by private capital.

Mr. LEVER. Is it a cement factory?

Mr. STAFFORD. It is not. I am surprised to see that the gentleman has not made inquiries along those lines.

Mr. LEVER. I will say very frankly to the gentleman that the Committee on Agriculture stated some years ago that the only hope of obtaining potash in this country—and we based our judgment upon the investigations of the department that had been conducted for four or five or six years—was through the giant kelp of the Pacific coast. It is probably true that, maybe, some potash can be had in connection with the manufacture of cement, but I do not believe we can have any very great hope of getting potash from that source. Possibly invention may find some way of giving us that.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LEVER. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LEVER. We believe, however, that the giant kelp furnishes us with the real source of potash in this country if we can find a way to manufacture it cheaply enough to put it on a competitive basis with German salts.

Now, this morning I learned that there are eight plants on the Pacific coast at this time engaged in the manufacture of potash. The chief of these is the Hercules Manufacturing Co., which manufactures acetone to be used in the manufacture of munitions of war. This is a corporation capitalized at $2,000,000. They sell some of the potash obtained as a by-product for fertilizer, but the main purpose of the manufacture is to get the acetone to be used in the manufacture of munitions. There are several other plants, among them those of the Swift Co., the Simmons Co., the Diamond Match Co., and others. The latter company uses most of its potash in the manufacture of matches. These other companies are manufacturing potash now for fertilizer purposes, and are selling it for those purposes, but they are selling it at a price far above the normal price for potash, and unless we can develop some way of cheapening the processes it is the opinion of the expert in charge of this work, given to me this morning, that these plants can not manufacture potash in competition with the German salt under normal conditions.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. Does your information lead you to believe that when the munition demand is exhausted these same plants can go on and make potash alone without reference to munitions?

Mr. LEVER. Our information is that unless these plants very largely reduce their manufacturing costs and at the same time develop to the fullest capacity the value of the by-products of kelp—for example, iodine, ammonia, tars of the coal-tar variety, and combustible gas to be reused for the purposes of heat and fuel—unless they can very largely develop these by-products they can not compete with the German salt. It is the judgment, however, of the young man in charge of this—and he is not so young a man, either; he is about my age—that processes can be worked out by which the manufacturing costs can be largely reduced, and that processes can likewise be worked out by which full advantage may be had of the by-products which I have mentioned; and with those two things conspiring, we can manufacture potash and put it on the market and sell it under conditions in competition with German salt.

Now, gentlemen, that is the situation, except that the Secretary has reached the point where he has acquired the site, where he has acquired dockage, where he has made obligations for the purchase of a harvester, where he is practically in the course of erecting his plant. If the point of order should be pressed, we would find ourselves in the situation of having the plant on our hands. They can erect it between now and the first of the next fiscal year, but they would be without funds, probably, for operating, because what was left out of the fund for erecting the plant would have to go back into the Treasury. In that situation I wanted to urge upon my friend, the gentleman from Illinois [Mr. CANNON], and the gentleman from Wisconsin [Mr. STAFFORD], both as business men, that they do not press the point of order at this time.

Mr. HICKS. Mr. Chairman, will the gentleman permit an interruption?

Mr. LEVER. Yes.

Mr. HICKS. Did I understand the gentleman to say a moment ago that it was reasonable to suppose that there would be enough potash developed from the manufacture of that kelp to supply the needs of the United States? Am I correct?

Mr. LEVER. No; but the testimony before the committee a year ago was to the effect that there was enough giant kelp on the Pacific coast to indefinitely supply our wants for potash if we can find a process by which it can be used in the trades. The giant kelp, as has been suggested to me by the gentleman from Arkansas [Mr. JACOWAY], is a plant that renews itself every three or four months.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LONGWORTH. May I add to that that the supply of kelp in sight on the Pacific coast is sufficient to supply five times over the demand of the American market if a merchantable way is obtained for preparing it for market?

Mr. HICKS. How much do they consume per day in this country? Does anyone know?

Mr. HUTCHINSON. About 3,000 tons.

Mr. LONGWORTH. We have been using in this country 50 per cent of the German export, as I remember it.

Mr. LEVER. That is my recollection.

Mr. LONGWORTH. I do not remember how much that is.

Mr. LEVER. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Does the gentleman from South Carolina [Mr. LEVER] think that a young man about his age, who has charge of this matter, spending the Government money, can compete with seven factories over there on the Pacific coast which are pushing the development of this industry? I notice Swift, amongst others, the great packing-house man.

Mr. LEVER. Yes.

Mr. CANNON. Some of the most energetic and intelligent organizations in the United States, with vast wealth and vast enterprise, are experimenting in this matter. Now, does the gentleman think that with this appropriation and with this small factory, without any special skill, the Government should enter upon this experiment? What has been done? I gather and believe from what the gentleman has stated that these private concerns could give the Government cards and spades against any expenditure that the Government is prepared to make, and then win. Take that wicked organization, the Standard Oil Co., with its 2,000 by-products. Fortunes have been made, I have no doubt, but I think the Government might have had charge of the development of those by-products and the employment of chemists and the expenditure of money for a thousand years and not have made any such progress as the self-interest of intelligent people, commanding the best talent, with scores of the best chemists, has accomplished along those lines. I do not believe the Government, with its vast expenditures which are necessary in other directions, should embark upon an experiment of this kind, when I am led to believe that much more has been accomplished and is being accomplished on a large scale, without one cent of cost to the Government, by private enterprise.

Mr. LEVER. The gentleman from Illinois will recognize the fact, however, that in this proposal here we are not undertaking any further appropriation of money. We are simply reappropriating what the last Congress appropriated for this purpose.

Mr. CANNON. Oh, well, after all, the money can not be taken from the Treasury unless this appropriation is made.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes more, and then I hope we may close up this matter.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. LONGWORTH. Speaking of the Government making experiments along these lines, some years ago the Government of Japan undertook precisely this same proposition. The Government of Japan went into this experimentation and was so successful in finding a profitable way of producting potash from kelp, even before the war started, that about a year and a half ago there were more than 60 different plants in active operation in Japan engaged in the production of potash, probably there are more now.

Mr. CANNON. By the Government?

Mr. LONGWORTH. As the result of the discoveries in Government experiment stations.

Mr. STAFFORD. Does not the gentleman believe those Japanese Government experiments are available and at the command of private concerns who may desire to make use of the information?

Mr. LONGWORTH. Not at all.

Mr. STAFFORD. Why not, if there are these 60 plants engaged in the manufacture in Japan?

Mr. LONGWORTH. I think if the gentleman should undertake to try to find out the secret methods employed in the operation of those plants, or any of them, he would have very great difficulty.

Mr. LEVER. Another thing, Mr. Chairman, in response to the suggestion of the gentleman from Illinois [Mr. CANNON]; if the gentleman's line of reasoning were applied to all Government activities, it would practically close down all Government experimental and investigational work. The Department of Agriculture is built upon the theory that the Government has a duty to conduct certain investigations and experiments which the private individual ordinarily is not able to conduct. The department has been built up on that theory. Many of the other departments of the Government have been built up on that theory. We created a Bureau of Mines, whose purpose was to see if we could relieve the condition of the miner and to investigate mining problems. We set our experts at work upon that proposition, and although men had been mining for thousands of years, and men of great capital had long been engaged in the enterprise, yet our Government experts discovered appliances which are now used to safeguard the lives and health of the men who work under the ground. My own theory about this differs very materially from that of the gentleman from Illinois [Mr. CANNON]. I think the Government has a large duty to perform in all of these matters, and the Department of Agriculture has grown from a mere desk and a few chairs into a great, constructive organization, whose whole purpose is the working out of these difficult problems which the average man has neither the scientific capacity nor the money to work out for himself.

Mr. DAVIS of Texas. Will the gentleman yield for a question?

Mr. LEVER. With pleasure.

Mr. DAVIS of Texas. Am I correct in my understanding that each of these individual enterprises has its own secret process, and that the only method by which the general public could ever be made familiar with the process of utilizing kelp is through the agricultural station of the Government?

Mr. LEVER. The gentleman from Texas brings out a very good point. If we discover anything through these investigations in the way of cheapening the process or in the way of greater utility of the by-products, those discoveries will likely be patented in the name of the Government.

Mr. MANN. Is the gentleman sure about that? In the Bureau of Mines we discovered a process that was not patented in the interest of the Government but patented in the interest of the man who made the discovery, who is now trying to hold up the Government.

Mr. LEVER. That man ought to be kicked out of the service.

Mr. MANN. We are talking about passing a bill to recognize him.

Mr. LEVER. I am not familiar with those facts.

Mr. COOPER of Wisconsin. Will the gentleman yield for an interruption?

Mr. LEVER. Yes.

Mr. COOPER of Wisconsin. The instance cited by the gentleman from Illinois shows that Congress is remiss in not passing a law to prevent that sort of thing.

Mr. LEVER. The gentleman from Wisconsin is correct also. I trust my two friends from Illinois [Mr. CANNON and Mr. MANN], for whom I have very high regard, and the gentleman from Wisconsin [Mr. STAFFORD], for whom I have equal regard, will not press this point.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. HUTCHINSON], who probably knows more about this subject than anybody else on the floor, may be permitted to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New Jersey [Mr. HUTCHINSON] be allowed 10 minutes. Is there objection?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, I am in hopes that the gentleman from Wisconsin will not press this point of order. I think this is one of the most important matters before Congress in the interest of the farmer and of the consumer. When this appropriation was before Congress on April 26 I endeavored to give the statistics of four of the largest crops, and to show the great benefit that potash had been in the increase of those crops. I also at that time made a prediction that if there was not some means of getting potash we would see a large depreciation in the crops.

I have taken the years of 1916 and 1915 for a comparison of the crops. I am not going to give you the entire figures, but only the results of four of these crops.

In 1916 the crop of potatoes was 73,666,000 bushels less than that of 1915, or a decrease of 15.1 bushels per acre. In corn the loss was 471,294,000 bushels, or 3.8 bushels per acre. In wheat the loss was 371,699,000 bushels, or 4.8 bushels per acre. In oats the decrease was 288,370,000 bushels, or 7.7 bushels per acre.

That is the way it was all along the line. Take the statistics of cotton and you will find the same results. I do not claim that potash is entirely the cause of the loss, but it is an important factor, because the weather conditions and other elements come into the final result. As I said, potash is one of the most important things to improve our soil. When you get your farm into a high state of cultivation by the use of potash, it has a great deal to do with preventing them from being injured by the elements of the weather and diseases that attack our crops.

We read a great deal about the high cost of living. A day or two ago I heard on the floor of the House some one accuse the bakers of the high cost of bread. It is not the farmer; it is not the miller; it is not the baker, or anyone else; it is the depreciation of our crops that causes the high cost of living. I claim that this Government can do no better work than to experiment upon the resources whereby we can get maximum crops.

I have taken a good deal of trouble to go to the Bureau of Soils, and I had a lengthy talk with Dr. Whitney, the chief, and he informs me that we have lots of potash in this country besides that on the great Pacific coast, and while they are experimenting there they are experimenting in other lines. We have large manufactories that have by-products that will produce all the potash the Government needs outside of the Pacific coast. It is only a small amount of private capital that can afford to go to the Pacific coast to get potash for the benefit of the farmer. All through the Eastern States there is no potash coming from the Pacific coast. One concern in Nebraska is making potash from a lake. It made a contract for $3.50 a unit or per cent of potash, but the price has gone to $6 a unit or per cent of potash. That is 10 times the normal price and they can not sell you much at that price. It is impossible to get potash from the Pacific coast unless it is by some concern like Swift & Co., or some large firm that has money to go out there. The eastern farmer and some of the Middle West can not get potash at any price.

Now, it is said that after the war the price will go down. Well, Germany knows the price of potash in this country, and it knows the demand for it; it knows that we can not get along without it, and unless we get some help from the Government so that we can get our potash at a reasonable cost we will pay the price.

I am not going to talk to you much longer, as the chairman, Mr. LEVER, has given you the letter that I received from the department saying that they have already obligated and made arrangements for the great part of the money and plant, and all that they have done will be useless unless we have this appropriation continued. As I said, a part of the experiment on the

Pacific coast is a small affair in my judgment. We use in normal times 3,000 tons a day, and in the first place the matter of freight will make it so high that it will be impossible to get it East, and also to some parts of the West. We have got to get potash from some other source than that of the Pacific coast. It will help out in that section, but it is impossible to keep our land in a high state of cultivation unless we get other means for producing potash at a reasonable price.

If anyone will compare these figures that I have given between the crops of 1916 and 1915, they will see that we have to do something, and if we do not do something soon our depreciation is going to be on the same lines the next season. I think it is a great mistake to bar the people of this country from this appropriation when it will do so much good. [Applause.]

HIGH COST OF LIVING AND SOME OF THE CAUSES.

Mr. Chairman, on April 21 of last year, when the bill making appropriations for the Department of Agriculture was under consideration, there was an amendment offered to appropriate $175,000 for the purpose of determining the best method of obtaining potash in the United States on a commercial scale.

I endeavored at that time to impress on Congress the importance of potash as a factor in growing crops, and gathered statistics on the four important crops covering the last 25 years, to show the gradual increase in production due almost entirely to the use of potash.

I made the prediction at that time that if some means were not found to furnish potash for agriculture purposes we would very soon see a great depreciation in the yield and quality of our food crops.

All countries are concerned over the same question and are spending considerable time and large sums of money to devise ways and means to make the farms produce maximum crops.

The use of potash has been restricted by the European war, and as a result we see an enormous falling off in crop yields for the last year.

To verify this statement I will give the figures for 1915 and 1916:

Years.	Acres.	Bushels.	Bushels per acre.
POTATOES.			
1915	3,761,000	359,103,000	95.5
1916	3,550,000	285,437,000	80.4
Loss		73,666,000	15.1
CORN.			
1915	108,321,000	3,054,535,000	28.2
1916	105,954,000	2,583,241,000	24.4
Loss		471,294,000	3.8
WHEAT.			
1915	59,898,000	1,011,505,000	16.9
1916	52,785,000	639,806,000	12.1
Loss		371,699,000	4.8
OATS.			
1915	40,789,000	1,540,362,000	37.8
1916	41,539,000	1,251,992,000	30.1
Loss		288,470,000	7.7

Every one of the above crops shows a severe loss, and while I admit that weather and other conditions have had some effect, yet nearly the entire loss, especially in the potato crop, can be charged to the lack of potash.

Prof. Arthur Richmond Marsh, a noted economist and scholar, speaking on the same subject, states that fertilizers are necessary to intensive agriculture, and that in view of the inability of Germany to secure sufficient manurial elements the crops of that country will be cut almost in half this year.

He predicts that the potato crop will be less than 30,000,000 tons, as compared with the normal crop of 50,000,000 tons. That there will be a reduction of at least one-third in the grain crops and fully one-half in the production of milk, butter, and meat because of the lack of feeds and fodders for the animals.

To avoid just this condition in our country the Department of Agriculture has been working under this appropriation endeavoring to determine the best method of obtaining potash on a commercial scale, so that it can be produced at a price that will not be prohibitory to its use for agricultural purposes, and at the same time make us independent of all other nations for our supply.

Just how much the department has accomplished is shown by the following letter I received from the Hon. David Franklin Houston, Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, January 5, 1917.

Hon. E. C. HUTCHINSON,
House of Representatives.

DEAR MR. HUTCHINSON: I have your letter of January 4, 1917, requesting information as to the amount expended of the appropriation of $175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale.

Up to December 31, 1916, the amount actually expended for salaries and travel under this item amounted to approximately $1,250. This figure can not be stated with absolute accuracy because certain travel expenditures have not as yet been audited. The figure given, however, is within a few dollars of the actual amount.

In addition, obligations have been incurred as follows: $12,000 for a harvester, $9,990 for three rotary driers, and $750 for repairs to the dock; making a total of obligations to date of $22,740. Advertisements for bids on considerable additional machinery are at present outstanding, but since the dates for the opening of these bids have not as yet arrived no statement of amounts in connection with these items can be made at present.

The work on this project is progressing as rapidly as possible. The plant is to be located at Summerland, Santa Barbara County, Cal., where a site has been secured, including a dock and railroad facilities. Plans for the building have been outlined, and, as indicated above, much of the machinery has either been secured or bids on it have been advertised for. We hope to start actual construction at Summerland by February 1, and unless unforeseen delays occur in the delivery of the machinery expect to be operating within two months of that date.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. Chairman, I feel that the department should be encouraged in their work and the appropriation continued, for I am of the opinion that one of the best means of reducing the high cost of living and making our country self-sustaining is to do everything possible to put farming and marketing on a scientific basis.

Mr. LONGWORTH. Mr. Chairman, I do not profess any degree of expertness in this question, although I have given it some attention and have seen something about the situation on the California coast. My interest in it lies because it is the foundation of my political belief that everything which is a necessity in the everyday life in the American people which can be produced in this country, having due regard for the climate, ought to be produced here. [Applause.]

Of course, we will never be able to supply the American people with tea, coffee, or rubber, and things of that sort. But where it is possible in this country to produce a necessity of life it should be produced here.

The great importance of potash, and of this particular item, is that it is one of the two materials upon which we are absolutely dependent on another country for our supply. This country has never been self-sustaining either in dyes or in potash. We have a beautiful example to-day of what our failure to be able to provide the people with these two necessities of life is costing them. The records show that in the case of dyes, which before the war averaged about 21 cents a pound, the American people are now compelled to pay as high in some cases as $21 a pound, an increase of 10,000 per cent in a necessity of life. The rise in potash has not been so remarkable, but it has gone up, if my information is correct, from about 2 cents a pound to more than 20 cents a pound, an increase of over 1,000 per cent. The question that confronts us in the potash matter is not, it seems to me, whether we have arrived at a state where we can produce potash in commercial quantity but rather whether we are not justified in expending not only $175,000 but infinitely more if by any possibility we can arrive at a method of producing potash in this country at such a price and in such quantity as will enable us to supply the American people. We have experimented in many ways. We have sought to find potash in the soil, in mines, in certain kinds of rock, and in various other ways. The gentleman from Nebraska [Mr. KINKAID] yesterday spoke of a project in his district to produce potash out of a certain deposit, if I remember correctly, in the beds of what were formerly lakes; but let me call the attention of this House to this fact, that if we can find a commercial method of producing potash from kelp, we will have found a method of producing potash from an article that will never die out. Even though we should find certain deposits in the soil, they will exhaust themselves in time, but if we can produce potash from kelp, then we will have an inexhaustible supply, for not only is there sufficient kelp in sight, the potash content of which is sufficient to supply the American market to-day four or five times over, but that kelp, if properly harvested, will reproduce itself anywhere from two to three times a year. Therefore, the supply is inexhaustible.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. With pleasure.

Mr. RANDALL. In connection with the growth of kelp, it was brought to my attention yesterday that the fields in the vicinity of Long Beach, Cal., have already been mown over by a number of plants in that vicinity, and they have now gone across to Catalina Island to get further crops, with the expectation that the Long Beach fields will again be ready for harvest in two or three months.

Mr. LONGWORTH. So that it will be seen what a marvelous advantage this country will have, because it is the only country outside of Japan that has these enormous kelp fields. These fields stretch from Alaska to San Diego, Cal. The gentleman from South Carolina [Mr. LEVER] says that they are producing potash in some of these plants, but that the price is so high on account of the war that there is no incentive to find out the best and most economical method not only of production but of the utilization of the various by-products that come from the production of potash. The only facts that we do know are these, that a ton of wet kelp, or a unit of wet kelp, when dried, will produce about 20 per cent, in round figures, of its content in dry kelp.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. JACOWAY. I will ask the gentleman if he knows how many places in the United States kelp is found?

Mr. LONGWORTH. Only on the Pacific coast.

Mr. JACOWAY. Is it not found in Maine?

Mr. LONGWORTH. Not this particular quality of kelp. The giant kelp, which alone has a substantial potash content, is found only on the Pacific coast. This dry kelp will produce anywhere from 10 to 30 per cent of pure potash. We know what we have, but we have not yet developed a means of producing it successfully from a commercial standpoint, particularly in competition with the potash that Germany produces, which is a product of the mine.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FESS. Is not that the real crux in the whole matter, that not being able to produce it in such quantity as to be of commercial value now, if the war closes these private plants may close down because there is no profit in it?

Mr. LONGWORTH. Unquestionably.

Mr. FESS. Whereas a Government plant could continue to make its investigations to find out what we do not know?

Mr. LONGWORTH. Entirely so, and now is the time to do it, it seems to me.

Mr. PARKER of New Jersey. Is not the dry kelp itself a good thing for the fields?

Mr. LONGWORTH. Dry kelp is used now as a fertilizer.

Mr. PARKER of New Jersey. Then what is the necessity for an expensive process of extracting potash?

Mr. LONGWORTH. Oh, the potash salts are very much more valuable than the dry kelp, are used for many objects other than fertilizing, and can be very much more easily transported.

Mr. HICKS. Mr. Chairman, I think we all realize the great importance of this potash question, and as the gentleman is versed in the matter, I will ask him this. We hear rumors from time to time of deposits being discovered here and there. Why is it that we do not mine those deposits? Is it because the rumors are exaggerated, or because it costs too much?

Mr. LONGWORTH. It is because the rumors are not true. They never have discovered potash deposits in this country, and probably there is no one here, except possibly as the gentleman from Nebraska [Mr. KINKAID] pointed out, who knows of any deposits.

Mr. HICKS. Two or three months ago we heard of one being discovered in Cuba.

Mr. LONGWORTH. The fact remains that the world to-day is dependent upon one country, practically one syndicate, in Germany, for the entire supply of potash, and that syndicate can dictate the total amount to be exported and can absolutely fix the price, and while the price was only 2 cents a pound, as I remember it, before the war, after the war is over, there being no competition whatever in this country, and because of the fact that we must have potash, Germany will be able to dictate the price absolutely, and it is entirely possible that we may be compelled to pay four or five times the amount we paid before the war for our potash.

At any rate, we are entirely in their hands, and they can do as they please, just as they can do as they please in the manufacture of dyes unless the protective duty established in the Kitchin bill will result, as I very much hope it will, in building up a substantial industry in this country. But with dyes and potash we have been absolutely at the mercy of another country, and furthermore, as it has been most disastrously proved, when we are deprived of that supply the American people have had to pay anywhere between 1,000 and 10,000 per cent increase on absolute articles of daily necessity.

Now, climatically, we can produce dyes in this country with a protective tariff; climatically, we can produce potash in this country if we will investigate and discover proper chief methods of producing.

Mr. CANNON. What is the duty on potash now?

Mr. LONGWORTH. I think potash is free, but I am not certain.

Mr. CANNON. But it is on the dyes that there is protection?

Mr. LONGWORTH. Oh, yes.

Mr. CANNON. If the gentleman will allow me just there, if potash should remain on the free list, with the great supply in Germany and the cheap freights, how long does he think a duty would remain on potash?

Mr. LONGWORTH. Well, I am not able to say what, if any, duty would be placed on potash.

Mr. CANNON. It would not have as much chance as a dog in high rye.

Mr. LONGWORTH. I will say to the gentleman this: That if we have an industry in this country, a live industry, I believe in protecting it; but so far as potash is concerned we have a dead industry, and I do not believe in protecting it. I do believe in developing to the point where it will become a live industry, and then, if necessary, I believe in protecting it. But we have an asset here in this country of potash. We have a bed of kelp, reproducible two or three times a year, which stretches thousands of miles along one of our coasts. We have gone far enough in the experimentation to find out that it contains five times the amount of potash used to-day in this country. Let us suppose that we develop that bed. Let us suppose that we had here five times the necessary supply, do you not suppose that we would use this potash on fields where we never think of using it now? Do you not suppose that would immensely decrease the cost of many articles of daily necessity? Why, gentlemen, to me it seems there is no argument against this proposition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOSS. Mr. Chairman and gentlemen of the committee, there is no question, I presume, that American agriculture is rightly more interested in than in the supply and cost of fertilizers, and I am not going to antagonize for a moment any effort on the part of the Agricultural Department to develop a supply of cheap potash. I do not believe their effort in the end will become successful along present lines of effort. I want to point out the fact that the one universal supply of fertilizers for the farmers of America is the animal industry in this country. In this connection I am forced to add that for more than 10 years the animal industry in this country has been steadily declining. During this period we have been annually exporting vast quantities of agricultural foodstuffs from American farms over the seas and into Germany. There has been more potash sent in the oil cake and other food products of the soil off American farms and sold to the German people to feed their live stock than we have ever imported from Germany to go upon our own farms. There is not one acre of corn out of every hundred grown in the United States that receives a handful of potash fertilizer upon it. My friend from New Jersey, Mr. HUTCHINSON, has discussed the corn crop of 1915 and 1916, in relation to the shortage of potash fertilizers. I can not see the important sequence. I doubt if there were a thousand acres of corn in the Mississippi Valley which received a handful of potash fertilizer during the years 1915 and 1916.

Now, the practical thing about it is this: Germany has enough potash to supply the whole world, not only for one year but probably for hundreds of years to come. That supply has always fixed a price at which this product would sell in the markets of the world. They have never attempted to put a prohibitive price on it, because such a policy would kill the goose that lays the golden egg for that nation. It is easy to make predictions, and the gentleman from Ohio [Mr. LONGWORTH] has attempted the rôle of a prophet; but I think it will be safe to assume that after the war is over commercial practices will follow the old lines, and if they can produce potash cheaper than we can, they will put a commercial price on the commodity which will command our markets. The only possible way to prevent this result would be to levy a high import duty. This action would result in high prices to the American farmer, and would justly merit the opposition of the American farmer. In the end, if we can buy our potash cheaper in Germany than in America, we will buy it there or else levy a tax on the food supply of our Nation. A more rational national policy will be to feed the foods we are now sending away and which are being wasted on the

American farms to food-producing animals and thereby increase the live-stock industry. Such a policy would place upon every farm a supply of fertilizer that is in reality costing no man anything, and that is not being imported from other countries. I do not believe that it is possible that American agriculture can be continued indefinitely in the future; that it will be possible to keep up the soil fertility in the United States except it is done on the basis of live-stock industry in the United States.

One great mistake is that we have been a pioneer Nation and have projected our development with small regard to the building up of scientific agriculture. It has been an agriculture that has been based largely upon the selling of raw agricultural products and the farmer buying back his finished products. Naturally, we have not had the same degree of national success in agriculture that we have attained in manufacturing and in almost every other line of American industry. In fact, the only line of industry that has engaged the American thought for any length of time in which we appear at a disadvantage when compared with the other nations of the world is that of agriculture, and this is very largely due to the fact that we have not builded our agriculture on the firm foundation of live stock, which is the only safe basis for any permanent agricultural industry. I will go further and assert that it is the only way agricultural industry has ever survived in any old country or ever will enjoy permanent prosperity in any country. There are more sheep pasturing in the parks of the city of London itself than you will find in almost any of the counties in any of the great grain-growing States of the United States. There are more sheep being pastured per acre in Great Britain than probably in any one State of the American Union, notwithstanding the fact of the high prices of this land as compared with ours. There are more sheep and cattle in Scotland than there are practically in a like area in the United States. And so we continue selling off our farms—selling oil cake to go to Germany, or did go there before the war, to feed their flocks and their herds. Thus we deplete wantonly the very fertility that you are saying here you want to conserve and to develop. The potash in our farm crops which we export is just as valuable to the Nation as any which may be manufactured from the kelp beds of the Pacific.

Mr. HUTCHINSON. Will the gentleman yield?

Mr. MOSS. Just one word in regard to the potash supply of Germany, and then I will yield. All they have to do in Germany to secure this product is to mine the potash and bring it to the surface, as cheaply as we would mine rock salt in this country, and the freight from Germany here would be less than the freight from the Pacific coast to Washington. There will not be a time in the life of any living man probably when it will be possible for us to ship potash from the Pacific coast to the farms in the Mississippi Valley, certainly not to the farms east of the Allegheny Mountains, as cheaply as it can be freighted here from Germany.

So the question is, If it will cost more to transport it across the American continent than it will cost to transport it from Germany, we come back to the competition between the cost of producing it here and the cost of producing it in Germany, and, in my opinion, the advantage will remain with Germany. I would not have mentioned this if it had not been that my friend from New Jersey [Mr. HUTCHINSON] spoke about the shrinkage in our agricultural crops and attempted to make it appear, by inference at least, that the lack of the potash supply was probably largely responsible for our present unfortunate deficiency in principal farm crops. I know enough about scientific agriculture to know that potash is one of the necessities for plant life. I know enough about practical agriculture to know that there are very few farmers who use it for the fertilizing of our great staple crops; and I know enough more about the subject to know that there is not one farmer in a thousand who has put a ton of potash on his land in the last 10 years for the fertilizing of corn or wheat anywhere in the Mississippi Valley but what has lost money on the first cost of doing it, except in very limited areas of muck lands, which are deficient in this element. And that statement rests not only upon my assertion, but it will be verified by the cost sheets from any practical farmer in the great grain-producing sections of the United States.

Mr. LEVER. Will the gentleman yield?

Mr. MOSS. Yes.

Mr. LEVER. The gentleman from Indiana, however, realizes that all of the great Atlantic belt, from Maine to Florida, in the production of vegetables, potatoes, and cotton is almost absolutely dependent upon its supply of potash.

Mr. MOSS. That is true, and I want to say further to my friend from South Carolina that I recognize the fact that in trucking and in special lines of agriculture they have used artificial commercial fertilizer to advantage, and always will, and the more highly you develop the land, the more potash and other elements of commercial fertilizers you will use; but I am speaking particularly now about the great farm crops that go to make the basic crops of American agriculture in the Mississippi Valley.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MOSS. Yes.

Mr. COOPER of Wisconsin. The gentleman is a large farmer himself?

Mr. MOSS. I would not say I am a large farmer, but I am a farmer.

Mr. COOPER of Wisconsin. The gentleman works a large farm, but says he is not a large farmer. The gentleman's whole business as a farmer is based on the raising of cattle, is it not? That is the principal thing.

Mr. MOSS. It is based upon live stock in a mixed animal husbandry.

Mr. COOPER of Wisconsin. The gentleman has recently bought 1,600 acres of land in my State for the purpose of using it for grazing cattle? I understood him to say so in a conversation the other day.

Mr. MOSS. Does not the gentleman believe it is a good purchase?

Mr. COOPER of Wisconsin. I do; but I wondered whether the gentleman's attitude as between commercial fertilizer and cattle fertilizer was absolutely impartial. I do not say it is not, but I wanted the gentleman's position as a matter of fact to lay before the House. The gentleman says that the farmers do not make any profit in using potash.

Mr. MOSS. On general farm crops.

Mr. COOPER of Wisconsin. But as to the possibility of that, may I narrate just briefly what I did?

Mr. MOSS. Certainly.

Mr. COOPER of Wisconsin. I offered a prize to the boys in my county for the one who would raise the most corn on an acre. A boy took an acre which had been declared to be almost worthless a few years ago and put it into corn. The average corn yield in our county that year, I believe, was 57 bushels, or something like that—something short of 60 bushels—and he raised approximately 130 bushels on that acre. He gave as the principal reason for it the scientific use of potash fertilizer as taught in the agricultural school in that county. Of course, he tended it carefully and worked it well.

Mr. MOSS. In reply to my friend from Wisconsin I want to say that I am very friendly to boy-club farming, but I am somewhat familiar with the way in which it is carried on. The boy is given an acre of ground on which to grow corn, and he selects the very best acre on his father's farm, and is charged a rental of, say, $5; while if you put that acre on a commercial basis, probably the rental would be worth $25 or $30. So we get a low cost price. This small area of selected ground is given especial care and cultivation, resulting in exceptional yield. Then we wonder why the average in the United States is only about 28 bushels an acre. I am making that statement simply by way of illustration; but I do not believe there has been a bushel of wheat or a bushel of corn raised in the Mississippi Valley for 10 years, where a man has put any considerable quantity of commercial fertilizer on the land, without doing it at a loss. I recognize the fact that a good many people buy commercial fertilizer year after year, just as there are people who buy a great many other things that they ought not to buy, and upon which they do not make a profit; but I am speaking of the man who keeps a cost account and is able to give an intelligent account of the results of his fertilizer. This statement is not based on my mere assumption. For a number of years before I became too busy I had the pleasure of running a farm experiment station in collaboration with Purdue University. The land was measured and an accurate account of labor, fertilizers, and yields was kept, and received the attention of the experts of the university. After the harvest the accounts were audited to see whether we made anything from the application of fertilizers.

In some instances we applied fertilizer without any profit whatever, but in the majority of cases at an absolute loss. In general, during the years that are past, the man to make a profit in American agriculture is one of two classes, either he who purchased virgin land at a low price or the man who has gone into an intelligent live-stock rotation farming and has been able to keep up his farm fertility through the by-products.

Now, one word in reply to the gentleman from Wisconsin [Mr. COOPER]. The only reason that I went to northern Wisconsin to buy land was because I bought it for less than it was worth. If the State had an intelligent land policy, instead of selling land in blocks of 1,600 acres at a nominal price per acre, land

that will probably soon sell for $100 an acre, the State should acquire ownership in trust for future generations. The land should be broken up into small tracts so as to be able to sell it to a man with small capital. The State should go further, and should partly develop the land before selling it to the settler, so as to enable the homeseeker to commence raising crops at once, and should give him ample time to pay for the land out of the products of the land. Such a policy would develop productive agriculture and it would do something toward helping men now landless and homeless to become independent home-owning agricultural citizens.

The greatest national endeavor during the present decade is on the reclamation lands in the West, where the Government experts take worthless land and have made it productive, and by so doing have made it possible for a man to purchase it and to commence making a living at once. If the State of Wisconsin would purchase the 10,000,000 acres in cut-over lands now vacant in that State and would make a reasonable appropriation by which it could be brushed, fenced, and made possible for the magnificent live-stock agriculture that is going to be developed and sell such improved lands at actual cost to the people of this country that are landless, sell it to those who would be willing to buy 40 or 80 acres and give them ample time to pay for it in small annual installments, it would be a great beneficence to the State and to the Nation.

But what are you doing? First, the Government sold the land to great lumber corporations for a trifle; lands which yielded from five to ten thousand board feet of lumber per acre. They have cut off these magnificent forests and have accumulated colossal fortunes. The slash was permitted to lie on the ground, inviting destructive conflagration. No seed trees were permitted to stand so as to insure reforestation. Forest fires have ravaged large areas, destroying all valuable young timber, and have made this immense area a veritable desert—it has been reduced by such a stupid economic policy so as to be almost worthless for years to come. The State now, as if in revenge, is imposing onerous taxes and thereby compelling these corporations to beg men to come in and buy it. True, they are selling it to them in its present worthless condition for much higher prices than they originally paid for it. That is the situation in northern Wisconsin. I have only taken advantage of the opportunity. It is not a reflection on the man that buys these lands; it is a reflection on the State that permits such a sale of them. [Laughter and applause.]

Mr. HUTCHINSON. Will the gentleman yield?

Mr. MOSS. Yes.

Mr. HUTCHINSON. I would like to ask the gentleman if his State, with the exception of New York and Pennsylvania, does not use more fertilizer than any other State in the Union?

Mr. MOSS. Unfortunately we have some poor land in the counties in the southern part of our State, and it is in that portion of the State where the great bulk of the fertilizer is sold and used.

Mr. STAFFORD. Mr. Chairman, I reserved a point of order when the paragraph was first read, and last evening the chairman of the committee gave us the information, or led the committee to believe, that the department had not launched at all into the purchase of machinery or manufacturing facilities, but said that the head of the department had virtually discouraged the continuation of this experimental plant.

Mr. LEVER. I think I did not go that far.

Mr. STAFFORD. It led me to believe that that was the position of the Secretary; but this morning he has presented information of a different character, which shows that the work is already started. I question very much whether anything whatever is going to come from this experiment. The hearings before the committee confirm that; but, Mr. Chairman, having launched into what I regard as a wasteful experiment, having contracted an expenditure of $30,000 or $40,000, I do not intend to press the point of order except upon that part which makes this a continuing appropriation. If the gentleman from South Carolina is willing to strike out the words "and made available until expended," I will withdraw the point of order.

Mr. LEVER. I have no objection to that.

Mr. STAFFORD. Then, Mr. Chairman, with that understanding, I withdraw the point of order.

Mr. LEVER. Mr. Chairman, on line 3, page 52, after the word "reappropriated," strike out the balance of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, after the word "reappropriated," in line 3, strike out the words "and made available until expended."

Mr. STAFFORD. I assume that the phrase "for the purposes named" will carry the limitation carried in last year's appropriation act?—

Provided, That the product obtained from such experimentation may be sold at the market price of such product, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts.

Mr. LEVER. I should think so. The amendment is to strike out, after the word "reappropriated," in line 3, page 52, the words "and made available until expended."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly and the chinch bug, $123,260.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. In each of the three items there is an increase in the appropriations over last year, in some instances running up to 25 per cent or more. I would like to inquire what is the occasion for the inordinate increase in these items.

Mr. LEVER. The item which precedes the one which has just been read has been increased $17,600. The purpose of that is to enlarge the work of the Bureau of Entomology on chestnut weevils and miscellaneous nut insects, $2,600; and, second, to put a field laboratory in the Ozark Mountain region in Arkansas for the study of fruits; third, to establish a field station in one of the New England States for work in connection with the apple-tree tent caterpillar, a very destructive insect, $8,000; and to enlarge the work on insecticide, $2,000.

Mr. STAFFORD. Then, in order to understand the manner in which these appropriations are increased, we can generally assume they are for the purpose of providing for the establishment of experimental stations such as indicated by the gentleman in the instance referred to?

Mr. LEVER. Not necessarily for that purpose, but sometimes for that purpose.

Mr. STAFFORD. If the phraseology is broad enough to permit the establishment of an experiment station, then the committee will not refer to it as a special item in the bill?

Mr. LEVER. No.

Mr. STAFFORD. But, if it is not broad enough, then the committee adopts the policy of informing the House of this special work?

Mr. LEVER. That is correct.

Mr. STAFFORD. Leaving the Committee of the Whole in the dark completely as to the activities of the department when they establish new experiment stations, such as in the Ozark Mountains and in New England?

Mr. LEVER. We think we have a pretty good check upon that.

Mr. STAFFORD. Where is the check?

Mr. LEVER. The information which the committee itself possesses.

Mr. STAFFORD. But the House has no such check.

Mr. LEVER. The House has it in the report of the committee.

Mr. STAFFORD. But the House is not acquainted with the report.

Mr. LEVER. It ought to be.

Mr. STAFFORD. Oh, the gentleman knows that every Member of the House does not examine each report that is filed.

Mr. LEVER. The gentleman will realize that the Agricultural Department, for instance, in the case of the Weather Bureau, has some 200 field stations which are not set out in the bill.

Mr. STAFFORD. But the gentleman will realize in that particular——

Mr. LEVER. Oh, the gentleman will permit me to complete my statement.

Mr. STAFFORD. Yes.

Mr. LEVER. I do not know myself offhand how many stations for carrying on experimental work are carried in the Department of Agriculture, but I do not think I would miss the guess very far if I were to say five or six hundred, or even a thousand; and probably 1,000 would be too little; but where the work is small, where what we call a field station is established, which is not permanent, which is not going to be there forever, but is to last for a couple of years for the purpose of studying some peculiar situation in a certain section of the country and which will be moved to some other section later on, we do not set it out. If we are to establish a station that is to be a permanent station, with overhead expenses, the committee has always adopted the policy of providing specifically for it in the bill.

Mr. STAFFORD. Is not the station to be established in the Ozark Mountains a permanent station?

Mr. LEVER. No; that will be a station to study the situation there until they have found out what the situation is, and then it will be removed to some other section of the country to study similar conditions there.

Mr. STAFFORD. The gentleman will recognize that it is hardly a parallel instance to cite the appropriations for the Weather Bureau, because he knows that when we establish additional Weather Bureau stations we always provide for specific appropriations authorizing the establishment of the particular weather bureau.

Mr. LEVER. Oh, the gentleman is mistaken about that. What we do when we establish a permanent Weather Bureau station is this: We make a specific appropriation when we establish a permanent weather bureau, but where we appropriate in the general expense fund we always carry sufficient to pay for the rent of the station where the station is located on a rental basis. Whenever there is a permanent proposition that amounts to anything at all we set it out in the bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman give the committee the reason for the increase in the appropriation of $10,000 in the paragraph following?

Mr. LEVER. That sum is to be used in further and more aggressive prosecution of the studies of the department, with a view to handling the Hessian fly situation. That question has been studied for many years, but the destructive effects of that fly are so great, amounting to as much as the loss of $1,000,000,000, it is estimated, in some wheat crops, that the committee felt we ought to grant the increase asked by the department.

Mr. STAFFORD. And as to the item in the following paragraph of $10,000, an increase respecting the cigarette beetle?

Mr. LEVER. We have not yet reached that item.

Mr. STAFFORD. No; but I thought I would get the information while I am on my feet.

Mr. LEVER. We are increasing that appropriation by $10,000, for the purpose of enlarging the experiment with reference to the boll weevil in the South.

Mr. STAFFORD. What is the cigarette beetle? Is that the microbe that affects the human species, which makes them cigarette fiends?

Mr. LEVER. I do not know about that. Something must make the fiends. This is a little insect that punctures a cigar. The gentleman will frequently find his cigar with a whole in it.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, $74,400.

Mr. WILSON of Louisiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. WILSON of Louisiana: Page 53, line 22, after the first comma, strike out the figures "$74,400" and insert in lieu thereof the figures "$89,400."

Mr. WILSON of Louisiana. Mr. Chairman, in view of the fact that the chairman of the committee has just explained that there has been an increase of $10,000 to assist in the boll-weevil investigation, I desire to make a statement to explain why this increase is asked.

It grows out of certain interesting developments made at the boll-weevil laboratory down at Tallulah, La., in 1916, in which there have been some very striking results, presenting the most encouraging situation that has been developed since the boll-weevil investigation began in 1904. The agents of this bureau and also the Chief of the Bureau of Entomology have stated that with the increase of $15,000 these investigations may be carried out and exhaustively made in such a degree that if the results are for 1917 as they have been during 1916, and when the experiments are made on a larger scale, they will be ready to release the result of these tests to the planters of the cotton districts, and by doing so it would increase cotton production something like, on the basis of a crop like 1916, 1,000,000 bales, assuming that future operations will be in keeping with present expectations as to results.

Now, I do not think this information was before the Committee on Agriculture. In fact, I do not think this information was brought to Washington, or the results of this experiment known here, until after the committee had concluded its hearings. The estimates sent in by the department are sent in, as I understand it, in September. This cotton was gathered the latter part of September, October, and the early part of November, and so the results were not and could not be known in September. But I can say from conferring with the agents of the department that they are anxious to secure a thorough test of the remedy they have been applying in the cotton district in Louisiana during the year 1916, and that they estimate that for that purpose $15,000 additional will be necessary. The Committee on Agriculture concluded its hearings before the department expected they would be concluded, and this information was not before the committee at the time this bill was made up.

Mr. QUIN. Will the gentleman yield there?

Mr. WILSON of Louisiana. Yes, sir.

Mr. QUIN. Is this experiment of which you are talking something to do away with the boll weevil?

Mr. WILSON of Louisiana. It is something to control or exterminate the boll weevil. The experiments have been going on since 1904. A large amount of money has been spent in farm experimental work, but that is in order to adopt methods of farming to combat the boll weevil, but none of it has been spent, as I understand it, none can be spent, in the experiments made by these laboratories. These results are so interesting I would like to have the Clerk read a letter from the Government agent in charge of this laboratory at Tallulah, which states the results and the proposition in much better shape than I can, not being so familiar with it. I would ask the Clerk to read this letter for the information of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read the letter, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ENTOMOLOGY,
Washington, D. C., December 22, 1916.

DEAR MR. WILSON: Your letter of December 22 requesting information concerning the results of certain tests of the insecticide control of the boll weevil has come to hand. This investigation was opened at Tallulah in 1915. In that season every one of the nine plats treated with the poison showed a marked benefit due to the weevil control. However, these increases in production were not sufficiently large to be of great importance and it was considered possible that the dry season prevailing during 1915 was responsible for a degree of control which could not be secured under wet weather conditions. Consequently, the experiments were extended into the season of 1916 and very striking results secured. It was found that certain changes in the technique of application, such as in the time of starting and ending the application, apparently changed the results secured from a slight degree of control resulting in a comparatively unimportant increase in production to almost complete control resulting in very large increases. Considerable changes had been made in the physical and chemical properties of the insecticide utilized and also in the method of application. The field tests of the past season gave uniformly profitable results wherever the insecticide was applied in the manner which we now consider proper. For example, a series of four plats, each several acres in extent, on very rich soil gave an increased production of 425 and 426 pounds of seed cotton per acre in the poisoned plats over the check plats. Another test on poorer land treated only during the month of July gave an increased production of considerably over 100 per cent, or about 500 pounds of seed cotton per acre. An interesting feature of this last test was the fact that there were 22 days of rain during the month in which the applications were made, thus showing that the insecticide was effective regardless of the rainy weather. In still another case an abandoned field of cotton, which was so poorly drained that it had not been cultivated during June or July, was taken over on the 1st of August and one small strip (about six-tenths of an acre in extent) down the middle of this field was poisoned during August. This cotton had not been blooming since May and had set no early bolls. Shortly after the starting of the poisoning, however, the plat so treated commenced blooming and continued until the small, stunted plants had produced so much fruit that they matured and stopped all vegetative growth. This small plat stood out very prominently to the row, showing the line on each side at the termination of the poisoned area. Upon picking these plats it was found that the untreated cotton yielded from 45 to 60 pounds of seed cotton per acre, while the poisoned plat yielded about 400 pounds of seed cotton per acre in spite of the very poor stand and exceedingly stunted plant growth.

The present status of this investigation may be outlined as follows: The studies to date have indicated quite definitely that it is possible to poison the boll weevil effectively in the field under certain conditions, but that these various conditions must be thoroughly determined before it will be possible to outline any plan for the economic use of this method of control. It is apparent that quite a number of points, such as season of application, time interval between applications, amount of poison to be used per acre, period of application as regards the time of day, etc., are all of primary importance in determining the benefits secured, and all of these points must be thoroughly studied by a large series of field experiments before any definite recommendations can be made. In addition it is necessary to devise suitable and economic machinery for the application of this insecticide in the field and also to study thoroughly such questions as the possibility of substituting a cheaper chemical than the one now used, or diluting the present one in some manner. All of these investigations of course require a considerable expenditure of time and money, but in view of the present status of the investigations it seems desirable to study the question as exhaustively as possible within the next season in order to be able to release the information for the benefit of the planters at as early a date as possible if the method of control proves successful.

Very truly, yours,

B. R. COAD,
In Charge Delta Laboratory.

Hon. RILEY J. WILSON,
House of Representatives, Washington, D. C.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. I notice that the amount included in this bill this year is $10,000 larger than it was last year. Does that have anything to do with the gentleman's proposition?

Mr. WILSON of Louisiana. Well, that means there will be $10,000 more spent upon the boll weevil investigation than was spent last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILSON of Louisiana. I ask that my time be extended.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. HUMPHREYS of Mississippi. I would like to have five minutes in which to make a few remarks.

Mr. TOWNER. I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. MANN. You had best let it run a little bit. We may want a little time over here.

Mr. LEVER. Let us make it 25 minutes. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes.

Mr. WILSON of Louisiana. If that includes a sufficient time so that I may proceed for five minutes——

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Louisiana. I will say to the gentleman from Iowa [Mr. TOWNER] that there is an increase over the amount expended for last year of $10,000. That was asked for in the estimate sent in in September from the Department of Agriculture to the Committee on Agriculture, but after the results of this test and experiment had been made known to the department the Chief of the Bureau of Entomology estimated that to carry on this particular work and make an exhaustive test, and to reach a conclusion as to what benefit this might be to the cotton planter and its value as a means of boll-weevil control, in order that the Government might release the information to the farmer with instructions as to its use and application, this $15,000 additional will be necessary.

Mr. TOWNER. Is that estimate of the department subsequent to the formation of the bill?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. And with full knowledge of the increase which is asked for previously, and having been allowed by the committee?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. Then we are certain, are we, I will ask the gentleman, that the department believes they ought to have this item increased $25,000?

Mr. WILSON of Louisiana. Now, I would not extend that to the Secretary of Agriculture. My information is from the Chief of the Bureau of Entomology. That is the estimate he makes and the amount he desired to ask the committee for, but, of course, the Committee on Agriculture surprised even the department in the rapid manner in which it completed and closed up its business; hence there was not time for this estimate.

Mr. CANDLER of Mississippi. I will say that the bill was completed and reported to the House about 4 o'clock on the afternoon of the 22d day of December, and hence the provisions of the bill were known to the Department of Agriculture, and all the appropriations as fixed by the bill they were familiar with at the time the gentleman from Louisiana [Mr. WILSON] received his letter.

Mr. TOWNER. I want to ask the gentleman just one further question. There was some discussion before the committee, I think, regarding a new form of the boll weevil that originated in Arizona, or something of that sort. Was that not so, Mr. Chairman?

Mr. LEVER. If the gentleman will permit me in his time, there was no new form of boll weevil, but there is a new type of cotton out there which makes the condition of its control a little different.

Mr. TOWNER. I will say to the gentleman what I wanted to know was if really the department believed this additional expenditure was necessary? I have entire sympathy with the efforts that are being made by the department and by gentlemen who are acting in the interests of the people of the South, because certainly if anything can be done to control the boll weevil, which is one of the most serious pests this country has ever had, it should be done.

Mr. WILSON of Louisiana. And I thank the gentleman for his statement and for his sympathy on this question.

Mr. TOWNER. Although we have no cotton in Iowa.

Mr. WILSON of Louisiana. I want to say to the committee that the result of these experiments show, whether the test has been made on rich land in the delta or in the poor land, or the rank or luxuriant growth or scattered growth, the result has been the same, and it has been to increase the production at the rate of 425 to 500 pounds of seed cotton to the acre.

So it holds out and develops the most hopeful situation of anything that has ever been brought to light during all these years of investigation and study, and the bureau estimates that if it can secure $15,000 additional and continue these investigations during the fiscal year 1918 it would be able to demonstrate the value of this method of control and release the results to the farmers of the country.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. McLAUGHLIN. The gentleman says the bureau says that. The letter that the gentleman read says nothing of the kind.

Mr. WILSON of Louisiana. I will say to the gentleman that this statement was given me by the chief of the bureau, and I think the chairman of the Committee on Agriculture will state that the matter was brought to his attention, and that this was the amount asked for.

Mr. McLAUGHLIN. Now, this letter giving all the information that the bureau had is dated the 22d of December. The committee was in session during that time, and almost at the close of the session of the committee the officials of the bureau were present, making and explaining their estimates and giving us the information they had gained as to conditions and the manner in which they were going to use their money, and they said nothing about this new condition that had developed. It was very evident that they knew all the evidence about the conditions, and they asked for only $10,000 for the work and the committee allowed it. I think the chairman of the committee will bear me out in the statement that the committee had closed its hearings on the subject, and that no estimate has been sent in since the 10th day of December by the Department of Agriculture.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD upon this bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREYS of Mississippi and Mr. KINCHELOE rose.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I just wanted to explain very briefly this new experiment which promises so much toward the destruction of this boll weevil pest. Gov. Shallenberger said before a committee of Congress a few years ago that an expert was a man who found out something that everybody else already knew and then explained it in language that nobody else could understand. Now, this particular expert is an exception to that rule. He has discovered something that nobody else knew, and he explains it in language that everybody else can understand. The pests that have heretofore destroyed cotton have fed upon the leaves, and so it became possible to spread, by mechanical means that were economical, poison on the plant, and thereby destroy the pests. But the boll weevil operates a little differently. He has a long snout—if that is the right name for it, and, not being an expert, I will speak in language you can understand—and he takes his snout and sticks it into the squares and the little boll, into the inside, so that it is not possible to get the poison there, where he will get hold of it. Now, this gentleman in the department conceived the idea that he would poison the water that the boll weevil would drink. The question was to find some poison that was very readily soluble. He got this and applied it to the cotton, and the dews of the morning melted that, and the result was that in his experiments with an area of cotton here that was treated with his poison and an area next to it that was not treated, the difference in the yield of the two was so marked that you could observe it as soon as you got into the neighborhood.

Now, having demonstrated the fact that the boll weevil could be poisoned, he realized—and all the people in the cotton belt realized—that a long step forward had been taken. But the next thing to ascertain was whether he could get a poison that could be economically applied. They believe that that can be

done, but it takes a number of experiments to ascertain that fact—how many applications should be made in the year, when is the most economical time to make the application, whether early in the season when the cotton first begins to have squares on it, whether later in the season, or both, how many times, and so on. Upon that may depend the feasibility, the practicability, the success of this experiment. If it is to be applied many times, it may not be economical to do it at all.

Now, it is very desirable that they shall have enough money to carry these experiments through the entire season, to try them under many different circumstances. Down in the deltas, for instance, what might be effective there might not be worth while out in the hills in the higher and drier regions of the country; so that this money is desired in order to enable them to make a complete demonstration of the efficacy or inefficacy of the discovery, which is really the first real substantial step that has been so far taken.

We have expended a great deal of money in fighting the boll weevil heretofore, in trying to ascertain how cotton can be raised under boll-weevil conditions, but up to date we have gotten no further than to find that cotton can be produced even with the boll weevil if you will work hard and work all the time; in other words, change the old unscientific, and in many instances slovenly, cultural methods. This is the first substantial ray of light that we have, and I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KINCHELOE. Mr. Chairman, I want to ask the committee chairman about this paragraph. I notice that this amount of $74,400 is authorized and offered here for the investigation of insects affecting cotton, tobacco, rice, sugar cane, and so forth. Now, in whose discretion does it lie to determine the amount to be appropriated for the investigation of the various products and crops here?

Mr. LEVER. In all these lump-sum appropriations the discretion rests with the chief of the bureau and the Secretary of Agriculture as to the amounts that may be used on particular projects. If the gentleman is interested in tobacco——

Mr. KINCHELOE. That is what I am interested in; yes——

Mr. LEVER. I would call his attention to the fact that during the current year $19,000 of this sum——

Mr. KINCHELOE. Of the $74,400?

Mr. LEVER. Yes—will be used for tobacco horn-worm work. That is for the present year, and we assume, of course, that about the same amount will be used out of this sum for the next fiscal year, for the general statement was made that the appropriations would be devoted to the general lines of work now in progress.

Mr. KINCHELOE. There was about $19,000?

Mr. LEVER. Yes. Now, there were other allotments for sundry lines of tobacco investigations, making a total for tobacco investigations of $27,200.

Mr. KINCHELOE. And you think that will be the policy that will be pursued for the coming year? I am not antagonizing any boll-weevil proposition. I am simply trying to secure some information as to the tobacco situation. I understand the gentleman to say that his impression is that the policy of the department for the coming year will be to expend the money in the same proportion?

Mr. LEVER. Exactly.

Mr. QUIN rose.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Chairman, I wish to add my word in support of the amendment offered by the gentleman from Louisiana [Mr. WILSON]. There could be no more important investment made by this Congress, if the evidence submitted by the officer in charge of that experiment station at Tallulah, La., can be believed, and I certainly believe it. And I submit that we ought to be prepared to believe anything that these bugologists and entomologists can get up. I do not know what the cost will be per acre. The gentleman never stated it; but under that letter an increase of about 33⅓ per cent in the production of cotton in boll-weevil territory has been demonstrated, under the new discovery of that experiment station.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. WILSON of Louisiana. I will say for the benefit of the gentleman that the cost, in the experiment carried on last year, was about $3 per acre, and the increase in the amount of cotton, as it sold during that year, was $40 per acre.

Mr. QUIN. That is a very small cost, if they can get $40 for $3 additional expenditure, and I do not know how much work.

Mr. WILSON of Louisiana. The department felt that when they could experiment with it on a larger scale the cost might be much less; but in these experiments, made in a limited way, the cost averaged about $3 per acre.

Mr. QUIN. I thank the gentleman. Now, many of you gentlemen on this floor do not know what a disastrous bug the boll weevil is. I speak from experience. I suppose the district that I have the honor to represent has suffered more from the boll weevil than any other district in the United States. That little bug came there about eight years ago and ate up whole plantations and drove the negroes out of my district into the delta, into the district of my colleague [Mr. HUMPHREYS]. The merchants refused to advance a dime to raise cotton—and I think they acted wisely—and the delta planters would buy their accounts, and nearly all of our labor left, and is now in the possession of the planters in the district of my distinguished colleague [Mr. HUMPHREYS]. Land that would produce one bale of cotton to the acre before the advent of the boll weevil had its productive capacity destroyed so that under the operation of that pestiferous bug it would take 50 acres to produce four or five bales. The result was pestilence and disaster throughout all the seventh district. It was equal to the famine described in Holy Writ, when the locusts came upon the land of Egypt. It took several years for the farmers and people generally in my country to rehabilitate and become prosperous.

Now, my friends, under the beneficent and munificent work of this Agricultural Department our farmers were enabled to engage in other lines of farming. We were taught to diversify—that is, the small farmer was. He had to make his living at home and stay at the same place. The big planter, with his houses occupied by tenants, with hundreds and even thousands of acres under cultivation, was left a landlord pauper, because his labor was gone and he was unable to get money to go into the cattle business, or stock raising, or any other line of farming, to make the land productive and profitable to him and the community.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. QUIN. Yes.

Mr. SLOAN. We are not to understand, however, that Representative HUMPHREYS personally had anything to do with kidnaping these colored persons and taking them into his district? [Laughter.]

Mr. QUIN. Oh, no; it was the boll weevil that did it. It was the good fortune of the delta planters that the boll weevil drove our negroes out into Mr. HUMPHREYS's district. The boll weevil had not been in other portions of Mississippi until this year. He has gone into that portion of the State now represented by my friend STEPHENS, and my friend SISSON, and my friend HARRISON, and all over east and north Mississippi. He has gone over across into Alabama, and he is soon going to be in Georgia.

SEVERAL MEMBERS. He is there already.

Mr. QUIN. And wherever he goes his march is more devastating than that of Gen. Sherman through Georgia to the sea, and there is nothing left except the land and empty tenant houses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I should like five minutes more.

Mr. LEVER. How much time remains, Mr. Chairman?

The CHAIRMAN. Ten minutes.

Mr. LEVER. I wish to be recognized to close the debate.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, I am endeavoring to impress upon these gentlemen the necessity of doing something that will exterminate the boll weevil. If the experiment station in Louisiana has discovered what is claimed, this little additional $15,000 for experimental work by the department is a mere bagatelle, and I believe there is something in it.

Mr. CANDLER of Mississippi. Mr. Chairman, if my colleague will yield, he spoke a moment ago about the boll weevil extending up into the northern part of Mississippi. As the gentleman well knows, I represent the extreme northern district of the State of Mississippi. I have here a succinct statement which shows the result of the ravages of this terrible pest. In 1915 Alcorn County raised 9,666 bales of cotton, and in 1916 it raised 8,635. Itawamba County raised 8,866 bales in 1915, and in 1916 only 1,759 bales. Lee County raised 20,185 bales in 1915 and 6,016 bales in 1916. Lowndes County raised 8,519 bales in 1915 and 2,273 bales in 1916. Monroe County raised 14,840 bales in 1915 and 4,264 bales in 1916. Noxubee County raised 8,319 bales in 1915 and 5,137 bales in 1916. Prentiss

County raised 12,822 bales in 1915 and 8,224 bales in 1916. Tishomingo County raised 6,963 bales in 1915 and 4,824 bales in 1916.

The same thing is going on all over the State.

Mr. QUIN. Why, yes; in Pike County, in which I have the honor to live, 30,000 to 35,000 bales of cotton used to be produced, and now 4,000 to 4,500 bales constitute a big crop. Adams County, which formerly raised 35,000 to 40,000 bales, has been cut down to 700 bales in one year. Those are some of the results of the ravages of the boll weevil in Mississippi. If this little additional appropriation will develop this remedy, to exterminate the boll weevil, or if it will give us an increase of 33⅓ per cent in the production of cotton on the same acreage, why not invest this additional $15,000 and let the department proceed to ascertain if they can not do even more than that. The farmers are entitled to this and should have it right now. In my judgment no better expenditure of money could be made. [Applause.]

Mr. LEVER. Mr. Chairman, I do not think anyone is more disturbed about the boll-weevil situation than I am. Probably during this year that destructive insect will reach my own State, and probably my own district. I realize fully, through my experience on this committee, what the outbreak of the boll weevil in any cotton section means to the producers, to the bankers, to the merchants, to the business men, to all lines of industry. It creates panic; it brings about confusion. It is, as my friend from Mississippi [Mr. QUIN] has said, worse than the raid of Sherman's Army through our southern country. But I wish the members of the committee to understand that the Committee on Agriculture are thoroughly alive to this situation and have met it, as we think. The department is expending this current year $20,000 in experimentations on the boll weevil, experimentations that have for their purpose the development of some method of eradication of the boll weevil.

It was brought to the attention of the committee in its hearings by Dr. Howard that the young expert to whom my friend the gentleman from Louisiana [Mr. WILSON] has referred had made a discovery that gave encouragement for the future. The remedy, it seems, has grown out of the fact that the experts in studying the life history of the boll weevil have found that he is a very thirsty individual and must have his water early in the morning. One of the difficulties in poisoning the boll weevil heretofore has been that the arsenate of lead or any poison put on the leaf did not affect the boll weevil at all because he does not begin to eat until he has punctured the squares beyond the reach of the poison. Now, in this case they have found that by putting the arsenate of lead upon the square or stalk when it is wet with dew early in the morning the boll weevil in coming out to get his morning drink takes the poison. The result thus far has been rather promising but not entirely conclusive.

Mr. JACOWAY. Experiments thus far affecting the boll weevil have not had the results that were expected?

Mr. LEVER. The investigations by this bureau of the department of the boll weevil up to this time have been negative. They have by actual tests discarded a lot of theories because they did not prove to be practical and have rendered a good service in this respect. This is the first affirmative step that they have found that is encouraging at all. But that is not the point. We are now spending $20,000 through the Bureau of Entomology in this investigational work on the boll weevil. We are spending a much larger sum in the States Relations Service along a different line. The Department of Agriculture estimated an increase of $10,000 to continue and broaden the investigation now being carried on in Louisiana. The committee very willingly gave it, and the amendment here is to increase that $15,000 without an estimate by the department. I trust that the amendment will be voted down, because I can not see how it is possible to use it advantageously.

Mr. STEPHENS of Mississippi. Mr. Chairman, I would like to address the House for five minutes on this subject, and I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. Mr. Chairman, with the understanding that I will not consent to any extension of time hereafter when the committee has agreed to close the debate, I will consent in this one instance, because the gentleman from Mississippi has been very active in this proposition, and he lives in the midst of the boll-weevil section.

Mr. STEPHENS of Mississippi. Mr. Chairman, I thank the gentleman from South Carolina for not making an objection to an extension of time and thus giving me an opportunity to make some remarks on this subject. I do feel a great interest in this matter, and I regret exceedingly that the chairman of the committee having charge of this bill sees proper to oppose this amendment. I do not think the gentleman realizes the ruin, wreck, and devastation that comes as a result of the boll weevil. He has never had any experience with it in his section. He may have read a good deal about the matter, he may have seen newspaper stories with regard to conditions in these sections, but these things will not come to him in the way that they would if he were where they really existed.

The boll weevil has been in my State for several years. I had read about it. I was told about the great injury that was being done in other sections of my State by the boll weevil, but I had nothing like an adequate conception of the injury that was to come as a result of the work of this insect, because it had not struck my particular section of the State, just as the gentleman said it had not come into his own State.

Mr. LEVER. The gentleman from Mississippi will realize that the chairman of the committee has grown up with the boll weevil through all of its history and knows pretty well the situation.

Mr. STEPHENS of Mississippi. The gentleman has grown up with the boll weevil by way of hearsay and by way of reading, just as I had been told prior to 1916 when it came into my own particular community. Historically he may know of the boll weevil, but actually and practically he has no knowledge of the ravages of this destructive pest. I can testify to this, that in northern Mississippi last fall there were hundreds and thousands of acres in many counties that had heretofore produced many thousand bales of cotton, many an acre of which had produced more than a bale of cotton, and this year it did not produce a single lock of cotton. There were hundreds of thousands of acres where the pickers never went on the land because there was nothing to harvest.

Mr. CANDLER of Mississippi. Let me suggest to the gentleman that as a result the laborers in Mississippi sought places where the boll weevil had not entered.

Mr. STEPHENS of Mississippi. That is true; hundreds and thousands of people in that section of the country left it. I have seen trainloads of people leaving the country and seeking other fields, because their entire year's work had been lost owing to the work of this little insect.

It is really pitiful to witness in many sections the conditions that have come upon hundreds and thousands of people from the destruction of their crops. If the chairman of this committee and other Members here could only be brought to a realization of those conditions, there would be no opposition to this amendment that provides an appropriation to be used in an effort to rid the cotton-raising section of the country of the most destructive enemy that has ever invaded its confines. If time permitted, I could cite many instances of a distressing character, showing the want, poverty, and suffering resulting from the weevil. As I have stated, many thousands of acres of good land produced absolutely nothing. Many acres were not entered for the purpose of picking, because there was no cotton to pick. I have referred largely to conditions in my own section of Mississippi, but this is not simply an appeal for aid to that section, but it is made in the interest of the entire cotton belt, every portion of which is threatened.

Mr. Chairman, I go further and say that this is not simply a matter that affects the South, but that every section of our Nation where garments made of cotton are worn is interested in this matter and will be directly affected by our action in granting or refusing this appropriation.

In another way the other sections of the country will be affected. The man who can no longer grow cotton will be forced to raise other agricultural products, and these products will be thrown upon the market in competition with the sections of country that produce grain, cattle, hogs, mules, and so forth, and, therefore, depress prices in those products to the detriment of the western farmers. I suggest to the gentlemen from the West that in helping the farmers of my section you are really helping the farmers of your own sections.

It is quite probable that the diversification of crops that will come in the South as a result of the weevil may prove a blessing in many ways; but it is true that, owing to climatic conditions, character of soil, and circumstances surrounding many of the people, cotton will continue to be raised in the South.

I earnestly request and urge, gentlemen of the committee, that you vote this money out of the Public Treasury in an effort to relieve distressing conditions among the cotton farmers and also to protect and help the people of the entire country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired; all time has expired; and the question is on the

amendment offered by the gentleman from Louisiana [Mr. WILSON].

The question was taken; and on a division (demanded by Mr. LEVER) there were 28 yeas and 23 noes.

So the amendment was agreed to.

The Clerk read as follows:

Preventing spread of moths, Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and for medical supplies and services and other assistance necessary for the immediate relief of foremen, scouts, and laborers, and other employees injured while engaged in hazardous work under this item of appropriation, and all other necessary expenses, $305,050.

Mr. ALMON. Mr. Chairman, I make a point of order against the language in the paragraph, line 2, page 55, as follows:

by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations.

That is subject to a point of order.

Mr. STAFFORD. I will reserve a point of order to the entire paragraph.

Mr. ALMON. Mr. Chairman, I want to say that I have no objection and the nurserymen, as far as I am advised, have no objection to the authorities quarantining against the gypsy and brown-tail moth, provided it will not be promulgated except as provided by the Federal nursery-stock law of August 12, 1912, which provides that before the Secretary of Agriculture shall promulgate such quarantine he shall, after due notice, give public hearings, under such rules and regulations as he shall prescribe, at which hearings any interested party may appear and be heard, either by himself or attorney. I have no desire to press the point of order if the chairman will accept an amendment to that effect.

The CHAIRMAN. Does the gentleman from Alabama withdraw the point of order?

Mr. LEVER. Mr. Chairman, if the gentleman from Alabama [Mr. ALMON] will yield a moment to permit me to make a brief statement, I desire to say that for some reason or other which I do not know about there has gotten abroad in the country an impression that there is being carried in this appropriation bill or that there is pending before the Agricultural Committee a proposition to seriously modify the nursery-stock law. There is no such proposition in this bill; there is no such proposition pending before the Agricultural Committee. There is no suggestion of such a proposition being brought before the committee that I know of. Certainly if the suggestion has been made it has not made enough impression upon my mind to make me recall it. There is not a line in the bill which affects the nursery-stock law. There is not a line in the item which we are now considering which has been modified or changed. That item has been in the bill for 10 years or more, and under it we conduct the work of the Department of Agriculture in an effort to control the spread of the gypsy and brown-tail moths in the New England States. Not a word in it is changed, and gentlemen have been unduly excited through letters and telegrams received from their nurserymen constituents, which telegrams and letters have been based on an erroneous statement, emanating from some source of which I have no knowledge. I have probably been approached by 50 Members of Congress with telegrams and I have received myself probably 50 telegrams, all couched in exactly the same language, so it appears that the information has sprung from the same source. I concede that probably this paragraph is subject to a point of order. I would think that a man who would make it, however, would be playing with fire very carelessly, because if the gypsy and brown-tail moths ever escape from the quarantine which we have thrown around them, and kept around them for 10 years, they will practically destroy certain classes of forests in this country. The gentleman from Alabama [Mr. ALMON] has been kind enough to show me an amendment which he desires to propose to this paragraph, which he thinks will relieve the fears of his constituents and the nurserymen throughout the country. That amendment provides:

Provided, That before the Secretary of Agriculture shall promulgate such quarantine he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

That is provided for in the nursery-stock law of 1912, which was known as the Simmons bill, and which was reported from the Committee on Agriculture. I took it upon myself this morning, when I heard about these proposed amendments, to get in touch with Dr. Howard, of the Bureau of Entomology, and ascertain from him if, in fact, in the enforcement of this provision in the bill he did give due notice of quarantine and permitted hearings.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. He informs me that he does so. So that what is sought to be accomplished by the amendment of the gentleman from Alabama is already the practice of the Department of Agriculture.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. This provision in the bill only makes an appropriation. Is not that subject to the nursery-stock law?

Mr. LEVER. I think not. I have read the nursery-stock law, and the language of the nursery-stock law is:

That it shall be unlawful to move or allow to be moved any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinbefore provided.

Mr. MANN. That covers the earth. I helped prepare that bill.

Mr. LEVER. I was not sure that it covered stock for forest products.

Mr. MANN. In the first place, that is nursery stock.

Mr. LEVER. Yes.

Mr. MANN. And, in the next place, it is "other plants."

Mr. LEVER. That is true. And this amendment probably is not subject to the point of order. Personally I have no objection to this, and it may relieve the fears of the nurserymen.

Mr. MANN. This provision having been carried for years, these regulations having been in force for years, under this provision they would have to make new regulations.

Mr. LEVER. That may be, but as I said a moment ago the chief of the bureau informs me that they have been operating under a provision similar to this.

Mr. MANN. I understand, but the regulations have been in force. They are in force now, and if that provision comes in then after the 1st of July they could not enforce a quarantine until they had made new regulations and given notice, and that would delay the matter several months, during which time the gypsy moth might be spread all over the country.

Mr. LEVER. Frankly, I will say to the gentleman from Illinois that I can see absolutely no reason for this provision, and upon a vote I shall vote against it.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HEFLIN. I suggest to the chairman of the committee that, since he states that this amendment is in line with the practice of the department, it can do no harm, and I would like to ask the chairman to offer the amendment.

Mr. LEVER. I am not willing to offer the amendment. As I said a moment ago, I shall vote against the amendment. I do not see that it helps the situation a particle. On the contrary, it may bring about the result suggested by the gentleman from Illinois [Mr. MANN] and it may open up a situation that would expose this country to the danger of a spread of the gypsy moth. And nothing could be more fatal to the forests of this country than even a momentary let-up of the quarantine against the gypsy and brown-tail moths. Looking at this act more closely I would contest the proposition of the point of order made by the gentleman from Alabama [Mr. ALMON] and I ask him to press his point so that we can decide that proposition.

Mr. DOWELL. Just a further question with reference to the amendment suggested. It is conceded, as I understand, by the committee that this amendment in no wise affects the ruling of the department and their action?

Mr. LEVER. I do not know just what the regulations of the department are in reference to the giving of notice as to a hearing except that I was informed by the chief of the bureau that notice always was given before quarantine was imposed, but there may be something in the suggestion of the gentleman from Illinois [Mr. MANN] that by this language we may slightly change the situation and therefore expose the country to an outbreak of the gypsy moth.

Mr. DOWELL. But the gentleman concedes that notice should be given?

Mr. LEVER. Undoubtedly a notice should always be given.

Mr. DOWELL. It does not go into effect, as I understand it, until July 1.

Mr. LEVER. Notice is now being given.

Mr. DOWELL. As I understand, this appropriation takes effect on July 1?

Mr. LEVER. That is true.

Mr. DOWELL. Is there any reason in the world why the department should not prepare any notice that may be necessary by the time this law goes into effect if we make the amendment which it occurs to me should be made to this bill?

Mr. LEVER. If the gentleman had as full appreciation of a delicate situation with respect to the danger of an outbreak in this country of the gypsy moth and brown-tail moth as the membership of the Committee on Agriculture has, I am sure he would not be willing to legislate upon that kind of situation unless the matter had been most thoroughly considered by a committee, and that committee had had the opportunity to examine very carefully into the situation and to consult those who have charge of the enforcement of the law, and for that reason alone I would vote against the proposition.

Mr. DOWELL. Mr. Chairman, I move to strike out——

The CHAIRMAN. There is a point of order now pending.

Mr. DOWELL. It is a question of order.

Mr. STAFFORD. I withdraw the reservation of the point of order on my part.

Mr. MANN. I reserve a point of order on the paragraph. As long as the gentleman from Alabama [Mr. ALMON] reserves a point of order on certain language of the paragraph, I reserve a point of order on the paragraph.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. MANN. The gentleman from Alabama [Mr. ALMON] has a point of order.

Mr. ALMON. Of course the fact will not be denied that this appropriation has been carried for probably 10 years in the Agricultural appropriation bill in this way, but that does not keep it from being subject to a point of order at this time. The only question involved on the question of the point of order is as to whether the Federal nursery-stock law of 1912 authorizes this appropriation. That seems to be in doubt in the mind of the chairman this morning. In fact, he did not think it applied. If not, it will be subject to a point of order. He now seems to be of the opinion that it is applicable and that this is not subject to a point of order.

Mr. TOWNER. Will the gentleman yield?

Mr. ALMON. Yes, sir.

Mr. TOWNER. It occurs to me that the question regarding a point of order is rather a serious one. I think the gentleman would hardly desire that the point of order should be sustained against it. Would it not be safer if the gentleman withdrew his point of order, and, if possible, secure the withdrawal of other points of order that have been made, and save his amendment?

Mr. ALMON. I stated plainly and emphatically that I would not insist upon the point of order, even against that part providing for the quarantine. I have no objection to a quarantine being promulgated against the gypsy moth and brown-tail moth, provided it is done in the way and manner provided in the Federal nursery-stock law of August 20, 1912.

Mr. MANN. Will the gentleman yield?

Mr. ALMON. Yes, sir.

Mr. MANN. How would it do to put in the bill "by establishing and maintaining a quarantine against such further spread in such manner" where it now reads "as deems best"—"in such manner as provided by the nursery-stock law"?

Mr. ALMON. I will state that is a fair amendment, and I am willing to accept in lieu of the one that has been presented one which will read:

Provided, That no such quarantine shall be promulgated except in the manner provided by the provisions of this act of August 20, 1912, entitled "An act to regulate the importation of nursery stock and other plant products."

That would remedy it.

Mr. MANN. It seems to me possibly the trouble with that will be it will leave open some period of time when there is no quarantine at all.

Mr. ALMON. It will mean, I will say to the gentleman from Illinois, that no additional quarantine shall be promulgated. It would not interfere with any already in force and operation and which have heretofore been promulgated, and it would require this notice to be given and an opportunity to be heard before any additional quarantine is promulgated by the Secretary of Agriculture.

Mr. MANN. But that is positive legislation. This item goes into effect on the 1st of July. Now, a quarantine regulation would have to be issued in accordance with that. The old quarantine regulations would have no money with which to enforce them.

Mr. ALMON. Why not say "Provided no such quarantine shall be promulgated after a certain date"?

Mr. MANN. If you say "quarantine in the manner provided in this act" the existing regulations, being in accordance with the act, would continue with no period of time and would do exactly what you want to do. Strike out the language "as he shall deem best."

Mr. ALMON. I will ask the gentleman from Illinois what objection he would have to the amendment which has been read by the gentleman from South Carolina and myself, which is in accordance with the general nursery-stock law, providing for notice and hearings to be given?

Mr. MANN. The objection I have—and I do not say it is a valid one, but it seems to me it is—is that this is an appropriation in the bill to carry out certain purposes, including the nursery-stock law. The old appropriation ends on the 30th of June. The new appropriation becomes available on the 1st of July, but the old quarantine regulations will not have any money with which to enforce them after the 30th day of June, because you require new notice to be given, and, under the regulations to be made and under the nursery-stock law, that takes time. And for aught that I can see there would be a lapse of a period of time there where there would be no regulation which could be enforced, and the gypsy moth——

Mr. BUTLER. Flies very fast.

Mr. MANN. The trouble with the female gypsy moth is that it can not fly at all, and the only way it can be spread is through nursery stock, and once it gets into a locality you can not get it out.

Mr. LEVER. Let us see if we get clearly what the gentleman from Illinois has in mind. The 1st of July comes; this provision is in the bill; there is no money at that moment to enforce the regulations that were enforced two hours before. Now, then, they have got to issue their regulations; they have got to give notice of a hearing. That might take 30 days, and there is a lapse of 30 days in which you have absolutely no control of the gypsy moth. Is that the gentleman's idea?

Mr. MANN. Yes. This being at end, it would require new regulations after notice, and without regulations it could not be enforced.

Mr. LEVER. It is a very difficult situation.

Mr. MANN. But it is easy to accomplish what the gentleman wants to accomplish.

Mr. ALMON. Mr. Chairman, will the gentleman repeat that verbiage again?

Mr. MANN. Strike out where it says "in such manner as he shall deem best"; strike out "as he shall deem best" and insert "in such manner as is provided by the nursery-stock law," giving the title to it.

Mr. ALMON. Mr. Chairman, I offer the following amendment, which I will read.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Yes.

Mr. TOWNER. I suggest that he withdraw the point of order and that the gentleman from Illinois [Mr. MANN] will withdraw his, so that the field will be clear for amendment.

Mr. ALMON. Yes. I withdraw my point of order.

Mr. MANN. And I withdraw mine.

Mr. ALMON. I offer an amendment to read:

Amend, page 55, line 6, by striking out "as he shall deem best" and inserting "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products.'"

Mr. BUTLER. I understood the gentleman to say line 6. Is it not line 3?

Mr. ALMON. Yes; lines 3 and 4.

The CHAIRMAN. The gentleman from Alabama [Mr. ALMON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, lines 3 and 4, after the word "manner," in line 3, strike out "as he shall deem best" and insert "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products,'" so that the paragraph as amended will read: "By establishing and maintaining a quarantine against further spread in such manner as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products.'"

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEVER. Mr. Chairman, would the Clerk report that amendment again? I did not catch one certain word of it.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, just a moment. I suggest that you insert right there "in lieu thereof."

Mr. ALMON. Yes.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 55, lines 3 and 4, after the word "manner," strike out "as he shall deem best" and insert in lieu thereof the following: "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery-stock and other plant products.'"

Mr. LEVER. It ought to be "other plants and plant products." I am giving the exact title of the act.

Mr. STAFFORD. If you are going to quote the title, you had better quote it entirely. You are only quoting it partially.

Mr. ALMON. I agree with the gentleman, and I will get it from the bill.

Mr. DOWELL. Mr. Chairman, I desire to inquire if it would not be better to strike out——

Mr. ALMON. Mr. Chairman, I ask unanimous consent to modify my amendment by describing the title of the act of 1912 in full.

The CHAIRMAN. Without objection, it will be so modified.

Mr. ALMON. I ask the Clerk to report the amendment as modified.

Mr. DOWELL. Just a moment, Mr. Chairman. May I inquire if it would not be better to strike out also the words "in such manner"?

Mr. ALMON. We have done that.

Mr. BUTLER. Oh, no.

Mr. GREEN of Iowa. Mr. Chairman, if my colleague will permit, I think it will spoil the force of the amendment as intended by the gentleman from Illinois.

Mr. BUTLER. Let us take it as it is.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best" and insert in lieu thereof the words "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to promote and regulate the movement of fruit, and also fungicides, and for regulating traffic therein.'"

Mr. STAFFORD. Well, Mr. Chairman, again the gentleman has not gotten the title right. I suggest that instead of using a copy of some bill he take the phraseology from the act itself.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that we may pass this item over temporarily while the gentleman from Alabama perfects his amendment.

Mr. GARRETT. Is it agreeable to the gentleman from South Carolina to rise at this time?

Mr. LEVER. Yes. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

INCREASE OF SALARIES, DEPARTMENT OF AGRICULTURE.

Mr. GARRETT. Mr. Speaker, by direction of the Committee on Rules I present a privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House report No. 1254.

The Committee on Rules, having had under consideration H. Res. 432, respectfully reports the same to the House with the recommendation that it be agreed to.

"Resolved, That it shall be in order to consider an amendment to a bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, as follows, notwithstanding the general rules of the House:

"'That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than $1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein'; and be it further

"Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 19359."

Mr. GARRETT. Mr. Speaker, in so far as the language of the rule is concerned, it is precisely the same as that which was used in connection with the amendment to the legislative, executive, and judicial appropriation bill. The language that is proposed in the act itself is somewhat different from that which is proposed in the legislative bill, and the change is made necessary by the different conditions with which the Agricultural Committee has to deal. Does any gentleman desire any time?

Mr. DOWELL. Mr. Speaker, may I inquire if this rule does not relate also to the time between the enactment of this law and the 1st of July, 1917, and does it not in that respect differ from the other rule?

Mr. GARRETT. Is the gentleman speaking of the rule now, or the law?

Mr. DOWELL. I mean the rule. As I understand it, the rule limits it to this enactment.

Mr. GARRETT. Yes.

Mr. DOWELL. Under the other rule, as I understand, it is merely limited to the expiration of the time of this appropriation.

Mr. GARRETT. It is exactly the same language that was in the other rule, and there were rulings by the chairman on that, which, of course, will be precedents in ruling on this.

Mr. DOWELL. I understood there was a difference.

Mr. GARRETT. No; there is no difference at all in the language.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, with Mr. CARAWAY in the chair.

Mr. ALMON. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered, for the purpose of offering the following amendment, which correctly sets out the title of the act.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the gentleman from Alabama offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best," and insert in lieu thereof the following: "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to promote and regulate the movement of plants and vegetables therefrom, and for other purposes.'"

Mr. MANN. I suggest to the gentleman that he change the word "dated" to the word "approved."

Mr. ALMON. I accept that suggestion and ask unanimous consent that the Clerk make that correction.

The CHAIRMAN. Without objection, it will be so modified. The question is on the amendment.

Mr. DOWELL. Mr. Chairman, may we have the amendment reported as finally modified?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best," and insert in lieu thereof the following: "as is provided by the general nursery-stock law, approved August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to promote and regulate the movement of plants and vegetables therefrom, and for other purposes.'"

Mr. HOWARD. I was not on the floor when this discussion began. I would like to ask the gentleman from Alabama what is the object of this amendment?

Mr. ALMON. I first raised a point of order against the paragraph, on the idea that the appropriation was not justified by the general nursery-stock law of 1912, but the chairman ruled that it was. The general nursery-stock law requires that before a quarantine shall be promulgated, notice shall be given to interested parties, and that they be given an opportunity to be heard before it is promulgated. In order to keep down the fears of the nurserymen of the country, some of whom are in my district, and whose fears seem to have been aroused, we have put in this proviso so that the quarantine against the gypsy and brown-tail moths shall not be promulgated by the Secretary of Agriculture except after notice to interested parties and an opportunity is given to be heard in the manner provided by the general nursery-stock law.

Mr. SLOAN. Can the gentleman state whether or not there is any extension of the power of the Secretary of Agriculture in the making or promulgating of rules for quarantine in this amendment, or in the new legislation on page 55 of the bill?

Mr. ALMON. Not that I know of.

Mr. LEVER. There is absolutely none, I will say to the gentleman from Nebraska. In the first place, the language of the bill, on page 55, is not new language. It has been carried in the bill now in that identical language for 10 years, and this amendment which is proposed neither increases nor diminishes the authority of the Secretary of Agriculture.

Mr. SLOAN. And the purpose of the amendment is to make it clear that the Secretary has not the new powers which it was thought were about to be granted to him in the bill?

Mr. LEVER. Yes; the amendment is to satisfy the fears of nurserymen.

Mr. CLARK of Missouri. I should like to ask the gentleman a question. Have these State entomologists and these Federal entomologists the power arbitrarily to say that the nursery stock from the Stark Nursery, for instance, in my county, shall not be shipped into Illinois, or Iowa, or South Carolina, or any other State?

Mr. LEVER. They have, after notice, under the act of 1912.

Mr. CLARK of Missouri. Suppose they make an erroneous ruling about it, how do you get at it? Is there any appeal from the decision of one of these bugologists?

Mr. LEVER. I have not refreshed my memory, but I do not think there is any appeal.

Mr. CLARK of Missouri. One of them could bankrupt the biggest nursery in the world.

Mr. ALMON. That shows the importance of notice.

Mr. MANN. Those things are all pretty well provided for in the nursery-stock law. Tests may be made, and everything else done under inspection, so that practically there can be no question in reference to whether the quarantine regulations are correctly applied, because authority is given to make actual tests under inspection.

Mr. TOWNER. The provision of the law is that it can not be done without a hearing.

Mr. CLARK of Missouri. I know; but suppose one of these learned scientists makes an erroneous ruling about the nursery stock of any nursery whatsoever. Is there any way of appealing from his decision?

Mr. TOWNER. There is the right of appeal to the Secretary of Agriculture. As to whether or not they may go any further, that would be a question I would not like to answer.

Mr. LEVER. If so, I do not recall it.

Mr. TOWNER. There is no particular provision, but if there is no provision against it, certainly an appeal would lie.

Mr. LEVER. To whom?

Mr. TOWNER. To the Secretary of Agriculture.

Mr. LEVER. Oh, I thought the gentleman meant an appeal beyond the Secretary of Agriculture.

Mr. TOWNER. Oh, no; I do not say that there would be any appeal that might lie beyond that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. My recollection is, although it may be entirely erroneous, that either the brown-tail moth or the gypsy moth was brought into the country shortly after the Civil War. The other was brought in about 1890. They have proved a very great pest in New England. Up to date they have not been very successful, as far as I can ascertain, in finding a parasite which will destroy them. The female of the gypsy moth can not fly, and the only way it can spread at any distance is through nursery stock—by the shipment of plants which have the eggs of the moth upon them. I think the eggs are laid in August and hatched in the following spring.

My recollection is that there are two broods of the brown-tail moth, and the female of the brown-tail moth is an active flier. The brown-tail moth is not only destructive to trees but the caterpillars themselves have hairs upon them, and when they molt and get in the air, wherever they strike the flesh of a person it inflicts a wound. They are poisonous and exceedingly disagreeable to people who happen to live where they have this pest. The pest in both cases is very apt to be on street trees in cities, and so we do not want them out in our country.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $30,000, of which sum $2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 57, line 4, after the word "States," strike out the figures "30,000" and insert in lieu thereof the figures "35,000."

Mr. PLATT. Mr. Chairman, I offer this amendment because this includes the care of 5 big game reservations and about 70 bird reservations. Thirty thousand dollars is a remarkably small sum of money for the work, so small that you wonder how the Biological Survey does anything substantial with it. If you take the 70 bird reservations and the big-game reservations and add them together you find that the $30,000 gives only $400 apiece. Now, it requires considerably more than $400 to take care of each of the great elk and bison reservations, and consequently a good many of the bird reservations have no care whatever.

In the hearings Dr. Palmer, of the Biological Survey, said that some 15 or 16 bird reservations have no wardens. While it is admitted that a few are small and do not need wardens, there are some very large ones, like the Laysan Islands Reservation, in the Hawaiian Islands, and the Aleutian Islands Reservation, off the coast of Alaska, where we have no wardens and no way of knowing whether there is poaching on these great reservations or not except as we hear it reported by travelers or by some ship that has happened there long after it has occurred.

It is also brought out in the hearings that the work now being done in the care of the bird reservations is possible only through the cooperation and money raised by the National Association of Audubon Societies. They collect money and that money is used for the purpose of doing work that ought to be done by the United States Government.

Mr. ELSTON. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. ELSTON. I asked the gentleman a question when this matter was up before about the Laysan Islands in Hawaii. What is being done, and whether or not we have any patrol of those islands?

Mr. PLATT. According to the statement of Dr. Nelson, Chief of the Biological Survey, nothing is being done whatever. Those islands extend over several degrees of longitude. It is a large aggregate of little islands. We have no warden there, and we can only afford to send a steamer there once a year or so to see whether any harm has been done. Hundreds and thousands of birds have been killed there in the past by poachers for their breasts and plumage, and we have not known anything about it for months afterwards.

Mr. ELSTON. I understood that there was a warden appointed for service on those particular islands.

Mr. PLATT. Not according to the statement of the chief of the bureau of the Biological Survey. The appropriation for wardens was increased somewhat in the last bill, but not enough, in the judgment of the survey, to provide for this large group of islands.

Mr. ELSTON. Will the gentleman state whether it is an important bird reservation by reason of its location, and so forth?

Mr. PLATT. It is very important, affording a nesting place for many thousands of sea birds like the albatross.

Mr. ELSTON. How important in comparison with other bird reservations?

Mr. PLATT. I should say that the bird reservations in the United States which care for game birds in their winter homes

are more important. Some of these have very little care, and what care they have is largely through private subscriptions of the Audubon Society. A good many reservations are along the coasts, some on the Atlantic and some on the Pacific and some on the Gulf; one is on an island in Lake Michigan. They are scattered all over the country. One of the most important is off the coast of Louisiana.

Mr. ELSTON. The reason I asked the question is on account of a constituent of mine, Walter Hubbard, who is very much interested in this particular subject. He has written me many times, and he has been much interested in the statements of the gentleman from New York along these lines. He believes that there should be something done in the way of protection in the Laysan Islands, and he says that rabbits and rodents are very destructive to bird life there.

Mr. PLATT. There is a very interesting bulletin issued by the Biological Survey which tells about the islands of Laysan Reservation, upon one or two of which rabbits have been destructive.

The CHAIRMAN. The time of the gentleman from New York has expired.

[By unanimous consent Mr. PLATT's time was extended two minutes.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. SMITH of Michigan. Is all of this money appropriated to be used on national reservations?

Mr. PLATT. This is what the increase over the last appropriation was requested for.

Mr. SMITH of Michigan. A good many States have game-preserve laws, and I was wondering whether any of it was used in connection with the game laws of different States.

Mr. PLATT. This money is used to care for reservations belonging to the United States Government, and which are now imperfectly cared for and some not at all.

Dr. Nelson asked for an increase of $15,000. The committee has given him an increase of $5,000. He says that $4,000 or $5,000 are needed for fencing and improvements, almost necessary in the big game reservations. For instance, one Government game reservation—the Wind Cave Park—in South Dakota has a fence only on one side. It is not fenced on the other, and he says that a thousand dollars is needed there. It would seem axiomatic that if it is fenced on one side, it ought to be fenced on the other. Dr. Nelson tells of one of the other reservations—the Niobrara Reservation, in Nebraska—where if they could fence in a little more ground they would not have to feed the game in the wintertime. There is plenty of grazing outside, but they can not allow the herd to forage outside at will. They have to cut the forage and bring it in. It would seem to me that it would be good economy for the Government to increase this appropriation a little. The men of the Biological Survey have done wonders with the small amount of money at their command, but they have done it largely through the cooperation of the Audubon Societies and other help.

Mr. FESS. Have these reservations a utilitarian value?

Mr. PLATT. Unquestionably. If the gentleman will read the hearings of the Department of Agriculture upon the biological section he will find that since the passage of the bird migration law and the establishment of these refuges the number of wild fowl has greatly increased in certain portions of the country.

Mr. LEVER. Mr. Chairman, the estimates call for an increase in this item of $15,000. The committee allowed $5,000, feeling that that was sufficient in the present exigency for this purpose. I trust the amendment may be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. The precise subject which I desire to discuss for a moment is not directly connected with the game mentioned in this paragraph, but it may be well described as a game, a kind of political game. We have had a number of debates in this House, and the country has speculated widely as to just what were the reasons which caused the result in the last election. I myself have been much puzzled about it. I have been particularly puzzled as to the results in California and in New Hampshire, but this morning for the first time I was enlightened by reading a paragraph which appeared in the Washington Post, giving the reasons for the results in California and in New Hampshire, in the form of an interview with a prominent Democrat of San Francisco. The title given to the interview is "Election credit to Daniels." Observe the word "credit" as used in this connection:

ELECTION CREDIT TO DANIELS.

"If any member of the President's administration is deserving of credit for winning the recent election, it is Secretary of the Navy Daniels," observed H. A. Brown, of San Francisco, at the Willard.

I am informed, Mr. Chairman, by a member of the California delegation that Mr. Brown is a well-known Democrat in California. He then proceeds:

"It is my belief that Secretary Daniels is responsible for the carrying of California and New Hampshire. In both States there are navy yards, and the Secretary of Navy piled work up in both. Thousands of men were given employment at Kittery, near Portsmouth, and for the first time since 1856 the city of Portsmouth went Democratic and the State of New Hampshire was carried by the Democrats by a plurality of less than 100. It was all because of the great number of Democrats that had gone into the navy yard there."

[Laughter.]

"So in California, the city of Vallejo, which has always been a Republican city, was carried by the Democrats because of the presence in the navy yard at Mare Island of thousands of men who were engaged in work that the Secretary of Navy had provided. California, we know, was carried by Wilson by a plurality of less than 4,000. Vallejo gave a Democratic plurality of something like 5,000. Had it been turned the other way the Republicans would have won in the State and Hughes would have been elected.

He closes the interview as follows:

"The Secretary of the Navy is some politician, in my opinion."

[Laughter.]

Mr. Chairman, I am not advised as to the truth or falsity of this accusation—I ought not to say accusation, but of this commendation, this eulogium upon the political ability of the Secretary of the Navy. If it is true, however, I say then that all honor and credit—of a sort—should be given to that statesman who makes use of his authority over the Navy to get votes for his Chief—his party.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BARKLEY. Is there a navy yard in Ohio? [Laughter.]

Mr. LONGWORTH. There is not, and, therefore, the Secretary of the Navy, Mr. Daniels, was not able to use his distinguished services in helping to carry that State.

Mr. BARKLEY. Notwithstanding the absence of a navy yard, we carried it by a large majority.

Mr. BENNET. Is it not true that Secretary Daniels assisted in carrying Ohio by refraining from making any speeches there? [Laughter.]

Mr. LONGWORTH. That I understand to be the real reason.

Mr. SLOAN. Will this statement come under the head of political "leaks"?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Ohio [Mr. LONGWORTH] seems anxious to know why the Democrats carried the country in the last election. The success of the Democratic Party was the triumph of mind over matter. [Laughter and applause.] The gentleman objects to Secretary Daniels taking men and giving them employment in the navy yard. The Republican Party took negroes out of the South last fall and put them in West Virginia, Ohio, and Indiana to carry those States for the Republican ticket. [Applause.] Daniels with his men was engaged in a good cause, while the Republican Party with illegal negro votes was trying to defeat the will of qualified white voters in Northern States. This man Brown is a very intelligent man. Mr. Brown has been keeping up with the great work of Secretary Daniels. Admiral Dewey, who is the best authority on matters that pertain to the Navy, has praised the record of Josephus Daniels and practically said that he was the best Secretary that the Navy had had in many years. [Applause.]

Mr. LONGWORTH. Where did he say that?

Mr. HEFLIN. He said that before the election. I heartily indorse the statement. Secretary Daniels has cut out Republican graft and instituted more beneficial reforms than all the Republican Secretaries before him. Interests that sought to control him and failed have tried to belittle and destroy him. They used subsidized newspapers for that purpose, but they failed utterly. Wherever Josephus Daniels went in the recent campaign he helped the Democratic cause and enlightened even members of the Republican Party. [Applause on the Democratic side.] While you nominated your strongest man for President, he was an animated icicle with frost on his whiskers. [Laughter.] Ex-Congressman Fred Landis, of Indiana, has told, perhaps better than anybody else, just why the two strongest Republicans that could be found—your candidates for President and Vice President—were defeated. He said that in the opinion of the rank and file the country over neither Hughes nor Fairbanks belong to the human family. [Laughter and applause.]

The Clerk read as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stats. L., pp. 847, 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOOLITTLE: Page 58, line 18, strike out semicolon and insert a colon and the following language:

"*Provided*, That no part of said sum shall be spent in the prosecution of any person or persons who may hunt, trap, or shoot migratory game and insectivorous birds in conformity with the laws of any State or Territory where such hunting, trapping, or shooting may take place."

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment on the ground that it is a change of existing law. It repeals the law, really.

Mr. DOOLITTLE. Mr. Chairman, the amendment is a limitation on the expenditure of the $50,000 carried in the bill. It reduces expenditures and is a limitation.

Mr. STAFFORD. Mr. Chairman, the gentleman can not invoke the rule of limitation if the limitation goes to the extent of repealing the law. This limitation in effect modifies existing law, so far as migratory birds are concerned, and therefore is subject to the point of order made by the gentleman from South Carolina.

Mr. LEVER. I was about to reenforce what the gentleman from Wisconsin said, that the rule of limitation is that the limitation must apply to the appropriation and not change law or involve additional duties upon the heads of departments, and the like of that.

The CHAIRMAN. The point of order is sustained.

Mr. DOOLITTLE. Mr. Chairman, I move to strike out the paragraph commencing on page 58, line 11, and down to and including line 18.

Mr. LEVER. Mr. Chairman, before the gentleman proceeds I would like to ask unanimous consent that the debate on the paragraph and all amendments thereto close in 10 minutes.

Mr. ANDERSON. Mr. Chairman, I do not think we ought to limit debate on this paragraph just yet.

Mr. LEVER. Well, I am ready to accede to the judgment of a member of the committee. I withdraw the request.

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, my purpose in making this motion to strike out the appropriation of $50,000 is to prevent the enforcement of the law, which is, in my opinion, and which is in the opinion, I believe, of every lawyer on the floor of this House, an unconstitutional and unfair law. It will not be denied that the title to wild game is in the States, that it is not in the Federal Government or any individual. There is now pending in the Supreme Court of the United States a case appealed from the United States court in Arkansas which brings in point directly in the court of last resort the question of the constitutionality of this law. The court in Arkansas held the law to be unconstitutional. I believe the Supreme Court will also hold it to be unconstitutional, because I think, as a matter of law and as a matter of fact, it is unconstitutional. But, laying aside for the moment the question of the constitutionality of the law, it seems to me that the game laws of the different States of our country safeguard well and sufficiently the game of the country, and that those laws should be considered by Congress as sufficient protection for the wild game birds of the country. In central parts of the United States the regulations that have been laid down by the department under this Federal law have absolutely wiped out spring hunting of migratory birds, such as wild duck and geese. The game laws of all those States, so far as I know—and I know particularly of Kansas—are very strict in the protection of game and limit the hunting, shooting, and trapping of game and birds to very limited periods of time in the fall, and again in the early spring; and the season for shooting is closed before the breeding season comes on in the spring. If my amendment prevails, conditions will be improved without injury to anybody and without violence to the migratory game birds of the country, and the laws of the States will prevail.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. BYRNS of Tennessee. The gentleman is familiar, I am sure, with the treaty which was entered into last August, I think, between this country and the Dominion of Canada, with reference to the protection of migratory birds and migratory game?

Mr. DOOLITTLE. I know there was a treaty of that kind.

Mr. BYRNS of Tennessee. I want to ask the gentleman if he does not think, in view of that treaty, which is the supreme law of the land as applies to this country, it is not entirely probable that Congress now has supreme authority to regulate the protection of migratory birds?

Mr. DOOLITTLE. I should not think so, unless the law is declared constitutional later.

Mr. BYRNS of Tennessee. The gentleman has referred to State laws upon the subject. If that be a proper construction, then I take it that Congress, of course, can assume authority regardless of any law that has been passed upon the subject by any State?

Mr. DOOLITTLE. I do not know what the legal effect of that will be on the constitutionality of the law. I think if it was constitutional to begin with it would remain so.

Mr. CARAWAY. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. CARAWAY. Does not the gentleman know that that treaty has not been ratified?

Mr. DOOLITTLE. My impression is it has not been ratified.

Mr. BYRNS of Tennessee. My impression was it had been ratified. Is the gentleman sure it has not been ratified?

Mr. DOOLITTLE. I am not sure; but I think it has not.

Mr. BYRNS of Tennessee. The reason I was so confident it had been ratified was because I had seen an opinion rendered upon that treaty as to its effect on State laws with reference to migratory birds.

Mr. DOOLITTLE. A copy of the treaty has been incorporated in a bulletin which has been sent out by the department.

Mr. BYRNS of Tennessee. I take it the department would not have sent the treaty out or incorporated it in a bulletin if it was not in actual effect.

Mr. DOOLITTLE. I do not know as to that.

Mr. BYRNS of Tennessee. My understanding was that it was ratified last August. Of course, that is a matter of record.

Mr. HOWARD. Mr. Chairman——

Mr. LEVER. One moment. Mr. Chairman, before the gentleman from Georgia proceeds, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks that the debate on this paragraph and amendments close in 10 minutes. Is there objection?

Mr. SISSON. I reserve the right to object.

Mr. LEVER. Then I ask unanimous consent, Mr. Chairman, that the debate on this paragraph and amendments thereto close in 20 minutes, the gentleman from Mississippi [Mr. SISSON] to have five minutes, the gentleman from Georgia [Mr. HOWARD] five minutes, the gentleman from Illinois [Mr. MANN] five minutes, and myself five.

Mr. RAKER. I would like to have five minutes.

Mr. LEVER. I hope to get through with this bill to-day. I modify it, then, Mr. Chairman, by making it 25 minutes, with the gentleman from California [Mr. RAKER] included.

The CHAIRMAN. The gentleman from South Carolina modifies his request and asks unanimous consent that the debate on this paragraph and all amendments thereto close in 25 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized for five minutes.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I think it would be a most unfortunate blow to the work that is being done by this bureau if this appropriation were to be stricken out. I believe that the protection of the migratory birds of this country under the act of 1910 has been of wonderful benefit to the entire country.

Now, I love to hunt about as well as the ordinary fellow. I am very fond of hunting. But I never did believe in the slaughter of birds. I presume there are a dozen men in this House now who can remember, and I also can remember when I was a little boy, how the wild pigeons used to migrate to the South in the fall of the year by the millions, and on account of the peculiar habits of those birds, especially their roosting habits, the people would turn loose upon them and would slaughter them by the hundreds of thousands, so that to-day the whole wild pigeon family, you might say, is extinct. There is not one in the world.

Now, a few years ago I used to go out in south Georgia and northern Florida duck hunting. In 1902, 1903, and 1904 the wild ducks absolutely became so scarce in the South in the dead of winter that you could hardly go out on the lakes and bag half a dozen in a day after a strenuous day's hunting. To-day they

are coming back into the South, ducks and geese, by the thousands. I may say further that I happened to be in the southern part of Georgia in November last, where we used to have millions of jacksnipes to shoot 15 or 20 years ago. It got to be a rare thing to see a jacksnipe in the South in the wintertime for the past several years. This fall they came in there again by the thousands. Woodcock also were almost extinct. That is a migratory bird. It nests in the North in the summer and comes down to the South in the winter. They are now coming down in large numbers.

Now, every State in the Union that I know of gives these sportsmen—not pothunters, like my friend from Kansas [Mr. DOOLITTLE]—but gives true sportsmen an opportunity to get some sport, to shoot these birds in some season when the birds are in their flight south. Now he complains because the folks in Kansas can not kill them on the spring flight. He wants to kill them going up and coming down both. He is not satisfied with the modest killing of game. He wants to be allowed to kill them coming down and also going back.

Mr. DOOLITTLE Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. HOWARD. Yes.

Mr. DOOLITTLE. We have laws in Kansas limiting the number you can shoot.

Mr. HOWARD. Yes; you have, but not half of you obey the law. You violate the law. The law provides that only so many wild ducks may be shot to the gun. You go out and take a boy along with you, and he carries a gun, and he could not hit the side of a house, and the man along with him who can shoot kills 50. That is the way they violate the law. [Laughter.]

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. SMITH of Michigan. I was down town the other day and I met half a dozen men walking along the street, and each one of them had a couple of dozen ducks strung over his back. Do you think that that ought to be regulated?

Mr. HOWARD. Yes; and this law will regulate that. That is marketing game. I understand my friend from New York [Mr. PLATT] misses more than he hits. [Laughter.] But I do not think the man who can not kill one ought to be in favor of depriving another man of the privilege of eating one. [Laughter.]

Mr. PLATT. If the gentleman will permit me, I never hunt with a gun. I hunt with a spyglass and I never miss. [Laughter.]

Mr. HOWARD. I understood the gentleman never kills a bird, and that is why I made the remark, and I commend his method of hunting as most economical.

Gentleman, I hope this law will not be butchered. I hope we will appropriate more money for its enforcement than is now appropriated. It is doing good. It is building up our game supply in this country. We have got more game under this law than we have ever had in recent years, and I hope the amendment will not prevail. This law is in the hands of the most conscientious and efficient administrators and they should be encouraged in their splendid efforts.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. MILLER of Pennsylvania. Mr. Chairman, I agree with the gentleman from Georgia [Mr. HOWARD] that instead of this appropriation being abolished or reduced it should be increased. I have an opinion of a man who owns a dog and a gun and spends his time going over the country shooting insectivorous birds and small animals.

We used to have plenty of quail, "Bob White," and as soon as the open season comes in very many owning a dog and gun start out and kill them. My opinion is that one "Bob White" is worth about a score of those fellows that hunt them and try to kill them. [Laughter.] I believe we should increase the appropriation rather than reduce it.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Pennsylvania. Yes; I will yield to the gentleman, but I am not sure that I can hear him.

Mr. DOOLITTLE. I want to ask the gentleman if he would call a quail a migratory bird?

Mr. MILLER of Pennsylvania. Certainly. It does not stay all the time in the same place. It may go from part of our State to another part of it, and I have no doubt it gets out into New Jersey now and then.

A MEMBER. Would the gentleman call a wild duck an insectivorous bird—would he?

Mr. MILLER of Pennsylvania. It is a game bird. What does a man want to shoot a bird for anyway—a man that is educated, that has got a mind and a soul; a man that has got intelligence, whose father has spent thousands of dollars in educating him—what does he want to go out and kill something for? [Applause.]

A MEMBER. Roosevelt! [Laughter.]

Mr. MILLER of Pennsylvania. I have my opinion of a man who has a dog and spends his time in hunting. That fellow and his dog ought to be killed and the birds ought to be preserved. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SISSON. Mr. Chairman, I am not going to discuss the necessity for this law. I have no objection to migratory game being protected, but I do not believe the wildest stretch of the most liberal constructionist of the Federal Constitution can find any excuse at all for this law.

On the contrary the Constitution specifically prevents the confiscation of property by the Federal Government except by due process of law.

On every occasion when the question of birds or animals, feræ naturæ, has been before the Supreme Court of the United States, that court has held that they are the property of the people of the States.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. SISSON. Not now. I have only five minutes, and I want to state my objection to this paragraph of the bill. The only way in which an individual ever gets title to birds or animals, feræ naturæ, is either by reducing them to captivity or by bringing them to the ground. The court having repeatedly decided that all such animals and game belong to the people of the States, the Federal Government in the act creating this law said that the title to this property should be vested in the Federal Government, thereby divesting the people who have always owned that property, and taking away from the people of the States that which they own, as has been repeatedly decided by the Supreme Court of the United States. Therefore, when the Supreme Court of the United States passes upon this question, I do not believe a majority of that court will go to the extent of saying that Congress by its act can take away from the people their property and vest the title in the Government of the United States, and that is exactly what that law attempted to do when it was passed. I have never voted for this appropriation in this bill. I opposed the passage of the law when it was proposed by Mr. WEEKS, of Massachusetts, now a member of the Senate. For that reason I do not believe that this item in this appropriation bill ought to remain in the bill, but the committee ought to vote it out.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will if I have the time.

Mr. MANN. Admitting for the sake of the argument the gentleman's position, does he think that the treaty just proclaimed between the United States and Great Britain, controlling the migration of birds between this country and Canada, would be invalid?

Mr. SISSON. I do.

Mr. MANN. Under the treaty-making power?

Mr. SISSON. I do. The first time that matter was called in question was when Washington was President, and a young Representative from the State of Pennsylvania called the matter in question. The language of the Constitution, saying that a treaty shall be the supreme law of the land, has never been construed by the Supreme Court, or by any subordinate court, to mean that it can supersede the Constitution, and the treaty-making power is limited in the instrument to the specific grant of power to the Federal Government over which it has jurisdiction. Therefore the Congress of the United States has no right to enter into a treaty that the Federal Government had not the power delegated to it to control. If it could do that, and that language in the Constitution should receive any other construction, then under the treaty-making power you could literally destroy the Government through the Executive and a bare majority in the Senate.

Mr. MANN. Mr. Chairman, I was to have five minutes, and I ask that the gentleman from New York [Mr. PLATT] be recognized in my stead. He knows more about birds than all the rest of us.

Mr. PLATT. Mr. Chairman, I thank the gentleman from Illinois for giving me his time and for his complimentary words in regard to my knowledge of birds. It is not nearly as extensive as it might be. I want to say, though, that there is quite a good deal of confusion of mind over the migratory-bird law. It does not apply to quail, or to grouse, or to prairie chickens, or to many other birds that are not migratory. Quail, as I under-

stand it, very rarely fly more than 10 or 12 miles from home. That is according to the testimony of those who know most about that bird. The migratory-bird law applies only to birds which nest in one part of North America and make their winter homes in another part of North America, or many of them in South America or Central America. How those birds can be considered to be the property of anybody over whose land they happen to fly, or where they happen to spend the night resting, when they go on the next day, I do not, for my part, understand. Nearly all the migratory game birds nest in Canada, and the Canadians could destroy the whole lot of them, except a very few that nest along our northern border, if they wanted to do so.

The insectivorous birds, the warblers and smaller birds, a great many of them also nest in Canada, though many, of course, nest in the United States. A considerable number of our birds spend their winters in South America, and most of the routes of migration have been mapped out. We know now almost exactly what routes many of them follow, how they get to South America, and where they winter when they get there. There are a few common birds which seem to disappear in the winter. For instance, the common chimney swift is a bird whose winter home has never been found. It goes down to the coast of the Gulf of Mexico and flies off over the Gulf, and nobody knows what becomes of it. Even our friend, Col. Theodore Roosevelt, who has explored South America, has never been able to find the winter home of the chimney swift there. It goes off in that direction somewhere and disappears as completely as if it dropped into the sea. There are several other such mysteries as that, but as to a great many birds it is known just where they go, and just when they come and when they go. There are some 300 or 400 people throughout the United States who are reporting to the Biological Survey the dates of the arrival and departure of the birds every year, so that the Biological Survey is able, through these voluntary observers, to keep track of our useful birds, and the speed they make, and some very interesting things have been worked out from these reports by the late Prof. Cooke.

As I have said, migratory game birds mostly nest in Canada, and Canada could destroy them all. They do not belong to us. They fly over the United States. Many of them winter along the Gulf, and there are some bird reservations where they get a certain almost complete protection. It is the testimony of everybody who has watched the matter that certain of these wild fowl and game birds have increased considerably since the passage of the migratory-bird law, and that is true also of a good many of the smaller birds. During last summer, for instance, in my part of the country a great many people became interested in birds, because for the first time they saw the scarlet tanager, a beautiful, bright-colored bird, which looks almost tropical in the colors of its plumage. That bird began to appear in the cities. People had never seen it before. A number of people called me up on the telephone to know what that bright-colored bird was which they saw in the streets. It is a bird that was rarely seen in the streets before, although not uncommon in the country. Its numbers have undoubtedly increased considerably during the past year. It is a bird probably that used to be shot for its plumage on account of its brilliancy of color. Unless some migratory-bird law is enforced, a great many of our birds will become extinct. While they spread over a very large territory in summer, in the winter some of them mass together so that they can be killed very easily, almost without shooting them. They are dependent upon the migratory law and upon bird sanctuaries for protection. As the gentleman from Illinois [Mr. MANN] indicated, a treaty has recently been negotiated with Canada, a bird-migration treaty, by which Canada agrees to protect the birds at nesting time in the north and the United States agrees to protect them as they fly over and as they may stop on our territory to winter. It seems to me common sense and good judgment that the legislation the treaty will need should be carried out, and must appeal to everybody. It is impossible, it seems to me, that the Supreme Court can find it unconstitutional.

Mr. RAKER. Mr. Chairman, the questions can be answered readily, it seems to me. In the first place, as to the treaty between the United States and Great Britain, Series No. 628, of August 16, 1916; was ratified and advised by the Senate August 29, 1916; ratified by the President September 1, 1916; by Great Britain October 20, 1916. Ratifications exchanged at Washington December 7, 1916, and proclaimed December 8, 1916. Certain courts have held that this law is unconstitutional, others holding that it is constitutional; the case is now pending on appeal in the Supreme Court of the United States. The same fight was made a year ago when the Agricultural appropriation bill was up and was being considered on this item. It is moved now to strike out the entire item. The law is enforcible, it is being enforced, and it is the judgment and wisdom of Congress that it should be enforced, and it seems to me that no Member of the House or of the committee should attempt to break down this proper and beneficial legislation or attempt to defeat its operation. The only way to enforce it is by making the proper appropriations so that the Agricultural Department can enforce it pending the decision by the Supreme Court of the United States. The protection of the wild life of this country should be provided. It has already been neglected too long.

Mr. OVERMYER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. OVERMYER. Under that treaty there will be no more duck shooting north of the Rio Grande. The only objection that the people of Ohio have is that it entirely prevents any spring duck shooting in our country, and that is the only season of the year when we have any wild ducks.

Mr. RAKER. The point is we have the law and we have the treaty. It has been enforced, it is being enforced, and should be continued. It has been decided to be constitutional by a number of courts. Only two have decided it unconstitutional. It is now before the Supreme Court of the United States. It is a great advantage to this country to protect the migratory birds. We have 69 bird reservations that belong to the Government, and the Government is expending its money, large sums at that, on these reserves, and why should Congress defeat this law by declining to appropriate money to carry it into operation. I am opposed to creating bird reserves, though, out of good agricultural land fit for farming, like some 60,000 acres of the lower Klamath, Cal. and Oreg. But where bird reserves can be properly created and the migratory birds and wild life preserved, it should be done. Congress should see that sufficient funds are appropriated for this purpose. Likewise it should enact a law to fully carry out the provisions of the treaty between the United States and Great Britain that I have just referred to.

As to the economical value of it, of course there can be no argument against it; the only question is whether certain localities shall have the right to get the game as it goes there and rests but a short time. This preservation of migratory birds means much to the food products of this country. Everybody who lives on the frontier knows what has been done for the last 10 or 15 years in regard to destroying the wonderful wild life that was valuable for food products in this country. Everybody knows that before the passage of this law migratory birds and their preserves were being eliminated. There are 69 bird preserves now maintained by the Government, and we should not now undertake to destroy the last vestige when the Government is trying to maintain this wonderful product of so much meat value to the people. The House has heretofore refused to strike out this item, and I hope it will do so now, because the law is right and should be enforced, and further, because the whole matter is now in the hands of the Supreme Court for decision and final determination. It is the law, and enforceable and should be enforced, and ample provisions made therefor until determined otherwise. The motion to strike out the paragraph should be defeated, and I have great confidence that this will be the deliberate judgment of the committee.

Mr. LEVER. How much time is remaining, Mr. Chairman?

The CHAIRMAN. Four minutes.

Mr. LEVER. I would like to have the gentleman from Ohio [Mr. OVERMYER] use one minute, and then the gentleman from California one minute.

Mr. OVERMYER. Mr. Chairman, I can hardly be expected to say what I wanted to say in one minute's time. The people in Ohio are as much interested in the enforcement of the migratory-bird law as the people of any other State. But the effect of enforcing that law is to deprive our people in Ohio entirely of any wild-duck shooting, because the only time we have any wild ducks is during the time of year when shooting is prohibited by the operation of this law. The gentleman from Georgia [Mr. HOWARD], who said that we wanted to murder wild ducks by wholesale, is mistaken, because the effect of this law is that the millionaires of the country who can form private clubs in the South can have the duck shooting and go to that section of the country where the ducks are wintering. The boys in our country who can only go hunting a day at a time never have any duck hunting at all.

Mr. KENT. Mr. Chairman, the migratory-bird law reminds me that we are a Nation and not an aggregation of States. As a Nation we are interested in the preservation of our birds, and if certain States can not get their share of the bird killing under this kind of legislation, that is hard luck for those States; but the main thing is for us to legislate as national legislators so that the birds will be preserved.

I have been a hunter all my life and I have been, early in my life, what is known as a game hog. I thank the Lord that I have seen the light and have cut out spring shooting and have no desire to have anything more of that sort of special or detrimental privilege under the laws of this Government. I believe our migratory-bird law is framed in the interest of the whole Nation, and it ought to be carried out, and it is my hope and belief that the Supreme Court may find this necessary legislation constitutional.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, $4,000; 1 supervising auditor, $2,250; 1 cashier and chief clerk, $2,370; 1 deputy disbursing clerk, $2,120; 1 accountant and bookkeeper, $2,000; 2 clerks, class 4; 4 clerks, class 3; 6 clerks, class 2; 5 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $900 each; 1 messenger, $720; 1 messenger or messenger boy, $600.

Mr. COX. Mr. Chairman, I make the point of order against the figures "$2,370," in line 5, page 59, and against the figures "$2,120" in the same line.

Mr. LEVER. Mr. Chairman, I concede both points of order and offer the following amendments which I send to the desk and ask to have read.

The Clerk read as follows:

Line 5, page 59, in lieu of "$2,370" insert "$2,250," and in lieu of "$2,120" insert "$2,000."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from South Carolina.

The question was taken, and the amendments were agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question respecting the custodian of records and files. Heretofore there has been carried an appropriation for one custodian of records and files.

Mr. LEVER. Mr. Chairman, by recommendation of the department, the title of that gentleman was changed to one clerk of class 2.

Mr. TILSON. Then he appears now simply as a clerk?

Mr. LEVER. Yes; at the same salary.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,750; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,220; 2 draftsmen or photographers, at $1,600 each; 2 draftsmen or photographers, at $1,500 each; 3 draftsmen or photographers, at $1,400 each; 1 draftsman or photographer, $1,300; 8 draftsmen or photographers, at $1,200 each; 1 assistant photographer, $900; 1 lantern-slide colorist, $840; 1 assistant in charge of document section, $2,100; 1 assistant in document section, $1,800; 1 assistant in document section, $1,400; 1 foreman, miscellaneous distribution, $1,500; 1 clerk, class 3; 1 clerk, class 2; 11 clerks, class 1; 16 clerks, at $1,000 each; 40 clerks, at $900 each; 18 clerks, at $840 each; 2 skilled laborers, at $900 each; 7 skilled laborers, at $840 each; 4 skilled laborers, at $780 each; 1 chief folder, $1,200; 17 skilled laborers, messengers, or messenger boys, at $720 each; 1 skilled laborer, $720; 1 folder, $1,000; 2 folders, at $900 each; 2 skilled laborers, at $1,100 each; 1 skilled laborer, $1,000; 2 messengers, at $840 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 2 laborers, at $600 each; 3 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $182,390.

Mr. COX. Mr. Chairman, I make the point of order on the figures "$3,750" in line 14, page 59, and also upon the figures "$2,220" in line 20, page 59, and on the figures "$2,100" in line 1, page 60.

Mr. LEVER. Mr. Chairman, I will concede the point of order.

Mr. STAFFORD Mr. Chairman, will the gentleman withhold his point of order on the first item for a moment?

Mr. COX. I am going to make it. I will withhold it, however.

Mr. STAFFORD. I would like to inquire whether we did not increase the salary of the editor of publications last year, and if so how much?

Mr. LEVER. I think we increased this about $250 last year.

Mr. STAFFORD. I would like to inquire whether there was any estimate made for an increase above the salary now carried of $3,500?

Mr. LEVER. There was not.

Mr. STAFFORD. Then the committee takes it upon itself to increase salaries that are not estimated for.

Mr. LEVER. The committee ordinarily does not, but the committee is not subservient to the judgment of the Department of Agriculture.

Mr. STAFFORD. I do not say that the committee should be subservient to the judgment of the Department of Agriculture, but it is almost an invariable rule that committees having charge of salaries of officials connected with the departments will not increase the appropriations for salaries unless they are recommended by the departments.

Mr. LEVER. That is very true, and yet yesterday complaint was made that we did not promote certain people who were not estimated for. The gentleman will recall that.

Mr. STAFFORD. That was as to the general horizontal increase by reason of h. c. l.

Mr. FOSTER. What is h. c. l.?

Mr. STAFFORD Oh, everyone knows about that who has a home to provide for, or who has to pay his board bill at a hotel.

Mr. LEVER. Mr. Chairman, I will say to the gentleman that the committee on its own motion, recognizing the peculiar work of this gentleman and his peculiar qualifications and his very great fairness in dealing with Members, for it is through him that we get our documents and bulletins, and the like of that, took it up themselves to increase his salary.

Mr. STAFFORD. His worth was not recognized by the head of the department, however.

Mr. COX. Mr. Chairman, I make the point of order.

Mr. LEVER. Mr. Chairman, I concede the point of order, and I offer the following amendments:

On page 59, line 14, insert in lieu of the figures "$3,750" the figures "$3,500."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 59, line 14, in lieu of "$3,750" insert the figures "$3,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. On the same page, line 20, after the comma in that line, insert the figures "$2,100" instead of the figures "$2,220."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 20, in lieu of "$2,220" insert "$2,100."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. LEVER. On page 60, line 1, at the end of the line, insert the figures "$2,000" in lieu of those that have been stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 1, after the word "section" insert the figures "$2,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike cut the last word for the purpose of asking a question or two about something that I do not understand. I refer to the News Letter. That is edited by people who are employed under this appropriation, as I understand it?

Mr. LEVER. No; that News Letter is conducted by a gentlemen carried on the roll of the Secretary named Wharton.

Mr. CANNON. As a foundation for asking a few questions, I will be glad to have the Clerk read the article which I have indicated here under the head of "Home economics funds."

The Clerk read as follows:

HOME ECONOMICS FUNDS—THREE-FOURTHS OF A MILLION DOLLARS AVAILABLE FOR EXTENSION WORK AMONG FARM WOMEN.

That the carrying into effect of the provisions of the cooperative extension act has had widespread influence in bringing the knowledge and information of the State colleges of agriculture to women on the farms is evident from the following statistical statement:

"During 1914–15 the total amount spent in home-economics demonstrations was slightly over $320,000, while in 1916–17 over $750,000 was allotted to this work, an increase of over 130 per cent in two years. This money was derived from the United States Department of Agriculture, the State colleges of agriculture, Federal and State cooperative extension act funds, and county and other local sources. In 1916 the allotment of funds for extension work for farm women was derived from the following sources: One hundred and seven thousand dollars from funds appropriated directly to the United States Department of Agriculture, $260,000 from Federal extension act funds, $120,000 from State extension act funds, $32,000 from direct State appropriations in addition to the amount appropriated by the State to offset the Federal cooperative extension funds, $178,000 from county appropriations, and $80,000 from college and other miscellaneous sources.

"A part of this money was used to employ women county agents. The number of counties with women agents has increased during the last three years from 279 to 478. In addition there were employed a large number of home-economics specialists and supervising agents having a field larger than the county. In 1915–16 the total number of home-economics extension workers was 600, of whom 350 were women county agents, the others being the supervising agents and home-economics extension specialists of the State colleges.

Mr. CANNON. Now, I have made a rough calculation here that from the Agricultural Department, under the extension act, the expenditure was $352,000; from direct State appropriations, $152,000; from county appropriations, $250,000; and from college and other miscellaneous funds, $80,000. This is accompanied by a table giving the expenditure in various years. Take the expenditure for the current year, for instance, the year 1916–17, of $755,000, and I find that in 30 States—and I may say that includes probably two-thirds of the population—the expenditure was $155,000 and in 15 States $601,000. I have been looking through this bill to see by what authority of law these expenditures were made. It may be that it is all correct and proper, and yet as I glance through the extension law it seems to me that the apportionment is to be made according to rural population. Am I correct about that?

Mr. LEVER. The gentleman is correct about that. I will say this to the gentleman, that I have an idea the reason that 30 States are spending certain amounts of money for home economics and the other States are not doing so, may be due to the fact that those States in which no money is being expended for home economics have not desired that that money be expended for that purpose. The gentleman will recall that the provisions of the Agricultural extension act require that the moneys shall be expended upon projects agreed upon in advance by the agricultural colleges of the State and the Federal Department of Agriculture. It is entirely possible that the 30 States—in fact, I am sure it is a fact—have themselves requested, and that request has been agreed to here in Washington, that certain sums out of those funds shall be used for the teaching of home economics, while the others have not done so.

Mr. CANNON. Still, how can you change the provisions of the law by an agreement between the Agricultural Department and a State or States?

Mr. LEVER. The gentleman did not quite catch the meaning of the explanation I tried to make. A State in agreement with the Federal department may spend all the appropriation allotted to it under the extension law for extension work and none of it for home economics at all, or it may spend all of it for home economic work and none of it for extension work. But the proportion of the amount that shall go to one class of work and the proportion that shall go to another class of work is a matter of agreement between the extension league of the State and the Agricultural Department, and that is how you get your difficulty.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. LEVER. If the gentleman desires more time, I will ask it.

Mr. CANNON. I do not desire any more except to find out what the facts are.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection?

There was no objection.

Mr. LEVER. Does that make it clear to the gentleman?

Mr. CANNON. Any report I have been able to find does not make it clear. But if there be under the law, and under any proper construction of the law, a waiver upon the part of some of the States that have not used the money that comes to them under the provision of the law, I have nothing further to say.

Mr. LEVER. Any State may waive its share of this money by refusing to meet the appropriations of the Federal department by State appropriation, except $10,000, which is appropriated outright and unconditionally to each State. But I have no idea that any of these funds have been waived, as would appear from the statement of the gentleman from Illinois. What has happened is about this, and let me illustrate by citing my own State. We will say that the extension fund of the Federal Government to South Carolina is $100,000 for the purposes of teaching agriculture by the extension method and teaching home economics. Now, it is entirely possible and it is entirely in order under the law that not 1 cent of that $100,000 would be used in South Carolina for the teaching of home economics, but all of it would be used for the teaching of agriculture through the extension method.

Mr. CANNON. The gentleman, it seems to me, has answered the question that was running in my mind.

Mr. LEVER. I am very glad to have been able to do so.

Mr. CANNON. I have failed to catch on to the law as it is in any report I have been able to find, but the explanation of the gentleman, it seems to me, is satisfactory.

Mr. LEVER. I am sure what I have said is correct.

Mr. MADDEN. Will my colleague yield to me?

Mr. CANNON. Certainly.

Mr. MADDEN. I do not think the gentleman has made any answer to the question at all, because, if I understood the statement of my colleague, it was to this effect, namely, that out of $755,000 used during the current fiscal year only $106,000——

Mr. CANNON. One hundred and fifty-five thousand dollars to 30 States that have over two-thirds of the population.

Mr. MADDEN. And the remaining part of the $755,000, $600,000, has been used in 18 States with one-third of the population.

Mr. LEVER. That might be possible, and still my statement covers it.

Mr. CANNON. That is what I said and that is what the statement shows.

Mr. MADDEN. The answer of the gentleman from South Carolina to my colleague was just the opposite.

Mr. LEVER. The gentleman is mistaken. I mean to say the total fund from the Federal Treasury to give to the States to teach home-economics work and to teach agriculture by extension methods. The States, then, and the Federal Government work together and apportion the fund between themselves, say, 75 per cent for home economics and 25 per cent for agricultural extension work. It is a matter of choice with the State largely, and was deliberately made so in the law.

Mr. CANNON. Mr. Chairman, I have some other facts that perhaps would be apt under another pending bill, but I ran across this, and I thought I would ask what the explanation was.

Mr. LEVER. I hope I have made it clear to the gentleman.

The Clerk read as follows:

For photographic equipment and for photographic materials and artists' tools and supplies, $17,000: *Provided*, That hereafter the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts.

Mr. COX. Mr. Chairman, I reserve a point of order, particularly on the proviso.

Mr. STAFFORD. Mr. Chairman, I want to reserve a point of order if the gentleman does not.

Mr. COX. What I want is a brief explanation of what the purpose is.

Mr. LEVER. The purpose of the new language, the proviso, is to enable the department, with the approval of the law, to loan to educational institutions motion-picture films for use in their work. The department has been experimenting somewhat in the last two years as to the value of motion-picture shows in the teaching of agriculture in certain of the large agricultural schools and colleges of the country, and they have insisted that the work is very helpful.

Now, a great many of these institutions are requesting either that they be given these films by loan or that they be permitted to purchase them at the cost of production.

Mr. COX. One more question: Has the department heretofore sold any of these films or loaned them?

Mr. LEVER. No.

Mr. COX. Then, this is a new departure?

Mr. LEVER. Yes.

Mr. COX. Would the gentleman be willing to strike out the word "hereafter"?

Mr. LEVER. I do not object.

Mr. COX. Then I would only make the point on the word "hereafter," and let the department try it.

Mr. STAFFORD. I understand the department wishes to go into the business of making photographic films to supply the trade or institutions throughout the country, and I suppose that is the purpose of the increase from $6,000 to $17,000 in this item.

Mr. LEVER. Part of the increase goes to that work.

Mr. STAFFORD. Substantially $10,000 of it is for that purpose.

Mr. LEVER. Ten thousand dollars. The gentleman is right. The department desires to be permitted to loan films to institutions of education that are interested in agriculture.

The department, as I said in answer to the question of the gentleman from Indiana [Mr. Cox], has been for a few years doing some work in the way of teaching agriculture with the use of moving pictures. It is not intended, of course, to go into this matter on a very large scale; but the statement was made to the committee that the manufacture of motion-picture films is a rather expensive thing, and that many of the educational institutions engaged in teaching agriculture are very anxious to have some of these films, either by loan or sale, they not being able themselves to manufacture them. That is the purpose of it, frankly.

Mr. HELGESEN. But, Mr. Chairman, not only that, but the demands for these films have become so numerous that they have not got them to loan, and so they propose to make them and sell them and turn the money back into the fund.

Mr. STAFFORD. That is to say, they are going into the business of manufacturing films for sale?

Mr. LEVER. Not for the public generally, but for educational institutions.

Mr. STAFFORD. There is no limitation as to whom they may sell or rent them. They may be sold or rented generally.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. I happen to know of one institution that wanted to borrow the film that shows the development of the sardine from the time that the herring is taken out of the Passamaquoddy Bay until it goes to market as a sardine. This institution wanted to study that particular phase of the food problem. It made application, as I happen to know, to the Department of Agriculture for the rental of it, purely for the sake of showing it to the school.

Mr. STAFFORD. I think there should be some limitation on this proviso to educational institutions, and not allow the department to go into the business of manufacturing films and selling them to the trade generally—to all who may apply.

Mr. LEVER. Would the gentleman be satisfied with that if we should insert after the word "films" the words "to educational institutions only"?

Mr. STAFFORD. Yes. Let us try it out with that limitation.

Mr. LEVER. I think the committee has no objection to that.

Mr. WILSON of Illinois. Why not say "for educational purposes"?

Mr. STAFFORD. Every film is claimed to be for educational purposes, especially films of this character.

Mr. WILSON of Illinois. Only such institutions want them.

Mr. STAFFORD. Then I suppose every moving-picture house could apply to the department. We are not going into the business of manufacturing films.

Mr. HAWLEY. Mr. Chairman, before the gentleman from South Carolina agrees to that limitation——

Mr. LEVER. I have not agreed to it——

Mr. HAWLEY. We ought not to confine it to educational institutions strictly, because some institution engaged in dairy work or some other agricultural institution might want the films to illustrate their work above all others.

Mr. LEVER. I will remark, if my colleague will permit me, that the broad interpretation of the term "educational institution" would cover the situation that he has in mind.

Mr. HAWLEY. I doubt it very much. An educational institution is a very well defined term.

Mr. LEVER. If the gentleman from Wisconsin [Mr. STAFFORD] will permit me, I do not think there is going to be any abuse of this privilege. Let us strike out the word "hereafter" and see what takes place.

Mr. STAFFORD. Oh, I have been here too long not to know how rapidly these things grow and how the departments wish to increase their work.

Mr. LEVER. Let us see what it is next year.

Mr. STAFFORD. It might then be considered as a work in progress.

Mr. COX. Strike out the word "loan." Make them pay for it.

Mr. LEVER. Mr. Chairman, if the gentleman will withdraw his objection, I will submit this amendment: "to educational institutions only."

Mr. MADDEN. I suggest that we add this to it, if the gentleman will give consideration to it: "and not organized for profit."

Mr. LEVER. Yes; "not organized for profit." I am willing to accept that; that is, a public institution.

Mr. HELGESEN. How about the National and State agricultural bureaus? They are not strictly educational institutions.

Mr. LEVER. I think they would be so construed. If the gentleman from Wisconsin withdraws his point——

Mr. STAFFORD. What is the proposed amendment?

Mr. LEVER. "To educational institutions only, and not organized for profit."

Mr. STAFFORD. That is acceptable.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amend, page 61, line 4, by striking out the word "hereafter," and at the end of line 6, following the word "films," insert the words "to educational institutions, not organized for profit."

Mr. HAWLEY. Would the gentleman object to inserting in the ameidment he proposes these words, "or associations engaged in agricultural education"?

Mr. LEVER. No; I think that is perfectly proper. Let them be stated to the Clerk and become a part of my amendment.

Mr. HAWLEY. "Or associations engaged in agricultural education."

The Clerk read as follows:

Or associations engaged in promoting agricultural education.

The CHAIRMAN. Will the gentleman incorporate that as a part of his amendment?

Mr. LEVER. Yes.

Mr. MADDEN. Now, let us have it reported, so that we can see how it will read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 61, line 4, by striking out the word "hereafter" and inserting after the word "films," in line 6, the following: "to educational institutions only, not organized for profit, or associations for agricultural education."

Mr. MADDEN. The words "not organized for profit" ought to follow the two propositions and be the last words in the amendment.

Mr. LEVER. That is a good suggestion. Let those words "not organized for profit" come at the end.

The CHAIRMAN. Without objection, the Clerk will make that transposition.

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

General expenses, Bureau of Crop Estimates: For all necessary expenses for collecting, compiling, abstrating, analyzing, summarizing, and interpreting data relating to agriculture; for making and publishing periodically crop and live-stock estimates, including acreage, yield, and value of farm products, as follows: *Provided*, That hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month.

Mr. STAFFORD. I reserve a point of order on the proviso. I should like to inquire the purpose of placing that limitation on the activities of the department in the publication of the monthly crop report. Can you not depend on the department heads to get out the publication as soon as they can, at a time when it will be of the most service to its readers?

Mr. LEVER. The fact is, Mr. Chairman, that the department itself has found a great deal of difficulty in getting its crop reports printed at all at the Government Printing Office, in time to be of any value, during the months in which they are issued. The department, in delicate and diplomatic language, asked that this proviso be inserted here for the purpose of compelling the Printing Office to print these monthly crop reports within a reasonable time, which we understand they have not been doing heretofore. That is the real purpose of it.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the proviso.

Mr. LEVER. I concede it.

The CHAIRMAN. The point of order is sustained.

Mr. FESS. I have heard a good deal of criticism in my own community about the accuracy of these crop reports. How much reliability have they?

Mr. LEVER. I will say to the gentleman from Ohio that I have not looked into the matter of the accuracy of the department's estimates on grain within the last 12 months. I am not familiar with them. I am familiar with the bureau's estimates on cotton. I think during a period of some 10 years they have been out of line with the actual facts as disclosed by the commercial movement not over 1½ or 2 per cent. Sometimes they overestimate a little and sometimes underestimate a little. I think their last year's report was within 1 per cent of accuracy.

Mr. FESS. I had a conversation with one of our large grain dealers, and I quoted to him the crop reports, and he said that they were not reliable. I was wondering whether this statement had any foundation.

Mr. LEVER. I will say frankly to the gentleman that I am inclined to doubt whether the department has developed its machinery for gathering statistics on cereals as well as it has for gathering statistics on cotton. I wonder if that is not the judgment of other members of the committee? I can not say certainly just how accurate the reports are on grain. I have a pretty fair idea about cotton.

Mr. HELGESEN. Their statement to the committee is that they are seldom off more than 3 per cent.

Mr. LEVER. That is pretty close.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, $2,200; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at $1,080

each; 3 clerks, at $1,020 each; 4 clerks, at $1,000 each; 7 clerks, at $900 each; 1 clerk, $840; 1 junior library assistant, messenger, or messenger boy, $720; 1 junior library assistant or messenger boy, $660; 3 junior library assistants or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 2 charwomen, at $480 each; in all, $33,260.

Mr. FOSTER. Mr. Chairman, I make the point of order on line 25, page 62, on the figures "$2,200."

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. In place of the figures stricken out I move to insert "$2,000."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 62, line 25, strike out "$2,200" and insert "$2,000."

The amendment was agreed to.

The Clerk read as follows:

STATES RELATIONS SERVICE.

Salaries, States Relations Service: One director, $4,500; 1 chief clerk, $2,120; 1 financial clerk, $2,120; 1 clerk or proof reader, $1,800; 3 clerks, class 4; 3 clerks, class 3; 1 clerk, $1,500; 10 clerks, class 2; 22 clerks, class 1; 23 clerks, at $1,000 each; 27 clerks, at $900 each; 8 clerks, at $840 each; 4 clerks, at $720 each; 1 library cataloguer, $900; 2 messengers, messenger boys, or laborers, at $720 each; 4 messengers, messenger boys, or laborers, at $600 each; 10 messengers, messenger boys, or laborers, at $480 each; 1 messenger, messenger boy, or laborer, $360; 3 messengers, messenger boys, or laborers, at $300 each; 1 skilled laborer, $900; 4 laborers or charwomen, at $480 each; 9 laborers or charwomen, at $240 each; in all, $135,320.

Mr. FOSTER. Mr. Chairman, I make a point of order on the figures "$2,120" where they occur in two places, in line 16 on page 64.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. I move to insert in place of the figures stricken out, in the two places in line 16, the figures "$2,000."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 64, in line 16, strike out "$2,120" in the two places where it occurs and insert in lieu thereof in each place "$2,000."

The amendment was agreed to.

The Clerk read as follows:

General expenses, States Relations Service: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States and Territories, to be paid quarterly in advance, $720,000;

To carry into effect the provisions of an act approved march 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apportioned to the several States and Territories, to be paid quarterly in advance, $720,000: *Provided*, That not to exceed $15,000 shall be paid to each State and Territory under this act;

To enable the Secretary of Agriculture to enforce the provisions of the above acts and the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," relative to their administration and for the administration of agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $68,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I should like to find out which one of these acts is the so-called Lever Act. Is it the act of May 8, 1914?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. What appropriation is made under that act?

Mr. LEVER. The act itself makes an appropriation of $1,000,000 each year for a certain number of years, conditioned upon certain things happening.

Mr. MOORE of Pennsylvania. It is not provided for in this bill?

Mr. LEVER. No; it is not.

Mr. MOORE of Pennsylvania. In what bill is it provided for?

Mr. LEVER. The statute itself makes a continuing appropriation.

Mr. MOORE of Pennsylvania. That comes in another appropriation bill?

Mr. LEVER. Oh, no.

Mr. ANDERSON. It is a permanent annual appropriation.

Mr. LEVER. A permanent continuing appropriation.

Mr. MOORE of Pennsylvania. Is that $1,000,000 contained in the $25,000,000 appropriated in this bill?

Mr. LEVER. No; it is not.

Mr. MOORE of Pennsylvania. Then, it is $1,000,000 in addition, for agricultural education, besides what this bill provides for?

Mr. LEVER. It will be more than that this year, to be frank with the gentleman.

Mr. ANDERSON. It will be $2,080,000.

Mr. LEVER. It will be $2,080,000 more.

Mr. MOORE of Pennsylvania. The total provided in this bill is upward of $25,000,000?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The Smith-Lever bill would provide $2,080,000 for the next fiscal year?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. If the Smith-Hughes bill should pass, an additional provision would be made for agricultural education purposes, and that would be in addition to the appropriation made here.

Mr. LEVER. That is true.

Mr. MOORE of Pennsylvania. Will the gentleman state briefly, because he is entirely familiar with the subject, in what way the education provided for in the Smith-Lever bill differs from that provided for in the Smith-Hughes bill so far as it pertains to agriculture?

Mr. LEVER. I will say, frankly, to the gentleman that I have not had an opportunity on account of the work in the committee to give much attention to the details of the Smith-Hughes educational vocation bill, although I am strongly for it. I think, likely, the gentleman from Ohio and I together can give the gentleman the information. The system provided for in the agriculture extension bill is the teaching of agriculture and home economics through demonstration methods outside of the school or college.

Mr. MOORE of Pennsylvania. The teaching is directly to the farmer himself?

Mr. LEVER. Directly to the farmer himself, on his own farm.

Mr. MOORE of Pennsylvania. In other words, the educator goes out to the farm?

Mr. LEVER. The educator is an itinerant teacher, and under the Hughes bill he is, you might say, a stationary teacher.

Mr. MOORE of Pennsylvania. Under the Smith-Hughes bill he operates at the institution or school which receives the advantage of the appropriation?

Mr. LEVER. That is true.

Mr. TOWNER. And it might be said that one is almost exclusively the teaching of adults and the other of juveniles.

Mr. LEVER. Yes; under the extension act it is the teaching of adults largely, but not entirely, while under the Smith-Hughes bill it is juvenile.

Mr. MOORE of Pennsylvania. That is what I wanted brought out.

Mr. HELGESEN. One is an industrial bill and the other is agricultural.

Mr. MOORE of Pennsylvania. Oh, but they both pertain to agriculture. One-half of the Smith-Hughes bill appropriation is to go for the education of pupils in either agricultural schools or colleges who receive the benefit of the appropriation. The Smith-Lever bill, as I understand it, provides for appropriation for instructors to go out under the direction of the Department of Agriculture to teach the farmer on the farm the things he ought to know.

Mr. LEVER. Yes; there is a provision in the extension act which prohibits any of the funds being used within the institutions.

Mr. MOORE of Pennsylvania. I am bringing the question up now because I think it would be worth five minutes' time on the part of some gentleman to explain whether or not there is any duplication of work. This is a matter that may be discussed later on.

Mr. LEVER. I would say to my friend that with my partial understanding of the provisions in the Smith-Hughes bill and my full understanding of the extension act that I do not feel that there can be possibly any duplication of work, unless the extension act is deliberately violated.

Mr. MOORE of Pennsylvania. Well, there is no provision in the Smith-Lever bill for the education or instruction of anyone beyond the farm?

Mr. LEVER. No; except there is a provision for teaching home economics to the farm women and girls.

Mr. MOORE of Pennsylvania. It does not go into any other industry but agriculture?

Mr. LEVER. No.

Mr. FESS. If the gentleman will yield, the Smith-Lever bill is purely an extension education.

Mr. MOORE of Pennsylvania. To the farmer exclusively—on the farm exclusively.

Mr. FESS. Yes; and will be applied primarily to the adult, but is not exclusive of children getting the information through the adults; while the Hughes bill is limited to teaching in the schools pupils not under 14, with a provision that part of the time they are to be out in the field in demonstration work.

Mr. MOORE of Pennsylvania. Yes; but the point I wish to emphasize is that the Smith-Lever bill makes appropriation for the benefit of the farmer directly, and exclusively for the farmer, whereas the so-called Smith-Hughes bill, with which the gentleman from Ohio is very familiar, gives one opportunity at least for the child not on the farm to obtain a vocational education. It is the only bill we have before us that makes any provision for the education of the child in a vocation that is not agricultural.

Mr. FESS. That is right.

Mr. LENROOT. The gentleman will remember that he opposed an amendment to the bill that would insure vocational education in trade and industry to the people in the cities.

Mr. MOORE of Pennsylvania. I think not, except as it pertained to an amendment offered by the gentleman from Wisconsin limiting it to 20 per cent of the children affected. I would like to say further to the gentleman from Wisconsin that I am wholly in favor of vocational education for the boy and girl in the city—that is what I am contending for—but I am making the point that we have a double action here in favor of the boy on the farm.

Mr. McLAUGHLIN. Mr. Chairman, I fear that the gentleman from Pennsylvania may go away with a misapprehension as to the money appropriated under the Lever law, taking the answer given by the gentleman that it was used for the farmer alone. A part of the Lever money is used for the employment of agents to organize boys' and girls' clubs, or young people being taught to do farm work which they are able to do and girls some of the things that they would be taught by teachers of home economics.

Mr. MOORE of Pennsylvania. I am glad the gentleman made that statement, for it helps to a better understanding of the situation. I will ask if there is any provision of law, or any other bill, which provides for the formation of clubs for boys and girls in cities who might be kept off the streets and be educated in some useful occupation at Government expense?

Mr. HELGESEN. There certainly is. Take the canning industry, for instance. Girls in the cities want to know how to can fruit just as well as girls on the farm, and they can join the canning clubs.

Mr. MOORE of Pennsylvania. That is very nice, but the gentleman limits it to the canning industry.

Mr. HELGESEN. Oh, no; I simply cited that as an illustration.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that any of the Smith-Lever appropriation money could be applied to the formation of boys' and girls' clubs in any urban community?

Mr. HELGESEN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman from South Carolina indorse that statement?

Mr. LEVER. The gentleman from North Dakota is mistaken as to the larger cities, but this work can be done in small rural towns.

Mr. HELGESEN. I would say this: Of course, if they figure on New York or Philadelphia as the only great cities, that might be true, but there are cities in the West smaller where that can be done.

Mr. MOORE of Pennsylvania. Within the 2,500 population limit.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. We want to get through with the bill.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the fact that several of us have been absent on committee work this morning and the bill has made no greater progress by reason of that fact. [Laughter.] What I wanted to know was whether the Smith-Lever appropriations are made for the benefit of the people of Alaska, Hawaii, the people of Porto Rico or Guam?

Mr. LEVER. No; none of those funds go there.

Mr. MOORE of Pennsylvania. The Smith-Lever law provides for only the United States proper?

Mr. LEVER. For continental United States.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Ohio [Mr. FESS] whether any provision is made for Alaska in the Smith-Hughes bill, or for any of the Territories?

Mr. FESS. No.

Mr. MOORE of Pennsylvania. Was it intended to exclude Alaska?

Mr. FESS. I think it mentions the States, simply.

Mr. GREEN of Iowa. Mr. Chairman, my friend the gentleman from Pennsylvania [Mr. MOORE], whom I am glad to see here to-day, was yesterday making a criticism upon this bill as a whole, or upon the appropriations in the bill, and has just now been engaged in making an implied criticism upon the Smith-Lever bill upon the ground that it is an appropriation for the benefit of a peculiar and particular class, namely, the farmers of the country. This statement is based upon an entire misapprehension as to the effect and purpose of the Agricultural appropriation bill. Instead of being entirely for the benefit of the farmer, it is largely and principally for the benefit of those unfortunate individuals, like my friend from Pennsylvania, who live in the large cities. The object and purpose of the Agricultural appropriation bill is to increase the production of farm products, thereby to lessen the cost of living and make it easier and cheaper for the people to live in the large cities and buy the necessities of life. That is the main purpose of it. It only incidentally benefits the farmer, and the farmer does not get by any means the chief benefits from this bill. The larger their crops are, as a rule, the less the farmer gets for them, and it is only by reason of the fact that with a large crop he is able to have plenty of feed with which to supply his stock of animals that he gets very much benefit from an increased production. The benefits of this bill, the benefits of any bill for the purpose of increasing the products of the farm, are reaped almost entirely by the people who live off the farm.

The farmer, however, is broad minded enough to take this into consideration, and willing that other people should benefit from it as well as himself. I might say as an illustration of what I have said, that although we have a small cotton crop this year, the amount that will be received from it by the farmer will be immensely larger than ever before. If I am wrong in this, I would be glad to have some gentleman from the cotton States correct me. I know that when we have an immense corn crop in Iowa and in other States, the farmer as a rule does not receive as much for the crop as he does in a year of a small crop, and it is because the crop is smaller this year that the farmers of Iowa and others in the Mississippi Valley are getting so high a price for their corn.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLACK. I read a statement in the newspapers to-day that the aggregate value of the crops of the United States for the past year was $9,000,000,000, something more than $2,000,000,000 more than in any year before, notwithstanding all of the crops were smaller than they were before.

Mr. GREEN of Iowa. That, gentlemen, is correct, and it is largely because of the decreased yield. I once heard a farmer who was experienced in raising hogs say that if the hog cholera could be entirely extinguished there would be no profit in raising hogs. I doubt that statement, but in any event, for the purpose of enabling the people who live in the cities, like my friend from Pennsylvania [Mr. MOORE], to buy their pork and beef cheaper, we are all willing, and ought to be, to make these large appropriations in this bill for the purpose of increasing the production of the farm. There is no bill before this Congress which so benefits every class of society as does the Agricultural appropriation bill, which we now have before us. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the theory for inserting in connection with the enforcement of the Lever law the administrative enforcement with reference to the experiment stations in the insular possessions?

Mr. LEVER. Mr. Chairman, it seems that the expenses of the enforcement of the station act have heretofore been carried in this item, but the solicitor has held that there is some question as to the authority to do that, and the new language was inserted to make sure that the authority was here.

Mr. MANN. The solicitor was plainly correct. This item only provided for the administration of the Lever law. The gentleman says that as a matter of fact. This division did administer the experiment stations in the insular possessions?

Mr. LEVER. Yes.

Mr. MANN. Why should there be an increase in the appropriation in this item? Is it because of the increase in the permanent appropriation?

Mr. LEVER. No. There is an increase of $10,000 in this item which is to be used for the purpose of establishing an additional experiment station in Alaska. It was brought to the attention of the committee that there was great need of a station in the Matanuska Valley, about 250 miles north of the Fairbanks station and on the line of the new Alaskan railroad. It seems they have something like 1,200,000 acres.

Mr. MANN. The new Alaskan railroad will not be finished next year.

Mr. LEVER. I do not know when it will be finished.

Mr. MANN. It may be a very good thing to establish these agricultural experiment stations in Alaska. If we had enough of them up there, they would raise sufficient vegetables to feed the men who operate the stations. [Laughter.]

Mr. LEVER. The testimony before the committee was that at some of these stations where they were making their experiments they had proven that they could raise potatoes in large quantities and made a fair showing on barley and wheat.

Mr. MANN. Why do they not?

Mr. LEVER. They are.

Mr. MANN. Oh, no; they are not, except at the experiment stations.

Mr. LEVER. The gentleman will understand that Alaska is just about in the same latitude as Norway and Sweden, and there is no question but that you are going to develop agriculture there some of these days when the necessity comes for it.

Mr. MANN. Oh, they will develop a little agriculture in a few places, raising barley, possibly wheat, maybe some grass, but never to any extent. However, that is neither here nor there. Under what authority in this item do they establish a new experiment station when this is only in reference to the administration of agricultural colleges? This item does not carry the appropriation for the insular possession stations.

Mr. LEVER. I have been trying to find here my notes on this proposition. I find I am talking about an entirely different paragraph. The $10,000 increase in this item is due to the fact that the administrative expenses of enforcing the Smith-Lever Act are largely increasing.

Mr. MANN. That is largely because the permanent appropriation has increased?

Mr. LEVER. Yes; it is on account of the increase in the appropriation. My statement was erroneous, because I was looking at the wrong paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For farmers' cooperative demonstration work outside of the cotton belt, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $578,240.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Here is an item of more than a half million dollars, a very large sum of money to any man living in the city who now has to pay farmers' prices for the necessaries of life. Five hundred and seventy-eight thousand dollars is more than half a million, as I observed a moment ago, which, if it came up in the ordinary way affecting other industries, would probably bring the gentleman from Iowa [Mr. GREEN] to his feet with a point of order, if he could make it. It would doubtless be held to be too enormous an amount of money to go into the education or employment of anyone who was interested in the development of industries or who might in some way or other be controlled by the hideous corporations. But this item is for farmers' demonstration work outside of the cotton belt, and that is different. The cotton belt is provided for in this bill, and always is—from the boll weevil to the army worm. We make ample appropriations to provide for everything attached to cotton, from the time it is put into the ground until it is woven into the cloth. We look after the tariff on cotton goods, but we have no right under the Constitution to levy an export tax on cotton, and therefore collect very little out of cotton to promote the revenues of the Government of the United States. But, be that as it may, the gentleman from Iowa [Mr. GREEN] has made a violent attack upon the great cities, and I must defend them. He seems to think there is reason for congratulation upon the part of the farmer of the country that he has got the city man down at the present time, and is making enormous profits out of the products of the farm. The gentleman from Iowa chuckles over the position in which the city dweller finds himself and is glad he is a representative of a truly prosperous people.

If I am not mistaken, he had this speech in his system yesterday, but was unable to deliver it at that time. He came in after the battle was over and was unable to speak of his unquenchable love of the "downtrodden farmer of Iowa," that far-seeing farmer who is getting from $200 to $300 an acre for his land, while we can sell it to him for $50, $60, or $70 in New Jersey, Delaware, or Virginia, and who is riding in automobiles and having the time of his life, receiving the highest price he ever got for his grain and the highest price he ever got for his other products, due to the fact, whether he knows it or not, that he is selling most of them to the warring peoples of Europe, while we of the great cities are paying European war prices for what we consume. The gentleman has a delightful view of a very intricate and troublesome home situation.

In calling attention to the money we appropriate for the farmer's education, we may also consider the many new jobs that will be provided for in this $578,240 that is given in a lump sum for the employment of labor in the city of Washington and elsewhere looking after the cotton belt; and a little further on in this bill we find an item which proposes to put into effect the grain-grades act. It may be all right. I shall support it, but it provides for the expenditure of $519,140 in a lump sum by the Secretary of Agriculture, without specification. The Secretary may employ such persons as he pleases, at any old salary he proposes to fix, at the expense of all the people, no matter whether we are paying $1 a dozen for eggs in the great cities or whether the Iowa farmer is riding around in his automobile or not. I do not know why I have been compelled to make this speech except to pacify the gentleman from Iowa. I know how earnest the gentleman from Iowa was to get his speech in the RECORD to-day, the two gentlemen from Nebraska having got theirs in yesterday, and I am sorry the gentleman from Iowa was so unfortunate as to come in after the war was over, only to find himself too late. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $155,000, as follows: Alaska, $60,000, of which sum $10,000 shall be immediately available for the location, equipment, and maintenance of an agricultural experiment station in the Matanuska Valley; Hawaii, $40,000; Porto Rico, $40,000; and Guam, $15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii $5,000 may be used in agricultural extension work in Hawaii.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Is the gentleman from South Carolina able to say how much money was received from the sale of products raised at the Alaska Experiment Station in any fiscal year recently?

Mr. LEVER. My recollection is that a statement was given to us last year to the effect that the receipts of the sales at the Alaska station amounted to about $8,000; about that.

Mr. MANN. Does the gentleman recollect whether that is for the year past, or is this recent information?

Mr. LEVER. I thought about it last night; but I am pretty sure my recollection is correct on that. It impressed me at the time.

Mr. MANN. Well, we appropriated for this year $48,000. I think perhaps that that was an increase. They do not raise very much. There is not a very large variety of experiments up in Alaska. They tell us how extremely easy it is to raise large crops of potatoes, barley, and, I believe, some raspberries, and maybe strawberries and currants, or something of the sort. They do not have the same problems that you have in a country where there is a more varied climate. Yet it would appear that for an expenditure of $48,000 they were able to raise $8,000 worth of stuff. They do not use it. They do not raise much that they can eat. They do not have much use for it if they do raise it, except to sell, and it sells at a very high price, even the hay that they raise.

I wonder how profitable it is to go ahead with another experiment station. It is proposed to have one at Matanuska Valley, at a cost of $10,000. Well, that would produce probably one-sixth of $10,000, whatever that may be—$1,833 perhaps. I really would like to know what value this is.

Mr. LEVER. Well, I will let the gentleman complete his statement, so that I can make a connected statement in reply.

Mr. MANN. There may be no objection to having this experiment station; but, after all, facts are facts. The experiment

station is really "experimenting." They have a great number of small plats, but there is no occasion for having more such experiment stations in Alaska. I take it that is what they do. Now, they want to put this new station in Matanuska Valley. Ten thousand dollars will not go very far. The railroad is not finished, and nobody knows how soon it will be. I do not know whether anybody will ever go on it or not. I heard a gentleman the other day, who had been up there quite a while—a Government official, by the way—say that when that railroad was built it was perfectly evident to anyone who knew anything about it that it would not pay, as far as freight is concerned; but that if you could get everybody in this country to go up there as sightseers and pay passenger fares and travel around and see Mount McKinley, the road might be made profitable. Of course that is too silly for restatement.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TOWNER. I will say to the gentleman that the railroad is into the Matanuska Valley now, and that the Matanuska Valley is a very large valley, in which it is expected that extensive agricultural operations may be carried on. Does not the gentleman think that it would be of value if we had an experiment station there to see whether or not these various crops could be raised?

The gentleman also said that those experiment stations were not necessarily experiment stations.

Mr. MANN. Oh, I did not make that statement. I beg the gentleman's pardon.

Mr. TOWNER. I do not want to misquote the gentleman, but, as I understood him, he said that the experiment stations there are not like the experiment stations in this country.

Mr. MANN. They are not.

Mr. TOWNER. And that, as a matter of fact, they were not being carried on in that way.

Mr. MANN. Oh, I said the experiments were necessarily very limited.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. There are not many things that they can experiment with up there or that they do experiment with as they do where the climate is different. The gentleman from Iowa [Mr. TOWNER] says the railroad is in the Matanuska Valley. The railroad is not finished and is not in operation and will not be, so far as doing any business up there is concerned, until they open the coal fields, and that is not going to be done right away.

Mr. TOWNER. Does not the gentleman think, for the very reason that the climate is peculiar up there, and that they have not carried on extensive agricultural operations, that they should have an experiment station there to see if these various crops can be raised before they invite settlers to come in there and experiment on the land?

Mr. MANN. I was speaking of the agricultural experiment station that is there. That costs $48,000 a year. That station claims that it can raise potatoes and barley and things of that kind at a great profit. Does it result in profit when on an expenditure of $48,000 they raise products of a value of $8,000? That demonstrates that it is pretty nearly useless.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX. The gentleman's statement about the railroads is very interesting, especially in view of the fact that an Army officer made a statement before the Committee on Military Affairs the other day to the effect that when the railroad was completed it would not be worth anything without roads, and he was asking the Committee on Military Affairs for an appropriation of $8,000,000 or $10,000,000——

Mr. MANN. Of course, the railroads will not be worth anything until roads are built to enable people to get to them.

Mr. COX. He was asking the Military Committee for an appropriation of $8,000,000 or $10,000,000 to improve the roads in Alaska, so as to make the railroads worth something when they were built.

Mr. LEVER. Mr. Chairman, did the gentleman from Illinois reserve the point of order?

Mr. MANN. I did reserve the point of order. I will not make the point of order.

Mr. LEVER. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Office of Public Roads and Rural Engineering: One director, who shall be a scientist and have charge of all scientific and technical work, $5,000; 1 editor, $2,500; 1 draftsman or clerk, $1,920; 1 clerk, $1,900; 1 model maker, $1,800; 2 clerks, class 4, 5 clerks, class 3; 1 clerk or editorial clerk, $1,600; 1 clerk, $1,500; 1 clerk or photographer, $1,440; 1 clerk or instrument maker, $1,440; 1 clerk or tabulator, $1,440; 1 clerk, class 2; 1 clerk, $1,380; 2 clerks, at $1,320 each; 4 clerks, at $1,260 each; 6 clerks, class 1; 1 clerk or editorial clerk, $1,200; 1 draftsman, $1,320; 1 clerk or draftsman, $1,200; 1 clerk or draftsman, $900; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 2 clerks, at $1,080 each; 1 clerk, $1,020; 8 clerks, at $1,000 each; 1 clerk or skilled laborer, $1,000; 8 clerks, at $900 each; 1 mechanician, $1,680; 1 clerk or instrument maker, $1,200; 1 lantern-slide colorist, $1,320; 1 mechanic, $1,200; 1 carpenter, $1,200; 1 laboratory aid, $960; 1 messenger, laborer, or laboratory helper, $840; 1 messenger or laborer, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 2 messengers or laborers, at $660 each; 6 messengers, laborers, or messenger boys, at $600 each; 1 skilled laborer, $720; 1 fireman, $720; 7 laborers, messenger boys, or charwomen, at $480 each; 7 charwomen, at $240 each; in all, $95,860.

Mr. COX. Mr. Chairman, I make the point of order against the figures "$5,000," in line 9, page 69.

Mr. LEVER. That is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. I reserve a point of order on the paragraph, Mr. Chairman. I wish to inquire whether the provision for the editor is the salary that he is now receiving, "one editor, $2,500," in line 9? It is a new item in this bill.

Mr. LEVER. It is a transfer from the lump-sum fund at the same salary.

Mr. STAFFORD. I withdraw the reservation.

Mr. LEVER. I offer the following amendment:

In line 9, page 69, in lieu of the figures stricken out, insert the figures "$4,500."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 69, line 9, after the word "work," insert the figures "$4,500."

The amendment was agreed to.

The Clerk read as follows:

For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $141,780.

Mr. CANDLER of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to insert in the RECORD at this point some information in reference to the development of road building in the United States. It is directly applicable to this provision of the bill.

Mr. MANN. Why should we not have the information given us on the floor?

Mr. CANDLER of Mississippi. I do not want to take up the time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert in the RECORD certain matter which he refers to. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, it is well known by the membership of this House that I am and have heretofore been a strong advocate of Government aid to "good roads." The Office of Public Roads, under the direction of Dr. Logan W. Page, is doing great work. I desire to print as a part of my remarks in this connection the following article, showing the development in road building in the United States:

OUR COUNTRY ROADS—IMPROVED HIGHWAYS INCREASE AT RATE OF 16,000 MILES A YEAR, SAYS UNCLE SAM.

There were about 2,452,000 miles of public roads in this country outside the limits of incorporated towns and cities January 1, 1916, according to information that has just been compiled by Uncle Sam's experts of the Office of Public Roads and Rural Engineering. Of this number about 277,000 miles, or 11.3 per cent, were improved with some form of surfacing. It is said by the men who have just completed this survey that the mileage of surfaced roads has been increasing at the rate of about 16,000 miles a year, and in 1915 approximately one-half of this increase was made under the supervision of State highway departments. In addition, these departments supervised the maintenance of nearly 52,000 miles of main and trunk-line roads.

An increase of from approximately $80,000,000 per year in 1904 to about $282,000,000 in 1915 has been noted in the country for expenditures for road and bridge work, which is an increase of more than 250 per cent. The expenditure of State funds during this same period increased from about $2,550,000 to more than $53,000,000. In addition, more than $27,000,000 of local funds was spent under State supervision in 1915, bringing the total road and bridge expenditures managed by the States to $80,514,699. This amount is greater than the total expenditure for roads and bridges from all sources in 1904, according to the experts of the office.

Tracing the growth in importance of the State highway departments, the officials found them to be rapid. The first of these agencies was created in 1891 in New Jersey, and now some form of highway department exists in every State in the Union except Indiana, South Carolina, and Texas. Since their inception it is said that these departments have expended to January 1, 1916, an aggregate of $265,350,825 in State funds for roads and bridge construction, maintenance, and administration. They had constructed more than 50,000 miles of roads in

cooperation with the States, more than 40,000 miles of which were surfaced.

The statistics gathered by the good-roads division experts show that the cash road and bridge expenditures of the United States averaged only $28 per mile of rural roads in 1904. In 1915 this average had grown to $109 per mile. New Jersey led all other States, both in 1904 and in 1915, with $221 and $475 per mile, respectively. Nevada made the least expenditure in both years—$3.72 per mile in 1904 and $17 per mile in 1915.

I call attention also to the following article, showing reduction in cost of hauling over improved roads, demonstrating the immediate benefits derived from improved-road construction:

IMPROVED ROADS BRING LOWER HAULING COSTS—TESTS MADE BY UNCLE SAM IN EIGHT COUNTIES IN DIFFERENT SECTIONS SHOW ANNUAL SAVING OF $627,409.

Improvement of roads in eight selected counties in different sections of the country resulted in the aggregate in a total gross annual saving in hauling costs of $627,409, according to recent economic studies made by the Office of Public Roads and Rural Engineering of the United States Department of Agriculture. The cost of haulage for the group of counties is lower since the roads were improved, it was found, even when charges are made in the comparative computations for interest on bonds and annual maintenance costs. The results of the studies, which extended from 1909 to 1915, and which included other effects of improved highways than those on traffic, are shown in Department of Agriculture Bulletin 393, recently published.

The eight counties in which the studies were made are Spotsylvania, Dinwiddie, Lee, and Wise Counties, Va.; Franklin County, N. Y.; Dallas County, Ala.; Lauderdale County, Miss.; and Manatee County, Fla. These counties were selected because they had just issued bonds for road improvement when it was decided to make the studies, and it would therefore be possible to cover the road improvements from outset to completion

The average gross annual saving in hauling costs due to the road improvements in these eight counties was found to be 17.9 cents per ton-mile, while the net saving was found to be 11.6 cents. The investigators point out in the bulletin that an actual cash saving to the amount indicated is not effected, but that this is the indicated saving when the time of workers and use of draft animals and equipment are given cash values at the rates prevailing in the several communities.

EFFECTS BY COUNTIES.

In Spotsylvania County, Va., a bond issue of $173,000 was provided and 76 miles of road were improved. The average loads hauled in a two-horse wagon increased materially after the roads were improved, and ton-mile costs dropped from 30 cents to 13.7 cents. This meant a gross ton-mile saving of 16.3 cents, or a net ton-mile saving, when charges were made for interest on bonds and maintenance of roads, of 14.9 cents. The gross total annual saving in the county is, therefore, approximately $150,000; and when deductions are made for interest and maintenance costs the annual indicated net saving is $130,670.

In Dinwiddie County, Va., a bond issue of $105,000 was provided, and the State contributed in addition nearly $40,000 worth of convict labor. The improved road mileage at the completion of the study was 101 miles. Average loads for a two-horse wagon increased from about 2,000 pounds to about 3,200 pounds, and ton-mile costs decreased from 30 cents to 15 cents. The net ton-mile saving is 13.7 cents, and the indicated gross saving for the county is $124,970.

In Lee County, Va., a fund of $364,000 was provided by bonds and the State contributed labor worth more than $21,000. Ninety-nine miles of road were improved. Average loads increased from 1,500 to 4,000 pounds, and ton-mile costs were reduced from 40 cents to 20 cents, with a net ton-mile saving of 10.6 cents. The gross annual saving for the county was $59,400.

In Franklin County, N. Y., bonds to the amount of $500,000 were issued and 135 miles of road were improved. Average loads increased from about 2,400 pounds to 5,557 pounds. Ton-mile costs dropped from 30.3 cents to 9.6 cents, and the net ton-mile saving was 11.7 cents. The gross annual saving in the county for hauling charges has been approximately $50,000 since the roads were improved.

In Dallas County, Ala., $366,977 secured from the bond issue was used to improve 101 miles of road. Average loads increased from 1,500 pounds to 2,500 pounds, and ton-mile hauling costs fell from 30 to 15 cents. The net ton-mile saving was 10.9 cents. It is estimated that the county saves annually $90,000 gross in hauling costs as a result of the road improvement.

In Lauderdale County, Miss., $500,000 worth of bonds was issued and 96 miles of road improved. Average loads increased from 1,500 to 2,500 pounds, and hauling costs dropped from 37 to 20 cents per ton-mile. This brought about a net saving of 3.9 cents per ton-mile when all annual charges against the road improvements were considered. The annual gross saving to the county is approximately $43,400.

In Manatee County, Fla., $252,500 obtained from a bond issue improved 63 miles of road. Average loads increased from 1,500 pounds to 4,800 pounds, which resulted in a reduction of ton-mile hauling costs from 45 to 20 cents. The net saving per ton-mile since the roads have been improved is 12½ cents. It is estimated that the county saves annually in gross hauling costs $32,573.

In Wise County, Va., $1,031,578.54 was provided for road work by bond issues, State contributions, and in other ways. From this fund 83 miles of road have been surfaced and 66 miles graded. Average loads have increased from 1,500 to 2,500 pounds and ton-mile hauling costs have been reduced from 57 to 23 cents. The gross saving to the county, when hauling costs alone are considered, is approximately $68,000 a year.

Mr. Chairman, I have some additional information in reference to another paragraph in the bill that I ask unanimous consent to insert at this point in the RECORD.

The CHAIRMAN. Without objection, the request of the gentleman will be granted.

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, in reference to the following item in the bill—

RENT IN THE DISTRICT OF COLUMBIA.

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, $143,689—

I desire to submit the following letter from the Secretary of Agriculture, with data accompanying.

Hon. E. S. CANDLER,
House of Representatives.

DEAR MR. CANDLER: With reference to the space rented by the Department of Agriculture in the District of Columbia and the proposed increase in the appropriation for rents, I inclose a complete statement showing the present situation in detail (Exhibit A). This statement differs from that printed in the Book of Estimates for the reason that since the statement for the estimates was prepared the department has rented a fireproof storage warehouse at No. 220 Linworth Place SW., for which it pays an annual rental of $3,750 (0.237 cent per square foot gross), and 12,410 square feet in the Munsey Building at an annual rental of $14,000 ($1.12 per square foot gross). These additions raise the average rental per square foot paid by this department from 0.278 cent per square foot gross, as stated in the Book of Estimates, to 0.30 cent per square foot gross. We are renting a total of 499,605 square feet gross, the total rental being at the rate of $150,208. Of this sum $11,790 is paid from the permanent annual appropriations for "meat inspection" and $15,000 from the appropriations for "cotton standards," "grain standards," and "warehouse act," each of which carries the specific authority to pay rent in the District of Columbia. The entire sum of $150,208 will not be paid for rent during the present fiscal year, for the reason that the lease on the quarters in the Munsey Building did not begin until October 17, 1916, and the lease on the storage warehouse at 220 Linworth Place did not begin until November 1, 1916.

I inclose also a statement (Exhibit B) from the Book of Estimates showing the rental paid by other branches of the Government. These figures are assumed to be gross and the average per square foot has been figured in each case for comparison with the Department of Agriculture statement on this basis. You will notice that our rate per square foot gross is slightly lower than the rates paid by the branches included in the statement.

I inclose also a statement (Exhibit C) made before the House Committee on Agriculture by Mr. Charles J. Brand, Chief, Office of Markets and Rural Organization, of the rentals that bureau has had to pay for offices in various cities. The average price per square foot is $1.11 and the highest rate paid, namely, in Boston, Mass., is $2.22 per square foot. Granting that these prices include heat, light, and elevator service, it is certain that the average rate is much higher than the average rate the department is paying in Washington. These figures are given you for comparison with the rentals paid by the department in Washington.

With reference to the increase of $20,000 in the item, "Rent in the District of Columbia," included in the Agricultural appropriation bill as reported to the House, it has long been the desire of the department to bring the Forest Service into a building nearer to the Secretary's office—a building which would be fireproof and large enough to permit of necessary expansion. In common with other branches of the department, the Forest Service has grown and is now overcrowded in its present quarters. With the rental ($18,000) now paid by the Forest Service, however, it is not possible to secure the erection of a building for the Forest Service alone, since the builders do not care to go into a proposition of that size, nor does the department think it desirable to secure the erection of a building which will accommodate the Forest Service alone, when, by combining the Forest Service rental with other funds, it believes it can secure the erection of a large building which will accommodate under one roof the Forest Service and other branches which are needing room for expansion as much or more. Should the increase be allowed, therefore, it is the department's intention to take the $18,000 now paid for the Forest Service rental, plus the $20,000 increase, and a fair portion, perhaps $10,000, of the rental now paid by the Office of Markets, in the Munsey Building, and secure the erection of a large modern fireproof office building in the immediate vicinity of the department, placing therein not only the Forest Service but certain units of other bureaus. This is intended to release space which will enable the Office of Markets to expand in the building it now occupies (1358 B Street, SW.), and remove from the Munsey Building the office for which it is now paying the high rental of $1.12 per square foot. From past experience and from present tentative offers, the department believes it can secure the erection of such a building at a rate per square foot of rental which, even allowing for the furnishing of light, heat, and elevator service by the department, will be less than half the price exacted by the owners of office buildings uptown in Washington.

If the increase of $20,000 in the rental appropriation is granted, therefore, the department intends to make every effort to secure a building of considerable size. If it can secure a new, modern, fireproof office building providing, say, 100,000 square feet of floor space, this will not exceed our immediate present needs. The Office of Markets, with the cotton standards, grain standards, and warehouse legislation to execute and no quarters for the additional employees needed, has been forced to rent high-priced offices in the Munsey Building away from the bureau headquarters; the Forest Service is seriously hampered for space; certain units of the States Relations Service are crowded to a point where efficient work is almost impossible; and the Bureau of Chemistry, the Bureau of Biological Survey, the Federal Horticultural Board, and other branches of the Department are in urgent need of more room. The department feels very strongly that its plea for immediate relief, represented by the $20,000 increase proposed in the rent fund, is thoroughly justified by actual present conditions, and that it can not properly execute the tasks laid upon it by Congress without such relief.

In conclusion, I wish to lay before you a few figures to indicate something of the growth of the Department of Agriculture in recent years. The new buildings known as laboratories A and B were authorized in 1903, and for that fiscal year the total appropriations to the department were $5,015,846. The buildings were completed and occupied in March, 1908. For that fiscal year the total appropriations were $13,037,802, of which $12,595,502 was actually disbursed. The department had outgrown the new buildings before they were completed. Since 1908 the growth has continued, and for the fiscal year 1917 the total appropriations are $36,128,852, or nearly three times the disbursements in 1908. The disbursements for rent in 1908 were $65,705, and for 1917 will be about $142,000, or about two and one-quarter times what they were in 1908. The appropriation for rent has therefore not kept pace with the growth of the department, and the result is a serious overcrowding in many bureaus.

Very truly, yours, D. F. HOUSTON, *Secretary.*

EXHIBIT A.

Statement showing data in relation to rented buildings of the Department of Agriculture.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
930 F St. NW. (Atlantic Building).	Old brick office building, 8-story and basement.	148	Forest Service.	Offices.....	35,658	54,600	$18,000	$0.504	$0.329	July 1,1901	Atlantic Building Co., M. M. Parker, president, 1418 F St. NW.	$138,670
913 E St. NW. (rear).	1-story shop building in alley.	1	.....do.....	Workshop.....	1,470	1,470	270	.183	.183	Nov. 1,1902	Jeremiah O'Connor, owner, T. D. Walsh, agent, 1312 F St. NW.	400
915 E St. NW. (rear).	2-story brick building in alley.	2	.....do.....	Storage.....	1,150	1,150	300	.26	.26	June 15,1915	Jos. R. Williams, 915 E St. NW.	300
216 13th St. SW. (Chemistry Building).	6-story and basement modern fireproof laboratory building.	132	Bureau of Chemistry.	Offices and laboratories.	50,350	59,000	18,000	.318	.271	Mar. 8,1909	Peter J. Campbell and Wm. T. Shea, 632 Penna. Ave. NW.	98,776
212-214 13th St. SW.	Old 3-story brick residences.	37	Bureau of Chemistry.	Supply rooms and storage.	7,200	8,600	960	.131	.111	Dec. 1,1894	Peter J. Campbell and Wm. T. Shea, 632 Penn. Ave. NW.	8,758
215 12th St. SW. (rear).	2-story brick garage building.	8	Bureau of Chemistry and Secretary's office.	Storage.....	2,353	2,682	600	.254	.223	Aug. 1,1915	National Savings & Trust Co., agents, 15th and New York Ave. NW.	3,483
513-515 14th St. NW. (Willard Bldg.).	Modern 8-story office building.	76	Public Roads and Rural Engineering.	Offices and laboratories.	26,116	36,324	9,500	.363	.261	Apr. 12,1915	National Savings & Trust Co. (15th & N. Y. Ave.) and H. K. Willard, trustees.	182,160
1228 C St. SW. (rear).	Old 1-story and loft stable.	.....	.....do.....	Storage.....	1,000	1,195	144	.14	.12	Aug. 1,1907	C. A. Harvey, 1228 C St. SW.	400
215 13th St. SW.	4-story, basement brick building, built for warehouse purposes.	17	Division of Publications.	Offices, storage, and mailing.	15,340	19,390	4,000	.26	.206	Mar. 1,1905	Norton M. Little, agent, 1413 H St. NW.	21,726
1316 B St. SW..	Modern 3-story brick building.	34	Office of the solicitor.	Offices, files, and storage.	8,773	10,427	3,000	.341	.287	May 1,1904	John M. Beavers, owner, H and Water Sts. SW.	12,647
220 13th St. SW.	3-story brick warehouse, remodeled.	27	Insecticide and fungicide board.	Offices and laboratories.	8,470	9,900	3,000	.35	.30	Apr. 14,1913	Frank J. Hogan, owner, Evans Building.	17,424
929 7th St. SW.	Old warehouse.....	7	Secretary's office, Bureau of Soils, exhibits.	Storage.....	8,110	8,280	600	.074	.072	June 1,1913	Geo. E. Walker, owner, 501 7th St. SW.	16,393
200-202 14th St. SW.	4-story and basement brick building remodeled and fireproof.	37	Plant Industry; States Relations Service; Biological Survey; Forest appeals.	Offices and laboratories; storage.	13,100	15,140	3,000	.229	.198	July 1,1900	R. Harrison Johnson, 306 7th St. SW.	20,167
339-41 Pennsylvania Ave., NW. (Globe Building).	Old 4-story brick building, warehouse construction.	27	Bureau of Plant Industry.	Congressional seed distribution and storage.	33,000	40,000	4,500	.145	.12	Sept. 1,1912	R. W. Shoppell, Warder Building.	30,476
1304-6 B St. SW.	Double brick structure, 3-story and basement.	36	.....do.....	Offices forage crop; seed distribution.	11,386	13,530	2,500	.218	.184	Sept. 1,1901	Tyler & Rutherford, agents, 817 15th St. NW.	18,169
215 12th St. SW.	Old 3-story brick residence.	10	Farm management.	Offices.....	1,746	2,771	450	.257	.162	Apr. 8,1914	A. C. Belt, agent, 1309 G St. NW.	3,868
217 12th St. SW.	.....do.....	13	Farm management; exhibits.	.....do.....	1,746	2,771	450	.257	.162	Aug. 1,1914	.....do.....	5,491
220 14th St. SW.	Modern fireproof, 6-story, basement, office building.	139	Plant Industry; States Relations Service.	Offices and storage.	51,000	60,000	20,000	.392	.333	Aug. 28,1912	Western Investment Co.; F. H. Smith Co. agents, 815 15th St. NW.	120,925
221 Linworth Place SW.	Modern brick and concrete fireproof, 5-story and basement storage building.	31	Bureau of Animal Industry; Office of Markets.	Warehouse, cotton and paper work.	19,000	21,600	5,400	.284	.25	June 1,1906	Columbia Properities Co., Riggs Building.	30,849
224 12th St. SW.	3-story brick double building.	40	Farm management.	Offices.....	8,380	12,360	2,500	.298	.202	Dec. 22,1902	Amer. Security & Trust Co., 15th & Pennsylvania Ave.	17,332
Munsey Building, Rooms 919 and 920.	Modern granite, fireproof office building.	2	Bureau Animal Industry (Field Service).	Offices, meat inspection.	366	366	420	1.15	1.15	July 1,1909	Munsey Building Co..	(1)
Munsey Building, third and fifth floors.	.....do.....	78	Office of Markets and Rural Organization.	Offices, grain and warehouse acts.	12,410	12,410	14,000	1.12	1.12	Oct. 17,1916	.....do.....	(1)
215 Linworth Place SW. (rear).	1-story building of frame construction.	2	Bureau Animal Industry (meat inspection).	Storage.....	297	297	120	.401	.401	Aug. 1,1915	Mrs. M. E. Winfield, 215 Linworth Place SW.	500
1358 B St. SW..	Modern fireproof 8-story, basement, office building.	216	Markets; Animal Industry; Library; Biological Survey; Publications; Plant Industry.	Offices and laboratories.	76,500	85,000	35,360	.462	.416	Dec. 3,1914	Mrs. H. M. Halliday, owner; F. H. Smith Co., agents, 815 Fifteenth St. NW.	182,744
1315 C St. NW.	2-story brick warehouse.	2	Office of Markets.	Cotton storage.	4,000	4,100	1,000	.25	.243	Dec. 20,1915	W. D. Sullivan, 817 Fifteenth St. NW.	6,564

[1]Not assessed.

Statement showing data in relation to rented buildings of the Department of Agriculture—Continued.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
349 Pennsylvania Avenue (rear).	Garage	1	Plant Industry.	Automobile storage.	422	422	$84	$0.20	$0.20	Oct. 18, 1916	Robt. J. Michael, 349 Pennsylvania Avenue NW.	.....
220 Linworth Place SW.	New fire-proof storage warehouse.	.....	Markets; Animal Industry; Secretary's office.	Storage of cotton and supplies.	15,000	15,320	3,750	.25	.237	Nov. 1, 1916	Boyle-Robertson Construction Co. (Inc.), Evans Building.	(1)
					414,343	499,605	150,208	.362	.30			

[1] Not assessed.

Bureau of Animal Industry: Meat Inspection pays rental for—	
2 rooms in Munsey Building	$420
Rear of 215 Linworth Place SW	120
Portion of rent for building, 1358 B Street SW	10,000
Will pay one-third rent for 220 Linworth Place SW	1,250
Total	11,790
Office of Markets:	
Cotton Standards pays rent 1315 C Street NW	1,000
Grain Standards four-fifths and Warehouse Act one-fifth rent rooms in Munsey Building	14,000
Total	15,000

EXHIBIT B.

[Buildings rented within the District of Columbia for the use of various departments of the Government for the fiscal year 1917, and the average rate per square foot of floor space.]

Statement of buildings rented within the District of Columbia for use of the Government by the Department of State for the fiscal year ended June 30, 1916, as required by the act of July 16, 1892 (27 Stat. L., p. 199), and act of May 1, 1913 (38 Stat. L., p. 3, sec. 3).

Location of building.	For what purpose used.	Annual rental.	Available floor space.	Price per square foot available floor space.	Memoranda.
			Square feet.		
Brick building, 1653 Pennsylvania Avenue NW.	Office of the assistant solicitors, Bureau of Citizenship, translator.	$3,900.00	9,798	$0.40	Rental includes heat, gas, and electricity. Assessed valuation, $11,000.
Rear 1518 L Street NW	Stables	720.00	2,336	.31	Assessed valuation, $2,000.
Mount Pleasant garage	Storage of automobile mail wagon	180.00	.....	.....	Rental includes cleaning and polishing of automobile.
Woodward Building, Fifteenth and H Streets NW.	Office of the American and British Claims Arbitration, American section.	600.00	1,596	.38	Rental includes heat, light, elevator and janitor service, and iced drinking water. Assessed valuation not known by department.
Southern Building, Fifteenth and H Streets NW.	Offices of the International Joint Commission, American section.	2,500.00	2,165	1.15	Rental includes heat, light, elevator, and janitor service. Assessed valuation not known by department.
Building 1703 New York Avenue NW.	Bureau of Accounts, office of solicitor, etc.	[1]6,300.00	.....	.....	Rental includes heat. Assessed valuation not known by department.
Total		14,200.00	15,895	.49	

[1] Not included in average.

Buildings rented by the Treasury Department, number of square feet of floor space occupied in each, the yearly rental per building, the rental per square foot of space, and the assessed value of each building, for fiscal year ending June 30, 1916.

Building.	Floor space.	Yearly rental.	Rental per square foot.	Assessed value.
	Square feet.			
Cox Building, New York Avenue NW., between Seventeenth and Eighteenth Streets (first, second, and third floors occupied by files of the Auditor for the War Department; fourth floor by photograph gallery, Office of the Supervising Architect	13,591	$2,150.00	$0.158	$16,053.00
Merchants Transfer & Storage Building, E Street NW., between Ninth and Tenth Streets (third, fourth, and back part of fifth floors rented; used for files), light, janitor, and elevator service included	26,736	8,000.00	.299	101,811.00
Treasury Department stables, 400 Nineteenth Street NW	9,646	1,200.00	.124	10,821.00
Munsey Building, E Street NW., between Thirteenth and Fourteenth Streets (entire fourth floor occupied by the Coast Guard Service), heat, light, elevator, and janitor service included	10,500	10,000.00	.952	1,190,318.00
Total	60,473	21,350.00	.353	.....

Buildings rented by the Navy Department in the District of Columbia for the fiscal year 1917.

Name and location of building.	For what purpose used.	Area of available floor space for Government use.	Annual rental.	Rate per square foot.	Assessed valuation.	Proportion of rental covering cost of heat, light, elevator, and other service.
		Square feet.				
Navy Building, New York Avenue, between Seventeenth and Eighteenth Streets NW. (6 floors and basement).	Annex for purposes of certain bureaus and offices	78,690	$30,000.00	$0.38	$190,229.00	None.
No. 730 Seventeenth Street NW	Naval dispensary	2,383.5	1,200.00	.5033	14,283.00	Do.
Navy Building, New York Avenue, between Seventeenth and Eighteenth Streets NW. (3 floors).	Headquarters United States Marine Corps	25,000	10,000.00	.40	190,229.00	Do.
Nos. 319, 321, 323 Third Street SE	Used as stable and garage by quartermaster's department, Marine Corps.	9,450	900.00	.0952	7,500.00	Do.
Florida Yulee Neff Building, Seventeenth Street and Pennsylvania Avenue NW.	Part of drafting force of Bureau of Construction and Repair.	5,589	3,000.00	.5364	39,946.00	Do.
Total		121,112	45,100.00	.37	.....	

Buildings rented by the Department of the Interior in the District of Columbia for the fiscal year 1917.

Bureau.	Location.	Assessed valuation of property.		Area.	Rental per annum.	Rate per square foot.	What proportion rental paid includes heat, light, elevator and other service.
		Building.	Land.				
				Square feet.			
Bureau of Mines	710 E Street NW., Busch Building	$45,000.00	$40,540.00	30,072	$12,000.00	$0.399	None.
Reclamation Service	Northwest corner of Eighth and E Streets NW.	30,000.00	28,868.00	20,500	7,800.00	.38	Includes janitor and elevator service.
Civil Service Commission	1724 F Street NW	110,000.00	11,221.00	46,946	16,875.00	.351	None.
Geological Survey	Hooe Iron Building and Annex, 1320 F Street NW.	180,000.00	370,360.00	110,175	35,200.00	.319	Do.
Do	Adams Building, 1333 F Street NW. (fifth and sixth floors).	45,000.00	153,894.00	8,340	4,800.00	.575	Includes all service except light.
Total rent				216,033	76,675.00	.354	

Buildings rented by the Post Office Department in the District of Columbia for the fiscal year 1917.

Location of building.	For what purpose used.	Annual rental.	Available for Government use.	Rate paid per square foot.	Assessed valuation.	Proportion of rental includes heat, light, elevator, etc., service.
			Square feet.			
1520 L Street NW. (rear)	Department stable	$360.00	1,148	$0.31	$2,061.00	None.
First and K Streets NE	Mail-bag and mail-lock repair shops and Division of Equipment and Supplies.	32,000.00	118,000	.27	120,000.00	Do.
Twelfth and Monroe Streets NE	Brookland Station, city post office	600.00	1,224	.49	13,000.00	Not known.[1]
6918 Fourth Street NE	Takoma Park Station, city post office	780.00	1,175	.66	1,535.00	Do.[1]
1319 New York Avenue NW	Station C, city post office	2,000.00	[2]1,626	.94	125,588.00	Do.[3]
1438 U Street NW	Station F, city post office	6,000.00	6,676	.84	79,566.00	Do.[4]
Eighth and F Streets NW	Station G, city post office	1,500.00	756	1.97	60,168.00	Do.[5]
2018 Nichols Avenue SE	Station H, city post office	600.00	1,360	.44	3,406.00	Do.[6]
514 Eleventh Street NW	Eleventh Street Station, city post office	2,500.00	2,134	1.12	130,040.00	Do.[3]
Total rent		46,340.00	134,099	.345		

[1] Including equipment, heat, and light.
[2] 294 square feet of gallery space is also provided.
[3] Including heat only.
[4] Including equipment and heat.
[5] Including heat and light, but not equipment.
[6] Including equipment, but not heat and light.

Buildings rented by the Department of Justice in Washington, D. C., including the Customs Court, for the fiscal year ending June 30, 1917.

Building.	Annual rental.	Area, including halls, etc.	Area actually available for office purposes.	Rate per annum per square foot of floor space.	Assessed valuation of buildings and land.
		Square feet.	*Square feet.*		
1435 K Street NW	$10,000.00	35,725	30,233	$0.279	$70,200.00
1439 K Street NW	2,400.00	7,616	5,849	.315	23,440.00
1000 Vermont Avenue NW	6,800.00	15,328	13,136	.444	37,293.00
1013 Fifteenth Street NW	1,800.00	3,463	2,844	.519	7,198.00
6 Jackson Place	1,800.00	8,334	6,680	.216	26,092.00
8 Jackson Place	2,400.00	7,181	5,558	.3342	27,545.00
10 Jackson Place	1,800.00	4,819	3,329	.3735	18,448.00
Southern Building (24 rooms)	9,000.00	[1]9,355	9,355	[2].9656	1,155,724.00
Total for Department of Justice	36,000.00	91,821	76,948	.467	1,365,940.00
Customs Court, National Savings and Trust Building, Fifteenth Street and New York Avenue NW	7,000.00	12,348	9,312	[3].5668	407,340.00
Total	43,000.00	104,169	86,292	.412	1,773,280.00

[1] Rooms rented. Halls not taken into consideration. [2] Includes heat, light, and janitor service. [3] Includes heat, light, and elevator service.

Buildings rented within the District of Columbia for use of the Department of Commerce for the fiscal year 1917.

Building.	Rental.	Available floor space for Government use.	Rate per square foot.	Assessed valuation of building.	Proportion of rental paid for heat, light, elevator, or other service.	For what purpose used.
		Square feet.				
Commerce Building	$65,500.00	182,954.8	$0.363	$444,236.00	None.	Main building of the department and all bureaus thereof, except the Bureau of Fisheries, Coast and Geodetic Survey, and Bureau of Standards.
Stables	1,000.00	6,450.0	.155	5,500.00	None.	
Total	66,500.00	189,404.8	.351			

Building rented by the Department of Labor within the District of Columbia for the fiscal year 1917.

Mills Building, corner of Pennsylvania Avenue and Seventeenth Street NW.
Main building of department (office of the Secretary, Bureaus of Immigration, Naturalization, and Labor Statistics, Children's Bureau, and office of the Solicitor).
Rental, $24,000 per annum.
Area in square feet of available floor space for Government uses, 67,000. Rate paid per square foot for such floor space per annum, $0.358.

Assessed valuation of building	$260,000
Assessed valuation of land	80,627
Total	340,627

The rent does not include heat, light, elevator, or other service.
Average rate per square foot, $0.358.

Summary.

	Average rental per square foot of gross floor space.
Department of State (exclusive of building 1703 New York Avenue, $6,300)	$0.490
Treasury Department	.353
Navy Department	.370
Department of the Interior	.354
Post Office Department	.345
Department of Justice	.412
Department of Commerce	.351
Department of Labor	.358

EXHIBIT C.

Quarters occupied by offices of Federal grain supervision.

City.	Supervision district No.	Building.	Number of rooms.	Room numbers.	Area.	Annual rental.	Rental rate.
					Sq. ft.		*Sq. ft.*
Atlanta	8	Third National Bank	4	1710-1713, inclusive	698	$840.00	$1.20
Baltimore	6	Garrett Office	5	409-415, inclusive	1,519	2,094.20	1.38
Boston	1	Oliver	3	1140-1142, inclusive	630	1,400.00	2.22
Buffalo	4	Chamber of Commerce	3	331, 334, 336	1,150	1,125.00	.98
Cairo	23	Post office	2	6 and 8			
Chicago	20	Continental and Commercial Bank	7	970-982, inclusive	3,016	4,678.00	1.55
Cincinnati	11	Johnson	3	210-212, inclusive	1,060	1,380.00	1.30
Cleveland	14	Illuminating	3	701-703, inclusive	775	900.00	1.16
Denver	31	Cooper	3	505, 507, 509	480	480.00	1.00
Detroit	15	Holden	1	314, 315	380	780.00	2.05
Duluth	17	Glencoe	2	309, 310	565	600.00	1.06
Fort Worth	28	First National Bank	2	511, 512	464	570.00	1.23
Galveston	27	Security	2	222, 223	431	360.00	.84
Indianapolis	12	Board of Trade	4	824-827, inclusive	871	827.45	.95
Jacksonville	7	Clark	2	511, 512	410	360.00	.88
Kansas City	24	Postal Telegraph	10	303-312, inclusive	2,520	1,800.00	.71
Louisville	10	Board of Trade	3	27, 28, 29	752	660.00	.88
Memphis	25	Exchange	3	402-404, inclusive	523	780.00	1.49
Milwaukee	16	Wells	1	513-516	672	800.00	1.19
Minneapolis	18	Flour Exchange	4	319, 324, 326, 327	1,500	1,500.00	1.00
Nashville	9	Independent Life	3	806, 807, 807½	495	600.00	1.21
New Orleans	26	Metropolitan Bank	4	500-503, inclusive	1,451	1,320.00	.91
New York	2	Lord's Court	3	1607-1609, inclusive	1,193	1,980.00	1.66
Oklahoma City	29	Grain Exchange	2	527, 528	465	450.00	.97
Omaha	19	....do	1	Store No. 3	900	600.00	.67
Peoria	21	Simoneau	2	23-25	840	480.00	.57
Philadelphia	3	Bourse	3	576, 578, 580	699	1,080.00	1.55
Pittsburgh	5	Wabash	1	319-321	1,102	535.50	.49
Portland, Oreg	32	Worcester	4	309-310	1,800	1,260.00	.70
St. Louis	22	United States appraiser's store	3	402, 408, 413			
Toledo	13	Second National Bank	3	2009-2011, inclusive	735	1,285.18	1.75
Wichita	30	Sedgewick	3	313, 315, 317	729	390.00	.53
Total					28,827	31,915.33	1.11

The space occupied at Cairo, Ill., and St. Louis, Mo., is in Federal buildings, and no rental is paid.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $60,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman able to tell us where the Government built roads last year out of these appropriations?

Mr. LEVER. I will say frankly to the gentleman that I can not.

Mr. MANN. And, further, can the gentleman tell how the pull is exercised to get a road built in a community at the expense of the Government?

Mr. LEVER. I can not give the gentleman the information. I have no such roads in my district.

Mr. MANN. Undoubtedly the gentleman from South Carolina would be able to get one in his district, and he is to be complimented that he has not exercised his pull. I notice there are a good many of these Government-built roads or sections of road around Washington. I suppose that possibly some Government official has a summer home some place around Washington and gets the good-road division to build a good road at Government expense, experimentally, so as to accommodate the Government official who has a summer home there.

Mr. LEVER. If the gentleman will permit, we made no inquiry as to that particular matter this year, but last year we did make some inquiry, and my recollection of the general statement made to us is that the department had, as a matter of fact, built many of its roads around Washington here, because they were near the office, and furnished a field laboratory for their experimental and investigational work.

Mr. MANN. Where the character of traffic is probably different from that in any other place in the United States, and where the knowledge acquired would be of no use at all in nine-tenths of the United States. Of course they have automobiles going over the roads here, and that is what they were built for here. I suppose there are not very many farmers' wagons going over these roads with heavy loads. There is not anything of that sort to speak of around Washington, and the road that does bring the people in has not been taken care of by the roads division. Out here at Bradley Lane, or some place like that, where a farmer's wagon probably never was seen, the Government builds a road.

Mr. LEVER. The gentleman understands, of course, that the department is conducting experiments in the field with ordinary types of road that are intended for ordinary traffic. I have been over only one or two of these experimental roads around Washington. One road goes through the Arlington farm in the direction of Alexandria and one in the direction of Gettysburg.

Mr. MANN. There is one down in the district of our genial friend from Virginia [Mr. CARLIN].

Mr. CARLIN. And it is a very good road, too.

Mr. MANN. And there is one out to the Chevy Chase Club. There are several of them around here—I think a grossly improper expenditure of public money by the Government.

Mr. LEVER. I will say to the gentleman that I think the department has concentrated its work in the study of road binders and concrete roads and things of that kind—not the ordinary country roads—around Washington, for the reason that it furnishes their force of experts a field laboratory close at hand.

Mr. MANN. Have they ever made any report in reference to the various sections of the Chevy Chase road?

Mr. LEVER. Yes; we have put those gentlemen under examination before our committee hour after hour, and have tried to find out what they were doing.

Mr. MANN. What can the gentleman tell about the different kinds of road building?

Mr. LEVER. I do not try to keep such details in mind.

Mr. MANN. Have they ever made any report to anybody else on the subject?

Mr. LEVER. There are a great many bulletins that the Office of Roads has issued. I do not know that they have ever made any report about the Chevy Chase road.

Mr. MANN. There was a time when I used to make points of order on a lot of these items which are subject to a point of order, and I did it just because this money is being spent very largely to accommodate gentlemen around Washington at the Government expense.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the erection and equipment of a laboratory building on the Arlington Farm property of the United States Department of Agriculture for permanent quarters for the testing and research work of the Office of Public Roads and Rural Engineering, plans and specifications to be prepared and work done under the supervision of the Secretary of Agriculture, $75,000.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph. I want to know what the purpose of this is, and the object to be attained by the appropriation.

Mr. LEVER. The Office of Public Roads is now doing practically all of its laboratory and testing work in the Willard Building, across from the Willard Hotel. It is using both the garret and the cellar of the building. The chief of the Office of Roads informs the committee that their quarters are greatly cramped, that the fumes from acids used in testing road material is, to say the least, disagreeable, if not unhealthful to the employees; and while it is true that they have a temporary structure over on the farm at Arlington, that that structure is by no means adequate to handle the business in the way of testing materials that will come in by reason of the passage of the Federal road act, which was likely to swamp this bureau with all kinds of road material for testing out.

Mr. COX. This is a new provision, is it not?

Mr. LEVER. It is a new provision.

Mr. COX. How large a plant have they?

Mr. LEVER. It is a comparatively small plant, and temporary.

Mr. COX. How long have they been operating it?

Mr. LEVER. Several years.

Mr. COX. What kind of a building do they propose to erect.

Mr. LEVER. A building that will be suitable for laboratory purposes.

Mr. COX. Down in the bottom or up on the hill?

Mr. LEVER. I do not know.

Mr. COX. I do not know whether this is needed or not.

Mr. LEVER. This was recommended several years ago. It has been needed for some time and now it seems to me that it is really an emergency proposition, in view of the fact that the testing work is going to be very large by virtue of the good roads law.

Mr. COX. Well, Mr. Chairman, I may be doing wrong, but I think I shall withdraw the point of order.

The Clerk read as follows:

BUREAU OF MARKETS.

Salaries, Bureau of Markets: One chief of bureau, $5,000; 1 chief clerk, $2,000; 1 administrative assistant, $2,500; 1 administrative assistant, $1,980; 5 clerks, class 4; 10 clerks, class 3; 15 clerks, class 2; 1 clerk, $1,380; 1 clerk, $1,320; 29 clerks, class 1; 1 clerk, $1,140; 2 clerks, at $1,100 each; 30 clerks, at $1,000 each; 3 clerks, at $1,080 each; 2 clerks, at $1,020 each; 20 clerks, at $900 each; 3 clerks, at $840 each; 2 clerks, at $720 each; 1 mechanical assistant, $1,800; 1 mechanical assistant, $1,380; 1 laboratory helper, $900; 3 laboratory aids, at $900 each; 1 laboratory aid, $840; 7 laboratory aids, at $720 each; 2 laboratory aids, at $600 each; 1 photographer, $1,400; 1 photographer, $1,200; 1 supervising telegrapher, $1,620; 1 telegraph operator, $1,400; 2 telegraph operators, at $1,200 each; 1 telephone operator, $600; 1 draftsman, $900; 1 map tracer, $900; 1 map tracer, $720; 1 map tracer, $600; 1 map tracer, $480; 2 skilled laborers, at $900 each; 1 laborer, $720; 2 laborers, at $660 each; 4 messenger boys or laborers, at $600 each; 4 messenger boys or laborers, at $540 each; 10 messenger boys or laborers, at $480 each; 2 messenger boys, at $420 each; 1 messenger boy, $360; 1 charwoman, $540; 2 charwomen, at $480 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $198,320.

Mr. COX. Mr. Chairman, I make a point of order on the figures "$5,000," page 73, line 16.

Mr. LEVER. It is subject to a point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the reason for the change of the name?

Mr. LEVER. Mr. Chairman, the Office of Markets and Rural Organization was created some three or four years ago, and it has grown very rapidly in its work. Candidly, the name of the Office of Markets and Rural Organization never did set very well with me personally. It is a long, bungling name and does not indicate very clearly the line of work of that service. The country has come to look upon the Office of Markets and Rural Organization as a Bureau of Markets, and probably three-quarters of the mail addressed to the service by the ordinary individual is by the title of Bureau of Markets; and we felt that it simplified the situation and shortened the name and dignified the office somewhat.

Mr. MANN. Not having been raised in a country where they have monarchs and where they name the princesses by all the names they can find by historical reference, I never have believed in very long names. I think the change is a very good one, but why not also, then, have changed the name of the Office of Public Roads and Rural Engineering. When a man comes to write a letter to one of these bureaus he can not get the name on one line on the envelope.

Mr. LEVER. The gentleman's criticism is entirely good, and I think we can take care of that at some future time. The gentleman understands why the Office of Roads was changed. It was done when we reorganized the department, when certain additional lines were put into that bureau.

Mr. MANN. It would have been easy to have said the Bureau of Roads and Engineering.

Mr. LEVER. I quite agree with the gentleman.

Mr. MANN. Mr. Chairman, this taking of a long name is all right for reform organizations. They want a name as long as possible because they think it looks well coming after their name; they want to make it as long as they can, but when it comes to practical work every name ought to be as short as possible, especially Government names.

Mr. COX. I want to ask the chairman of the committee for information on this gentleman here, "one administrative assistant." Is that a new place?

Mr. LEVER. No; it is not.

Mr. COX. I only make the point of order on the figures "5,000" in line 16.

Mr. LEVER. That is subject to a point of order, and I offer the following amendment.

The Clerk read as follows:

Page 73, line 16, at the beginning of the line in lieu of the figures "5,000" stricken out, insert "4,500."

Mr. MANN. Mr. Chairman, the Bureau of Markets has more than justified the expectation of its best friends. I do not claim that I was one of them. It was suggested in Congress for a number of years that we pass a law creating a division or bureau of markets, specifying what its jurisdiction should be, and sticking in a lot of things about which none of us knew much. But instead of doing that, in an Agricultural appropriation bill several years ago there was placed a modest appropriation justifying the creation, at least temporarily, of the office which might give some information concerning markets and marketing, and work out some kind of a problem or theory. I think they have done exceedingly good work from what I have heard and read coming from that division, and probably in much better shape, under the provisions of the annual appropriation bill which is subject to some extension, than would have been the case if they had tried to define and limit its authority and jurisdiction by the passage of legislation as was originally proposed.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I know of no service in the Government where the increase in the appropriation has been so large as in this item. Last year the appropriation for this item carried $129,000, and this year $198,000, an increase of $69,000. I wish to inquire whether that is merely due to the transfer of clerks from a lump-sum appropriation or due to an increase in the number of clerks?

Mr. LEVER. There are really only three new places in the bureau. One is a draftsman at $900, one a skilled laborer at $900, and one a charwoman. The others are all transfers.

Mr. STAFFORD. I have listened with a great deal of interest to the eulogium which has been passed on this bureau by the distinguished leader of the minority.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CANDLER of Mississippi. The reason why this splendid work has been done is because of the most excellent chief of the bureau, one of the brightest and most energetic men in the whole department.

Mr. STAFFORD. Then, I take it, he comes from the gentleman's district?

Mr. CANDLER of Mississippi. No; he does not. The increase to which the gentleman has referred, I am sure, will be used by this splendid officer of the Government to bring about the very best results for all the people.

Mr. STAFFORD. Mr. Chairman, since the convening of Congress, with other Members of the House, I have received Bulletin 401, issued by this Bureau of Markets, concerning the distribution of muskmelons in 1915. It contains a number of printed charts, some 10 or 12, containing the prices of muskmelons at 100 or 200 different places throughout the country. I can not see how these multitudinous charts containing statistics, show-

ing the price of muskmelons throughout the country, can be of any value to farmers, dealers, or anyone else in general. The one I have in my hand is but a sample, there being 12 of the same kind. I think it is not only a waste of activity, but a waste of money.

Mr. LEVER. Mr. Chairman, I can say to the gentleman that I can fill the RECORD absolutely from cover to cover if necessary for next week with letters and resolutions of commendation from the different business men in that very section, saying that this market-news service has been of immense value.

Mr. STAFFORD. But this does not refer to a particular section, but refers to the entire country.

Mr. LEVER. In the marketing of muskmelons. It is the Oregon melon that I have in mind. I might fill the RECORD with letters from the apple and strawberry growers and from the onion growers and others.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19359, the Agricultural appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MAPES was granted leave to withdraw from the files of the House without leaving copies the papers in the case of H. R. 17962, Sixty-third Congress, no adverse report having been made thereon.

JOINT COMMITTEE TO CONSIDER RAILROAD LEGISLATION.

Mr. ADAMSON. Mr. Speaker, there is on the Speaker's desk a joint resolution (S. J. Res. 190) from the Senate, which came over this morning, respecting the continuation of the joint committee to consider railroad legislation, and there is a similar House resolution reported from the Committee on Interstate and Foreign Commerce on the calendar of the House, which I have authority to call up. I ask the Speaker to lay that resolution before the House.

The SPEAKER. The Chair lays the Senate resolution before the House.

Mr. RAYBURN. Mr. Speaker, I do not know enough about the rules of the House to know just when I ought to raise the question of consideration. Should it be raised before this resolution is laid before the House?

Mr. MANN. The question of consideration is raised when the bill is read the first time.

Mr. RAYBURN. I make that as a parliamentary inquiry. In other words, I want to make the point of order against the consideration of the resolution. I want to know when is the proper time for me to make it?

The SPEAKER. What point of order does the gentleman raise?

Mr. RAYBURN. I make the point of order that this is not a privileged matter.

The SPEAKER. Why?

Mr. RAYBURN. It is on the Union Calendar, is it not?

The SPEAKER. The Chair is inclined to think the gentleman's point of order is well taken.

Mr. ADAMSON. Mr. Speaker, if the Chair will hear me a moment——

The SPEAKER. Let us get this straight before we start. This resolution is on the Union Calendar.

Mr. ADAMSON. The Senate joint resolution is not on the Union Calendar. It is on the Speaker's desk, and would not get to the Union Calendar, because it makes no charge on the Treasury at all.

Mr. RAYBURN. The House resolution is the one that controls.

Mr. ADAMSON. The House resolution would probably be so considered; but the committee abandoned that and reported as a substitute the Senate resolution itself verbatim, and inasmuch as the resolution contains no charge on the Treasury it ought not to be on the Union Calendar.

Mr. RAYBURN. I have never understood how you could carry on an investigation without a charge on the Treasury.

Mr. ADAMSON. Because the law we passed carried the appropriation, and this new resolution does not provide for an additional expense at all. It merely provides for an extension of the time in which the committee shall report.

The SPEAKER. There is no question in the mind of the Chair but that the resolution is out of order, and the point of order is sustained.

Mr. ADAMSON. If it is impossible to consider it under the rules of the House, I hope it will be referred to the House Committee on Interstate and Foreign Commerce, so that it may be reported back.

The SPEAKER. All right.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a Senate joint resolution, which the Clerk will please read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

A joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution in the class other than Members of Congress.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the high cost of living.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD on the high cost of living. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday.

Mr. MANN. Not on Monday.

The SPEAKER. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until Monday, January 8, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Black John Slough, Cal. (H. Doc. No. 1885); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Belfast Harbor, Me. (H. Doc. No. 1886); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of Agriculture, transmitting a statement of the names of all persons employed in the Bureau of Animal Industry, except those whose salaries were paid from the meat-inspection appropriation, for the fiscal year ending June 30, 1916 (H. Doc. No. 1887); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1255), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1256), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River, at or near Parkin, Ark., reported the same without amendment, accompanied by a report

(No. 1257), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19296) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa., reported the same without amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19297) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa., reported the same without amendment, accompanied by a report (No. 1259), which said bill and report were referred to the House Calendar.

Mr. CAREW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, County of Cattaraugus, N. Y., reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18529) granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La., reported the same without amendment, accompanied by a report (No. 1261), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18725) granting the consent of Congress to the board of supervisors of Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River, reported the same with amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1263), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18815) to authorize the construction and maintenance of a road across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark., reported the same with amendment, accompanied by a report (No. 1264), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19000) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del., reported the same with amendment, accompanied by a report (No. 1265), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARKER of New Jersey: A bill (H. R. 19728) to increase the efficiency of the Army in time of war; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 19729) to remodel, repair, and enlarge the post-office building at Newport, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 19730) further to promote the safety of employees and travelers upon railroads by amending the "Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to provide for overtime, exceptions, and tolerances, and also to amend "An act providing mediation, conciliation, and arbitration in controversies between certain employers and employees," approved July 15, 1913; to authorize the President of the United States in certain emergencies to take possession of the lines of common carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 19731) to validate certain public-land entries; to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 19732) to amend an act entitled "An act to amend an act entitled 'An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indians wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War,' approved April 19, 1908, and for other purposes," approved September 8, 1916; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 19733) for the control and regulation of the waters of Niagara River, to provide for diversions therefrom, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: A bill (H. R. 19734) to prohibit shipment in interstate commerce of intoxicating beverages except to public vendors; to the Committee on the Judiciary.

By Mr. ADAMSON: Joint resolution (H. J. Res. 331) to continue and extend the time for making the report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DYKE: Joint resolution (H. J. Res. 332) authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter-sports carnival of that city; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Resolution (H. Res. 434) providing for the consideration of S. 706; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 19735) granting an increase of pension to Lizzie S. Hight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19736) granting a pension to Clara Della Woomer; to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 19737) granting an increase of pension to Polly Ann Bowman; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 19738) granting an increase of pension to Edwin C. Beall; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 19739) granting an increase of pension to George W. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19740) granting an increase of pension to Hutcheons B. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19741) granting an increase of pension to C. W. Jerome; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 19742) granting an increase of pension to George Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19743) granting a pension to Horace J. Gray; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 19744) granting a pension to George H. Devol; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 19745) granting an increase of pension to Daniel Fovargue; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 19746) granting an increase of pension to Silo P. Warriner; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19747) granting an increase of pension to George N. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19748) granting an increase of pension to Tilman H. Elrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19749) granting an increase of pension to Charles L. Martin; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19750) for the relief of Don R. Wynne; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 19751) granting an increase of pension to James Carmine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19752) granting an increase of pension to Sampson Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19753) granting an increase of pension to Edward Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19754) granting an increase of pension to Elisha W. Phillips; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19755) granting an increase of pension to Sidney E. Timerman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19756) granting an increase of pension to Shadrack Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19757) granting a pension to Peyton Johnson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 19758) granting an increase of pension to Joseph Guest; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 19759) granting an increase of pension to Emma F. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19760) granting an increase of pension to William H. Banker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19761) granting an increase of pension to James B. Taylor; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 19762) granting an increase of pension to Eugene P. Willard; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 19763) granting a pension to Calvin Sharpnack; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 19764) granting an increase of pension to Cass C. Lapoint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19765) granting an increase of pension to Leonard O. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19766) granting an increase of pension to Edmund Coward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to Mason W. Covell; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19768) granting an increase of pension to Allen Orders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19769) granting an increase of pension to John W. Roads; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19770) granting a pension to Pleasant D. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19771) to permanently renew patent No. 24917; to the Committee on Patents.

By Mr. SLOAN: A bill (H. R. 19772) granting a pension to Jane Lattimer; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 19773) granting an increase of pension to Thomas L. Jennison; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 19774) granting an increase of pension to Watson Goodrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19775) granting an increase of pension to Andrew J. Grisham; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of mass meeting of the United Business Men of Philadelphia, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany House bill 19691, for relief of Joseph R. Moore; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Albert T. Harvey, M. L. Miller, A. O. Albert, W. S. Lambert, Julius Jacobs, John C. Luther, M. M. Shoupe, Ernest H. Harvey, Mary C. Erhard, G. R. Horner, Frank Murray, C. C. Custer, W. W. E. Moore, H. A. Albert, Russell R. Custer, L. B. Harshberger, J. F. Paul, Q. E. Wegley, Harvey Grubb, Charles C. Sivits, Charles B. Smith, Milton S. Harris, W. S. Livingston, A. P. Reed, and Bernard E. Glass, all employees of the post office at Johnstown, Pa., for the passage of House bill 17806, to regulate the pay of post-office clerks in first and second class offices; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: Memorial of members of Methodist Episcopal Preachers' Meeting, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Memorial of joint committee of Philadelphia trade bodies and United Business Men of Philadelphia in re pneumatic-tube mail service in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, memorials of International Brotherhood of Bookbinders and the Genelines Binding & Mailing Co., of New York, in re increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, memorial of Mobile Army Clerks' Association, favoring House bill 19433; to the Committee on Military Affairs.

By Mr. BURKE: Petitions signed by Paul Schumacher and 75 other citizens of Jefferson, Wis., protesting against the passage of either of the following bills: House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Sivyer Steel Casting Co. of Milwaukee, Wis., relative to water power at Niagara Falls; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisconsin Trades Liberty League, against prohibition; to the Committee on the Judiciary.

Also, petition of sundry business men of Wisconsin, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Federated Trades of Milwaukee, Wis., favoring embargo on foodstuff; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel G. Higgins, of Milwaukee, Wis., against passage of House bill No. 406; to the Committee on the Public Lands.

Also, memorial of Hansen Storage Co., of Milwaukee, Wis., in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Gugler Lithographic Co., of Milwaukee, Wis., opposing Senate bill 4429 and House bill 18986; to the Committee on the Post Office and Post Roads.

Also, memorial of committee of editors in re proposed increase in second-class mail rates; to the Committee on the Post Office and Post Roads.

Also, open letter to United States House of Representatives by Charles H. Herty; to the Committee on Ways and Means.

By Mr. CLINE: Petition of George C. Deitrick and 1,500 other citizens of Fort Wayne, Ind., against prohibition bills; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of the Publishing House of Methodist Episcopal Church South and the American Printer, against the zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Remington Typewriter Co., relative to appropriation for Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, petition of the United Business Men of Philadelphia, Pa., relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of International Brotherhood of Bookbinders, against increased rates on mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of sundry citizens of Rochester, N. Y., against House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of George R. Nicholson, of Cleveland, Ohio, favoring passage of House bill 13275; to the Committee on Military Affairs.

Also, petition of business men of Philadelphia, Pa., relative to retaining pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry business firms of the United States, against the zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of New Jersey, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ESCH: Petition of American Federation of Teachers, favoring increase in pay of public-school employees in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FITZGERALD: Petition of 1,640 residents of the United States favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

Also, memorial of United Business Men of Philadelphia, favoring the continuance of the pneumatic mail-tube service in that city; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of W. S. Calser, of Chicago, favoring Smith-Hughes vocational educational bill; to the Committee on Education.

Also, petition of publishing house of Methodist Episcopal Church South, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of Henry Schuerfranz and 400 citizens of third congressional district of Ohio, against passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition of 950 members of the German-Austrian Benevolent Society and David Kreyling and Central Trades and Labor Union, of St. Louis, Mo., favoring additional appropriation of $30,000 for field service of Naturalization Bureau; to the Committee on Appropriations.

Also, petitions of Bakery and Confectionery Workers of St. Louis, Mo.; Local Union, No. 279, St. Louis Branch, and International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Telegrams from Charles B. Whiting, J. Gunzendorfer, J. B. Martin, Edwin Wasserman, B. R. Strack, Charles Kahn, Miss C. M. Miller, Mrs. C. Utah, Emil Kahn, H. Bull, Katherine S. Treat, N. Higgens, and J. J. Casey, all of San Francisco, Cal., protesting against the proposed rider to the Post Office appropriation bill to increase the rate on second-class postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of Board of Trade of San Francisco, Cal., in opposition to the repeal of the national bankruptcy act; to the Committee on Banking and Currency.

By Mr. KEISTER: Memorial of Sunday school of Hooker, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Henry M. Boward and 134 others of Hagerstown, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petitions of 9 citizens of Little Falls, N. Y.; 11 citizens of Erie, Pa.; Lafayette Retail Merchants' Association, of Lafayette, Ind.; Lafayette Union Stock Yards Co., of Lafayette, Ind.; Western Pennsylvania Veterinary Club; 142 employees of the United States Bureau of Animal Industry, of Omaha, Nebr.; and 51 members of Indianapolis Branch, No. 3, National Association, Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

Also, memorial of Lafayette Branch, No. 51, National Association of Bureau of Animal Industry Employees; mayor and Common Council of city of Lafayette, Ind.; and Ottumwa Branch, No. 33, National Association of Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

By Mr. LOUD: Memorial of City Commission of Big Rapids, Mich., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 19716, for relief of Carrie B. Wilson; to the Committee on Invalid Pensions.

By Mr. REAVIS: Petition of H. Herpolsheimer Co., Lincoln, Nebr., against passage of the Stephens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Petition of citizens of Concord, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of James Buchanan and F. X. Kuchler & Son, both of Brooklyn, N. Y., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., in re pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the Christian Work, of New York; the Pictorial Review Co., of New York; and the Allied Printing Trades Council of Greater New York, opposing increase in second-class stuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of New York, in re export trade; to the Committee on Interstate and Foreign Commerce.

Also, memorial of International Union of the United Brewery Workers of America and the Union Label Trades Department of the American Federation of Labor, opposing prohibition legislation; to the Committee on the Judiciary.

Also, petition of American Association of State Highway Officials, relating to topographic map of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Petition of sundry citizens against prohibition bills; to the Committee on the Judiciary.

Also, petition of post-office clerks of Troy, N. Y., etc., asking for increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 16905, for relief of Henry Garvey; to the Committee on Invalid Pensions.

By Mr. SLOAN: Petition of National Association of Bureau of Animal Industry Employees, favoring passage of the Lobeck bill; to the Committee on Agriculture.

By Mr. SMITH of Michigan: Protest of E. A. M. Dalm, of Dalm Printing Co., of Kalamazoo, against increased rate on second-class matter in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 19719, for relief of Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Memorial of Minnesota Rural Letter Carriers' Asssociation, for equipage allowance; to the Committee on the Post Office and Post Roads.

Also, memorial of Wild Rice Farmers' Club, of Twin Valley, Minn., protesting against the enactment of any foodstuffs and farm-products embargo legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of W. B. Glass and others, of Chilicothe, Tex., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Typographical Union No. 33, of Providence, R. I., against increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Petition of citizens of Boston, Mass., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of Presbytery of Blairsville, Pa., indorsing Jones Sunday rest bill; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Chamber of Commerce of New Haven, Conn., asking amendment of the Panama Canal act; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of postal employees for increase of salaries of postal clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens for increase of postal clerks' and carriers' salaries; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens against increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *January 8, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast brought us into such close relationship with each other in this life that we can not bear our burdens alone. Thou hast taught us to bear one another's burdens and so fulfill the law of Christ. We pray that we may so live that we shall add nothing to the burdens of anyone who must help us bear ours, that we may help them by lives that are righteous, upright, and just. Grant that we many make the world's burdens lighter by our lives being clean before God and useful in the world. For Christ's sake. Amen.

ALBERT B. FALL, a Senator from the State of New Mexico, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Fernald	Hitchcock
Bankhead	Clapp	Fletcher	Hughes
Beckham	Clark	Gallinger	James
Borah	Culberson	Gronna	Johnson, Me.
Bryan	Curtis	Harding	Johnson, S. Dak.
Chamberlain	Dillingham	Hardwick	Jones

Kenyon	O'Gorman	Sherman	Thompson
Kern	Overman	Smith, Ga.	Tillman
Kirby	Page	Smith, S. C.	Townsend
Lane	Penrose	Smoot	Vardaman
Lodge	Ransdell	Sterling	Walsh
McCumber	Reed	Stone	Watson
Martine, N. J.	Saulsbury	Sutherland	Weeks
Nelson	Shafroth	Swanson	Williams
Norris	Sheppard	Thomas	Works

Mr. CLARK. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. VARDAMAN. I have been requested to announce the unavoidable absence of the Senator from Oklahoma [Mr. GORE] on account of illness.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. There is a quorum present.

BUREAU OF ORDNANCE (S. DOC. NO. 667).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a copy of a letter from the Chief of Ordnance to The Adjutant General of the Army setting forth the need of the Ordnance Department for an earlier increase in the numbers of its commissioned personnel than is carried by the national-defense act of June 3, 1916, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ANNUAL COST OF FEDERAL PRISONS (S. DOC. NO. 669).

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 2d instant, a statement of the annual cost for the fiscal year ended June 30, 1916, of the offices of the superintendent of prisons and attorney in charge of pardons, the personnel of each office, and the expenses incurred in holding meetings of the boards of parole, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the congregation of the Eastern Presbyterian Church, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

He also presented the memorial of Max Rabinoff, of the Boston National Grand Opera Co., remonstrating against the duties now imposed upon grand opera costumes, wigs, and other paraphernalia being brought into the United States in the interest of art, which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of William P. Wharton, of Groton, Mass., praying that an appropriation be made for the suppression of the white-pine blister rust, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented petitions of the congregation of the Fifteenth Street Presbyterian Church and of sundry citizens, of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. JOHNSON of Maine presented a petition of the Maine State Grange, Patrons of Husbandry, praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Bangor (Me.) Branch of the Railway Mail Association, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of South Dakota presented a petition of the Rural Letter Carriers' Association of Lake County, S. Dak., praying for an increase in the appropriation providing for the equipment of rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Deadwood, S. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. LODGE. I present certain resolutions adopted at a mass meeting held at Faneuil Hall, Boston, December 9, 1916. The resolutions are very brief, and I ask that they may be printed in the RECORD. They relate to the cost of living.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *January 5, 1917.*

UNITED STATES SENATE,
Washington, D. C.

GENTLEMEN: At a mass meeting of the people of Boston, held in Faneuil Hall Saturday, December 9, 1916, the following resolutions were unanimously adopted:

"Whereas conditions have developed in Boston and throughout the United States which have caused and are causing the people of the country great suffering from exorbitant prices, and which conditions threaten to develop disastrous results to the Nation if allowed to continue; and

"Whereas it is the consensus of opinion of the persons assembled at this meeting that these conditions have been brought about largely by speculation in foodstuffs resulting from opportunities offered for speculation through the increased demands due to the European war, as well as the shortage of some of the principal crops; and

"Whereas it is deemed necessary under such conditions to conserve in every possible manner the foodstuffs in this country to first meet public requirements; and

"Whereas it is inevitable that unless some relief is afforded by the proper authorities of the Government the constantly increasing prices will become prohibitive for the great masses of the people, which will be detrimental to the best interests and future development of this country, besides creating appalling want and privation to thousands of families: Now, therefore, be it

"*Resolved*, That we demand that the President, the Senate, and the House of Representatives of the United States place upon the distribution of foodstuffs in this country such conditions and regulations as will prevent the restriction of production and distribution by trusts and monopolies, and insure to the people of this country sufficient foods to meet domestic requirements and living prices; and be it further

"*Resolved*, That we call upon the legislative and judicial branches of the Government of the United States at once to enact and enforce such laws as are necessary to protect the people of the United States against the greed, avarice, and insatiable desire of speculators for great gains and profits in the necessities of life to the detriment of the comfort and the health and the morals of the people of the United States; and be it further

"*Resolved*, That copies of these resolutions be sent to the President of the United States, to the Senators and the Representatives, and the United States district attorney; and that a consumers' committee be appointed, whose duty it shall be to keep in touch with the proper authorities and urge prompt action in enacting new laws and in the enforcement of the present laws affecting these conditions; and that the people of Boston keep public opinion centered on high-price evils until relief is given."

Very respectfully, yours,

BERT FORD, *Secretary,*
80 Summer Street, Boston, Mass.

Mr. KERN presented a petition of sundry citizens of Richmond, Ind., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Evansville and of the Brotherhood of Bookbinders of Evansville, in the State of Indiana, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. O'GORMAN presented a memorial of The Guidon Club, of New York City, N. Y., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. TILLMAN. I present a petition signed by a large number of employees from the clerical and drafting divisions of the navy yard at New York, praying for an increase in their salaries. I move that the petition be received and referred to the Committee on Naval Affairs.

The motion was agreed to.

BRIDGE BILLS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 7359) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del., and I submit a report (No. 901) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWNSEND. Mr. President I am obliged to object.

The PRESIDENT pro tempore. Objection is made.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 7538) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa., and I submit a report (No. 904) thereon.

I also report back favorably without amendment from the same committee the bill (S. 7536) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in the borough of Warren and township of Pleasant, Warren County, Pa., and I submit a report (No. 902) thereon.

I wish to call the attention of the Senator from Pennsylvania [Mr. PENROSE] to the bills just reported.

Mr. PENROSE. I ask for the immediate consideration of the bills just reported.

The PRESIDENT pro tempore. Is there objection?

Mr. TOWNSEND. I shall have to object.

The PRESIDENT pro tempore. Objection is made, and the bills will be placed on the calendar.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegheny, county of Cattaraugus, N. Y., reported it without amendment and submitted a report (No. 903) thereon.

Mr. CLARK, from the Committee on Public Lands, to which was referred the bill (S. 7320) adding certain lands in Wyoming to the Ashley and Wasatch National Forests, reported it with an amendment and submitted a report (No. 900) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (S. 199) granting a pension to Margaret Gately, submitted an adverse report (No. 899) thereon, and the bill was postponed indefinitely.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 7727) to provide for the purchase of a site and the erection of a suitable building for the accommodation of the United States court and post office at Laurinburg, in the State of North Carolina; to the Committee on Public Buildings and Grounds.

A bill (S. 7728) granting an increase of pension to Robert S. Robertson; and

A bill (S. 7729) granting an increase of pension to Henry Jason Edge (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7730) granting an increase of pension to Ephraim W. Wiley (with accompanying papers);

A bill (S. 7731) granting an increase of pension to John S. Raymond (with accompanying papers);

A bill (S. 7732) granting an increase of pension to Theodore Magie (with accompanying papers);

A bill (S. 7733) granting an increase of pension to James H. Waugh (with accompanying papers);

A bill (S. 7734) granting an increase of pension to Hiram J. George (with accompanying papers);

A bill (S. 7735) granting an increase of pension to Annie H. Quill (with accompanying papers);

A bill (S. 7736) granting a pension to Charles E. Haskell (with accompanying papers); and

A bill (S. 7737) granting an increase of pension to Frank Goodwin (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7738) granting an increase of pension to Wilfull A. Stanley (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7739) granting an increase of pension to Mary P. Moody (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 7740) to provide for the purchase of ground and the erection of a Weather Bureau observatory building at Greenville, S. C.; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 7741) granting a pension to Albert E. Keily; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7742) placing Joseph Beale on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 7743) granting an increase of pension to Thomas B. Jones; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7744) for the relief of Nathan A. Stone; to the Committee on Claims.

A bill (S. 7745) granting a pension to W. F. Core (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 7746) to provide for the commissioning of graduates of the United States Military Academy, and for other purposes; and

A bill (S. 7747) to establish a unit of the Reserve Officers' Training Corps in a National Guard organization in each State and Territory in the United States; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 7748) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island in said county and State; to the Committee on Commerce.

By Mr. TOWNSEND:

A bill (S. 7749) granting a pension to Charles H. Hack (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 7750) granting a pension to Josiah M. Ward (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7751) for the relief of David H. Fay; to the Committee on Claims.

A bill (S. 7752) granting a pension to Julia McMains (with accompanying papers);

A bill (S. 7753) granting a pension to Mary E. Williams (with accompanying papers);

A bill (S. 7754) granting an increase of pension to Samantha O. Andrews (with accompanying papers);

A bill (S. 7755) granting an increase of pension to Dora A. Dressler (with accompanying papers); and

A bill (S. 7756) granting an increase of pension to Justin W. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7757) authorizing a further extension of time to purchasers of land in the former Cheyenne and Arapahoe Indian Reservation, Okla., within which to make payment;

A bill (S. 7758) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States; and

A bill (S. 7759) to amend the general deficiency appropriation act of June 30, 1906, and the act of Congress of March 4, 1909, regarding payment of judgment of Court of Claims in favor of Cherokee Nation; to the Committee on Indian Affairs.

A bill (S. 7760) granting an increase of pension to Catharine F. Edsall, widow of the late William H. Edsall (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7761) providing for a new building for the assay office in New York City (with accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. LANE:

A joint resolution (S. J. Res. 192) requesting the Secretary of State to invite certain foreign Governments to join with the Government of the United States in a movement to prevent the extermination of whales and walrus on the high seas; to the Committee on Fisheries.

PROHIBITION ON FEDERAL JUDGES.

Mr. OWEN. I introduce a joint resolution and ask that it lie on the table for the present.

The joint resolution (S. J. Res. 193) forbidding Federal judges to declare any act of Congress unconstitutional and providing penalties therefor was read twice by its title.

The PRESIDENT pro tempore. The joint resolution will lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to increase the number of nautical experts in the Hydrographic Office, Navy Department, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHERMAN submitted an amendment providing that the 24 drivers of the police patrols of the District of Columbia be hereafter made members of the District of Columbia police force, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL FARM-LOAN ACT.

Mr. FLETCHER submitted the following resolution (S. Res. 308), which was read and referred to the Committee on Printing:

Resolved, That there be printed 13,500 additional copies of Senate document No. 500, Sixty-fourth Congress, first session, entitled "Federal farm-loan act," for the use of the Senate document room.

TERM OF OFFICE OF PRESIDENT AND VICE PRESIDENT.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SHAFROTH. In pursuance of the notice I gave that I would address the Senate on joint resolution No. 177, which I introduced, I desire to take the floor at this time.

Mr. GALLINGER. Will the Senator permit the joint resolution to be read?

Mr. SHAFROTH. Certainly.

The PRESIDENT pro tempore. It will be read.

The Secretary read the joint resolution (S. J. Res. 177) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the Electoral College, establishing their term of office at six years from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin, as follows:

Resolved, etc., That the following be proposed as an amendment to the first three paragraphs of section 1, Article II, and to Article XII, and the second paragraph of section 4 of Article I of the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

Amend the first, second, and third paragraphs of section 1 of Article II and Article XII of the Constitution of the United States by inserting in lieu thereof the following:

"The executive power shall be vested in a President of the United States of America. The term of the office shall be six years, beginning on the third Tuesday of January after his election, and no person who shall be elected to the office of President, after the ratification of this amendment, shall be eligible to hold the office by election. The President, together with the Vice President chosen for the same term, shall be elected as follows:

"There shall be submitted to the qualified voters of each State having the qualifications requisite for the voters of the most numerous branch of the State legislature or for the voters for electors for President and Vice President, the election of a President and Vice President of the United States. The proper State officers shall make a list of all persons voted for as President and Vice President and of the number of votes cast in such State for each, which list they shall sign, certify, and transmit to the seat of the Government of the United States, directed to the President of the Senate. The candidate receiving the highest number of votes in each State for each office shall be entitled to receive the electoral vote of such State for such office, which electoral vote shall be equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress of the United States. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes for President and Vice President to which each State is entitled, called electoral votes, shall then be counted. The person having the greatest number of electoral votes for President shall be the President, if such number be a majority of the votes entitled to be cast by the States; and if no person shall have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the third Tuesday of January next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of electoral votes as Vice President shall be the Vice President, if such number be a majority of the whole number of the votes of the States, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States."

Amend the second paragraph of section 4 of Article I of the Constitution of the United States by substituting in lieu thereof the following:

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Tuesday in January, unless they shall by law appoint a different day, and the terms of Senators and Representatives shall commence on the first Tuesday in January following their election. The terms of the officers mentioned in this resolution who may be in office at the time of the adoption of this amendment are hereby changed to conform herewith, but each of said officers shall be entitled to the salary for the term for which he shall have been elected."

Mr. SHAFROTH. Mr. President, upon the convening of the present session of Congress I introduced Senate joint resolution 177, proposing an amendment to the Constitution providing for the election of President and Vice President by the electoral vote of the State without the intervention of the Electoral College; establishing their term of office at six years from the third Tuesday of January following their election; fixing the first Tuesday of January following their election as the time when the terms of Senators and Representatives shall begin, and designating the first Tuesday of January each year as the date for the convening of Congress.

THE ELECTORAL COLLEGE SHOULD BE ABOLISHED.

The Electoral College at the time of the formation of our Government was deemed a wise means of electing the President and Vice President, as it was expected the members would exercise their best judgment in selecting such officers. Washington hoped political parties would never come into existence. However, they soon developed, and after they made nominations for those offices presidential electors exercised no judgment of their own as to the candidates, but, with only one exception, cast their votes for the party nominees. The purpose of the Electoral College having thus been voided, the machinery by which the electoral vote was cast became not only cumbersome but dangerous. Notwithstanding full explanations have repeatedly been made, many voters when they go to the polls expect to vote directly for President and Vice President, and consequently the list on the ballots of different groups of men as electors for such officers is confusing to them. The result is that some presidential electors receive more votes than their party associates, and the effect sometimes is to split the vote of a State in the electoral college. Four years ago the vote of California was so divided, as was also the vote of West Virginia in the recent election. Since the election of 1872, 11 other States have split their vote under this system. Such results are subversive of the true intent of the voters of those States.

There is always a possibility, though not a probability, of an elector casting his vote against the party nominees. Mr. Dougherty, in his work on The Electoral System of the United States, says, at page 253:

Nevertheless there is the ever-present possibility of a breach of trust. Treason may seem a remote contingency, yet in a time of great temptation there might come an electoral Benedict Arnold. It is in the face of all logic and experience to infer that because no traitor has yet been discovered a temptation of such peculiar subtlety will forever remain without a victim. * * *

The elector in the constitutional sense is an abortive organism. He has no function to fulfill. But he is not merely functionless, he is dangerous. It is as true in the moral as it is in the material realm that any mechanism or organ that has ceased to perform its function is sure to work mischief, if not positive detriment.

As certain qualifications are prescribed for presidential electors, there is also a chance that one elected may not be eligible for the position. While, happily, so far there has not been an overturning of the will of the people by reason of the operation of those laws, yet in a close election such result might happen with disastrous consequences.

The constitutional amendment proposed provides that the candidates for President and Vice President shall be directly voted for by the qualified citizens of each State, and that whoever receives the highest number of votes in a State for such offices shall be entitled to the electoral vote of such State, which electoral vote shall be equal to one vote for each Senator and Representative of that State, as now provided by the Constitution. In other words, the electoral representation is preserved but the dangerous machinery abolished.

Some believe that the President should be elected by a majority of the total vote of the Republic, but a moment's reflection will show the impracticability of such a procedure. Colorado has woman suffrage. Connecticut has not. Although those States have practically equal population, the vote of Colorado is twice as large as the vote of Connecticut. Connecticut would never agree that the big vote of Colorado should be counted as part of the total vote of the Republic when her vote is only half as large. Hence it would be impossible for such an amendment to receive the approval of the legislatures of three-fourths of the States.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. Certainly.

Mr. THOMAS. Does not my colleague think that Connecticut could very easily remedy that discrepancy by granting suffrage to women?

Mr. SHAFROTH. Certainly; and it should do so; but the question is, Will it do so? Some States of the Republic will not, and for that reason it would be futile to attempt to present a constitutional amendment providing that the President and Vice President shall be elected by a majority of the popular vote when there is such a difference in the qualifications of voters in the several States. I would not hope to gain even a favorable report upon a matter of that kind, mixing with it another question.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. SHAFROTH. I yield to the Senator.

Mr. JOHNSON of South Dakota. I should like to ask if the qualifications of all the voters in Colorado are not the same?

Mr. SHAFROTH. Certainly, they are.

Mr. JOHNSON of South Dakota. Then, wherein would there be reasonable objection to having the President elected by a majority vote?

Mr. SHAFROTH. In the entire Republic, does the Senator mean?

Mr. JOHNSON of South Dakota. In any State in the Union if the people were in favor of a majority vote electing.

Mr. SHAFROTH. I am in favor of a majority vote in each State determining how the electoral vote of that State shall be

cast; but on the question of a popular vote in the Republic, counting the vote in the aggregate of all the States, it would be futile to hope that such a constitutional amendment would ever receive the approval of three-fourths of the legislatures of the States. For that reason it would be simply waste paper to introduce a joint resolution proposing a constitutional amendment of that kind; but if we preserve the electoral vote as it now exists, and as it was agreed upon at the time of the formation of the Constitution, without the Electoral College, I have hopes that the complicated and dangerous machinery now employed in the selection of an Electoral College will be abolished, and that is my purpose in introducing this joint resolution.

The determination as to the electoral vote each State should have was the result of a compromise between the small and the large States, and it is not likely that the small States would ever consent to changing their relative power in the election of a President and Vice President.

Popular elections for the electoral vote by congressional districts and two at large for each State is subject to the serious objection that each State would gerrymander the districts to give political advantage, and thus destroy the will of the people of that State. It would also multiply the possibility of disputes over the election and returns by making the returns so numerous.

SIX-YEAR TERM FOR PRESIDENT WITH INELIGIBILITY TO REELECTION.

The term of the President and Vice President, in my judgment, should be six years. No policy of a President can be put into effect and tested in a shorter period of time than six years. To have a campaign waged upon the policies of an administration before the laws enacted therein have been given a reasonable time in which to demonstrate their benefits is not fair. It takes time to enact measures and it takes a longer time to test their value.

The President after six years of service should be ineligible to reelection. There is always a temptation to use the 480,327 employees of the Government in the interest of reelection, and in the hands of some candidate that power might be used to the subversion of the will of the people. A President is subject in many instances to the same influences as other men. While in office, and a candidate for reelection, his action might sometimes be influenced by the threat or offer of support of particular classes of people. Organized opposition of even small bodies of voters is often sufficient in close States to defeat a candidate. The office should be made free from such influence. Reelections to the position of chief executive of a nation has often been the means by which usurpation has been consummated and the overthrow of Republics accomplished. We should never forget that "eternal vigilance is the price of liberty."

Mr. SUTHERLAND. Mr. President, before the Senator passes from the portion of his address devoted to the six-year term—a suggestion with which I may say to the Senator I entirely agree; I believe that it would be a wise change to make; and I also agree with the Senator that it would be wise to provide for a single term—I desire to ask him this question: The platform adopted by the Senator's party in 1912 at Baltimore contained a plank declaring in favor of a single term for the President and pledging the nominee of that convention to that principle. The platform adopted at St. Louis in 1916, as I recall, omitted that principle. Can the Senator tell us whether the Democratic Party has changed its mind in reference to that question?

Mr. SHAFROTH. Mr. President, the platform of 1912 was not exactly as the Senator has stated it.

Mr. SUTHERLAND. It is exactly as the Senator has stated, except that the Senator has omitted one element.

Mr. SHAFROTH. The provision which is contained in the platform of 1912 reads as follows:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. SUTHERLAND. The principle of what? The principle of the single term?

Mr. SHAFROTH. The principle of adopting a constitutional amendment providing for the ineligibility of a President to be again a candidate.

Mr. SUTHERLAND. Oh, no, Mr. President; that will not do. The adoption of a constitutional amendment is not a principle.

Mr. SHAFROTH. It is the principle——

Mr. SUTHERLAND. The principle, if the Senator will permit me to finish my suggestion, is the single term; and the platform of the Senator's party pledges the candidate to the principle of a single term.

Mr. SHAFROTH. Well, Mr. President, the pledge which is made here is that there should be a constitutional amendment embodying that principle. Now, I want to say with relation to that——

Mr. SUTHERLAND. Let me ask the Senator there, then, why, his party being in control of both Houses of Congress for the past four years, some attempt has really not been made to carry out that pledge of the Democratic platform?

Mr. SHAFROTH. Oh, Mr. President, we enacted some 20 or 25 pledges; but we can not carry everything into effect. I am trying to have one carried into effect here now, and I hope to have the cooperation of the Senator. Did the Senator introduce any measure looking to a constitutional amendment providing that the President shall be ineligible for reelection?

Mr. SUTHERLAND. No; because it was not necessary. Some other Senator introduced such a measure, and it was reported favorably from the Committee on the Judiciary. It was debated upon the floor of the Senate, and the Senator from Utah announced himself as being in favor of it; but for some mysterious reason the whole matter was abandoned, and I wish the Senator would enlighten us as to why that was done.

Mr. SHAFROTH. There are hundreds of measures that are abandoned because they have to be abandoned. I have had a bill up here to give civil government to Porto Rico, and I have been for six months trying to get a hearing upon it, but it has been impossible to do so. I have asked unanimous consent several times for its consideration, and I have moved its consideration several times. It is an important measure, involving the liberties and rights of the people of Porto Rico, but I can not get consideration of it.

Now, I want to say further that, while the Senator no doubt is directing his criticism to the action of the President, the situation was such, as it developed, that President Wilson could not have declined with fairness to his party a renomination for that office. Under the conditions which arose by reason of his being in the office during the critical stages of negotiations existing between this country and foreign Governments it would have been absolutely a desertion of the Democratic Party if he had refused to be a candidate for the office of President.

Mr. SUTHERLAND. The President, however, in line with the declaration of his platform which pledged him to the principle of a single term, might very well have suggested to his party in Congress the advisability of adopting a constitutional amendment carrying the principle into effect.

Mr. SHAFROTH. Oh, Mr. President, you can conceive of things that ought to be said or ought to be done by every Senator here, and sometimes we say them and sometimes we do not; sometimes we do not get the chance to say them at an opportune time, and for that reason it seems to me the criticism of the Senator is not well founded.

THE NEW CONGRESS SHOULD COUNT AND DECLARE THE ELECTORAL VOTE.

The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes, just as the newly elected governors of our States are inducted into office as soon as the new legislatures of the States canvass the votes and declare them elected. That is the reason why Congress should convene two weeks before the inauguration. The shorter the time between the convening of Congress and the inauguration of the President the less danger there is of complications arising from death of the candidate. In many States the legislature convenes only one week before the inauguration of the governor.

At present the old Congress counts the electoral votes. After a very close election which changes the political complexion of an administration it is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected.

Under our Constitution, upon the failure of any candidate to receive a majority of the electoral votes, it devolves upon the House of Representatives to elect, the representation from each State having one vote. This at present is done not by the new Congress but by the old one. Thereby it is possible for a political party repudiated by the people to elect a President. This is a clear violation of the principle of representative government. Had the present election of President, by any of the contingencies provided, been thrown into the House of Representatives, Mr. Hughes would have been elected. It is not difficult to conceive of a condition arising under the present system, by which injustice might be done that would produce a revolution. Why take the chances of a conflict that may rock the very foundation of our Government when the evil can be easily remedied?

The Constitution further provides: "If the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President,

as in the case of death or other constitutional disability of the President." What a temptation for delay and for the defeat of the true choice of the people! Now is the time, before the contingencies arise, to remedy the defect.

The fact that the weather of January would be inclement for an inaugural parade is too insignificant a reason to prevent the adoption of a constitutional amendment which promises so much for good government. Why should we have in a Republic the great pomp and ceremony which usually attend the coronation of monarchs? If we must have them, why can not they be in the nature of celebrations at some seasonable time?

CONGRESS SHOULD CONVENE ON THE FIRST TUESDAY OF JANUARY FOLLOWING THE ELECTION.

Mr. President, under the present system Congress is elected on the first Tuesday after the first Monday in November of the even years and does not convene in regular session until the first Monday of December of the year following. What a travesty upon representative government is the meeting of Congress 13 months after its election! What a delusion is the statement that Representatives come fresh from the people! What an opportunity is afforded to forget the pledges made at the election! It is true an extraordinary session may be called early, but such sessions are limited generally to one subject, which of necessity makes enormous waste of the time of each House in waiting for the other to consider and pass the measure. It is essential to good government that the expressed will of the people be crystallized into law at the earliest practical moment. Senators and Representatives in the campaign, having discussed the issues with all their ability, are better equipped then to enact into law the desired legislation than after a long delay.

The meeting of Congress 13 months after the election produces most inequitable results in contested-election cases. The term of a Representative is nearly half served before the committee can enter upon the consideration of his case, and it is not brought to a vote in the House until 15 to 24 months after the commencement of the term. The Government, in the meantime, pays the salary to the one who serves and also to the contestant should he be seated. During all that time the congressional district, at least politically, is misrepresented.

The time for the convening of Congress on the first Monday in December is very inopportune. An adjournment of 10 days or two weeks for the Christmas holidays is always taken and many Members go to their homes, returning late. No real work is done until January.

Heretofore it has been deemed inexpedient to prescribe that Congress shall convene in January following the election, because Senators were not elected by the legislatures until the middle of January, and sometimes not until February and March. The warm season being near would make it undesirable for the holding of a long session of Congress for the consideration of general legislation, but since Senators are now elected by the people at the general November election it becomes very proper for Congress to convene in January.

ABOLISH THE SHORT SESSION.

Mr. President, the terms of office of Senators and Representatives expire on the 3d day of March, and now the second regular session is held during the three months immediately preceding. This second regular session, called the short session, is held after the election of the new Congress, when many Members of this short session have been defeated by the people. To permit such Senators and Representatives, after they have failed of election, still to represent their constituents is contrary to every principle of our Government.

Often there is a complete political change of administration, but under the present system we have the representatives of the old political party for three months after defeat passing laws directly in conflict with the last expressed will of the people. Not even the legislative bodies of monarchies are permitted so to misrepresent their constituents. An examination of the Statutes at Large will disclose that outside of the general appropriation and private pension bills three-fourths of the legislation of a Congress is enacted during the second regular session. Such legislation so hastily enacted must be illy considered and some of it detrimental.

The record of each Senator and Representative should be completed before he comes before his constituents for indorsement. After he has been retired by the people he is not in a fit frame of mind to legislate in their behalf. If he is open to the temptation of an improper offer, then is the time it is suggested. Even those who are not subject to temptation often lose interest in legislation after failure of election. It is well known that defeated Members, during the closing session, often absent themselves for weeks and sometimes months.

A session should not be held which is brought to a close by constitutional limitation. Measures in behalf of the people are often defeated thereby. By postponing consideration to the expiring days of the limited session such a congestion of bills is accumulated as often precludes the enactment of measures most intimately connected with the welfare of the people.

This is one of the most important reforms needed in our Government, because it relates to the procedure by which all reforms can be enacted.

Mr. President, true representative government requires that citizens of a State should vote directly for President and Vice President; that the Electoral College should be abolished; that Congress should convene soon after the election thereof; that the electoral votes for President and Vice President should be counted and declared by the new Congress; and that the President should begin the work of his administration without hindrance or delay.

WATER-POWER DEVELOPMENT.

Mr. WALSH and Mr. TOWNSEND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. I move that the Senate now proceed to the consideration of House bill 408, to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Page	Sutherland
Beckham	Hughes	Penrose	Swanson
Brandegee	James	Pittman	Thomas
Bryan	Johnson, S. Dak.	Poindexter	Thompson
Chamberlain	Jones	Saulsbury	Tillman
Chilton	Kenyon	Shafroth	Townsend
Clapp	Lodge	Sheppard	Walsh
Clark	McCumber	Sherman	Watson
Dillingham	McLean	Simmons	Williams
Fletcher	Martine, N. J.	Smith, Ga.	Works
Gallinger	Norris	Smith, S. C.	
Gronna	Overman	Smoot	
Harding	Owen	Stone	

Mr. BECKHAM. I wish to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is temporarily absent on official business. This announcement may stand for the day.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of official business.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is present.

Mr. STONE. Mr. President, if it is in order—I am not sure—and the Senator from Montana will yield for the request I desire to make, I should like to introduce a joint resolution pending the motion of the Senator from Montana, and I ask for immediate action upon it.

The PRESIDENT pro tempore. Does the Senator from Montana yield for that purpose?

Mr. WALSH. I did not understand the nature of the joint resolution.

Mr. STONE. I will ask to have the joint resolution read. It is very short.

Mr. GALLINGER. I reserve the right to object, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the title of the joint resolution.

The SECRETARY. Joint resolution providing for the filling of a vacancy which will occur March 1, 1917, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

Mr. TOWNSEND. I object, Mr. President.

Mr. STONE. I will withdraw the joint resolution for the present.

The PRESIDENT pro tempore. Objection is made. The question before the Senate is the motion of the Senator from Montana that the Senate proceed to the consideration of House bill 408, to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. TOWNSEND. I move that the motion be laid on the table; and on that question I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a pair with the senior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay." I desire this statement of my pair and its transfer to stand for the day.

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. HARDING (after having voted in the affirmative). As the junior Senator from Alabama [Mr. UNDERWOOD] has not voted, and as I have a general pair with him, I withdraw my vote.

Mr. JAMES. I should like to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The PRESIDENT pro tempore. He has not.

Mr. JAMES. I have a pair with that Senator. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that if he were present he would vote as I propose to vote, and I therefore vote "yea."

Mr. OWEN. I transfer my pair with the senior Senator from New Mexico [Mr. CATRON] to the junior Senator from California [Mr. PHELAN] and vote "nay."

Mr. CHILTON. I transfer my pair with the junior Senator from New Mexico [Mr. FALL] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "nay."

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withhold my vote.

Mr. WADSWORTH. I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

Mr. McLEAN. I transfer my pair with the senior Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. GRONNA. I have a general pair with that Senator. Not being able to get a transfer, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The senior Senator from New Mexico [Mr. CATRON] with the junior Senator from Oklahoma [Mr. OWEN]; and

The junior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Brandegee	Gallinger	McLean	Sterling
Chamberlain	Jones	Martine, N. J.	Sutherland
Clapp	Kenyon	Norris	Townsend
Clark	Kern	Page	Wadsworth
Cummins	Lane	Penrose	Watson
Curtis	Lippitt	Poindexter	Works
Dillingham	Lodge	Sherman	
Fernald	McCumber	Smoot	

NAYS—28.

Ashurst	Hughes	Ransdell	Smith, S. C.
Bankhead	James	Saulsbury	Stone
Bryan	Johnson, S. Dak.	Shafroth	Swanson
Chilton	O'Gorman	Sheppard	Thomas
Fletcher	Overman	Shields	Thompson
Hardwick	Owen	Simmons	Walsh
Hitchcock	Pittman	Smith, Ga.	Williams

NOT VOTING—38.

Beckham	Gore	Lewis	Smith, Ariz.
Borah	Gronna	Martin, Va.	Smith, Md.
Brady	Harding	Myers	Smith, Mich.
Broussard	Hollis	Nelson	Tillman
Catron	Husting	Newlands	Underwood
Colt	Johnson, Me.	Oliver	Vardaman
Culberson	Kirby	Phelan	Warren
du Pont	La Follette	Pomerene	Weeks
Fall	Lea, Tenn.	Reed	
Goff	Lee, Md.	Robinson	

So Mr. WALSH'S motion was laid on the table.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, I move to take up Senate bill 392, known as the volunteer officers' retired-list bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Michigan.

Mr. CHAMBERLAIN. Mr. President, I desire to say in reference to this bill that it was reported out of the Committee on Military Affairs by me nearly a year ago. It has been before the Senate during all of this season, and I feel that the Senate ought to take it up and dispose of it one way or the other.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of South Carolina. I should like to call the attention of the Senator from Oregon to the fact that the committee of conference on the part of the Senate upon the immigration bill is ready to report. I wish to submit the conference report and to ask for its immediate consideration.

Mr. CHAMBERLAIN. If the Senator will allow me, it will not take me two minutes to say what I will have to say, and his matter is privileged, I know.

Mr. GALLINGER. Mr. President, I should like very much to hear what the Senator from Oregon wishes to say, but as this is not a debatable question I hope it will not lead to general debate.

Mr. CHAMBERLAIN. I shall not discuss it at length. If the Senator objects, all right.

Mr. GALLINGER. I do not object.

Mr. CHAMBERLAIN. I shall make a very brief statement.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield.

Mr. WALSH. I shall be obliged to object to anyone explaining why this bill should be taken up unless I am permitted to explain why House bill 408 ought to be taken up.

Mr. CHAMBERLAIN. If the Senator objects, all right.

Mr. WALSH. If the question is to be open for general discussion, I have no objection to the Senator proceeding.

The PRESIDENT pro tempore. The motion is not debatable, and there seems to be objection. The question is on the motion of the Senator from Michigan.

Mr. STONE. What is the motion?

The PRESIDENT pro tempore. The motion of the Senator from Michigan is to take up Senate bill 392, commonly known as the Civil War volunteer officers' retired-list bill.

Mr. POINDEXTER and Mr. TOWNSEND called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRADY (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and for that reason I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement of the transfer of my pair as on the former vote, I vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the Senator from Minnesota [Mr. NELSON]. I vote "yea."

Mr. McLEAN (when his name was called). I transfer my pair with the Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER] and vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement made previously, I vote "nay."

Mr. OWEN (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY'S name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD], and I vote "nay."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS. I have been requested to announce the pair of the Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 36, nays 29, as follows:

YEAS—36.

Borah	Gallinger	Lippitt	Sherman
Brandegee	Gronna	Lodge	Smoot
Chamberlain	Hitchcock	McCumber	Sterling
Clapp	Johnson, Me.	McLean	Sutherland
Clark	Johnson, S. Dak.	Martine, N. J.	Thompson
Cummins	Jones	Norris	Townsend
Curtis	Kenyon	Page	Watson
Dillingham	Kern	Penrose	Weeks
Fernald	Lane	Poindexter	Works

NAYS—29.

Ashurst	Hughes	Reed	Stone
Bankhead	James	Saulsbury	Swanson
Beckham	Lee, Md.	Shafroth	Tillman
Bryan	O'Gorman	Sheppard	Walsh
Chilton	Overman	Shields	Williams
Culberson	Owen	Simmons	
Fletcher	Pittman	Smith, Ariz.	
Hardwick	Ransdell	Smith, S. C.	

NOT VOTING—31.

Brady	Harding	Myers	Smith, Md.
Broussard	Hollis	Nelson	Smith, Mich.
Catron	Husting	Newlands	Thomas
Colt	Kirby	Oliver	Underwood
du Pont	La Follette	Phelan	Vardaman
Fall	Lea, Tenn.	Pomerene	Wadsworth
Goff	Lewis	Robinson	Warren
Gore	Martin, Va.	Smith, Ga.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. I submit the following report (No. 352) from the committee of conference on the immigration bill, and I ask for its immediate consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 10384, "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 7, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 33, 34, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "unless otherwise provided for by existing treaties persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situated on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from or prevented from entering the United States shall be admitted to the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

"SEC. 11a. That the Secretary of Labor is hereby authorized and directed to enter into negotiations, through the Department of State, with countries vessels of which bring aliens to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers between foreign ports and ports of the United States. When such inspectors and matrons are detailed for said duty they shall remain in that part of the vessel where immigrant passengers are carried; and it shall be their duty to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following:

"All aliens coming to the United States shall be required to state under oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following: "taken up his permanent residence in this country"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed insert the following: "July 1, 1917"; and the Senate agree to the same.

E. D. SMITH,
THOMAS W. HARDWICK,
H. C. LODGE,
Managers on the part of the Senate.
JOHN L. BURNETT,
E. A. HAYES,
Managers on the part of the House.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the conference report.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. The Senator from South Carolina moves that the Senate proceed to the consideration of the conference report.

Mr. SMITH of South Carolina. My motion will not take a moment; it is not debatable.

Mr. TOWNSEND. Will the consideration of the conference report lead to any debate?

Mr. BRANDEGEE. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. The conference report, of course, has the right to be received, but I suppose, except by unanimous consent, it can not be proceeded with to-day.

Mr. TOWNSEND. That was my object in asking the Senator from South Carolina the question. I did not want to object to the consideration of the report if it was not going to lead to debate.

Mr. SMITH of South Carolina. I do not think it will lead to debate.

Mr. LODGE. Mr. President, if I may be permitted a moment, a single objection will not carry the report over. The question of consideration can be raised and must be decided at once without debate.

Mr. BRANDEGEE. The only point I desired to make was that the motion to proceed to the consideration of the report, if agreed to, would displace the bill that we have just agreed to consider.

Mr. LODGE. Not if it comes up by unanimous consent.

Mr. BRANDEGEE. If the report comes up by unanimous consent and the bill is temporarily laid aside, with the agreement that we shall again take it up, that is a different proposition.

The PRESIDENT pro tempore. The rule requires that the motion shall be immediately put and shall be decided without debate. Those in favor of proceeding to the consideration of the conference report will say "aye." [A pause.] Those opposed will say "no."

Mr. SMITH of South Carolina. I call for a division.

The PRESIDENT pro tempore. A division is called for. The Chair is in doubt. Those in favor of proceeding to the consideration of the conference report will rise.

Mr. SMITH of South Carolina. Mr. President, I do not think that the Senate fully understands this matter. Of course, the question is not debatable, but I wish to say that I do not know

of any ground upon which there can be any objection to the report. I do not think it will lead to any debate.

Mr. TOWNSEND. Mr. President, if the Senator from South Carolina will ask unanimous consent to have the conference report taken up, I will ask to lay aside temporarily the bill now before the Senate, so that the conference report may be considered. I do not wish, however, a motion to prevail here which would displace the bill that we have just agreed to consider.

Mr. SMITH of South Carolina. I understand as thoroughly as does the Senator that it is a privileged motion and that I can make it anyway, but I have no objection to asking for unanimous consent for the present consideration of the conference report.

Mr. OWEN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SMITH of South Carolina. Then, I move that the Senate proceed to the consideration of the conference report, and on that I ask for the yeas and nays.

Mr. HITCHCOCK. I should like to inquire whether under the rule the conference report should not first be printed?

Mr. LODGE. No; that is the House rule.

The PRESIDENT pro tempore. The Chair will say that the rule seems to be imperative on the Chair to put the motion immediately and without debate. Rule XXVII provides as to the presentation of a conference report that—

> When received the question of proceeding to the consideration of the report, if raised, shall be immediately put and shall be determined without debate.

Mr. SMITH of South Carolina. I call for the yeas and nays on the motion, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same announcement of the transfer of my pair as on the last vote, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. DILLINGHAM (when his name was called). I withhold my vote because I am paired generally with the senior Senator from Maryland [Mr. SMITH], who is absent.

Mr. OVERMAN (when his name was called). Making the same announcement as to the transfer of my pair as before, I vote "yea."

Mr. REED (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). The occupant of the chair makes the same announcement of his pair and its transfer as on the former vote and votes "yea."

Mr. TILLMAN (when his name was called). Repeating the announcement of the transfer of my pair which I made a moment ago, I vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Nevada [Mr. NEWLANDS], I vote "yea."

The roll call was concluded.

Mr. McLEAN. Transferring my pair with the Senator from Montana [Mr. MYERS] to the junior Senator from Pennsylvania [Mr. OLIVER], I vote "nay."

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN] and therefore withhold my vote. If privileged to vote, I should vote "nay."

The result was announced—yeas 33, nays 31, as follows:

YEAS—33.

Bankhead	Kirby	Saulsbury	Swanson
Beckham	Lee, Md.	Shafroth	Thomas
Borah	Lodge	Sheppard	Tillman
Bryan	McCumber	Shields	Underwood
Chilton	Overman	Simmons	Walsh
Culberson	Pittman	Smith, Ariz.	Williams
Hardwick	Ransdell	Smith, Ga.	
James	Reed	Smith, S. C.	
Johnson, Me.	Robinson	Stone	

NAYS—31.

Brandegee	Gronna	McLean	Smoot
Chamberlain	Harding	Martine, N. J.	Sterling
Clapp	Hitchcock	Nelson	Sutherland
Clark	Jones	Norris	Townsend
Cummins	Kenyon	O'Gorman	Watson
Curtis	Kern	Page	Weeks
Fernald	Lane	Poindexter	Works
Gallinger	Lippitt	Sherman	

NOT VOTING—32.

Ashurst	Fletcher	Lea, Tenn.	Phelan
Brady	Goff	Lewis	Pomerene
Broussard	Gore	Martin, Va.	Smith, Md.
Catron	Hollis	Myers	Smith, Mich.
Colt	Hughes	Newlands	Thompson
Dillingham	Husting	Oliver	Vardaman
du Pont	Johnson, S. Dak.	Owen	Wadsworth
Fall	La Follette	Penrose	Warren

So the motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. GALLINGER. Mr. President, I rise to do what I rarely ever do in the Senate, and that is to make an explanation of why I voted against the motion to proceed to the consideration of the conference report.

The bill which the Senator from Michigan [Mr. TOWNSEND] has in charge has been before the Senate in one form or another for a good many years. It has been made the unfinished business at this session; has been displaced, and has been antagonized by various other bills from time to time. The friends of that bill have felt that it has not been fairly treated. It was taken up on a yea-and-nay vote this morning. The custom, though it is not invariable, when a conference report comes in is to have it printed and lie over for one day, and I felt that that custom ought to have been pursued in this case. Of course, the motion of the Senator from South Carolina was in order; under the rules he had a right to make it; and no fault can be found with that. I did not vote against taking up the conference report, Mr. President, because of any antagonism to it, for I shall support it, but simply for the reason that I thought the public service would not be injured in any way if the conference report should be printed and lie over for to-day, to be taken up to-morrow, giving this legislative day to the consideration of the volunteer officers' retired-list bill. That is all I care to say about it.

Mr. McCUMBER. Mr. President, I move to reconsider the vote by which the conference report was taken up. My reason for moving to reconsider that vote is that I voted under a misapprehension.

Mr. SMITH of South Carolina. I move to lay the motion of the Senator from North Dakota on the table.

Mr. STONE. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "yea."

Mr. DILLINGHAM (when his name was called). Because of my pair with the senior Senator from Maryland [Mr. SMITH], who is absent, I withhold my vote.

Mr. OVERMAN. Announcing as on the last roll call my pair and its transfer, I vote "yea."

Mr. OWEN (when his name was called). I make the same announcement as to my pair and its transfer as herefore and vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same transfer of my pair as heretofore, I vote "yea."

Mr. WADSWORTH (when his name was called). In the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired, I withhold my vote.

The roll call was concluded.

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. GRONNA. As I have a pair with that Senator I shall have to withhold my vote.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not know how he would vote on this question if present, and therefore I withhold my vote.

The result was announced—yeas 31, nays 29, as follows:

YEAS—31.

Bankhead	James	Pittman	Smith, S. C.
Beckham	Johnson, S. Dak.	Robinson	Stone
Bryan	Kern	Saulsbury	Swanson
Chilton	Kirby	Shafroth	Thomas
Culberson	Lee, Md.	Sheppard	Underwood
Fletcher	Lodge	Shields	Walsh
Hardwick	Overman	Simmons	Williams
Hughes	Owen	Smith, Ga.	

NAYS—29.

Brandegee	Hitchcock	Norris	Thompson
Clapp	Jones	Page	Townsend
Clark	Kenyon	Penrose	Watson
Cummins	Lane	Poindexter	Weeks
Curtis	Lippitt	Sherman	Works
Fernald	McCumber	Smoot	
Gallinger	Martine, N. J.	Sterling	
Harding	Nelson	Sutherland	

NOT VOTING—36.

Ashurst	Fall	Lewis	Ransdell
Borah	Goff	McLean	Reed
Brady	Gore	Martin, Va.	Smith, Ariz.
Broussard	Gronna	Myers	Smith, Md.
Catron	Hollis	Newlands	Smith, Mich.
Chamberlain	Husting	O'Gorman	Tillman
Colt	Johnson, Me.	Oliver	Vardaman
Dillingham	La Follette	Phelan	Wadsworth
du Pont	Lea, Tenn.	Pomerene	Warren

So the motion of Mr. SMITH of South Carolina to lay on the table Mr. MCCUMBER's motion to reconsider was agreed to.

Mr. SMITH of South Carolina. Mr. President, I wish to state that a point of order would have lain against this motion anyway, because the Senator from North Dakota was not competent to make it, in that he moved to reverse the result when he voted on the other side of the question.

I just want to make a general statement in reference to this matter. There is nothing in the bill that has been materially changed as it left the Senate. As the report shows, some considerable grammatical errors have been rectified, and some verbal changes have been made to clarify the text.

In reference to the matters that were in dispute, the conferees on the part of the House and the conferees on the part of the Senate reached an agreement that did not affect the principles for which the majority of both the House and the Senate were contending. It was simply a question of arranging the matter in such form as to meet the approbation of both bodies. The particular point that we had in view was our desire to meet the views of the majority of both the House and the Senate; and I hope the Senate will see fit to agree to the conference report as it now stands.

Mr. MARTINE of New Jersey. Mr. President, I will ask the Senator whether the literacy test remains in the bill as before? Was that stricken out in the conference report?

Mr. SMITH of South Carolina. I will state to the Senator from New Jersey that the literacy test was not in conference at all.

Mr. MARTINE of New Jersey. That remains in the bill, then?

Mr. SMITH of South Carolina. That remains in the bill.

Mr. MARTINE of New Jersey. With that understanding and knowledge, I shall vote against the report. I should like to vote for an immigration bill, but I can not vote for it with that proposition in it.

Mr. SMITH of South Carolina. The conferees could not touch a matter that was not in conference. That provision had been kept in the bill by an overwhelming majority of both the House and the Senate, and it is in the same form that it was on the previous occasion.

Mr. MARTINE of New Jersey. Mr. President, I trust that the conference report may not prevail. Of course, it carries with it, as the Senator from South Carolina says, the literacy test, which I believe is utterly undemocratic and un-American.

I believe the best history our country has made has been made without that test in our immigration laws. The ability to read, while it is infinitely desirable, does not of necessity make the best citizens in the world. As I have stated before, our almshouses and our jails are brim full of men that can pass the literacy test. What we in America want is clean minds, strong arms, and honest, good, moral purpose; and I think when that is satisfied enough is satisfied. Some of the grandest citizens who have carved out their fortunes in this country, have reared splendid families, and have been liberal contributors to the welfare and the well-being of our Nation, were men who could not pass the literacy test.

As I stated when this measure was up before, when we were looking for soldiers to defend the Union the question was not whether the man could read or write. The only question was whether he was in reasonably good health, steady of nerve, with good eyesight, and was willing to line up with the cause of our country. The question of reading and writing, or the literacy test, was never raised.

I regret that in this enlightened day, when we boast of our advance in civilization and in culture and intelligence, we should press this matter further.

Mr. O'GORMAN. Mr. President, I shall vote against any immigration bill containing a restrictive clause respecting literacy. I have enlarged upon my views on that subject upon a former occasion, and I shall not detain the Senate at this time with their repetition. My purpose now is simply to ask for a roll call on the approval of the conference report.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). The Senator from New York calls for the yeas and nays. Is the demand supported?

The yeas and nays were ordered.

Mr. CHILTON. Mr. President, before the roll is called I wish to ask the Senator in charge of the bill whether or not an amendment which I offered to the bill is in the condition that he assured me it was in when the matter was before the Senate? I refer to the clause in the bill which makes an exception in favor of those who have been subjected to political or religious persecution in foreign countries. It seemed to me that there ought to be something definite in the bill as to the evidence of the political persecution or religious persecution. I offered an amendment to that effect, providing that certain certificates from the priests or the ministers or certain officials in foreign countries should be prima facie evidence of the persecution, and upon the assurance of the Senator that that was in the bill I did not require a vote upon the amendment. I desire to ask him if that has been left in the bill?

Mr. SMITH of South Carolina. Mr. President, I will state that those exceptions are in the bill. As to the particular points to which the Senator calls attention—the minutiæ, the working out of it—we were assured by administrative officers that those features are the ones to which they will pay attention; that they come under administration. We provide that such persons shall be excepted, and the officers of the service will determine the means by which the law shall be administered in that respect. It covers the entire question.

Mr. STONE. Mr. President, I should like to ask the chairman of the committee to state concisely just what the differences are, if any, between the House and the Senate conferees. Are there any differences?

Mr. SMITH of South Carolina. There are none. The agreement on the conference report is a unanimous agreement. There are no differences between the House and the Senate touching this bill.

Mr. STONE. The committee of conference was in session for a considerable time. Whatever the conclusion, there must have been, during this protracted conference, some differences which were the subject of consideration.

Mr. SMITH of South Carolina. I will state to the Senator that it developed that both the conferees on the part of the Senate and the conferees on the part of the House were working to exactly the same end. There was some difficulty in arriving at the proper expression of that end. We found a happy solution of the question, involving the desires of both the Senate and the House; and our report was unanimous when the phraseology had been properly framed.

Mr. STONE. Did the issue discussed relate to the literacy test of citizenship, the test which would authorize an immigrant to enter through our ports? If it was about something else, I do not care to inquire about it.

Mr. SMITH of South Carolina. It had no reference whatever to the literacy test.

Mr. LODGE. That was not in conference.

Mr. SMITH of South Carolina. That was not in conference. We did not amend it in the Senate, but accepted it as it came from the House, and therefore it was not in conference.

Mr. STONE. Mr. President, I did not vote for the immigration bill when it was before the Senate. The same bill has been before the Senate several times since my service here in substantially, if not exactly, the same form in which it was agreed to during the present Congress. I have always opposed the enactment of this law. My opposition to it I have stated on different occasions. It relates mainly to the so-called literacy test. Having opposed the passage of these bills from time to time, I can not in this final act of the Congress, the last the legislature can perform, agree to the conference report.

I dislike to delay the work of the Senate by any additional discussion; but even now, in the final agony, so to speak, of the consummation by the Congress of the United States of an act establishing a great public policy which is so obnoxious to my sense of justice and right, so contrary to the attitude of the great men I have been delighted to follow in their great work throughout the history of our country, and so different from the national attitude our country has adhered to upon this subject in the past, I am unwilling to have even this conference report—the climax of this tragedy, as I regard it, against that sense of human right and justice which has pervaded the American spirit for a century—agreed to without another protest.

I am conscious that this protest will be futile, as others have been; at least, I think so; but there will be to me some little

personal comfort in making it at the very end, when our Senators and Representatives have determined to change the whole course of our national policy and close the door to this asylum which we were wont to praise and boast of as an asylum of liberty, a welcome place to those who were fleeing from the tyranny, oppression, and intolerance which they suffered abroad. We propose now to close the door against them; that is the meaning of this new policy. Because of their afflictions in their native land, their deprivation and denial of human equality and right, they are to be turned back by having the door shut in their faces. Under the bill which this report finally confirms every man and woman who can not absolutely be excluded upon moral grounds can come in if he or she can read a few words of some language—not the English language, but any language.

Some of these people who could come in under this law are the very people or class of people whose presence here we all protest against—that is, the disturbers of our public peace, those who undermine the sound basis upon which our governmental structure is organized and upon which the very essence of our civilization is predicated. Such as these can come in; but perchance when some man who has been the victim of an unmerciful and unpardonable persecution seeks to escape and bring his wife and children to this land, which we were wont to boast was the asylum of just such people, he may be barred if he can not comply with the literacy test here prescribed—the kind of men and women who would go out into our country and take farms and build homes and go into industrial pursuits and pursue them with avidity and with honor and strive to make themselves worthy of our American citizenship would be shut out.

Mr. President, I am reminded that the hour of 2 o'clock has arrived and that the regular order is to be laid before the Senate.

Mr. LODGE. There is not any regular order.

Mr. STONE. I should like to ask if it be true, as I am told, that the morning hour has now closed and there is no regular order. I do not wish to proceed out of order.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri is in order. The conference report is before the Senate.

Mr. SMITH of South Carolina. If the Senator from Missouri will allow me, I hope he will permit us now to have a vote on the conference report, which is pending. The yeas and nays have been ordered, and I hope he will allow the roll to be called on agreeing to the report.

Mr. STONE. Mr. President, I suppose I could serve no good purpose by delaying a vote. I deeply wish I could accomplish something by continuing this appeal to the conscience of the American people and the American Senate. On this line of public policy the conscience of the American Congress at least, whatever may be said of the conscience of the American people, has been seared. We have been led off by superficial reasons, as I believe, into a policy that revolutionizes the entire trend of American public thought and purpose. I shall vote "nay" on agreeing to the report.

The PRESIDING OFFICER. The yeas and nays have been ordered on agreeing to the conference report, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BECKHAM'S name was called). Announcing the same pair and transfer of the pair as before, I vote "yea."

Mr. CHILTON (when his name was called). Making the same announcement of my pair and its transfer as heretofore, I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent, and for that reason I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of official business. If he were present, he would vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement and transfer of my pair as before, I vote "yea."

Mr. OWEN (when his name was called). I make the same transfer of my pair as before and vote "yea."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent. I transfer the pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. WADSWORTH (when his name was called). I withhold my vote on account of the absence of the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am paired. I should like the RECORD to show that, if permitted to vote, I would vote in the affirmative.

The roll call was concluded.

Mr. BRADY. I have a general pair with the junior Senator from Mississippi [Mr. VARDAMAN]. For that reason I withhold my vote. If permitted to vote, I would vote "yea."

Mr. SAULSBURY. I understand that the Senator from Rhode Island [Mr. COLT], with whom I have a general pair, would vote as I would on this question, and I therefore vote. I vote "nay."

Mr. REED. Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. CHILTON. I wish to announce that the Senator from Indiana [Mr. KERN] is absent on official business.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to the junior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. JONES. I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

The result was announced—yeas 56, nays 10, as follows:

YEAS—56.

Ashurst	Gallinger	Nelson	Smith, Ariz.
Beckham	Gronna	Norris	Smith, Ga.
Borah	Hardwick	Overman	Smith, S. C.
Bryan	Hitchcock	Owen	Smoot
Chamberlain	Hughes	Page	Sterling
Chilton	James	Penrose	Sutherland
Clapp	Johnson, Me.	Pittman	Swanson
Clark	Jones	Poindexter	Thomas
Culberson	Kenyon	Robinson	Thompson
Cummins	Kirby	Shafroth	Underwood
Curtis	Lane	Sheppard	Watson
Dillingham	Lee, Md.	Sherman	Weeks
Fernald	Lodge	Shields	Williams
Fletcher	McCumber	Simmons	Works

NAYS—10

Brandegee	Martine, N. J.	Reed	Walsh
Lewis	O'Gorman	Saulsbury	
Lippitt	Ransdell	Stone	

NOT VOTING—30.

Bankhead	Gore	McLean	Smith, Mich.
Brady	Harding	Martin, Va.	Tillman
Broussard	Hollis	Myers	Townsend
Catron	Husting	Newlands	Vardaman
Colt	Johnson, S. Dak.	Oliver	Wadsworth
du Pont	Kern	Phelan	Warren
Fall	La Follette	Pomerene	
Goff	Lea, Tenn.	Smith, Md.	

So the conference report was agreed to.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. JONES. I move that the Senate proceed to the consideration of Senate bill 392, known as the volunteer officers' retired-list bill, and on that I ask for the yeas and nays.

Mr. WALSH. That motion, I dare say, is at this time debatable.

The PRESIDING OFFICER. It is.

Mr. WALSH. Mr. President, I wish to say a few words in respect to the motion, particularly in view of the remarks made by the distinguished Senator from New Hampshire [Mr. GALLINGER] a short time ago expressing the view that some unfairness has been exhibited toward the measure now referred to in the motion of the Senator from the State of Washington. I do not care to enter into that, but I have endeavored to have the Senate proceed rather to the consideration of House bill 408. I desire to say to the Senator from the State of Michigan that I have never at any time had any sympathy whatever with any effort, if any effort has been made, to prevent the consideration of the measure in which he is so deeply interested. I feel very sure, however, that the Senate could not at any time have had in mind the relative situation of these two measures. It is true that the bill the consideration of which is now asked has been before the Senate for a long time, but it is equally true that the bill for which I ask consideration has been before the Senate for a longer time. House bill 408 was reported to the Senate by the committee having it under consideration on the 25th of January, 1916. It has had its place on the calendar ever since that time, now almost a whole year. The retired officers' bill was reported on the 27th day of March, 1916. So the bill for which I have been asking consideration has been before the Senate for more than two months longer than the volunteer officers' retired-list bill.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I yield.

Mr. KENYON. I should like to ask the Senator if it is not true that the volunteer officers' bill was before the last Congress and passed the Senate in that Congress, and that it had been before Congress preceding that time?

Mr. WALSH. I am not acquainted with the history of the bill. I have a vague kind of recollection that it has been before the Senate in one form or another for a long time.

Mr. KENYON. Was the bill the Senator is advocating before the last Congress?

Mr. WALSH. Yes.

Mr. KENYON. In the preceding Congress?

Mr. WALSH. Yes; it was introduced easily two years ago. So, as far as order is concerned, the priority belongs to House bill 408. It practically stands first on the calendar of measures before this body. There are only two that precede it upon the calendar, and no one seems particularly concerned in either of those measures. One of them deals with the amendment of the Constitution for women suffrage. Those who are interested in that movement are not asking for a vote upon it at this time nor consideration for it. The other is a measure in charge of the Senator from Tennessee [Mr. SHIELDS], who is anxious to take it up when reached in regular order on the calendar, and he is not asking the consideration of it before. So the bill for which I am asking consideration practically stands first on the calendar before this body. I should like to have some one give some good reason why we should jump, on the calendar, from bill No. 3 to bill No. 32. I have no apology whatever to make for urging that we are entitled to consideration for this measure.

Moreover, Mr. President, I do not think it is at all necessary, after all the agitation that this subject has had during the past 10 years, to endeavor to impress on this body the importance from a national point of view of unlocking these great treasures, so that they may be developed. But the necessity for doing so, Mr. President, the urgency, was never greater than it is right now.

I send to the desk and ask to have read a letter addressed to the present Secretary of the Interior, under a late date, setting forth some additional reasons why this measure ought to have speedy consideration.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary read as follows:

NEW YORK, *December 19, 1916.*

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR SIR: For the past two or three years we have been interested in observing the progress of legislation in Washington which will permit the development of the water powers of the United States on terms alike fair to the public and the investor, and inasmuch as there seems in the past to have been a decided conflict of views not only between the different groups of those interested in this legislation but also between the two Houses of Congress, we take the liberty of writing you at this time to inquire whether you are at liberty to give us your own personal views as to the prospects of legislation being enacted before Congress adjourns on March 4, 1917.

You are, of course, aware of the importance of this legislation for the development of the country and also its urgency with reference to the electrochemical and electrometallurgical industries, the national defense, the coal and food supply, and the transportation problem, so we will not take up your time discussing these matters. We do wish, however, to emphasize the importance of action within the next two or three months as compared with action later on, due to the present plentiful supply of capital in this country seeking safe and profitable forms of investment, and therefore the facility with which capital can now be obtained for investment in hydroelectric development, whereas legislative action if deferred might come at a time when present available capital would have been diverted into foreign channels either for European reconstruction after the declaration of peace or for other foreign investments.

There can be no development in navigable streams without the consent of Congress, and the character of the permit which can be obtained for development on public lands does not protect the capital invested. The projects in contemplation would result in development of many thousands of horsepower which would be utilized for pumping water for irrigation to levels beyond the reach of gravity irrigation, in utilization in the electrochemical and electrometallurgical industries, in railroad electrification, as well as for general power supply, and we are reliably informed that investments aggregating several hundred million dollars in hydroelectric development and the industries dependent thereupon now only await action by the Congress of the United States.

We believe that the necessary capital for these developments and their attendant industries can be obtained in the United States at the present time if the legislation, when passed by Congress, adequately safeguards the principal invested so that it is secure against confiscation and also permits the earning thereon of a fair return.

Very truly, yours,

HARRIS, FORBES & CO.

Mr. WALSH. Mr. President, the necessity for the development of these great water powers for transportation purposes has been frequently adverted to in this Chamber. Nearly 400 miles of one of the transcontinental lines are now being operated electrically, and another of the great transcontinental lines is now engaged in an effort to find available water-power sites, which, being developed, will provide electricity for the propulsion of its trains. That enterprise awaits some legislation which will enable the utilization of the water-power sites which exist in abundance in the territory through which this great system goes.

It is not only that, Mr. President, but we are confronted to-day with a serious situation. A large number of the newspapers of the country, the most reliable source of information for the people, as much a necessity in our present-day existence as the bread and meat that form our daily food, have been obliged to suspend because of the extraordinary price to which print paper has risen. Out in all the western country in which these power sites exist there are limitless quantities of timber available for the production of paper, and the only other requisite, power, exists there in abundance. At the present time I am able to advise the Senate that a large number of enterprises are on foot for the establishment through the Northwest of great manufactories of print paper and other qualities of paper out of timber which is of such a character upon the mountains of that country that it is now practically valueless. These enterprises are all at a standstill until some legislation is enacted which will enable the development of the water-power sites.

I do not stand here to advocate the particular measure nor to argue in favor of one method of disposition of these sites as against another, but I do insist that at the present time there is no subject so earnestly and so urgently demanding the consideration of Congress as this matter of the disposition of the water-power sites. However my esteemed friend from the State of Washington may be interested in the passage of the Volunteer officers' retired list bill, I think he will quite agree with me that, considered nationally, the other is the more urgent measure.

I do not desire at this time, Mr. President, to enter into any consideration of the merits of the Volunteer officers' retired list bill, but I send to the desk a letter which came to me in the mail a few days ago relating to this particular measure and offer it as a part of the record, so that the public may judge which of these two measures ought to have the consideration of this body at the present time. I ask that it be read.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary proceeded to read the letter.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Montana that this letter was read into the RECORD the other day by the Senator from Georgia [Mr. SMITH]. I do not know whether or not, under those circumstances, he would desire it again read.

Mr. WALSH. I did not know that fact. Of course, if the letter has been previously read, I shall not insist that it be read again.

Mr. JONES. It was read the other day during the discussion of the volunteer officers' retired bill.

Mr. ROBINSON. Was the letter read to the Senate, or was it inserted in the RECORD?

Mr. JONES. This same letter was read. I myself received a copy of it.

Mr. ROBINSON. Senators about us here express a desire to hear it again read.

Mr. JONES. Very well. I have merely made the suggestion.

The Secretary resumed and concluded the reading of the letter, which, entire, is as follows:

1302 TAYLOR STREET,
San Francisco, Cal., December, 1916.

Hon. THOMAS J. WALSH,
United States Senate, Washington, D. C.

SIR: There is now before Congress a bill (S. 392; H. R. 386) known as the retired volunteer officers' bill, on which a vote is now pending in the United States Senate, but which has been postponed from time to time by reason of objection of Senators.

I am writing to you to ask that if this bill ever comes up for passage you will vote against it. I ask this as an old soldier, who is vitally interested, and therefore has a right to a candid hearing.

I am opposed to this bill; so vehemently opposed to it that I can hardly speak calmly about it; nor can I understand how it is that the great body of the Grand Army of the Republic and the greater body of veterans of the Civil War can be so silent or apathetic, unless, indeed, they do not understand.

Up to the time that this stupendous piece of treachery was concocted all veterans "stood together" and were loyal to each other, seeking legislation for the common good. Now the comparatively small percentage who wore shoulder straps have thrown down their comrades and are seeking to make laws greatly to their own advantage, which is "class legislation."

Most of them are already receiving the highest pensions paid under present laws, viz, $30 per month. Not content with this, which is often double what humbler comrades of the rank and file are getting, they have the hardihood to project a scheme the logic and language of which is: "To h—l with the old soldier, let him go to the home and eat beans, so we can get a retired officer's pay of $100 or $150 per month, live like retired gentlemen, and throw bouquets at ourselves for our astute-

ness." A dastardly desertion and betrayal of the men they once honorably stood with.

As a basis and proof of my premises and prayer, I offer the following facts:

The present pension bill (Sherwood) takes into account two things—age and service, and these are and must be the only true foundation for all claims. Let us examine.

Have the proponents of this bill any advantage or disadvantage in years which needs special compensation?

None whatever. This is obvious to everybody without argument.

Their claim, then, must rest on the assumption of "superior service." Let us see.

The company to which they belonged was recruited in the neighborhood or town where they had been schoolboys and had grown up together. When the company was full, an election of officers was held. Always two or more tickets, but one successful candidate for each position—a captain and two lieutenants—not more than a shade smarter than the defeated candidates.

Being promoted to these positions they now enjoy the distinction, the honors, the authority, which accompany them.

What did they bring to these positions?

Any superior education or preparation? None whatever.

Any acquaintance with tactics? None.

Any knowledge of strategy? None.

Any familiarity with military engineering? None.

Any understanding of problems of transportation? None.

Anything about subsistence? Nothing.

Anything about clothing or sanitation? Nothing.

Anything about the school of the soldier? Nothing.

No years, or even days, were ever spent in study at a military school. Not a dollar was ever paid as the price of qualification.

We each bought "Hardee" and began the "school of the soldier" together.

Did they march farther or faster than their neighbor boys? They did not. Did they endure hardships more severe than their schoolmates? They did not.

Did their counsels overcome the mighty combinations of treason? They were not asked.

Like the rest of us they simply obeyed orders.

We stood in line while we could and ran when we had to.

As sprinters, they were a good company average. When taken prisoners, they were first to be exchanged.

What then did they do during the war which justifies this claim? Nothing.

They were abundantly paid; they thought so themselves, then.

What have they done since? Nothing.

They have enjoyed the savings of those years. They followed their own interests untroubled by "orders" or "service," and 90 per cent of them have for 50 years occupied the best positions in civil life.

On what, then, in God's name, are they resting their preposterous claims?

On the ghost of an old service, exhumed after 50 years; dusted off and revalued by a committee of interests, and pressed with insulting effrontery upon a patient and long-suffering Congress.

The weapons are: Untrue assumptions, illogical arguments, specious reasoning clouding the real issue, and astounding and impudent persistence.

The retired Army officer spent his whole life, until his years retired him, in the service of his country.

The Volunteer officer never gave his years to the service of his country; he never was "retired"; he was mustered out with the rest of us and has followed his own sweet will as a civilian for 50 years, untrammelled by "orders," and has been at the "pie counter" most of the time.

Honorable sir, I carried, when fully equipped, about 45 pounds. The captain about one-ninth as much and had a trunk and transportation for the rest.

My Belgian rifle weighed 14 pounds, exclusive of ammunition. His beautiful sword one-ninth as much.

For this service I received $13 per month; he received nine times that amount and garnered the honors and feminine smiles.

"When knighthood was in flower."

He was fully paid when in service; when that ceased, his claim ceased as completely and permanently as mine.

If he has further claims, so have I; and not in ration of 1 to 9, but equal.

Let me beseech you in the name of fair dealing to vote against and defeat this bill.

H. B. WORCESTER,
Company B, Eighteenth Wisconsin Volunteer Infantry.

Mr. PAGE. Mr. President, as I understand the matter now before us, it is not as to the merits of this bill, but rather whether or not we shall decide to take the bill up for consideration. I wish to say that within a week I have received a letter from the daughter of a Vermont officer; and it recalls to my mind the fact that of all the officers above the rank of colonel who served in the War of the Rebellion from my own State, every one living in the State, as I believe, and also one out of the State, is dead. The letter which I have received is from the daughter of the last officer of the rank of colonel going from the State of Vermont to the War of the Rebellion. Now, it seems to me that we ought at least to pass upon this measure before they have all gone to join "the silent majority."

This bill has been before us previously, and has been passed by the Senate on one or more occasions. Having debated it, we understand its provisions, and I trust that we may now take it up and pass judgment upon it.

Mr. WALSH. Mr. President, I inquire whether it would be in order at this time to move to substitute House bill 408 for the volunteer officers' bill?

The PRESIDING OFFICER. The Chair thinks that motion would not now be in order. The vote must be taken on the motion of the Senator from Washington [Mr. JONES].

Mr. SHAFROTH. Mr. President, I desire the attention of the Senate, as I wish to ask for a unanimous-consent order. The bill which provides a civil government for Porto Rico has been before this body now for more than six months. Porto Rico has no representative in the form of a Commissioner in the House of Representatives, the former Commissioner having died in November last. This bill is practically a charter of liberty for the people of Porto Rico. Their representatives and delegates here are anxiously urging the consideration and passage of the bill.

In view of the situation which now confronts us, and of the important fact that the bill should be soon passed, I should like to get the consent of the Senate to make it the special order for next Monday at 2 o'clock. It seems to me that that can be done. If we delay action on the bill much longer we can not possibly get the measure through at this session.

The Porto Ricans did not have an election last fall when they were entitled to have one, because of the fact that this bill was then pending, and it was thought it would not be wise to have two elections within six months or a year of each other. Consequently, it is important that the matter should be disposed of during this session. I am not particular about the day to be fixed for its consideration, but it does seem to me that I ought to be able to get unanimous consent to have the bill made a special order for 2 o'clock next Monday. I therefore ask unanimous consent that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for 2 o'clock on Monday next.

Mr. JONES. Mr. President, is that request in order while the motion that I have made is pending?

Mr. SHAFROTH. A request for a unanimous-consent agreement is in order, though a motion would not be.

Mr. SMOOT. The Senator from Colorado is not in order, because the bill for which he asks consideration is not before the Senate. A ruling to that effect has been made here within the last week.

Mr. SHAFROTH. But I am trying to get the bill before the Senate.

Mr. SMOOT. There is already a question pending before the Senate, and I object.

Mr. SHAFROTH. There may be a question pending, but requests for unanimous-consent agreements are made during all hours of the day, and no objection is made to that being done. If the Senator from Utah persists in his objection my request can not be agreed to, there is no doubt about that.

The PRESIDING OFFICER. There is objection, as the Chair understands, to the Senator's request. The question now is on the motion of the Senator from Washington to take up Senate bill 392.

Mr. NEWLANDS. Mr. President, out of order, I offer a report from the joint subcommittee of the Interstate Commerce Committee, appointed under Senate resolution No. 60.

Mr. SMOOT. I must object to that.

The PRESIDING OFFICER. Let us hear what the Senator from Nevada offers.

Mr. NEWLANDS. I present a report——

Mr. SMOOT. I object to the offering of any report at this time.

Mr. NEWLANDS. I have the floor, as I understand, and I have a right to offer anything I desire. I do not ask for any action upon the matter.

Mr. SMOOT. There is now pending here a motion to take up a bill, and, until that is voted upon, one objection to the presentation of a report of a committee, out of order, is sufficient. Mr. President, after we vote upon this bill, I shall not have any objection, so far as that is concerned, to allowing, by unanimous consent, the presentation of a report that will not take any time; but at this particular moment I object to the reception of any report, and I ask for a vote upon the pending motion.

Mr. NEWLANDS. Mr. President, I do not understand that an objection will lie against the mere offering or presentation of a report.

Mr. BRANDEGEE. I rise to a question of order, Mr. President. It is not a question of an objection, but I make the point of order that pending the motion before the Senate nothing else is in order in the way of a committee report.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken. The question now is upon the motion of the Senator from Washington [Mr. JONES].

Mr. JONES. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. BRYAN obtained the floor.

Mr. JONES. Mr. President, I wish to make a parliamentary inquiry. I understand that the Chair has announced that the yeas and nays have been ordered.

The PRESIDENT pro tempore. The Chair has so stated.

Mr. BRYAN. Mr. President, I very much regret that the Senator from Michigan [Mr. TOWNSEND] has been called from the Chamber, because I intend to reply to some extent to some of the arguments he has put forth in favor of this bill. The same arguments are used for this bill that are used for every bill which is designed to increase pensions. Last summer, over the objection and against the better judgment of a great many Senators, because of pressure brought to bear by members of committees, the Senate took up and passed without any discussion at all a bill which will cost annually between fifteen and twenty million dollars; a bill reported without seeking the judgment of the department as to what it would cost; a bill to increase the pensions of widows who had reached the age of 70 years. It passed the Senate under the statement that it would only cost a very small amount and that it provided for a worthy class. I had a letter from the Commissioner of Pensions a day or two ago, the purpose of which was to ask the Committee on Appropriations, and myself as a member of that committee, to vote for an increased clerical force because of the passage of that bill; and in his letter he said that there had been 144,000 applications for increase under the bill passed last summer, of which 133,000 had been granted. Those increases were from $12 to $20 a month, or over $13,000,000, and there were thousands of original applications besides. I figured it up roughly and ascertained that the cost of that legislation will be somewhere between fifteen and twenty million dollars annually to the taxpayers of this country.

The Senator from Michigan, as I understand, bases his bill upon two propositions. First, upon precedent. He says that in 1828 or 1832 Congress granted retired pay to volunteer officers of the Revolutionary Army. In reading the hearings upon this bill, or one similar to it, two years ago, we are made to understand that there were no volunteer officers in the Revolutionary War; but that is the precedent. You can find a precedent for almost any kind of pension legislation. I suggest that it is not sufficient reason for the passage of this bill because back in 1828 or 1832 Congress then did a thing that we would not do to-day. In fact, Mr. President, if one will take the trouble to examine the legislation of Congress prior to 1820, he will find that Congress had become so liberal then that a limitation was put on by the act of 1820, and, as a result of that act, a great number of names were stricken from the rolls. Congress subsequently replaced them on the rolls along about 1828 and 1832, when it was most lavish in its pension expenditures. So much for the precedent.

The Senator from Michigan, in the second place, bases the claim for this legislation on what he calls "a sacred promise." If there were a promise it ought to be kept. If the Senate is so much interested in keeping a "sacred promise," why do not Senators attempt to ascertain whether or not any promise was ever made? because I undertake to say that the Senator from Michigan is wholly in error in the conclusion that any promise of the character he assumes was ever made. He takes the act of July 22, 1861, and quotes from it a provision that the officers and men in the Volunteer Army shall be placed upon the same footing as to pay and allowances as officers and men in similar corps of the Regular Army. Then he quotes from an act passed three days later, July 25, 1861, which supplements that act, in which the language is used "in all respects." From that the Senator argues that it was "a sacred promise" of this Government that officers and men of the Volunteer Army should be entitled to the retirement pay that now goes to the officers of the Regular Army.

Mr. President, I have taken the trouble to examine the Congressional Globe containing the debates upon those two bills. There was considerable discussion upon the first of those two acts, namely, the act of July 22, 1861, but there was no discussion whatever as to the second act. It is perfectly apparent to me that Congress was not considering the question of retired pay or the question of seeking to place Volunteer officers upon an equal footing with Regular officers in any respect except for like services. The act of July 22, in section 5, provides:

That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

The act passed three days later provides:

They shall be subject to the rules and articles of war—

That was one reason for the passage of the act of July 25, 1861, the act of July 22 not having provided that they should be subject to the rules and articles of war—

and shall be upon the footing, in all respects, with similar corps of the United States Army, and shall be mustered into the service "for during the war."

The act of July 22, 1861, did not call for their muster in during the war, but for a certain period of time. These were the two purposes Congress had in view at that time.

There is another reason why Congress was not considering the retirement pay of volunteer officers and making their retirement pay the same as the retirement pay of officers in the Regular Army, and it is a conclusive reason: That is, that there was no provision at that time for the retirement of officers of the Regular Army. Senators say that there was "a sacred promise" because Congress passed these two acts, known as the volunteer acts, at the breaking out of the war, and they cite the general orders. Why, Mr. President, the general orders say nothing but this:

WAR DEPARTMENT, *August 3, 1861.*

The following acts are published for the information of the Army—

And then follows a transcript of the acts of Congress.

These two acts were passed in July. The act providing for retirement pay was passed August 3, 1861, showing conclusively that at the time the previous acts were passed it was not in the mind of anybody to provide for retirement pay.

Mr. President, what I have just said relates to the so-called "sacred promise." Senators say that the Senate wants to vote upon this bill; that they desire to discuss it; that they are interested in it; and yet only six of them are here displaying their interest in the bill. I have just referred to the acts of Congress, and have read from the bills passed by Congress to show that the contention of the Senator from Michigan, upon which he bases his whole case, has no foundation in the legislation of Congress.

Mr. President, on August 3, 1861, Congress passed the retirement act for officers of the Regular Army.

Mr. ROBINSON. Mr. President, will it divert the Senator from Florida now if I ask him a question?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. Certainly.

Mr. ROBINSON. Has the Senator made any investigation as to the probable cost to the Government of this legislation?

Mr. BRYAN. It was estimated a year ago that it would cost some $12,000,000.

Mr. ROBINSON. Per annum?

Mr. BRYAN. Yes. The latest estimate I have seen is about $8,000,000. That is a mere bagatelle! Why should Senators interest themselves in that?

Some one says that there was a "sacred promise" given, and six Senators remain to ascertain that that was not so, and the rest of them do not know whether it was so or not. There could not have been in July, 1861, a promise to put volunteer officers upon the retired list along with officers of the Regular Army, because there was no retired list available at that time to the officers of the Regular Army. It seems to me, Mr. President, that is a complete answer to the claim that these men became officers in the Army under a promise to be retired with pay.

Section 15 of the act of August 3, 1861, contains the provision as to retirement, and it does not apply to officers of the Regular Army any more than it does to the volunteers. It reads:

That any commissioned officer of the Army or of the Marine Corps who shall have served as such for 40 consecutive years may, upon his own application to the President of the United States, be placed upon the list of retired officers with the pay and emoluments allowed by this act.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from Arkansas?

Mr. BRYAN. I yield.

Mr. ROBINSON. In practical effect that provision for retirement would be limited to officers of the Regular Army, for the reason that no officer served in the Volunteer Army for 40 years.

Mr. BRYAN. But if the volunteer officer served in the Regular Army for 40 years he would be entitled to retirement under that provision.

Mr. ROBINSON. But there was no officer in that class, was there?

Mr. BRYAN. O, yes; there were quite a number who remained in the Regular Army, who devoted their lives to that service, and retired; but the pending measure is a proposition to retire volunteer officers, even though they may have served only for a day.

Mr. ROBINSON. I think I did not make the thought in my mind clear. An act passed now with that limitation in it, or that act, if it is still in force, would not apply to any other than officers of the Regular Army, would it?

Mr. BRYAN. No; and it does not apply to them until they have served 40 years in the Army. They must have given 40 years of service to this Government before it applies to them; and yet Senators say that it is a discrimination unless you give the same retirement pay to the man who served three months in the Volunteer Army. Provision for retirement pay was made in the act of August 3, 1861; there was none before that time.

Now, Mr. President, that was understood by the Committee on Military Affairs of the Senate, and it was understood by the legislative committee of the volunteer officers who are asking for this legislation. I desire to read some extracts from the hearings, but before doing so I wish to take up the report of the committee as to some amendments. The Senator from Michigan when he introduced the bill incorporated in it the words "who was honorably discharged from service for disability." That would mean that a man discharged for disability would be placed in the same category as the retired officers of the Regular Army; but the committee in its report recommends that the words "for disability" be stricken out and the words "by muster out, resignation, or otherwise," be substituted; so that all an officer need to have done was to have been in the Army. The same amendment has been recommended at another place, giving to these men, if they served less than six months as officers in the Volunteer Army, one-half the pay of a captain in the Regular Army when he is retired after 40 years of service; and, if they served two years, three-fourths of the pay of a captain in the Regular Army.

Now, upon what do they base that? Maj. Alfred Beers, one of the past commanders of the Grand Army of the Republic, was before this committee. The Senator from Delaware [Mr. DU PONT] asked him:

Do you think that that applied only to volunteer officers as long as they were in the service of the United States?

That is, this retirement plan.

Maj. BEERS. No, sir. Our view of it is that it applied to them when they retired from the service of the United States; that they were placed on the same footing in every respect; and that that was the intent and that that was the meaning.

Senator DU PONT. A Regular officer might retire from the service of the United States in two or three ways. The most common way was to be mustered out of the service, although numbers of them resigned, and some were discharged for disability.

If they did that, they did not get retirement pay, and do not now.

If Regular officers resigned or if the Regular Army was reduced, as it has been half a dozen times, the officers who disappeared from the rolls of the Regular Army have no claim to the remuneration of the other officers. At one time I was an officer of the Regular Army. I resigned many years ago. Do you understand that I have a claim to be put on the retired list now?

That was Senator DU PONT asking this question.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. BRYAN. I do.

Mr. ROBINSON. The Senator from Florida is making a very interesting and instructive statement concerning this measure, and I think there ought to be a larger number of Senators present to hear him make it. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McLean	Smoot
Bankhead	Harding	Martine, N. J.	Stone
Beckham	Hardwick	Nelson	Sutherland
Brady	Hitchcock	Newlands	Swanson
Brandegee	Hughes	Norris	Thomas
Bryan	James	Overman	Thompson
Chamberlain	Johnson, Me.	Owen	Underwood
Chilton	Johnson, S. Dak.	Page	Vardaman
Clapp	Jones	Pittman	Walsh
Clark	Kenyon	Poindexter	Watson
Cummins	Kirby	Robinson	Weeks
Curtis	Lane	Shafroth	Williams
Fall	Lee, Md.	Sheppard	
Fernald	Lewis	Smith, Ariz.	
Fletcher	Lodge	Smith, S. C.	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

INTERSTATE AND FOREIGN COMMERCE (S. DOC. NO. 668).

Mr. NEWLANDS. Mr. President, I ask leave, out of order——

The PRESIDING OFFICER. The Senator from Florida [Mr. BRYAN] has the floor. Does the Senator from Florida yield to the Senator from Nevada?

Mr. BRYAN. I yield.

Mr. NEWLANDS. I wish to present a report which I am compelled to make to-day under joint resolution No. 60.

Mr. JONES. Mr. President, I make the point of order that under the rules the Senator from Florida can not yield for that purpose.

The PRESIDING OFFICER. The Chair wishes to inquire whether or not the resolution which the Senator desires to report has any privilege of any kind?

Mr. NEWLANDS. It has, in my judgment, because joint resolution No. 60 requires a report to-day.

Mr. JONES. I make the point of order that under the rules even a privileged report can not be offered while a Senator has the floor speaking.

Mr. BRYAN. Let me ask the Senator from Nevada to state the nature of the report, and then I will decide whether I will yield to him.

Mr. NEWLANDS. Some time ago, at the last session of Congress, the Senate passed joint resolution No. 60, which was concurred in by the House, authorizing the appointment of a joint subcommittee of the Committee on Interstate Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House to investigate certain questions and directing them to report to Congress on the 8th day of January. This is the 8th day of January, and I am under compulsion to make this report to-day, and I am trying to get it in.

Mr. JONES. The day is not gone yet, Mr. President.

Mr. NEWLANDS. I trust that the Senator from Washington will not insist on my being committed for contempt to-morrow for having violated the order of the Senate.

Mr. BRYAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida yields the floor. The Senator from Nevada is recognized.

Mr. JONES. Mr. President, I object to the presentation of a report now, out of order.

The PRESIDING OFFICER. The present very temporary occupant of the Chair, of course, is not as familiar with the rules as he should be, but he is of the opinion that this is a privileged matter.

Mr. JONES. There is no privilege about it, Mr. President.

The PRESIDING OFFICER. Let it be read, so that the Chair can ascertain what it is.

The Secretary read as follows:

JANUARY 8, 1917.

To the Senate and House of Representatives in Congress assembled:

The Joint Subcommittee on Interstate Commerce appointed pursuant to Senate joint resolution No. 60 (Public, No. 25) reports that, owing to the late adjournment of the last session of Congress and the ensuing election campaign, it was impossible to hold any meetings of the joint subcommittee except for purposes of organization until the 20th day of November, 1916, when it met at Washington; that since that date and up to and including the 2d day of December, 1916, it held almost daily sessions and hearings upon the matters referred to the subcommittee for investigation; that the pressure of the work in Congress during this short session, both in the committee and on the floor, made it impossible for the members of the joint subcommittee further to attend to and complete its duties during the pending session, and that they therefore concluded to postpone further sessions until after the 4th of March, 1917, and meanwhile to request of Congress an extension of the time of report to the first Monday in December, 1917.

Respectfully submitted.

FRANCIS G. NEWLANDS, *Chairman.*
W. C. ADAMSON, *Vice Chairman.*

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate, as to whether or not the report is in order; but if it is debated, the Chair will make a ruling of his own.

Mr. GALLINGER. Has objection been made?

The PRESIDING OFFICER. A point of order has been made.

Mr. NEWLANDS. I request the Senator from Washington to withdraw his point of order. The report has been read, and it might as well be in. I do not intend to discuss it in any way. It will take no time.

Mr. JONES. As I understand, if this report should be received now, by unanimous consent, it would not interfere with the standing of the motion that has been made.

Mr. GALLINGER. Not at all.

The PRESIDING OFFICER. No; it will not interfere with it in any way.

Mr. GALLINGER. I hope that will be agreed to. Under the rule, an objection will carry it over.

The PRESIDING OFFICER. Is there objection to the report being received? There being none, it will be received.

VOLUNTEER OFFICERS' RETIRED LIST.

The Senate resumed the consideration of the motion of Mr. JONES that the Senate proceed to the consideration of the bill (S. 392) to create in the War Department and the Navy Department, respectively, a roll designated as the "Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. BRYAN. Mr. President, according to my count there are considerably more Senators here now than when I made the statement in reply to the argument of the Senator from Michigan [Mr. TOWNSEND]. I want to say to Senators that it seems to me that this is rather a serious question. If there is a sacred promise on the part of Congress, Congress ought to redeem it;

but I undertake to say that the Senator from Michigan is altogether mistaken in supposing that Congress ever made the promise, or that there was anything in the legislation that justified the conclusion that Congress was undertaking, by the acts of July 22 and July 25, 1861, to give volunteer officers the right to go upon a retired list, because at that time there was no retired list. The act of July 22, 1861, provided for the calling of 500,000 volunteers for service of three years. I looked up the debate upon that matter. There was considerable debate. Three days later Congress passed an additional act to supplement the act of July 22. It was not passed with any idea about retired pay. It was passed for two purposes: To make the volunteer officers subject to the Rules and Articles of War and to change the law as to the period of enlistment and make it during the period of the war. That is conclusive proof, to my mind, that Congress could not possibly have had in mind the view now entertained, half a century later, by the volunteer officers of the Civil War, because at that time there were no retirement provisions for officers in the Regular Army, and it could not have been for any such purpose. Therefore, Mr. President, when we defeat this bill we are not breaking any promise, express or implied, ever made to the officers of the Volunteer Army.

The Senator from Michigan said that the cost was an immaterial matter. I agree to that if the good faith of this Government was pledged. But, sir, we might as well understand now that if Congress passes this legislation on the theory that we had promised the volunteer officers that they should be retired at three-quarters of the pay of a captain in the Regular Army, the claim of those living to-day is no higher than the claim of those who have died; and if we recognize this claim, why are we not bound to go back and pay to the legal representatives of deceased officers retirement pay until they died?

When Congress came to pass a provision that officers should be retired it required that they should have served 40 years in the Army. That is open to those who were in the Civil War as volunteers and to those in the Regular Army. If a Regular Army officer quits during his service, he is not placed upon the retired list. He is in exactly the same condition that a man in the volunteer service was. He must have completed that term of service. He must have devoted his life to the military service of his country. Again, he has not drawn a pension through all these intervening years; and if you are going to put these men who served a few days or a few months as officers in the Volunteer Army on the footing, as you call it, of officers in the Regular Army, then ought you not to require them to give back their pensions? They could not do that. Otherwise you place them in consideration high above the officers who have spent a lifetime in the Regular Army.

Now, let us see. Maj. Beers, who represented this association before the Committee on Military Affairs, was asked by Senator DU PONT about this act of July, 1861:

> Do you think that that applied only to volunteer officers as long as they were in the service of the United States?
>
> Maj. BEERS. No, sir. Our view of it is that it applied to them when they retired from the service of the United States; that they were placed on the same footing in every respect, and that that was the intent and that that was the meaning.

I read this because the senior Senator from Delaware was an officer—an officer in the Regular Army, if you please. Here is what he said in reply to that suggestion:

> A Regular Army officer might retire from the service of the United States in two or three ways. The most common way was to be mustered out of the service, although numbers of them resigned, and some were discharged for disability.

If they were discharged for disability due to their service, they could not get on this roll, and yet these men who resigned voluntarily, after spending 50 years in civil life, would get the same benefits that they would get through having given all their time to the Army.

Senator DU PONT continues:

> If Regular officers resigned, or if the Regular Army was reduced, as it has been half a dozen times, the officers who disappeared from the rolls of the Regular Army have no claim to the remuneration of the other officers. At one time I was an officer of the Regular Army. I resigned many years ago. Do you understand that I have a claim to be put on the retired list now?
>
> Maj. BEERS. Not if you voluntarily surrendered your connection with the Army.
>
> Senator DU PONT. A great many volunteer officers did so. Many officers resigned.
>
> Maj. BEERS. Yes.
>
> Senator DU PONT. According to your statement, then, all of those officers who voluntarily resigned would be eliminated.
>
> Maj. BEERS. Personally, I think all of those who voluntarily terminated their connection with the Army would have no claim.

Now, there is the man representing the Volunteer Officers' Association before the Committee on Military Affairs conceding that they have no claim; yet, on the other hand, we are appealed to here in the Senate as violating a sacred pledge if we do not pass this bill.

> Senator DU PONT. Exactly. That is what I wanted to bring out.
>
> Maj. BEERS. But those who served their time and were mustered out, or who were discharged by order of the War Department at the close of the war, that class of officers would be entirely on the same footing.

If they remained in the Regular Army, they were on the same footing. If they remained the same time, they got the same allowance. If, for disability or by reason of resignation, they quit, they could not get it.

Now, let us look at this bill. It does not allow a man in the Regular Army to quit within the 40 years. If he quits, he can not get any kind of retired pay. He may have served 25 years and then quit; he may have served in the Civil War and served 39 years and quit, and he would not get on the retired list; and yet an officer who served for two or three months would be placed on the retired list by this bill.

Senators, I can not understand why the Senate wishes to take a step like this. As Senators point to precedents to-day, as they point back to how the officers of the Revolutionary Army were treated in 1832, so a few years later, or maybe only a few months later, we will have the same thing to go through with in connection with the officers of the Spanish-American War. Were they promised to be placed upon the same footing as the officers of the Regular Army, and are they entitled now to come in with a bill like this? Let us see.

Here is the bill that was approved April 22, 1898, using in very large part the verbiage of the act of 1861. I quote from section 12:

> That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

Yet they served for two or three months while that war was going on; they went back to their homes; and I say to you that if a sacred promise was made to the volunteer officers in the Civil War, a like promise, as sacred, was made to the volunteer officers in the Spanish-American War. It was fought by the Regulars. They volunteered, but they did not therefore go there. They were willing to go; but for only a few months' service are you going to undertake to give those men a standing and to give them the money it will cost to place them on a footing of equality with those who have served for 40 years in the Regular Army?

That is what is involved here, Mr. President. I feel that no question of the honor of the Government of the United States is involved here.

The Senator from Michigan says that we have been unfair in dealing with the volunteer officers of the Civil War; that we have belittled their services. I do not know who has done that, Mr. President. I should regret very much if anything I have said is subject to such a construction. I have tried very hard not to do it. I have no such feeling about it. The appeal is made here in the Senate to help them because they need the money. That is not a genuine appeal, because there was stricken out of this bill a provision that those whose income amounted to $2,400 a year should not be placed upon the retired list. Protest was made by them that they were not asking for the enactment of this legislation because they needed it; that it was a debt we owed them, and they wanted it for that reason.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Mississippi?

Mr. BRYAN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The Senator has given careful study to this question. I should like to ask him if all of the beneficiaries of this proposed measure are not on the pension roll to-day?

Mr. BRYAN. Why, of course. They are all on the pension roll.

Mr. VARDAMAN. What is the average pension?

Mr. BRYAN. A dollar a day, I should say. If they are 80 years old, of course, it is a dollar a day—$360 a year.

Mr. VARDAMAN. Does the Senator know whether that is all the pension they are receiving?

Mr. BRYAN. No; it is not all. I say this to the Senator, and I am glad he has interrupted me just at that point: The Senator from Michigan [Mr. TOWNSEND] said that a great injustice was done to the officers of the Civil War by the act of 1890, because he said that prior to the act of 1890 these men drew their pensions according to their disabilities; that is, they drew higher pensions than privates or noncommissioned officers; but by the act of 1890 that privilege was taken away from them. I do not so read that act. I shall be very much surprised if that is so, because if that is true, it is the first time that any

pension bill ever reduced the provisions of any other, or ever took away anything from anybody on earth. Let us see if there is anything in that contention. I read from section 2 of the act of June 27, 1890. I believe a mere reading of the act will show that it does not do so.

SEC. 2. That all persons who served 90 days or more in the military or naval service of the United States during the late War of the Rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.

The act of 1890 did not interfere with the provision for specific payment for injuries. The act of 1890 was intended to place men upon the pension roll who could not trace their injuries back to the service. There is a schedule here of allowances for disabilities to officers printed in the laws by the Bureau of Pensions to-day. I think it is well known among Senators that some veterans of the Civil War who have been injured are getting much larger pay than they could possibly get under the Sherwood Act or any of the acts for mere service.

I do not think that contention is a good one. The act of 1890, in my judgment, did not take anything away from these officers. Until that time they could not be placed upon the pension roll unless they had been injured. The act of 1890 was intended to place them and their widows upon the rolls even though they had not been injured.

In the hearing to which I have referred the junior Senator from Mississippi [Mr. VARDAMAN] asked Maj. Beers this question:

Senator VARDAMAN. Is it the purpose of this bill—which I have not read—to put the officers who served only during the war on the same footing with men who have given their entire lives to the Army?
Maj. BEERS. Certainly.

It struck the Senator from Mississippi as a peculiar proposition, but answered in this way there is no room for any difference:

Senator VARDAMAN. I just wanted to know.
Maj. BEERS. Certainly.

Then Senator HITCHCOCK asked this question:

Senator HITCHCOCK. Will you explain to me this, which I have not fully understood, whether this claim of the volunteer officers is only because they think their case is analogous to that of the Regular Army officers or whether it is based upon some promise made, either at the time of enlistment or during the war, by the President or some one else?
Maj. BEERS. It is based upon both claims.

* * * * * * *

I read the acts of Congress placing the volunteer forces upon the same footing as the Regular Army and also extracts from the orders of the War Department conveying the same assurance.

There is no extract from the War Department in these hearings or any that I have been able to find except a mere transmission of the act of Congress.

I believe I will put in here section 15 of the act of August 3, 1861, so that there can be an answer of record to this claim:

SEC. 15. *And be it further enacted*, That any commissioned officer of the Army or of the Marine Corps who shall have served as such for 40 consecutive years may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

Further the Senator from Nebraska [Mr. HITCHCOCK] asked:

Senator HITCHCOCK. So that there are two bases for the claim.
Maj. BEERS. There are two bases for the claim; and then, in addition to that, the volunteer officers claim the passage of the bill as a matter of justice to them.
Senator HITCHCOCK. Yes.
Maj. BEERS. For instance, the volunteer officers who were discharged from the Army at the close of the Civil War were not compensated for their responsibilities and were not fairly compensated for the service which they had rendered, so that in honor the Government, in favor of the volunteer officers, should make this provision for them.

Then he continues:

The matter of compensation is entirely secondary, and the matter of compensation by the way of retired pay is a matter entirely of gratitude by the Government for meritorious service rendered the Government, and not by way of payment of a legal compensation.

So finally, Mr. President, it comes down to the admission that there is no promise here and never was. What are we doing? We are following a dangerous precedent and we are setting another dangerous precedent. We are inviting the officers in the Spanish-American War to come in and make the same claim, because they went into service under a like act in 1898, and the plain language of the statute does not discriminate against a man, whether he entered the service in the volunteer force or through the Regular Army. In either event, if he remains in the Regular Army during 40 years, he is placed upon the retired list, and neither a man in the Regular Army nor in the volunteer service is entitled to be upon the list unless he has devoted that time in the Army to the service of his country.

As to Maj. Beers, I think I know him. If he is the man I am thinking about, he is a most excellent gentleman, and he was very frank with the committee. Senator VARDAMAN asked him this question:

Senator VARDAMAN. Do you think that, as a matter of justice, a man who served only four years or two years or three years, and after the war was over went back to his home and assumed his usual vocation, is entitled to the same pay in dollars and cents as the man who has given his entire life and has had no opportunity to make more than a living, or to lay by something for a rainy day, or for his old age?
Maj. BEERS. On the other hand, Senator, the man you refer to is a man who has been educated at the expense of the Government.
Senator DU PONT. Not always.
Maj. BEERS. The great majority of those men are men who have been so educated.
Senator VARDAMAN. Well, suppose he has been educated by the Government. That is his vocation, his life's work, and he has no opportunity and no time to devote to other things. He simply lives upon his salary. He takes no thought of the problem of meat and bread, and the Government says to him, "You give your life to the service of this branch of the Government and we will take care of you. You do not have to do this." The man who serves three or four years, after the war is over returns to his home and assumes his usual vocation, and he is not dependent upon the Government. I think, so far as service is concerned, that the man who bore the musket——

The chairman interrupted the junior Senator from Mississippi, and said he thought it better not to have any interruption. They had reached a very interesting point in the discussion, though, Mr. President. They had reached a point which ought to be in the mind of the Senate when they come to perpetrate this injustice upon the taxpayers of the country and upon the military arm of our Government, because I do not hesitate to say that it is wrong to take this money and give it to these people under the plea of a promise as if they had devoted their lives in the military service when, as a matter of fact, they have not.

I hope that by nothing I say I may be understood as intimating that their services were not meritorious; that they were not patriotic. I have thought that no money could pay them for the great service they rendered to their country. I would rather see them fixed upon that plane than to see men come here and undertake to establish a legal claim against Congress based upon a statute that allowed officers in the Regular Army to be retired after 40 years of service. Maj. Beers proceeds:

And that is another reason for its passage, because there is a precedent for the bill which we ask for, although it is a precedent not to the same extent that we ask for it.

It is suggested by the Senator from Michigan [Mr. TOWNSEND] that if we are to have war we must depend upon volunteer forces in time of war, and if we are ungrateful hereafter, as we have been heretofore, we need not expect service.

Mr. President, I have a higher opinion of the citizenship of this country than that. I do not believe that the thought of pay occurred to a single man who enlisted upon either side in the Civil War. I have no doubt if war should come again they would go into it again. Neither do I think the claim that the public has been ungrateful can be sustained by the Senator from Michigan or by anyone else. It was said by a very distinguished gentleman appearing before the committee in the consideration of the Sherwood bill in 1912 that no such claim could ever be made. Consider that men, although they could trace no injury to their service, are being paid to-day, those of service of any length, as much as a dollar a day, and that there has been expended in money alone, leaving out the bounties given, nearly $5,000,000,000 in pensions.

Mr. President, if we should stop inventing new classes and allow those who are on the rolls to remain as they are, it seems to me we would be doing a good work. I am willing to leave matters as they are, but I do not think there can be any justification for bills of this character. I do not believe there is any justification for another bill pending here, to place the widows of all deceased soldiers who enlisted in the Spanish-American War upon the pension rolls.

I want to know how you are going to get away from this proposition: If you pay the men who are now living retired pay, how are you going to say to the representatives of those who are dead that you will not pay them, and when you do that it

is going to mount into hundreds of millions. Even this bill alone, if that were not done, will be pointed to as a precedent by the officers in the Spanish-American War, and if Congress remains in the same frame of mind that it is to-day such a bill will pass.

I feel, Mr. President, like making an appeal to the Democrats at least. Let us slow up a little on this legislation. We passed a bill not six months ago that added between fifteen and twenty million dollars to the annual cost of administering the affairs of the Government in the matter of pensions.

Here is another one of $10,000,000. How are we going to justify it?

The Senator from Michigan says it was reported by a Democrat. Yes; Mr. President, the Republicans were a little more shrewd when this bill visited them when they were in power. They never allowed it to come out of the committee, or they did only in the last days of the session, when it could not be possibly voted upon in both Houses.

It seems to me when you added fifteen or twenty million dollars last year that that ought to be enough. Now you are going to add $10,000,000 more. Then it is going to be said, as it is said now, that the American Republic is ungrateful. Here we are engaged in passing this legislation, which that old soldier from California, formerly from Wisconsin, said is class legislation, applied even to the privates in the Civil War. The water-power bill can wait; the corrupt-practices act, to try to better the conditions of elections in this country, can stand aside; and the Democrats on this side turn over the legislation of the Senate to a Senator who has his heart set, and has had for eight years, upon giving this gratuity to the volunteer officers of the Civil War.

Mr. President, I have said about all that I intend to say. If the Senate has made up its mind to do that, I do not believe I will interfere much longer. I have felt that if Senators understood what was involved they would not vote for the bill. They do not understand it; they are not here; they have not the time to investigate it. It is labeled pensions, and it is said in a general way in eloquent tones that it is to carry out a sacred promise. Of course, they say, let us make good our sacred promise, and they come in and vote. It is only $10,000,000 here, and it was $20,000,000 there, making $30,000,000.

The clerks and employees of this Government are asking Congress to help them to get the bare necessities of life. Here is a class of gentlemen unwilling that those men who are receiving as much as $2,400 a year income shall be excluded from this roll. They would get $1,800 a year, nearly three times the pay of men engaged every day in working for the Government to earn a living; $1,800 is to be paid to them, not because they need it but because it is a promise, a promise that can not be proven, a claim for a promise that can easily be overturned by the mere reading of the acts of Congress.

But the bill will pass if it comes to a vote, I suppose. I do not see why the organizations behind the bill for the Spanish-American War widows and for the widows of deceased veterans of the Civil War who were married to them in recent years should not continue their agitation and force out of Congress the passage of bills now upon the calendar for their benefit.

Senators say, "Oh, let us pass a few less bills for rivers and harbors and for public buildings and we will pay this." Senators make much about appropriations of that kind; they take days in discussing them, holding them up to the country, and there is newspaper agitation at the same time; yet a bill can pass through here for $20,000,000, as one did last summer, and never create a word of comment.

Mr. SMITH of Georgia. $20,000,000 annually?

Mr. BRYAN. Annually, of course, I mean. It never creates a word of comment either in the House or in the Senate or in the press of the country, and all the money has got to be raised by taxation.

It seems to me, Mr. President, if there is any hope in an appeal to Senators upon the merits of the case, this bill can not pass.

WATER-POWER DEVELOPMENT.

Mr. SHIELDS. Mr. President, the Senate on March 8, 1916, passed Senate bill 3331, amending the general dam law approved June 23, 1910, and for the improvement of navigation and development of water power in the navigable rivers of the United States with private capital. The Committee on Interstate and Foreign Commerce of the House of Representatives substituted for it a bill then pending before it for the same purpose, which, upon consideration by the House, was amended in several material particulars and passed. The Senate refused to concur in the action of the House, and the bill is now being considered by conferees appointed by the two Houses.

I am not going to discuss the differences between the bills as passed by the Senate and the House or which may be troubling the conferees, and I do not wish anything I may say to be taken as evidence that differences between the conferees exist.

There are, however, certain fundamental principles of sovereignty and jurisdiction over the navigable rivers of the United States and of property interests in their banks, beds, and waters underlying this proposed legislation which are now attracting public interest and concerning which much misinformation has been given publicity, intended to mislead the public in regard to them and the purpose and effect of the legislation, which may make some impression upon the minds of those who have not examined the questions involved with that care called for by their magnitude and importance, to which I wish to call attention.

What I have to say will be nothing new to those who are familiar with the history of the organization of our State and Federal Governments, and who know and understand the constitutional powers and limitations of the Federal Government and the reserved sovereignty, rights, and powers of the several States. The principles and authorities to which I will direct attention are elementary and known to all students of our dual form of government, and the chief merits of my remarks, if any, consist in the collation of the authorities and their application to the provisions proposed to be incorporated in the pending legislation.

The first proposition to which I will direct attention is that advanced by some that the United States has general sovereignty over the navigable rivers of the country and as sovereign holds them for all the people of the Nation as a common national resource, and that Congress has the power to arbitrarily control their banks, beds, and waters and to require the payment of rents and royalties for Federal purposes for the use of them by the riparian proprietors.

The general dam law, approved June 23, 1910, the drastic provisions of which have prohibited water-power development in navigable rivers since its enactment, and which it is the purpose of the Senate bill to repeal, as construed by some, authorizes the imposition of rents or royalties to be paid into the Federal Treasury upon all water power developed, presumably so much per horsepower, and there has been an effort to continue the authority for such charges and exactions in the pending legislation. The Senate rejected at least six amendments proposed to the Senate bill to require the payment of such charges, thus demonstrating that a majority of its Members was unalterably opposed to the principle underlying them. I believe I am authorized to say that this action was prompted by the conviction of the majority that Congress had no power to impose the payments of such rents and royalties. I believe, and will undertake to show, that all legislation of this character is unsound and unwarranted by any provision of the Constitution.

Mr. President, the United States has no general sovereignty over or property interest in navigable waters and Congress no power to legislate concerning them further than to regulate interstate and foreign commerce on them.

The several sovereign States have the exclusive and absolute sovereignty, jurisdiction, and control of such waters within their respective boundaries and hold them, their banks, beds, and waters in trust for their citizens and those to whom they have granted them in whole or in part, subject only to the paramount power of Congress to regulate commerce.

These propositions will be considered together as the same authorities support both of them.

If they are sound, Congress has no power to require proprietors of lands upon navigable rivers and owners of riparian rights to pay the Federal Government royalties and charges for the use of their property; but the several States of the Union have the sole sovereignty and control over these rivers, holding them in trust for their citizens and the people of the States within whose territorial boundaries the rivers flow, and those to whom they may have been granted by the States, own and have all property rights and interests in their beds, banks, and waters, and are entitled to the enjoyment of them to the exclusion of the people of all other States subject only to the paramount use for navigation, regulated by Congress.

These propositions do not involve the power of taxation, Federal or State. The Senate bill expressly provides that the property and business of those constructing dams under it shall be subject to taxation as other property and business, and they would be subject to both Federal and State taxation, lawfully assessed and levied, without such special provision.

Nor do they controvert the power of the United States to fix rents measured by the water-power developed on public lands leased for dam sites, plants, and transmission lines in connection with water-power development, as provided in the Myers bill, now pending in the Senate. That question is not involved.

The paramount power of Congress to control navigable rivers for navigation is also conceded, the contention being that its jurisdiction is confined to measures convenient or necessary for navigation, and that charges of rents or royalties for water or water power developed have no relation to navigation.

When the thirteen original States established their independence they automatically became vested with all the sovereignty powers which the Government of Great Britain had exercised in the colonies, and among these was the sovereignty over and control of navigable streams, which in this country on account of conditions here existing, has been extended to include all streams which can be navigated for commercial purposes. These are among the reserved rights and powers of the States and are common to all of them under the constitutional principle that new States shall be admitted to the Union upon equal footing with the original States.

Mr. President, these propositions are abundantly established by an unbroken line of adjudications of the Supreme Court of the United States from the earliest days of this Government down to the present.

In Martin *v.* Waddell (16 Pet., 410), Chief Justice Taney said:

> When the Revolution took place the people of each State became themselves sovereign, and in that character hold absolute right to all their navigable waters and the soils under them for their common use, subject only to the right since surrendered by the Constitution to the General Government.

In the case of Pollard, lessee, *v.* Hagan, (3 How., 229) the court, after quoting the above statement, said:

> Then to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States, and no compact that might be made could diminish or enlarge these rights.

The court concludes the opinion in that case in these words:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Thirdly, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

The case of Weber *v.* Harbor Commissioners (18 Wall., 57–71) is to the same effect. I quote from the syllabus:

> Although the title to the soil under the tidewaters of the bay of San Francisco was acquired by the United States by cession from Mexico equally with the title to the upland, it was held only in trust for the future State. Upon the admission of California into the Union absolute property in the dominion and sovereignty over all soils under the tidewaters within its limits passed to the State, subject only to the paramount right of navigation over the waters.

These cases are approved in that of Hardin *v.* Jordan (140 U. S., 381–382), where it is said:

> Such title being in the State, the lands are subjected to State regulation and control, under the condition, however, of not interfering with the regulation which may be made by Congress with regard to public navigation and commerce. The State may even dispose of the usufruct of such lands, as is frequently done by leasing oyster beds in them and granting fisheries in particular localities; also by the reclamation of submerged flats and the erection of wharves and piers and other adventitious aids of commerce. * * *
>
> This right of the States to regulate and control the shores of the tidewaters and the land under them is the same as that which is exercised by the Crown of England. In this country the same rule has been extended to our great navigable lakes, which are treated as inland seas; and also, in some of the States, to navigable rivers, as the Mississippi, the Missouri, the Ohio, and, in Pennsylvania, to all the permanent rivers of the State; but it depends on the law of each State to what waters and to what extent this prerogative of the State over the lands under water shall be exercised. In the case of Barney *v.* Keokuk (94 U. S., 324) we held that it is for the several States themselves to determine this question, and that if they choose to resign to the riparian proprietor rights which properly belonged to them, in their sovereign capacity, it is not for others to raise objections.

In the great case of Illinois Central Railroad Co. *v.* People of Illinois (146 U. S., 387), involving the lake front in the city of Chicago, it is said:

> It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters within the limits of the several States belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court and is not questioned by counsel of any of the parties.

The term "tidewater," as said in the opinion, is used in the sense of navigable waters, which in this country include all navigable rivers.

And in the same case it is further said:

> The soil under navigable waters being held by the people of the State in trust for the common use and as a portion of their inherent sovereignty, any act of legislation concerning their use affects the public welfare. It is, therefore, appropriately within the exercise of the police power of the State.

In Shively *v.* Bowlby (162 U. S., 1–58), stating the absolute sovereignty of a State over navigable waters within its territorial boundaries, Mr. Justice Gray said:

> Each State has dealt with the lands under the tidewaters within its borders according to its own views of justice and policy, reserving its own control over such lands or granting rights therein to individuals or corporations, whether owners of the adjoining upland or not, as it considered for the best interest of the public.

The case of Kansas *v.* Colorado (206 U. S., 46–92) was brought by the State of Kansas against the State of Colorado and certain corporations organized under the laws of the latter State, to restrain them from diverting the waters of the Arkansas River for the irrigation of lands in Colorado to such an extent as to deprive the citizens of the State of Kansas of the same.

The United States filed an intervening petition, claiming the right to control the waters of the river to aid in the reclamation of arid public lands. The petition was dismissed and the reasons therefor are summed up in the syllabus of the case in these words:

> The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all the powers not granted are reserved to the people, and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over these waters is, subject to the exception named, vested in the State. Hence the intervening petition of the United States is dismissed without prejudice to any action which it may see fit to take in respect to the use of the water for maintaining or improving the navigability of the river.

In the opinion of the court, after a full discussion of the question, followed by the citation of many cases, page 93, it is said:

> It is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

The questions decided in that case and the one we are considering are in principle identical. The United States has no more power to control the waters of navigable rivers for the generation of power than it has to control them for irrigating the public lands, which was there denied.

In the late case of Chandler-Dunbar Co. *v.* United States (229 U. S., 53) Mr. Justice Lurton, for the court, said:

> The technical title to the beds of the navigable rivers of the United States is either in the States in which the rivers are situated or in the owners of the lands bordering upon such rivers. Whether in one or the other is a question of local law.

The latest deliverance of the Supreme Court of the United States upon the subject is to be found in the case of Long Sault Development Co. against Homer D. Call, decided December 11, 1916, and is in full accord with the cases from which I have quoted. This case was originally brought in the Supreme Court of New York and involved the constitutionality of a statute of the State of New York granting a corporation certain rights in the St. Lawrence River within that State, and upon a hearing in the Court of Appeals of the State the act was adjudged void upon the ground that the property in question was held by the State in trust for the people and could not be granted for private use. From this decree a writ of error was prosecuted to the Supreme Court of the United States and there dismissed for want of jurisdiction because no Federal interest or question was involved, the gist of the decision being that the banks, beds, and waters of the St. Lawrence River, a navigable stream within the State, were subject to the exclusive sovereignty and control of that State.

Mr. Justice Clark, in discussing the opinion of the Court of Appeals of New York, said:

> And then addressing itself to the constitutional problem thus stated, the court proceeds upon principle and authority to decide: That under the constitution of the State of New York the power of the legislature of that State to grant lands under navigable waters to private persons or corporations is limited to purposes which may be useful, convenient, or necessary to the public; that it has no power to so part with the title to such lands that the State may not in the future improve navigation over them if the public interest shall so require; and that they are held by the State on such a trust for the public use that the legislature has no power to authorize the conveyance of them to a private corporation to maintain navigation thereover "in as good condition as * * * at present," thereby parting for all time with its power to improve such navigation.
>
> The court finds its principal authority for these legal positions in the decision of this court in Illinois Central Railroad Co. *v.* Illinois (146 U. S., 387), in which it was decided: That the title which a State holds to land under navigable waters is different in character from

that which it holds in land intended for sale and occupation, in the former case it being held in trust for the people of the State in order that they may enjoy the navigation of the waters and carry on commerce over them, free from obstruction or interference by private parties; that this trust devolving upon the State in the public interest is one which can not be relinquished by a transfer of the property; that a State can no more abdicate its trust over such property, in which the whole people are interested, so as to leave it under the control of private parties, than it can abdicate its police powers in the administration of government and the preservation of peace; and that the trust under which such lands is held is governmental, so that they can not be alienated except to be used for the improvement of the public use in them.

It has been repeatedly held by the Supreme Court of the United States that the Federal Government can not grant the lands, or any interest therein, under navigable waters. Hardin *v.* Jordan (140 U. S., 382), Niles *v.* Cedar Point Club (175 U. S., 388), Weber *v.* Harbor Commissioners (18 Wall., 5771). An act of Congress authorizing Indians to fish in the navigable streams of Oregon was held in the case of United States against Alaska Packers (79 F. R., 157) to be beyond the power of Congress and void.

The States not only hold all property rights in the navigable waters within their boundaries in trust for their citizens and their grantees but they may exclude the citizens of all other States from the use and enjoyment of these rights.

This was emphasized in the case of McReady *v.* Virginia (94 U. S., 391), which involved the validity of a statute of Virginia prohibiting the citizens of other States from planting oysters in Ware River, a navigable stream of that State. The court, after stating that "the principle has long been settled that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away * * *, in like manner the tidewaters themselves and the fish in them, so far as they are capable of ownership while running, and that for this purpose the State represents its people, and the ownership is that of the people in their united sovereignty," proceeded to hold that the banks, beds, and waters of navigable rivers within the States were the sole property of the people of those States, and that they had the right to use and enjoy them to the exclusion of the citizens of all other States, subject to the power granted to Congress to regulate interstate and foreign commerce on them.

The court further says, in substance, that the citizens of other States have no more right to enjoy the use of the navigable rivers of Virginia, other than for transportation purposes, than they would have had to share in the proceeds of its northwestern territory had that State sold it instead of ceding it to the Federal Government.

These principles have been written in the constitutions of many of the States, and others have declared them by statutory enactment.

The several States in the exercise of their undoubted sovereignty have long since firmly established the property rights of their people as a whole and of individuals as their grantees in the navigable waters within their boundaries, in accordance with the discretion and wisdom of each particular State. There are a number of States which have retained and held all the property rights, interests, and uses of navigable waters in trust for all of their people, and grants of them can not be made to persons or companies for private use. Among those adopting this policy are New York, Illinois, California, and Tennessee, as appears from the adjudications in the following cases: Long Sault Development Co. *v.* Call (Ct. Appls., N. Y.); Railroad Co. *v.* Illinois (146 U. S., 387); United States *v.* Mission Rock Co. (189 U. S., 390); Goodwin *v.* Thompson (83 Tenn., 209); State *v.* Pulp Co. (119 Tenn., 98, 99).

There are other States, perhaps a majority, which have adopted a different policy and have granted the banks, beds, and waters of their streams to persons and companies, in whole or in part, with the power to use them for domestic, agricultural, and manufacturing purposes, and property rights of various kinds and phases have thus become vested.

Whether a State will continue to hold these natural resources in trust for the whole people or will grant them, in whole or in part, to be developed and used for private purposes, and the extent and limitations upon the rights of riparian proprietors are all local matters dependent upon the constitution, laws, and policies of each of the several States, and with which the Supreme Court of the United States has repeatedly said the United States and Congress had no concern and no power to control.

Those States east of the Mississippi River and lying immediately west of it have adopted the common-law rule governing the rights of riparian proprietors, with more or less modification, which I will presently state. The Western States have adopted an entirely different system, known as that of "prior appropriation," made necessary by the mining and agricultural interests of that country, under which the first appropriator of the water of a stream acquires, as I understand, the right to divert it permanently and consume it in its use.

Where the common-law rule prevails the rights of riparian proprietors are limited to a reasonable use of the waters for domestic, manufacturing, and agricultural purposes, but to this extent they are as much property rights as those to the lands bordering upon the stream.

Chancellor Kent states the common law governing the rights of riparian proprietors in these words:

Every proprietor of lands on the banks of a river has, naturally, an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat), without diminution or alteration. No proprietor has the right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. (Kent's Commentaries, vol. 3, 439.)

In Kansas *v.* Colorado (206 U. S., 103) the court quotes approvingly from Chief Justice Shaw in the case of Elliott against Railroad Co. (10 Cush., 191) as follows:

The right to flowing water is now well settled to be a right incident to property in the land; it is a right publici juris, of such a character that whilst it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful and injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question depending on various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit to the prejudice of a lower proprietor; whereas taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it for his own benefit, for domestic use, and for manufacturing and agricultural purposes.

The case of the United States against Chandler-Dunbar Co. is thought by some to hold that riparian proprietors have no interest in the flow of waters by and over their lands, but it does not. In the opinion of the court, page 69, it is said, "that running water in a great navigable stream is capable of private ownership is inconceivable," but it is evident that the court did not intend by this simple statement to overturn well-settled rules of property recognized by the common law for a thousand years, for on the subsequent page it is said:

That riparian owners upon public navigable rivers have in addition to the rights common to the public certain rights to the use and enjoyment of the stream, which are incident to such ownership of the bank, must be conceded. These additional rights are not dependent upon the title to the soil over which the river flows, but are incident to ownership upon the bank. Among these rights of use and enjoyment is the right, as against other riparian owners, to have the stream come to them substantially in its natural state, both in quantity and quality.

Nor does this case hold that the Federal Government can, under the commerce clause, lawfully use the waters of navigable rivers for commercial purpose in the exercise of its power to regulate commerce. The United States had acquired the fee in all riparian rights on the St. Marys River and constructed the dam upon its own property for navigation purposes, and the court merely held that the excess of power over that needed for the operation of the locks created by the dam constructed for navigation purposes might be sold.

This holding was based upon the fact that the property was taken for a public purpose—the improvement of navigation. This appears from the statement in the opinion that—

If the primary purpose is legitimate, we can see no objection to leasing an excess of water over the needs of the Government.

The case of Green Bay Canal *v.* Patton Paper Co. (172 U. S.) and Kaukauna Water Power Co. *v.* Green Bay Canal Co (142 U. S.) are also relied upon to sustain the contention that the Congress may control and lease water power in navigable streams. They do not do so. The questions there decided arose upon statutory contracts, and the commerce clause of the Constitution was not involved.

I have perhaps burdened the Senate with too copious quotations from the adjudged cases upon these questions, but I desired to present in concrete form the holdings of the Supreme Court in relation to them in every period of our history. These authorities clearly and conclusively demonstrate that the United States has no general sovereignty over navigable rivers, that the people of the United States in their national character have no property interest in them, and Congress can not constitutionally exact rents or royalties, to be covered into the Federal Treasury as proposed, and that such legislation must necessarily be a usurpation of the sovereign powers of the States and confiscatory of their property and that of their citizens. Argument in support of these obvious conclusions would be an

abuse of the patience of the Senate and an offense to its intelligence.

These contentions are now conceded by some of the advocates of these Federal rents and royalties who are familiar with the authorities, and they have been driven to rest the power of Congress to compel the payment of them upon the proposition, as I understand it, that the United States, through Congress, has the power to grant to the States and their grantees permits necessary to authorize them to construct dams in navigable streams, and in exercising this power may impose such conditions as Congress deems proper.

This must carry with it the assertion that this can be done, although the proposed structure will not obstruct but improve navigation, and the purpose of it be lawful and laudable, and the terms or conditions imposed are beyond the affirmative powers of Congress, and in direct violation of the express provisions of the Constitution.

Mr. President, these are most astounding propositions of constitutional law and public policy, difficult to reconcile with the spirit and genius of constitutional government and the guaranties which it affords to the personal and property rights of a free people. Is it possible that Congress can by constructive force and duress usurp the sovereign powers of the States and confiscate the property held in trust for their citizens? Can the fundamental law be thus evaded and violated to force the States and their citizens to yield to an unlawful and unjust exaction under the penalty of being arbitrarily prohibited from the use and enjoyment of their property? The premises of this proposition are fallacious. The United States has no general police power over or proprietary rights in navigable waters to grant.

The commerce clause conferring on Congress the power to regulate commerce with "foreign nations and among the States" does not authorize such legislation.

The latest judicial construction of this clause is found in the case of Adair against United States, in Two hundred and eighth United States, page 177, where it is said:

> The power to regulate interstate commerce is the power to prescribe the rules by which such commerce must be governed. Of course, as has been often said, Congress has a large discretion in the selection or choice of the means to be employed in the regulation of interstate commerce, and such discretion is not to be interfered with, except where that which is done is in plain violation of the Constitution.

And its limitations are there declared—pages 178 and 180—in these words:

> Manifestly any rule prescribed for the conduct of interstate commerce in order to be within the competency of Congress, under its power to regulate commerce among the States, must have some real or substantial relation to or connection with the commerce regulated. * * * We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exercised in violation of any fundamental right secured by other provisions of the Constitution.

Mr. President, while the Supreme Court holds in this case that Congress has plenary power under the commerce clause to regulate foreign and interstate commerce, it also holds with equal positiveness and certainty that this power has limitations and can not be exercised in violation of other provisions of the Constitution, which is simply an application of the cardinal and fundamental principle that all the ordinances of the Constitution are of equal dignity and validity, and must be construed and enforced so as to give them all equal force and effect.

The proposed legislation would violate the tenth amendment, declaring and protecting the reserved powers of the States. The Congress would thereby usurp and assume to exercise the general police powers of the States over navigable rivers, and appropriate the property rights they hold in them in trust for their citizens.

The original States of the Union—and the new ones have the same rights—had all sovereign powers and property rights over and in navigable streams, their banks, beds, and waters within their respective boundaries before the United States was organized and the Constitution ratified, and the public then had the same easement or right of navigation it now has in those streams. Commerce, intrastate, interstate, and foreign, was regulated by the States in the exercise of their general inherent police power over navigable rivers and their waters.

All these powers and rights, except the police power conferred upon the Congress to regulate foreign and interstate commerce, were reserved to the States, and they need no permission from Congress to exercise and control them. They exercised these powers without question by the Federal Government for a hundred years, during which time their general assemblies appropriated money for the improvement of the rivers, authorized the construction of bridges and dams, and otherwise legislated in relation to them, all of which was sustained in the principle announced in the case of Monongahela Navigation Co. against United States (148 U. S., 311), where it was held that a company authorized by the State to construct navigation dams could recover full compensation for its property when taken over by the United States under an act of Congress for the further improvement of the river. Congress did not then claim the power to interfere in such matters further than to prohibit the construction and order the removal of structures considered by it obstructions to navigation.

The statutes which Congress enacted in 1899, 1906, and 1910, which are proposed to be amended and repealed by the Senate bill, requiring the consent of Congress to the construction of dams and other structures, are not enabling acts. Congress does not thereby grant any rights to the States and riparian proprietors. These statutes and the amendment adopted by the House are prohibitory in their character and thinly disguised efforts to usurp reserved powers of the States, and appropriate for the whole Nation property rights which they hold in trust for the exclusive benefit of their own citizens.

Such legislation would also violate the fifth amendment, ordaining that private property shall not be taken for public use without just compensation. The imposition of a charge or burden, however small, upon private property for a public purpose without compensation is confiscatory and forbidden by the fundamental law. I do not consider it necessary to cite authority to support such an obvious proposition, but the question has been directly passed upon in the cases of Rossmiller *v.* States (114 Wis., 169, 188); Cary Library *v.* Bliss (151 Mass., 364, 378); Woodward *v.* R. R. Co. (180 Mass., 599–603); Chicago R. R. Co. *v.* Illinois (200 U. S., 593).

Riparian rights are property protected by this principle. In Cyc, volume 15, page 648, it is said:

> Water rights are within the protection of the constitutional inhibition against taking or injuring private property without making just compensation to the owner. Consequently, if the waters of a lake or stream are polluted, diminished, or diverted, or otherwise taken, directly or indirectly, so as to infringe upon the rights of a riparian or littoral proprietor, or if lands lying under the waters of a lake or stream and owned by private individuals or improvements thereon are taken wholly or in part, the owner is entitled to proper compensation.

Commerce—transportation—is not the only or the highest use of navigable streams. Their waters are absolutely necessary for domestic, agricultural, and manufacturing purposes. Animal life could not be sustained and the earth would not produce food without them. These purposes and uses are all more important for the support of life and the welfare of the people of the States where the waters flow than foreign and interstate commerce and have equal protection under the Constitution.

The easement or right of navigation which the public has in navigable rivers is the same that it has in ordinary highways, and the police power which Congress, and the States within their respective jurisdictions, have to regulate it, must be exercised in a reasonable manner consistent with the rights of abutting and riparian proprietors. (Grand Rapids *v.* Butler, 159 U. S., 87; R. R. Co. *v.* Illinois, 146 U. S., 387.)

Mr. Farnham, in his valuable work on Waters and Water Rights, section 29, concerning the respective rights of the public and riparian proprietors, says:

> When it is said that the right of the public is paramount, nothing more is meant than that the riparian owner can do nothing to close the highway. He can not divert the water from the stream, nor consume it so as to defeat the possibility of navigation, nor can he place any insuperable obstructions in the stream. Conversely, the right of public navigation is not such as to destroy the rights of the riparian owner. The right can not be exercised to the unnecessary or wanton destruction of private rights or so as to deprive the riparian proprietors of the use of the stream for legitimate purposes which will not unreasonably interfere with the right of navigation. The navigation right is the right of passage merely, and so long as the right is preserved without reasonable impairment, the riparian owner may abridge the stream or use water therefrom, or even throw a dam across it, if he makes provision for the right of passage. The rights may be said to be reciprocal, each modifying the other, each to be used so as not to interfere unreasonably with the other right. The riparian owner is not bound to provide a better passage than is furnished by nature. He may even abridge the rights to some extent, if he leaves a convenient passageway.

This text is sustained by adjudged cases of last resort of many States.

It is not claimed that the absolute prohibition of the construction of all structures in streams is necessary to protect navigation, and could not be so, because it is known that the dams which companies owning riparian rights propose to construct, with locks and other facilities, would greatly improve navigation in every instance. There is no pretense that the exaction of royalties upon the waters used or the water power developed in these streams can have, in the language of Adair against United States, any "real or substantial relation or connection" with the navigation of the rivers, or that it would be a regulation of commerce. It would clearly be an unreasonable and arbitrary exercise of police power wholly foreign to commerce which could not be sustained in the courts of the country.

The case of Chicago Railroad Co. *v.* Illinois (200 U. S., 593) is directly in point here. It is there said:

> If the means employed have no substantial relation to the public objects which the Government may lawfully accomplish; if they are arbitrary and unreasonable beyond the necessities of the case, the judiciary will disregard mere form and interfere for the protection of rights injuriously affected by such illegal action.

The Supreme Court has held that the United States has no general police power, and Congress can not exercise that reserved to the States, although the States and their citizens give their consent. (United States *v.* De Witt, 9 Wall., 41; Martin *v.* Hunter, 1 Wheat., 304; License cases, 5 How., 504; Pollard *v.* Hagan, 2 How., 229; In Raher, 140 U. S., 345; Enc. U. S. Repts., vol. 4, 214.)

Let us for a moment consider where the proposition that Congress can exercise general sovereignty over navigable streams and their waters, and arbitrarily prohibit the use of them would lead.

The States and their cities could be absolutely prohibited from the use of the waters and the water-power resources of the streams for any and all public purposes; and the people could be prohibited from using them for domestic, agricultural, or manufacturing purposes, regardless of the fact that in each case the use would not interfere with navigation. If one of these things can be done, all can be done. More than this, Congress could, under the guise of regulating commerce prohibit the shipment of coal, oil, and ores, without the payment of royalties by the mine owners, to be covered into the National Treasury. These are all great natural resources as much as waters and water power, and arbitrary power could as lawfully be exerted over them as a commerce regulation.

The argument made in favor of the Federal Government arbitrarily usurping the powers of the States and confiscating the rights of their citizens in navigable waters is that it is necessary to protect the people from monopoly and preserve to them this great natural resource. The history of the past shows that the Federal Government has given away more of the public property and natural resources of the country in grants of lands and subsidies to railroad companies and in grants of mining lands and lands bearing coal and oil in value many times that disposed of by all the States combined. I do not agree with the assumption that Congress and the officials of the Federal Government are more honest and more competent to manage the affairs of the States than the people of the States. Those who entertain this opinion may be right, so far as the people of their own States are concerned, but I deny that it is true of the citizens of the great State which I in part represent. I have every confidence in the integrity and ability of the people of Tennessee to administer their own affairs and protect their own interests, and for them I protest against such calumny and any interference upon the part of Congress or other Federal agencies in the free exercise of their governmental powers and private rights.

The statement has been made and given wide circulation that there is an effort by some unknown interest, vaguely spoken of as a Water-Power Trust, without the slightest evidence of the existence of such a thing, to appropriate the great natural resources of our navigable streams. There is undoubtedly an effort to appropriate these resources, but not by private interests. It is to be found in the proposed unconstitutional and confiscatory legislation, which the Senate bill proposes to repeal, and against which I am protesting, and which is nothing less than a bold and unwarranted effort to wrest from the States these valuable property interests held by them in trust for the exclusive benefit of their citizens, and appropriate them to the use of the entire Nation. The proposition is to take from the States and their people the natural resources found within their borders and turn them over to the United States to be distributed among the people of all the States.

The Senate bill fully recognizes the sovereignty of the States over navigable streams within their borders and the property rights in their waters and the interest and welfare of their citizens, and ample provisions are made to protect them all. Companies proposing to construct dams for the development of water power or other purposes are required to first obtain authority to do so from the States where the dams are to be built and the plants located and operated. The property and the business of the companies are made subject to State taxation, and the rates to be charged for the water power and hydroelectricity furnished, generated, and sold are to be regulated and fixed by the laws of the States through their public-utility commissions, and such other agencies as the States may in their discretion provide for that purpose, and special provision is made against the monopolization of waters and water power.

But if these things were not provided for it would be no concern of Congress. The Federal Government can not usurp and exercise the powers of the States, because they do not exert them in whole or in part.

The legislation which is required for the development of the water-power resources of navigable streams and all that is necessary is the repeal of the present laws arbitrarily prohibiting the States and riparian proprietors from constructing dams regardless of whether they will obstruct or improve navigation, and reasonable provisions for the submission of the location, plans, and specifications of dams proposed to be constructed, to the Federal authorities having charge of navigation in these streams, so that they may determine in advance whether the proposed structures will or will not obstruct navigation, and to require them to be constructed under plans approved by them and under their supervision, so that they will not obstruct but improve and facilitate navigation for the present and for a certain and fixed term of years, so that, so far as possible, all necessity for removal of the dam as an obstruction may be avoided.

While in the phraseology of the Senate bill the terms "permit" and "permittee" and "grant" and "grantee" are used following that of the former laws, the gist of the provisions of the bill are simply for the construction of the dams, upon the conditions and under the supervision of authorities as here stated.

This is all Congress can constitutionally legislate, because the United States has no other authority to grant and no water or water power to sell or charge royalties upon, and the States need no permit to exercise their powers further than to avoid interfering with commerce.

The provisions for the termination of the permit in the Senate bill and in the amendment of the House are substantially the same, the difference consisting largely in details and procedure. The definite term in both is 50 years. The present law provides that the term shall not exceed 50 years unless Congress shall so direct. The consensus of opinion now seems to be that a term of 50 years is necessary for properly financing a company organized for water-power development, and there is no objection to this period. The provisions of the Senate bill upon this subject are found in sections 5 and 6 of the bill.

The objections made to these provisions, as I understand them, are as follows:

It is charged that the right of the United States to take over the property under section 6 is limited to the period of the expiration of the definite term of the permit—50 years—and if not then exercised the permit becomes perpetual. This objection is unfounded. The first sentence of section 6 provides—"That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the permit, two years' notice," and after the termination of the permit the renewal or grant to another will be made as "authorized and required by then existing laws."

But if this is not sufficiently clear the bill can and will be amended, for the intention of the Senate was to reserve the right to Congress to arbitrarily terminate the permit at any time after 50 years, upon reasonable notice.

It is charged that the renewal or regrant of the permit is required to be upon the same terms as the original permit.

The lines quoted above from section 6 provide that the renewal of the permit or grant of it to another be done under "then existing laws," which may be entirely different from the requirements for the original permit prescribed in the bill and as Congress may hereafter direct.

It is charged that the permit authorized is in effect a perpetuity. This is absolutely untrue.

The permit, under section 5, is to be made for the definite term of 50 years, when it expires by limitation of law, and after that the permittee continues in the use and possession of the property, at the pleasure or option of the United States, until the permit is finally terminated by notice, when the property may be operated by the United States, granted to another permittee, or to the old permittee upon such conditions and such terms as the then existing laws, passed in the light of the experience of 50 years, may authorize and require. The provision for the continuance of the permit at the option of the United States is necessary in order that the permittee may keep the property in good repair and running order and supply his customers with power. If the permit terminated automatically and the plant shut down it would deteriorate in value and great loss would follow to all manufacturing plants dependent upon it for operative power.

Further objection is made to the provision for compensation of the permittee for his property when taken over by the United States or a new permittee. The language of section 6 upon this subject is in these words:

> Upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navi-

gation, and all other capital expenditures required by the United States. * * * In the determination of the value of said property for any purpose as between such grantee and the United States or any State, no value shall be claimed or allowed to the grantee for the rights hereunder granted.

This is as far as Congress can legislate upon this subject. The provisions for taking over the property of the permittee upon the termination of the permit are in substance and effect the exercise of the power of eminent domain, and the appropriation of private property for a public purpose.

Congress has the power to determine what property is required for public use and the procedure by which it may be taken, but the compensation to be paid is a question for the courts. The Supreme Court of the United States, in Monongahela Navigation Co. *v.* United States, after holding that while the question of appropriation was legislative, that of the compensation was judicial, and the legislature could not prescribe the rule of compensation, quoted with approval from Isom *v.* Mississippi Railroad Co. (36 Miss., 300) the following statement of the law upon the subject:

The right of the legislature of the State, by law, to apply the property of the citizen to public use, and then to constitute itself the judge in its own case to determine what is the "just compensation" it ought to pay therefor, or how much benefit it has conferred upon the citizen by thus taking his property without his consent or to extinguish any part of such "compensation" by prospective conjectural advantage, or in any manner to interfere with the just powers and province of courts and juries in administering right and justice, can not for a moment be admitted or tolerated under the Constitution. If anything can be clear and undeniable upon principles of natural justice or constitutional law, it seems that this must be so.

The bill provides that the "fair value" of the property is to be determined by mutual agreement between the Secretary of War and the permittee, and in the event of their failure to agree, then in a proceeding in equity instituted by the United States in a district court of the United States.

The words "fair value" are synonymous with "reasonable value," used in the present law and "just compensation" used in the constitutional provision providing for the payment for property taken for public use.

The former words were selected because they were believed to express what would be just and right between the grantee and the United States or any subsequent lessee, and are ordinarily used in reference to matters here concerned. They are the words used in the Federal revenue laws providing for the valuation of property for assessment and taxation.

What is fair value must always depend upon the facts and circumstances of each case, and is a question peculiarly proper for judicial determination. The courts of the country have frequently had this question before them in determining the rights of parties in similar matters, and the meaning of the phrase "fair value" is well defined and its flexibility in application to different facts and conditions is well established, as will readily appear by reference to the adjudged cases upon the subject.

The United States Supreme Court, in the case of Wilcox *v.* Consolidated Gas Co. (212 U. S., 19), speaking of the valuation of the property of a company in fixing rates, said:

And we concur with the court below in holding that the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property which legally enters into the consideration of the question of rates has increased in value since it was acquired, the company is entitled to the benefit of such increase. This, at any rate, is the general rule. We do not say that there may not possibly be an exception to it where the property may have increased so enormously in value as to render the rate permitting a reasonable return upon such increased values unjust to the public.

The same court, in the so-called Minnesota cases, involving similar questions, said:

It is clear that in ascertaining the present value we are not limited to the consideration of the amount of the actual investment. If that has been reckless or improvident, losses may be sustained which the community should not underwrite. As the company may not be protected in its actual investment if the fair value of the property be plainly less, so the making of a just return for the use of the property involves the recognition of its fair value if it be more than its cost.

In the case of Omaha *v.* Omaha Water Co. (218 U. S., 180) it is said:

This option to purchase excluded any value on account of unexpired franchise, but it did not limit the value to the bare bones of the plant, its physical properties, such as its lands, its machinery, its water pipes, or settling reservoirs, nor to what it would take to reproduce each of its physical features. The value in equity and justice must include whatever is contributed by the fact of the connection of the items making a complete and operating plant. The difference between a dead plant and a live one is a real value and is independent of any franchise to go on or any mere good will as between such a plant and its customers. That kind of good will, as suggested in Wilcox *v.* Consolidated Gas Co. (212 U. S., 19), is of little or no commercial value when the business is, as here, a natural monopoly, with which the customer must deal, whether he will or no.

There is no sound reason why the ordinary rules for ascertaining the value of property which the owner is compelled to part with by contract limitation or by law should not apply when the property of a permittee is taken over under the provisions of this bill. The same principles of justice and equity which govern controversies between individual and individual should apply to similar controversies between the sovereign and its citizens, certainly in matter affecting the private property rights of the citizen. The sovereign should not take advantage of its great power and wealth to obtain a more favorable settlement of a controversy than allowed by the law it administers in similar matters between citizen and citizen.

I have every confidence in the integrity and ability of our courts. The machinery of the courts of equity is ample and effective to ascertain all the facts and settle all equities in accordance with that common justice which should be meted out in every case. The conditions and circumstances then existing of each and every case will be considered and that which is fair and just will be done.

I do not believe that there should be specific exclusion or inclusion of values, tangible or intangible, prescribed at this time, for it is impossible to say whether they will or will not be elements of fair value at the expiration of the term of the permit. It is safer to leave these matters to be dealt with by the courts, in the light and progressive development of 50 years of experience, especially when the matter in many respects is new and the possibilities yet not fully developed and known.

The constitutional provision that private property shall not be taken but for a public use, and then only with "just compensation," can only be complied with by allowing the fair value of the property, whether it be taken over by the Government for operation or granted to another permittee. If the fair value of the property is not to be paid at the termination of the permit, it must be amortized in the rates charged during the life of the permit. There is no other way in which the capital invested can be returned, because the rates charged would otherwise be confined to a fair return upon the investment. There is no way to compel those who have money to invest it in water-power development.

The business requires large capital, is new and not fully understood, and hazardous from floods and many other natural causes. If investments of this kind are not protected as other property interests these vast natural resources will continue to go to waste and the country deprived of the beneficent use of cheap power. There is nothing immoral or unlawful in the development of water power that investors in it should be discriminated against and penalized.

The chief object of legislation of this character should always be to advance the interest of the consumers of water power and hydroelectric energy, and this has been the controlling purpose in framing the Senate bill. There are few who do not concede that rents, royalties, or charges which may be imposed upon water-power development by the Federal Government, and all deductions made from the fair value of the property when taken over or regranted to another upon the expiration of the permit, must be taken into consideration by public-service commissions fixing and regulating the rates to be charged for the power sold, and thus in the end will be paid by the people.

A provision requiring the permittee to take less than the fair value of his property would be only another method of collecting rent and royalties for the benefit of the Federal Government from property in which it has no possible proprietary interest and is subject to the same constitutional objections. There is no difference in requiring the contribution to be paid in advance in royalties and at the expiration of the permit by deductions from the value of the property. It is in either form a taking of private property without just compensation. The permit passes no property interest and is not a valuable consideration. It is a mere police permit allowing the owner to use his property in a lawful manner.

The conception which obtained publicity and prominence about 10 years ago—that a great Federal revenue should in this way be raised, to the prejudice of the rights of the sovereign States and their citizens—has been largely abandoned, and especially by many officials whose duties required them to study water-power development and prominent disinterested citizens who have given the matter attention. It is believed by them that prompt development of the water-power resources of this country for the benefit directly of the inhabitants of the district where they are found and indirectly in forwarding the interests of all the people in cheap power should not be retarded by a policy of doubtful propriety, justice, and constitutionality when viewed in its most favorable light.

Mr. Fisher, former Secretary of the Interior, in the hearings on the development and control of water power before the National Waterways Commission, said:

I should put it in the statute—

Referring to the term—

50 years—not more than 50 years—as the term of a grant. I do not think it is necessary to have a longer period, and I do not think any engineer or promoter interested cares for it beyond that length of time.

He must take care of his finances in most cases within a shorter period than that. If you do not gant him a renewal, you must take care of the capital invested in the plant. You must follow one of two principles—you have either got to say that this concern can charge during a particular period of the grant a rate which will enable it to retire the principal or you must provide that you will protect the principal as it stands at the end of the grant. You may prefer that the grantee shall turn over the investment at the end of the grant to the public for nothing. I can not understand that policy. That means the people living during the 50-year period are going to have to pay for the entire investment and that posterity will get it for nothing. But if you think posterity should share the burden with us, and I am personally inclined that way, I would be in favor of saying, "You provide adequate funds for depreciation, renewals, and obsolescence and we will take your plant over at the end of the period at the then value of the plant if you do not continue."

I will also read a statement from the preliminary report of the United States National Waterways Commission, made by Senator Theodore E. Burton, as chairman, and Senators Jacob H. Gallinger, William Alden Smith, F. M. Simmons, James P. Clarke, and Representatives Stephen M. Sparkman, John A. Moon, and others, page 24:

The commission is of the opinion that the Federal Government has no proprietary right or interest in navigable waters which would authorize the collection of tolls. The right, if it exists at all, rests upon either the second or third theory stated. As regards the second theory, it should be said that the imposition of tolls, unless based upon a more substantial foundation than the mere authority to grant or withhold consent—an authority arising solely from the control of the Federal Government for the purposes of navigation—does not commend itself to the commission, and it is to be doubted whether, even in case a bill should be passed or other action taken by Congress for granting this permission, with a provision for charging tolls, such tolls could be collected. Regarding the third theory stated, it should be noted that under the exercise of the taxing power Congress can levy taxes for general revenue purposes upon all classes of water power, whether in navigable or nonnavigable streams, and if charges are to be imposed it would seem that this is the normal method. It should further be borne in mind that a requirement for the imposition of tolls where the right to construct a dam is hereafter granted would cause a discrimination between water power to be utilized under future permits and those already enjoyed, which are subject to no such charge. It must, of course, be remembered that whenever the privilege of constructing dams is granted in a navigable stream there is an undoubted right to impose charges sufficient to pay the expenses of examination and supervision and to secure the Government against cost, by reason of obstacles to navigation created by the erection of dams, but this rests upon an entirely different principle from the proposal to charge tolls.

Mr. President, there is another feature of this legislation to

The conditions and terms upon which the persons and companies owning or acquiring riparian rights upon navigable rivers, complying with the laws of the States concerning such matters, to construct dams in them, first having obtained a permit to do so from the Secretary of War upon the terms prescribed in the bill, and those which it authorizes that officer to impose. This is necessary for a workable law.

The conditions and terms upon which the persons and companies may be authorized to construct dams or other obstructions in navigable streams are proper subjects of legislation, and should be prescribed by the Congress, but the mere location of a dam in accordance with such legislation is a matter of administrative detail which the War Department, having charge of the improvement of navigable rivers, can best investigate and determine, so as to protect fully the interest of navigation.

The construction of dams is a local matter, and for more than a century Congress left the control of it entirely to the States wherein the rivers were situated, and no other permit was required than that of the general assembly of the State, the structure, subject always to be removed if deemed by the Federal authorities an obstruction to navigation. This contingency was sufficient to prevent interference with navigation by structures, and there was no friction between the Federal Government and the States, or those to whom they granted permits, concerning dams in navigable streams.

The Congress, by an act passed in 1899, forbade all structures without a special act giving its consent. Why this change was made and this great burden of administrative detail assumed by Congress does not appear. Nor does it appear that there was any special demand for the legislation, nor that the question was debated, nor that it received deliberate consideration when the law was passed.

A general dam law which requires the action of Congress in each separate project is one in name only. It is not within the power of this nor any future Congress to control the legislative policy of their successors. Congresses are constantly changing membership, and new Members will always have different views concerning the improvement of navigation and water-power development which would be written in each separate act consenting to a particular project, and this would absolutely destroy uniformity in legislation of this kind and assure discrimination and inequality in the terms of different permits.

The delays which occur in procuring the consent of Congress by special acts and the uncertainty of what the provisions of such acts will be, have in the past discouraged capital and caused it to seek other investments free from such embarrassments, and will continue to do so. The Congress has conferred upon the War Department jurisdiction over navigable rivers and intrusted to its officers the improvement of them with appropriations from the Public Treasury, with full discretion in the location and construction of dams, locks, and other facilities for navigation, and there is no valid reason why these same officers should not be intrusted with this discretion when private capital is used in making improvements. Congress, before enacting special acts for this purpose, has generally referred them to the War Department for a report, so far as the project affected navigation, and has given great weight to such reports. This provision does not carry with it any appropriation from the Federal Treasury or concession of public property, but is a delegation of part of the police power of Congress to regulate commerce by the improvement of navigable rivers. I think it is now generally conceded that this plan is preferable to special acts authorizing the construction of dams. Authority to grant permits for water-power development upon the public domain has been given the Secretary of the Interior and found to operate satisfactorily. The police power has also been conferred upon other departments of the Government over matters within their respective jurisdictions with satisfactory results.

Mr. President, the navigable rivers of the United States are perhaps the greatest natural resources of our country. We have about 50,000 miles of these rivers which are navigable for commercial purposes, and about one-half of them have obstructions, such as falls, rapids, and shoals, which must be removed or submerged.

The maximum water-power horsepower in the United States is estimated to be 61,780,000, exclusive of available storage, only about one-tenth of which is developed and utilized. That in the navigable rivers alone is estimated to be about 27,000,000 horsepower, of which a comparatively small portion is developed. Our present arbitrary and oppressive laws controlling these rivers have absolutely prohibited and strangled water-power development in them, the total development since they were enacted being less than 140,000 horsepower. There never was a time in the history of this country when the necessity for improving the navigation in these streams and utilizing this natural energy now going to waste was greater than at present. Our magnificent railroad systems—and we have the greatest in the world—have utterly failed to answer the demands of the commerce of the country, and transportation has been congested for months. The further construction of railroads to any important extent seems improbable, as the mileage in the last two years has been less than that of any one year for half a century. The opening of our rivers for navigation has become an imperative necessity, but the Government is embarrassed in accomplishing it because of the great expense required.

We must have cheap power in large quantities for manufacturing fertilizers, steel, chemicals, aluminum, and many other things necessary to the cultivation of our lands and to enable us to compete with other countries in the production of those articles. The cost of foodstuffs of all kinds has reached a mark that is oppressive to a large part of the people of the country, resulting from diminished supply and increased population. Our lands have deteriorated in fertility and must be fertilized to make them produce larger crops. We must have cheaper nitrogen and phosphorus for the manufacture of fertilizers, which are only obtainable by the fixation of atmospheric nitrogen and electrical treatment of phosphate rock. We can not obtain the hydroelectricity for these purposes without the development of our water powers.

The capital to open these rivers for transportation and develop and utilize this energy can be obtained by repealing the present prohibitory statutes and enacting proper laws which will safeguard and protect the property of the investors, at the same time affording ample protection to the rights of the people in these great natural resources. It is unjust to the American people to longer delay legislation of this kind; indeed, it seems to me little less than a crime that we should arbitrarily prohibit the development of our rivers for these beneficent purposes, which would contribute so much to the happiness and prosperity of our people. The time for personal exploitation, publicity, and false conservation has passed and practical methods and policies ought to be adopted and followed.

Mr. President, some time ago Mr. Hugh L. Cooper, a well-known hydraulic engineer, whose best known work is the great hydroelectric plant on the Mississippi River at Keokuk, Iowa, in an article on water-power development appearing in the Outlook, said:

It is stated by some of those who oppose changing the present laws for the development of water power on public lands that there is no necessity of demand for additional developments in the West, because

some existing power companies have sufficient power unsold to supply the present and near-future market. This suggestion by Government officials that great areas of territory in the West and South shall be deprived of industrial growth through water-power assistance until these few restricted districts have consumed all their developed power is so unfair and unsound economically as to be almost pitiful. Our railways had to overdevelop that the country might develop, and the same is true of the water-power industry. It can also be said that in the entire United States to-day there is not a single water power developed that can offer power terms justifying the establishment of fertilizer works, electrochemical works, large irrigation projects, or nitrogen-fixation plants. It can also be said that there are now tentatively under serious consideration in the United States new developments that will call for more than $75,000,000, all awaiting for encouraging legislation only. Must our unnecessary importations, amounting to $50,000,000, and many other crying needs, wait until a few western plants can sell out a small amount of power now unsold? I do not think the people will take kindly to this idea. Furthermore, if it should turn out in the future that more power is developed than can be immediately sold, such a condition is hardly one which the public or the Government need worry about, so long as the people reserve to themselves the right to regulate power rates.

What facts Mr. Cooper had to base these statements upon I do not know, but from his well-known character it is supposed that he would know whereof he speaks. There is unquestionably great opposition to the free development of the water-power resources in the United States, but whether it comes from a combination of the water-power-developed interests, from the great transportation companies of the country who would be prejudiced by navigation upon our waterways, or from other sources, I do not know.

I have referred to the strenuous efforts that have been made to impose burdens upon water power yet to be developed, and the fact that this would be a discrimination against them because the companies having plants in operation are not subject to such charges. There is a constitutional and a just method by which all persons and companies engaged in water-power development may be required to contribute to the expenses of the National Government, and that is by an excise tax. I have been opposed to a tax of this kind, because one of the great objects of water-power development is to furnish cheap energy necessary for the purposes I have just stated, and every burden imposed will find a place in the rates charged the people for the use of the power. But if charges upon water-power development must be imposed it should be done in a lawful manner, and therefore I will propose an amendment to the bill for the increase of revenue when it comes to the Senate providing for such a tax in these words:

That all persons, associations, and corporations engaged in the business of operating plants for the production of water power shall pay an excise tax of 10 cents per horsepower year of energy produced and used or sold or otherwise disposed of.

All persons, associations, and corporations subject to this tax shall annually file with the Commissioner of Internal Revenue, on January 1 of each year, a detailed statement of the horsepower produced, sold, used, or otherwise disposed of by them for the previous year, duly verified by a person having knowledge of the facts: *Provided*, That this tax shall not apply to any person, association, or corporation during the five years next after having begun the business of producing, using, selling, or disposing of water power, nor to persons, associations, or corporations producing, using, or selling less than 100 horsepower: *Provided further*, That no person or company required by the terms of the permit granted to them by Congress, or any authorized agent of the United States, to construct a dam or dams in navigable streams for the development of water power to pay any rent, royalty, or charge of any nature, or of any amount, shall be subject to the said tax, and no such royalty or charge shall exceed the tax hereby levied.

The rate is suggestive and tentative. If thought best, it can be raised. A tax levied in this way will discriminate against neither existing nor future water-power companies and will be fair to all of them.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. VARDAMAN. Mr. President, I am not one of those guilty of the charge that an effort has been made to prevent action upon the bill under consideration in order to defeat it. I regret that my sense of duty to the American people renders it impossible for me to support this measure, but I am perfectly willing to have a vote upon it. I am willing that the sense of the Senate may be taken upon it, and if a majority of the Senate and the Congress approve it I am willing for it to become a law.

It is an extraordinary measure, one that has grown out of the peculiar conditions of the time. The world is mad on the subject of war. The military is rapidly gaining ascendency in the mind of the people over the civil. The dangers against which we were warned by the far-seeing, patriotic Jefferson in the morning of our national life confront us ere the noon hour of our career is reached. The truths taught by the fathers that we have held sacred and cherished as the quintessence of human wisdom for all these years are cast aside as mere vaporings, verbal rubbish, wholly inapplicable to present conditions, and insufficient to meet the imaginary demands of the present or the immediate future.

Somebody has wisely said that one of the most striking things that history teaches is the unmindfulness of what was taking place on the part of those who were prominent actors in what has proven to be the great turning points of time. I do not believe the most prescient, far-seeing statesman in America to-day accurately measures the meaning and the real tendency of things. The greed for gain, the princely profits which the manufacturers of munitions of war have received, overbalance all matters of patriotic consideration. Money mad, the Alexanders of finance of the present are looking out for new worlds to conquer. A great army and a large navy will be needed to hold the oppressed in order when the oppressor demands an unfair share of the products of the laborers' toils. The fevered state of the public mind is taken advantage of. The old landmarks are torn down, and an entirely new order of things is at hand. Everything must be done to make the military life attractive to the young men, and the products of honest toil which should be devoted to education and other peaceful enterprises must be used to build up the Army. Regular Army officers, generals of high rank whose very life work inspires a contempt for free institutions, are being drafted to write bills for Congress to enact. Compulsory military training and service are to be given prominence in our legislative program that an Army may be built up to serve the purpose which armies always serve. I am not a pessimist, but as I dip into the future there appears to my mind's eye above the horizon an ominous cloud which presages disaster to free government.

It is time to pause, to take counsel of our better judgment, study the lessons of the past, and from the wisdom of the ancients learns the way around the snares and pitfalls which imperil our pathway in the immediate future. The only light we have to guide us in the darkness of the future is that which shines out from the experiences of the past. Time and experience have proven beyond any sort of doubt that if the Nation, like the individual, shall sow to the wind it will reap the whirlwind. If we sow the seed of militarism, we shall inevitably, there is no doubt about it, reap despotism. Free institutions can not live if they must be defended by the professional soldier. And the experiences of mankind have demonstrated that great armies and navies are utterly inconsistent with free institutions.

Mr. President, I honor the man, I care not what his vocation may be or in whatever walks of life his footsteps may fall, who promptly answers the demands of duty and hesitates not in the performance thereof to count the cost, and who refuses at all times to measure with gold the value of service or the consequences of his heroic acts. I cheerfully acknowledge the Nation's indebtedness to the brave men who wore the blue in that fateful conflict waged more than a half century ago, which submerged our fair land with woman's tears and painted crimson the hills and valleys of our common country with the sacred blood of brothers. Their heroism is a common heritage which every worthy American, without regard to section, holds sacred—the priceless jewel of our citizenship. We may differ as to the constitutionality of their cause, we may dispute as to whether the consequences of their act will bring ultimately good or evil to the people, but there can be no justifiable disputation touching the exalted purposes and high sense of duty which inspired them in making the almost superhuman sacrifice in that unfortunate struggle. If there be one among that gallant band living to-day who finds the shadow of the evening of his life deepened by the appalling clouds of poverty, let his wants be made known to this body, and I shall crave the opportunity to cast the first vote for the measure that will take from the National Treasury ample funds to supply his necessities and dispel forever from his patriotic soul every disquieting apprehension of poverty. And I shall vote to give it to him not as a charity, not as alms, but rather in payment of the Nation's obligations to him. Mr. President, in the realm of patriotism there is no aristocracy of rank, no higher or lower order of service, but rather that perfect democracy which disregards shoulder straps and measures the value of the man and the Nation's obligation to him by the lofty purposes which animated his patriotic soul and glorified his service to his country. The pension roll of this Republic should be a roll of honor, which should evidence the regard and admiration in which the people of the Nation hold the man who faltered not when duty called him to his country's service; and that roll should be guarded against the unworthy who would seek to prostitute patriotism for pelf or personal aggrandizement. Every element of greed, every idea of commercialism should be eliminated.

The volunteer soldier who took up arms in defense of his country is entitled to support and maintenance at the hands of his Government upon one theory only, and that is that age, misfortune, or the accidents of war have rendered him incapable of supporting himself. He did not serve his country in those days "that tried men's souls" for pelf or the paltry pay of the professional soldier in time of peace, but rather from a sense of duty which impells every man to defend his

home and fulfill, without hope of reward or fear of punishment, the obligations which every good citizen acknowledges to his country. The very thought of commercializing patriotism, or measuring a man's service to his country in time of war by money, is repulsive to my every idea of the citizen's duty to his Government. Mr. President, it was once my fortune to be called upon to do a citizen's duty and take up arms in defense of this Nation's flag, and while the war in which I served was an insignificant affair compared with that desperate struggle in which the beneficiaries of this proposed bill engaged, yet the spirit which moved me and my comrades was identical with the spirit that prompted the veterans on either side in the War between the States. If this bill shall pass, it will only be a little while, I fear, before the officers of the Spanish-American War will be knocking at the doors of Congress and asking that they, too, be placed on the retired list, with pensions similar to those enjoyed by the Regular Army officers. Then, where, in the name of truth, will it all end? Who will bear the burden of this enormous expense, the magnitude of which is appalling to those who must pay it? I trust that the officers of the Spanish-American War may never ask for this favor.

Mr. STONE. I wish the Senator would make it clear that that is the war in which he enlisted.

Mr. VARDAMAN. Yes; I am doing that. They are not entitled to it, and it should not be granted them, but if this precedent shall be established I am quite sure that they will ask for it, and in the course of time it will be granted. The men of the Spanish War are quite as human—cumbered with all the frailties—greed, cupidity, ambition, patriotism, and selfishness—which characterize the men of other wars. Now, the man who stood with me in the ranks, and suffered all the hardships, dangers, and trials of army life, is entitled to just as much from the National Treasury for support in the hours of adversity or in the twilight of incompetent old age as I, who commanded him in the service. It matters not what others may think or say, I want to announce in this presence to-day that I should feel guilty of commercializing the patriotism which prompted me to enlist in that service if I should ask any especial favor because of my service as an officer in that war and deny to my comrades in the ranks the same measure of pay, in the way of a pension, which I claim for myself.

The pension roll is becoming a great burden on the taxpayers. I am afraid it contains some names that ought not to be there—the names of men more able to support themselves than many who are taxed for their support. The military expenses of this Government are weighing heavily upon the aching stoop of the men who toil. The spirit of greed is eating out the hearts of some of our people—vitiating the pure, patriotic blood of citizenship. Pretended love of country is being capitalized, and unless something shall be done to call a halt the spirit of love for his country, which should glorify the heart of every citizen, will give away to a sense of resentment on the part of the laboring people, whose toil and sacrifice and suffering support the favored few, and upon whom this particular burden will fall. I have great respect and reverence for the volunteer officers on the Federal side in the War between the States, and I stand ready at all times to show my respect and honor for their heroic past, but I also have respect, love, and some consideration for the slow-thinking, patient, long-suffering toiler whose interest seems to have been forgotten in the consideration of this measure. Therefore I can not consistently, with my sense of obligation to the American people, support this bill.

Mr. THOMAS. I ask unanimous consent to report back favorably from the Committee on Public Lands Senate bill 6854, relating to the Rocky Mountain National Park, in the State of Colorado, and ask for its immediate consideration.

Mr. SMOOT. I will say to the Senator from Colorado that I shall have to object at this time, not that I am opposed to the report, but the Senator having the volunteer officers' retired list bill in charge has taken the position that no report of a committee should be presented until a vote has been had on the pending question.

Mr. THOMAS. I was not ready to submit the report this morning at the proper time.

Mr. SMOOT. I want the Senator to know that I have no personal objection to the report being made.

Mr. THOMAS. Very good; I withdraw the report.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The question is on the motion of the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of Senate bill 392.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 9, 1917, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 8, 1917.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF HAWAII.

James L. Coke to be associate justice of the Supreme Court of the Territory of Hawaii.

GOVERNOR OF THE PANAMA CANAL.

Lieut. Col. Chester Harding to be governor of the Panama Canal.

COAST GUARD.

Third Lieut. James Mardsden Earp to be a second lieutenant.
Third Lieut. William Patrick Kain to be a second lieutenant.
Third Lieut. Floyd Jesse Sexton to be a second lieutenant.
Third Lieut. Jeremiah Allen Starr to be a second lieutenant.
Third Lieut. Joseph Edward Stika to be a second lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

To be captains.

Edmund S. Sayer.
Frank B. Kobes.
Walton Goodwin, jr.
George C. Lawrason.
Robert C. Richardson, jr.

To be first lieutenants.

Leon M. Logan.
Sheldon H. Wheeler.
Arthur A. White.
Thomas G. Peyton.
Junius H. Houghton.
Douglas J. Page.
James N. Caperton.
Charles C. Smith.
Harrison Herman.
John F. Goodman.
William W. Dempsey.
Robert R. D. McCullough.

FIELD ARTILLERY ARM.

To be majors.

Lucius R. Holbrook.
Andrew Moses.
Harrison Hall.

To be captains.

George V. H. Moseley.
Charles M. Bundel.
Charles D. Herron.
Robert C. Foy.
James P. Robinson.
Howard L. Landers.
John R. Kelly.
Harry B. Jordan.
Adam S. Casad.
Jacob A. Mack.
Otto L. Brunzell.
Pierre V. Kieffer.
Maxwell Murray.

To be first lieutenants.

Thurman H. Bane.
John T. Kennedy.
Thomas J. Johnson.
Edwin M. Watson.
Joseph A. Rogers.
Charles T. Griffith.
Philip Hayes.
Franz A. Doniat.
Carl A. Baehr.
John M. McDowell.
Raymond E. Lee.
Jason McV. Austin.
William A. Pendleton, jr.
Whitmon R. Conolly.
Gustav H. Franke.
Hubert G. Stanton.
William E. Larned.
Charles L. Byrne.

John P. Lucas.
Roscoe C. Batson.
Alvan C. Sandeford.
Ira T. Wyche.
Lewis H. Brereton.
Edward A. Millar, jr.
Clyde J. McConkey.
Albert M. Jones.
Robert S. Oberly.
Leon R. Cole.
Paul L. Ferron.
George E. Arnemann.
Clarence D. Lang.
Isaac Spalding.
Harry J. Malony.
Robert F. Hyatt.
Archibald V. Arnold.
Earl B. Hochwalt.
Francis T. Armstrong.
Hamilton Templeton.
William R. Gruber.
William A. Copthorne.
Eugene T. Spencer.
Falkner Heard.

COAST ARTILLERY CORPS.

To be major.

John B. Christian.

To be captains.

Sebring C. Megill.
Henry H. Pfeil.
Walter W. Merrill.
Frank Moorman.

INFANTRY ARM.

To be first lieutenants.

Theodore R. Murphy.
Philip Coldwell.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Thomas U. Raymond to be colonel.
Maj. Clarence J. Manly to be lieutenant colonel.
Capt. Henry C. Pillsbury to be major.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Francis J. Cleary to be a lieutenant commander.
Lieut. Herbert H. Michael to be a lieutenant commander.
The following-named citizens to be assistant surgeons in the Medical Reserve Corps.
William J. C. Agnew.
Alanson L. Bryan.

POSTMASTERS.

CALIFORNIA.

Frederick Donaghy, Universal City.
Frank J. Kolash, Norwalk.

DELAWARE.

Grover C. Gregg, Yorklyn.

ILLINOIS.

Polona H. Callaway, Tallula.
J. D. Downer, Downers Grove.
Ardelia M. Field, Dieterich.
Anthony R. Gorman, Raymond.
John D. Harpole, Nebo.
P. H. Langan, Odell.
Philip Maher, Elmwood.
William F. Peterson, Brownstown.
Charles P. Regan, Capron.
Drew Tufts, Centralia.
Traverse R. Wright, Seaton.

KANSAS.

William Barrett, Pratt.

KENTUCKY.

W. T. Dudgeon, Walton.
Richard F. Neely, Franklin.

MARYLAND.

Charles A. Barnes, Silver Spring.
Katherine E. Brice, Betterton.
Ella V. Cronin, Perryman.

MICHIGAN.

Verd H. Carpenter, Central Lake.

MINNESOTA.

Anna E. Baker, Brownton.
Henry Hendrickson, Hoffman.
Bessie H. Johnson, Echo.
N. Elmie Lewis, Bertha.
Wallace O. Merrill, Silver Lake.
Daniel J. Sullivan, Ellendale.

MISSOURI.

Aubra M. Green, Armstrong.
Clifford E. Miller, Verona.
Clyde A. Perkins, Barnard.
Goldie Wilson, Parnell.

NEBRASKA.

Hertha L. Mershon, Wilcox.

NEW JERSEY.

George M. Keebler, Glassboro.

NEW YORK.

Raymond J. Carden, Mountain Dale.
Michael Culligan, Wurtsboro.
Francis O. Driscoll, Staten Island (late Tompkinsville).
Oscar M. Grubb, Kennedy.
Thomas M. Keegan, Ferndale.
Patrick H. Townsend, Essex.
George E. Wroten, Trudeau.

NORTH CAROLINA.

William S. Carawan, Columbia.
Charlie G. Foushee, Ramseur.
J. N. Fuquay, Lillington.
William Z. Gibson, Gibson.
Margaret W. Mann, Swanquarter.
Otho G. Turbyfill, Huntersville.

OHIO.

Charles J. Quelette, Shepard.

PENNSYLVANIA.

Frank Clancy, Conneautville.
Joseph L. Infield, Fredonia.
Katharyn McClellan, Marienville.
Edward F. Poist, McSherrystown.

SOUTH DAKOTA.

William McFarland, Dell Rapids.
Mary A. Pike, Tyndall.

TEXAS.

Carrie M. Brooks, McCaulley.
Frank Farrington, Diboll.
A. W. Melton, Bellevue.

VIRGINIA.

Benjamin W. Council, Holland.
George E. Honts, Eagle Rock.
John L. T. Speed, Gordonsville.
John A. Whitelaw, Monterey.

WASHINGTON.

Oscar W. Behrmann, Fairfield.
Richard Nagle, Marcus.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 8, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Imbue us plenteously, O Lord God of Hosts, with heavenly gifts, that we may control our thoughts, direct our ways, and possess our souls in patience through the deliberations of this, another congressional day, and accord to others here and elsewhere the same rights we desire for ourselves with perfect urbanity; that the genius of our Republic may be fulfilled, and peace and happiness may obtain throughout our borders, now and forevermore. In the spirit of the Master, amen.

The Journal of the proceedings of Saturday, January 6, 1917, was read and approved.

JOINT COMMITTEE TO INVESTIGATE RAILROAD LEGISLATION.

Mr. ADAMSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. I desire to ask unanimous consent for the present consideration of Senate joint resolution 190, reported from the Committee on Interstate and Foreign Commerce, entitled "Joint resolution to continue and extend the time for making report of the joint subcommittee appointed under a joint

resolution entitled 'Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee,' approved July 20, 1916, and providing for the filling of vacancies in said subcommittee."

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of Senate joint resolution 190. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I would like to know what the resolution provides.

Mr. RAYBURN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 191. Joint resolution authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city; and

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 191. Joint resolution authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city; to the Committee on the Post Office and Post Roads.

SENATE BILL REFERRED.

An act (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio; to the Committee on Interstate and Foreign Commerce.

LEAVE TO PRINT.

Mr. SHERWOOD rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SHERWOOD. To ask unanimous consent to insert in the RECORD an editorial from the Ohio State Journal 3 inches in length and an eight-line editorial from the State Journal, of Topeka, Kans.

The SPEAKER. The gentleman from Ohio asks unanimous consent to insert in the RECORD a couple of editorials, one from a Topeka (Kans.) paper and the other from a Columbus (Ohio) paper. Is there objection?

There was no objection.

Following are the editorials referred to:

[Editorial from Ohio State Journal, Jan. 1, 1917.]

ON ANOTHER'S BEAT.

In reference to the testimony of Gen. Scott, Chief of Staff, before the Senate committee, in which he said this country needed 3,000,000 trained men to be ready for future wars, the thoughtful and dignified New Republic said of the general: "He may be a good soldier, but he should be forbidden in the future to disclose in public the mischievous folly of his political opinions." And, further, that paper adds, "Let us thank God we are still governed by civilians." The same remark might refer to Gen. Wood, who makes every effort possible to appear as a statesman when his business is entirely foreign to that. As soon as a general goes to dabbling in politics he should be court-martialed. It is hard for some people to discriminate on matters of this kind, but the difference is as wide as a river. A general deals with army formation and drill, and not with legislation and policies, and he should be taught the distinction at West Point.

[From the Topeka (Kans.) State Journal.]

NOT THE MILITIA.

One might almost suppose Gens. Wood and Scott, who testify so glibly to the failure of the militia, never heard that it was the Thirteenth Regular Cavalry that Villa caught asleep at Columbus, N. Mex. Neither was it militia officers that led the troopers of the Tenth Cavalry into the ambush at Carrizal.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. CONRY] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, with Mr. CONRY in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

Salaries, Bureau of Markets: One chief of bureau, $5,000; 1 chief clerk, $2,000; 1 administrative assistant, $2,500; 1 administrative assistant, $1,980; 5 clerks, class 4; 10 clerks, class 3; 15 clerks, class 2; 1 clerk, $1,380; 1 clerk, $1,320; 29 clerks, class 1; 1 clerk, $1,140; 2 clerks, at $1,100 each; 30 clerks, at $1,000 each; 3 clerks, at $1,080 each; 2 clerks, at $1,020 each; 20 clerks, at $900 each; 3 clerks, at $840 each; 2 clerks, at $720 each; 1 mechanical assistant, $1,800; 1 mechanical assistant, $1,380; 1 laboratory helper, $900; 3 laboratory aids, at $900 each; 1 laboratory aid, $840; 7 laboratory aids, at $720 each; 2 laboratory aids, at $600 each; 1 photographer, $1,400; 1 photographer, $1,200; one supervising telegrapher, $1,620; 1 telegraph operator, $1,400; 2 telegraph operators, at $1,200 each; 1 telephone operator, $600; 1 draftsman, $900; 1 map tracer, $900; 1 map tracer, $720; 1 map tracer, $600; 1 map tracer, $480; 2 skilled laborers, at $900 each; 1 laborer, $720; 2 laborers, at $660 each; 4 messenger boys or laborers, at $600 each; 4 messenger boys or laborers, at $540 each; 10 messenger boys or laborers, at $480 each; 2 messenger boys, at $420 each; 1 messenger boy, $360; 1 charwoman, $540; 2 charwomen, at $480 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $198,320.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to return to the item on page 64, lines 10 to 13, for the purpose of offering the following amendment, which I send to the Clerk's desk, for information.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 64, line 10, for the purpose of offering an amendment.

Mr. LEVER. Reserving the right to object, Mr. Chairman, let us see what it is.

Mr. STAFFORD. I send it to the Clerk's desk to be read for information.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amend, on page 64, at the end of line 13, by inserting the following: "The Secretary of Agriculture is hereby authorized to enter into contracts for the leasing of modern fireproof buildings for the use of the Department of Agriculture for a period not to exceed five years, renewable at the option of the Government for a period not to exceed five years at annual rentals not to exceed the amount herein appropriated and at a rate per annum per square foot of available floor space not to exceed 34 cents."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 64 for the purpose of offering the amendment as read by the Clerk. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, let me suggest to the gentleman from Wisconsin that items of that character are usually carried in what are called "miscellaneous" items, a little further on in the bill, and I do not think it is necessary to return to page 64.

Mr. STAFFORD. I will say to the gentleman that in the legislative, executive, and judicial bill we carry legislation of this character following the item providing for rent, and I think it is proper to insert it right here, because it refers to the amount that is carried in this item, that "he is authorized to enter into contracts to an amount not to exceed the amount herein appropriated." I think it is more appropriate to insert it here than in the item referred to by the gentleman.

Mr. MANN. Where is it appropriate to insert it?

Mr. STAFFORD. On page 64, lines 10 to 13.

Mr. LEVER. Would not my colleague be willing to defer that until my colleague from Mississippi [Mr. CANDLER] looks into it? He is familiar with the details.

Mr. STAFFORD. I am willing to do that. I will withdraw it for the time being, Mr. Chairman.

The CHAIRMAN The gentleman from Wisconsin temporarily withdraws his amendment. The Clerk will read.

The Clerk read as follows:

For collecting and distributing, by telegraph, mail, and otherwise, timely information on the supply, commercial movement, disposition, and market prices of fruits and vegetables, $184,740, of which sum $40,000 shall be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Particularly as to that clause which makes the amount of $40,000 immediately available. Last year we made an appropriation for the work of this bureau of $136,000, and I rise to ask about the necessity of an additional $40,000 to be made immediately available.

Mr. LEVER. Mr. Chairman, the gentleman understands that under this item the department is undertaking to furnish information to producers and consumers with respect to the volume of certain perishable products, vegetables, potatoes, and the like. It has come to our attention that the amount recommended last year was not entirely sufficient to enable them to open their work early this spring in time to take care of the movement of some crops, like strawberries and the earier maturing vegetables, and they thought that to make this amount immediately available would very materially increase the value of that service. It is for that reason that we allowed it.

Mr. COLLIER. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Mississippi.

Mr. COLLIER. I want to say that the work done on this line has been attended with the most marked success and is very gratifying.

Mr. LEVER. The information before the committee is that the work under this item has more than justified the hopes of the committee and the hopes of the department itself; and if we can go along conservatively and wisely, without asking the department to do too much, we ought to establish a very splendid piece of machinery for the marketing of these very perishable products.

Mr. STAFFORD. Mr. Chairman, I hardly understand the mathematics of the committee in this and other items, where they make available a large portion of the appropriation for the remainder of the present fiscal year. There has been appropriated for this item $136,000 for the present fiscal year, and you intend to increase that by this $40,000 item, making it $176,000. Subtract the $40,000 from the total of $184,000 appropriated in this item, and it will make only $144,000 available for the next fiscal year. So there will be $176,000 available for expenditure this fiscal year and only $144,000 available for expenditure in the next fiscal year.

Mr. LEVER. That is very true. What we are trying to do here, in effect, is practically to change the beginning of the year on this particular item, and we have got to make up for the gap somewhere. Does the gentleman catch my point? For example, we have found that in the appropriation of the amount carried in the current law we have not enough money available for taking advantage of the movement of these perishables early in the spring. Therefore it is in a degree a deficiency; but if we appropriate $40,000 and make it immediately available, that will carry us next year to the same point, and we shall begin there and will not need any deficiency appropriation for the next year. We are trying to get this appropriation so that it will cover the entire year. As it is now, there is a gap somewhere that we are trying to fill up.

Mr. STAFFORD. That is certainly novel and may be explicable to the wonderful intellect of the gentleman from South Carolina, but it is rather dark and vague and hidden to me.

Mr. LEVER. Perhaps I have not made myself entirely clear.

Mr. STAFFORD. Mr. Chairman, as there is another committee that has jurisdiction over deficiency appropriations, I feel constrained to make the point of order to the language in lines 6 and 7—

Of which sum $40,000 shall be immediately available.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to gather from stockmen, live-stock associations, State live-stock and agricultural boards, common carriers, stockyards, commission firms, live-stock exchanges, slaughtering and meat-packing companies, and others information relative to the number of different classes and grades of marketable live stock, especially cattle, hogs, and sheep in the principal live-stock feeding districts and growing sections; prices, receipts, and shipments of the different classes and grades of cattle, hogs, and sheep at live-stock market centers; prices of meats and meat food products and the amounts of such products in storage; to compile and publish such information at such frequent intervals as most effectively to guide producers, consumers, and distributors in the sale and purchase of live stock, meats, and other animal products; and to gather and publish any related information pertaining to marketing and distribution of live stock, meats, and animal by-products, the sum of $66,800.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN: Amend, on page 75, after line 25, by inserting as a new paragraph the following:

"To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products, or any of them, by any individuals, groups, associations, combinations, or corporations, $50,000."

Mr. LEVER. I reserve a point of order on that. Does the gentleman from Illinois offer it as a new paragraph?

Mr. MANN. As a new paragraph.

Mr. LEVER. I should like to hear the gentleman's statement on that, please.

Mr. MANN. Mr. Chairman, I think there is a general desire that there shall be an investigation along these lines. I think the Bureau of Markets of the Agricultural Department is qualified to make it more economically and more efficiently than any other bureau or branch of the Government service. It is right in line with the work that that bureau is doing.

Mr. STAFFORD. Is it the gentleman's idea that this investigational work as to the monopolizing of the market by cornering foodstuffs can be better undertaken by the Department of Agriculture than by the Department of Justice? I suppose we are all in sympathy with the main purpose of the gentleman's amendment, and perhaps if we can not get the fullest results from the Department of Justice there can be no objection to investing authority in the Department of Agriculture, if any good can result from the investigation of the hold-up of commodities.

Mr. MANN. Of course the Bureau of Markets is best qualified to make the examination and investigation. If it should obtain information which ought to be turned over to the Department of Justice, I take it that would be done.

Mr. DOWELL. I desire to inquire of the gentleman from Illinois if with this further investigation it will be necessary to increase this appropriation?

Mr. MANN. I have provided for an appropriation of $50,000.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. It has been a long time coming, but is it not a fact that the Department of Justice has begun an investigation into the high cost of living?

Mr. MANN. I do not know. I suppose they are continually making some investigations in the Department of Justice, but the Bureau of Markets are dealing with these questions all the time, and can more easily obtain the information than anyone else.

Mr. LEVER. Mr. Chairman, there is so much confusion around me that I can not hear a word of what gentlemen are saying, and this is a very important matter.

The CHAIRMAN. The committee will be in order.

Mr. MOORE of Pennsylvania. This is a very important matter. If I am not mistaken, the district attorney at Boston has been assigned by the Attorney General to make an inquiry as to the reason for the high cost of living, and he has submitted a report—perhaps a partial report—indicating that delays in shipment are very largely accountable for the increase in the cost of living, and that the holding up of cars in particular has much to do with the increase in the price of coal and much to do also with the increase in the price of foodstuffs that are held in cars.

Mr. MANN. I have no doubt that that is the case.

Mr. MOORE of Pennsylvania. The gentleman's idea is that there should be an independent inquiry in the Department of Agriculture through the Bureau of Markets, which may lead to information that may be transmitted to the Attorney General if it is found to come within the purview of that department?

Mr. MANN. Well, if there is manipulation, yes; but the Bureau of Markets is qualified to make an investigation along the lines that it is now pursuing, not only to ascertain whether there should be a criminal prosecution but also to ascertain how to remove the evils that now exist that add very much to the cost of living.

Mr. MOORE of Pennsylvania. I am in sympathy with the gentleman's purpose, except that it occurs to me that if another investigation is to be had without any compelling power, in the event of anything being discovered as to the cause of the high cost of living, we would be duplicating work and getting nowhere.

Mr. TOWNER. Will the gentleman from Illinois allow a suggestion?

Mr. MANN. Certainly.

Mr. TOWNER. I want to make the suggestion that the investigation being made by the Department of Justice is limited in two regards: First, to an investigation as to whether or not the law already in existence has been violated, and, second, the question as to whether the law has been violated in a particular place under the jurisdiction of some particular district attorney in some city. The investigations that are made by the Department of Agriculture will be general in their nature, and it will recommend, if necessary, whether or not new law may not be

required or amendments to the existing law. An investigation will not be limited to a particular locality, but extended to all principal markets in the United States. In my judgment it is very important that the Department of Agriculture should make the investigation.

Mr. LEVER. Let me inquire of the gentleman from Illinois if he regards this proposition as likely to be a continuing appropriation—that is, for more than one or two years?

Mr. MANN. I do not know how long it would take.

Mr. LEVER. It would take 12 months at least, or 2 years, because the gentleman's proposition involves a broad inquiry into the economics of the situation.

Mr. MANN. In bringing the production to the consumption in the most economical manner.

Mr. DOWELL. Mr. Chairman, there has been a great deal of complaint about the shortage of car service. Does the gentleman from Illinois construe his amendment to hold that the department shall go into an investigation of that subject and ascertain the cause and recommend a remedy for the shortage of car service?

Mr. MANN. Probably not; but still they might make suggestions as to the shortage of car service in certain matters. Of course, the Interstate Commerce Commission has jurisdiction with reference to the shortage of car service. The Bureau of Markets now makes recommendation in order to supply the market at particular places and particular seasons as to the transportation of commodities, and it is doing effective service.

Mr. LEVER. Mr. Chairman, after consulting with my colleagues on the committee, I shall not make the point of order.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order. If there be anything that is overdone, it is investigations. The Department of Justice, the health officials in the State of Illinois, and in Chicago are making investigations, the State authorities in Massachusetts are making investigations, the municipal authorities in New York are making investigations. It is provided in a resolution that has been reported from the Judiciary Committee that the Federal Trade Commission shall conduct an investigation, to take 18 months, at a cost of $142,000.

I saw recently a statement made by Mr. Barnes, a member of Parliament, on the 17th day of October, in a debate on the high cost of food in Great Britain. He made the statement that nothing had so angered the people of Great Britain during the past two years as the profit made from foodstuffs consumed by the people except it was the shameless excuses put forth for it by officials of the Government. I believe that statement applies to the situation in this country, except that I would add that nothing has angered them so much as the profit made on foodstuffs except the excuses offered by officials of the Government, and the apparent absolute incapacity and inability of any instrumentality of the Government to cope with the situation.

I have watched the result of numerous investigations conducted by various services by the Federal Government. Ninety-nine per cent of them have resulted in a waste of the expenditure, and without the accomplishment of any beneficial result. I am unwilling to be put in the attitude of saying that the only thing Congress can do for the relief of the present condition is to authorize somebody to conduct an investigation.

There are a number of well-known causes for existing conditions that can be relieved by legislation. I believe that instead of investigating we ought to act, and act in an emphatic manner. I shall not consent to authorize the Bureau of Markets to start with an initial appropriation, an annual expenditure of $50,000, to make an investigation that will never end and will continually grow without any beneficial results from the expenditure.

Mr. MANN. Mr. Chairman, I agree with very much that the gentleman from New York has said, but this is a practical method; for the Bureau of Markets can practically aid in economizing in the movement of the food products from the producer to the consumer; not merely for criminal prosecution but giving practical aid. I think anyone must know, and all of those who are engaged in business will admit, that there is a very great lack of economy in the handling and passage of food products from the farm to the home consumption. The very purpose of this is to be a practical and not merely a theoretical investigation.

Mr. FITZGERALD. Why can not some department make some inquiry and some recommendation without large additional expenditures of money?

Mr. MANN. The Bureau of Markets is doing a lot of good work.

Mr. FITZGERALD. They have the organization, they have the equipment, but whenever it is suggested that they can serve or give aid in any way, they always press the necessity of being permitted to spend a lot of money. They ought to be familiar with conditions in this country about production and the marketing of foodstuffs, and if they have information of value they ought to be able to make a recommendation without the appropriation of $50,000, which I know from my experience will grow into an exceedingly large appropriation without any possible benefit as the result of it.

Mr. MANN. I think there will be very great compensating benefits. Does the gentleman make the point of order?

Mr. FITZGERALD. I make the point of order; yes.

Mr. MANN. I do not think the amendment is subject to the point of order, Mr. Chairman. Under the act creating the Department of Agriculture there are authorized appropriations for any matter relating to agriculture or horticulture, in the broadest sense. That covers transportation of the agricultural products. All the items in this bill have been held in order under that provision of the organic act.

Mr. FITZGERALD. Every amendment proposed to the Agricultural bill is not in order. In order to have this amendment held in order the gentleman must submit the law authorizing the expenditure for the work.

Mr. MANN. Oh, no; not at all. The law authorizing the expenditure for work——

Mr. FITZGERALD. Oh, yes; the burden is upon the gentleman proposing the amendment to produce the law which authorizes the expenditure.

Mr. MANN. I have produced the law.

Mr. FITZGERALD. My recollection of the organic act of the Department of Agriculture is that it does not in any way, construing it in the most liberal manner, justify any such expenditure as the proposed one. This is not in the interest of agriculture or of horticulture. It is not intended to be in the interest of either. The purpose is to make investigations upon the theory that the Bureau of Markets in some way could propose a remedy for existing high prices of foodstuffs. That does not promote agriculture. You do not promote agriculture by trying to reduce the cost of farm commodities.

Mr. MANN. Of course, the gentleman from New York is not to be blamed for not knowing what agriculture is, because he is not acquainted with it.

Mr. FITZGERALD. Oh, there are as many farms in New York City as there are in Chicago.

Mr. MANN. We raise agricultural products in the city of Chicago.

Mr. FITZGERALD. So we do in the city of New York. We are just as progressive and up to date as the gentleman's city. I know the gentleman's solicitude for the Department of Agriculture. Yet there is a limit to what even a friend of the department should do. No one in the department has ever suggested that there could be any profitable result from such an investigation as this. The Department of Agriculture has never overlooked any possible manner in which money might be expended through it, and it did not request this appropriation. We have to stop somewhere. The estimates of the departments this year are $300,000,000 in excess of the estimated revenues, and without any suggestion or request, and for an object that is purely suppositious as to its benefits, it is now suggested that we initiate expenditures in this direction. If we do not call a halt, there will be no way of ever accomplishing anything in the way of making the revenues meet the expenditures.

Mr. TOWNER. Mr. Chairman, I would like to make an observation regarding the point of order. It occurs to me that it does not require a very strained construction of the organic law to include the language of this proposed amendment. I think it may be considered as being self-evident that a food product in its inception and origin is agricultural. I think the chairman knows that nearly all of the items, at least the general items that are now included in the Agricultural appropriation bill, have come into the bill by rulings from the Chair upon the same class of objections as that now made by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Oh, no. When I make them they are sustained.

Mr. TOWNER. All of them have been practically admitted as being within the general provisions of the organic law. I think even the gentleman from New York [Mr. FITZGERALD], whose knowledge of agriculture has been derived from what he has learned from other agriculturists here in the House, would admit that a food product was immediately connected with the subject of agriculture. Although his idea is that the only possible remedy with regard to the high prices of food products is an embargo upon them, I want to call the gentleman's attention to the fact that even the good people of the city of New York are paying, and have been paying for years,

100 per cent more for the food products they receive than the farmers are receiving for the food products on the farm.

Mr. FITZGERALD. The gentleman will permit me to say that I am not only aware of that fact, but the gentleman has not kept up with the progress of events or he would know that the embargo is not the only remedy I have suggested. I have suggested several other equally effective and beneficial remedies.

Mr. TOWNER. The whole question of food products is an agricultural question, pure and simple, in its inception.

Mr. FITZGERALD. Does the gentleman say that canned fish is an agricultural proposition? That is a food product.

Mr. TOWNER. Yes; I presume that is an exception. It must be clear to the Chairman, I think, that this comes under the general provisions of the organic act so clearly that the point of order that the gentleman from New York raises ought to be overruled.

Mr. BORLAND. Mr. Chairman, the argument of the gentleman from Iowa [Mr. TOWNER] has been made frequently before when the agricultural bill has been under discussion, and some amendment has been proposed to engage in some very large and remotely connected activity. It is always argued that the Agricultural Department covers in a very broad way every possible phase relating to the production and marketing of foods. That argument can be made just as broad as the entire field of human endeavor. The Chairman has universally ruled that the fact that the food had to be produced, marketed, transported, and sold did not give the Agricultural Department the right to decide on everything relating to the production of food, which would include all land titles, land values, and land settlement in the country, everything relating to transportation, which would include all interstate commerce, everything relating to manufacture, and everything relating to the retail business, and possibly banking. There is no limit to the number of activities that gentlemen can bring under the organic act creating the Agricultural Department. They could bring all kinds of activity in which the country is engaged, and so the Chairman has universally limited it to the proximate and direct activities of the department. The purpose of this amendment is to conduct an investigation along lines which have been already proposed, which have been before the Judiciary Committee, which have been reported on in this House, which are now pending on the calendar, and that investigation is committed directly to the Federal Trade Commission.

When this question was before the Committee on the Judiciary the question arose whether it should be done by the Agriculture Department or whether it should be done by the Federal Trade Commission. I want to read for the information of the committee a letter from the Secretary of Agriculture on that point.

Mr. MANN. Is this in regard to the point of order?

Mr. BORLAND. Yes; this relates to the point of order on the question as to whether the amendment does not broaden the organic act beyond its original scope.

DEPARTMENT OF AGRICULTURE,
Washington, July 6, 1916.

Hon. W. P. BORLAND,
House of Representatives.

DEAR MR. BORLAND: You asked me yesterday whether I thought that the inquiry proposed in your resolution should be conducted by the Federal Trade Commission or the Department of Agriculture. I am very definitely of the opinion that it should be conducted by the Federal Trade Commission. I understand that the commission is created to make just such inquiries—

Now, evidently Congress did not intend to duplicate the authority. It created a commission to make such inquiries, and certainly there is a definite limitation on its powers.

It has the requisite powers and, I imagine, a personnel selected with reference to work of this kind. The Department of Agriculture has not all the powers required for this work or a staff selected with reference to such tasks. If it were to undertake work of this kind, it would necessarily duplicate the machinery and activities of the Federal Trade Commission. The department can and is increasingly investigating the marketing and other economic problems involved in the production and distribution of all farm products, including live stock. Its data can well be placed at the disposal of the Federal Trade Commission, and perhaps we could extend our inquiry along other lines the commission might suggest.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Now, the Secretary of Agriculture had a very definite idea on the subject, and as Congress had created the commission with its proper powers, with proper machinery, it, ipse dixit, resulted in a limitation of the otherwise very vague powers that might be attributed to the Department of Agriculture. But, as I say, the complete answer to the gentleman from Iowa [Mr. TOWNER] is that there is no inquiry on earth that he could not bring to bear under the powers of the Department of Agriculture by such an argument. He could bring an inquiry into the present railroad situation under such an interpretation of its powers, and so it must appear to the Chairman that there is a reasonable limitation of the general words involved in the organic law relating to the Department of Agriculture.

Mr. LEVER. Mr. Chairman, it is more or less immaterial to me what branch of the Government service shall conduct the investigation proposed in the amendment of the gentleman from Illinois [Mr. MANN]. I am interested, however, that some investigation shall be made. At this moment, however, I am more interested in the correct attitude of the Chair on this proposition, for the reason that an erroneous interpretation of the authority of the Department of Agriculture might in the future very materially hamper the development of that great department along the best lines of endeavor. If the Chairman will examine the language which he has before him creating the Department of Agriculture he will observe that the department is created for the purpose of investigating all problems of agriculture, and then the language follows, "agriculture in its broadest and most comprehensive sense." One of the interesting studies that has come to me in my service on the Committee on Agriculture has been the evolution that has taken place in the agriculture of this country. Not only that, but an equally interesting study has been that of the evolution of the rulings of the Chair itself upon the Agriculture appropriation bill. When I first became a member of the Committee on Agriculture I think the Chair would have then held that two-thirds of the items carried in this bill were subject to points of order. Within the past five or six years at least, the Chairmen of the Committee of the Whole have been becoming more and more liberal in their interpretation of the meaning of the organic act creating the Department of Agriculture.

If the Chair will give me its attention for just a moment I want to impress this thought upon the Chair. Agriculture 50 years ago meant one thing; agriculture 25 years ago meant another thing; agriculture to-day means an entirely different thing. If 50 years ago it had been suggested that the marketing of farm products was an agricultural problem you could have gotten very few men to agree to that proposition. Now, every student of agriculture realizes that probably the most important problem of agriculture is that of the distributing of agricultural products. We have evoluted in our definition of agriculture from the occupation of producing things to the occupation not only of producing things but of distributing them, and even financing them, and I wish the Chair, in giving its decision upon this proposition, to bear in mind that agriculture does not necessarily confine itself to producing things. Agriculture goes further and concerns itself with distributing things, with marketing things, with getting things produced into the channels of trade, into the channels of consumption. Not only that, but it goes further and concerns itself with the proper financing of things produced and the proper financing of the production itself.

I make that statement because I feel I owe it to the committee of which I am chairman and also to the progress of the Department of Agriculture, which can be very greatly retarded by any restrictive interpretations put upon the language of the organic act by gentlemen who may be serving as Chairmen of the Committee of the Whole.

Mr. FITZGERALD. Mr. Chairman, under the theory of the gentleman from South Carolina anything that anyone suggests as applicable to agriculture must be held in order upon the Agricultural appropriation bill; otherwise the activities of the department some time in the future may be restricted. This proposed amendment provides for an investigation of certain things, including the extent and manner in which prices are manipulated, either by individuals, groups, associations, or combinations. Granting to the definition of agriculture in its most comprehensive state the most extravagant and wild notions that any gentleman might suggest, he will not be willing, I take it, to insist that agriculture consists in an investigation of the activities of any group of individuals or any combination of corporations or the activities of any produce exchange affecting the prices of foodstuffs. If any such construction be placed upon the organic act or the activities of the Department of Agriculture under the organic act, then there is no department of government, there is no activity of human effort that can not be provided for on the Agricultural bill, because in some way or other indirectly, remote, or purely imaginary it must affect agriculture as defined by the gentleman. I think it is very clear that even the wildest, most extravagant conception of what agriculture in its most comprehensive sense means does not include such an investigation as is proposed in the pending amendment. I submit that it is subject to the point of order which has been interposed.

Mr. MANN. Mr. Chairman, from time to time a point of order has been made on a very large portion of the items carried

in the Agricultural appropriation bill, and almost invariably the Chair has overruled the point of order and sustained these items under the broad language of the organic act. By examining the act the Chair will notice most of the items in the Agricultural bill will be subject to a point of order if this amendment is subject to a point of order. Take the item just preceding, and if the amendment which I offered is subject to a point of order that item is clearly subject to a point of order. Take the item succeeding, and if the amendment which I have offered is subject to a point of order, then the item in reference to investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton and for investigating the ginning, grading, stapling, baling, marketing, compressing, and the tare of cotton and for testing the waste, tensile strengths, and bleaching qualities of the different grades and classes of cotton is clearly subject to a point of order. The next item would be subject to a point of order; the next item would be subject to a point of order; the next item would be subject to a point of order.

Now, the Chair in the past has held that it was in order to offer an amendment, or that the item in the bill was in order, which dealt with agriculture and horticulture in their broadest sense; and in their broadest sense they cover the movement of the crops. That is all that this amendment contemplates.

The CHAIRMAN. The organic act under which the Department of Agriculture was established has been very liberally construed, and the act—section 520—reads as follows:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

Now, this amendment carrying out the idea contemplated in that section of the act simply adds, in a reasonable manner, to the scope which is referred to as to the source and use of information. And the Chair thinks, taking that view of the situation, this amendment is clearly in order, and overrules the point of order.

The question is on agreeing to the amendment.

Mr. BORLAND. Mr. Chairman, I would like to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized in opposition to the amendment.

Mr. LEVER. Mr. Chairman, I wonder if we could not arrange for a limit of debate on this amendment?

Mr. SUMNERS. Mr. Chairman, I want to oppose the amendment.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto shall close in 30 minutes. The gentleman from Illinois [Mr. MANN] desires five minutes in support of his amendment, the gentleman from Missouri [Mr. BORLAND] five minutes, the gentleman from Texas [Mr. SUMNERS] desires five minutes, the gentleman from New York [Mr. FITZGERALD] five minutes, the gentleman from Missouri [Mr. RUBEY] five minutes, the gentleman from Tennessee [Mr. AUSTIN] five, and the chairman of the committee might want five. I would ask to make it 35 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto shall close in 35 minutes, the time to be distributed as he has specified. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I wish to say that I rose at the time, but did not catch the eye of the Chairman. I would like five minutes if the gentleman from South Carolina [Mr. LEVER] will consent.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] would like to have five minutes.

Mr. MOORE of Pennsylvania. I tried to get the attention of the gentleman.

Mr. LEVER. I beg the gentleman's pardon.

Mr. MOORE of Pennsylvania. I tried to get the attention of the gentleman from South Carolina when he was making the arrangement. I ask for five minutes.

Mr. LEVER. I have no objection to making it 40 minutes.

The CHAIRMAN. Without objection, the time will be changed to 40 minutes.

Mr. FARR. I think we had best make it an hour.

Mr. BORLAND. Make it an hour, and you will have some time left.

Mr. LEVER. Mr. Chairman, in order that there may be no undue limitation of the debate on a matter of this importance I ask unanimous consent that all debate on this paragraph be closed in one hour.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and the amendments thereto close in one hour.

Mr. DOWELL. May I inquire if I may have three minutes out of the hour?

Mr. LEVER. The gentleman from Iowa may have three minutes. We will include him in the request.

The CHAIRMAN. The Chair hears no objection. The gentleman from Missouri [Mr. BORLAND] is recognized for five minutes.

Mr. FARR. Mr. Chairman, I ask unanimous consent to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The amendment was again read.

Mr. BORLAND. Mr. Chairman, the great vice of this amendment is that it does not go far enough to do any good and is a waste of time, effort, and money in attempting to do what it, on its face, can not do. If the amendment accomplished or could accomplish what it was expected, and on its face purported, to accomplish, it might be worth the money; but under existing circumstances it is a waste of money and, moreover, is dangerous in its tendency to head off an efficient investigation.

But I say it is designed not for the purpose of conducting an investigation such as the public demands but for the very purpose of sidetracking and making impossible the real investigation needed in the premises. There is not a bit of doubt upon that proposition. I am going to put it so clearly that every man in this House who votes on the proposition will know that if he votes "aye" on this resolution he is voting against any real investigation of the subject.

We introduced a resolution—the gentleman from Kansas [Mr. DOOLITTLE] and myself—nearly a year ago in regard to the marketing of live stock. We have had hearings before the Committee on the Judiciary, and at those hearings the representatives of the packing houses and all their high-priced attorneys appeared and defended. A year ago, in October, 1915, there was a hearing of the Bureau of Markets in Chicago, designed to conduct an investigation such as that provided for in the Mann amendment. They had full power to do it, and did it without any Mann amendment. They could not get anybody to appear at such an investigation except voluntarily, and the representatives of the packing houses of Chicago snapped their fingers at that kind of an investigation.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. I wish I had the time to yield, but I have not. The men who were guilty refused to disclose the evidence. Then we came to the conclusion that an investigation by the Bureau of Markets was not a terror to the evildoers, and the Secretary of Agriculture agreed with us in that position, and we went before the Committee on the Judiciary and asked for an investigation by the Federal Trade Commission. Why? Because the Federal Trade Commission has power to subpœna witnesses and compel them to testify.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Mississippi?

Mr. BORLAND. I wish I could, but I can not. There is the whole crux of the situation. You are to have a choice between an investigation by a body that has the power to compel the production of testimony and a department of the Government that has no such power.

Now, mark me: When we were making this battle before the Committee on the Judiciary every packing-house manager and every packing-house attorney was urging a resolution similar to the Mann amendment, and we were fighting it. The whole issue between the farmers and the stock raisers on one side and the packing houses on the other was whether there should be a compulsory production of evidence.

Now, mark you: The Mann amendment does not and will not and can not provide for anything but voluntary testimony. Nobody is afraid of that amendment. Every packing-house attorney in the land will support the Mann amendment. Let no man make a mistake on that subject. Every man who is opposed to an investigation of the manipulation of prices will support the Mann amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I wanted to ask unanimous consent—I do not know what the scope of the order is—to have unanimous consent to read at this time the resolution finally reported by the Committee on the Judiciary, which it is attempted to displace by this proposed amendment.

The CHAIRMAN. Without objection, the resolution will be read.

Mr. LEVER. Mr. Chairman, reserving the right to object, let it be known that this comes out of the hour or not. I am not willing to extend the debate.

The CHAIRMAN. Is there objection?

Mr. LEVER. I have no objection, provided it comes out of the hour.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

Resolution (H. Res. 389) directing the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the production, marketing, and distribution of food products in the United States, together with any violations of the antitrust laws in connection therewith, and recommendations for greater economy and efficiency in the marketing of food products and the punishment and prevention of extortion in the prices thereof.

Whereas an adequate and wholesome supply of food products at reasonable prices is vital to the life of the Nation and is becoming more important year by year as the number of citizens engaged in industrial pursuits increases, thereby enlarging the number of the consumers at a greater ratio than the number of producers; and

Whereas the scale of wages paid for labor of all classes is to be measured not in dollars and cents but in the purchasing power of such wages in the commodities necessary for comfortable existence; and

Whereas there has been a large and growing demand for all classes of American products, including food products, growing out of the war in Europe with its destruction and demoralization of the ordinary processes of peace and its unprecedented demand for commissary supplies for vast armies in the field; and

Whereas the problem of the food supply for the Nation involves the three coordinate elements of, first, production of the raw supply; second, its preparation and transportation for consumption; and, third, its distribution to the consumer, and sound economic laws require that each of these elements be maintained at the highest stage of efficiency which involves a reasonable profit to attract labor and capital to such operations, and involves also a reasonable price to the consumer measured in the standard of the earnings of the industrial worker, and none of these elements can be considered separately without demoralizing the economic system; and

Whereas in the United States we have not yet begun to reach the limit of our efficient production of food products and are capable of infinitely higher efficiency in that direction if a fair, open, and free market could be maintained between those engaged in the production of food products and those who ultimately consume the same: Therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed under the authority of the act entitled "An act to create the Federal Trade Commission, define its powers and duties, and for other purposes," approved September 26, 1914, to investigate and report to the House of Representatives at the earliest moment practicable the basic facts relating to the production, transportation, marketing, manufacture, and distribution of food supplies.

Second. The cause or causes of the present shortage and high prices of the same in view of the tremendous productive capacity of this country.

Third. Whether the apparent shortage of supply and high prices are due to any conspiracy, combination, contract, or practices in restraint of trade on the part of any person, groups, associations, or corporations engaged in any of such processes, and especially whether and what violations of the antitrust laws exist in such processes.

Fourth. The extent, manner, and methods of any manipulation of the markets or control of the visible supply of food products by any individuals, groups, associations, or corporations, and especially those engaged in the slaughtering and marketing of meat products, and also in the storage and distribution of poultry, eggs, butter, and dairy products, fresh fruits and vegetables, wheat and other cereals, and whether there is a joint control by any person, groups, associations, or corporations of the storing, preparation, marketing, and distribution of said products.

Fifth. What, if any, legislation is needed to insure the maximum of profitable production of food products in this country together with the free and open channel of distribution of the same to the wage earners and consumers at prices which shall insure a large and steady supply and be within the purchasing power of fair industrial wages.

SEC. 2. That the President of the United States be, and he is hereby, requested to direct the several departments and bureaus of the United States Government, and in particular the Department of Agriculture, and the Office of Markets and Rural Organization therein, to furnish to the said Federal Trade Commission, upon its request, papers, information, and data in their possession, respectively, relating to any of the matters herein required to be investigated, and to detail from time to time such officials and employees to the commission as it may request for the purposes of conducting said investigation and preparing said report.

The CHAIRMAN. If there is nobody who wants to talk, the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not know at this time whether I shall vote for or against the so-called Mann amendment, but I do wish to call attention to the fact that the Bureau of Markets, which may be a very useful bureau in the Department of Agriculture, has been recently created, and that in this bill provision is made for it and for the general expenses for various branches of work that it is to conduct, to the extent of $794,395. We are appropriating here for the first time approximately $800,000 for the purpose of enabling the Bureau of Markets to disseminate information as between the farmer or the producer and the consumer. That seems to be a very large appropriation for that purpose, since we are just about engaging in that particular line of governmental oversight.

The Mann amendment proposes an appropriation of $50,000 additional for the purpose of making an investigation into the high cost of living with respect to its domination by manufacturers, corporations, or otherwise; and my inquiry is, Why is the Bureau of Markets, with $289,400 appropriated to it, for the specific purpose of "acquiring and diffusing among the people necessary useful information upon subjects connected with the marketing and diffusion of nonmanufactured food products, and so forth, not already sufficiently provided with money to make this $50,000 investigation, more especially as the Department of Justice, after a long agitation for action on the part of some of the Government departments, has finally undertaken an inquiry on its own account and has published at least several reports with respect to the causes of the high cost of living?

If you will take this bill, pages 74, 75, 76, and a part of 77, covering the appropriations to the Bureau of Markets, you will observe that we are providing for a great variety of kinds of information to be acquired by "experts" to be given to the people on this very question of the high cost of living. What else is the Bureau of Markets for? Why are we providing this $800,000, approximately, to this bureau? Is it only to give employment to additional men, only to find more "experts" to put upon the Government pay roll, eventually to come forward and ask for a pension for the patriotic services they have rendered the Government? Why another $50,000 at this time, when this present administration is charged time and time again, not only with the power by law but with appropriations backing up that law to make every possible kind of investigation which the ingenuity of man can invent as to the high cost of living and the various other troubles from which the country suffers at the present time?

We have asked for three or four years why the Department of Justice did not proceed against some of these alleged malefactors of great wealth who are supposed to be responsible for the high cost of living. The gentleman from Missouri [Mr. BORLAND] brought in his resolution, not at this session, but at the last session, asking that some action be taken with regard to the so-called Beef Trust in this country. What efforts have been made by the present administration, what action has been taken by the present administration, looking either to the passage of that resolution or to the exercise of any of the governmental functions under existing law to find out whether the so-called Beef Trust has been putting excessive prices upon the people or not?

The best we have now from the Department of Justice, in consequence of such investigation as it has made, is that the car shortage is responsible for the high cost of living. According to the report of the investigators it is not the war in Europe, but it is the shortage of cars. The Beef Trust is entirely overlooked in any report that we have had up to the present time as to the reason for the increase in the cost of living. There seems to be ample authority to make investigations if the administration will only investigate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, if the Committee on Agriculture had had an opportunity to consider the substance of the amendment proposed by the gentleman from Illinois [Mr. MANN], probably a broader proposition would have been submitted to the committee. But this proposition is now before the committee. It is not as broad and comprehensive in its scope as I would have it, and if I did not know that any very great broadening of the amendment would subject all of it to a point of order I should offer a much broader proposition. But it seems to me that the committee is confronted with a situation which it can not escape considering. The press of the country, the magazines of the country, economic writers, and students of the food situation of the country are all agreed that a situation exists which demands the most careful inquiry on the part of legislators. The proposition of the gentleman from Illinois [Mr. MANN] is to enable the Department of Agriculture, through its machinery already organized, and through additional machinery, if necessary, to investigate the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and method of any manipulation of the market or control of the visible supply of such food products, and so forth. Not speaking for the committee, but for myself, I do not feel personally that I am willing to oppose an amendment which undertakes to obtain light on a matter of such supreme importance as the food supply of this Nation at this time.

Mr. HAUGEN. Does the gentleman think that the amendment gives the department any authority beyond what it now has?

Mr. LEVER. I think the department is not given any additional authority, but I do think that the department is given additional direction to do certain things which the department

so far has not felt that it should do without a direction from Congress to do it.

Mr. FITZGERALD. If the gentleman had made that statement when the point of order was under discussion, the point of order must have been sustained, because any attempt to control a department, under the repeated and unbroken rulings of the Chair, is subject to a point of order. Of course, the amendment was clearly subject to a point of order, as the gentleman and myself well know.

Mr. LEVER. If the gentleman will permit me, he will remember that the gentleman from South Carolina did not express any view as to whether this amendment was in order or out of order.

Mr. FITZGERALD. Oh, yes; the gentleman appealed to the Chair to be careful as to how he ruled, not to restrict the activities of the department by an erroneous ruling; and if he had not intended to mislead the Chair, he ought to have told the Chair what he had in his mind.

Mr. LEVER. I was about to say, when I was interrupted the second time, that I am satisfied, after thought on this proposition, that the ruling of the Chair is not out of line with the holdings of Chairmen of the Committee of the Whole on this bill during the last four or five years. The Chair has given a rather liberal interpretation to the organic act creating the Department of Agriculture, but I think not too liberal an interpretation.

Mr. FITZGERALD. It could not be any more liberal.

Mr. HAUGEN. The gentleman will recall the fact that the department has carried on investigations such as are directed in this amendment and that the department reported back to the committee that it was without authority required to successfully carry on the investigation. The danger in passing this amendment seems to be that it will defeat the very purpose sought by the investigation authorized by the Borland resolution. Furthermore it is contrary to the recommendation made by the Secretary of Agriculture and representatives of the beef producers and consumers. Is it not better to leave the question to those interested and who have given the subject due consideration to act upon suggestions made by the Secretary of Agriculture, the producers, and consumers, rather than to adopt suggestions made by those charged with violation of law to the Committee on the Judiciary, as stated by the gentleman from Missouri [Mr. BORLAND]?

Mr. LEVER. I do not know what is the motive back of this proposition. I assume that the motive is to get information upon a subject that is more largely in the public mind to-day than any other proposition I know of, except the European war. I do feel that the Congress and the people of the United States are entitled to such an investigation. As far as I am concerned, I do not care whether it is made by the Department of Agriculture or by the Federal Trade Commission, or whether both of these organizations act at once. If both of these services should conduct separate and independent investigations upon a matter of this great importance, I do not feel that that paralleling of service would be a waste of money, because it seems to me that the time has come for the American people to act, to prevent in the future the doing of things by great concerns with respect to foodstuffs that are now subjecting them to the severe criticism of the public, who think that they are paying the cost. As a legislator I do not hesitate to say that I want the greatest possible light upon this situation, and I want that light pouring in from every possible angle, because as legislators we can not legislate with clearness, with comprehension, with sanity, and with safety, unless we know all the facts. I myself would be very glad to support a resolution, even at this moment, to have the Federal Trade Commission set on foot an independent investigation. I want to know what their experts think. I want to know what the experts of the Department of Agriculture think. I would like to know what the experts of the Department of Justice think. There is no other question that is so pressing as this, and there is no legislation in the future that is going to affect more intimately the lives of the people of this country than that legislation which must come sooner or later, safeguarding the people against manipulation and monopolistic control of the food of the country. As far as I am concerned, I repeat that personally I want light, and too much light is not going to disturb me. The more the better; and the more light, the sooner the legislation and the better the result for the people of the country in the end. That is my personal position.

Mr. HAUGEN. If the gentleman is looking for results, then I take it he will agree with me that the investigation should be carried on by some commission or some body with authority. If so, as has been stated by the gentleman from Missouri [Mr. BORLAND], the Federal Trade Commission has the power to subpœna witnesses. The Department of Agriculture has no power to subpœna witnesses. As the gentleman knows, the department carried on an investigation, and reported back to the committee that it did not have the necessary authority. It has been carrying on investigations, and it will continue to carry on investigations which under the appropriation it has the authority to carry on, and as the gentleman has stated, the resolution gives the committee no additional authority. It occurs to me, as was pointed out by the gentleman from Missouri, that you are transferring the investigation suggested from a commission with authority to a bureau without the required authority, and thus defeat the more effective investigation.

Mr. FITZGERALD. If the gentleman from South Carolina [Mr. LEVER] is really seeking light, he is taking a very peculiar way of obtaining it. If this amendment be adopted and this additional appropriation be made, it will not be available until the 1st of July, and the investigation can not be initiated for at least six months. The gentleman from South Carolina states that the question is important and pressing at present, but his remedy is to begin an investigation six months from now in order to obtain light upon it; to begin an investigation by a branch of the Government that has no authority to do more than inquire and obtain voluntary statements from the persons whom they are to investigate. The gentleman from South Carolina states that, in his opinion, this proposed amendment gives no additional authority to the Bureau of Markets. The Bureau of Markets, for the purpose of acquiring and diffusing among the people of the United States information on subjects connected with the marketing and distribution of farm and unmanufactured food products, has an appropriation of $289,400. If it gets no additional authority under this amendment, the only thing the amendment does is to increase the fund available by $50,000. The bureau has not asked for it. It does not want it. Simply because the gentleman from South Carolina needs light he wants to have it furnished to him from some source or other, and wishes to give the Bureau of Agriculture $50,000 that it does not want and can not use for any profitable purpose. That is not the purpose of the annual appropriation bill for the Department of Agriculture. The province of this bill is to carry appropriations that are essential for the proper conduct of the business of the Government and not to make futile appropriations that will be of no use whatever.

Mr. Chairman, those who want information upon this subject need not wait for investigations. There have been innumerable investigations conducted by various governmental instrumentalities that fix plainly and clearly some of the causes for many of the evils from which we are suffering. There is some legislation that would meet the approval practically of all Members of this body that could be enacted to meet the existing situation. Of course, those who do not want any action, those who do not wish legislation to relieve existing conditions, may well, perhaps, as an excuse for no action, support a proposition to commence six months from now an investigation of conditions about which there is universal protest at this time. That may serve as a good excuse for doing nothing that will be valuable, and it will be an effective remedy to prevent action that will be beneficial.

Mr. LEVER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LEVER. I guess the gentleman's complaint at this time is that Congress has not seriously taken his proposition for an embargo on foodstuffs.

Mr. FITZGERALD. Is that a question?

Mr. LEVER. No; that is a statement.

Mr. FITZGERALD. The gentleman took some of my valuable time under false pretenses. [Laughter.] He should not be guilty of such practices. I have not made any such complaint, Mr. Chairman. When I have a grievance about this body or any other department of the Government, I do not rely upon other gentlemen to express it. I have been in the habit of making very clear my attitude toward either the House or any other branch of the Government because of its failures. I have no doubt that some of the things I propose, to those who are uninformed, may seem ineffective, but to those who are familiar with the situation, who do not need this superabundance of light for which the gentleman from South Carolina is praying and hoping and expecting from a very valuable branch of the Government service, this remedy is not so ephemeral as he imagines. I hope the amendment will not be adopted, because I consider it an indefensible waste of the public funds.

Mr. QUIN. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Illinois [Mr. MANN],

and I certainly think the gentleman from Missouri [Mr. BORLAND] was harsh in his statement when he said that those who favored the Mann amendment favored no investigation. For one, I am in favor of the bill of the gentleman from Missouri, but while it is on the calendar we all know that it can not go through without a special rule, and the close of the session is near at hand. We do know that the amendment offered by the gentleman from Illinois will seek to give light to the country and perhaps prevent the manipulations of food supply and monopolistic tendencies to control farm products.

The gentleman from New York introduced a bill here to place an embargo on food products for the purpose of lowering the price of products to the consumer of the United States. I want to say to the gentleman that the farmers have for a long time been looking for just and reasonable prices for their products, and the first time in the history of this country for the last 15 or 20 years when the man behind the plow is receiving fair consideration for his labor, the gentleman from New York, or some other man, hollers out "embargo," to lower the price of farm products. This amendment offered by the gentleman from Illinois is just to the producer of the products of the farm and to the consumers of this country. The gentleman's amendment proposes that no wrong be done anybody, and that the square thing may be done to the man who raises the farm products and the man in the city who consumes them. He proposes that an investigation shall be made by the machinery of the Bureau of Markets to see whether or not there has been an unfair manipulation in storage in the control of beef and all farm products, and that is what this country is entitled to. The people know that something is radically wrong. They know that when the price of a commodity leaves the farm for a reasonable sum that when it advances several hundred per cent by the time it reaches the consumer, something is unfair in the proceeding. The amendment before the House now will establish who that is, and will strike down the instrumentalities that now, under cover of law, are robbing both the producers and consumers. The gentleman from Missouri seems to think that there is no remedy on earth except his bill. We know that his bill may never be passed, and we know that the House of Representatives can now pass this amendment which carries with it the sum of $50,000, which will enable the Bureau of Markets to carry out an effort to find out what these evils are and to make recommendations for their cure. We realize the fact that the poor in the cities of this country suffer because food is too high. We know at the same time that the man on the farm is not receiving too much for his product, so that some person in the middle, some instrumentality, is guilty of a wrong that squeezes the city consumer and injures the farmer. [Applause.]

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, I have in my hand the hearings conducted by the subcommittee of the Committee on the Judiciary on the Borland resolution, containing 545 pages. In these hearings, and the printed report, is shown conclusively what the packers of the country want, and what the producers, at least a majority of them, and also the consumers of the country prefer in the way of an investigation. The hearings show that the packers, and possibly other food manipulators, are in favor of the Bureau of Markets conducting an investigation, in the face of the fact that the Secretary of Agriculture, Mr. Houston, has stated over his signature in a letter which was read this morning by the gentleman from Missouri [Mr. BORLAND] that the Department of Agriculture was not in a position to make this investigation, and that the Bureau of Markets did not have the facilities, or words to that effect.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. DOOLITTLE. Yes.

Mr. DOWELL. When was the resolution of the gentleman from Missouri reported by the Committee on the Judiciary?

Mr. DOOLITTLE. December 21, 1916. Already there has been an attempt to make a sort of investigation by the Bureau of Markets, and the head of that bureau, Mr. Charles J. Brand, held a meeting in Chicago, to which representatives of the packing houses and representatives of beef producers and others were invited. The packing-house people did not appear. They took very little interest in it. The meeting was not satisfactory either to the producers of the country or to the consumers. This meeting was held November 15 and 16, 1915, in the city of Chicago, and was a complete disappointment to all who were connected with it or interested in the subject of an investigation. That was an investigation similar to what could be held under the provisions of the amendment of the gentleman from Illinois [Mr. MANN] if it should prevail, because the Bureau of Markets has no power to issue subpœnas, to compel the production of books, or to administer oaths. The packers of the country have insisted that that is the kind of investigation that they want, if there is to be one—that it shall be done by the Bureau of Markets. They are very much opposed, as they have said in their testimony, a copy of which I hold in my hand, to the Federal Trade Commission, which is equipped to make a scientific and intelligent investigation, making such an investigation.

Mr. Fisher, a former member of the Cabinet, the attorney for the American National Live Stock Association and others interested in the cattle business, says in his testimony, which I have here, that they want to employ every legitimate agency for getting at the bottom of the business; that the Bureau of Markets can not make the investigation, and that the same should be made by the Federal Trade Commission—that is, that they propose to have the whole economic matter investigated from the birth of the steer until it is finally consumed. It seems to me that if the amendment of the gentleman from Illinois [Mr. MANN] prevails, that would be tantamount to sidetracking entirely the long efforts that have been put forth by the friends of the producers and consumers in trying to get a real investigation into the high cost of living and the packers' manipulation of live-stock markets.

Mr. SUMNERS. Mr. Chairman, I have spoken very infrequently in this House. Under the five-minute rule I must speak very briefly now. I rise to oppose this amendment for the reason that the first part of the amendment covers matters with regard to which the Bureau of Markets is already dealing, and for which appropriation to the full limit of its estimates is being made in this bill. This is admitted.

The other provision in the amendment is to direct an examination by the Bureau of Markets of the manipulation of prices of farm products. The manipulation of prices, gentleman understand, is now a violation of the criminal laws of the United States. I want to put it straight to you. If you adopt this amendment you put upon the Bureau of Markets the responsibility of exercising an inquisitorial power with reference to a crime, when you know that the Bureau of Markets does not possess inquisitorial powers. You can not get away from that proposition. The Bureau of Markets can not compel the attendance of witnesses, the production of documents, or even administer oath to those witnesses who voluntarily attend. An investigation by a department of the Government, bereft of the power necessary for an effective investigation, will of necessity be a farce. To my mind, it is palpably ridiculous to authorize the expenditure of the public funds by this bureau for that purpose when we have a Department of Justice and a Trade Commission created for the very purpose of investigating matters of this sort, clothed with the power to subpoena witnesses, to compel the presentation of documents, to administer oath, and to do all those things necessary to make an effective investigation, and to ascertain the real facts.

The Bureau of Markets, gentlemen of the House must know, can find out only the things from those being investigated which they want to have made known. There can be no question about that. There would be just as much practical sense in sending an unarmed private citizen without warrant to receive the surrender of a defiant criminal, to be delivered over to the sheriff, whose duty it is to make the arrest, and who is armed and equipped with process to make it, as to send the Bureau of Markets, without inquisitorial power, to get information to turn over to the Department of Justice, which has full inquisitorial power. This Bureau of Markets is being sent to do this in the very face of the fact that it is within the knowledge of the gentlemen of this committee that when it did undertake to investigate Chicago packing houses the representatives of those houses refused to appear before the representatives of the bureau and refused to give any testimony before them, and the bureau was powerless in the face of that refusal. This bureau, if it makes an investigation, will be compelled to report that it has not been able to find conclusive evidence of criminal manipulation of the price of farm products, and we will be in the attitude of having directed it to make this investigation when we knew in advance that it did not have the power to force a disclosure of the facts of criminal manipulation of the price of farm products even if those facts existed. I am unwilling to place myself in that attitude and I am unwilling to spend the public money in any such farcical undertaking. I am willing to spend any amount of money necessary to support that arm of the Government, the Department of Justice, or the Trade Commission, in the making of a real investigation of this matter and in the prosecution of those who may be found to be guilty. We will get a report back for this $50,000 and some statistics which will be filed away in a

pigeonhole. I am getting tired of spending the public money gathering statistics which are never used.

The departments of this Government are bursting open now with dead information. There is not an intelligent man in America who has given any investigation and thought to this matter who does not understand, in a general way at least, the big problems with regard to which we must deal when we undertake to lessen the cost of the American table. I make that statement without fear of contradiction. The Bureau of Markets has been digging into this thing for three years, and the head of that bureau knows at this very moment everything that he could know that would help him in his work when he shall have expended the $50,000 carried by this amendment. What we want of the Bureau of Markets is constructive work, to build a machine that will shorten the distance between the field of production and points of consumption, that will stay the waste in distribution. That is its business. That is what it is equipped to do. It can not trail criminals. Why send it after them when we know that is not its business and it can not catch them? Why, I say, do this if we want to catch the criminals? That is the business of the Department of Justice.

I submit this proposed legislation is as ridiculous as would be a proposition to have the Department of Justice expend a large sum of money investigating the matter of paper containers for farm products shipped for sale when we have a Bureau of Markets organized, equipped, and educated for that very purpose. Why turn aside the efforts of the Bureau of Markets from that which it ought to do and is equipped to do and embarrass it by putting upon it a responsibility which it is not equipped to discharge?

If crime is being committed and we want to apprehend and punish the criminals, why send after the criminals a branch of the Government which does not have to do with criminal prosecutions or the detection of criminals? I am a friend of the Bureau of Markets. It has much to do. It can do much. It has yet to create a clearing house of information where the man who has something to sell can list it by type or grade, and where the man who wants to buy can have access to it, where the man who lives in the remotest producing district of this country can have access to every market, and where the most remote market in this country can have access to every field of production. When we do that and give to the Federal Government the necessary supervisory power to insure to both the producer and the consumer integrity of transaction, then we will substantially reduce the cost of living and will insure a more satisfactory reward to producers.

The building of the machine which will make that possible is the business of the Bureau of Markets, not spending the people's money in undertakings foreign to its business and which not itself but another branch of the Government is equipped to do and charged with the duty of doing.

Mr. DOWELL. Mr. Chairman, that there is some reason for an investigation I think no one has yet questioned or will question. The method of the investigation is the question in controversy. On the other side of the House you have all the machinery, if put in motion, to make the most rigid examination, if you so desire——

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Ohio?

Mr. DOWELL. Yes.

Mr. GORDON. Does the gentleman controvert the statement made here that the Bureau of Markets has no authority to send for persons or papers or require anybody to testify?

Mr. DOWELL. I am not questioning that authority.

Mr. GORDON. What good does it do but to spend the money?

Mr. DOWELL. I am simply making the statement that upon that side of the House you have made many claims and you have introduced resolutions to solve the high cost of living, but you have not put into operation a single particle of machinery of the Government to put it into effect. You can pass the Borland resolution in 48 hours if you desire to pass it; but you have made no progress on the subject of passing the resolution, and the House has no knowledge when the resolution will be presented, if at all. The gentleman from New York [Mr. FITZGERALD] has attempted to solve the problem by introducing a resolution to put an embargo on foodstuffs, but that resolution has never seen the light since it was presented here early in the session. I want to say to you, gentlemen, that this session is fast drawing to a close, and if you are going to do anything on this subject the time to do it is near at hand. So far as I am concerned, I put it up to you, gentlemen. If you want to solve this question, you have the machinery, when put in operation, to solve it, and there is no reason to stand here and object to any kind of an investigation because you have some other method that is being held behind. I favor some action on this subject. I know the people of the country demand some action, and I believe all of the facts should be brought forth and that Congress should put into operation every force it has in the solution of this problem. I believe it is the duty of you in the majority, who have the machinery and can act, to put some method into effect, and I am sure you will have the approval of the people if you do it. [Applause.]

Mr. RUBEY. Mr. Chairman, I am going to vote for the amendment offered by the gentleman from Illinois [Mr. MANN] and I am also going to vote, if I get an opportunity, for the resolution offered by the gentleman from Missouri, my colleague [Mr. BORLAND], which has been reported from the Committee on the Judiciary. I can not for the life of me see why the putting of this little amendment into this bill will prevent this House at some future day, before the 4th of next March, from passing the Borland resolution. The resolution which has been reported from the Committee on the Judiciary is certainly a resolution that ought to be passed. The investigation ought to be made in that manner, and yet I do not know, no Member of this House knows, whether or not we will have an opportunity to vote for the Borland resolution, and I propose here now to record my vote for this pending amendment notwithstanding the fact that my colleague from Missouri in his enthusiasm characterizes every man who supports it as being opposed to any investigation whatever. He has no right to characterize my vote in that way. I am in favor of every possible means of investigation. I want every bit of information we can get from every source possible along this particular line.

Mr. GORDON. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. GORDON. Other than simply wasting $50,000, what good will an investigation do made by a bureau which has no power to send for persons or papers or compel anyone to answer? What information will they get that will do anybody any good?

Mr. RUBEY. I will answer by quoting from the resolution introduced by the gentleman from Missouri [Mr. BORLAND], in which the second section provides——

Mr. GORDON. But that is not before the House.

Mr. RUBEY. Well, maybe it will come before the House. That section provides that the Trade Commission shall get every bit of information it can, and it says that it shall get information from the Office of the Bureau of Markets and Rural Organization, and directs that bureau to furnish to the Federal Trade Commission upon its request papers and information and everything which it itself has. If given $50,000, the Bureau of Markets can go ahead with further investigations, get the information, transmit it to the Federal Trade Commission, and so assist them in their investigation.

I say we ought to agree to this amendment and adopt it as a part of this bill, and then if we get a chance between now and the 1st of March we should take up the Borland resolution and pass it.

Mr. BORLAND. Will my colleague yield before he sits down?

Mr. RUBEY. I will.

Mr. BORLAND. On page 75 of the bill is an item which appeared for the first time last year, giving an appropriation of $66,800 to enable the Secretary of Agriculture to gather from stockmen, live-stock associations, and so forth, all of this information that is called for now in the Mann resolution. The bill contains an item of $66,800, which covers the very evidence that the Bureau of Markets can collect, which will aid in the passage of the Borland resolution.

Mr. RUBEY. There is no question but that the information referred to by my friend from Missouri is valuable information, and the department is now, under the provisions of that law which went into effect on the 11th day of August last, working along that particular line. But they can go out and get additional information, and that information will be valuable. The bureau has able and competent men who, if authorized to do so, can get valuable information. They can not, of course, go out——

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

Mr. ANDERSON. Mr. Chairman——

Mr. MANN. How much time is there remaining?

The CHAIRMAN. Five minutes remaining of the hour.

Mr. ANDERSON. I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. Is it in order to offer an amendment after the expiration of the hour for debate?

Mr. MANN. It is; but it will not be debatable.

The CHAIRMAN. Under the order of the House all debate is closed. The order just extends to the debate on this amendment.

Mr. ANDERSON. Then it will be in order to offer an amendment?

Mr. DAVIS of Texas. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Texas. Did I understand the debate had expired?

The CHAIRMAN. When the hour agreed to by the committee has expired, all debate on this amendment to this paragraph will be closed.

Mr. DAVIS of Texas. Mr. Chairman, I was on my feet trying to get recognition from the Chair.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee [Mr. AUSTIN]. The time has been allotted.

Mr. DAVIS of Texas. The time has been allotted?

The CHAIRMAN. Yes. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. Mr. Chairman, I have always voted against investigations and the creation of commissions for the purpose of conducting investigations. I think the statement of the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], a few minutes ago, vindicates my position during the past six years on these various investigations. The gentleman from New York stated that of the thousands of dollars expended for investigations 90 per cent of the amount was wasted—did no good. A commission is a good thing for those on the commission who draw the salaries. An investigation seldom, if ever, benefits anybody else. The American people favored the restriction of immigration. There was practically no difference of opinion as to the necessity for that legislation, but in order to postpone action Congress created a commission which lasted year after year, and in the end cost $1,000,000, and the publication of 30 or 40 volumes of testimony which nobody read. Congress knew in advance that the legislation was in the interests of the country, and yet wasted year after year and a million dollars in finding out something a majority of Congress knew in advance. That investigation was ordered 10 years ago. We have never yet written the legislation on the statute books. We spent in the Sixty-second and Sixty-third Congresses thousands upon thousands of dollars for investigations.

First, the United States Steel Corporation was investigated. Who has ever read the testimony? What effect did it have? Then we investigated the so-called Sugar Trust. Who read the testimony? What legislation has resulted from either one of those expensive and unnecessary investigations? Absolutely none. Then we investigated the Colorado coal and Michigan copper strikes because some members of the Colorado and Michigan delegations wanted them investigated. We sent special committees to Colorado and Michigan to investigate the strikes there, and we piled up volume after volume of testimony, costing thousands of dollars; but where is the legislation? That was another waste of time and money. What the American people demand to-day is not additional investigations. They are weary of investigations. The people want prompt action on the part of the national administration and a Democratic Congress in redeeming the promise of four years ago to reduce the high cost of living. If, as charged by those on the Democratic side of the House, there are unlawful combinations to increase the high cost of living, what has become of the Attorney General of the United States and his district attorneys located in every State of the Union? What are they doing to have the law carried out and to aid their party in keeping the platform pledge to enforce the Sherman antitrust law and to reduce the high cost of living? If you are determined to have an investigation, in all fairness you should begin with the Department of Justice. Do we need an investigation to convince us that there is an increase in the cost of living or that there are combinations? What the country needs and is entitled to is a prompt remedy for conditions every Member of Congress knows to exist all over the country. Let us quit feeding a trusting public on promises, on investigations, and get down to real business. Let us have another "administration measure"—not an expensive and unnecessary investigation, but a law to reduce the high cost of living, as promised in the Baltimore platform.

The investigations referred to in this debate, if ordered, will last for months, cost thousands of dollars, and in the meantime there will be no relief for the people. Quit investigating, quit postponing, and direct your Attorney General to get busy. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, let me say for the benefit of some of the gentlemen that this amendment was not prepared by, it was not shown to, it was not discussed with, packers, and they know nothing about it, and nobody else, so far as discussion in advance is concerned, outside of Members of the House. Let me make this further suggestion: The gentleman from New York [Mr. FITZGERALD] said this would postpone an investigation. I did not put in the amendment a provision that the funds should be immediately available, because that would have made it subject to the point of order which the gentleman from New York made, but I am quite willing that that should be added to the amendment. I did not put in it the provision giving the bureau the power to subpœna witnesses, because that would have made it subject to the point of order, but I am quite willing they should have it. However, let me make this suggestion with reference to the subpœnaing of witnesses:

I had charge of the bill, originally, creating the Bureau of Corporations. They were given power to subpœna witnesses. They never did it. The Federal Trade Commission, I think—although I may be mistaken—has never subpœnaed a witness. Why? Witnesses who are willing to come do come. The minute you subpœna a witness you render him immune from prosecution. And those under investigation, under prosecution, are the most anxious to testify, because they can not be prosecuted. And when the Bureau of Corporations made an investigation of the packers some years ago, although they did not subpœna witnesses, the packers got an immunity bath because the Bureau of Corporations had power to subpœna witnesses where the production of testimony gave that immunity if done.

Now, what have we proposed? A practical method of expediting economy in the transportation of food products from the producer to the consumer, using a method which we have already created, the Bureau of Markets, engaged in that business, men who can make suggestions to the men who handle the grains, the live stock, and the other food products of the country, and make suggestions which would be of practical value. If they discover that there is manipulation of the markets, they will discover it outside of giving immunity to the men who are engaged in the business, and they will have the power to turn that testimony over to the Department of Justice, where it may be effective.

If we could—and I do not know whether we can; we have not been able to yet—if we could send one man to jail for manipulating the markets of the country, it would do more good than anything else we could do. [Applause.]

But up to date we have not been able to do anything. Where we have made an investigation we have granted immunity to the men who are guilty by making the investigation, and the investigation has done no good in any other way.

Now, this investigation, if carried on, may be of good, to begin with, in giving practical suggestions for the handling of the food products, and if they discover that there is manipulation of the market, then the men who are guilty will not have immunity. They may indict and convict. I hope the amendment may receive the approval of the body. [Applause.]

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment.

Mr. ANDERSON. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the amendment offered by Mr. MANN: "For the purpose of said investigation the Chief of the Bureau of Markets and his duly authorized agents shall have power to administer oaths, subpœna witnesses, and require the production of books and papers."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order is sustained. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I offer an amendment: Insert at the end of the amendment the words "to be immediately available."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: At the end of the amendment, after the figures "$50,000," insert the words "to be immediately available."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. FITZGERALD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 85, noes 23.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, and transportation of grain, including the grain sorghums, for the purpose of fixing definite grades thereof, $106,590.

Mr. YOUNG of North Dakota. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I wish to reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph. The gentleman from North Dakota is recognized.

Mr. YOUNG of North Dakota. Mr. Chairman, the grain-standards act passed last year has not yet been placed in operation. A committee of the Department of Agriculture is now engaged in preparing standard grades for the grading of grain, that is to say, deciding upon definitions of what shall constitute the various grades. This is a task of tremendous importance to the farmers of the Nation and also to the consumers of grain products.

Mr. Chairman, heretofore the grades for wheat have been fixed according to the weight and appearance of the grain. The entire equipment of those who have attempted to fix standard grades in the different States has consisted of a scale, the naked eye, and the fingers of the hand as to moisture. It is the contention of the farmers of the Northwest that standard grades for wheat should be determined upon according to its actual milling value. That value can be actually and scientifically ascertained; in fact, it has been done at the experimental flour mill and laboratories of the North Dakota Agricultural College by President E. F. Ladd. The experiments conducted there during recent years show that grades established according to weight and physical appearance are inaccurate, unscientific, and grossly unjust to the producers. The grades have been heretofore adopted in an arbitrary way and apparently for the express purpose of buying a large portion of the wheat at less than its milling value. Even if this were not the design, no thoughtful person will say that it is not the effect. In my remarks here last year concerning the 1915 crop I showed that there was in some instances a spread in price between No. 1 northern and rejected at 20 cents per bushel, that is to say for 60 pounds. Dr. Ladd showed by his milling, chemical, and baking tests that the actual value of the products of the rejected grade were worth more according to the market prices than the products of No. 1 northern, as follows: No. 1 northern, $2.28 per 100 pounds; rejected grade, $2.31 per 100 pounds. In other words, and do not lose sight of this, while rejected was actually worth more than No. 1 northern, the Minnesota authorities had arbitrarily established six grades to describe wheat ranging between these limits of quality. By this means the man who hauled a load of wheat of rejected grade to the elevator on April 27, 1916, according to the market reports in the Grand Forks Herald, received 20 cents per bushel less than his wheat was really worth, that is to say 20 cents less than the quotation for No. 1 northern.

This year it is worse than ever. The grain dealers are buying wheat upon the basis of nine different grades. The more grades there are the lower they can pound down the price for the so-called low-grade wheat. This year—that is, for the crop year of 1916—the spread in price between No. 1 northern and the lowest grade has run at times as great as 97 cents per bushel. It represents the most colossal hold-up ever pulled off in the grain trade.

Mr. Chairman, let me say again the grading of grain or the fixing of standards in the past has always been done simply by weight and by the physical appearance of the grain. The different States or other organizations that have adopted standard grades have never attempted to go further than that. They have never attempted to make a chemical analysis of the grain or analysis of the flour or any baking tests of the flour.

The College of Agriculture of North Dakota has been making a line of experiments during recent years of a technical, scientific kind to determine what these grades ought to be. For that purpose they have an experimental flour mill and a chemical laboratory and a baking laboratory. Having been instrumental in securing this equipment for our college while a member of the North Dakota Legislature I have studied the bulletins of Dr. Ladd with great interest and diligence. The result of last year's investigations is particularly important and reveals a situation that calls loudly for a scentific method of establishing grain standards.

There was a spread last year in the values of grain sold under different standards between the highest grade and the lowest grade of 97 cents. To describe the crop of last year—that is, the 1916 crop—nine different grades were defined by the grain dealers. Now the investigations conducted at Fargo show that these definitions, these grades that have been used, are arbitrary and have not been made according to the milling value of the wheat for the greater portion of the crop last year. I will say that in a general way the crop last year was not a good-looking crop. In appearance it was shrunken and the wheat was not up to normal.

Now, with those superficial methods that they have had in the past of establishing these standards, not going beyond the weight and the physical appearance, they branded a whole lot of this wheat as simply "feed." The grain men have been using grades that they call "A feed," "B feed," "C feed," and "D feed." Now, that indicates, if it indicates anything, that those who are doing the grading of this grain concluded that it was not wheat at all; it was not entitled to be known as wheat; it was simply feed—chicken feed.

Dr. Ladd, at Fargo, took 43 different samples of "D feed" grade, and the results of the investigation show this, that in point of absorption—that is something that is always looked to by the bakers in buying flour, because they want a flour that is capable of large absorption, and I am talking now of "D feed," the lowest grade of feed—41 samples were superior to No. 1 northern, and only two of the samples fell less than No. 1 northern, and they were only 1 per cent below.

Now, as to the volume of the bread made from this "D feed," the bakers always like a large-looking loaf. No matter what it weighs, they like a large-looking loaf. Thirty-nine samples were superior to No. 1 northern.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG of North Dakota. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. LEVER. Reserving the right to object, can not the gentleman get along with five minutes. Let me say to him that there is a very important bill that gentlemen who have charge of it desire to put through this afternoon, if possible, and I am trying to hurry the consideration of this bill to accommodate them.

Mr. YOUNG of North Dakota. I have never retarded the progress of this bill by saying a single word during its consideration.

Mr. STEENERSON. I hope the gentleman from South Carolina will allow this extension. It is very important.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. YOUNG of North Dakota. I am talking now of the different points which go to indicate whether flour is valuable or whether it is not, or whether it belongs to a low grade or not. We are dealing here only with experiments made with D-feed wheat. As to the volume of the loaf, 39 samples were better than No. 1 northern and only 4 of them fell below.

Now as to the color, that is also an important item with the bakers and with every housewife. I do not know but it is more important to the housewife than it is with the bakers. The housewife wants a white-looking loaf. Eighty-eight per cent has always been regarded by bakers and experts who pass on this question as sufficient. It ought not to fall below 88 per cent. If it is 88 per cent or better, it is all right on the color question. Twenty-six samples of flour made from D-feed were above 88 per cent in point of color and 17 samples were below 88. Taking all the feed samples together and averaging them, we get 88.5. It is the most common thing in the world, in the flour trade and in the milling trade, to blend wheat. Soft wheat is blended with hard wheat, and high quality hard wheat is blended with a low quality; so that if any of these D-feed wheats did fall below 88 per cent, all that was necessary was to blend them with wheat of higher grade, to take care of the item of color. As I have shown, all the feed grades, A, B, C, and D, gave an average of 88.5 per cent, and by blending them with the grades above that the percentage of color would be raised still higher.

Texture is another point on which they judge flour and bread. All of the 43 samples of 4 feed were better than No. 1

northern. I want to call your attention especially to that. In point of texture every single one of the 43 samples of D feed examined at the North Dakota Agricultural College tested higher than bread made from No. 1 northern.

Mr. DAVIS of Texas. Will the gentleman permit a question?

Mr. YOUNG of North Dakota. Certainly.

Mr. DAVIS of Texas. I am very much interested. Do I understand that the market buyers, wanting to undergrade certain kinds of wheat, had branded it as A, B, C, and D feed, not designating it as wheat at all, but as feed?

Mr. YOUNG of North Dakota. They said that in purchasing wheat in North Dakota there should be these grades: No. 1 northern, No. 2 northern, No. 3 northern, No. 4 northern, A feed, B feed, C feed, and D feed.

Mr. DAVIS of Texas. And actual experience has shown that bread made from D-feed wheat is equal to No. 1 northern.

Mr. YOUNG of North Dakota. It is equal in point of absorption, protein content, and volume of loaf. In color it does not equal it, because No. 1 northern will average higher than 88 per cent; but, as I explained to the gentleman, the millers blend their wheats.

Mr. DAVIS of Texas. I understand. I just wanted to get it clear.

Mr. YOUNG of North Dakota. The average of all the D-feed flours was equal to 88.5 per cent in color, so that in order to reach the standard it would not be necessary to blend them with higher grades, but if they wanted a still higher percentage on color, they could be blended with so-called higher grades.

Now, as to the per cent of gross increase per bushel, according to the way this wheat was purchased in North Dakota and the Northwest last year, the best sample of No. 1 northern gave a gain of 22.2 cents. None of the 41 samples of D feed fell below 100 per cent gain.

Mr. STEENERSON. Gain of what?

Mr. YOUNG of North Dakota. The gentleman understands, of course, that there is a difference between profits and increased selling price. I am talking now about the sale of products and what the gain was on a bushel of this wheat, not the profit. That could not be determined without considering a number of other items. On No. 1 northern the gross products sold at prices, according to the Northwestern Miller, which represented a gain of 22 per cent. On D feed the gain was over 100 per cent.

Mr. STEENERSON. Over what?

Mr. YOUNG of North Dakota. Over the purchase price.

Mr. DAVIS of Texas. Does the gentleman mean the gain over last year's level?

Mr. YOUNG of North Dakota. No; taking the wheat of 1916, the entire products from No. 1 northern wheat sold for 22 per cent more than the purchase price, according to the Minneapolis market, for wheat, flour, shorts, bran, and the different products. The percentage of increase on the products from D-feed wheat was over 100 per cent.

Mr. KELLEY. Does the gentleman mean over and above what the farmer received for the crop?

Mr. YOUNG of North Dakota. Yes.

Mr. STEENERSON. When were these tests made?

Mr. YOUNG of North Dakota. During the months of October and November.

Mr. STEENERSON. In 1916?

Mr. YOUNG of North Dakota. In 1916. Now, as to the gross receipts per bushel, including screenings, during the past season, for No. 1 northern wheat they got $2.12.

Mr. MADDEN. Who got $2.12?

Mr. YOUNG of North Dakota. Those who sold the products. It is pretty hard to tell just where the profit goes, but in our country the belief is general that the grain dealers are the chief offenders and the chief beneficiaries.

Mr. MADDEN. It was not the farmer?

Mr. YOUNG of North Dakota. No. For the poorest sample of D-feed out of the 43 samples the products brought $1.85. The average for the products of all the feed samples was $1.99¼. The best, from No. 1 northern, was $2.08½, so there was only a spread of 9 cents in the total products sold between No. 1 northern and D feed.

Mr. MADDEN. A spread of only 9 cents in the difference of the price to the miller.

Mr. YOUNG of North Dakota. In the difference of the price got by the miller when he sold all these products.

Mr. MADDEN. What was the spread above the price received by the farmer?

Mr. YOUNG of North Dakota. I can give you a pretty fair idea of it. Here is an estimate made by Dr. Ladd on a carload of wheat sold at Fargo, N. Dak., a sample of D feed. The carload was bought from the farmer for $653.01. It was sold for an advance over and above that of $1,031.72. You understand this is an estimate made by Dr. Ladd.

Mr. STAFFORD. In what period of time was there that increase?

Mr. YOUNG of North Dakota. President Ladd took the sole price of the products and the purchase price of the wheat on the same day. He took the markets from the Northwestern Miller, of Minneapolis, Minn. Dr. Ladd is a noted chemist, who has won the entire confidence of North Dakota people because of his skillful, vigorous, and courageous enforcement of our pure-food law and because of his painstaking and thorough examination of many samples of North Dakota wheat, the results of which have been published in bulletins from year to year. I shall ask presently to quote quite freely from his last bulletin, which will reply more fully to the different questions my colleagues have been asking me. Being limited very much in time it has not been possible for me to cover each item with thoroughness, and those specially interested in this subject should read Dr. Ladd's bulletin in full.

Mr. STEENERSON. As I understand, D feed weighs only about 40 pounds to the bushel, but when you sell it you sell 60 pounds.

Mr. YOUNG of North Dakota. Certainly.

Mr. STEENERSON. If you sell it by the bushel you have to give 60 pounds in weight?

Mr. YOUNG of North Dakota. Yes; and that is where some superficial people fall down in an investigation of this question. While in fixing the grade it is said a certain grade shall weigh so many pounds, that is only to fix the grade; but when you load it into the elevator it takes 60 pounds to make a bushel. It has been found that 60 pounds of one grade of wheat and 60 of another is worth very much the same. There is no justice in multiplying arbitrary grades; that is only an excuse for pounding down the price of the low grades.

In 1873 they only had two grades. Five years later they pushed it up to three. In 1907 they had five grades, and then finding that the farmers were easy and standing for it they increased it to seven grades. When the price is fixed on No. 1 northern and a number of arbitrary grades are fixed below it it becomes possible to establish a different price for each grade, and the more grades there are the lower the price can be depressed for the so-called lower grades. Last year the grain men got the number of grades increased up to nine.

Mr. MADDEN. What was the difference between the highest grade and the lowest grade?

Mr. YOUNG of North Dakota. Ninety-seven cents. Now, the proposition that I want to drive home is that either the work of Dr. Ladd, at Fargo, is right or it is not. I claim that his standards should be followed or the officials of the Department of Agriculture should install an experimental mill and laboratories here and do the work themselves. I claim that the farmers are entitled to have the Department of Agriculture follow the scientific tests made by Dr. Ladd for several years past, or else the Secretary of Agriculture ought to institute his own experimental mill and demonstrate whether this work is correct or not. [Applause.] He should not close his eyes to scientific truth. He should not follow the old, discredited, and unscientific method of relying solely upon the sense of sight and the sense of feeling. And I do not think he will do so if he can be brought to understand how vitally it affects not only the producers but also the consumers of the country.

I ask leave to print the bulletin issued by Dr. Ladd, No. 119, issued November, 1916.

The CHAIRMAN. Is there objection?

There was no objection.

The matter is as follows:

NORTH DAKOTA WHEAT FOR 1916.

[By Dr. E. F. Ladd, president North Dakota Agricultural College.]

Two bulletins have been published containing information with regard to wheat matters, namely, Special Bulletin No. 14, volume 3, "Is the Present System of Grading Wheat Equitable?" and Bulletin No. 114, "Chemical and Physical Constants for Wheat and Mill Products," which have brought repeated demands for information with regard to the milling and bread-producing qualities of the wheat crop for 1916. It is decided, therefore, to publish the data for the 1916 samples thus far milled, giving more detailed and complete information on the completion of the year's experiments, which can not be finished before midsummer. The writer is responsible for the presentation of the matter, while all of the milling and grading results are furnished by Thomas Sanderson, and the analytical and baking results by Levi Thomas and W. L. Stockham.

Wheats at the terminal markets of Minnesota are graded in accordance with the Minnesota grades as prepared by the board of grain appeals at Minneapolis and the board of grain appeals at Duluth. From an official publication we quote the following for northern spring wheat, also for durum wheat:

"NORTHERN SPRING WHEAT.

"No. 1 hard spring wheat: Shall be dry, sound, bright, sweet, clean, and consist of over 75 per cent of the hard kernels and weigh not less than 58 pounds to the measured bushel.

"No. 1 northern spring wheat: Shall be dry, sound, sweet, and clean; may consist of the hard and soft kernels of spring wheat and weigh not less than 57 pounds to the measured bushel, and shall not contain to exceed one-half of 1 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 1 per cent of inseparable weed seed.

"No. 2 northern spring wheat: Shall be dry spring wheat, not clean enough or sound enough for No. 1, but of good milling quality, and must weigh not less than 56 pounds to the measured bushel, and shall not contain to exceed 1 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 2 per cent of inseparable weed seed.

"No. 3 northern spring wheat: Shall be composed of inferior, shrunken spring wheat and weigh not less than 54 pounds to the measured bushel, and shall not contain to exceed 2 per cent of wild vetch (wild pease) or kingheads, singly or combined, and not to exceed a total of 4 per cent of inseparable weed seed.

"No. 4 northern spring wheat: Shall include inferior spring wheat that is badly shrunken or damaged, and weigh not less than 49 pounds to the measured bushel

"Sample grade spring wheat: Shall include all varieties of inferior spring wheat that is badly sprouted, very musty, badly bin burnt, fire burned, badly damaged, containing live weevil, or otherwise unfit for higher grades.

"No-grade wheat: All spring and durum wheat containing 15 per cent or more of moisture, or in a heating condition or otherwise unfit for store, shall be classed no grade, with inspector's notation as to what grade same would be if in condition. For example: NG No. 1, NG No. 2, NG No. 3, etc.

"NOTE.—Hard, flinty wheat of good milling quality and containing no appreciable admixture of soft wheat may be admitted into the grades of No. 2 northern spring wheat, No. 3 northern spring wheat, and No. 4 northern spring wheat, provided weight of the same is not more than 1 pound less than the minimum test weight required by the existing rules of said grades, and provided, further, that such wheat is in all other respects qualified for admission into such grades.

"NOTE.—The variety of wheat known as 'humpback,' owing to its inferior milling quality, shall not be graded higher than No. 3.

"NOTE.—The percentage of inseparable weed seed, as stated above, shall be carried only when the wheat is of sufficiently superior quality to justify these additional defects.

"DURUM (MACARONI) WHEAT.

"No. 1 durum wheat: Shall be bright, sound, dry, well cleaned, and be composed of durum, commonly known as macaroni wheat, and weigh not less than 60 pounds to the measured bushel.

"No. 2 durum wheat: Shall be dry, clean, and of good milling quality. It shall include all durum wheat that for any reason is not suitable for No. 1 durum and weigh not less than 58 pounds to the measured bushel.

"No. 3 durum wheat: Shall include all durum wheat bleached, shrunken, or for any reason unfit for No. 2 and weigh not less than 55 pounds to the measured bushel.

"No. 4 durum wheat: Shall include all durum wheat that is badly bleached or for any cause unfit for No. 3.

"NOTE.—Red-berried durum, western soft durum, owing to their inferior milling quality, shall not be graded higher than No. 3.

"NOTE.—The percentages of inseparable weed seed established for Nos. 1, 2 and 3 northern spring wheat shall also apply to Nos. 1, 2, and 3, durum wheat.

"Mixed wheat: Eight per cent or more of spring wheat in durum, winter or western white or red wheat and 4 per cent or more of durum, winter, or western white or red wheat in spring wheat shall be graded Nos. 1, 2, 3, etc., mixed wheat."

It will thus be observed that only five grades are fixed for the wheats and in addition "sample grade" and "no grade," "no grade," of course, representing wheat in bad condition. The sales, therefore, in the terminal market in Minneapolis, for example, are assumed to be made on these grades, but it would appear that the grading of the wheat, as carried out at the point of purchase in North Dakota, is in accordance with instructions sent out from day to day from Minneapolis, as shown by the following from a notification postal card sent out regularly to the buyers of wheat.

MINNEAPOLIS, MINN., *October 14, 1916.*

[This cancels card of 13.]

	Pounds.	Quotations.
Wheat No. 1 northern	57	158
Wheat No. 2 northern	56	154
Wheat No. 3 northern	54	148
Wheat No. 4 northern	53	136
Do	52	130
Winter wheat No. 2		144
Winter wheat No. 3		138
Durum No. 1	60	160
Durum No. 2	58	156
Durum No. 3	55	144
Durum No. 4	54	127
Do	52-53	115
Sample feed spring No. 4	49-51	124
Sample feed spring A	47-48	114
Sample feed spring B	45-46	99
Sample feed spring C	43-44	89
Sample feed spring D	35-42	79
Feed durum No. 4	50-51	102
Feed durum A	48-49	93
Feed durum B	46-47	83
Feed durum C	44-45	73
Feed durum D	40-43	63

Nor. 36. The Grain Bulletin.

The official body establishing these grades and prices is not given on the cards as they go out from Minneapolis to the dealer. It will be noticed that the grading according to this card is quite different from the official grades and does not conform with regard to test weight per bushel.

There are several additional grades—grade 4, No. 2, and grade 4, No. 3; and in addition to these a classification is made as "Feed A," "B," "C," and "D."

No matter what the grade may be at the point of purchase the terminal grade is assumed to be one of the five as indicated in the official announcement from the board of grain appeals. Therefore, No. 4–No. 2, and No. 4–No. 3 and a part of feed A should sell as No. 4°. The balance of feed A, as well as feeds B, C, and D, will all be sold as sample grade if sold under the official classification.

It may be also assumed that the term "feed" is intended to imply that the wheat had no milling value, but is to be used exclusively for feed purposes. The milling tests, together with the baking test, will therefore prove of special interest in this connection. The milling was done on the small two-stand mill. The samples were sent in from various parts of the State, some from individual farmers, from county agricultural agents, elevators, demonstration farms, etc. The number of samples in the higher grades are rather limited, but having no choice in the matter we have used them as received.

As already indicated the grading is based on a card or price list sent out to the local elevators by the Grain Bulletin from Minneapolis, and is the elevator's instructions regarding grade and price until there is received a renewal with the market changes. This card is more stringent regarding the higher grades than the grading rules issued by the Minnesota grain inspection department since there are grades which the rules make no provision for at all. Therefore the wheat would appear to be bought from the farmer by one set of rules or system of grading and sold to the terminal elevator by an entirely different system of grading if we are to judge from the information available to us. The price as quoted on the card is made apparently on the test weight per measured bushel but requires 60 pounds of wheat in each case to constitute a bushel as sold. In our comparison as a basis for the market value, we take the average of the high and low cash market at Minneapolis, as quoted by the Northwestern Miller for six days, October 11–17, inclusive. Using this average price as far down as the grades apply or correspond to the grades as shown by the card, and then using the same spread in price between No. 1°, as is shown by the card, we get the market price for all the other grades as follows:

MARKET PRICE.

Average of high and low and averages for October 11–17, inclusive. From page 173, Northwestern Miller.

Grade.	Hard red spring.	Durum.
No. 1 northern	$1.732	$1.806
No. 2 northern	1.704	1.760
No. 3 northern	1.626	1.6112
No. 4 northern	1.403	(1)
Sample grade	1.2777	(1)
No grade	1.4139	(1)

[1] Not quoted.

If we base our values on No. 1 northern, with the same spread in value as shown on the card sent to the local elevators by the Grain Bulletin, then we have the following:

Grade.	Hard red spring.	Durum.
No. 1 northern	$1.732	$1.806
No. 2 northern	1.704	1.760
No. 3 northern	1.626	1.6112
No. 4 northern	1.51	1.47
Do	1.45	1.35
Do	1.39	1.22
A feed	1.29	1.13
B feed	1.14	1.03
C feed	1.04	.93
D feed	.94	.83

If we deduct from the above figures the freight rate per bushel for any grade to the Minnesota transfer, we should then have the local value of the wheat or from Fargo approximately 7 cents per bushel.

The market quotations for flour during the same period, according to the Northwestern Miller, ending October 17, 1916, were as follows:

Straight flour, per 100 pounds	$4.426
Bran, per 100 pounds	1.156
Shorts and other products, per 100 pounds	1.567
Screenings, per 100 pounds	.675

The foregoing prices are for wholesale or carload lots and based upon the market price at Minneapolis. The above values are used throughout in the calculations for these tables.

It will be observed that the majority of the samples for this year are falling under the classification of "feed" grades, and there is in our series no No. 4 northern, although there are a few samples of the higher grades. The large proportion of the lower grades of wheat makes the grading of the milling value of the wheat an important matter this year.

The tables from 1 to 9 show clearly for themselves the facts concerning the several grades examined.

* * * * * * *

WHAT THE DATA SHOW.

A study of the tables will show, from a milling point of view, that the per cent of flour from No. 1 and No. 2 northern is fairly high and compares favorably with the results obtained at this station in other years, although the number of samples represented are limited and might run, in a larger series, somewhat different. The samples in No. 3 and No. 4 northern grades are a little low in per cent of flour compared with the same grades in other years; while in the so-called "feed" grades we have had very few samples in other years with which to make a comparison.

We find in the No. 3 and No. 4 northern grades a test weight, before cleaning, of 55 pounds to 49 pounds, and we have the per cent of flour ranging from 69.03 to 63.01, with the lowest average of any grade 65.18 per cent; in the feed grades a range from 67.78 to 50.23 per cent, with the lowest average in any grade 60.40 per cent. Between the

maximums of all grades there is a spread in per cent of flour from 73.07 in Table II, sample 2990, to 50.32 in Table IX, sample 3289. If we assume that the flour from these two samples is of equal baking quality (the baking results show they are), then the flour should be of equal value; and figuring the difference in per cent of flour to be 22.75, at the value as shown of $4.426, the difference would be $1, or 60 cents per bushel. The sample giving the high per cent of flour, being No. 2 northern, the market value $1.704, would make the sample giving the low per cent of flour worth $1.104, or 16.4 cents more than the market value when based on the flour per cent alone. When we consider, for these two samples, the value of the mill products we find a difference of 33.72 cents, which would give a market value per bushel of $1.374, or 43.4 cents per bushel more than the market value when compared with the No. 2 sample. Ignoring the dockage in either case, there would be a difference in value of 43.78 cents per bushel, or for No. 2 northern, value $1.704 less 43.78 cents, equals $1.262, or 32.62 cents per bushel more than market value.

BAKING RESULTS.

A study of the data presented in the baking results will show that these samples can be blended together in almost any quantity and the flour would make a good bread. By eliminating some of the poor samples or by adding more of the good samples a choice flour could be produced. As a matter of fact, the large mills all blend wheats to get the desired results for color, texture, and loaf volume. All these wheats are good, and in general show large loaf volume and good texture, but not always standard in color, sometimes quite inferior in color, which would not seriously affect the blend and would add much in strength, for the gluten content is exceptionally good.

GENERAL AVERAGES.

If we take the general averages for the several grades as presented in the tables and bring together the data for comparison, both with regard to the milling and baking tests, we shall find that the per cent of flour is much higher for the lower grades than is generally assumed. If we examine the loaf volume, we note that for the lower grades the volume is much higher than for the higher grades, while the color averages the equal of the minimum standard for straight flours. The same is true for the texture, although it does not equal that of the higher grades, and shows the advantages that would come from being blended with other flours. The data for the combined averages is as follows:

TABLE XV.—*The averages.*

Receipts.	No. 1.	No. 2.	No. 3.	No. 4 (2).	No. 4 (3).	Feed.			
						A.	B.	C.	D.
Weight uncleaned	57.5	56.0	54.4	52.1	49.2	47.4	45.0	43.3	37.9
Weight cleaned	60.5	58.5	58.7	56.1	54.2	53.4	50.8	49.6	46.7
Screenings	3.37	3.96	6.23	6.57	6.77	9.24	11.51	8.43	17.34
Flour, per cent	69.63	72.64	65.44	65.18	65.68	63.72	63.39	62.9	60.40
Bran, per cent	16.27	14.30	12.57	12.90	15.88	15.98	17.76	17.35	19.04
Shorts, per cent	13.53	13.69	20.76	21.44	18.41	20.41	19.04	19.11	19.69
Loaf, volume, cubic centimeters	2,317	2,292	2,291	2,304	2,522	2,314	2,471	2,734	2,677
Color	93.7	93.2	91.5	91.0	91.0	88.6	88.9	92.3	84.3
Texture	93.0	94.2	90.5	90.2	89.2	88.3	89.0	93.6	91.5

In the same manner, if we bring together the receipts for the mill products as compared with the cost for the wheats, we shall get a better idea of the relative value and of the gain in per cent, or, undoubtedly, the comparative profits for handling the several grades of wheat, as follows:

TABLE XVI.—*The receipts per bushel.*

Receipts.	No. 1.	No. 2.	No. 3.	No. 4 (2).	No. 4 (3).	Feed.			
						A.	B.	C.	D.
The cost	$1.732	$1.704	$1.626	$1.45	$1.39	$1.29	$1.14	$1.04	$0.94
Screenings	.0136	.0160	.0252	.0266	.0274	.0374	.0466	.0359	.0702
Flour	1.8494	1.9290	1.7378	1.7309	1.7442	1.692	1.6834	1.6696	1.6040
Bran	.1129	.0992	.0872	.0895	.1101	.1108	.1232	.1203	.1321
Shorts	.1272	.1287	.1952	.2016	.1731	.1919	.1790	.1797	.1851
Total	2.1031	2.1729	2.0454	2.0486	2.0548	2.0323	2.0322	2.0055	1.9914
Increase	.3711	.4689	.4194	.5986	.6648	.7423	.8922	.9655	1.0514
Gain, per cent	21.4	27.5	25.8	41.1	47.8	57.5	78.2	92.8	111.9

RELATIVE PROFITS.

In examining the table above we note that the per cent of flour produced by the grades of wheat Nos. 3, 4 (2), and 4 (3) are essentially the same, or above 65 per cent, and therefore, presumably, are of equal value for flour production, while in bread production they show a larger loaf volume than the higher grades and are but slightly inferior in color. Four classes of wheats graded as feed A, B, C, and D all produce above 60 per cent of flour on the average for the entire series, and it is not to be assumed that a product of as much value as this for flour production will be used as cattle feed. When we examine the bread made from these flours we find a better average loaf volume than for any other class, as would be expected from the gluten content, and the color and texture averages well. The interesting feature comes, however, it seems to me, in considering the increase in per cent of the sales price for the mill products as compared with the cost for the wheat. This can best be summarized again as follows:

TABLE XVII.—*Comparison of cost of wheat and receipts from mill products.*

	Cost of wheat.	Receipts from mill products.	Per cent of gain.
No. 1 northern	$1.732	$2.1031	21.4
No. 2 northern	1.704	2.1729	27.5
No. 3 northern	1.626	2.0454	25.8
No. 4 (2)	1.45	2.0486	41.1
No. 4 (3)	1.39	2.0548	47.8
Feed A	1.29	2.0323	57.5
Feed B	1.14	2.0322	78.2
Feed C	1.04	2.0055	92.8
Feed D	.94	1.9914	111.9

Clearly, if there is a profit in milling high-grade wheats, No. 1 and No. 2 Northern this year, when the gain is 21.4 per cent and 27.5 per cent, then certainly in the lower grades, where for No. 4 (3) there is a gain of 47.8 per cent and in Feed C 92.8 per cent and in Feed D 111.9 per cent, then there certainly should be a net profit for the feed wheats much in excess of that made on the high-grade wheats, and would indicate their relatively greater value than is shown by the purchase price. These figures, of course, do not show the cost of manufacture or legitimate profits; they are only intended to be accurate data with regard to the total proceeds from the sale of the various products as compared with the cost of the original material.

A CARLOAD OF WHEAT.

For convenience let us take a carload of wheat for the several grades and follow it through from the North Dakota farmer to the terminals and the milling portions back again through to retail trade to the consumer, who may have been the farmer who produced the wheat itself. This will give us a better means of comparison and one that can be easily understood and followed.

Nine of the 10 grades are represented in the tables presented in this bulletin. There were no samples with the proper weight per measured bushel to make a first No. 4 Northern grade. It should be borne in mind that these grades do not conform to the Minnesota grain-inspection rules, which provide for seven grades for Hard Red Spring wheat. The grades as shown on the card, therefore, are arbitrary and only apply when the farmer sells his wheat to the local elevator company or other dealer employing this same system of grading. For a comparison of the grades and values we will offer the following, giving the local grade and weight per bushel and value as shown by the card of October 14, 1916, followed by the grain-inspection department grades, weight per bushel, and average value at Minneapolis for the week ending October 17, 1916.

TABLE XVIII.—*Comparison of local grades and values with grade and value at Minneapolis.*

Local grade.	Weight per bushel.	Value.
	Pounds.	
No. 1 northern	57	$1.58
No. 2 northern	56	1.54
No. 3 northern	54	1.48
No. 4 northern	53	1.36
Do	52	1.30
Do	49–51	1.24
A feed	47–48	1.14
B feed	45–46	.99
C feed	43–44	.89
D feed	35–42	.79

TABLE XVIII.—*Comparison of local grades and values with grade and value at Minneapolis*—Continued.

Minneapolis grade.	Weight per bushel.	Value.
	Pounds.	
No. 1 northern	57	$1.732
No. 2 northern	55	1.704
No. 3 northern	53	1.626
No. 4 northern	48	1.51
Sample grade	No limit.	1.28
No grade	.....	1.41

Let us use 60,000 pounds as a carload and take the nine grades, assuming that the farmer sold the product at the values here given, and calculate the returns for the same; first, the wheat as received from the farmer; then the wheat as graded in Minneapolis on the track; then the amount received by the elevator company unloaded. If we then take the data furnished from the milling experiments and calculate the market value for the flour, bran, and shorts, or mill products, comparing these with the local feed and flour values for the same products as retailed in Fargo, we shall have pretty complete information.

TABLE XIX.—*No. 1 northern: Carload (60,000 pounds) bought from farmer Oct. 14, at card value, $1.58 per bushel.*

	Grade No.—			
	1°.	2°.	3°.	4° (2).
Dockage, per cent	3.37	3.96	6.23	6.57
Clean wheat, bushels-pounds	996-18	960-24	937-42	934-18
Price, per bushel	$1.58	$1.54	$1.48	$1.30
Value	$1,526.75	$1,479.01	$1,387.73	$1,214.43

If we ship the same wheat to Minneapolis, according to the prices, we should have the following:

TABLE XX.—*Minneapolis value of wheat cited in Table XIX.*

	Grade No.—			
	1°.	2°.	3°.	4° (2).
Dockage, bushels-pounds	33-42	39-36	39-36	65-42
Clean wheat, bushels-pounds	966-18	960-24	937-42	934-18
Price, per bushel	$1.732	$1.704	$1.625	$1.45
Value	$1,673.34	$1,636.35	$1,507.30	$1,354.56
Less freight at 11 cents per hundred weight	$66.00	$66.00	$66.00	$66.00
Net value on track at Minneapolis	$1,607.34	$1,570.35	$1,441.30	$1,288.56
Gain	$80.59	$91.34	$53.57	$74.13
Value of screenings	$13.65	$18.63	$25.23	$26.21
Total gain	$94.24	$109.97	$78.80	$100.34

From the above total gain the farmer would find it necessary to pay his commission and losses.

On the other land, let us assume that the wheat has gone into the mill, been converted into mill products, and sold at Minneapolis wholesale prices, as follows:

TABLE XXI.—*Wholesale price of mill products of wheat cited in Table XIX.*

	Grade No. 1°.	Grade No. 2°.	Grade No 3°.	Grade No. 4° (2).
Screenings, pounds	2,022	2,376	3,738	3,942
Screenings, value	$13.65	$18.63	$25.23	$26.61
Straight flour, value	$1,788.66	$1,854.31	$1,631.04	$1,618.68
Bran, value	$109.42	$95.58	$82.04	$83.88
Shorts, value	$123.15	$123.86	$183.37	$188.68
Total receipts	$2,034.88	$2,092.38	$1,921.68	$1,917.85
Cost of wheat on track	$1,673.34	$1,636.35	$1,507.30	$1,354.56
Gross gain	$361.54	$456.03	$414.38	$562.29

Now, let us assume that the same products have been returned to the retail trade at Fargo and sold at the prevailing prices:

TABLE XXII.—*Retail price at Fargo of mill products of wheat cited in Table XIX.*

	Grade No. 1°.	Grade No. 2°.	Grade No. 3°.	Grade No. 4° (2).
Screenings	$22.24	$26.14	$41.12	$43.36
Straight flour	2,244.91	2,327.30	2,047.08	2,031.57
Bran	146.21	127.72	109.62	112.08
Shorts	145.11	145.95	216.08	222.33
Total receipts	2,558.47	2,627.11	2,413.90	2,409.34
Total gain	1,031.72	1,137.10	1,026.17	1,194.91

In the same manner let us consider the several other grades.

TABLE XXIII.—*No. 1 northern (3) (60,000 pounds) and the wheats marked "feed" A, B, C, and D bought from farmer Oct. 14 at card value, $1.24 per bushel.*

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Dockage, per cent	6.77	9.24	11.51	8.43	17.31
Clean wheat, bushels-pounds	932-18	907-36	884-54	915-42	823-36
Price per bushel	$1.24	$1.14	$0.99	$0.89	$0.79
Value	$1,156.05	$1,034.39	$876.05	$814.97	$653.01

If we ship the same wheat to Minneapolis, according to prices on the track, we should have the following:

TABLE XXIV.—*Minneapolis value of wheat cited in Table XXIII.*

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Dockage, bushels-pounds	67-42	92-24	115-6	84-18	173-24
Clean wheat, bushels-pounds	932-18	907-36	884-54	915-42	823-36
Price per bushel	$1.39	$1.28	$1.28	$1.28	$1.28
Value	$1,295.73	$1,161.72	$1,132.65	$1,172.09	$1,058.05
Less freight at 11 cents per hundredweight	$66.00	$66.00	$66.00	$66.00	$66.00
Net value on track at Minneapolis	$1,229.73	$1,195.72	$1,066.65	$1,106.09	$992.05
Gain	$73.68	$71.33	$190.60	$291.12	$339.01
Value of screenings	$27.42	$37.42	$46.62	$34.14	$70.23
Total gain	$101.10	$108.75	$237.22	$325.26	$409.27

On the other hand, as in previous cases, let us assume that the wheat has gone into the mill, been converted into mill products, and sold at wholesale prices, as follows:

TABLE XXV.—*Wholesale price of mill products of wheat cited in Table XXIII.*

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Screenings, pounds	4,062	5,544	6,906	5,058	10,404
Value	$27.42	$37.42	$46.62	$34.14	$70.23
Straight flour, value	$1,627.58	$1,537.17	$1,490.96	$1,530.21	$1,327.05
Bran, value	$103.04	$100.94	$109.39	$110.57	$109.54
Shorts, value	$161.68	$174.49	$158.71	$164.85	$153.33
Total value	$1,919.72	$1,850.02	$1,805.68	$1,839.77	$1,660.15
Cost of wheat on track at Minneapolis	$1,295.73	$1,161.72	$1,066.65	$1,106.09	$1,058.05
Gross gain	$693.99	$688.30	$739.03	$733.68	$602.10

As in the previous case, let us assume that the products have been returned to the retail trade at Fargo and sold at the prices prevailing, or had been purchased back by the farmer who grew the wheat, then for these respective grades we should have:

TABLE XXVI.—*Retail price at Fargo of mill products of wheat cited in Table XXIII.*

	Grade No. 4 (3).	Feed A.	Feed B.	Feed C.	Feed D.
Screenings	$44.68	$60.98	$75.97	$55.64	$114.44
Flour	2,042.74	1,929.26	1,871.27	1,920.54	1,665.55
Bran	137.69	134.88	146.17	147.75	146.37
Shorts	190.51	205.61	187.02	194.25	180.67
Total receipts	2,415.62	2,330.73	2,280.43	2,318.18	2,107.03
Increased cost	1,259.57	1,205.34	1,404.38	1,493.21	1,454.02

SUMMARIZED STATEMENT.

Let us summarize more fully the data presented for the carload lots by taking the totals as received for the products at market value and show how much it has cost the farmer who brought in the carload of wheat at Fargo and purchased at market prices the mill products therefrom, as well as the intervening prices that prevailed at the terminal and as the wholesale prices for the mill products. The results will be as follows:

TABLE XXVII.—*A carload of wheat from farmer to consumer.*

Grade.	Price paid farmer.	Minneapolis price on track.	Mill products—	
			As wholesaled.	As retailed at Fargo.
No. 1 northern	$1,526.75	$1,607.34	$2,034.88	$2,558.47
No. 2 northern	1,479.01	1,570.35	2,092.38	2,627.11
No. 3 northern	1,387.73	1,441.30	1,921.68	2,413.90
No. 4 northern (2)	1,214.43	1,288.56	1,917.85	2,409.34
No. 4 northern (3)	1,156.05	1,229.73	1,919.72	2,415.62
A feed	1,034.39	1,195.72	1,850.02	2,330.73
B feed	876.05	1,066.65	1,805.68	2,288.43
C feed	814.97	1,106.09	1,839.77	2,318.18
D feed	653.01	992.06	1,660.15	2,107.03

In the above we have attempted only to follow through a concrete example of a carload of wheat so as to show more specifically what each grade would be valued at according to the system of grading and marketing prevailing in the several localities. In other words, then, the farmer who sold one carload of wheat, 60,000 pounds, at Fargo, and purchased back the mill products from the same, as returned from Minneapolis, pays for the transaction above the price which he received for his wheat for the several grades, as follows:

TABLE XXVIII.—*Increased cost of mill products over price for wheat.*

No. 1 northern	$1,031.72
No. 2 northern	1,148.10
No. 3 northern	1,026.17
No. 4 northern (2)	1,195.41
No. 4 northern (3)	1,259.57
A feed	1,295.34
B feed	1,404.38
C feed	1,493.21
D feed	1,454.02

In other words, on an investment for low-grade wheat which costs, for a carload, less than one-half of that for a high-grade wheat, there was a total income very much greater than for the best wheat on the market. For example, in grade D feed, the carload cost $653.01, as compared with $1,526.75 for grade No. 1 northern; while the increase in selling price over that of the cost price for feed A wheat would be $1,454.02 and only $1,031.72 on the No. 1 northern. This would seem to lead back to the original question as given in our first bulletin, "Is the present system of grading wheat equitable?"

Mr. STAFFORD. Mr. Chairman, the phraseology is slightly different from that carried in the bill of last year under the Bureau of Plant Industry, and I wish to ask if there is a different character of work intended to be performed.

Mr. LEVER. Under the language carried in the present act the Department of Agriculture fixes the standards of grain. Now, that work is being carried on under the grain-standard act, and therefore is not necessary in this item at this time. We changed it so that none of this appropriation can be used for fixing standards.

Mr. STAFFORD. Then why is it necessary to increase the appropriation?

Mr. LEVER. I will yield to the gentleman from Missouri who had charge of that matter.

Mr. RUBEY. Under the grain-standard act passed last August, and which becomes effective the 1st of next December, corn grades have been fixed and promulgated, and it is necessary as far as possible to prepare the grades of wheat and oats and other products, and the department wants to get them prepared and promulgated as soon as possible. It requires additional help and additional work, and that is the reason for the increased appropriation.

Mr. STAFFORD. The gentleman states that the work carried in the appropriation of last year is going to be done under the grain-standards act?

Mr. RUBEY. The Secretary of Agriculture, under the law passed during the last session, is authorized to fix the standards, and this change of language has reference to fixing those standards.

Mr. STAFFORD. Then we may look forward to a reduction in this item after the department gets fully equipped in fixing the various grades?

Mr. RUBEY. Yes; after they have established the grade of wheat and oats, which will be done soon, I look for a considerable reduction.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Enforcement of the United States cotton-futures act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States cotton-futures act, including all expenses necessary for the purchase of equipment and supplies; for travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of this act, $98,600.

Mr. BYRNS of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of getting some information from the chairman of the committee. I recall that another appropriation bill carries an item to enable the Commissioner of Internal Revenue to collect the tax on the sale of cotton futures, which is designed to prevent gambling in cotton futures. I want to ask the gentleman what connection there is between the work performed by the Internal Revenue Bureau and the Secretary of Agriculture. In other words, what does the Secretary of Agriculture have to do?

Mr. LEVER. Enforcement of the provisions of the cotton-futures act, except those provisions which relate to the matter of collecting the tax pure and simple, which, of course, must be done through the Treasury, is in the hands of the Secretary of Agriculture. All the regulatory provisions fixing standards, settling disputes which may arise on contracts are taken care of by the Department of Agriculture. The Treasury Department has only to do with the matter of collecting the tax. The fact is, the Treasury Department does not have a great deal to do, although it must have its agent there, so that if any taxable contracts are dealt in, the tax may be collected. I may say that the gentleman who represents the Treasury Department in New York is a most capable gentleman and is doing splendid work. I have followed his work very closely.

Mr. MOORE of Pennsylvania. Will the gentleman from South Carolina yield?

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman explain what became of the difficulty discussed last year about the New York court decision against the cotton-futures act?

Mr. LEVER. The gentleman will remember that in order to meet the court's decision to which he has referred, as far as possible, the cotton-futures act which had been held unconstitutional because it originated in the Senate rather than in the House, being a measure for taxation, was met by the reenactment of the cotton-futures act as a rider upon the Agricultural appropriation bill.

Mr. MOORE of Pennsylvania. And the question of holding over an estimate to defend the act no longer arises?

Mr. LEVER. No; I do not think the present act as it now stands has been questioned by anyone.

Mr. MOORE of Pennsylvania. There is an actual use for the $98,600?

Mr. LEVER. Undoubtedly.

The Clerk read as follows:

Enforcement of the United States grain-standards act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain-standards act, including such rent and the employment of such persons and means as the Secretary of Agriculture may deme necessary, in the city of Washington and elsewhere, $519,140.

Mr. YOUNG of North Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 77, line 20, after the figures, add:

"*Provided*, That it shall be the duty of the Secretary of Agriculture to purchase and install an experimental flour mill and other apparatus and chemical and baking laboratories for the purpose of aiding him in establishing standards of quality and condition of wheat, barley, and other grains, as required by the act of Congress of August 11, 1916, known as the United States grain-standards act, and also for any purpose connected with the administration of said act."

Mr. LEVER. Mr. Chairman, on that I reserve the point of order.

Mr. YOUNG of North Dakota. Mr. Chairman, the figures that I gave a few moments ago did not pass entirely without challenge. They were not directly challenged, so far as I know, by any of the grain dealers in Minneapolis or elsewhere; but what is known as the organ of the grain dealers in that section of the country, the Northwestern Miller, poked a little fun at Dr. Ladd. They called him a pseudoscientist, but they did not show where his figures were wrong. I find this, however, that one of the largest milling concerns in Minneapolis, corroborated the work of Dr. Ladd in a communication which it sent out to the trade throughout the United States. This is what they said, according to the nonpartisan Leader, published at Fargo, which succeeded in getting hold of an original copy of the letter which was sent out. It reads:

The quality of the 1916 crop as milled by us is excellent. There will be a marked increase in the loaf volume.

This corroborates Dr. Ladd's statement that all of the D-feed samples were larger in loaf volume, every single one of the 43 samples. The letter continues:

The gluten content will be from 11 to 12 per cent, which is considerably larger than the 1915 crop.

That also corroborates the statement I made a while ago. Gluten and protein are used interchangeably.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. STEENERSON. Did not the agricultural experiment station at Fargo make some investigation as to the relative amount of gluten in the high-grade wheat and also the lower grades?

Mr. YOUNG of North Dakota. Yes. They found in the 1916 crop, the so-called low-grade wheats had more gluten than the high grades. That is corroborated by this big milling concern. Then they go on to say:

The time of fermentation will possibly be one-half hour longer than last crop. Owing to extremely warm weather during the ripening period, the wheat has already gone through the sweat and, consequently, the difficulties often experienced in handling new wheat flour will not be noticed to any extent.

That sweating process was because of the peculiar crop conditions that made the wheat look shrunken in appearance, and the shrunken appearance is what the Minnesota authorities graded the wheat on last year. I claim that is wrong; they

ought to ascertain the real milling value by milling, chemical, and baking tests. The letter goes on:

The indications are that the absorption will be about 2 per cent to 3 per cent higher than the previous crop.

I showed you a few moments ago that 41 out of the 43 samples made from D feed were higher in absorption than from No. 1 northern.

So, Mr. Chairman, we have the work of Dr. Ladd corroborated by one of the largest milling concerns in the United States.

If I could get the time, I would like to tell you about how farmers are hauling the so-called feed for many miles to a mill in the State of my friend from Minnesota [Mr. STEENERSON] and bring home good flour for it at a cost of 15 cents per bushel.

As to the cost of putting in apparatus to do this work, it cost only twenty-five hundred dollars to install the plant at Fargo. I was present with the officials—former President John H. Worst and E. F. Ladd, chemist—at the time the work was done, and I recall distinctly that that was the cost. Dr. Worst was greatly interested and prophesied much for it. I have a letter from the Allis-Chalmers Manufacturing Co., of Milwaukee, that made the plant at Fargo, and they say that the price is the same, that they will put one in at Washington for twenty-five hundred dollars. I think there should be a few other small items added to it that probably would make the cost about $3,000.

The chairman has made a point of order against the amendment. I would not be surprised if the Secretary of Agriculture has authority now to install apparatus. In the grain-standards act passed last year it was provided that $250,000 would be available for the expenses of carrying into effect the provisions of the act, and the explanation in the committee report of this particular item in the bill before us reads in this way:

Grain-standardization investigations (p. 76, line 24): This item has been transferred from the Bureau of Plant Industry. The language has been amended so as to eliminate the authority to fix standards. There is an apparent increase in the item of $17,820, but as $3,060 has been transferred to the statutory roll, there is an actual increase of $20,880. This sum will be used to facilitate the investigations looking to the determination of the standards required under the grain-standards act.

It seems to me as though the Secretary, if the point of order made against my amendment is sustained, has authority now under the appropriation made at the last session and the appropriation now being made to include any necessary apparatus in the shape of an experimental mill at a cost of $3,000 or so.

Mr. LEVER. Mr. Chairman, I regret to have to make the point of order. I make the point of order that it is not authorized by law.

Mr. YOUNG of North Dakota. Mr. Chairman, I would like to ask the gentleman a question. Is it the opinion of the chairman of the committee that the Secretary of Agriculture now has authority to use the appropriations made at the last session or the one being made now to buy the necessary apparatus to make these tests?

Mr. LEVER. I do not think that the Secretary of Agriculture has the authority to establish a laboratory for baking purposes or a flouring mill.

Mr. YOUNG of North Dakota. I am directing my question now to purely experimental purposes, to ascertain the milling value of wheat grown in the United States.

Mr. LEVER. I am very candid with the gentleman. I think his amendment goes far beyond the purview of the law.

Mr. YOUNG of North Dakota. Is it not the purpose of the grain-standards act to authorize the Secretary of Agriculture to fix standards of quality?

Mr. LEVER. Yes.

Mr. YOUNG of North Dakota. Grades for grain sold in the United States.

Mr. LEVER. That is one of its purposes, of course.

Mr. YOUNG of North Dakota. If you do not pass this amendment, or if a narrow interpretation is given to existing law, the Secretary of Agriculture will be confined only to what he can weigh on scales, see with his eyes, and feel with his hands.

Mr. LEVER. Of course, if the Secretary of Agriculture feels that he must have a flour mill and a bakery and all these things in order that he may establish standards; he will come to the committee and make that report, but until he does that the committee would feel that it ought not to allow this to go through.

Mr. YOUNG of North Dakota. I am asking the chairman now whether, if this is voted down, the Secretary will not still have under existing law permission to go ahead?

Mr. LEVER. I do not think so.

Mr. MOSS. I would like to ask the chairman if there is any more need for the establishment of a flour mill and a bakery in order to establish standards for wheat than for corn or any other product?

Mr. LEVER. I do not think so. That is a matter of judgment. I do not think the grain-standards act authorizes him to go so far in machinery as to establish a flour mill or a bakery.

Mr. YOUNG of North Dakota. I am not asking for a commercial flour mill, but a small mill to grind samples of wheat. The farmers were assured last year that the grain-standards act would bring them relief from crooked State-grain inspection systems. If the Secretary of Agriculture has not the authority now or is not given authority to proceed along scientific lines, the farmers in their marketing of grain will be simply jumping from the frying pan into the fire.

Mr. LEVER. That is a matter we will consider. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word in order to inquire of the gentleman from South Carolina as to the number of persons employed by the Secretary of Agriculture to carry into effect the provisions of the United States grain-standards act. That act as written originally——

Mr. LEVER. Would the gentleman from Pennsylvania direct his inquiries to the gentleman from Missouri [Mr. RUBEY], who is the author of this legislation and in charge of this matter?

Mr. MOORE of Pennsylvania. I shall be very glad to do it. I call the attention of the gentleman from Missouri to the fact that $519,240 is provided, half a million dollars, to enable the Secretary of Agriculture to employ such persons and means as he may deem necessary to carry out the grain-standards act.

Mr. RUBEY. The Secretary of Agriculture in his estimates figures that he will need something like 218 men to put this act into force.

Mr. MOORE of Pennsylvania. Are they all specialists?

Mr. RUBEY. Some of them; a great many of them will be specialists.

Mr. MOORE of Pennsylvania. Will they come in under the civil service?

Mr. RUBEY. They are all under civil service.

Mr. MOORE of Pennsylvania. Have their salaries been fixed?

Mr. RUBEY. The salaries have been fixed in a way. They run from $1,200 up to, in one case, $3,500; but so far only one man has been employed at a salary of $3,500. The higher salaries will average about $3,000.

Mr. MOORE of Pennsylvania. The average will be $3,000?

Mr. RUBEY. I say, the high-grade salaries will be about $3,000. There are three men now employed at $3,000 or a little above.

Mr. MOORE of Pennsylvania. The Secretary has recently issued Bulletin No. 17, "service and regulatory announcements relative to United States grain-standards act," in which he gives the names and addresses and the districts of persons recently licensed to act as inspectors of grain. How are those persons paid?

Mr. RUBEY. Those persons are paid in this way: Where they are employed under the State they are paid by the State. Where they are employed under boards of trade or chambers of commerce they are paid by those organizations. They are not paid by the United States Government.

Mr. MOORE of Pennsylvania. They are not paid by the Government?

Mr. RUBEY. No.

Mr. MOORE of Pennsylvania. At least 250 of these men are already licensed?

Mr. RUBEY. There are about 300 licensed.

Mr. MOORE of Pennsylvania. About 300 altogether. What about the supervisors?

Mr. RUBEY. There are about 39 trade centers where eventually one or more supervisors will be located. Up to the present there are 32 places where supervisors will be placed. For convenience in supervision the country has been divided into eight districts, and in each of these eight districts a very high-grade supervisor will be placed, who will have general supervision over the inspection in his district. Of the 32 places in the United States at which there will be supervisors there are 3 places—Chicago, Minneapolis, and Kansas City—where there will be as many as two assistant supervisors, and there are 15 places where there will be one assistant supervisor. Now, as I said before, there will be a general supervisor in each one of these eight districts who will supervise all the inspections in those districts.

Mr. MOORE of Pennsylvania. To be worked up in pyramid form, as it were. What will be the salary of the general supervisors, those at the top?

Mr. RUBEY. From $3,000 to $3,500.

Mr. MOORE of Pennsylvania. These are not fixed by law but by the Secretary of Agriculture?

Mr. RUBEY. By the Secretary of Agriculture.

Mr. MOORE of Pennsylvania. The other supervisors in the 32 stations will receive what salaries?

Mr. RUBEY. Their salaries are fixed by the Secretary of Agriculture, and they will be in the neighborhood of from $2,000 to $3,000.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the major portion of this $519,140 will go for salaries?

Mr. RUBEY. For salaries and traveling expenses and rents and things of that sort. I will say this to the gentleman, that the work of these supervisors is done in the large cities and offices in large cities cost quite a good deal of money, and the expense item in maintaining offices where these supervisors will do their work is necessarily high.

Mr. MOORE of Pennsylvania. They are all new places?

Mr. RUBEY. They are all new places. In one or two cities they have been able to get rooms in a Government building, and in cases of that kind there will be no rent to pay.

Mr. MOORE of Pennsylvania. Have any of these supervisors generally, or in the 32 places, come from boards of trade or exchanges?

Mr. RUBEY. They have come from boards of trade and from State departments, and by the appointment of men who have been in the grain business for many, many years.

Mr. MOORE of Pennsylvania. As a matter of fact, in taking over this new branch of Government service, we have also taken over a number of employees of fixed institutions?

Mr. RUBEY. Yes.

Mr. MOORE of Pennsylvania. And the Government will now pay their salaries? That is the fact?

Mr. RUBEY. They will pay the salaries of the supervisors.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10384) entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States."

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Administration of the United States warehouse act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States warehouse act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $59,620.

Mr. MOORE of Pennsylvania. I move to strike out the last word. I would like to ask a few questions as to persons and means to be employed by the Secretary of Agriculture to carry out the purposes of the United States warehouse act, for which $59,620 is appropriated. How many men will be engaged in this work?

Mr. LEVER. Mr. Chairman, I will say to the gentleman from Pennsylvania that the enforcement of the warehouse act has progressed so little thus far that what I would say to him would be almost a rough guess. The committee accepted, in view of this situation, the recommendation of the department on it, with the feeling that they themselves could not very well tell how many men they would need in this service. The warehouse act is just beginning to be organized within the past week, and these estimates were made up some time ago, as the gentleman knows.

Mr. MOORE of Pennsylvania. The department asks for approximately $60,000 to begin the work?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. And the committee has recommended approximately that amount?

Mr. LEVER. We recommended what the department asks, which is a small increase in the amount carried in the bill. The act itself carries an appropriation of $50,000.

Mr. MOORE of Pennsylvania. The Secretary will fix the salaries in this instance as in the Government grain-grades act?

Mr. LEVER. Precisely.

Mr. MOORE of Pennsylvania. Will they come up through the civil service or be appointed originally?

Mr. LEVER. They will be appointed originally under civil-service examination.

Mr. MOORE of Pennsylvania. Can the gentleman indicate what their salaries will be? I am asking this because this is a peculiar bill, although a very important one, in that appropriations are made in a lump sum and there is no way to ascertain just what men are receiving or what they ought to receive unless we ask these questions at this time.

Mr. LEVER. Certainly. The salaries under this item, as I gather it from the gentlemen who are in charge of the act, will range from $3,600 down to about $2,000 in the supervisory positions.

Mr. MOORE of Pennsylvania. What kind of employees will be necessary to earn $3,000 or thereabouts?

Mr. LEVER. The man who would draw a salary of $3,000 or $3,500 ought to be a man who possesses not only a great deal of technical skill in the grading and classing of cotton and other farm products mentioned in this act, but he also ought to have considerable executive and administrative ability.

Mr. MOORE of Pennsylvania. How many employees have been necessary up to date?

Mr. LEVER. I am inclined to think there have not been more than one or two in this work. They have just organized. This is simply a case of trusting the good judgment of the department.

Mr. MOORE of Pennsylvania. It is all new work, and these are new places created or to be created?

Mr. LEVER. New work; yes, sir.

The Clerk read as follows:

Total for Bureau of Markets, $1,670,075.

Mr. MANN. Will not the gentleman from South Carolina ask unanimous consent that the Clerk be authorized to correct the total? There should be a correction here.

Mr. LEVER. Yes. But before doing that, Mr. Chairman, I ask unanimous consent to return to page——

Mr. MANN. Let us get the authority to correct the total.

Mr. LEVER. I ask unanimous consent first, then, that the Clerk be authorized to correct the totals.

Mr. MANN. Throughout the bill.

Mr. LEVER. Yes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the Clerk be authorized to correct the totals throughout the bill. Is there objection?

There was no objection.

Mr. LEVER. Now I ask unanimous consent to return to page 36, line 24, in order to offer an amendment to correct an error.

Mr. HAWLEY. That has already been done, has it not?

Mr. LEVER. Yes; but we have to recorrect it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Page 36, line 24, in lieu of "$6,009" insert "$16,009."

Mr. LEVER. Mr. Chairman, the committee will remember that the bill provided for $16,009 for the Oregon Forest. The Book of Estimates, which is before the committee, carries $6,009. Acting upon the assumption that the estimate was correct, I asked to correct the bill. The gentleman from Minnesota called the attention of the committee to it. Now I have information, through a letter from the Chief of the Forest Service, that the amount in the estimate was incorrect, and not the amount in the bill, so that the bill ought to carry $16,009 for the Oregon National Forest. I ask unanimous consent to make that correction. That is just what is printed in the bill.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to return to the item on page 64, lines 10 to 13, with a purpose of offering the amendment which I submitted to the committee this morning, and which was temporarily passed over at the request of the gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. I now offer the amendment, to follow line 13, page 64. It is in the hands of the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 64, to follow line 13, insert the following: "The Secretary of Agriculture is hereby authorized to enter into contracts for the erecting of modern fireproof buildings for the use of the Department of Agriculture for a period not to exceed five years, renewable at the option of the Government for an additional period not exceeding five years, at annual rentals not to exceed the amount herein appropriated at a rate per annum per square foot of available floor space not to exceed 34 cents."

Mr. HAUGEN. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I reserve a point of order.

The CHAIRMAN. The gentleman from Iowa and the gentleman from Illinois reserve a point of order.

Mr. STAFFORD. Mr. Chairman, this amendment is in the same phraseology, virtually, as that carried in the legislative, executive, and judicial appropriation bill of last year, conferring authorization upon the Attorney General and the Secretary of Labor to rent buildings for a term of years, except that the rental has been changed from 36.3 cents to 34 cents per square foot.

The reason for the modification is that the Secretary of Labor has been enabled to enter into a contract under these terms at a rental of less than 34 cents—namely, 33.3 cents—and the Attorney General has been enabled to enter into a contract for a building which I regard as the best private office building recently constructed for the use of the Government, at Vermont Avenue and K Street, at 34 cents. The Department of Agriculture has been renting modern office buildings at rates under terms of merely one year. They have not been able to secure as good terms from the owners because of the restricted terms. This amendment, I hope, will enable the Government to obtain the same liberal and reasonable terms to the Government as have been secured by the Department of Justice and the Department of Labor for their use.

We are acquainted with the building specially constructed for the use of the Bureau of Chemistry, which can not compare, either in construction or architectural beauty, with the fine office building that is just about to be opened for occupancy by the Department of Justice, a building with two stories finished with sandstone, and upper stories finished in modern style. The buildings that will be used by the Department of Justice will be in a neighborhood where the valuation of land is not nearly so high as that of those that have been constructed for the use of the other departments of the Government, and I really believe that the Secretary of Agriculture, under these terms, permitting him to enter into a contract for at least five years, renewable at the option of the Government for another five years in case the Government needs the building for that extended period, will be enabled to obtain for the Government quarters at much less than 30 cents per square foot. This amendment is along the line of economy, and I hope there will be no objection to its adoption.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HAUGEN. Can the gentleman give the House any information as to what is proposed to be done or where these buildings are to be constructed?

Mr. STAFFORD. The gentleman from Mississippi [Mr. CANDLER] on Saturday obtained unanimous consent to insert in the RECORD the letter of the Secretary of Agriculture containing data as to the cost of present space used by the various bureaus of the Department of Agriculture, which is found on pages 1091 to 1094 of the RECORD. In that letter the Secretary of Agriculture points out that at the present time for quarters for the work of the grain standards we are paying as high as $1.12 per square foot in the Munsey Building. That, it is true, includes the cost of care, upkeep, and elevator service, whereas this rate of 34 cents would be merely for the rental of the floor space, with the upkeep to be borne by the department.

It is the desire of the Secretary of Agriculture to withdraw these activities from these high-priced, down-town office buildings into a rented building near the department. Saturday afternoon, after the adjournment of the House, I happened to walk, as is my wont, through the Mall, and there I saw preparations being made, I assumed, for the erection of a building for the use of the department, right east of the present Agricultural Department building, the ground being all fenced in.

Mr. HAUGEN. How far from the department building?

Mr. STAFFORD. Immediately east of the department building. Whether it is to be used for that purpose I can not say. It seemed to me that it was on Government property, and it was all fenced off, had a large derrick and the necessary construction to chute the fluid concrete down into the reinforced forms, and ready to go ahead. Whether that is so or not, I do not know, but it is the intention of the Secretary to obtain contracts from owners near the present quarters, so as to have all the activities of the Agricultural Department focused around the present departmental building and withdrawn from the high-priced, rented private buildings down town. That is his policy.

The Department of Justice have secured floor space of 120,000 square feet in this new building at Vermont Avenue and K Street, enabling them to center all their activities in one building. Prior to this time they have been in four or five buildings scattered throughout the city, distant from the office of the Attorney General, and in some instances paying as high rental as $1 or more per square foot, such as is paid in the Southern Building. Any person who is in favor of this economy will favor this proposition. It is along the lines recommended by the Secretary of Agriculture, and we all know that that department has had considerable additional activities thrown upon it by the warehouse act and the grain-standards act, which have required additional room. They have not that available space at present, and must necessarily have gone into the new office buildings, such as the Munsey Building.

Mr. CANDLER of Mississippi. Mr. Chairman, the situation in reference to the buildings of the department is clearly stated in the letter of the Secretary of Agriculture on page 1091 of the RECORD of last Saturday, January 6, 1917.

There is a $20,000 increase provided for in the bill, and the Secretary of Agriculture says that the object of this $20,000 increase in rent is to concentrate the buildings of the Agricultural Department. He says:

> If the increase of $20,000 in the rental appropriation is granted, therefore, the department intends to make every effort to secure a building of considerable size. If it can secure a new, modern, fireproof office building providing, say, 100,000 square feet of floor space, this will not exceed our immediate present needs. The Office of Markets, with the cotton standards, grain standards, and warehouse legislation to execute and no quarters for the additional employees needed, has been forced to rent high-priced offices in the Munsey Building away from the bureau headquarters; the Forest Service is seriously hampered for space; certain units of the States Relations Service are crowded to a point where efficient work is almost impossible; and the Bureau of Chemistry, the Bureau of Biological Survey, the Federal Horticultural Board, and other branches of the department are in urgent need of more room. The department feels very strongly that its plea for immediate relief, represented by the $20,000 increase proposed in the rent fund, is thoroughly justified by actual present conditions, and that it can not properly execute the tasks laid upon it by Congress without such relief.

He states further in this letter:

> In conclusion, I wish to lay before you a few figures to indicate something of the growth of the Department of Agriculture in recent years. The new buildings known as laboratories A and B were authorized in 1903, and for that fiscal year the total appropriations to the department were $5,015,846. The buildings were completed and occupied in March, 1908. For that fiscal year the total appropriations were $13,037,802, of which $12,595,502 was actually disbursed. The department had outgrown the new buildings before they were completed. Since 1908 the growth has continued, and for the fiscal year 1917 the total appropriations are $36,128,852, or nearly three times the disbursements in 1908. The disbursements for rent in 1908 were $65,705, and for 1917 will be about $142,000, or about two and one-quarter times what they were in 1908. The appropriation for rent has therefore not kept pace with the growth of the department, and the result is a serious overcrowding in many bureaus.

The Secretary further states that the average rental per square foot gross is 30 cents a square foot throughout this department. The average rental in the other departments of the Government is, in the State Department 49 cents per square foot, in the Treasury Department 35.3 cents, in the Navy Department 37 cents, in the Interior Department 35.4 cents, in the Post Office Department 34.5 cents, in the Department of Justice 41.2 cents, in the Department of Commerce 35 cents, in the Department of Labor 35.8 cents. So it shows that the amount paid by the Agricultural Department is lower, on the average, than is paid by any other department.

This amendment provides that the amount of the expenditure for annual rental shall not exceed the amount herein appropriated—that is, $143,689—and it would give the Secretary of Agriculture authority to lease modern fireproof buildings for the use of the Department of Agriculture for a period not exceeding five years, renewable at the option of the Government for an additional period of not exceeding five years. The rate per annum per square foot of available floor space is not to exceed 34 cents. Therefore they would not have any authority to go above 34 cents, and, of course, the Department of Agriculture would make the best trade possible, and would secure the necessary floor space at less than 34 cents per square foot if it was possible for them to do so.

Mr. FESS. Will my colleague yield?

Mr. CANDLER of Mississippi. Yes.

Mr. FESS. I am wondering why we do not build instead of scattering the activities of the various departments in rented buildings.

Mr. CANDLER of Mississippi. I am going to reach that. If the Department of Agriculture should be able to make a contract for a fireproof building at 34 cents, it would be at figure less than is being paid by the other departments of the Government. If the department should be able to make additional contracts at the rate they are now paying, it would be 30 cents per square foot.

There is no question but what the department requires these buildings. There is no doubt about that in the world, because the Secretary of Agriculture states in the letter which he wrote to me that the department had already outgrown the main buildings before the construction of them was completed and before the department had an opportunity to occupy them. They are paying rent in the Munsey Building at $1.12 per square foot.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. In many parts of the country the rent is higher even than that. In Boston the rent is $2.22 per square foot, where it is necessary to acquire floor space for an office to carry on investigations under the grain-standards act. Therefore, as was said a moment ago by the gentleman from Wisconsin, this provision is in the interest of economy and will result in economy to the Government if adopted.

The department has been anxious for years to secure enactment of just such a provision as this. They have had it in former bills, but it went out on a point of order, as it will go out now if insisted upon, but I trust that my splendid and genial friend from Iowa, who is always in favor of economy and the improvement of the service, will not insist on his point of order, but will let the House have an opportunity to vote on this proposition.

The question was asked a moment ago by the gentleman from Ohio why we do not build buildings instead of renting them. I am frank to say to my good friend that I favor building all the buildings that are necessary for the use of the Government of the United States. There is not a business man in the country who has the money or who could secure it at a reasonable rate of interest but would construct buildings for the transaction of his business rather than continually rent them, because the hardest money to pay is rent money, and when you once pay it it is gone and you have no interest in the building and have no benefit to be derived from it after the expiration of your term of rental. Therefore I believe that we should exercise good business judgment if we would build buildings for every department of the Government in the city of Washington.

Mr. MANN. Will the gentleman yield?

Mr. CANDLER of Mississippi. Yes.

Mr. MANN. Does the gentleman think we ought to finish the present agricultural building between the two wings that have been built?

Mr. CANDLER of Mississippi. I certainly do.

Mr. MANN. I think if the powerful Committee on Agriculture would put its shoulder to the wheel it could get an amendment to the public-building bill for that purpose.

Mr. CANDLER of Mississippi. I would be willing to put my shoulder to the wheel to bring it about, if possible to do so.

Mr. TOWNER. Will the gentleman yield?

Mr. CANDLER of Mississippi. Certainly.

Mr. TOWNER. I have heard it stated several times within the last three or four years that contracts have been made by the Government for a building for the use of the Government and that the rentals have paid for the building itself within a period of 10 years. Is that within the belief and knowledge of the gentleman, who has paid some attention to that matter?

Mr. CANDLER of Mississippi. I have not the information on that point. Now, I want to make one further statement and I am through, and that is that the Secretary of Agriculture himself—and I speak by authority—is anxious to have this provision put in the bill. I have communicated with the Agricultural Department, and if this is adopted it will not only meet his approval but he is exceedingly anxious that it should be adopted in order that he may bring about convenient location and concentration of the buildings occupied by that department; and, further, that if adopted it will result in economy and the saving of money to the Government.

Mr. HAUGEN. Mr. Chairman, I infer from the statement of the gentleman that the object now is to construct a building on the site selected for a department building, as was done three or four years ago, when a six or seven story building was erected south of the department building on a site selected for a department building.

Mr. STAFFORD. I stated that I had no knowledge, except I noticed while casually walking through the Mall last Saturday afternoon that they are proceeding with the construction of a building on what I believe is Government property. If the gentleman is acquainted with the letter from the Secretary of Agriculture concerning the item as carried in the appropriation bill, he will realize that without this amendment the Secretary of Agriculture intends to rent a building, under an annual lease, because he says if you grant him the $20,000 additional he will proceed to enter into a contract for a modern fireproof building. What would the contract be? Only for a year. My amendment is only for the purpose of trying to secure a lower rate, authorizing him to enter into a contract for five years, which will enable him to secure a lower rate. The purpose of the gentleman from Iowa will not be accomplished by making a point of order. The only purpose obtained by him, if he succeeds in his point of order, will be to obtain a higher rate.

Mr. HAUGEN. Mr. Chairman, as I have said, if it is the purpose to erect a building on the site or in the immediate vicinity of the site selected for a department building, I feel compelled to make the point of order. If it is contemplated to enter into a contract to hire a new building, I trust the Secretary will exercise better judgment than he did four years ago in hiring a building constructed on the site selected for a department building, and which, of course, will defeat the plan of constructing a department building in the near future.

Mr. CANDLER of Mississippi. The gentleman refers to the building across the street?

Mr. HAUGEN. Yes; I believe it is called the Bieber Building, on the site selected for the department. I understand it is the purpose to put a building on the other corner, which will defeat the plan of building a department building in the near future.

Mr. CANDLER of Mississippi. Would it not be an enlargement of the present building?

Mr. HAUGEN. The building that was built three or four years ago would have to be torn down and necessitate paying for it, thus incurring an additional expense of several hundred thousand dollars. I take it that no one would construct a building at an expense of several hundred thousand dollars with a lease for one year, although they might with a lease for five or six years.

Mr. STAFFORD. The gentleman realizes that we must trust the heads of departments to exercise some discretion, and that they will do nothing contrary to public policy. The Secretary under the authorization, without the amendment, of course, could go ahead and rent a modern fireproof building, to utilize the $18,000 now paid for use of the Forestry Service, with $20,000 additional, and enter into a contract for one year—and we know that the owner would have the contract for several years to come—and in the new building merge the several activities now carried on in outside quarters. This amendment only enables the Government to secure better terms.

Mr. HAUGEN. If the gentleman will give assurance that the building will not be constructed on the site or in its immediate vicinity, I shall withdraw the point of order, but I object to putting up any further buildings on the location selected.

Mr. STAFFORD. I can give the gentleman this assurance, that under that authorization carried in the bill he will go ahead and, as stated in his letter, enter into a contract for a modern building, and this amendment will merely enable him to get better terms.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman be granted five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman from Iowa referred to property just south of the Agricultural Building.

Mr. HAUGEN. Exactly.

Mr. MANN. As a site selected for the Agricultural Building?

Mr. HAUGEN. Yes.

Mr. MANN. That is news to me. Who selected that site, when was it selected, and by what authority?

Mr. HAUGEN. That was selected at the time when Col. Roosevelt was President of the United States, and, as the gentleman knows, instead of putting up a complete department building they put up two wings over there, and, of course, the plan was to complete it at some future time.

Mr. MANN. But I do not think those plans contemplated going across the street.

Mr. HAUGEN. I was so informed by the Secretary of Agriculture, and by different people in the department.

Mr. MANN. I think that is an error. The plan contemplated a building to be constructed between the two wings.

Mr. HAUGEN. Oh, the main entrance—that is true.

Mr. MANN. No; the other. I do not think they contemplated going across B Street SW.

Mr. HAUGEN. It is exactly what was contemplated, a square building with a large court.

Mr. MANN. I quite agree with the gentleman that it would be desirable to have a new Agricultural Building, but I doubt whether it would be desirable to close up B Street.

Mr. HAUGEN. That is why I am objecting to these leases, and, as I have said, if the gentleman can give me any assurance that the buildings to be constructed are not to be constructed on the site or in its immediate vicinity, I will withdraw

my point of order. This is a matter that has been before Congress for a number of years. We have succeeded heretofore in defeating it, and I trust it will be defeated now.

Mr. CANDLER of Mississippi. Mr. Chairman, I am not authorized to speak with certainty, but I think the gentleman can be assured that if the ultimate authority is given in this provision that is pending no building will be permitted to be constructed or leased by the Agricultural Department upon any site where it is contemplated to build the agricultural building, because we expect to finish that building some of these days, and I hope it will be done very soon. I am frank to say, as suggested by the gentleman from Illinois a moment ago, that I have no information myself that this building across the street is on that site, or that it was contemplated that the agricultural building when completed would cross B Street SW. so that part of it would be constructed on the other side, thereby crossing the street car track that runs along that street. I do not think that that would be done, but if it was contemplated originally under the plan as suggested by the gentleman, permit me to say that that is now barred by the statute of limitations and I do not think that we would be permitted to have it done.

Mr. LEVER. Mr. Chairman, does the gentleman make the point of order?

Mr. HAUGEN. I shall have to insist upon the point of order unless I can have some information as to where this building is to be constructed.

Mr. STAFFORD. Would the gentleman be satisfied if we placed a limitation upon the amendment to the effect that no contract or lease shall be entered into for a building to be erected on property on which it is contemplated to construct a Government building for the Department of Agriculture for which plans have been prepared?

Mr. HAUGEN. I shall not object to it if you put that limitation on.

Mr. CANDLER of Mississippi. What is that?

Mr. STAFFORD. A limitation that no contract or lease shall be entered into for a building to be constructed on property on which it is contemplated to construct a building for which plans have been prepared for the Department of Agriculture.

Mr. CANDLER of Mississippi. I have no objection to that.

Mr. HAUGEN. I suggest that the gentleman get the desired necessary information so that he can inform the House exactly what it is proposed to do.

Mr. STAFFORD. Mr. Chairman, if the gentleman will yield, if the gentleman had read the letter of the Secretary of Agriculture printed in the RECORD of Saturday, he would have come to the conclusion that under the amount now carried in the appropriation bill the Secretary of Agriculture has authority to enter into a contract of lease and intends to enter into a lease for one year for a modern fireproof building to merge the activities of the department, and it is common sense that if the Secretary of Agriculture enters into a contract for but one year, he can not get as favorable terms as if he entered into a contract of lease for a longer period. The amendment I propose is for that purpose, and nothing more.

Mr. HAUGEN. If we are to discuss common sense, then we will move part of the department to the Maltby Building. Furthermore, I suggest that the department should take some notice of the direction given by Congress.

Mr. STAFFORD. If the gentleman was as well acquainted with general matters——

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. If the gentleman from Iowa was as well acquainted with conditions pertaining to the Maltby Building as he is generally with matters pertaining to the Government, he would know that Congress authorized the razing of that building.

Mr. HAUGEN. The gentleman from Iowa knows that Congress two years ago decided that it should not be demolished; the Agriculture bill was so amended in the Senate and conference.

Mr. STAFFORD. A provision was carried in one of the appropriation bills last year authorizing the razing of the building.

Mr. HAUGEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 64, at the end of line 13, insert as a new paragraph as follows: "For the completion of the Agriculture Department building, $2,000,000."

Mr. LEVER. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. KENT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to proceed for two minutes out of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Chairman, I ask the Clerk to read the following resolution in my two minutes.

The Clerk read as follows:

House resolution 436.

Whereas there has been undue and unnecessary friction between the correlative branches of Government located respectively in Wall Street, N. Y., and Washington, D. C.; and

Whereas the Washington branch held the opinion that peace was to the advantage of the Nation and the world, where Wall Street more largely profited by a state of war; and

Whereas the President of the United States in ignorance or heedlessness of Wall Street interests, did humbly ask the nations at war whether in their respective views it might not be well to consider the possibility of desisting from slaughter; and

Whereas it has been alleged that rumors of such diabolical questioning reached some of the speculators of Wall Street before it reached others, to the result of inequality of profit among said speculators: Now, therefore, be it

Resolved, etc., That all rumors of such leakage of information be pursued to their lairs and that the Rules Committee of the House examine all brokers, newspapers, ticker tapes, secretaries, stenographers, Members of the House and Senate, and all sources of news, rumors, and lies, including all liars, ancient, modern, and prehistoric; and further be it

Resolved, That out of the contingent fund of the House be paid all losses accruing to speculators in Wall Street stocks for the week of December 18 to December 24, 1916; and furthermore be it

Resolved, That the President and each and every Representative, Senator, Cabinet officer, stenographer, and clerk be assessed one month's pay toward the restitution aforesaid; and be it further

Resolved, That it shall not happen again.

Mr. LEVER. Mr. Chairman, if the gentleman offers that as a new paragraph to the bill, then I make a point of order on it.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink boll worm of cotton in Mexico and the movement of some 500 carloads of cotton seed from the infested districts in Mexico to milling points in Texas and elsewhere, and to prevent the establishment of such insect in Texas or in any other State by providing for adequate inspection and the employment of all means necessary, under rules and regulations to be prescribed by him, to prohibit the movement of cotton and cotton seed from Mexico into the United States, including the examination of baggage and railroad cars or other means of conveyance and the cleaning and disinfection thereof; to inspect mills in Texas or elsewhere in the United States to which Mexican cotton seed has been taken for milling; to supervise the destruction, by manufacture or otherwise, of such seed and the thorough clean-up of the mills and premises; to conduct local surveys and inspections of cotton fields in the vicinity of such mills and ports of entry in order to detect any instances of local infestation, and to determine and conduct such control measures in cooperation with the State of Texas, or other States concerned, as may be necessary to stamp out such infestation, including rent outside of the District of Columbia, employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $50,000, available immediately and until expended.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the paragraph, or I will reserve the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Will the gentleman from Pennsylvania permit me to dispose of this matter; then he can find a place?

Mr. MOORE of Pennsylvania. Certainly.

Mr. STAFFORD. Mr. Chairman, I wish to state to the committee that the message from the Secretary of Agriculture to Congress acquainting it with the condition to which this item refers has been referred to the Committee on Appropriations. That committee has jurisdiction of deficiency appropriations, or appropriations of a character like this, and will undoubtedly give consideration to this matter. Under those circumstances, unless the gentleman can advance some good reason, I will be constrained to make the point of order.

Mr. LEVER. Mr. Chairman, if the gentleman is going to make the point of order—of course I recognize the fact that this is a deficiency appropriation and is subject to the point of order, but I desire to say to the gentleman that which he knows, that this item was estimated for in a supplemental estimate which was referred to the Committee on Agriculture, at least the letter of the Secretary was. The committee at that time was in session, had not completed its bill, and the chairman of the committee had information before the estimate was submitted that it was to be submitted, and when Dr. Marlatt, who has charge of the work of the Horticultural Board, was before the committee the committee undertook to get some information from Dr. Marlatt in regard to the pink boll-worm situation.

Now, while I recognize the fact that we have transgressed the rules of the House in bringing in a deficiency appropriation, at the same time this work is being done by the department and

is of a character that is really in the province of the Committee on Agriculture; and, in addition to that, if the gentleman will permit me, it was brought to the attention of the committee that the seriousness of this situation had not been brought to the notice of the Department of Agriculture until the 1st of November, 1916, long after the estimates had been submitted. I would say further that from information we had the pink boll worm is regarded by the experts of the department as being even more destructive to cotton, if that is possible, than the boll weevil itself. This is a worm that immigrated, I presume you might say, from India to Egypt, and through the dissemination of Egyptian cotton it has spread into all parts of the world except North America, and the department had not discovered, as I said a moment ago, until November of last year that it had reached North America and was now present in the cotton of Mexico. It has also been discovered that from the infected region in Mexico there has come into Texas probably 400 tons of cotton seed——

Mr. HAWLEY. Five hundred carloads.

Mr. LEVER. Four hundred carloads of cotton seed, which are being ground and pressed by the Texas cotton-oil mills. The purpose of this proposal here is to enable the department not only to quarantine against further importations of cotton or cotton seed from Mexico so as to make a quarantine against Egypt, India, and the balance of the world, but at the same time to give authority to supervise and clean up all the cotton-seed oil concerns into which these infected seed have gone. It is not certain, by any means, that the seed are infected, but they come from an infected district, and the seriousness of the situation is so great that the department felt and the committee unanimously felt that we ought not to take any risks with it; and therefore we submitted it in this shape. Of course I realize it is subject to the point of order, but I hope the gentleman will not press it.

Mr. STAFFORD. Mr. Chairman, the gentleman acknowledges it is a deficiency appropriation.

Mr. LEVER. Oh, undoubtedly.

Mr. STAFFORD. I do not question the exigency or character of the condition requiring the attention of the Department of Agriculture, but we have a committee on appropriations which brings in deficiency bills from time to time carrying emergency appropriations, and I do not question but what if the case is exigent and if the matter is presented to the Committee on Appropriations, as the communication in reference to this matter has been so referred, that it would be embodied in the next emergency deficiency bill, which bill will very likely become a law before this bill is enacted into law. Therefore I make the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. Was the point of order made on the whole paragraph?

Mr. STAFFORD. On the whole paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Demonstrations on reclamation projects: To enable the Secretary of Agriculture to encourage and aid in the agricultural development of the Government reclamation projects; to assist, through demonstrations, advice, and in other ways, settlers on the projects; and for the employment of persons and means necessary in the city of Washington and elsewhere, $40,000.

Mr. SLOAN. Mr. Chairman, a good deal has been said in the last few months on this floor and elsewhere relative to the dairies and creameries of this country, and resolutions galore have been introduced and statements have been made of the evidence that the Rules Committee of this House developed. I desire to read what the evidence before the Rules Committee last April did develop, and was uncontradicted, relative to the dairy and creamery interests of the United States.

First. That in dairy States of the Union there are, many of recent origin, but all working at this time, effective laws governing the supervision and inspection of dairies and creameries, and in practically every case the laws are being effectively enforced.

Second. That of the commercial dairy products more than 60 per cent are pasteurized and that pasteurization is steadily increasing in every part of the country.

Third. That the large majority of dairy and creamery products which enter into interstate commerce, we believe amounting to 75 per cent, is pasteurized.

Fourth. We are convinced that no industry in this country having to do with the production and handling of human food has made an advancement in purity and sanitation equal to that of dairy and creamery products during the last five years.

Fifth. That the state of purity and wholesomeness of commercial creamery and dairy products in this country is farther advanced than almost any country in the world.

I have quoted from the undisputed testimony of William T. Creasy, secretary of the National Dairy Union of the United States.

There are 46,000 creameries and cream stations in the United States. Five years ago the Department of Agriculture took up an investigation and sent two or three untried young men into 6 States, which 6 States out of the 48 the Department of Agriculture has not vouchsafed a statement. Information as to which of those creameries and dairy stations were examined was refused the people interested in a statement. A classification of the various stations and creameries examined was denied the dairy people of the United States, but it was admitted that of the 144 examined a good many of them were condemned because they were not painted on the outside, and that there were not proper walks around the outside.

Out of the multiplied millions of bodies of cream from the creameries in this country during the investigation they examined 1,500. Upon these, five years ago, they practically condemned the dairy and creamery interests of this country and made it the basis for investigations, and frequent charges made upon the floor of this House. Reiterated unwarranted attacks have been made against one of the leading industries of the United States and the most important industry in the matter of preserving and conserving the fertility of our soil.

Now, then, reference was made the other day by the gentleman from Maryland [Mr. LINTHICUM] to the dairy interests and the alleged bad condition of the industry in this country. I notice that just a short time ago over in the city of Baltimore the National Federation of Labor was induced to adopt a resolution, of which I shall read one of the paragraphs of the preamble, as follows:

Whereas a hearing was had on House resolution 137 on April 11, 1916, before the Committee on Rules of the House of Representatives, at which time Dr. E. C. Schroeder, expert bacteriologist of the Department of Agriculture, stated to the committee that 300 children die annually in New York City of bovine tuberculosis, and on this basis the annual death rate in the United States from bovine tuberculosis is 6,000 children every year, and further said that over 9 per cent, or 2,000,000, of our dairy cows have tuberculosis and are capable of transmitting that disease to children; while Dr. John R. Mohler, Assistant Chief of the Bureau of Animal Industry, told the committee that he had personally examined the bodies of a number of children who died of tuberculosis and found that over 22 per cent had died from bovine tuberculosis.

Now, Mr. Chairman, I desire to read to the committee the evidence upon which that very sweeping statement was made. Beginning on page 23, of the hearings before the Rules Committee, I read:

A few years ago, basing an estimate on the available data of the kind supplied by the New York health office, a tuberculosis expert in Canada—

Not in the United States, but an expert in Canada—

whose paper was afterwards published in the transactions of the Canadian Tuberculosis Association, estimated that there were annually about 400 deaths from bovine tuberculosis in Canada. If we take the population of Canada and compare it with the population of New York City, the figures compare about as 4 for Canada and 3 for New York. On the basis of similar data it has been estimated that approximately 300 deaths from bovine tuberculosis occur annually in New York City, and this again gives the ratio of 4 and 3, and since New York City has about one-twentieth of the population of the United States, we have simply to multiply the 300 deaths from bovine tuberculosis per annum in New York City by 20 to get an approximate idea of the number of deaths from bovine tuberculosis in the United States, and this gives us rather a large number.

Now, that is what Dr. Schroeder said and that is the evidence upon which the sweeping charge was made by the great Federation of Labor. Its committee on resolutions evidently had been imposed upon by some one as to what the hearings actually contained. That is an estimate not based upon any investigation. But solely upon one man's estimate that 400 people died in Canada during the year from bovine tuberculosis, and that Canada has one-third more people than the city of New York. Therefore 300 infants died of bovine tuberculosis in New York in one year, and New York City being one-twentieth of the United States, the total for the country would be 6,000, the number given in the resolution, which is one of the most remarkable pieces of logic, and one of the most winding exhibitions of ratiocination of which I ever heard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I will not object if the gentleman will yield for a couple of questions.

Mr. SLOAN. What are your questions?

Mr. LINTHICUM. You have not been granted the time yet.

Mr. SLOAN. I asked it. Does the gentleman object?

Mr. LINTHICUM. I do not. I merely ask you if you will answer a couple of question of mine?

Mr. SLOAN. I am not making any advance agreement.

Mr. LINTHICUM. I want to hear what the gentleman has to say, and I do not object to it. If you want to excuse this tuberculosis in cattle, go ahead and do it. I have no objection.

Mr. SLOAN. I am not excusing tuberculosis in cattle. I am opposed to tuberculosis remaining in this country. I must in-

sist, however, that no Member of this House has a right to attack a great industry like the dairy industry of this country unless he has something on which to base it.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LINTHICUM. I wish I could give you two other minutes for a better purpose than your excuse for tuberculosis in cattle which you are trying to give.

Mr. SLOAN. I am not taking my time from the gentleman from Maryland. The gentleman from Maryland or somebody else induced the federation to place itself in this further attitude of indorsing the testimony of one Dr. Mohler, who is described as telling the committee that he had personally examined the bodies of a number of children who died of tuberculosis and found that over 22 per cent had died of bovine tuberculosis. Why was not the federation's committee told that Mohler had examined only nine cases, each of them right up against Maryland, and that two of them seemed to have been due to bovine tuberculosis? The statement as it stands gives the public to understand that a general country-wide investigation had been made, involving so many cases that it had to be reduced to percentages in order to be grasped by the ordinary mind. In order to make it sound harsh and horrible it was put in percentage. This is the evidence of Dr. Mohler. He says:

My information is based on personal work in the laboratory, and consists of, first, the investigation of nine children that died of tuberculosis, and as a result of the study of the bacilli found in the bodies of these nine children definite and positive results were obtained from two of these cases indicating that the bovine tubercle bacillus was the responsible factor in producing death.

That was here at Washington.

I do not know who had the charm or the magnetism that led that great national organization to take up a great subject of this kind, and, instead of giving the precise fact, said 22 per cent. But here he had examined only nine cases, and instead of saying that two out of nine were traceable through some manner or means, we know not how, to bovine sources, gave it in percentage. Why, you can prove that one swallow makes a summer by the same brilliant logic.

Mr. CANNON. They are very modest in that statement.

Mr. SLOAN. Now, if the gentleman desires to ask me those questions.

Mr. LINTHICUM. Yes; I want to ask the gentleman whether he read from the report issued by the Agricultural Department in reference to tuberculosis among cattle?

Mr. SLOAN. I did.

Mr. LINTHICUM. And did the gentleman notice that by the department figures there are about 2,000,000 of these cattle in this country?

Mr. SLOAN. I know that the distinguished Dr. Schroeder, who is quoted as authority by the gentleman from Maryland and is quoted as authority by the American Federation of Labor, testified five or six years ago that 22 per cent of the dairy cattle of the United States were afflicted with tuberculosis. Since that time he has modified his testimony and gives to the country now the information that only 9 per cent are thus afflicted.

Mr. LINTHICUM. It is about 10 per cent.

Mr. SLOAN. I am correct. See page 25, hearings, testimony of Dr. Schroeder. And then he goes on to say that this change is based on the fact that when he estimated it at 22 per cent he was taking into consideration largely the cattle in the eastern part of the United States, I suppose in and around Maryland. [Laughter.] But having taken into account the cattle of all the country, and not leaving out those in the sacred precincts of Maryland, he found that with respect to the cattle which furnished largely the commercial milk, butter, and cheese for the people of the United States he had to reduce it from 22 per cent to 9 per cent. Now, if my mathematics are on straight, it would leave the larger portion of the tuberculous cattle to the States in the neighborhood of the gentleman from Maryland.

You know how they kept the streets of Jerusalem so clean in the ancient time, as the Scotchman said, "By every man keeping his ain front door clean"; and if the farmers represented by the gentleman from Maryland and thereabouts would do what the great creamery and dairy States of the Northwest have been doing during the last few years, namely, cleaning up their creameries and dairies and purifying their herds, they would be giving to the people in and outside of Maryland and neighboring States pure butter, milk, and cream, and the gentleman from Maryland would not have so much to say against a great legitimate industry of the United States whose product amounts to one billion annually. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GARNER. Mr. Chairman, I move to strike out the paragraph. I wish to offer an amendment.

Mr. LINTHICUM. I would like to have five minutes.

Mr. SLOAN. The gentleman could say all he knows about it in one minute. [Laughter.]

Mr. LINTHICUM. I could not do that.

Mr. SLOAN. I think the gentleman could, according to his way of estimating percentages. [Laughter.]

Mr. GARNER. Mr. Chairman, I wish to insert a new paragraph. I move to strike out the last word.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Amendment offered by Mr. GARNER:

"That the act of August 30, 1890, entitled 'An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes' (26 Stat. L., p. 414), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint resolution as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into those parts of the United States below the southern cattle quarantine line at such ports of entry as may be designated by said joint regulations, and also subject to the provisions of sections 7, 8, 9, and 10 of said act of August 30, 1890. That all such cattle when entered shall be subject to the regulations governing the handling and transportation of cattle from the districts infected with the splenetic fever."

Mr. LEVER. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. I wonder if the gentleman from Maryland would not let us read the next paragraph before he moves to strike out the last word?

Mr. LINTHICUM. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Cooperative fire protection of forested watersheds of navigable streams: For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $100,000.

Mr. LINTHICUM. Mr. Chairman, I am extremely sorry that the gentleman from Nebraska waxes so warm about this dairy question. It might be very well to keep the country clean according to the rules that he says existed some thousands of years ago in Jerusalem, by each man keeping his own front door clean, provided that would work. But that will not work in the dairy industry at this time. There was a time when it might have worked, when the dairies were small, and when the products came from immediate surrounding country and were sold in the immediate neighborhood. But in these times, when rapid trains carry these products from Wisconsin and Michigan and Minnesota and other States to Baltimore and to the whole country, and when cold storage can be used during the transportation of such products throughout the world, the question of keeping your own front door clean will not work. I contend that while the pasteurization of milk is all right, and that you can keep milk pure by that means, it is useless to try to contend that tuberculosis can be gotten rid of in that way when the infection can just as easily be communicated by means of meat; and why should we be subject to infection from diseased cattle when we can get rid of the diseased cattle at little cost?

Now, the gentleman must know this, because I assume he is a farmer—in fact, I know he is a farmer——

Mr. SLOAN. I am. [Laughter.]

Mr. LINTHICUM. You stand accredited as being a farmer. Good.

Mr. SLOAN. I stand complimented. [Laughter.]

Mr. LINTHICUM. Yes; complimented that the gentleman is a farmer.

Mr. MOORE of Pennsylvania. I can certify that he is a farmer. [Laughter.]

Mr. LINTHICUM. The gentleman from Pennsylvania certifies that he is a farmer. It needs no proof. But the fact is you could have a cow on your farm, could be selling the milk to a dairy without inspection, and it might go into the butter, and thus be taken into the homes of the children of this country without inspection—in many of the States without pasteurization. Again, if that cow reached the stage where it was too old to produce profitable milk any further and you wanted to send it to the slaughterhouse, the Government official would condemn it, and it would at once be converted into fertilizer.

Now, why should you go on producing cattle and milk which go into the stomachs of the children of this country in that raw state when the Government would not allow that it should go into the children's stomachs in a cooked state? You want pasteurization as a last resort, but what we want to do is to get rid of the cattle themselves.

The gentleman from Iowa [Mr. HAUGEN] stated the other day that it would cost $210,000,000 to get rid of these tuberculous cattle.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Let me make my statement first.

Mr. HAUGEN. Just one brief statement. That was the statement made by the representative of the department.

Mr. LINTHICUM. That it would cost $210,000,000?

Mr. HAUGEN. No; about $600,000,000.

Mr. LINTHICUM. Yes. The gentleman bases that upon cattle which are healthy.

Mr. HAUGEN. I base it upon 10 per cent of the dairy cows and 8 per cent of the other cows.

Mr. LINTHICUM. Yes; cows that are healthy. But suppose the gentleman would take these tuberculous cows that he is talking about and would attempt to sell them for meat purposes. What would happen? They would be condemned instantly and turned into fertilizer.

Mr. HAUGEN. Only the infected parts.

Mr. LINTHICUM. Well, there would not be much left of a tuberculous cow that anyone would want to eat.

Now, I do not want to get too warm about this legislation. The American Federation of Labor are interested in it, as they are interested in many things which need attention. They are interested in protecting the homes and lives of the working classes of this country. They are interested in protecting those people who can not always get the finest milk and the finest butter and the finest cream that the country produces. They are interested in the poor man, who needs protection at the hands of this Congress, and that is why the workingman is interested in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I ask unanimous consent that the gentleman's time be extended five minutes, to allow me to ask him a question.

Mr. LEVER. I hope the gentleman will not ask that. We want to get on with the bill.

Mr. LINTHICUM. I do not ask for any extension.

Mr. HAUGEN. I wish to ask the gentleman a question.

Mr. LEVER. Let the Clerk read.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals, to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I assume that this is the item that was originally introduced in order to take care of the cane-sugar planters of Louisiana when the Underwood tariff bill, containing the free-sugar item, was passed.

Mr. LEVER. This is a matter that was introduced by the gentleman from Louisana [Mr. BROUSSARD] who is now a Senator. It was offered as an amendment and inserted on the floor of the House.

Mr. STAFFORD. That was the reason advanced for making the special exception?

Mr. LEVER. I do not remember the statement that was made in connection with it. It was some three or four years ago.

Mr. STAFFORD. I am quite suprised that the gentleman does not remember everything in connection with this bill. He does not seem to in this one instance.

Mr. LEVER. The gentleman from Wisconsin is the only man who always remembers everything.

Mr. STAFFORD. I will not accept that statement.

Mr. LEVER. It is intended as a compliment.

Mr. STAFFORD. No compliment. It is mere idle palaver. The gentleman is certainly acquainted with the purpose of this item.

Mr. LEVER. Yes; I am.

Mr. STAFFORD. If the original purpose is at an end, why is it continued in the bill any longer?

Mr. LEVER. This item was inserted in the bill—if the gentleman is serious about it——

Mr. STAFFORD. I am entirely serious.

Mr. LEVER. I thought the gentleman was jocular.

Mr. STAFFORD. I would not take up the time of the committee unless I was serious in calling attention to the uselessness of carrying the item in the bill after the purpose for which it was inserted has passed.

Mr. LEVER. This item was inserted in the bill on the floor of the House at the suggestion of Representative BROUSSARD, who has now become a Member of the Senate. It was debated here for quite a little while, as the gentleman will recall. I am inclined to think—to be perfectly frank, as I was in a humorous frame of mind a moment ago—that the author of that amendment did have in mind the idea of helping the cane-sugar growers of his own State. I will say very frankly also that my own view was at that time and is now that the investigations conducted under this item are very much larger than the problems that relate peculiarly to the cane growers of Louisiana. It is really a kind of an experiment station in that section of the country, and the work so far, I think, has been satisfactory to every member of the committee. Whether or not it was wise to start it in the beginning is a matter over which the committee had very little control, because, as I said, it came in as an amendment on the floor of the House.

Mr. STAFFORD. It only shows that when once a work is undertaken by the Government——

Mr. LEVER. It is very hard to get rid of it.

Mr. STAFFORD. No matter whether the original purpose is accomplished or not, it goes on forever.

Mr. MOORE of Pennsylvania. I have a recollection of this item, which has been in the bill for several years, and think I can enlighten the gentleman from Wisconsin [Mr. STAFFORD] who seeks information on the subject. Perhaps I can tell him what he wishes to know. My recollection is that after the low-tariff law went into effect there was quite a depreciation in the sugar business in Louisiana. In fact, in anticipation of losses due to the Democrats having come into power in the Nation, threatening a low-tariff law that would work havoc all over the good old Democratic State of Louisiana, it was suggested that a little help from Congress—not in the way of a tariff, which the Democrats detest, and charge up only to the manufacturing industries—a little help from Congress by way of developing live-stock production in the cane-sugar and cotton districts—which meant in this instance only Louisiana—might be a good thing for Louisiana. And so, of course, without regard to any special favors to anybody, and with face front against the "special interests," this item of $60,000 was introduced into this bill in order that our friends in Louisiana who suffered loss by reason of the Democratic policy of free trade and the destruction of the sugar industry in Louisiana might recoup to a certain extent. The idea was that, to the extent of $60,000, barns and other necessary buildings might be erected and certain men employed in the redevelopment of the sugar-cane business, and so forth.

Now, this sort of back-handed assistance has been given in other instances. The other day, when this same bill was under consideration, we inquired about appropriations for pursuing the Canadian potato scab or wart. An embargo against the potato wart was put on by the administration some time after the Democratic Party, following out its policy of free trade, had put potatoes on the free list. There had come over from Canada such a tremendous avalanche of potatoes, competing with the product of Maine, that the error of the Democratic Party was at once apparent. The Democratic administration did not restore the duty, but it put on an embargo that was more effective than the war in Europe in keeping Canadian potatoes out of this country. That might have restrained the farmers of Maine from voting against the Democratic Party, but it did not.

I would like the gentleman from Wisconsin [Mr. STAFFORD] to understand thoroughly, since he seems to seek light on the subject, just why these things are put in here once in a while, to remedy some of the errors of the Democratic Party. They help to reassure the people that while Democracy stands for free trade in theory, in reality they are for protection in fact, even if it requires an appropriation. [Applause on the Republican side.]

Mr. KELLEY. Does the gentleman mean to say that the Canadian potato scab has done more for the potato farmer of America than the Democratic Party has done for him?

Mr. MOORE of Pennsylvania. Of course. Immediately when these Canadian potatoes came rushing over the border under the free-trade policy of the Democratic Party there was nothing to do to save the vote in Maine except to put on the embargo against Canadian potatoes.

Mr. BORLAND. Can the gentleman tell us where these potatoes are now that have been rushing in over the border in such a flood?

Mr. MOORE of Pennsylvania. Oh, yes; under the European war conditions and the Democratic method of reducing the high cost of living they have reached as high as $2 a bushel to the ordinary consumer. [Applause.]

The Clerk read as follows:

Hereafter, for the purpose of reducing the expense of enforcing and administering the several statutes conferring powers or imposing duties upon the Secretary of Agriculture, he shall have authority from time to time to make designations of officers, agents, and employees of the Department of Agriculture to administer oaths, of which designations the courts of the United States shall take judicial notice. Any such officer, agent, or employee so designated is hereby empowered to administer to, or take from, any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under, or in the administration of, any law which the Secretary of Agriculture or the Department of Agriculture, or any bureau or subdivision thereof, is, or may hereafter be, empowered or directed to administer or to aid in administering. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee, when certified under his hand and authenticated by the official seal of the Department of Agriculture, shall be valid to all intents and purposes, and when offered or used in any court of the United States shall have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, agent, or employee. No officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. This paragraph apparently confers a very large authority upon the innumerable employees and agents connected with the Department of Agriculture scattered all over the country. A casual reading of the paragraph will show that summary power is conferred upon them. It is possible that it may be abused, and I think the chairman is called upon to make some explanation of the need of it.

Mr. LEVER. I will try to do it briefly. This matter was introduced in the form of a bill and referred to the subcommittee, of which I was not a member. The statement that is made to the committee is that the new language is desired in order to decrease the cost of preparing cases for prosecution and to eliminate to a considerable extent the difficulty now experienced in getting these cases into court. I will read:

The necessity of this measure may well be illustrated by the procedure in connection with the enforcement of the food and drugs act. The proceedings are criminal under section 2 of the act and civil under section 10. Most of the criminal cases are prosecuted by information rather than by indictment, as such method seems expeditious and economical. In all cases prosecuted by information, affidavits showing probable cause for the prosecution are required of witnesses having personal knowledge of the facts. At least two affidavits are usually necessary for each case. Affidavits also frequently are required by the courts in seizure proceedings under section 10 of the act, where no claimant appears and it is necessary for the Government to proceed ex parte to secure a decree of condemnation. Such affidavits are taken in all parts of the United States, and the notarial fees range from 25 cents to $1.

Probably the most important consideration in favor of the enactment of this paragraph is the fact that in many places where samples are purchased the only officers authorized to administer oaths whose certificates can be obtained are State officers, such as notaries public and justices of the peace, and their official acts and seals are not always recognized by the Federal courts. For instance, in the case of the United States *v.* Schallinger Produce Co. (230 Fed. Rep., 290), decided in 1914, in the district court of the United States for the eastern district of Washington, Judge Rudkin refused to accept affidavits subscribed and sworn to before notaries public and dismissed the Government's information on the ground that it was not supported by oath or affirmation. (See also U. S. *v.* Baumert et al., 179 Fed. Rep., 735.)

Since the publication of the decision in the Schallinger case many affidavits sworn to before notaries public have been returned to the department for reexecution before a clerk of a Federal court or a United States commissioner. This has seriously interfered with the efficient administration of the act, to say nothing of the increase in the cost of its administration and the unreasonable delay in bringing cases to trial. Unless relief from this situation is afforded by Congress, the universal application of Judge Rudkin's decision in all the Federal courts will seriously interfere with the enforcement of Federal statutes and greatly increase the cost of obtaining evidence of violations of law.

It is to obviate that situation that this language is inserted.

Mr. STAFFORD. Does not the gentleman think that there ought to be some restrictions in conferring this authority on every one connected with the Agricultural Department, field agents and all, so as not to permit them to go into a neighbor's or a stranger's home and say, "I am an agent of the Department of Agriculture, authorized to acquire information under the Bureau of Markets, and I ask you to give me the information desired"?

Mr. LEVER. I am willing to accept such an amendment. I am perfectly willing that this should go out on a point of order. I do not care much about it one way or the other, for it may be better to handle it in a separate bill.

Mr. STAFFORD. I think perhaps there is some need of such legislation, but I do not think that this can be amended satisfactorily on the spur of the moment. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. Borland: Page 86, line 25, insert "that no part of any amount herein appropriated shall be used to pay salaries, or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day except from technical and scientific experts."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I want to call attention again at this time to the fact that the Government is wasting a great deal of the money it appropriates, particularly in the executive departments in the city of Washington. I want to call attention to the fact that a special privilege or favoritism exists in the departments at Washington by which employees work less than the full standard day of eight hours, and by which they have an unusual and undue number of leaves of absence and holidays. When I say unusual and undue, I mean compared with the great mass of civil-service employees throughout the country, as well as the great mass of private employees. I think it will be a matter of surprise to the farmers interested in this bill, and expecting the money appropriated to be expended in the most efficient way, to learn that the clerks of Washington only work seven hours a day, or an average of 208 days out of 365. We owe it, I think, to the farmers of this country, as well as to all other taxpayers, to see that the activities of the Government are expended and attended to in every helpful way; and in order to do so, I think we are entitled also to demand a dollar's worth of work for every dollar expended. The men who are asked to pay the taxes in this country almost uniformly work a minimum of eight hours a day. In fact, a large number of men, taxpayers, are still demanding and hoping to get their working time reduced to eight hours a day.

The farmer has never been allowed to work less than eight hours a day. Conditions do not permit it. The great mass of private employees are not permitted to work only eight hours a day, those who consider themselves in a favored and specially protected class; but here we have a class who live off the taxes, who are paid off the taxes collected from these wage-workers and the producers of the Nation, who work only seven hours a day. The net result of that is a loss of $5,000,000 of the people's money in administering the Government in Washington. Not all of it is involved in this bill. This is one of the bills providing for a part of the executive departments in Washington. But this matter must be corrected in several different bills, of which this is one, and this bill illustrates more clearly than any other the indefensible contrast between the hours of labor of the man who pays the taxes and the hours of labor of those who are paid out of the taxes. What is the net result? The net result is that we employ an undue number of clerks and employees in Washington to accomplish the Government work. We hire too many people, and as we increase the activities of the Government—and we do it in each bill—we are increasing the evil, because every time we appropriate any money for any expenditure in the city of Washington we do it upon the theory that we only get 80 cents on the dollar for every dollar of money expended in the city of Washington for labor. The farmers might just as well understand that their dollar is cut to an 80-cent dollar the minute it is put into the Agricultural bill, and if they do understand that, and want it done, that is their business, because they pay the bills; but my observation is that we do not want it done. The farmer who pays the taxes and who demands these activities from the Government to permit him to increase the production out of which he pays the taxes, will also demand and insist upon having a fair return for the Federal money expended in his behalf.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Presently. We will not be able to deceive the farmer by saying that this is the result of a custom. To say that it is the result of a custom is simply to say that it is a vested wrong, because if it is a custom that does not make it right. Because it has been done in the past is no reason why we should continue it. I now yield to the gentleman.

Mr. MEEKER. Mr. Chairman, I desire to know if the gentleman can tell us about the percentage of Federal taxes that the farmer pays?

Mr. BORLAND. That would be very difficult. There are a great many good economists who figure out that the farmer practically supports the country. In other words, that all men who engage in other occupations—manufacturing, transportation, distribution—are a part of the pyramid of which the farmer is the base. Gentlemen will understand that we can not argue that proposition; but if the farmer only paid a very small portion of the tax, he is entitled to honesty and justice in the expenditure of that tax. I think it is easily correct to say that the farmer pays in the aggregate, directly and indirectly, 50 to 55 per cent of the taxes.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. TILSON. If this amendment should be adopted just as it is proposed by the gentleman, does he not think that the people in these offices would simply be kept there for an additional length of time and that neither this bill nor any other would probably be one penny less than it is now? We would simply compel somebody to stay there a little longer than they otherwise would stay.

Mr. BORLAND. I do not think so. I have heard the argument that these clerks, even if you kept them there for eight hours, would not do any more work than they do now. I think that is a reflection upon the great mass of clerks. They are supposed to give a certain amount of labor, and I know if they are there for eight hours a day they ought to perform a larger volume of labor per unit than they do now. In other words, it would take fewer clerks to discharge the public business; and if it took fewer clerks, it would take less office space and less supplies, less rent in the District of Columbia, and everything would be upon a smaller basis. The larger number of people we employ the more office space we must have for them, and it all inures simply to the benefit of the community of Washington, where the money is expended. It is utterly opposed to the interest of the communities of the United States where the money is raised. When we come to consider that we are about to raise some more money, that we are not looking for places to expend money or to waste it, but are looking for places to raise money to run the Federal Government, we realize that some retrenchment and reform is necessary.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BORLAND) there were—ayes 19, noes 36.

So the amendment was rejected.

The Clerk read as follows:

That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sums rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than $1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph. I want to get some information first from the chairman, if he can give it to me. How many employees of this department will be affected by this provision?

Mr. LEVER. There will be about 12,000 employees affected by this provision.

Mr. COX. And at how much of a total cost?

Mr. LEVER. Of about $900,000.

Mr. COX. Nearly $1,000,000.

Mr. LEVER. Nearly a million dollars.

Mr. COX. I will have to make the point of order.

Mr. MANN. The gentleman understands it will come in under the rule?

Mr. COX. I know there is a rule, but the rule does not make this particular provision palatable.

Mr. LEVER. If the gentleman from Indiana will permit, I will say a rule was passed making this identical language in order on the bill, and it will save time not to press the point of order. I am prepared to offer it in the identical language.

Mr. COX. I would rather have the amendment offered in the same language; I do not care if it is torn out of the bill and offered. I make the point of order on it, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment as a new paragraph to the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Following page 86, as a new paragraph:

"That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than $1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

Mr. RAINEY. Mr. Chairman, I do not think so important an amendment ought to be voted upon without some discussion, and I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman and gentlemen, before commencing I desire to say that I recognize now the futility of opposing this amendment at this time. The Committee on Appropriations has inserted this language in the legislative bill. The Indian bill has already reached the Senate and the proposition now is to insert it there. On a point of order made by myself this language went out of the District of Columbia appropriation bill, but the proposition is to restore it in the Senate, and now, following the precedent set by the Committee on Appropriations, this amendment, contrary to the law of the land, made in order by this special rule, is presented.

I desire to say that I approve of collective bargaining. I approve of these increases granted throughout the land in our manufacturing establishments, which are realizing profits unheard of before in the history of this country. The men who labor there and who contribute their share, and more than their share, toward making these enormous profits possible are entitled to the bonuses and the increases of salaries granted to them, to which reference is so frequently made. They are receiving a part of the money they have earned, and their organizations, their methods of collective bargaining, have made this possible. These conditions are imposed, and are properly imposed, upon a business which is paying.

The principal argument used for these increases of salaries of Government employees is that in the industries throughout the land wages are being increased, and we are face to face for the first time in the history of this Nation with organizations of Government employees, and so far as I am advised no such economic condition as that has ever prevailed in any nation since the morning stars sang together. These organizations of Government employees have been arranged for what purpose? Why, for no known purpose in the world except the purpose of increasing their salaries—indulging in collective bargaining against the Treasury of the United States; 500,000 of them are dancing in wild ghost dances about the Treasury of the United States. We have had nothing like it in the history of nations since the dancing mania of the Middle Ages. They are demanding these increases in their salaries; they are demanding these bonuses from a business that is not paying the stockholders one cent. We are face to face now with additional bond issues. This Congress—and irrespective of party, all voted for this measure—has voted bonds for a merchant marine to the amount of $50,000,000, bonds for a nitrate plant to the amount of $20,000,000, and you will be called upon to vote bonds very soon for the purchase of the West Indies to the amount of $25,000,000. We will also soon be called upon in all probability to vote bonds for the Alaska Railway amounting to $21,000,000, and for maintaining the Army on the Mexican border $16,000,000. In other words, one year from now the stockholders of this Government will have placed a mortgage on their property of $280,000,000 in addition to the national debt already existing. That is not all. We are going to be called upon to find new revenues to the amount of $200,000,000, and that must be done at once, and this does not include the amount which will be needed to meet the demands of the salary grab now in progress, which it is now evident will reach almost $80,000,000, if the

Government employees have their way about it. You are probably conceding them in these supply bills nearly $40,000,000. We are therefore about to be called upon to provide by new taxes the amount of at least $250,000,000.

This is the condition which confronts the Nation, and at this time this collective bargaining, comprising the greatest salary grab ever known in the history of this Nation, is participated in all the way down the line. One reason given for it is that their salaries have not been increased for over half a century. This amendment provides that these increases shall apply only to the approaching fiscal year. But who ever heard of the salary of a Government employee being lowered? Whenever they are fixed, they are fixed forever. What is the argument which supports this collective bargaining against the Treasury of the United States, which you seem to approve of here by such a tremendous majority whenever the question comes up as these bills progress through the House? Why, it simply amounts to this: They can, now that they are organized, place the black hand of their disapproval upon that Member of Congress who is courageous enough to call attention to these outrageous salary increases. Unscientific? Why, of course they are. Are these men entitled to 5 and 10 per cent increase? Some of them are; most of them are not. And yet you provide this horizontal method of doing it. When this matter first came up the statement was made on the floor here by members of the Committee on Appropriations that this would mean an increase of $25,000,000 or $30,000,000 in the annual expenses of this Government if it was carried through all the bills. It has developed now, and your attention will be called to it soon on this floor, that if this increase is carried in the Post Office bill, the next bill that comes up, it will mean an increase in that bill alone to employees affected by it of $16,000,000. Therefore the proposition that $25,000,000 covers it all is nonsense. It will not cover it. And even the huge amount you are giving them does not satisfy the appetites of these Government employees, as they have announced through their organizations here in Washington—here is where most of the money comes; here is where 42,000 of them live; and they all announce that they are not satisfied with the large increase you are giving them.

They propose to carry this fight on to the Senate, and they propose to insist there, not on this increase, which they say means nothing, but they propose to insist there on increases of 10 and 20 per cent, twice as much as this. And a careful analysis of their demand will show that this may mean an increase in the expenses of this Government of over $80,000,000 every year.

The newspapers in Washington, without exception, favor this raid on the Treasury. In fact, I have never seen or read an item in a Washington newspaper advocating economy when the city of Washington was interested. The only industry they have here in Washington is the industry of running this Government, and these newspapers, every one of them, stand for all sorts of extravagance, providing it means the spending of more money here in the hotels and in the department stores and other places of business. At the present time the newspapers of Washington are engaged in a controversy as to which newspaper is entitled to the credit for this raid on the Treasury, which they expect will soon be successful. I hold here in my hand an editorial from a Washington newspaper, which I will read in part, and will insert the remainder of it in the RECORD, with the permission of the House, which I will soon request. This is the article; it appeared on the first page of yesterday's Washington Herald:

EDITORIAL.

"Yesterday the Evening Star, with a brave display of a full page of cartoons, directed attention to the fact that it has been waging a "battle for the Government clerks' welfare for over a half century."

The Star is to be commended for any interest it has shown for the United States Government employees covering so long a period of time. Its endeavor, however, was but the duplication of similar efforts of at least two of the other three Washington newspapers, which fail to date back for a period "over half a century" simply because of the fact that the history of their existence is of lesser length.

For "over half a century" the newspapers of Washington have from time to time given liberally of their space to the United States Government employees and their needs.

But it remained for the Washington Herald to realize the psychology of the moment to gather around it those citizens of the District, United States Government employees, labor leaders, and all others interested in fair play, and on November 20, 1916, inaugurate in its news and editorial columns a campaign which for rapidity of results has astounded even the most ardent supporters of the movement.

Several days later the Evening Star favored the movement with a very commendable editorial and an appropriate cartoon, and there appeared on the same day a leading editorial in another Washington paper along the same line.

From the first day until the end of the campaign the Washington Herald kept at its work in its news columns, with cartoons and editorially, collecting statistics on salary raises the country over, the increased cost of living, the opinions of people of importance, in and outside the Government, etc., setting them forth clearly in the columns of the paper, until one of its contemporaries (which it is but fair to state was not the Evening Star) published some very valuable statistics, and not until nearly a week later, or on November 30, to be exact, did the Evening Star again open its columns to the subject of the immediate need and justness of the cause.

If any newspaper is to be credited with the increases in salaries which we believe are about to be granted to the Government employees, data on file in the Washington Herald office and clippings of every article, editorial, and cartoon that has appeared recently in all of the Washington newspapers indicate that the Washington Herald has accomplished in about two months what the Evening Star has been "fighting" for for "over half a century."

But the Washington Herald has no desire to mar by any attempt at glory grabbing so worthy a cause as the endeavor to obtain for the United States Government clerks a compensation in proportion to the importance of the work they do, based upon present-day salary standards.

Again, we say the moment was psychological, and the only credit the Washington Herald takes unto itself is that it was the one paper in Washington to appreciate this fact and to utilize it by bringing to the attention of a very busy but responsive Congress of a prosperous country the fact that we are at a time when the largest employer in the United States should recognize an 1854 salary basis to be absolutely obsolete.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. These positions can be filled, every one of them, in a week's time as well as they are filled now by competent young men and women to be selected from the various States of this Union. In the old days, in the old spoils days, when these salaries were fixed they were fixed exorbitantly high, and it was known then that they were, but the country then, under the old spoils system which prevailed, was absolutely defenseless. And to-day these salaries are higher, averaging $1,200 per year, than is paid young men and young women in other similar avocations in private life; and that matter you do not even investigate. I hold here in my hand, and I will put some of these advertisements in the RECORD, a single column from one of these newspapers circulating among Government employees, in which there occurs eight advertisements of correspondence schools, advising young men and young women that if they take a particular course they can qualify themselves for these numerous desirable Government positions, 400,000 of them, and, more than that, in which vacancies are constantly occurring.

Business colleges were unknown in this country when these salaries were fixed so long ago. They are numerous now, and there is a business college in every town or city of any size in the United States in addition to these correspondence schools for preparing young men and women for this character of employment, keeping accounts, keeping books, and so forth. And they go out, thousands and thousands of them every year, and accept less salaries than are given Government clerks here in the city of Washington and throughout this land, and render service for, not 7 hours a day, as they do here, but 9 hours a day and 10 hours a day.

Keeping in mind the fact that these Government positions pay an average of $100 a month, I want to read some of the enticing advertisements which appear in the paper I hold in my hand. An institution in Rochester, N. Y., advertises as follows:

Wanted young men as railway mail clerks, $75 a month; sample examination questions free.

Another correspondence school in New York advertises as follows:

Thousands of Government jobs now obtainable, $75 a month; list free.

Another institution advertises—

Railway mail clerks wanted, $75 a month; sample examination questions free.

Another civil-service school advertises as follows:

Get prepared for rural carrier, fourth-class postmaster, post office, railway mail, and other Government examinations by a former United States civil-service secretary examiner. Descriptive booklet free without obligation. Write to-day.

Another advertisement reads as follows:

Railway mail, post office, and other Government positions are good. Prepared for "exams" under former Government examiner. Booklet free. Write to-day.

Another civil-service school, located here in Washington, advertises in this same paper as follows:

We prepare you and you get a position or we guarantee to refund your money. Write for book telling about Government positions with lifetime employment, short hours, sure pay, regular vacations.

I have only read a part of these advertisements and you can find them in almost any newspaper. The opportunity to obtain these Government positions attracts 180,000 people every year. There are twenty times as many applicants as there are jobs. The salaries themselves are attractive. Half holidays on Saturdays, 30 days sick leave every year at full pay, 30 days vacation every year at full pay, only seven hours a day work if you are

assigned to duty here in Washington, insurance policies free, the absolute certainty that you will be retained when advanced in years, the prospect of being retired after 25 years' service at half pay or two-thirds pay; these are the alluring features which bring every year an army of applicants for the few vacancies which occur. These are desirable positions, the most desirable positions of their class, and we are rushing blindly here into an expenditure which may exceed $80,000,000, because these employees for the first time in the history of the United States are organized and are indulging in collective bargaining against the Treasury. There may be at some period in the future another organization in this country, comprising nearly all of those who are not Government employees; an organization which may get the impression that you ought to represent it here, and this organization may include the voters in the United States who do not have Government jobs.

Now, a record vote will be had on this question. It is in a condition for a record vote, and you gentlemen on the Republican side who are charging us with extravagance will have the opportunity to go on record. [Applause.]

Not a Member of this House knows how much these proposed salary increases will add to the annual expenses of this Government. The matter has been carefully investigated, however, by the Post Office Department with reference to the effect it will have on the expenditures of that department alone. The next supply bill to come up will be the post-office bill and it will develop during the progress of that bill through the House that the increases which will be provided for also in that bill mean, in that department of the Government alone, an increase in the expenditures of $16,000,000 per year. Without a particle of investigation we blindly proceed granting these increases simply because you say all must be treated alike. The effect upon the Treasury of what we are doing does not seem to be considered in the least. The methods this House is adopting with reference to these increases would ruin any business enterprise in the world. Not a Member of this House would apply to his own private business the methods the great majority of you will soon approve as applied to the matter of running the Government of the United States, the greatest business in the world. You propose to be generous with money that does not belong to you. The editorial I have read from the Washington Herald indicates the influences to which Members of Congress are subjected here in the Capital City. The lack of patriotism which permeates these organizations of Government employees and the papers which so vigorously speak for them is a new and an alarming element in our national life. The number of Government employees is constantly increasing. The Government may be compelled to take over the railroads 10 years from now. If that unfortunate situation should develop, the Treasury of the United States would be absolutely at the mercy of Government employees. In fact, these organizations of Government employees almost place them now in control of the Treasury of the United States. You are voting these increases now without investigation and without knowing what the total will be in a considerable measure because you fear the effect of the organizations of Government employees which extend back into your districts. As far as this program has gone this raid upon the Treasury will mean, when it is completed, an amount equal to $4 or $5 per year for each head of a family in the United States. The farmers, 7,000,000 of them, upon whom you are placing this burden have an average income of less than $600 per year. They pay taxes on their holdings. The majority of these Government clerks pay no taxes. They simply collect their salaries and their salaries average twice as much as the average income of the American farmer. The farmer earns his income assisted by his family, all of them work, not 7 hours a day but 9 and 10 hours a day and sometimes more than that. These wealth producers back in your districts are entitled to some consideration when you are providing these new tax burdens.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I ask permission, Mr. Chairman, to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HERNANDEZ. Mr. Chairman, I make the same request.

Mr. SLOAN. And I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from New Mexico and the gentleman from Nebraska make the same request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. COX. A division, Mr. Chairman.

Mr. MANN. We are going to have a roll call.

Mr. COX. Then I withdraw that.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise, and that the bill be reported back to the House with the amendments, that the amendments be agreed to, and that the bill as amended do pass. The question is on the agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEVER. Mr. Speaker, I move the previous question.

Mr. RAINEY. I ask for a separate vote.

The SPEAKER. The Chair will put that question in a minute. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. RAINEY. Yes; on the amendment increasing the salaries of the clerks.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks a separate vote on the amendment increasing the salaries of the clerks.

Mr. BORLAND. I ask for a separate vote on the Mann amendment, the amendment relating to the investigation into food prices by the Bureau of Markets.

The SPEAKER. The gentleman from Missouri demands a separate vote on the Mann amendment. The Chair supposes there are several of them.

Mr. MANN. No; only one, on page 75.

The SPEAKER. On the amendment on page 75 relating to market manipulations. The Chair will put the others in gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first excepted amendment.

The Clerk read as follows:

Amendment on page 86 of the bill, following line 26: That to provide, during the fiscal year 1918, for all persons employed by the Department of Agriculture——

Mr. MANN. That is not it.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] demanded one about the salaries. The Clerk will read.

The Clerk read as follows:

That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than $1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than $1,800 per annum and not less than $1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.

The SPEAKER. The question is on agreeing to the amendment just read.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RAINEY and Mr. COX demanded a division.

The SPEAKER. The gentleman from Indiana [Mr. Cox] and the gentleman from Illinois [Mr. RAINEY] both demand a division.

The House divided; and there were—ayes 102, noes 13.

Mr. COX. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present—not a quo-

rum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of this amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 279, nays 33, answered "present" 1, not voting 120, as follows:

YEAS—279.

Abercrombie	Edwards	Kelley	Rubey
Adair	Ellsworth	Kennedy, Iowa	Russell, Mo.
Adamson	Esch	Kent	Sabath
Alexander	Estopinal	Kettner	Saunders
Allen	Evans	Key, Ohio	Scott, Mich.
Anderson	Fairchild	King	Sears
Ashbrook	Farley	Kinkaid	Sells
Austin	Farr	Kitchin	Shackleford
Ayres	Fess	La Follette	Shallenberger
Barnhart	Fields	Langley	Sherley
Bennet	Fitzgerald	Lazaro	Shouse
Blackmon	Flood	Lee	Sims
Booher	Freeman	Lehlbach	Sinnott
Borland	Fuller	Lenroot	Slayden
Britt	Gallagher	Lever	Sloan
Britten	Galliyan	Littlepage	Small
Browne	Gandy	Lloyd	Smith, Mich.
Browning	Gard	London	Smith, N. Y.
Buchanan, Tex.	Gardner	Longworth	Smith, Tex.
Burke	Garland	McAndrews	Snell
Burnett	Garrett	McArthur	Snyder
Butler	Glass	McClintic	Sparkman
Byrnes, S. C.	Godwin, N. C.	McDermott	Stafford
Byrns, Tenn.	Good	McGillicuddy	Steagall
Caldwell	Goodwin, Ark.	McKinley	Stedman
Campbell	Gordon	McLaughlin	Steele, Iowa
Candler, Miss.	Gould	Madden	Steenerson
Cannon	Gray, N. J.	Magee	Stephens, Nebr.
Cantrill	Green, Iowa	Mann	Stephens, Tex.
Capstick	Greene, Mass.	Mapes	Sterling
Caraway	Greene, Vt.	Martin	Stiness
Carlin	Gregg	Matthews	Stone
Carter, Mass.	Hadley	Mays	Sulloway
Chandler, N. Y.	Hamilton, Mich.	Meeker	Sumners
Chiperfield	Hamlin	Miller, Del.	Sutherland
Church	Hardy	Mondell	Sweet
Clark, Fla.	Harrison, Miss.	Montague	Switzer
Cline	Harrison, Va.	Moore, Pa.	Taggart
Coady	Hastings	Morgan, Okla.	Tague
Collier	Haugen	Morin	Tavenner
Connelly	Hawley	Moss	Taylor, Ark.
Conry	Hayden	Mott	Taylor, Colo.
Cooper, Ohio	Hayes	Mudd	Temple
Cooper, W. Va.	Helgesen	Murray	Thompson
Cooper, Wis.	Helvering	Neely	Tillman
Costello	Henry	Nelson	Tilson
Crago	Hernandez	Nicholls, S. C.	Timberlake
Cramton	Hicks	Nichols, Mich.	Tinkham
Crisp	Hilliard	Nolan	Towner
Crosser	Holland	North	Van Dyke
Curry	Hollingsworth	Oakey	Venable
Dale, Vt.	Hood	Oglesby	Vinson
Dallinger	Hopwood	Olney	Volstead
Danforth	Houston	Overmyer	Walker
Darrow	Huddleston	Padgett	Walsh
Davis, Minn.	Hughes	Page, N. C.	Wason
Davis, Tex.	Hulbert	Paige, Mass.	Watkins
Dempsey	Hull, Tenn.	Phelan	Watson, Va.
Denison	Humphrey, Wash.	Platt	Whaley
Dent	Humphreys, Miss.	Porter	Wheeler
Dill	Hutchinson	Powers	Williams, W. E.
Dillon	Igoe	Price	Williams, Ohio
Dixon	Jacoway	Raker	Wilson, Ill.
Doolittle	James	Ramseyer	Wilson, La.
Doremus	Johnson, S. Dak.	Randall	Wingo
Doughton	Johnson, Wash.	Reavis	Wood, Ind.
Dowell	Kahn	Reilly	Woods, Iowa
Dunn	Kearns	Ricketts	Woodyard
Dyer	Keating	Roberts, Nev.	Young, N. Dak.
Edmonds	Keister	Rogers	

NAYS—33.

Almon	Dickinson	Kincheloe	Rouse
Aswell	Dies	McKellar	Sherwood
Bailey	Eagle	Moon	Stephens, Miss.
Barkley	Emerson	Morgan, La.	Thomas
Bell	Garner	Oliver	Webb
Black	Gray, Ind.	Park	Young, Tex.
Burgess	Helm	Quin	
Cox	Hensley	Rainey	
Decker	Johnson, Ky.	Rayburn	

ANSWERED "PRESENT"—1.

Rucker

NOT VOTING—120.

Aiken	Dale, N. Y.	Gray, Ala.	Kreider
Anthony	Davenport	Griest	Lafean
Bacharach	Dewalt	Griffin	Lesher
Barchfeld	Dooling	Guernsey	Lewis
Beakes	Driscoll	Hamill	Lieb
Beales	Drukker	Hamilton, N. Y.	Liebel
Benedict	Dupré	Hart	Lindbergh
Bowers	Eagan	Haskell	Linthicum
Bruckner	Elston	Heaton	Lobeck
Brumbaugh	Ferris	Heflin	Loft
Buchanan, Ill.	Finley	Hill	Loud
Callaway	Flynn	Hinds	McCracken
Carew	Focht	Howard	McCulloch
Carter, Okla.	Fordney	Howell	McFadden
Cary	Foss	Hull, Iowa	McKenzie
Casey	Foster	Husted	McLemore
Charles	Frear	Jones	Maher
Coleman	Gillett	Kennedy, R. I.	Miller, Minn.
Copley	Glynn	Kiess, Pa.	Miller, Pa.
Cullop	Graham	Konop	Mooney
Moores, Ind.	Pratt	Schall	Swift
Morrison	Ragsdale	Scott, Pa.	Talbott
Norton	Rauch	Scully	Treadway
Oldfield	Riordan	Siegel	Vare
O'Shaunessy	Roberts, Mass.	Sisson	Ward
Parker, N. J.	Rodenberg	Slemp	Watson, Pa.
Parker, N. Y.	Rowe	Smith, Idaho	Williams, T. S.
Patten	Rowland	Smith, Minn.	Wilson, Fla.
Peters	Russell, Ohio	Steele, Pa.	Winslow
Pou	Sanford	Stout	Wise

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. OLDFIELD with Mr. SANFORD.

Mr. AIKEN with Mr. HAMILTON of New York.

Mr. BEAKES with Mr. SWIFT.

Mr. KONOP with Mr. BARCHFELD.

Mr. SCULLY with Mr. DRUKKER.

Mr. DALE of New York with Mr. HASKELL.

Mr. DOOLING with Mr. PRATT.

Mr. BRUCKNER with Mr. NORTON.

Mr. DUPRÉ with Mr. GILLETT.

Mr. FERRIS with Mr. KIESS of Pennsylvania.

Mr. MCLEMORE with Mr. MCCULLOCH.

Mr. GRIFFIN with Mr. ROWLAND.

Mr. TALBOTT with Mr. BOWERS.

Mr. BRUMBAUGH with Mr. ANTHONY.

Mr. BUCHANAN of Illinois with Mr. BACHARACH.

Mr. CASEY with Mr. CHARLES.

Mr. CULLOP with Mr. COLEMAN.

Mr. DAVENPORT with Mr. COPLEY.

Mr. DEWALT with Mr. ELSTON.

Mr. DRISCOLL with Mr. FOCHT.

Mr. EAGAN with Mr. FORDNEY.

Mr. FINLEY with Mr. FOSS.

Mr. FOSTER with Mr. GLYNN.

Mr. GRAY of Alabama with Mr. GRAHAM.

Mr. GREGG with Mr. GRIEST.

Mr. HAMILL with Mr. GUERNSEY.

Mr. HART with Mr. HEATON.

Mr. HOWARD with Mr. HILL.

Mr. LEWIS with Mr. HULL of Iowa.

Mr. LIEB with Mr. HUSTED.

Mr. LIEBEL with Mr. KENNEDY of Rhode Island.

Mr. LINTHICUM with Mr. KREIDER.

Mr. MORRISON with Mr. MCFADDEN.

Mr. O'SHAUNESSY with Mr. MCKENZIE.

Mr. PATTEN with Mr. MILLER of Minnesota.

Mr. RAGSDALE with Mr. MOONEY.

Mr. RAUCH with Mr. MOORES of Indiana.

Mr. SISSON with Mr. PARKER of New York.

Mr. STEELE of Pennsylvania with Mr. PETERS.

Mr. STOUT with Mr. ROBERTS of Massachusetts.

Mr. WILSON of Florida with Mr. RODENBERG.

Mr. WISE with Mr. ROWE.

Mr. CAREW with Mr. SCHALL.

Mr. FLYNN with Mr. SIEGEL.

Mr. JONES with Mr. SLEMP.

Mr. LESHER with Mr. SMITH of Idaho.

Mr. LOBECK with Mr. SMITH of Minnesota.

Mr. LOFT with Mr. TREADWAY.

Mr. MAHER with Mr. VARE.

Mr. POU with Mr. WARD.

Mr. RIORDAN with Mr. WATSON of Pennsylvania.

Mr. CALLAWAY with Mr. THOMAS S. WILLIAMS.

Mr. CARTER of Oklahoma with Mr. WINSLOW.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors. The amendment is agreed to. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Amend, on page 75, after line 25, by inserting as a new paragraph the following:

"To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture, and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products, or any of them, by any individuals, groups, associations, combinations, or corporations, $50,000."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 214 yeas and 14 nays.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BORLAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BORLAND. I am not.

Mr. RUBEY. I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RUBEY. I am not.

The SPEAKER. Is any gentleman on the committee opposed to the bill? If not, the Chair will recognize the gentleman from Missouri [Mr. RUBEY], a member of the committee.

Mr. RUBEY. Mr. Speaker, I offer the following motion to recommit to the Committee on Agriculture with instructions to strike out on page 58, lines from 11 to 18, inclusive, and report forthwith.

Mr. LEVER. On that I move the previous question.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RUBEY moves to recommit the bill to the Committee on Agriculture with the instructions to report the same back forthwith striking out the lines from 11 to 18, inclusive, on page 58, which read as follows: "For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stats. L., pp. 847 and 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000."

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken, and the motion was lost.

The bill was passed.

On motion of Mr. LEVER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BOARD OF REGENTS SMITHSONIAN INSTITUTION.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 187, providing for filling a vacancy in the Board of Regents for the Smithsonian Institution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Missouri if this is agreeable to the Board of Regents?

Mr. LLOYD. It is.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the Senate joint resolution, as follows:

Joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress.

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of Andrew D. White, of New York, be filled by the appointment of Henry White, a citizen of Maryland.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken, and the joint resolution was passed.

IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I desire to present a conference report on the immigration bill for printing under the rule, and I will give notice that on Thursday next immediately after reading the Journal I will call it up.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

H. R. 10384. An act to regulate the immigration of aliens to, and the residence of aliens in, the United States.

NIAGARA RIVER.

Mr. FLOOD. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 186, authorizing the Secretary of War to issue temporary permits for additional diversion of water from the Niagara River, and I ask unanimous consent that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate joint resolution 186, insist on the amendments of the House, and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FLOOD, Mr. CLINE, and Mr. COOPER of Wisconsin.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. The purpose of this is to give an opportunity to the Committee on Education to take up the vocational education bill and spend about two hours on it.

Mr. MANN. To be followed by the Post Office appropriation bill?

Mr. KITCHIN. No; and then take up the rule for the Adamson resolution for the extension of the Newlands committee.

Mr. MANN. And then to be followed by the Post Office appropriation bill?

Mr. KITCHIN. Yes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. NICHOLS of Michigan was given leave to withdraw papers and petitions on the files of the House, without leaving copies, in the case of Joseph Harrison, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. LOBECK, by unanimous consent, was given leave of absence for two weeks, on account of illness.

REPORT OF THE NEWLANDS COMMITTEE (H. REPT. NO. 1269).

The SPEAKER laid before the House the report from the joint subcommittee on Interstate Commerce to the Senate and House of Representatives, which was ordered printed.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, January 9, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition, at San Diego, Cal., to the Mississippi Centennial Exposition, at Gulfport, Miss. (H. Doc. No. 1889); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting an item for inclusion in the general deficiency bill under the title of appropriation, "Expenses of Indian commissioners," fiscal years 1914 and 1915 (H. Doc. No. 1890); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting two items for inclusion in the general deficiency bill (H. Doc. No. 1891); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting an estimate of deficiency in the appropriation for rent, Department of Labor, for the fiscal year ending June 30, 1917 (H. Doc. No. 1892); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Sacramento River, Cal., from Chico Landing to Red Bluff (H. Doc. No. 1893); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce submitting an estimate of appropriation required by the Bureau of Fisheries of the Department of Commerce for repairing and overhauling the steamer *Fish Hawk* (H. Doc. No. 1894); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, recommending amendment of estimate submitted for contingent expenses, Independent Treasury, for the fiscal year ending June 30, 1918 (H. Doc. No. 1895); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting an estimate of appropriation required by the War Department for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 1896); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, recommending that an item of $75,000 be included in the general deficiency bill for contingent expenses, Independent Treasury, 1917 (H. Doc. No. 1897); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, submitting estimates of additional deficiencies in appropriations for the fiscal year 1917 (H. Doc. No. 1898); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 19776) to authorize the United New Jersey Railroad & Canal Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden, State of New Jersey, and Petty Island, in said county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: A bill (H. R. 19777) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 19778) to prohibit the importation of intoxicating liquors into the Territory of Hawaii, and to prohibit the manufacture and sale of such liquors therein; to the Committee on the Territories.

By Mr. TILSON: A bill (H. R. 19779) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: A bill (H. R. 19780) to regulate interstate employment agencies; to the Committee on Labor.

By Mr. HAYDEN: A bill (H. R. 19781) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on the Public Lands.

By Mr. HOWARD: A bill (H. R. 19782) to prohibit commerce in intoxicating liquors between the States in certain cases; to the Committee on the Judiciary.

By Mr. SHERLEY: A bill (H. R. 19783) to equip the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

By Mr. BAILEY (by request): A bill (H. R. 19784) to prevent the holding of land out of use in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FERRIS: A bill (H. R. 19785) authorizing the Secretary of the Interior to grant extension of time for making payments on land in Cheyenne and Arapahoe Indian Reservations in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. ESCH: Joint resolution (H. J. Res. 334) authorizing the President to appoint delegates to attend the Tenth International Congress of the World's Purity Federation, to be held in the city of Louisville, State of Kentucky, November 8 to 14, 1917; to the Committee on Foreign Affairs.

By Mr. EMERSON: Resolution (H. Res. 435) to pay National Guardsmen, now in the Federal service, one month's extra pay; to the Committee on Military Affairs.

By Mr. KENT: Resolution (H. Res. 436) providing for an investigation of leakage of information concerning the President's peace message; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENEDICT: A bill (H. R. 19786) granting a pension to William G. Bryce; to the Committee on Pensions.

By Mr. CHANDLER of New York: A bill (H. R. 19787) granting an increase of pension to James L. T. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19788) granting an increase of pension to Charles Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19789) granting an increase of pension to George A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19790) granting a pension to Charles H. Payne; to the Committee on Pensions.

Also, a bill (H. R. 19791) granting a pension to Carey Nation; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 19792) granting an increase of pension to Philip Richards; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 19793) granting an increase of pension to Isaac Luke; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 19794) granting a pension to Alice P. Knapp; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 19795) granting a pension to Cornelia A. Green; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 19796) granting a pension to John R. Walder; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 19797) granting a pension to Mary L. Marik; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 19798) granting an increase of pension to Norman K. Bedell; to the Committee on Pensions.

Also, a bill (H. R. 19799) granting an increase of pension to John Routein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19800) granting an increase of pension to George Witzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19801) granting an increase of pension to William F. Raines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19802) granting an increase of pension to William P. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19803) granting a pension to Henry P. Redfearn; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 19804) granting an increase of pension to Hart Thompson; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 19805) granting an increase of pension to Alonzo Spurgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19806) granting an increase of pension to Thomas Harman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19807) granting a pension to William Vanatta; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 19808) granting an increase of pension to Sidney G. Sidner; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 19809) for the relief of Frank S. Ingalls; to the Committee on Claims.

Also, a bill (H. R. 19810) granting a pension to Cornelius Whitby; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 19811) granting an increase of pension to Houston Halstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19812) granting an increase of pension to Callie Hitchcock; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 19813) granting an increase of pension to Andrew Gorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19814) granting an increase of pension to Alexander J. Souden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19815) granting an increase of pension to Israel L. Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19816) granting an increase of pension to Thomas C. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19817) granting an increase of pension to Albert T. Crow; to the Committee on Invalid Pensions.

By Mr. HOOD: A bill (H. R. 19818) granting an increase of pension to Henry B. Gaylor; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 19819) granting an increase of pension to George F. Bennett; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 19820) granting an increase of pension to George Brumbaugh; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 19821) granting an increase of pension to Alden Youngman; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 19822) granting a pension to James W. Hendrickson; to the Committee on Pensions.

Also, a bill (H. R. 19823) granting a pension to Charles Diesron; to the Committee on Pensions.

By Mr. LENROOT: A bill (H. R. 19824) granting an increase of pension to George Langley; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 19825) granting a pension to Mathias Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 19826) granting a pension to Stanley W. Lemley; to the Committee on Pensions.

Also, a bill (H. R. 19827) granting an increase of pension to Marian A. Jaques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19828) granting an increase of pension to Stephen Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19829) granting an increase of pension to James N. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19830) granting an increase of pension to Franklin Manning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19831) granting an increase of pension to James E. Merrifield; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 19832) granting an increase of pension to Byron M. Luther; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 19833) granting an increase of pension to Albert J. Davis; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 19834) granting a pension to George R. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 19835) granting a pension to Hugh T. Roberts; to the Committee on Pensions.

Also, a bill (H. R. 19836) granting a pension to Charles Anderson; to the Committee on Pensions.

Also, a bill (H. R. 19837) granting a pension to Nancy A. B. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19838) granting a pension to John P. Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19839) granting a pension to Alsinda Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19840) granting an increase of pension to John Trenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19841) granting an increase of pension to John J. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19842) granting an increase of pension to George A. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19843) granting an increase of pension to John Hazlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19844) granting an increase of pension to Joseph Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19845) granting an increase of pension to James N. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19846) granting an increase of pension to James E. Merrifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19847) granting an increase of pension to Charles Shaffer; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 19848) granting a pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 19849) granting a pension to Raleigh J. Stanberry; to the Committee on Pensions.

Also, a bill (H. R. 19850) granting an increase of pension to Joseph F. Turner; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 19851) granting a pension to Andrew B. Erb; to the Committee on Pensions.

Also, a bill (H. R. 19852) granting a pension to Charles Anderson; to the Committee on Pensions.

Also, a bill (H. R. 19853) granting an increase of pension to James Flanagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19854) granting an increase of pension to Joseph Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19855) granting an increase of pension to John Hazlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19856) granting an increase of pension to William L. Faucett; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19857) granting an increase of pension to Alexander H. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19858) granting an increase of pension to Isaac Vervalen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19859) granting a pension to Ellis B. McNeeley; to the Committee on Pensions.

Also, a bill (H. R. 19860) granting an increase of pension to Thomas A. Caldwell; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 19861) granting an increase of pension to Florelle F. Brown; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 19862) granting an increase of pension to Harry Noel; to the Committee on Pensions.

Also, a bill (H. R. 19863) granting a pension to William C. Scott; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 19864) granting an increase of pension to Rufus G. Cook; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 19865) for the relief of William Mortensen; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 19866) for the relief of Ed W. Ramage; to the Committee on Military Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 19867) granting an increase of pension to Alfred A. Alline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19868) granting an increase of pension to Alfred H. Gardner; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 19869) granting an increase of pension to William McDonald; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 19870) granting an increase of pension to Gordon H. Williams; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 19871) granting an increase of pension to P. T. Martin; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 19872) granting a pension to Nicholas Krey; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 19873) granting an increase of pension to Hannah J. Estill; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 19874) granting an increase of pension to Mary J. Hill; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 19875) granting a pension to William McCann; to the Committee on Pensions.

By Mr. WINSLOW: A bill (H. R. 19876) granting an increase of pension to George W. Webber; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19877) granting an increase of pension to Otto Schellhorn; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 19878) granting an increase of pension to John Mallett; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 333) for the relief of N. B. Pettibone; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of Alfred Pearse, Charles Salkeld, O. G. Stutler, Ralph H. Wicks, James B. Custer, Louis Wills, Edward Jenkins, Walter Davey, Thomas P. Carey, Thomas Hardy, C. F. Bunton, August Soupart, Joseph Steele, Daniel Jordan, A. A. Miller, Francis Wortz, Charles Brosch, William Shuck, Herman Brosch, Levi Koontz, Michael Hughes, Ralph Buchanan, W. A. Jackman, Mart Voyce, William L. Dunmire, Charles E. Leis, Harry Gay, Bert Box, Harry Kable, E. J. Morgan, E. E. Paul, O. H. Jennings, Joseph Lloyd, Henry Mapstone, Robert J. Bunton, Benjamin Thomas, Alf. Jensen, Thomas Cooney, George Costello, J. C. Penrod, Willis E. Burtnett, S. H. Nederlander, J. W. Roozer, William Hughes, William Lidwell, Leo McDavis, Waldo Dunmire, Fred Treveren, and C. B. Gilpatrick, all of South Fork; John M. Sloan, of Ehrenfeld; and John Reed, of Croyle Township, all in the State of Pennsylvania, for an embargo on the exportation of farm products, clothing, and other necessaries of life; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Memorial of Duquesne Heights Methodist Episcopal Church, Washington Avenue Methodist Episcopal Church, and the Mount Washington Baptist Church, all of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Pittsburgh (Pa.) Typographical Union, No. 7, favoring bills to increase the salaries of printers employed in the United States Post Office Service in the various cities; to the Committee on the Post Office and Post Roads.

Also, petition of the Pittsburgh (Pa.) Typographical Union, No. 7; the Woman's Benefit Association of the Maccabees; the Supreme Council of the Independent Order of Puritans; the United Presbyterian Board of Publication, the United Presbyterian, and Thomas A. Duff, of Pittsburgh, against amendment to appropriation bill to make a zone system to all magazines and periodicals now mailed as second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of Pittsburgh (Pa.) Typographical Union, No. 7, against passage of bill for prohibition in the District of Columbia and against national prohibition; to the Committee on the Judiciary.

Also, petition against House bill 18986, prohibiting the use of the United States mails to papers and magazines containing liquor advertisements; to the Committee on the Judiciary.

By Mr. BENEDICT: Petition of A. J. Kelly and others, of California, praying for the passage of the volunteer officers' retired list of the Civil War; to the Committee on Military Affairs.

Also, memorial of Board of Trade of San Francisco; Credit Men's Association of Los Angeles; and the Wholesalers' Board of Trade of Los Angeles, all in the State of California, opposing the proposed repeal of the national bankruptcy law; to the Committee on Banking and Currency.

Also, petition of Foothills Valley Federation of California, in favor of a food embargo; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Alfred Sidney Johnson, of Pasadena, Cal., in favor of an act to give full force to the migratory-bird-protection treaty; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE: Petition signed by 35 citizens of Manitowoc, Wis., protesting against the passage of either of the following bills: House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, prohibit commerce in in-

toxicating liquors between the States; to the Committee on the Post Office and Post Roads.

Also, petitions signed by Ferd Schmutzler and 55 other business men and citizens of Watertown, Wis., protesting against the passage of either of the following bills: House bill 18986, mail-exclusion bill; Senate bill 4429, mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, prohibiting commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petitions of Northwestern Lithographing Co., W. F. Nackie Paper Co., Philipp-Schulz, and Wilmanns Bros. Co., all of Milwaukee, Wis., opposing Senate bill 4429 and House bill 18986; to the Committee on the Post Office and Post Roads.

Also, petitions of Robert J. Bulkley, of Cleveland, Ohio; W. D. Boyce Co., of Chicago; Imperial Lithographing Co., of Milwaukee; and Milwaukee Typographical Union No. 23, in re second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen, for increase in Government salaries; to the Committee on Reform in the Civil Service.

Also, petitions of International Union of the United Brewery Workmen, opposing prohibition measures; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of New York, relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of Interstate Electric Novelty Co., Brooklyn, N. Y., against zone bill; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Memorial of National Temperance Council, favoring prohibition bills; to the Committee on the Judiciary.

Also, petition of Lake County Rural Letter Carriers' Association, Madison, S. Dak., relative to expending appropriation for post roads; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of sundry publishing companies of the United States against increase in postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of sundry citizens of New Jersey, opposing prohibition measures: to the Committee on the Judiciary.

Also, petitions of sundry citizens of New Jersey, in favor of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of New York State Federation of Labor; International Typographical Union of Indianapolis, Ind.; and the Woman's Benefit Association of the Maccabees, in re increase in second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of sundry citizens of La Crosse, Wis., against prohibition bills; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of 1,902 residents of the United States, favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, against prohibition bills; to the Committee on the Judiciary.

Also, memorial of American Association of State Highway Officials, in re topographic map of the United States; to the committee on the Public Lands.

Also, petition of employees of the engraving division of the Bureau of Engraving and Printing, asking increase in pay; to the Committee on Appropriations.

Also, petition of New York State Federation of Labor, against increase in postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of International Union of the United Brewery Workmen, favoring increase in pay of Government employees; to the Committee on Appropriations.

By Mr. GARNER: Petition of post-office employees of Beeville, Tex., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of sundry citizens of Ohio, opposing various prohibition measures; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Papers to accompany House bill 19703, granting an increase of pension to Joseph H. Steel; to the Committee on Invalid Pensions.

By Mr. KING: Petition of Kewanee Typographical Union, No. 164, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petitions of Locals Nos. 39 and 239, International Union of United Brewery Workmen, of Quincy, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petition of Fred Young and other employees of Galesburg (Ill.) post office, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Petition of I. Maginn & Co., San Francisco, Cal., against House bill 13568, the Stephens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Stone and Building Laborers' Union No. 46, Washington, D. C., favoring House bill 5783, relative to changing Division of Information, Department of Labor; to the Committee on Labor.

By Mr. PARKER of New York: Petition of employees of post office, Rensselaer, N. Y., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petitions of Curtis Publishing Co., of Philadelphia; Central Federated Union of New York; the Bankers' Publishing Co., of New York; the W. D. Boyce Co., of Chicago; Bonforts' Wine & Spirit Circular, of Louisville, Ky., opposing increase in second-class postage rate; to the Committee on the Post Office and Post Roads.

Also, memorial of Chamber of Commerce of State of New York in re congressional inquiry into interstate transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Cummings, of New York; Harris & Fuller, of New York; and Mailer & Clerk, of New York, in re pneumatic-tube service in New York; to the Committee on the Post Office and Post Roads.

By Mr. SANFORD: Petitions of citizens of Albany, N. Y., against passage of prohibition bills; to the Committee on the Judiciary.

By Mr. SIEGEL: Memorial protesting against the curtailment of the pneumatic-mail service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Rae S. Corliss, of Albion, Mich., favoring passage of the Smith-Hughes bill; to the Committee on Education.

Also, petition of Rt. Rev. Frank A. O'Brien, of Kalamazoo, Mich., against zone bill; to the Committee on the Post Office and Post Roads.

By Mr. SNELL: Memorial of George G. Hutchinson, H. C. Loyd, H. F. Plumb, R. V. McPherson, railway postal clerks, asking an immediate increase in salary of $200 per annum for all railway postal clerks; to the Committee on the Post Office and Post Roads.

Also, memorial of the Hotel Men and Liquor Dealers' Association, of St. Lawrence County, N. Y., protesting against the passage of Senate bill 1082; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of members of the International Union of United Brewery Workmen, of Utica, N. Y., against prohibition measures; to the Committee on the Judiciary.

Also, communications from the Federated Men's Class of Herkimer County, N. Y., and Tabernacle Baptist Baraca Class, of Utica, N. Y., and the Men's Class of the First Methodist Episcopal Church, Frankfort, N. Y., favoring various measures for prohibition now before Congress; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry railway employees, for eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry post-office employees, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. TAVENNER: Memorial of Boiler Makers, Helpers, and Iron-Ship Builders of America, Local No. 377, favoring an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of National Temperance Council, Boston, Mass., in favor of House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

Also, petition of James Sabin, Fritz Kramer, John Vetter, and others, protesting against House bill 18986, Senate bills 4429 and 1082, House joint resolution 84, and House bill 17850; to the Committee on the Judiciary.

By Mr. THOMAS: Memorial of farmers and miners of Muhlenberg County, Ky., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: Memorial of United Business Men of Philadelphia, Pa., urging continuation of pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. WINSLOW: Petition of Woman's Christian Temperance Union of Worcester, Mass., for national constitutional prohibition amendment; to the Committee on the Judiciary.